

Borough of Somerset Municipal Authority Meeting
March 25th, 2024 – 5:00 p.m. (In-Person) Borough Council Room

1. Meeting Called to Order: – *Chairman Flower*

2. Roll Call:

Authority Members present: *Ben Flower; Ruby Miller (via phone); Lee Hoffman and Jeff Shaffer.*

Also present: *Municipal Authority Manager, Jessica Sizemore; Director of Finance, Brett Peters; Administrative Assistant, Roger Bailey; Solicitors, James Cascio; Borough Engineers, Tom Reilly and Jake Bolby.*

Public Attendance:

a. None

3. Approval of Agenda:

A. Approval of Agenda – Review and approval of the Agenda for March 25th, 2024 Meeting.

a. Motion to approve agenda as presented:

Mr. Flower moved, Mrs. Miller seconded, to approve the March 25th, 2024 Agenda as presented.

Motion Unanimously Carried

B. Executive Session – None.

4. Approval of Minutes of Previous Meeting(s):

A. Approval of Meeting Minutes – Review and approval of the Minutes from January 15th, 2023.

a. Motion to approve the Municipal Authority Minutes from January 15th, 2023:

Mr. Flower moved, Mr. Shaffer seconded.

Motion Unanimously Carried

5. Opening of Bids:

A. None

6. General Public Comments:

A. None registered

7. Payment of Bills/Requisitions:

A. None

8. Policy Agenda:

A. Old Business:

a. Water and Wastewater Rules & Regulations – Update from Manager/EADS.

Mrs. Sizemore said that there are no updates for the Rules & Regulations. Further updates will be provided at next month's Meeting.

i. Sewer lateral testing/repair discussion –

Mrs. Sizemore noted that this discussion will be moved to April's Meeting.

B. New Business:

a. Manager's Report – Update on Operations.

Mrs. Sizemore reminded Authority Members that the Statement of Financial Interests are due May 1st, 2024.

She noted that the approval came through for the requested 20 EDU's under the Correction Action Plan.

Regarding the Municipal Street Paving, Mrs. Sizemore noted that it will receive a limited mill and overlay in all the project areas. This decision is due to the upcoming Sewer Rehabilitation Project and the impact it will have on the roads. Base repairs on all the streets impacted by the Waterline and Gas Line Project will be done by the Public Works crews. State Roads will be mill and overlay per/the PennDot Permit Project.

Mrs. Sizemore mentioned that she and Ms. Enos are working on getting out a Public Customer Notification that covers what is to come starting in the spring, as far as, restoration of the roads with mill and overlay and information on the projects taking place in the Borough. Information will also include plans for the upcoming Sewer Rehab Project and why the rate structure changed. The goal is to get this information out to all customers by mid-April 2024. A Public Relations Event will most likely be scheduled in the future to discuss the Sewer Replacement Project.

Mrs. Sizemore said that the Borough has inventoried 1,100 out of 2,717 customers for the Lead and Copper Program inside the homes. This spring, the public and private laterals at the outside of certain homes will be inventoried.

She said that the Authority was placed into an accelerated program where we have the support of EPA/DEP's consultant for technical support. They are giving us an opportunity for our customers to have a meeting to review the whole project scope of the Lead and Copper Survey and what is to come. The plan is to have this Customer Meeting take place an hour before a combined Municipal Authority and Borough Council Meeting in May so customers can hear about the project with both the Council and Authority Board present, as well.

Mrs. Sizemore said that PennDot is requesting a required Right-Of-Way Agreement and Temporary Construction Easement Agreement for a Bridge Replacement Project in Jefferson Township on SR 4001. She recommended that the Authority Board approve this transaction and allow Management to sign off on any of the necessary documents. The total right-of-way they are requesting is 3,714 square feet, and the temporary construction easement is 1,462 square feet.

Mrs. Sizemore said that for the Laurel Hill Water Reservoir & Conservation Easement Agreement, Laurel Hill Dam was decommissioned and partly removed in 2023 and is flowing as a stream. She said that we had partnered with the non-profit American Rivers to help restore the stream back to its original state. American Rivers ran into some road blocks with grant funding and permitting in the past preventing them to move forward with some of their projects. American Rivers have worked with, and recommended us to work with, Hunt Valley and Land Reclamation Group (a "for profit") that help restore property back to its original state. Hunt Valley and Land Reclamation Group would pay for the costs themselves, and in turn, we would give them the right to get land credits which they could sale. This would put a restriction on the property and ensure the protection of the site in perpetuity. She noted that we are not obligated or required to do anything with that site. The property could remain "as is." Mrs. Sizemore noted that we have out for permitting a project for a small stream crossing at Shaffer Run Well 2 where we can utilize the land credits. We could work those credits into an Agreement.

Mr. Bolby brought out that the Permit for Shaffer Run was received today, which Mrs. Sizemore was unaware of. As a result, land credits are not needed for Shaffer Run now.

Mrs. Sizemore noted that future projects can be proposed for this area if the Authority is interested in doing so. *After discussion, the Municipal Authority agreed to leave this area "as is" for now.*

Regarding the Water and Sewer Rate Structure changes, Mrs. Sizemore summarized on the new rate structure changes that occurred in January 2024. She said that they received a lot of calls from upset customers who were affected by these changes. She wants to make

sure the customers have a better understanding of the reasons behind the rate changes, so the website has been updated with this information. It was also explained to individuals that have called in, or came into the office with complaints, why we have set a base rate.

Also noted was that the minimum base rate is designed to recover a portion of the fixed costs incurred in providing water and sewer services, covering maintenance and operational expenses and debt service fees for projects being done.

The Authority Members discussed and reviewed the water and sewer rate structure of Somerset Borough in comparison to other Municipalities.

After reviewing the information, Mrs. Sizemore noted that Somerset Borough is still well below, or in line, with the water and waste water rates of surrounding Municipalities.

It was mentioned that sewer rates will increase with the upcoming Sewer Project.

Mrs. Sizemore also noted that the Pennsylvania Municipal Authority Association is holding a virtual Board Member Training class she plans to attend. She also plans to attend a Management Workshop being held at Seven Springs on April 25th, 2024. She said that if any Authority Member is interested in attending either, or both of these classes, she can sign them up. She added that she highly recommends attending them.

Mrs. Sizemore mentioned that she attended a 2-day women's leadership conference "Women in Network" in Pittsburgh. Also, she and Mr. Bailey attended an "Eggs and Issues" breakfast with the County Commissioners on March 14th, 2024 that provided a county update for 2024.

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

Mr. Bolby discussed the following updates to the Engineer's Report:

WATER:

1. Water System Capital Improvement Projects:

Mr. Bolby said that for the Water Project, Kukurin has been doing restoration. They are in Area 2 touching up yards. Area 2 is located with Pleasant to the east, Patriot to the north, Edgewood to the west and Garrett to the south.

The next section where they will be installing water main is on East Main starting April 1st or the April 8th. This will be conditioned on the availability of asphalt material and the weather itself. We will continue to do restoration even through June/July. They will be addressing everywhere they have been.

Mr. Bolby said that on the Water Treatment Plant side of things, the water tank is approximately 40% complete. He expected it to be wrapped up in the next week or two. Once

all the mechanical equipment is done at Shaffer Run, and the well is tidied up, we will be able to test that side of the facility out, submit for permits and begin demolition of Laurel Hill.

We are still waiting on the Emergency Generators. Their delivery has been postponed a number of times. Their delay is nothing that is preventing any of the other components of the projects from moving forward.

SEWER:

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

Mr. Bolby said that Somerset Township adopted a Resolution for the 537 Approval that is for the Collection System Project. Similar, on the Borough side, that 537 was adopted by Somerset Borough. We are now in receipt of those 2 documents so that they can be combined and submitted back to the DEP so they can continue on with their review of the 537. Mr. Bolby said that he expects it to be turned around within a couple of weeks. Once it moves through the process, we can move forward in submitting to PennVEST.

Mr. Bolby said that several approvals came in today relating to the First Phase of the Sewer Project. This authorizes us from the construction side and erosion sedimentation side. There are still a number of things to pull together to get total approval on the Project.

Mr. Bolby said that we are in the middle of submitting and receiving permit approvals for the first 2 areas which include Somerset west and Brierwood. As mentioned previously, the area was divided out into 5 collection areas of north, central, east, west and Brierwood. We are approximately a week out from sitting down with the central Business District plans with Borough Staff to review those, another 3-4 weeks from sitting down for north, and another 3-4 weeks after that for east. We are trying to accelerate everything.

The 537 was retooled to include all the areas so DEP only has to include one. During the Planning Consultation Meeting they were steering us to pair the 537 with the PennVEST application. 3 individuals deal with the Planning Approval at DEP. One of them will look at the application and review it. It is hoped that they all 3 agree so we can move this forward fairly quickly.

Mr. Bolby mentioned that a meeting was held with DEP related to the NPDES Discharge Permit associated with the Wastewater Treatment Plant. There were things that we were questioning and submitted comment on. One of the things was related to the use of chlorine as a disinfectant at the Wastewater Treatment Plant. DEP is lowering the limit of chlorine that leaves trace elements in the waste stream that we are now de-chlorinating. These trace elements of chlorine in the waste stream could lead to an affluent limit based on the new limits that DEP is setting.

We requested consideration of the Corrective Action Plan schedule, that they already approved, that says we are going to do the Treatment Plant and finish it out in 2030. DEP said that they were unable to do that because the EPA is forcing their hand. Along with this conversation, they mentioned Consent Order and an Agreement. DEP is drafting this and it

will be sent to us at some point. That document will stipulate a fine that is a quantified value for violating the affluent limit. There may be a duration between when the Permit is issued and when the Project is completed. Fines will be incurred because of those NPDES violations.

Lastly, Mr. Bolby said that a valve is being replaced at the Sewer Treatment Plant. He mentioned that it is a critical valve. There are 2 of these valves, and only one of them works, so the broken valve is being replaced. He added that it is an 18" valve, and costly, but is critical to the operations and function of the Plant.

GENERAL:

1. Center Avenue Sidewalk:

This Project has been restarted. There was a meeting with all the Merchants to discuss the upcoming schedule and what is expected to happen this coming construction season for Center Avenue. Comments and concerns were received from the Merchants and they were relayed back to the Contractor. Contractors should be out of that area within the next few months.

c. Facility Reports for January and February – Provided on the portal for informational purposes.

d. January and February 2024 Financial Statements – Provided on the portal for informational purposes.

Mrs. Sizemore said that based on the percentage for February, Sewer was on point with expenditures and revenue. Water was a little off due to the Project with PennVEST from funds coming in and out.

e. Municipal Authority Sewer Resolution No. 2024-03 – Review and approval of the proposed resolution.

Mrs. Sizemore said that this pertains to Phase 1a of the Sewer Replacement & Rehabilitation Project for Brierwood and West Areas. This Resolution is a requirement from PennDot in regards to the state permits applications.

i. Motion to approve the Municipal Authority Sewer Resolution 2024-03, and to allow management to execute the required documents for the Phase 1 Sewer Rehabilitation Project:

Mr. Hoffman moved, Mr. Shaffer seconded.

Motion Unanimously Carried

f. General Joint Use Agreement between SREC and MABS – Review and approval of the agreement.

Mrs. Sizemore said the Authority is being asked to consider signing an Agreement for approval to run a communications line between the two wells at Shaffer Run. There will be a 1 time fee since the line will run along existing poles. There will be no rental fees. She added that Solicitor Cascio reviewed the Agreement.

i. **Motion to approve General Joint Use Agreement between SREC and MABS:**

Mr. Shaffer moved, Mr. Hoffman seconded.

Motion Unanimously Carried

g. Act 537 Somerset Borough and Somerset Township Resolution –

i. **Motion for the Authority to ratify the action of the Somerset Borough and Somerset Township to adopt a resolution approving the Act 537 Special Study Plan Revision. The Special Study is limited to replacement and rehabilitation of the sanitary sewer collection system and being prepared by the Authority:**

Mr. Flower moved, Mr. Hoffman seconded.

Motion Unanimously Carried

h. Somerset Trust Line of Credit – Somerset Trust Line of Credit in the amount of \$1,000,000.00.

i. **Motion for the Authority to approve and execute the line of credit in the amount of \$1,000,000.00. This is for the utility work on the 100 block of North Center Avenue. This loan is shared with the Borough of Somerset and includes the street scape project. Note: The Borough Council approved the line of credit on February 26th, 2024.**

Mr. Flower moved, Mr. Shaffer seconded.

Motion Unanimously Carried

i. SR 4001 – 05B Bridge Reconstruction – Jefferson Township:

i. Motion for the Authority to approve the Agreement of Sale for the required right of way determined by PennDOT for the bridge reconstruction project located on SR4001 in Jefferson Township. Note – The total offer compensation is \$1,000.00 for the permanent and temporary R/W that is required.

Mr. Flower moved, Mr. Hoffman seconded.

Motion Unanimously Carried

ii. Motion for the Authority to approve Temporary Construction Easement Agreement determined by PennDOT for the bridge reconstruction project located on SR 4001 in Jefferson Township. Note – The Total offer compensation is \$1,000.00 for the permanent and temporary R/W that is required.

Mr. Hoffman moved, Mr. Shaffer seconded.

Motion Unanimously Carried

j. Kukurin Contract No. 1, Change Order No. 7 – Acknowledgement of approval of Change Order No. 7 for Contract No. 1 in the amount of \$0.69/SY of trench paving due to change of detail requested by the Authority.

Acknowledged by the Authority.

k. Ligonier Construction Co., Inc. Contract No. 2, Change Order No. 4 – Acknowledgement of approval of Change Order No. 4 for Contract No. 2 for contract time extension.

Acknowledged by the Authority.

l. Ligonier Construction Co., Inc. Contract No. 2, Change Order No. 5 – Acknowledgement of approval of Change Order No. 5 for Contract No. 2 in the amount of \$5,000.00 credit. This is for the contractor to retain possession of the obsolete generator from Shaffer Run Well 1.

Acknowledged by the Authority.

m. Darr Construction Contract No. 3, Change Order No. 5 – Acknowledgement of approval of Change Order No. 5 for Contract No. 3 – for contract time extension.

Acknowledged by the Authority.

- n. Darr Construction Contract No. 3, Change Order No. 6 – Acknowledgement of approval of Change Order No. 6 for Contract No. 3 – This is a decrease of \$3,000.00 due to the change of material.
Acknowledged by the Authority.
- o. Darr Construction Contract No. 3, Change Order No. 7 – Acknowledgement of approval of Change Order No. 7 for Contract No. 3 – This is an increase in the amount of \$6,200.00 due to time and material to replace the obsolete electrical panel at Shaffer Run Well 1.
Acknowledged by the Authority.
- p. PennVest Payment Request No. 11 – Acknowledgement of approval of Payment Request No. 11 in the amount of \$1,299,200.43.
Acknowledged by the Authority.
- q. PennVest Payment Request No. 12 – Acknowledgement of approval of Payment Request No. 12 in the amount of \$1,031,007.14.
Acknowledged by the Authority.
- r. Ligonier Construction Pay Application No. 7 – Acknowledgement of approval of Payment Application No. 7 in the amount of \$160,124.40.
Acknowledged by the Authority.
- s. Ligonier Construction Pay Application No. 8 – Acknowledgement of approval of Payment Application No. 8 in the amount of \$663,952.52.
Acknowledged by the Authority.
- t. Darr Construction Pay Application No. 3 – Acknowledgement of approval of Payment Application No. 3 in the amount of \$2,468.70.
Acknowledged by the Authority.
- u. Kukurin Pay Application No. 10 – Acknowledgement of approval of Payment Application No. 10 in the amount of \$1,086,950.94.
Acknowledged by the Authority.
- v. Kukurin Pay Application No. 11 – Acknowledgement of approval of Payment Application No. 11 in the amount of \$265,294.08.
Acknowledged by the Authority.

9. Adjournment

A. Adjournment

a. Motion to adjourn.

Mrs. Miller moved to adjourn, seconded by Mr. Flower

Motion Unanimously Carried
7:50 p.m.

B. Next Meeting

a. April 15th, 2024 at 5:00 p.m.

Jessica Sizemore, Municipal Authority Manager