

Borough of Somerset Council Meeting April 24th, 2017 at 7:00 p.m.

Meeting was called to order by President Ruby Miller, opening with recitation of the Pledge of Allegiance to the Flag.

Roll Call:

Council Members Present: Ruby Miller; Fred Rosemeyer; Judy Pyle; Pam Ream; Sue Opp; Steve Shaulis; Gary Thomas. Mayor Scott Walker also present.

Also present were the following: Borough Manager Michele Enos; Director of Finance Brett Peters; Chief of Police Randy Cox; Solicitors James Cascio and Chad Pritts; and Consulting Engineer Jake Bolby.

Announcements:

(a) Somerset Borough Spring Cleanup will be on Monday May 22nd at 6:00 a.m.

Approval of Previous Council Meeting Minutes:

Motion

Mr. Rosemeyer moved, Mrs. Opp seconded to approve the March 27th, 2017 Borough Council Meeting Minutes.

Motion Unanimously Carried

Award of Bids:

(a) None

General Public Comments:

(a) None registered.

Administrative Business:

(a) Communications – There were no communications.

(b) *Payment of Bills.*

Motion

Mrs. Opp moved, Mr. Shaulis seconded to approve the payment of bills numbered 29226- 29370, totaling \$664,569.10.

Motion Unanimously Carried

Policy Agenda:

Old Business:

There is no old business.

New Business:

(a) Resolution No. 2017-05 – *Consider authorizing the Resolution to update our Emergency Management Plan.*

THIS RESOLUTION approved and adopted by the Council of Somerset Borough, Somerset County, Pennsylvania, on the date here forth.

WITNESS TO:

WHEREAS, Section 7503 of the Pennsylvania Emergency Management Services Code, 35 Pa. C.S. Section 7101 et seq. mandates that Somerset Borough prepare, maintain and keep current an emergency operations plan for the prevention and minimization of injury and damage caused by a major emergency or disaster within this Borough; and

WHEREAS, in response to the mandate stated above, this Borough has prepared an emergency operations plan to provide prompt and effective emergency response procedures to be followed in the event of a major emergency or disaster; and

WHEREAS, this Borough has also prepared an emergency operations plan in order to reduce the potential effects of a major emergency or disaster and to protect the health, safety and welfare of the residents of this Borough.

NOW, THEREFORE, we, the undersigned Council of Somerset Borough do hereby approve, adopt and place into immediate effect the Emergency Operations Plan of Somerset Borough. This Plan shall be reviewed every two years to make certain that it conforms to the requirements of the Somerset County Emergency Operations Guideline.

Ms. Enos explained that this plan update is just change in contact information, so this is what is represented by this resolution.

Motion

Mrs. Opp moved, Mr. Rosemeyer seconded to authorize the resolution to update our Emergency Management Plan.

Motion Unanimously Carried

(b) Ordinance Establishing Attorney Fees – Consider adopting an ordinance to establish attorney fees associated with collecting delinquent accounts under the Municipal Claims and Tax Liens Act.

ORDINANCE NO. 1373

AN ORDINANCE OF THE BOROUGH OF SOMERSET ESTABLISHING A SCHEDULE OF ATTORNEY FEES TO BE ASSESSED TO AND COLLECTED FROM DELINQUENT PROPERTY OWNERS FOR THE REPRESENTATION OF SOMERSET BOROUGH IN PROCEEDINGS TO COLLECT DELINQUENT ACCOUNTS UNDER THE MUNICIPAL CLAIMS AND TAX LIENS ACT

WHEREAS, Pennsylvania Law establishes procedures for municipalities, including the Borough of Somerset, to collect delinquent accounts, including municipal claims, municipal liens, taxes, tax claims and tax liens;

WHEREAS, Section 7106(a.1) of the Municipal Claims and Tax Liens Act (53 P.S. §7106(a.1)) requires a municipality to enact an ordinance that adopts a schedule of attorney fees specifically for the collection of said delinquent accounts to protect property owners from unreasonable attorney fees, charges or expenses for routine collection functions;

WHEREAS, when the Borough Council directs its solicitor or another attorney to collect on delinquent accounts, the Borough Council desires to require the property owners having the delinquent accounts to be responsible to reimburse the Borough’s attorney fees at a rate or amount that does not exceed the fees charged by its solicitors for other services rendered to the Borough;

NOW THEREFORE BE IT, AND THE SAME IS HEREBY ORDAINED AND ENACTED as follows:

1. All attorney fees incurred by the Borough of Somerset, or its assignee, in the collection of delinquent accounts, including municipal claims, municipal liens, taxes, tax claims and tax liens, shall be imposed on the owner of the property associated with the delinquent account.
2. The attorney fees imposed on the owner shall not exceed the hourly rates or fixed fee amounts in effect and charged to the Borough of Somerset for general legal services by the Borough Solicitor serving at the time of the collection, which shall be and constitute the Borough’s schedule of attorney fees.
3. The assessment of attorney fees shall be subject to a delinquent account owner’s right to petition the Court of Common Pleas of Somerset County to adjudicate the reasonableness of the attorney

fees imposed pursuant to 53 P.S. §7106, or any successor law, regulation or statute in effect as of the date of the commencement of collection proceedings.

Mr. Cascio mentioned that we've had some activity under the Municipal Claims Act, where the Borough can get reimbursed, and secure itself, when a claim against a real estate is in question. It will allow the Borough to collect utility services and such. Mr. Cascio stated that the law itself requires that if the Borough is going to claim reimbursement of its legal expenses in the collection process, it needs to have an ordinance in effect that specifies how those fees would be calculated. This ordinance will provide the ability to pass along the charges for the services. When the Borough goes to collect on its lien, this supports the claim for the attorney's fees that were incurred in the process. Attorneys Pritts and Cascio collaborated on this document, and their recommendation is that we have this done.

Motion

Mrs. Ream moved, Mrs. Opp seconded to adopt an ordinance to establish attorney fees associated with collecting delinquent accounts under the Municipal Claims and Tax Liens Act.

Motion Unanimously Carried

(c) Ratification/Suspension of Metered Parking – Consider approving the suspension of metered parking by the Chief of Police in areas of the Borough from March 15th to March 20th due to the snow storm causing inaccessibility.

Motion

Mrs. Ream moved, Mrs. Opp seconded to approve the suspension of metered parking by the Chief of Police in areas of the Borough from March 15th to March 20th due to the snow storm causing inaccessibility.

Motion Unanimously Carried

(d) Mary S. Biesecker Public Library – Requesting Council to consider the reappointment of the following members to its Board of Directors for 3-year terms.

1. *Mrs. Mona Herrell (Reappointment to 3-year term)*

Motion

Mr. Shaulis moved, Mr. Rosemeyer seconded to reappointment Mrs. Mona Herrell to another 3-year term.

Motion Unanimously Carried

2. Mrs. Marsha Dykstra (Reappointment to 3-year term)

Motion

Mrs. Ream moved, Mrs. Opp seconded to reappointment Mrs. Marsha Dykstra to another 3-year term.

Motion Unanimously Carried

3. Ms. Megan Will (Reappointment to 3-year term)

Motion

Mr. Rosemeyer moved, Mrs. Opp seconded to reappointment Ms. Megan Will to another 3-year term.

Motion Unanimously Carried

Mr. Thomas mentioned that the Fire Department has been very slow. He stated that a lot of training is going on right now. He also stated that the training will discontinue in July and August, to give the guys a break. Training will resume in September.

Mrs. Miller thanked Ms. Enos for the nice improvements that are being made on East Main and Plank Road.

Mrs. Miller also stated that the Somerset County Boroughs Association Banquet will be held on May 18th.

Discussion was held on the status of the work being done up at Hickory Hill. Mr. Bolby mentioned that it was going really well and it's on schedule.

Mr. Cascio stated that negotiations with the Teamsters and the Collective Bargaining Agent for the Police, have resulted in a tentative agreement between the negotiators. The Council has been consulted, but has not seen the final terms of the documents, because they are in the process of being prepared. The details will be discussed in Executive Session. He stated that the Borough intends to proceed to ratify the contract after Special Labor Counsel, Dan Rullo, has completed the details in the agreement. The Management and the Council will review it prior to its being signed, executed and finalized.

Executive Session - To discuss personnel issues, collective bargaining and potential litigation.

Motion

Mr. Rosemeyer moved to continue to executive session, motion seconded by Mrs. Opp.

Motion Unanimously Carried
7:15 pm.

Adjournment:

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

Motion Unanimously Carried
7:47 p.m.

Michele A. Enos, Borough Manager/Secretary