

# **Borough of Somerset Council Meeting**

## **June 28th, 2021 - 5:00 p.m. *(In-Person Meeting)***

### **1. Meeting Called to Order - President Ruby Miller**

### **2. Pledge of Allegiance**

### **3. Roll Call:**

Council Members present: Ruby Miller; Fred Rosemeyer; Lee Hoffman; Pam Ream; Sue Opp; Steve Shaulis and Gary Thomas.

Also present: Mayor Scott Walker.

Absent: Junior Council Member Sierra Urban.

Also present were the following: Borough Manager, Michele Enos; Director of Finance, Brett Peters; Administrative Assistant, Roger Bailey; Solicitor, James Cascio; Consulting Engineers, Tom Reilly and Jake Bolby.

### **Public Attendance:**

*None present*

### **4. Announcements**

a) *None*

### **5. Approval of Minutes of Previous Meetings:**

a) *May 24<sup>th</sup>, 2021 – Borough Council Meeting Minutes.*

### **Motion**

Mrs. Opp moved; Mr. Rosemeyer seconded to approve the May 24<sup>th</sup>, 2021 Borough Council Meeting Minutes.

Motion Unanimously Carried

### **6. Award of Bids:**

a) *2021 Paving Project – Considering awarding the bid to the lowest responsive bidder.*

Ms. Enos brought out that there were two bids received for the Street Paving Project. One bid was from HRI Incorporated, and the other was from New Enterprise Stone and Lime Company. The lowest responsive bidder was New Enterprise Stone and Lime Company. We are recommending that the bid be awarded to them. This is based upon unit price.

Ms. Enos disclosed what was in the bidding:

1. *686 tons of wearing course in place.* The unit price that we would be awarding is \$81.75 per/ton.

2. *Milling of bituminous pavement based on square yards.* The total square yards were 3,287. The unit price is \$2.98 per/square yard.

3. *385 linear feet of milling of bituminous pavement notches.* The unit price came in at \$5.34.

Ms. Enos said that what we put into the bid was what PennDOT estimated the paving would be. They estimated the paving cost to be between \$93,000.00 and \$94,000.00. The bid from New Enterprise Stone and Lime Company came back at \$67,931.66, which is much lower than what we had anticipated. The remaining \$32,000.00, of the \$100,000.00 paving budget, will still be used for paving elsewhere in the Borough.

Ms. Enos added that we base the bid upon unit/price, so if we want to do more paving, then we are incorporating unit/price, not per/street.

Ms. Enos disclosed that Columbia Gas is going to come into Somerset Borough and install main line replacements on various streets. This has changed our initial plan for some of the streets that were selected to be paved. Columbia Gas is going to be digging up the streets to install their replacement lines, which in turn, will need repaired. As a result, other streets have been chosen for paving instead.

### **Motion**

Mrs. Ream moved, Mrs. Opp seconded to award the bid for the 2021 Paving Project to New Enterprise Stone and Lime Co., the lowest responsive bidder, at the bid price of \$67,931.66, per/unit base, for street paving.

Motion Unanimously Carried

### **7. General Public Comments:**

a) *None requested*

### **8. Administrative Business:**

a) *Communications (None)*

b) *Payment of Bills – Month of June 2021.*

### **Motion**

Mr. Shaulis moved, Mrs. Opp seconded, to approve the payment of bills for June 2021 numbered 36681 - 36857 totaling \$748,785.55.

Motion Unanimously Carried

c) *Department Reports for May 2021 – Consider approving the Departmental Reports for the month of May 2021.*

**Motion**

Mr. Hoffman moved, Mr. Rosemeyer seconded, to approve the Departmental Reports for the month of May 2021.

Motion Unanimously Carried

**9. Policy Agenda:**

**Old Business:**

a) *None*

**New Business:**

a) *Sale of Surplus Property – Acknowledgement by motion the certification of the sale of surplus property. The 2008 Ford Truck was valued under \$1,000.00 and was sold “as is” for \$902.86.*

Ms. Enos mentioned that the truck was sold to one of the Borough’s employees. She said the bid submitted was the highest they received, and was the exact price of what the truck was valued at.

**Motion**

Mrs. Ream moved, Mrs. Opp seconded to acknowledge the certification of the sale of surplus property, a 2008 Ford Truck. It was valued under \$1,000.00, and was sold “as is” for \$902.86.

Motion Unanimously Carried

b) *Resolution No. 2021-04 – Authorizing a submission of an application to the Department of Community & Economic Development for our 2021 Community Development Block Grant funding.*

Ms. Enos stated that this authorization is done annually. It is a partnership we have with Somerset County and the Redevelopment Authority.

The Resolution states that we are submitting an application, so the authorization to approve the Resolution is the formal submission of the application to receive our 2021 Community Development Block Grant funding. Its approval is being recommended.

**Motion**

Mr. Rosemeyer moved, Mr. Thomas seconded to authorize the submission of the application to the Department of Community & Economic Development for our 2021 Community Development Block Grant funding.

Motion Carried Unanimously

## **RESOLUTION No. 2021-04**

A Resolution of the Borough of Somerset, Commonwealth of Pennsylvania, authorizing the submission of an application to the Pennsylvania Department of Community and Economic Development for funding through the Community Development Block Grant (CDBG) Program, as authorized under the Housing and Community Development Act (42 USC 5301 and 24 CFR Part 570), and further certifying compliance with the requirements of said program.

WHEREAS, it is necessary and in the public interest that Borough of Somerset, Pennsylvania, receive funds from the Commonwealth through the Department of Community and Economic Development in accordance with the Community Development Block Grant Program; and

WHEREAS, the Borough of Somerset has the legal authority and responsibility under Act 179 to apply for Community Development Block Grant funds; and

WHEREAS, Borough of Somerset have undertaken a considerable citizen participation process including written invitations to municipalities, informational meeting, hearings and legal notices all of which culminated in the prioritization of projects and development of a Community Development Plan; and

WHEREAS, Borough of Somerset are familiar with the requirements of the program as provided for in the Housing and Community Development Act (HCDA) and the Community Development Block Grant regulations; and

WHEREAS, Borough of Somerset wishes to apply for said funds.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough of Somerset that its President is authorized to have prepared the necessary forms and documents to submit an application to the Department of Community and Economic Development for Community Development Block Grant funds for the purposes aforesaid; and

BE IT FURTHER RESOLVED, if CDBG funds are determined by the Pennsylvania Department of Community and Economic Development to be expended on ineligible program costs or do not meet a national objective, Borough of Somerset agrees to repay the proportion deemed ineligible from non-federal sources.

BE IT FURTHER RESOLVED that the Community Development Plan was developed in coordination with low and moderate individuals, interest organizations, non-profits and other interested parties through the citizen participation process and municipal information gathering is hereby adopted; and

BE IT FURTHER RESOLVED that the President of the Borough of Somerset is empowered to place his/her signature, on behalf of the governing body, on necessary application forms and affix thereto the official seal of Borough of Somerset.

c) 2021 CDBG Funds – *Authorize the execution of the application certification forms for 2021 CDBG Funding.*

Ms. Enos stated that this is part of the application process which authorizes Mrs. Miller, as President of Borough Council, to sign the general application page, which is part of the formal application process.

**Motion**

Mrs. Ream moved, Mrs. Opp seconded to authorize the execution of the application certification forms for 2021 CDBG Funding.

Motion Carried Unanimously

d) Cooperation Agreement – *Consider executing a tri-party agreement between the Borough of Somerset, County of Somerset and the Redevelopment Authority of Somerset County for the administration of our 2021 CDBG Funding.*

Ms. Enos stated that this is part of the Community Development Block Grant funding, where the Redevelopment Authority is administering these funds for the Borough and other entitlement Communities, because there are so many qualifications you have to meet as far as HUD and regulations that they have to follow. Thus, this would be entering into an agreement for them to do the administration of this grant on our behalf.

**Motion**

Mrs. Opp moved, Mr. Shaulis seconded to authorize the executing of a tri-party agreement between the Borough of Somerset, County of Somerset and the Redevelopment Authority of Somerset County for the administration of our 2021 CDBG Funding.

Motion Carried Unanimously

e) Subdivision Request/Terry St. Clair – *A request was submitted by Terry St. Clair to subdivide a parcel of land located at 740 North Center Avenue. Authorize to refer this to the Borough's Planning Commission for review and recommendation.*

Ms. Enos said that this request came from the property owner, Terry St. Clair. The property is located at 740 North Center Avenue. She said that this matter would have to be officially referred to the Planning Commission for their review and recommendation. Their review and recommendation would then come back to Borough Council for formal approval.

### **Motion**

Mrs. Ream moved, Mrs. Opp seconded to refer the request submitted by Terry St. Clair to subdivide a parcel of land located at 740 North Center Avenue, to the Borough's Planning Commission for their review and recommendation.

Motion Carried Unanimously

### **f) DCED Multi-Modal Grant – Update on the sidewalk replacement project grant amount and scope of work.**

Ms. Enos mentioned that this subject was brought up at the last Council meeting. Additional information was retrieved regarding whether we had the approval from DCED to use our Community Development Block Grant funding for the Sidewalk Replacement Project.

She explained that there are certain regulations you have to comply with when using this grant money. One, is that the area you want to use the CDBG funding for has to fall within a low to moderate income range. Based upon the sidewalk area on South Center Avenue, it falls within this low – moderate census track.

Ms. Enos disclosed that the Borough received, in writing, the permission to use the CDBG funding to add to the \$250,000.00 project that we received from Multi-Modal. As a result, the amount available to us for the sidewalk project is a little over \$380,000.00.

Ms. Enos explained that looking at the scope of the work based upon the 100 block of North Center Avenue, or the 100 block of South Center Avenue, the 100 block of South Center Avenue was chosen for several reasons. First, the Borough has the money to completely do it. Also, there are more structural issues with the sidewalks on South Center Avenue, so they are in greater need. Aesthetically, North Center may look bad, but structurally, South Center needs to be taken care of first.

Ms. Enos brought out that Mr. Bolby prepared a revised "Scope of Work". So the \$250,000.00 grant we received from Multi-Modal, and the \$130,643.25 using Community Development Block Grant funding, means this project will take place without Borough General Fund monies.

She added that we are trying to mimic what was done on West Main Street to South Center.

### **Motion**

Mr. Thomas moved, Mrs. Ream seconded to approve the updating of sidewalks on South Center Avenue with the \$250,000.00 grant money we received from Multi-Modal, and the \$130,643.25 from Community Development Block Grant funding.

Motion Carried Unanimously

*g) Mary S. Biesecker Library Bid Award – Update of the status of the Mary S. Biesecker Public Library Grant Project.*

Ms. Enos explained that the Library Grant Project is being handled by the Library Board and some of their Staff. She said that no bids were received on 1-part of a 3-part bid structure. As a result, they are going to be re-bidding this project.

She added that the bid award was to be scheduled at this Council Meeting for the Library Project, but this will not be occurring.

*h) Vice-President Ream – Discussion concerning a request to install a stop sign along West Garret Street (Update from Pam) –*

Mrs. Ream brought out that residents reached out to her complaining about not having a stop sign along West Garret Street. There are also no stop signs between Franklin Avenue to Dott Avenue or from Tayman Avenue all the way to Dott Avenue. She said that cars are constantly speeding along these streets. She added that individuals are speeding and not stopping at the stop signs on Davis & Sanner Avenues. There are concerns that someone in the neighborhood will be hit by a car as a result.

*Discussion was held regarding where stop signs are posted in this area, and the best locations that additional stop signs could be added to slow the traffic down.*

It was mentioned that final decisions could be backed up by an Ordinance.

Mrs. Ream also mentioned complaints from residents regarding the trees that are left on Garrett Street.

Ms. Enos disclosed that the trees are located in Somerset Township. She added that she would reach out to Somerset Township to see if something can be done regarding this area.

Mrs. Ream said that she is unsure whether the residents in this area contacted Somerset Township about this issue on their own.

*i) Vice-President Ream – Discussion concerning issues involving the Union Street Playground. (Update from Pam) -*

Mrs. Ream mentioned that she had numerous people reach out to her about the playground. She pointed out that she is aware that Borough Council, because of budget issues and taxes, decided to cut employees at the playground. Nevertheless, she said that sometimes people forget what a playground means to a Community. She expressed that it encourages development of life skills, keeps kids active and it can also facilitate time between parents, grandparents, kids and baby-sitters. She noted that it can also raise or lower property value around it, because if people know that a lot of issues are happening at the playground, they would not want to live around it.

Based on the fact that there is obvious drug use going on there, smoking in a non-smoking area, foul language, destruction, as well as bullying, Mrs. Ream stated that she felt that Borough Council should be reflecting on this.

Mrs. Ream asked Solicitor Cascio what the liability may be for not having any type of monitoring system at the playground. She said that she is aware that there cannot be monitoring at the playground 24/7, but feels that if there was some type of “presence” there, things would gradually clean-up.

Solicitor Cascio pointed out that since the playground is open for public use, it could easily be argued if there was some representation or monitoring there. The implication could be that it is a maintained place for the kids.

Mrs. Ream said that Council may want to consider employees again, through the Borough, to be at the playground. She also mentioned maybe reaching out to Service Clubs, starting a volunteer program there with appropriate clearances, or to have a neighborhood watch at the playground in the evening.

Mrs. Ream expressed that the playground should be a safe haven for the children.

Further suggestions were exchanged, between Council Members, on what could be done to help the playground such as getting charities involved, possible grant funding, help from the school district or help from a recreational organization.

#### **10. Executive Session** – To discuss personnel matters.

##### **Motion**

Mrs. Opp moved, seconded by Mr. Rosemeyer to go into Executive Session to discuss personnel issues.

Motion Unanimously Carried  
5:47 p.m.

##### **Back in Session**

5:49 p.m.

Mr. Rosemeyer mentioned that July 16<sup>th</sup>, 2021 is Parks & Recreation Professional Day. This is a National Association that looks at making the Community look better.

Mr. Peters mentioned that the Year to Date Financial Report, through May 2021, were distributed to Borough Council.

Mr. Peters noted that if Borough Council had any questions, he would be glad to answer them.

Its information is as follows:

##### **General Fund:**

Revenues – 70.04%  
Expenses – 36.94%

##### **Water Fund:**

Revenues – 35.95%  
Expenses – 38.92%

##### **Sewer Fund:**

Revenues – 38.79%  
Expenses – 28.49%



Mrs. Ream mentioned that on August 20<sup>th</sup>, 2021 there will be a 100th Anniversary of Somerset Hospital/UPMC Somerset Hospital.

She mentioned that there will be activities at the hospital and Uptown. There may also be a band performing at Trinity Park on Friday night.

Mrs. Ream added that all are invited.

Ms. Enos disclosed that an application was put in for Cares Act Funding on the Borough's behalf. The amount is for over \$600,000.00.

Mr. Peters disclosed that the money can be used for revenue loss by adding it to the General Fund to supplement it. It can also be used for water & sewer improvements, infrastructure and broadband. He also mentioned that the other specifics included in their Rules & Regulations, for where this funding can be used, is not yet out.

Ms. Enos added that this is Federal monies, which you are required to apply for, or the money will be re-distributed to other Municipalities. She disclosed that Mr. Peters made application for it a few weeks ago.

*j) Part-Time Police - Adding Joshua Fleming to Roster -*

Chief Cox requested that Joshua Fleming be added to the Roster of Part-Time Police Officers. He disclosed that Mr. Fleming is finishing up his training, and is doing very well. He said that his Ceremonial Oath will be taking place at the July Borough Council Meeting.

**Motion**

Mrs. Ream moved, seconded by Mr. Rosemeyer to add Joshua Fleming to the roster of Part-Time Police Officers.

Motion Unanimously Carried

Chief Cox disclosed that at the start of the pandemic, the decision was made to reduce the Police Department's activities in two areas. One was in traffic enforcement. Part of the reason behind this was so that the Police Officers would have reduced exposure to the public. Another area was in parking.

The reason behind reduction in both traffic and parking enforcement was due to the fact that the Community was burdened enough with the pandemic.

Recently, public announcement was made in returning to the more traditional stance on traffic and parking enforcements in the Borough.

Mr. Hoffman brought out that "Chalk the Block" will be coming up at the end of July and should be more robust than ever with more artists participating.

He brought out that the Brinker Project is coming along. He said that things are stabilized and it is safe for the workers to go into the structure. Mr. Hoffman noted that the Library is helping them.

Mr. Hoffman disclosed that they are currently interviewing for an Assistant to Regina to help for event planning and other things. He said that they are hoping to select someone in the next few weeks for the position.

Mr. Rosemeyer brought out that PSAB will hold its Conference October 8<sup>th</sup>-12<sup>th</sup>, 2021 in Erie, PA. There is also a meeting scheduled at Nemacolin in 2 weeks from today.

He also mentioned that the "PSAB Update" is interesting reading and covers a lot of subjects like the Park & Recreation.

Mr. Bailey mentioned that Borough Council will be informed when the pavement is finalized from Columbia Gas.

Mr. Shaulis gave an update from the Somerset Volunteer Fire Department as follows:

He said that to-date, the Fire Department has responded to 190 alarms, 65 have been in Somerset Borough. There were 4 in Somerset Township, and 21 were assists to other Departments.

He said that the Fire Department has received a State Grant for \$14,500.00.

Annual pump maintenance has been completed on all the Fire Department's equipment. Also completed was the annual testing of all the ground and aerial truck ladders.

Ms. Enos stated that we are continuing on with the Capital Water and Sewer Projects. She disclosed that the Municipal Authority officially approved applying for PennVEST Funding for up to \$20 million dollars. After the application has been reviewed, we will have an offer back from PennVEST, sometime in the fall of this year, letting us know whether it will be loan money or if a larger portion will be grant money.

Ms. Enos said that the following information being reviewed by Mr. Bolby is a continuation of what has been reviewed by the Municipal Authority. She disclosed that one of the questions raised by the Municipal Authority was the different ways of replacing pipe, along with different pipe methods, regarding the sewer laterals and sewer piping.

Ms. Enos added that as we continue to have discussions on the Corrective Action Plan for the sewer system, we will potentially have a Joint Meeting in September 2021 with the Municipal Authority.

Mr. Bolby discussed "*Sewer Pipe Construction/Rehab Methods*" reviewed by the Municipal Authority as well:

**1. Open Cut Method:**

This is the most traditional method and most invasive. You can use gravity sewer or pressure sewer installing pipe using this method.

**2. Trenchless Methods:**

This method is called "trenchless", but there is always going to be some level of excavation that goes along with it.

**a) Pipe Bursting Method:**

For this method, a ream head is pulled through the existing pipe and either the same size pipe or a larger pipe is pulled in behind. It essentially replaces the old pipe right where it is. Then everyone is connected back to the new pipe.

*b) Slip Lining Method:*

This is a method where a new pipe is installed inside of the existing pipe. You end up with a new pipe but it is smaller using this method. After installation, everyone is connected back to the new pipe with an open trench method.

*c) Fold and Form Method:*

This is where a pipe is taken in its more plastic and viable state, folded around a circle and then pulled through the existing pipe. It is then inflated with air then cured with steam where it essentially becomes a brand new pipe again. After installation, everyone is connected back to the new pipe with an open trench method.

*d) Cured in Place Liner Method:*

This is similar to the Fold and Form Method. A fabric liner is pulled into the existing pipe, inflated with steam then cured with UV light, setting it up as a brand new plastic pipe.

Mr. Reilly added that all of these methods are widely used, and are all methods that have been used somewhere throughout Somerset Borough at some point in time.

He said that all of the methods are used depending on the required design for a particular section of the sewer or how the petrography is in a certain area.

Ms. Enos added that the method used is also dependent upon what condition the pipe is in and also what defects may be present within the pipe.

**3. Pressure Sewer: Trenchless Methods:**

*a) Directional Drilling:*

Mr. Reilly explained that this is typically paired with a pressurized sewer. Within the Borough, that would be limited to areas around Pump Stations, but most commonly this would be associated with someone that has a grinder pump at their house, because they are unable to connect to the gravity sewer. As a result, they have to use a pump to get into the gravity sewer.

With this method, they would go underneath the road, drill through, make a small hole in the pipe and then pull the pipe backwards.

*Directional Drilling* is a technology that is very mature. It is used for pressure sewers, whether it is forced mains from a community Pump Station or individual pressure sewers from Grinder Pumps. Minor excavation is still required with this method.

Mr. Reilly also disclosed that Smoke Testing is 100% complete. Dye Testing is a little over 60% complete.

Ms. Enos brought out that there is going to be a Summer Reading Program that the Mary S. Biesecker Library is sponsoring. Summer lunch programs are provided every Tuesday until mid-July. The Library requested that the wading pool be turned on, so the Borough will dedicate an employee to monitor the wading pool activities during this time.

Discussion was held on the various issues occurring at the playground, much of it happening during the day. Damage to the playground, and bad behaviors seen, is very unfortunate. Many complaints are being voiced by the public, although the Police Department is not being notified when incidents are happening. Chief Cox brought out that if someone wants to call 911 because of an incident, they can call anonymously.

Ideas were exchanged among Council Members regarding what could help make the playground a safer place, especially after dark.

Ms. Enos disclosed that the alleyway alongside the Somerset Gallery Building was just officially closed because there is some loose brick near the top of the building.

Ms. Enos said that she reached out to Regina from Somerset Inc. about 3 weeks ago to ask her to contact the contractor asking when he is going to be in, when the start date for repairs is and what his timeline is. She added that the materials are here for repair, but the contractor is not.

Ms. Enos noted that the repairs are being handled through the Grant Remediation Fund, and Regina is administering the grant. Ms. Enos told Regina that we need to have a timeline in place or the Borough is going to have to issue another Notice of Violation. Regina has not contacted Ms. Enos at this point.

Ms. Enos also brought out that the structure condemned by the Borough (the Corbaci house) on Crestview Drive, is being demolished. The demolition permit is being issued by the PA Municipal Code Alliance.

## **11. ADJOURNMENT**

### **Motion**

Mr. Rosemeyer moved to adjourn; motion seconded by Mr. Thomas.

Motion Unanimously Carried  
6:22 p.m.

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Michele A. Enos, Borough Manager/ Secretary