

# Borough of Somerset Council Meeting

## February 26th, 2024 - 5:00 p.m.

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 and Ian Mandichak.

b) **Borough Council Member Absent:** Jim Clark.

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

d) **Also present were the following:** Director of Finance, Brett Peters; Administrative Assistant, Roger Bailey; Municipal Authority Manager, Jessica Sizemore; Solicitors, James Cascio & Allyson Lonas; Consulting Engineers, Tom Reilly & Jake Bolby.

e) **Public Attendance:** Rebecca Senft, Susan Senft, and Janice Forry.

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

### **Motion**

Mrs. Opp moved, Mr. Hoffman seconded, to approve the February 26<sup>th</sup>, 2024 Borough Council Meeting Agenda.

Motion Unanimously Carried

5. **Announcements:**

a) None

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

a) January 22<sup>nd</sup>, 2024 – Borough Council Meeting Minutes.

### **Motion**

Mr. Shaulis moved, Mrs. Opp seconded, to approve the January 22<sup>nd</sup>, 2024 Borough Council Meeting Minutes.

Motion Unanimously Carried

**7. Award of Bids:**

a) None

**8. General Public Comments:**

a) *Rebecca Senft.*

Ms. Senft asked if anyone in Management looked into her concerns regarding parking and public safety on the paper alley she resides on at 132 Rear Uhl Street.

Mr. Shaulis looked at this area and noted that it would definitely be an issue for the Fire Department or an ambulance.

Mrs. Ream added that this issue would be followed up with Management before the next Council Meeting, and would be looked at from a First Responder’s perspective.

**9. Administrative Business:**

a) Communications – *(none)*

b) Payment of Bills – *Month of February 2024.*

**Motion:**

Mrs. Opp moved, Mr. Hoffman seconded, to approve the payment of bills for the month of February 2024 numbered 41174 - 41331 totaling \$2,761,346.13.

Motion Unanimously Carried

c) Department Reports – *Consider approving the Departmental Reports for the month of January 2024.*

**Motion**

Mr. Shaulis moved, Mrs. Miller seconded, to approve the Departmental Reports for the month of January 2024.

Motion Unanimously Carried

**10. Policy Agenda:**

**Old Business:**

a) Somerset Vol. Fire Department – *Update from Manager.*

*Ms. Enos was not present, so no update was given.*

**New Business:**

- a) *Ordinance No. 1390 – Consider the adoption of this Ordinance to allow “games of skill” to the allowable uses in the M-2 Zoning District.*

*Solicitor Cascio reviewed the Ordinance and the M-2 Zoning District with Council.*

**Motion**

Mrs. Ream moved, Mrs. Opp seconded, to approve the adoption of Ordinance No. 1390, allowing “games of skill” in the M-2 Zoning District.

Motion Unanimously Carried

**Ordinance # 1390**

**AN ORDINANCE OF THE BOROUGH OF SOMERSET AMENDING THE SOMERSET BOROUGH ZONING ORDINANCE NO. 974, KNOWN AS THE “SOMERSET BOROUGH ZONING ORDINANCE OF 1970”, TO SPECIFY AND REGULATE AND PROHIBIT KEEPING OF CHICKENS AND OTHER ANIMALS IN THE BOROUGH OF SOMERSET; AND TO FURTHER ALLOW “SKILLS GAMES” AS A PERMITTED USE IN M-2 ZONING DISTRICTS**

WHEREAS, Somerset Borough Ordinance 974, as amended, known as the Somerset Borough Zoning Ordinance of 1970, regulated and established certain classifications for the use of land in the Borough of Somerset, and....

WHEREAS, the Planning Commission of the Borough of Somerset conducted a Public Meeting on December 18<sup>th</sup>, 2023 concerning proposed changes to the Somerset Borough Zoning Ordinance, including, without limitation, (1)to specify, regulate and establish the prohibition of keeping of chickens and other animals within the Borough of Somerset; and (2) to regulate “skill games” as a permitted use in M-2 Zoning Districts, and ....

WHEREAS, the Borough Council of the Borough of Somerset has considered the recommendations of the Somerset Borough Planning Commission, has conducted a public hearing on said recommendations on December 18<sup>th</sup>, 2023, and desires to amend certain sections of the above referred Somerset Borough Zoning Ordinance to incorporate changes, and....

NOW THEREFORE BE IT ORDAINED AND ENACTED by the Council of the Borough of Somerset, Somerset County, Pennsylvania IT IS HEREBY ORDAINED AND ENACTED by the authority of the same, as follows:

**SECTION 1: PROHIBITION OF THE KEEPING OF CHICKENS AND OTHER FARMS ANIMALS**

(Amending the Borough of Somerset Zoning Ordinance Section 1. Single Family Residential District; 1.3 Permitted uses 6). (Keeping of small animals, insects, reptiles, fish or birds, but only for personal enjoyment or household use and not as a business.)

No person or persons, partnerships, firms, or organizations shall keep chickens or any other farm animal within the corporate limits of the Borough of Somerset in any Zoning District. "Farm animals" include, but are not limited to: llamas, alpacas, vicunas, guanacos, donkeys, goats, mules, cows, horses, sheep, fowl (including, but not limited to, ostriches, emus, hawks, ravens, crows, eagles, ducks, turkeys, guinea, geese, chickens, and roosters. Additionally, it shall be unlawful to keep any wild animals, whether purchased from a pet store, pet export show, or caught in the wilderness or outdoors, or acquired in any other fashion, in the Borough of Somerset. Such prohibited wild animals shall include, but not be limited to, migratory birds, fox, bear, deer, monkeys, raccoons, opossums, skunks, venomous snakes, venomous spiders, alligators or crocodiles.

**SECTION 2: ADDING AND REGULATING "SKILL GAMES" OR "GAMES OF SKILL" AS A PERMITTED USE IN M-2 ZONING DISTRICTS**

The following:

- A. "Skill Games" shall be added to the list of permitted uses within M-2 Zoning Districts.
- B. That the following definition be added to **Article XII DEFINITIONS** of the Somerset Borough Zoning Ordinance: "'Skill Games' refers to any game, contest, or amusement of any description in which the designating element of the outcome is the judgment, skill, or adroitness of the participant in the contest and not chance".
- C. That all "skill games" currently in operation within the Borough of Somerset may continue and are subject to the provisions of **Article XI NON-CONFORMING USES** of the Somerset Borough Zoning Ordinance.

**SECTION 3:**

The Zoning Ordinance of the Borough of Somerset shall be amended in accordance with the provisions of this Ordinance.

**SECTION 4:**

All Ordinances, or parts of Ordinances inconsistent with this Ordinance are hereby repealed.

**SECTION 5:**

This Ordinance shall become effective immediately upon its adoption, and shall continue to be effective until specifically repealed.

- b) Chamber of Commerce – Requesting the Borough to purchase an advertisement in the Somerset Community Profile & Membership Directory.  
*This was briefly discussed among Council.*

*Borough Council, as a whole, agreed not to allocate monies toward this donation request. No motion was carried, so the request dies from the lack of a motion.*

- c) Donation Request – Foundation for Free Enterprise Education 2024.

Mr. Peters noted that this is a program in the school where they send the students to State College.

*Borough Council, as a whole, agreed not to allocate monies toward this donation request. No motion was carried, so the request dies from the lack of a motion.*

- d) Resolution No. 2024-03 – Consider adopting the Act 537 Special Study for submission to the PA Department of Environmental Protection. (The Authority has prepared this as part of the replacement of lines in our Sanitary System).

Mr. Bolby said that the Act 537 plans have to be adopted by the Municipality. It is being presented to Somerset Borough & Somerset Township because of the residents that are connected to the Somerset Borough's system that reside in Somerset Township. This is also required by the DEP.

**Motion**

Mrs. Miller moved, Mr. Hoffman seconded, to adopt Resolution No. 2024-03 regarding the Act 537 Special Study for submission to the PA Department of Environmental Protection.

Motion Unanimously Carried

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RESOLUTION OF THE **COUNCIL OF THE BOROUGH OF SOMERSET, SOMERSET**  
COUNTY, PENNSYLVANIA.

WHEREAS, Section 5 of the Act of January 24, 1996, P.L. 1535, No. 537, known as the “Pennsylvania Sewage Facilities Act,” as amended, and the Rules and Regulations of the Department of Environmental Protection (Department) adopted thereunder, Chapter 71 of Title 25 of the Pennsylvania Code, requires the municipality to adopt an Official Sewage Facilities Plan providing for sewage services adequate to prevent contamination of waters and/or environmental health hazards with sewage wastes, and to revise said plan whenever it is necessary to meet the sewage disposal needs of the municipality, and

WHEREAS, **The Municipal Authority of the Borough of Somerset** has prepared an **Act 537 Special Study on behalf of Somerset Borough**, which provides for sewage facilities in **The Borough of Somerset** and portions of the **Township of Somerset**.

The alternative of choice to be implemented is **rehabilitation and replacement of sanitary sewer collection lines for Phase 1**. The key implementation activities/dates include a **project start date of October 2024 and end date of August 2026. Dates include all Phase 1 activities**.

WHEREAS, the **Borough of Somerset** finds that the Facility Plan described above conforms to applicable zoning, subdivision, other municipal ordinances and plans and to a comprehensive program of pollution control and water quality management.

NOW, THEREFORE, BE IT RESOLVED that the Council of the **Borough of Somerset** hereby adopt and submit to the Department of Environmental Protection for its approval as a revision to the “Official Plan” of the municipality, the above referenced Facility Plan. The municipality hereby assures the Department of the complete and timely implementation of the said plan as required by law. (Section 5, Pennsylvania Sewage Facilities Act as amended).

e) Mary S. Biesecker Library Board - Consider accepting the resignation of Mrs. Pamela Webreck from the Mary S. Biesecker Library Board of Directors.

**Motion**

Mrs. Ream moved, Mr. Shaulis seconded, to accept the resignation of Mrs. Pamela Webreck from the Mary S. Biesecker Library Board of Directors.

Motion Unanimously Carried

f) Mary S. Biesecker Library Board - Consider appointing Leslie J. DeVries to a three-year term on its Board of Directors to fill the vacancy created by the resignation of Pamela Webreck.

**Motion**

Mr. Shaulis moved, Mrs. Opp seconded, to appoint Leslie J. DeVries to a three-year term on its Board of Directors to fill the vacancy created by the resignation of Pamela Webreck.

Motion Unanimously Carried

g) North Center Avenue - Consider authorizing the execution of a line of credit with Somerset Trust Co. to complete the North Center Avenue utility and sidewalk project, not to exceed \$1,000,000.00.

Mr. Bolby explained that in the original scope of the Center Avenue Project, it included utilities on North & South Center and sidewalk on the South that paired with CDBG & Multi-Modal Funding. Additional CDBG monies for fiscal year 2023 appeared to be approved for the North side. Ms. Enos is actively working with the Redevelopment Authority to finalize that commitment and approval.

The project removed the North Center utilities many months ago. Whenever the bids were received, it was restructured back to a smaller project.

Mr. Bolby said that this line of credit is “two-fold”, and also plays with the line of credit assigned to the sewer. Borough Management recently met with Somerset Trust to have a reorganization of existing lines of credit.

The only other thing that is new to the scope of work is to move forward with the North Center sidewalk to provide a complete project. It was originally to wait for a grant. It is the wishes of the Borough & Authority Staff to advance this forward and have everything completed.

The line of credit is to buffer cash flows that go in and out, and also to expand the scope to include additional work.

**Motion**

Mrs. Opp moved, Mr. Hoffman seconded, to authorize the execution of a line of credit with Somerset Trust Co. to complete the North Center Avenue utility and sidewalk project, not to exceed \$1,000,000.00.

Motion Unanimously Carried

*h) Line of credit – Authorize the Borough Manager to execute the necessary agreements with Somerset Trust Co. to secure the line of credit.*

**Motion**

Mrs. Ream moved, Mrs. Opp seconded, to authorize the Borough Manager to execute the necessary agreements with Somerset Trust Co. to secure the line of credit.

Motion Unanimously Carried

*i) PSAB Voting Delegate - Consider appointing Fred Rosemeyer to serve as the Borough’s Voting Delegate at this year’s annual conference.*

**Motion**

Mr. Shaulis moved, Mrs. Opp seconded, to appoint Fred Rosemeyer to serve as the Borough’s Voting Delegate at this year’s annual conference.

Motion Unanimously Carried

**Committee Business/Reports:**

*j) Borough Manager’s Report – Given by Michele Enos.  
Ms. Enos was not in attendance, so no report was given.*

*k) Finance Report – Given by Brett Peters.*

Mr. Peters provided Council with the Financial Report for the month of January 2024. We are 1/12<sup>th</sup> of the way through the year or 8.33%.

**General Fund:**

Revenues – 7.74%  
Expenses – 8.04%

**Water Fund:**

Revenues – 10.77%  
Expenses – 9.83%

**Sewer Fund:**

Revenues – 7.16%  
Expenses – 9.5%

*l) Municipal Authority Manager's Report – Given by Jess Sizemore.*

Mrs. Sizemore noted that the February 2024 Municipal Authority meeting was canceled. The next meeting is scheduled for March 18<sup>th</sup>, 2024.

She mentioned that the first set of bills went out with the revised rate schedule. Quite a few customers were affected with the minimum bill structure that is now in effect.

The drop down in the “Water & Sewer” tab in the Borough’s website includes “Water & Sewer Billing” where information can be found on why we have this minimum rate structure. The newly added “Frequently Asked Questions” can also be found within the “Water & Sewer” tab. Customers can go to the website for additional information, or they can call the office with any questions or concerns.

Mrs. Sizemore mentioned that the Lead & Copper Inventorying is still moving along. The inside of 798 homes have been inventoried out of 2,836 homes.

She said that they have been busy with the existing Waterline Project and planning for the Sewer Rehabilitation Project.

Mrs. Sizemore noted that she and Ms. Enos are working on sending out a Customer Notification letter in regards to an update on the Waterline Project and the proposed plans for the Sewer Rehabilitation Project. Also, included in the letter, will be information on plans for paving restoration for this year. The goal for the letter to be sent out to customers is mid-March.

Restoration for gas & water will start back up in early March.

Mrs. Sizemore said that she and Ms. Enos will be meeting with Uptown Merchants to discuss the Center Avenue Construction Project, plans of getting it started back up in early March, and adding in the North Center Avenue portion. Sanner Construction will be doing all the work, and it is scheduled to be completed by the end of June, weather permitting.

Lastly, Mrs. Sizemore noted that the Municipal Authority is accepting Letters of Interest for one available position on their Board.

*m) President's Report – Given by Pam Ream.*

Mrs. Ream mentioned that there are a lot of complaints from people about the projects going on in the Borough. She added that she is happy that Mrs. Sizemore & Ms. Enos are sending the letters out to residents because she doesn't know how to reach people, and individuals are not looking on the Borough’s website where the information is all there.

It was noted that door hangers are also actively being posted on resident’s doors with updated information regarding construction in their area.

*n) Somerset Inc. Report – Given by Lee Hoffman.*

Mr. Hoffman said that he was appreciative of all the efforts that are going into alert the Uptown Merchants about the Waterline Project going on there.

He mentioned that work is continuing on at the Brinker Building. Somerset Inc. is working to get some volunteer groups together in March.

They are looking further into developing the West Main Street lot, where the Farmer's Markets is, with some landscaping & pathways.

The next event is "Uptown Earth Day" April 20<sup>th</sup>, and "Chalk the Block" the final weekend in July.

*o) PSAB Report – Given by Fred Rosemeyer.*

Mayor Rosemeyer noted that the PSAB Conference is coming up in Hershey, PA June 2<sup>nd</sup> - 5<sup>th</sup>, 2024.

He also mentioned that the County Boroughs Association will be meeting on April 18<sup>th</sup>, 2024 at the Somerset Country Club.

*p) Somerset Volunteer Fire Dept. Report – Given by Steve Shaulis.*

Mr. Shaulis said that he did not receive an updated report from the Fire Department, and noted that the Fire Department's calls are down,

Mr. Shaulis noted that there is a major Hazmat training being held Saturday March 2<sup>nd</sup>, 2024 at the Eagles. He added that a lot will be centered around the Ponfeigh Distillery.

*q) 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 he appreciated Mrs. Ream mentioning the communication side with the public regarding the Water Project. He said that all the Borough & Authority Staff turn their attention to the public's complaints whenever they are received.

Mrs. Ream said that everyone has been great in answering complaints, but part of the frustration is that the Borough has been talking about this project for 3 years, and because people seldom pay attention, when there is a problem, they wonder where the problem has come from.

Mrs. Ream added that the Borough's system is old and the Water Project has to happen. She added that everyone has tried really hard to communicate the best they can.

Mr. Bolby said that construction season is upon us so we are going to start seeing restoration. The bulk of it will happen next year.

Regarding the Water Project, East Main Street waterline will start. That will be a congested area. There will be dual waterlines going up each side of East Main.

Mr. Bolby said that 3 Contractor's payment applications came in. PennVEST monies will come in to pay the Contractors. Overall, we are at approximately 75% between all 3 contracts.

Waterline work slowed down, but the tank, well work, and electrical work has picked up. Mr. Bolby expects the tank to be erected by the end of March, and a lot of the work relating to the Water Treatment Plant completed around June 2024.

Mr. Bolby added that if anyone in the public is holding onto a complaint or concern, it is best to relay that information to the Borough as soon as possible, so it can be added to the punch list of items for the Contractor who will address the complaints or concerns.

Mr. Bolby said that there will be paving efforts in June 2024. This will include State Roads, base repairs, and unpaved restoration.

He mentioned that specific discussion occurred recently regarding paving of the Borough streets. The gas & water projects created a trench that needs restoration on certain roads. Discussion included what needed to be done in order to make the road survivable even after putting on 1 1/2" of pavement. This will degrade if the base is bad. Strategic efforts will be made this year to go around and fix the base of certain streets, so that later on when the full restoration is performed, it will not degrade in 3 years.

Race & Church Streets were in that discussion, along with Columbia Avenue to be repaired. Other selected Borough streets will be included in these repairs.

Mr. Bolby added that after the completion of all the projects, then the road paving will actually occur. But up to that time, there is a lot of upcoming sewer work. That is why the paving is being strategically evaluated so we are not tearing it up next year, or within a few years, and putting brand new pavement down.

## **SEWER:**

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

Mr. Bolby said that the 6-Month Status Report was submitted to DEP. They issued approval of 2024's sewer taps. Like years past, they approved 20 EDUs of sewer taps. DEP takes into consideration the progress that the Borough is making. This is relayed to them in the 6-Month Status Reports. This allows them to make the decision on approving the taps.

Mr. Bolby said that on the design of the Rehab and the Replacement Projects of the sanitary sewer, we are in Phase #1, the Permits Phase. After comment back from DEP, we are addressing those, and immediately following it with Phase 1a,1b,1c and 1d. These will be followed up with permits in very quick succession behind the first one.

Mr. Bolby said that we are meeting the Corrective Action Plan schedule, which is presented in the 6-Month Status Report, and trying to stay out ahead of that on time to make sure that we are compliant by 2031.

**GENERAL:**

**1) Center Avenue Sidewalk:**

Mr. Bolby said that we have a tentative restart for March 4<sup>th</sup>, 2024. The Gas Company, Large Water Project and Center Avenue are all contingent on the reopening of the asphalt plants. They are to open March 4<sup>th</sup>. If an asphalt plant is not open, nobody can start on State Roads.

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

Mayor Rosemeyer had nothing further to report.

**11. Executive Session – To discuss personnel matters – President Ream.**

**Motion**

Mrs. Opp moved, seconded by Mr. Hoffman to go into Executive Session to discuss personnel matters.

Motion Unanimously Carried  
5:48 p.m.

**Back in Session**

6:17 p.m.

**12. ADJOURNMENT**

**Motion**

Mrs. Opp moved to adjourn, motion seconded by Mr. Hoffman.

Motion Unanimously Carried  
6:22 p.m.

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Michele A. Enos, Borough Manager/ Secretary