

JOINT MEETING:
***Somerset Borough Council & the Municipal Authority of the Borough
of Somerset***
November 6th, 2024 - 5:00 p.m.

JOINT MEETING AGENDA

1. Joint Meeting Called to Order:

- a) Borough Council Meeting Called to Order – *President Ream*
- b) Municipal Authority Meeting Called to Order – *Chairman Flower*

2. Pledge of Allegiance

3. Roll Call:

- a) **Borough Council Members present:** *Pam Ream; Lee Hoffman; Ruby Miller (via telephone); Sue Opp; Steve Shaulis; Ian Mandichak and Mario Dirienzo.*
- b) Mayor: *Fred Rosemeyer* also present.
- c) Also present were the following: *Borough Manager, Michele Enos; Municipal Authority Manager, Jessica Sizemore; Director of Finance, Brett Peters; Solicitors, James Cascio & Allyson Lonas, and Consulting Engineer Tom Reilly.*

Roll Call:

- a) **Municipal Authority Members present:** *Ben Flower; Ruby Miller (via telephone); Jeff Shaffer; Lee Hoffman; and Terry Jerin (via Teams Meeting).*

Public Attendance:

- a) *None*

4. New Business – Joint Discussions:

- a) Executive Session – *Contract Negotiations/Personnel Matters.*

Motion

Mrs. Opp moved, seconded by Mr. Shaulis to go into Executive Session to discuss contract negotiations.

Motion Unanimously Carried
5:02 p.m.

Back in Session

5:33 p.m.

b) Stormwater Study – Review of the stormwater study as it relates to a rate structure.

Mrs. Sizemore mentioned that the Municipal Authority had EADS provide a Stormwater Fee Structure Study, which is on the Municipal Authority portal for review. The Authority purchased the Borough's stormwater infrastructure, and it is recommending putting a rate to the parcels for the Borough.

Mr. Reilly explained how the study was done. He said that EADS analyzed all the property parcels in the Borough to determine impervious areas, which generally does not allow precipitation, rainfall or snowfall to infiltrate into the ground. So, roofs, parking lots, gravel roadways, or any impervious area was the point of the analysis. They wanted to determine what a typical, residential unit looked like in the Borough.

The analysis determined that, on an average basis, there are 3,875 square feet of impervious area or less for a typical residential parcel. This was used to develop an equivalent residential unit to establish billing rates, because there are also commercial properties and institutional properties throughout the Borough. It had to be determined how they were going to equate larger impervious areas to residential structures in the Borough. Multiples of the 3,875 square feet of impervious area in the Borough was used to establish billing rates for commercial and larger properties.

Mrs. Sizemore added that the proposed stormwater fee would equate to a base of \$5.00 for each parcel and an additional of \$1.00/ERU based on the calculations of impervious area for each parcel. A typical residential parcel would be \$6.00 a month.

Ms. Enos stated that stormwater was never regulated in the Borough. We have areas in the Borough that are affected greatly by stormwater. While the PennVEST Project is being done to upgrade the Borough's infrastructure with the sewer lines, the plans are for stormwater upgrades, as well, to help with the flooding.

This new rate is a starting point so that the Borough can fund those portions of PennVEST Projects. Previously, stormwater was on General Fund, which was based on taxes, so the Borough couldn't do a whole lot other than maintenance on storm inlets and piping. By creating this rate structure, there will be funding available for improvements as well as paying on the debt service of the stormwater replacement and rehabilitation portion of the upcoming Sewer and Stormwater project. This rate will be seen on the water/sewer bill as a separate line item.

Mrs. Sizemore mentioned the Borough website will be updated to provide a Stormwater Page with general information on the stormwater program. The Incident Reporting system on the website is also being updated. This is where the public can report an incident, stormwater event, and/or any other type of reporting. Public Works can then be notified to address the

issue, if applicable. The Borough will also include a note in December's bills regarding the proposed stormwater fee for 2025.

Mr. Reilly said that the Borough is under a Corrective Action Plan where we are going to do a significant Sanitary Sewer Infiltration & Inflow Removal Project. A significant amount of that is due to inadequate stormwater management. He added that a lot of areas in the Borough do not have any stormwater management. This project will allow the Borough to begin to address that need.

Mr. Reilly mentioned that until the stormwater management system was transferred to the Municipal Authority, the only way to fund those types of projects was general tax revenue. As part of the sanitary sewer project, currently being designed, there is a stormwater management component to that where the stormwater will be handled as much as possible by adding additional facilities.

Ms. Enos added the reason the Borough is doing the Sewer Project in the first place is to correct the hydraulic overload at the Borough's Plant. The infrastructure that is needed has to be provided to help correct the overload.

Mr. Reilly mentioned that part of the first phase of the Sanitary Sewer Project will be in the Brierwood area where a significant stormwater management component exists.

Ms. Enos added that when problems occurred in the Brierwood area, it was due to the area being poorly designed.

Ms. Enos said that with real estate taxes, churches, schools and hospitals are currently tax exempt. But with the rate structure, those places will no longer be exempt.

Mrs. Sizemore mentioned that the stormwater fee of \$6.00 is a starting point and will be increased throughout the years as needed to fund maintenance, rehabilitation, extensions and capital projects.

MUNICIPAL AUTHORITY MEETING AGENDA

1. Approval of Agenda:

A. Approval of Agenda – Review and approval of the Agenda for November 6th, 2024 Meeting.

a. **Motion to approve agenda as presented** -

Mr. Hoffman moved, Mr. Shaffer seconded.

Motion Unanimously Carried

B. Executive Session – Contract Negotiations.

Executive Session held earlier with Borough Council.

2. Approval of Minutes of Previous Meeting(s)

A. Approval of Meeting Minutes – Review and approval of the Meeting Minutes from September 23rd, 2024, Municipal Authority Board Meeting.

a. **Motion to approve the Municipal Authority Board Meeting Minutes from September 23, 2024** -

Mr. Hoffman moved, Mr. Flower seconded.

Motion Unanimously Carried

3. Opening of Bids:

A. None

4. General Public Comments:

A. None Registered

5. Payment of Bills/Requisitions:

A. None

6. Policy Agenda:

A. Old Business:

A. None

B. New Business:

a. Manager's Report – Update on Operations

i. Somersetshire Ltd, LLC Agreement

The Somerset Borough and the Municipal Authority has worked out this Agreement. Progress meetings will be continued with all parties until satisfactory progress has been completed.

ii. Federal Lead and Copper Rule Revisions Requirement Update

Service line inventory submitted to DEP on October 14th, 2024 per requirement.

Notification will be sent to all customers/consumers regarding their service line material by November 15th, 2024. A majority of these are still classified as “unknown” due to the DEP identification requirements.

iii. LSA Statewide Grant

Submission for LSA Grant will be completed for the 2024/2025 round with an application of equipment for a GapVax.

b. Engineer's Report – Update on Status of Projects for Water, Sewer and Stormwater

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

WATER:

i. Water System Capital Improvement Projects:

Contract 1, All the major punch-list items have been completed. Restoration continues to be addressed.

Contract 2 & 3, Start-up work being done on equipment.

SEWER:

i. Assessment, Repair, and Abatement Plan (Hydraulic Overload):

Phase 1A Project, Comments from DEP being addressed. Funding Application to be submitted by February 5th, 2025.

Phase 1B Project, Funding Application will be submitted in June 2025.

GENERAL:

i. Center Ave. Sidewalk:

Minor electrical work to be done. After completion, project will be completed.

c. Facility Reports for September – *Provided on the portal for informational purposes.*

d. September 2024 Financial Report & Monthly Transactions – *Provided on the portal for informational purposes.*

e. K2 Estoppel Certificate & Addendum to the original Lease with Mark Matthews regarding the Hickory Hill Radio Tower – Review and approve the Addendum and the Estoppel Certificate.

i. **Motion to approve the addendum to the Lease with Mark Matthews regarding the Hickory Hill Radio Tower with the original date of January 15th, 2024.**

Mr. Flowers moved, Mr. Hoffman seconded.

ii. **Motion to approve the K2 Estoppel Certificate.**

Mr. Hoffman moved, Mr. Flowers seconded.

f. Kukurin Contracting, Inc. Change Order No.11 - Acknowledgement of approval of Change Order No.11 for at no change in contract price. This is to approve the contractor to utilize Hydroseeding for soft restoration areas.

g. Kukurin Contracting, Inc. Change Order No.12 - Acknowledgement of approval of Change Order No. 12 for a **decrease** in the amount of \$113,980.94. This is for the final adjustment to reconcile unit price items and show no remaining budget on the contract.

h. Darr Construction, Inc. Change Order No.11 - Acknowledgement of approval of Change Order No.11 for an increase in the amount of \$6,900. This is for the work of replacing the obsolete SCADA control panels.

i. Kukurin Contracting, Inc. Pay Application No. 19 – Acknowledgement of approval of Pay Application No. 19 in the amount of \$199,400.00.

j. PENNVEST Pay Request No. 20 - Acknowledgement of approval of PENNVEST Payment Request in the amount of \$399,952.56.

7. Adjournment

A. Adjournment

a. Motion to adjourn.

Mr. Shaffer moved to adjourn, seconded by Mr. Flower.

Motion Unanimously Carried
6:30 p.m.

B. Next Meeting

a. November 25th, 2024, at 6:30 p.m.

Jessica Sizemore, Municipal Authority Manager

BOROUGH COUNCIL MEETING AGENDA

1. Approval of Minutes of Previous Meeting(s)

a) September 23rd, 2024 – *Borough Council Meeting Minutes.*

Motion

Mr. Shaulis moved, Mr. Dirienzo seconded, to approve the September 23rd, 2024 Borough Council Meeting Minutes.

Motion Unanimously Carried

b) Approval of Agenda – *Consider approving the agenda as presented.*

Motion

Mr. Mandichak moved, Mrs. Miller seconded, to approve the Agenda for November 6th, 2024.

Motion Unanimously Carried

2. Opening of Bids:

a) None

3. General Public Comments:

a) None requested

4. Administrative Business:

a) Communications – (none)

b) Payment of Bills – *for the month of October 2024.*

Motion:

Mr. Shaulis moved, Mrs. Opp seconded, to approve the payment of bills for the month of October 2024 numbered 42292 – 42459 totaling \$1,495,074.73

Motion Unanimously Carried

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

Motion

Mrs. Opp moved, Mr. Mandichak seconded, to approve the Departmental Reports for the month of September 2024.

Motion Unanimously Carried

5. Policy Agenda:

Old Business:

a) None

New Business:

a) Fire & Ice Festival – Consider approving a one block ice sculpture in the amount of \$395.00.

Mrs. Ream stated that this was done each year for the Fire & Ice Festival.

Motion

Mr. Mandichak moved, Mrs. Opp seconded, to approve a one block ice sculpture in the amount of \$395.00 for the Fire & Ice Festival.

Motion Unanimously Carried

b) Special Budget Meeting/Collective Bargaining – Consider approving a special meeting to be held on November 12th or November 14th to discuss the proposed 2025 Budgets and Collective Bargaining.

Motion

Mrs. Opp moved, Mrs. Miller seconded, to approve a special meeting to be held on November 14th at 5:00 p.m. to discuss the proposed 2025 Budgets and Collective Bargaining.

Motion Unanimously Carried

c) Resolution No. 2024-06 – Consider approving the deposit of Commonwealth monies into the Borough's Pension Plans.

Mrs. Ream stated that this is done annually.

Ms. Enos noted that the total amount is \$295,703.09, of which the Non-Uniform Pension Plan receives \$96,548.09, and the Police Pension Plan receives \$199,155.00.

Motion

Mr. Dirienzo moved, Mrs. Opp seconded, to adopt Resolution No. 2024-06 approving the deposit of Commonwealth monies into the Borough's Pension Plans.

Motion Unanimously Carried

Borough of Somerset
Resolution No. 2024 -06

WHEREAS, the Borough of Somerset has received a direct deposit from the Commonwealth of Pennsylvania dated September 25th, 2024 in the amount of Two Hundred Ninety-Five Thousand, Seven Hundred Three and 09/100 (\$295,703.09) Dollars, representing the Commonwealth's allocation from the General Municipal Pension State Aid Program, and;

WHEREAS, Act 205 of 1984 provides that pension allocations must be deposited in the Municipal Pension Plan within thirty (30) days of receipt by the Municipal Treasurer, and;

WHEREAS, the governing body must determine by Resolution the amount to be distributed into its various plans;

NOW THEREFORE, BE IT RESOLVED, that Ninety-Six Thousand, Five Hundred Forty-Eight and 09/100 (\$96,548.09) Dollars be allocated to the Non-Uniformed Collective Bargaining Pension Plan; and One Hundred Ninety-Nine Thousand, One Hundred Fifty-Five and 00/100 (\$199,155.00) Dollars be allocated to the Police Pension Plan.

ADOPTED this 6th day of November 2024.

d) **Resolution No. 2024-07** – Consider eliminating member contributions to the Police Pension Plan for year 2025.

Ms. Enos explained that if the Police Pension Plan is solvent with the Commonwealth's deposits, then it doesn't require any contributions made by the Police Officer's themselves. This is a determination that the Borough's Actuary makes. Ms. Enos said that the letter was received stating that we can eliminate contributions for the Police Pension Plan, so we are recommending to do that.

Motion

Mrs. Opp moved, Mr. Mandichak seconded, to adopt Resolution No. 2024-07 eliminating member contributions to the Police Pension Plan for year 2025.

Motion Unanimously Carried

Borough of Somerset
Resolution No. 2024-07

WHEREAS, Ordinance No. 1144, Section XI relating to the Police Pension Fund states that the monthly contributions for participants may be reduced or eliminated by an annual Resolution if an actuarial study annually indicates that such reductions or elimination for that year will not adversely affect the actuarial soundness of the fund, and;

WHEREAS, a letter from Lori R. Owen, QPA, Consultant, Dunbar, Bender & Zapf, Inc., dated September 27th, 2024, states “that the Borough may eliminate employee contributions in the Police Plan for 2025 ...

NOW THEREFORE, BE IT RESOLVED, that the five (5) percent contributions from Police Officers for the year 2025 be eliminated.

ADOPTED this 6th day of November 2024.

- e) Resolution No. 2024-08 – Consider authorizing an application to the Commonwealth Financing Authority for the purchase of a GapVax Truck. This grant is 100% funded. No local match required.

Motion

Mrs. Ream moved, Mr. Shaulis seconded, to authorize an application to the Commonwealth Financing Authority for the purchase of a GapVax Truck. This grant is 100% funded with no local match required.

Motion Unanimously Carried

Appendix I – Authorized Official Resolution No. 2024-08

Be it RESOLVED, that the Borough of Somerset (Name of Applicant) of Somerset (Name of County) hereby request a Statewide Local Share Assessment grant of \$592,501 from the Commonwealth Financing Authority to be used for purchasing equipment.

Be it FURTHER RESOLVED, that the Applicant does hereby designate Pamela Ream, Council President (Name and Title) and Michele Enos, Secretary (Name and Title) as the official(s) to execute all documents and agreements between the Borough of Somerset (Name of Applicant) and the Commonwealth Financing Authority to facilitate and assist in obtaining the requested grant.

I, Michele Enos, duly qualified Secretary of the Borough Somerset (Name of Applicant), (Name of County) Somerset County, PA, hereby certify that the forgoing is a true and correct copy of a Resolution duly adopted by a majority vote of the Borough of Somerset Council (Governing Body) at a regular meeting held 11-06-2024 (Date) and said Resolution has been recorded in the Minutes of the Borough of Somerset (Applicant) and remains in effect as of this date.

f) Grant Consulting Services – Consider executing an agreement with Aspire Grant and Development, LLC for the purpose of grant writing.

Ms. Enos stated that there are periods when time constraints do not allow the possibility of reaching out to all of the necessary elected officials that normally push some of these grants through, sometimes it takes lobbying by elected officials to get your grants higher on the spectrum. These types of grants would be anything over and above what we reach out to EADS for whether that would be for the playground, for GAPVax trucks or LSA Grants. There are also equipment grants we could be applying for, as well, too.

Ms. Enos said that Aspire Grant and Development, LLC would be charging \$125.00 per/hour to do this work, with no retainer fee. Before applying for any type of grant, it would be brought before Council for their approval.

It was expressed that, moving forward, Council would like to make sure that Aspire is timely, and to also have an understanding with them of the projected fee for a particular project.

Solicitor Cascio noted that Council can have a general Agreement with Aspire, but cannot have a general fee for all grant writing projects as a whole.

Ms. Enos added that this is basically an Agreement for the hourly wage and what they are offering for that hourly wage. She reiterated that there is no retainer.

Motion

Mr. Hoffman moved, Mr. Dirienzo seconded, to execute an agreement with Aspire Grant and Development, LLC for grant consulting services for the purpose of grant writing.

Motion Unanimously Carried

g) Vagrancy Ordinance – *Discussion concerning the need for a Vagrancy Ordinance to prohibit camping, sleeping on public sidewalks, playgrounds or parks within the Borough.*

Ms. Enos said that the Borough has been receiving complaints about individuals who are camping on Uptown sidewalks, Uptown businesses, living in Trinity Park and in the playgrounds as well. This is becoming more and more of a problem.

Currently, the Borough does not have any type of Ordinance in place for removing individuals from these areas. She added that it is not illegal being homeless in Pennsylvania, nor is there any criminal statute involving homelessness.

Ms. Enos noted that she and Chief Appel discussed this problem. Chief Appel noted that if there is no specific Borough Ordinance in place that states that these individuals can be removed from these public places, then there isn't anything that the Police can do because homelessness is not against the law, nor is it a crime.

It was also noted that "squatting" is trespassing, which is against the law, because the individual is camping on private property.

It was mentioned that a Borough Ordinance would need to be created so that the Police Department would know what they can enforce.

Motion

Mr. Dirienzo moved, Mrs. Opp seconded, to move forward with gathering information to develop a Vagrancy Ordinance.

Motion Unanimously Carried

Committee Administration/Special Reports:

A) Manager's Report – (Enos)

Ms. Enos said that she had nothing further to report.

B) President's Report – (Ream)

Mrs. Ream said that she had nothing further to report.

C) Finance Report – (Peters)

Mr. Peters provided Borough Council with the Financial Report through September 2024. He mentioned that we are 66.67% of the way through the year.

General Fund:

Revenues – 102.39%

Expenses – 87.51%

Water Fund:

Revenues – 75.54%

Expenses – 73.10%

Sewer Fund:

Revenues – 77.01%

Expenses – 76.78%

D) Municipal Authority Manager's Report – (Sizemore)

Mrs. Sizemore said that she had nothing further to report.

E) Engineer's Report – (Reilly)

Mr. Reilly said that he had nothing further to report.

F) Somerset Inc. Representative – (Hoffman)

Mr. Hoffman noted that "Light Up Night" is November 30th, 2024.

Work continues at the Brinker Building.

G) Fire Department Representative – (Shaulis)

Mr. Shaulis said that the Fire Department is up to 447 alarms since January 1st, 2024, which is a record.

He said that there is a merger taking place between Somerset & Friedens Fire Departments. Nominations of Officers will start between the two Departments on November 7th, 2024. The merger will become official on January 1st, 2025.

Mr. Shaulis also mentioned that there was a Glow Bingo last week at the Fire Department which was very successful.

H) PSAB Representative – (Rosemeyer)

Mayor Rosemeyer said that he and Chief Appel are presently interviewing Officers for positions at the Police Department. He detailed some of the candidate's backgrounds.

Mayor Rosemeyer mentioned that Officer Justin Evans was sworn-in yesterday. He has returned to Somerset Borough's Police Department as a part-time Officer.

Mayor Rosemeyer noted that Officers recently took the Civil Service test. He said that the Officers did extremely well, with only one not completing the testing. This coming Saturday the Officers will be interviewed by the Civil Service. Three Chiefs of Police will be conducting the interviews.

Mayor Rosemeyer disclosed that two of the Borough's Officers on the drug task force were recently involved in a drug raid at a residence. There is also an assault being investigated.

Mayor Rosemeyer mentioned that he attended the PSAB Conference October 10th-14th, 2024 in Lancaster, PA. He added that it was a very good Conference.

He said that there was a meeting of the Somerset County Boroughs Association at Rizzo's Restaurant in Windber, PA on October 17th, 2024. There were 16 Boroughs present. He mentioned that it was a good and essential meeting.

Mayor Rosemeyer also noted that Chief Appel was approved as a member of the Local Emergency Planning Committee.

I) Solicitor's Report – (Cascio)

Solicitor Cascio had nothing further to report.

J) Mayor's Report – (Rosemeyer)

Mayor Rosemeyer had nothing further to report.

6. Executive Session – None requested.

7. ADJOURNMENT

Motion

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

Motion Unanimously Carried
6:40 p.m.

Michele A. Enos, Borough Manager/ Secretary