

## **Borough of Somerset Committee of the Whole**

### **January 14<sup>th</sup>, 2019 5:00 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; Judy Pyle; Pam Ream; Steve Shaulis and Gary Thomas. Mayor Scott Walker also present.

Absent were Council Members: Fred Rosemeyer and Sue Opp.

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

Also present was Junior Council Member Jonathan Wagner.

#### **Announcements:**

*(a) None*

#### **Approval of Minutes of Previous Meeting:**

*(a) All minutes are approved at the regular Council Meeting.*

#### **General Public Comments:**

*(a) None Registered*

#### **Policy Agenda:**

#### **Old Business:**

*(a) None*

#### **New Business:**

*(a) Request form submitted by Manager Enos:*

- 1. Act 172 of 2016 – Review of Ordinance prepared for the tax credit to volunteer firefighters and first responders.*

Ms. Enos explained that, based on prior discussions with Borough Council regarding the Act 172 Ordinance, the criteria approved by Council was incorporated into the Ordinance.

Solicitor Cascio reviewed the Ordinance, and designed it for Somerset Borough.

The completed copy of the Ordinance was given to each member of Borough Council for their review.

Ms. Enos stated that if Borough Council is in consensus to move forward with the Ordinance, it will have to be advertised this week to be in compliance with Ordinance advertisement regulations based on the Borough Code.

Final adoption will be voted on at the next regular Council Meeting in January.

*2. Zoning Hearing Solicitor – Discussion concerning the appointment of a Zoning Solicitor to replace Attorney Frantz.*

Ms. Enos stated that the Borough had received notification from Attorney C. Gregory Frantz in regards to his retirement as the Somerset Borough Zoning Hearing Board Solicitor.

Tiffany Stanley, a local Attorney, came as a recommendation from several sources mentioning that she is well-versed in Zoning matters.

Solicitor Cascio reached out to Tiffany Stanley to see if she would be interested in the Zoning Hearing Solicitor position.

Ms. Enos stated that Attorney Stanley is the individual they are looking to appoint to this position at the next Borough Council Meeting in January.

*3. Stormwater Management – Discussion concerning stormwater management options.*

Solicitor Cascio mentioned that Borough Management consulted with the Engineers, and himself, to help in the Comprehensive Stormwater Management Planning requirements.

Solicitor Cascio discussed the specific governance issues with Borough Council and expressed that this was an opportunity to activate the Municipal Authority more. This recommendation was for a few reasons. Solicitor Cascio stated that it is easier for the Authority to borrow money than it is for the Borough. He brought out that there are borrowing limitations for the Borough, and governance issues that are difficult. Also, Solicitor Cascio brought out that the best way to fund Stormwater Management is, not through Borough millage, but through Municipal Rates.

Solicitor Cascio mentioned that there are no exempt properties through Municipal Rates. Everyone has a water and sewer bill, so it is generally considered more equitable, due to the fact that all the property owners in the service area are participating.

Solicitor Cascio mentioned that this is a good opportunity to have the Municipal Authority set the rates. He also mentioned that there is a lot more flexibility in revenue raising. Also, individuals feel that they can control their rates, to a certain extent, by conserving water.

Solicitor Cascio expressed that it is easier for Municipal Authorities to collaborate with other neighboring Authorities. Also, Municipal Authorities can do a lot more to work

regionally. He stated that there is a lot more flexibility dealing with Municipal Authorities.

Ms. Enos brought out that working with the Municipal Authority would relieve some pressure in the Borough's General Fund. Presently, anything we do "stormwater" related, is being paid out of the General Fund, which is real estate based.

Ms. Enos expressed that it is a known fact that we have stormwater issues in the Borough. She explained that to take care of this issue, by means of larger projects, would be to hand this over to the Municipal Authority. Ms. Enos reiterated that if the stormwater issue becomes a "regionalized" approach, the Municipal Authority has more flexibility.

Ms. Enos said that we could generate a rate structure. She explained that it would be evenly based, so even those who are of a "non-profit" status will not be exempt from stormwater rates. In this way, the "industrial" or "commercial" users are paying a more equal share. A flat rate would not be put on "residential" users verses "commercial" users when they are structured so differently. The monthly water bill would cover water, sewer and storm rates.

Ms. Enos added that the stormwater issue is not going to go away. She brought out that the Borough's current Ordinance is ancient. She stated that the old Ordinance doesn't help us when an individual wants to start a *new* project or renovation. The Ordinance doesn't factor "stormwater" into their plan.

Ms. Enos added that the Borough's Ordinance needs to be updated, so that individuals can also follow stormwater guidelines and incorporate them into their plans. As a result, complying with *new* stormwater guidelines would help in not further contributing to our already existing problem.

Ms. Enos mentioned that the initial Ordinance was reviewed, and discussed, with Tom Reilly, Jake Bolby and herself. It was also sent to Solicitor Cascio for his review. She mentioned that Borough Council will also receive a copy of the old Ordinance in February, so that new purposed changes can be discussed.

Discussion was also held regarding the Leak Detection Program involving the water system. Ms. Enos mentioned that multiple leaks are being detected, and repaired, since the Water Distribution Crew has been put into place.

Ms. Enos mentioned that PennDOT is doing a resurfacing and re-milling of Plank Road, from the "triangle", all the way to Berlin. All the storm lines are being replaced, on both sides of the street, as part of their project.

4. Donation Requests – Discussion concerning the following requests for donations.

a. Junior Achievement

After a brief discussion, Borough Council agreed not to contribute to Junior Achievement.

(b) Request form submitted by Vice-President Ream:

1. Legal Opinion – Guidelines for Council members to follow when speaking to outside groups concerning Borough business and/or agenda items.

(Mrs. Ream stated that she would like to “table” a discussion of this subject until all Borough Council Members are in attendance at the next Committee of the Whole Meeting)

2. Budget Discussions – When will capital purchase budget discussion begin in 2019? When are supervisors made aware of items not being purchased, based on budgetary decisions, and how are they notified and by whom?

Mrs. Ream expressed that after the last Council Meeting, and what she considered “division” of how Council voted on the millage increase, she’s concerned that next year we are going to end up in the same situation.

Mrs. Ream brought out that Capital Equipment will be requested, but we need to make the supervisors aware that chances of much Capital funds for next year will be next to nothing. She feels that we cannot continue to purchase Capital equipment, by voting “no” to fund it, because the money will not be there. She also brought out that we do not know between now and then what may happen that will require additional funding.

Ms. Enos stated that the meeting process with the supervisors begin as soon as Capital requests are received around August. She and Mr. Peters review all their Capital requests. The supervisors are made aware of the funding circumstances surrounding their requests

Ms. Enos and Mr. Peters also meet with the Engineers regarding any projects dealing with the infrastructure, to make sure prices are accurate and priorities are set.

It was suggested that Management meet with the Department Supervisors throughout the year. This would help keep them more involved, so that they can make better decisions when requesting their Capital items for the new budget year.

Ms. Enos agreed to do so.

(c) Request form submitted by Mayor Walker & Chief Cox:

1. Part-time Police Officers – Discussion concerning names of specific individuals to be added to, and deleted from the roster of part-time police officers.

Chief Cox asked that Borough Council grant him the flexibility to change the

Police Officer Roster by the next regular Council Meeting.

Chief Cox released four Officers names to be changed on the roster. Two Officers to be *deleted* from the roster are Karissa Grossman and Christopher Koslowski; Two Officers to be *added* to the roster are Devan Keiser and Mark Custer.

(d) Proclamation – Recognizing that School Choice Week will be January 20<sup>th</sup> through January 26<sup>th</sup>, 2019.

# *Proclamation*

## *Borough of Somerset – School Choice Week*

WHEREAS, all children in the Borough of Somerset should have access to the highest-quality education possible; and,

WHEREAS, the Borough of Somerset recognizes the important role that an effective education plays in preparing all students in the Borough of Somerset to be successful adults; and,

WHEREAS, quality education is critically important to the economic vitality of the Borough of Somerset; and,

WHEREAS, the Borough of Somerset is home to a multitude of excellent education options from which parents can choose for their children; and,

WHEREAS, educational variety not only helps to diversify our economy, but also enhances the vibrancy of our community; and,

WHEREAS, our area has many high-quality teaching professionals who are committed to educating our children; and,

WHEREAS, School Choice Week is celebrated across the country by millions of students, parents, educators, schools and organizations to raise awareness of the need for effective educational options;

NOW, THEREFORE, I, Scott A. Walker, Mayor of the Borough of Somerset along with the other members of Somerset Borough Council, do hereby PROCLAIM January 20-26, 2019 as **BOROUGH OF SOMERSET SCHOOL CHOICE WEEK**, and I call this observance to the attention of all of our citizens.

Signed this 14<sup>th</sup> day of January 2019

**Motion**

Mrs. Pyle moved, Mr. Thomas seconded to recognize January, 20<sup>th</sup> through January 26<sup>th</sup>, 2019 as School Choice Week.

Motion Carried 3 yes – 2 no  
(Mrs. Pyle, Mr. Thomas, and Mr. Shaulis voting “yes”)  
(Mrs. Miller and Mrs. Ream voting “no”)

*(e) Year to Date Financial Report – Provided through the month of December 2018.*

Mr. Peters provided a copy of the Financial Report to all members of Borough Council. He mentioned that December is 12/12<sup>th</sup> of the way through the year, with 100% of the year complete.

<u>General Fund:</u>	<u>Water Fund:</u>	<u>Sewer Fund:</u>
Revenues – 99.61%	Revenues – 97.92%	Revenues – 97.26%
Expenses – 103.13%	Expenses – 90.21%	Expenses – 85.63%

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

*(f) Manager’s Report – Reports distributed to Council for all departments for the month of December 2018.*

Ms. Enos provided a copy of all departmental reports to all members of Borough Council for the month of December.

She stated that if there were any questions, Borough Council could call her at any time.

*(g) President’s Report - Given by Ruby Miller.*

Mrs. Miller confirmed with Ms. Enos that a handicap parking space will be designated at Cascio’s Market.

Mrs. Miller also questioned whether the Lion’s Club has reached out to the Borough concerning the Union Street Playground.

Ms. Enos confirmed that, to date, the Borough has not heard from the Lion’s Club.

Mrs. Miller questioned when the Union Contract will come up for discussion.

Ms. Enos stated that the Non-Uniformed Employees Contract will be up at the end of 2019, so we should be contacted by the Union in March/April 2019.

*(h) Somerset Inc. Report - Given by Judy Pyle.*

Mrs. Pyle mentioned that Somerset Inc. has a side group of 14 members called the “Movers and Shakers.” She mentioned that they are offering their services and time, for free, to help make the Brinker Building sellable.

Mrs. Pyle brought out that this group includes an Engineer, an Electrician and an Attorney. They have a possible contractor that is considering gutting the building and wiring it.

Mrs. Pyle reiterated that all of these individuals are donating their services and time to help sell the property.

Mrs. Pyle also brought out that "Forging Unity" includes groups of volunteers that work together. She stated that a group like this grows from the enthusiasm and passion they feel toward their interests.

Mrs. Pyle expressed that they are looking forward to the upcoming "Courthouse Gala." This is a fundraiser for Somerset Inc. to help finish Trinity Park.

*(i) PSAB Report – Given by Fred Rosemeyer.*

*(Mr. Fred Rosemeyer was not present. PSAB Report, therefore, not given)*

*(j) Somerset Volunteer Fire Department Report - Given by Steve Shaulis.*

Mr. Shaulis mentioned that only the following information be presented to the Borough Council per the Somerset Borough Volunteer Fire Department:

The Fire Department held its annual Banquet and Installation of Officers January 4<sup>th</sup>, 2019. The Officers remained the same as the previous year.

All 1,000 "Cash Calendars" were sold without a problem. This is one of the biggest fund raising events for the Fire Department.

The Fire Department is now selling tickets for a "Cash Bash" which will be held March 9<sup>th</sup>, 2019 in the Community Room. No further details were given regarding this event.

The Auxiliary will hold its annual "Roast Beef & Ham Dinner" in conjunction with the Fire & Ice Festival on Sunday January 20<sup>th</sup>, 2019 11:00 am - 2:00 pm in the Community Room.

Discussion concerning the Fire Department report, for the future, will be read into the record, and be provided by the Fire Department Board each month.

*(k) Engineer's Report – Given by Jake Bolby.*

Mr. Bolby stated that the 2018 Coxes Creek Water Treatment Plant Project, which included updating the control system for the filters, is completed.

Regarding the Sewer Project, Mr. Bolby brought out that there are a few items still outstanding. They are waiting on equipment to arrive due to delays. They are working to do "startups" on the equipment installed this year. Restoration of the grass will be taken care of in the spring time.

Mr. Bolby also mentioned that they are presently working through the contract documents for the Painting Project of the State Hospital Tank.

*(I) Mayor's Report – Given by Mayor Walker.*

Mayor Walker brought out that the police car, that was approved, is in. He mentioned that it is a 2019 Dodge Charger, and considered a “leftover”, which saves a few thousand dollars over from what was requested for Capital purchase.

Mayor Walker also brought out that the two Part-Time Officers, who were approved to be hired, are presently in their “shadowing” program with other Officers before they are placed on the job by themselves.

Solicitor Cascio discussed the recent on-line public sale involving Divinity's property at Cherry Lane. He stated that Divinity announced that they had come to some terms with their primary lien holders.

Solicitor Cascio stated that in Somerset Borough's law suits filed against Divinity, we have a judgement against Divinity for a few hundred thousand dollars. He disclosed that you cannot transfer Municipal liens, but you can transfer judgements. So this is sitting on the books in Franklin County where Divinity has substantial real estate. Solicitor Cascio mentioned that Divinity cannot sale any of their other property they have advertised for sale in Franklin County, until they pay off their debt to Somerset Borough.

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

**Motion**

Mrs. Pyle moved, seconded by Mr. Thomas to go into Executive Session to discuss personnel matters.

Motion Unanimously Carried  
6:08 p.m.

**Back in Regular Session:**

6:25 p.m.

***Immediately out of Executive Session, three Motions were made:***

**Motion**

Mr. Thomas moved, seconded by Mrs. Pyle to increase Mr. Charles Glessner's, (Supervisor of the Public Works Department) salary by \$2,545.00, and an additional 3% increase.

Motion Unanimously Carried

**Motion**

Mr. Thomas moved, seconded by Mrs. Ream to increase the pay of all Administrative Staff by 3% pay. (with the exception of Mr. Charles Glessner (Supervisor of Public Works, who was addressed in the previous motion).

Motion Unanimously Carried

**ADJOURNMENT**

**Motion**

Mr. Thomas moved to adjourn, motion seconded by Mr. Shaulis.

Motion Unanimously Carried

6:30 p.m.

---

Michele A. Enos, Borough Secretary