

Borough of Somerset Council Meeting

November 20th, 2023 - 5:00 p.m. *(In-Person Meeting)*

1. **Meeting Called to Order** – President Ream.

2. **Pledge of Allegiance**

3. **Roll Call:**

a) **Borough Council Members present:** *Pam Ream; Ruby Miller (via telephone); Lee Hoffman; Sue Opp; Steve Shaulis; Jim Clark and Ian Mandichak.*

b) **Also present:** *Mayor Fred Rosemeyer.*

c) **Also present were the following:** *Borough Manager, Michele Enos; Director of Finance, Brett Peters; Administrative Assistant, Roger Bailey; Municipal Authority Manager, Jessica Sizemore; Solicitors, James Cascio & Allyson Lonas; Consulting Engineer, Jake Bolby.*

d) **Public Attendance:** *None.*

4. **Approval of Agenda:** *Consider approving the Agenda as presented.*

Motion

Mr. Hoffman moved, Mr. Mandichak seconded, to approve the November 20th, 2023 Borough Council Meeting Agenda.

Motion Unanimously Carried

5. **Announcements:**

a) None

6. **Approval of Minutes of Previous Meeting(s)**

a) October 23rd, 2023 – *Joint Borough Council/Municipal Authority Meeting Minutes.*

Motion

Mr. Clark moved, Mr. Shaulis seconded, to approve the October 23rd, 2023 Joint Borough Council/Municipal Authority Meeting Minutes.

Motion Unanimously Carried

7. Award of Bids:

a) None

8. General Public Comments:

a) None

9. Administrative Business:

a) Communications – (none)

b) Payment of Bills – Month of November 2023.

Motion:

Mrs. Miller moved, Mrs. Opp seconded, to approve the payment of bills for the month of November 2023 numbered 40755 - 40891 totaling \$3,160,604.34.

Motion Unanimously Carried

c) Department Reports – Consider approving the Departmental Reports for the month of October 2023.

Motion

Mr. Shaulis moved, Mr. Hoffman seconded, to approve the Departmental Reports for the month of October 2023.

Motion Unanimously Carried

10. Policy Agenda:

Old Business:

a) Somerset Vol. Fire Department – Update from Solicitor on a billing Ordinance request.

Ms. Enos said that Solicitors Cascio & Lonas gave the finalized copies of the Ordinance to her. She will get it out to Council for circulation.

The Ordinance has to be advertised, and will be on the December 2023 Agenda. Once the Ordinance has been approved, she said that “it will be good to go”.

New Business:

a) Resolution No. 2023-13 – Appointing the Manager to serve as the Borough’s Treasurer.

Mrs. Ream said that this is done on an annual basis so the Resolution can be put into place.

Motion

Mr. Clark moved, Mrs. Opp seconded, to appoint the Borough Manager, Ms. Enos, to serve as the Borough's Treasurer.

Motion Unanimously Carried

b) 2024 Tentative Budgets – Consider adopting the 2024 Tentative Budgets as presented for all funds.

After reviewing all the Tentative Budgets, Borough Council had no questions before approving the Tentative Budgets for 2024.

Mrs. Ream added that the Tentative Budgets is without a tax increase at this time.

Motion

Mrs. Miller moved, Mr. Mandichak seconded, to adopt the 2024 Tentative Budgets as presented for all funds.

Motion Unanimously Carried

c) Donation Request – Somerset Area Ambulance has requested a donation for 2024.

Ms. Enos said that this annual donation has been approved by Council for several years. It is an annual donation of \$4,000.00, but in increments of \$1,000.00 per/each quarter. It is already built into the budget.

Motion

Mrs. Opp moved, Mr. Shaulis seconded, to approve the Somerset Area Ambulance donation request for 2024. The donation amount will be \$4,000.00, given in increments of \$1,000.00 per/each quarter.

Motion Unanimously Carried

d) Donation Request – Humane Society of Somerset County has requested a donation for 2024.

Mrs. Ream said that Council donated \$500.00 to the Humane Society of Somerset County the last few years.

Motion

Mrs. Opp moved, Mr. Hoffman seconded, to approve a donation amount of \$500.00 to the Humane Society of Somerset County for the year 2024.

Motion Unanimously Carried

- e) Donation Request – *Meals on Wheels Inc. of Somerset County is requesting a donation for 2024.*

Discussion was held among Council, and it was determined that this organization is one to which council is permitted to make a donation. Borough Council has not previously donated to this organization.

Motion

Mr. Clark moved, Mrs. Opp seconded, to donate \$250.00 to Meals on Wheels Inc. of Somerset County.

Motion Unanimously Carried

- f) Stormwater System – *Authorization to execute a “Quit Claim Deed” to transfer the ownership of our stormwater system to the Municipal Authority of the Borough of Somerset.*

Ms. Enos stated that Solicitors Cascio & Lonas had prepared the “Quit Claim Deed”. This is the last official execution of the document to successfully transfer the stormwater system over to the Municipal Authority.

She mentioned that Mrs. Sizemore will be presenting this at the Municipal Authority Meeting, immediately following the Council Meeting, for the Municipal Authority’s approval.

Solicitor Cascio explained that the objective was to vest ownership in the authority of the existing underground facilities. This includes pipe drains, conveyances and other points of collection, discharge, stormwater, snow melt and anything else that is flowing into the facilities. In the Deed, the Borough is saying that they are giving the Municipal Authority title to the conveyances of those facilities, and it is not a sell. Whatever the Borough has for the management or conveyances of stormwater would be transferred to the Authority.

Solicitor Cascio added that there is no money changing hands. It is just a grant that states that any extensions or additions to it are deemed to be part of the Authority property, unless it specifically is a Borough facility.

Solicitor Cascio added that Borough Council, if inclined to do it, is offering to move with the execution, the signing, delivering and recording of the Deed.

Motion

Mrs. Ream moved, Mr. Shaulis seconded, to authorize and execute a “Quit Claim Deed” to transfer the ownership of our stormwater system to the Municipal Authority of the Borough of Somerset upon acceptance by the Municipal Authority of the Borough of Somerset.

Motion Unanimously Carried

Committee Business/Reports:

g) Borough Manager's Report – Given by Michele Enos.

Ms. Enos gave an update on the skill games of chance in the Borough. This is in regard to Mrs. Coughenour previously coming before Council and voicing her concerns about it.

Ms. Enos noted that she had a sample Ordinance from the Borough of Whitehall regarding skill games of chance that was reviewed by herself and the Solicitors. She mentioned that she and Solicitors Cascio & Lonas have a recommendation for the Planning Commission at their meeting that will be held December 11, 2023. Once the Planning Commission approves the recommended Ordinance change, it will come back to Council. The Ordinance will then be advertised and a Public Hearing will be held. All of these steps are the requirements that the Borough has to fulfill before the Amended Ordinance is to take place.

January 2024 will be the final target date for adoption after the Planning Commission receives it and a Public Hearing is set. A new Borough Ordinance will not be adopted until then, because this has to go before the Planning Commission first. This is based upon how Zoning Laws, and Amendments to them, change.

Mrs. Enos said that the Borough's Zoning Map was also reviewed. The Borough cannot regulate the skills games themselves. The Borough cannot say that they have to be manned, and they cannot control the hours of operation. The Borough's Zoning Ordinance can only say what Zoning District the skills games can be located in. These skill games can be kept far enough away from residential areas, the Uptown Historic District and anywhere marginally within those areas. They can be kept within a C3 Zoning District where it is secluded away from all the areas we want to protect.

This Amended Ordinance will not affect those that currently have these skills games in their establishments, because they would be "grandfathered" in. The new Ordinance will only affect those who put new skills games into their establishments after the passing of the Ordinance.

Discussion followed regarding the location of the C3 Zoning District that the games of skills will be permitted in.

It was also noted that the Ordinance can legally be amended to only allow the games of skills to be located in the C3 Zoning District.

h) Finance Report – Given by Brett Peters.

Mr. Peters reviewed the October 2023 Financial Statements with Borough Council. He said that we are 10/12th's of the way through the year or 83.33%.

General Fund:

Revenues – 95.74%

Expenses – 83.23%

Water Fund:

Revenues – 226.11%

Expenses – 221.29%

Sewer Fund:

Revenues – 96.74%

Expenses – 96.66%

i) President's Report – Given by Pam Ream.

Mrs. Ream thanked Mr. Peters for all his hard work on next year's budget.

j) Somerset Inc. Report – Given by Lee Hoffman.

Mr. Hoffman thanked Ms. Enos for the Update on the Ordinance. He said that Somerset Inc.'s Board has been keen on their efforts to make the town better. He said that he has spoken with those Proprietors on many occasions regarding this.

He mentioned that "Light-Up Night", at the end of "Small Business Saturday", was to be held on Saturday November 25th, 2023. He said that the High School has brought their decorations in. There will be a lot more activity than in past years. A lot of businesses will be doing special things.

The following weekend will be "Coco Cookie Tour", so the businesses will have food and drinks available where everyone can vote on their favorite cookies.

"Fire & Ice" is right around the corner. "Under the Sea" is the theme. We will be coordinating with the 5K and some other things closer to the time.

He said that it was very nice, and helpful, that the Borough sat down with the Merchants in Uptown.

k) PSAB Report – Given by Fred Rosemeyer.

Mayor Rosemeyer said that PSAB is pretty quiet right now. They are currently doing a lot of training through webinars.

l) Somerset Volunteer Fire Dept. Report – Given by Jim Clark.

Mr. Clark said that during "Light-Up Night" the Fire Company will be helping with traffic control. He thanked Chief Cox for bringing it all together and getting it all laid out. He said that Chief Cox is always willing to work with the Borough.

From 10/23/2023 – 11/20/2023 the Fire Department had a total of 32 calls, with 10 in Somerset Borough, 14 in Somerset Township, 2 on the PA Turnpike and 6 assists. Total man hours spent on all the calls were 1,779.30 hours. These were just on fire calls.

Mr. Clark noted that Friedens & Somerset Township Fire Companies are going to meet with Ms. Enos and Jim Cascio tomorrow, because we are looking at a venture of merging. He said that it is not definite, but both companies have agreed to move forward. No fire company will close down. It would just be an effort to join forces for man power and operations.

Mr. Clark expressed that it would be good for Somerset Township & Somerset Borough if they can make this happen. The target date is January 2025.

The Somerset Vol. Fire Department has been meeting with these two fire companies since April 2023. He noted that the merging fire company would have a new name, but all three fire companies will remain separate with their own identity. More information will be forthcoming on this and how it works.

Mayor Rosemeyer said that the Mayor's office sent Letters of Appreciation, on behalf of the Borough, to the Chiefs of the Fire Departments who came to the Borough to assist with the recent gas leaks here. He noted that there were three leaks, at three separate times in one day, during that time.

m) Engineer's Report – Given by Jake Bolby.

Mr. Bolby presented the Updates to the Engineer's Report.

WATER:

1) Water System Capital Improvement Projects:

Mr. Bolby said that past reports indicated that the Contractors were going to suspend work for the winter season. They changed that position in October and decided to continue working because some of their other projects did not materialize. Their original hope was to not be in Somerset County during the winter season.

What the Contractors are up against, moving forward, is the availability of materials, specifically asphalt. The local plants will be closing down at Thanksgiving. After that, they will have to source material outside the region.

Contractors are looking to do some rehabilitation work in December, but restoration and work is going to continue to progress as long as the weather allows it to proceed. Mr. Bolby added that the work will be at a reduced level, and not at a level we saw in the summer months, but they will still be active and around.

Also, the projection of the Gas Company is that they will be done at the end of the year.

The Waterline Contractor and Gas Company are both responsible for their respective work areas. Both the Borough and PennDOT have been quick to identify issues, and that information is relayed to the Contractors that are responsible for taking care of them.

On the Water Project, Pay Request #9 has come in for the Waterline Project. It is in the \$1.4 million range. Mr. Bolby noted that the budget will look even more grossly inflated than it already is. This will happen again in December, and the budget will probably be at 300% at the end of it after all the money transitions in and out.

The Water Tank is supposed to start on the November 27th following Thanksgiving. They have been pushing back their start date, but right now, we are planning for the 27th.

SEWER:

1) Assessment, Repair, and Abatement Plan (Hydraulic Overload):

Mr. Bolby said that the Preliminary Design will continue. A Design Review Meeting will be held on November 28, 2023, where all the Permit packages will be reviewed and submitted. We will be moving forward, after submitting Permits, with the PennVEST funding. So things will start to progress just like they did on the water side.

GENERAL:

1) Center Avenue Sidewalk Projects:

A request, from the Borough & Engineers, was made to the Contractors for them to stop work on the Center Avenue Project. Work will be suspended until January 16th, 2024.

In future projects, there will be a restriction where Contractors will not be allowed to work, or close off, the Diamond District between October 15th through January 15th or 16th, depending on when "Fire & Ice" will be held.

Mr. Bolby said that the Borough met with the Merchants and heard some of their concerns, and the decision was to stop work if that was a possibility. It was possible with the Contractors, so they immediately started to restore and stabilize the project site so they could leave. This was the only project directly under the control of the Borough. The Gas Company had to continue their work so they could tie gas lines back in. The Borough has no control over the Gas Company's schedule.

For Borough Projects, moving forward, these restriction dates will provide the opportunity for the Merchants to prosper the 4th quarter of the year during their busiest time. It was the decision of the Borough and Authority Administrator's to postpone the work, if it was possible, which it was. The Contractors will be returning in January 2024 as weather permits.

2) Parsons Run – Bank Stabilization:

Mr. Bolby said that the street bank was collapsing, and barricades were put up, to protect traffic from going into the street. The Contractor, that had to demobilize from Center Avenue, was asked to help out in that emergency situation to repair the street bank so it could be safe for the winter season.

Mr. Bolby mentioned that he received an Update on the H2O PA and the Small Water & Sewer Projects. They were supposed to be on the DCED Board Agenda for tomorrow, but are not listed on their Agenda. So as far as Grant awards for those two programs, it is being pushed back. It was supposed to be on November's Agenda.

Next, discussed among Council Members, was concern that there would be restricted access to Somerset Hospital, and its entry ways, when street work reached that area.

Also discussed was the current sidewalk hazards in the Borough on Patriot Street.

It was pointed out that the movement of the Contractors coming in and out of areas throughout the Borough is unavoidable, but it has also been frustrating.

Ms. Enos said that the Borough had been coordinating with the Contractors since the very beginning of these projects. She said it may look like a mess and seem to those on the outside that there is no coordination, but she noted that there has been more coordination on this project than on any other. She noted that the Borough had sent out a Press Release regarding the process explaining what is happening and why.

Mrs. Ream acknowledged that it seems that a lot of things are out of our control. From the appearances in the Borough there is a lot of negativity, and the Borough can't change people's perception. She said that it has been extremely frustrating with issues that have occurred around the hospital with the Contractors too.

Ms. Enos noted that they would reach out to Columbia Gas to see if they can temporarily fix the sidewalks in some areas they are in before the winter months.

Ms. Enos expressed that there is nothing easy about construction, and that this town hasn't seen construction like this in decades and decades, so this is very difficult with all that is involved with it.

Ms. Enos said that Sanner Construction was asked to come in the evening to do their gas line tie-in to North Center Avenue, because the North Center Avenue businesses were hurting and voiced their concerns about this to Council. So we asked Sanner Construction to come in and make this tie-in at night.

Ms. Enos pointed out that there is not enough of light at night like there is in the day, and Sanner did their best with the light towers they had. She noted that you can't see at 9:00 p.m. like you can see at 9:00 a.m. This is when they hit the gas line. She added that the Borough has to be concerned about safety, too, and "stand on that balance beam" for everybody.

Ms. Enos also noted that the Borough is doing weekly updates on where all the Kukurin crews are going to be in the Borough. The information and weekly updates are on the Borough's website and Facebook page. She said that Press Releases have also been done. Articles have been in the Daily American letting the Public know to go the Borough's Facebook page for updated information. Door hangers are also being hung on customer's doors to notify them in advance when construction will be coming into their area.

Ms. Enos said that Mrs. Sizemore is working on a software system that offers a program where the customers can pick their preferred method on how they want to receive updated information. It can be by the way of a text message, email, primary home telephone number or a combination of these methods. She noted that a Press Release and post cards have already

been mailed out to customers in the community informing them about this program. She said that this is being currently worked on for future availability.

n) Mayor's Report – Given by Mayor Rosemeyer.

Mayor Rosemeyer mentioned that three (3) Officers were interviewed, and feels that they are good candidates.

o) Authority Manager's Report – Given by Jessica Sizemore.

Mrs. Sizemore noted that the Customer Notification Program is being worked on, which Ms. Enos already mentioned.

She said they are also working on EPA and DEP to approve a Lead & Copper Rule Revision, and to inventory all customer service lines and our own service lines. This process has begun, and the customer inventory side will start December 4th, 2023. A page on the Borough's website will explain everything to the customers, and notices will be sent out to them prior to having our staff going out on foot to these properties. We will be looking at inventorying all of these service lines. The due date for this is October 16, 2024. Mrs. Sizemore added that she will give further information on this at a future meeting.

Mrs. Sizemore noted that a new Water Treatment Plant Operator has been hired, which will result in a fully staffed Department. They will start December 4, 2023.

Mrs. Enos also mentioned that there is an opening for a Public Works position. Interviews will be happening soon.

11. Executive Session – None.

12. ADJOURNMENT

Motion

Mr. Mandichak moved to adjourn, motion seconded by Mr. Shaulis.

Motion Unanimously Carried
6:04 p.m.

Michele A. Enos, Borough Manager/ Secretary