

Borough of Somerset Committee of the Whole
May 11th, 2020 - 5:00 p.m. – (via TELECONFERENCE)

1. Meeting Called to Order - President Ruby Miller

2. Pledge of Allegiance

3. Roll Call:

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

Council Member absent: Pam Ream.

Present: Mayor Scott Walker.

Also Absent: Junior Council Member Patrick Kuhn.

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.

4. Announcements:

(a) None

5. Approval of Minutes of Previous Meeting:

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

6. General Public Comments:

(a) None registered.

7. Policy Agenda:

Old Business:

(a) None

New Business:

(a) Request form submitted by Manager Enos:

- 1. Resolution No. 2020-04b – To apply for the Keystone Grant, at no financial commitment, for the Mary S. Biesecker Library Project in the amount of \$483,597.06.*

Ms. Enos stated that the Mary S. Biesecker Library reached out to the Borough to consider being the applicant, which is required, as a “pass-through” Grant Agency for the Library. This is similar to what the Library is doing now with the Elevator and Roof Projects for which they were already awarded a grant. This request is for a new round of Grant funding with a May 15th, 2020 deadline.

Ms. Enos explained that the Library is asking the Borough Council to be the applicant, on their behalf, to do projects such as repairing the front steps, adding a solar-canopy structure, replacement of deteriorating sidewalks, re-plastering the upstairs ceiling, adding ADA ramps and curbing, cover the upstairs flooring with vinyl tile, replace carpeting in the children's library, to name a few. The whole project cost that they are applying for is \$483,597.06.

Ms. Enos pointed out that there is a local match if awarded, but as the Borough did in the past, the Library would be responsible for any local match. She added that we have this in writing, so there will be no financial responsibility to the Borough.

Ms. Enos brought out that the Mary S. Biesecker Library has also been doing the Administration on this grant. She added that the Borough oversees it and reviews it, because it requires our signatures.

RESOLUTION 2020-04

AUTHORIZING THE FILING OF A KEYSTONE RECREATION, PARK AND CONSERVATION FUND LIBRARY GRANT IN SUPPORT OF RENOVATIONS TO THE MARY S. BIESECKER PUBLIC LIBRARY

WHEREAS, the Borough of Somerset ("Borough") has the legal authority to apply for a Keystone Recreation, Park and Conservation Fund library grant ("Keystone Grant"), and the institutional, managerial and financial capacity to ensure planning, management and completion of the project described in the application;

WHEREAS, the Mary S. Biesecker Public Library ("Library"), located in the Borough of Somerset, has an eligible project to submit to the Keystone Grant, and the Library agrees to provide the funds sufficient to pay the non-state share of the project costs;

WHEREAS, the Library has prepared and submitted a Letter of Intent to the Borough for the purpose of applying to the Keystone Grant, with the Borough as the applicant, in the amount of \$483,597.06 to assist the Library in carrying out renovations at the Mary S. Biesecker Public Library's building ("Library Building"), located at 230 South Rosina Avenue, Somerset, Pennsylvania 15501; and,

WHEREAS, the Borough staff carefully reviewed the Library's project, which includes multiple renovations to the Library Building, and the Borough has recommended that it be approved for the purpose of applying to the Keystone Grant.

NOW, THEREFORE, be it resolved that the Borough of Somerset directs and authorizes the Borough Manager, Michele Enos, as the official representative of the Borough to file a Keystone Grant application in the amount of **\$483,597.06** including all understandings and assurances contained therein, and to act in connection with the application and to provide such additional information as may be required to assist the Borough and Library in carrying out the project as described in the application.

IN WITNESS WHEREOF, I hereunto affix my signature and attach the seal of the Borough of Somerset, this 11th day of May 2020.

Motion

Mr. Rosemeyer moved, Mr. Hoffman seconded to apply for the Keystone Grant, at no financial commitment, for the Mary S. Biesecker Library project in the amount of \$483,597.06.

Motion Unanimously Carried

2. Resolution No. 2020-05 – To implement Real Estate Tax Relief by eliminating the penalty if paid prior to 12-31-2020.

Ms. Enos explained that she and Mr. Peters had a teleconferencing call with all the Boroughs in Somerset County, which was hosted by our County Commissioners.

Due to the Covid-19 circumstances, the Commissioners had already passed a Resolution. They are going to be eliminating any penalty assessed to the property owners for Real Estate Taxes as long as the Real Estate Taxes are paid prior to 12-31-2020.

Ms. Enos added that they wanted to extend out to all of the Borough's the ability to do the same, if Borough Councils choose to do so. Therefore, if our Borough Council wants to eliminate the penalty to the homeowners on Real Estate Taxes, we are able to do that. The requirement is that we also would have to pass a formal Resolution, and that Resolution has to be submitted to our Tax Collector prior to May 20, 2020.

Ms. Enos stated that this is something she discussed with Solicitor Cascio, because she wanted him to look over the legal requirements as well.

Solicitor Cascio added that Pennsylvania passed legislation in March and April called "COVID-19 Relief." This particular one was in the Bill that was passed on April 20, 2020. It included a provision that allows the taxing bodies to extend the discount period, as well as shorten or eliminate the penalty period. Because it is a legislative process, it did not really see "daylight" until almost the end of the discount period. So few, if any, Municipalities have extended it out.

Apparently, what the County Commissioners have done is allow people to pay their taxes, at a discount, later than the end of April. Currently, the status of the Authorization Law would allow elimination of any penalties to the property owners in 2020.

Mr. Peters added that in the 2019 Calendar Year, we collected a total of \$6,564.97 in penalties. In 2018, we collected a total of \$8,708.84. He added that we are still collecting the "face", so the penalty amount is not "life changing dollars."

RESOLUTION NO. 2020-05

**A RESOLUTION IMPLEMENTING CERTAIN
REAL PROPERTY TAX RELIEF PROVISIONS OF ACT 15 of 2020**

WHEREAS, on April 20, 2020, the Governor of the Commonwealth of Pennsylvania signed into law Act 15 of 2020 (the “Act”) which, *inter alia*, amends Title 35 of the Pennsylvania Consolidated Statutes (relating to Health and Safety) to confirm the authority of defined taxing districts, including counties, boroughs, and townships, to alter certain deadlines for the collection of real property tax;

WHEREAS, Section 5713(a) (2) of the Act, in particular, expressly authorizes each taxing district “[t]o waive any fee or penalty otherwise associated with the late payment of the tax if paid in full by December 31, 2020”;

WHEREAS, should a taxing district elect to take such action, under Section 5713(b), it must “do so by delivering a resolution of the governing body to the tax collector for the taxing district within 30 days of the effective date of this subsection”; and

WHEREAS, the Council of the Borough of Somerset has determined that it is in the best interests of the Borough of Somerset to provide its residents and taxpayers with real property tax relief in the manner above provided.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Borough of Somerset, hereby adopts this Resolution to waive any fee or penalty otherwise associated with the late payment of real property tax if paid in full by December 31, 2020 as permitted under Section 5713(a) (2) of Act 15 of 2020.

BE IT FURTHER RESOLVED, that a copy of this Resolution be delivered to the tax collector for the Borough of Somerset by no later than May 20, 2020 as required by Section 5713(b) of the Act.

ADOPTED this 11th day of May 2020.

Motion

Mr. Thomas moved, Mr. Rosemeyer seconded to implement Real Estate Tax Relief by eliminating the penalty if paid prior to 12-31-2020.

Motion Unanimously Carried

3. **Resolution No. 2020-06** – *Authorization to apply for a Multi-Modal Grant for the replacement of sidewalks in the amount of \$587,768.65 for the 100 Block of North and South Center Avenue with a local match of \$251,900.85.*

4. Resolution No. 2020-07 – Authorization to apply for a Multi-Modal Grant for the replacement of sidewalks in the amount of **\$839,669.50** for the 100 Block of North and South Center Avenue **with no local match**.

(# 3 & #4 are discussed together)

Ms. Enos mentioned, that in 2019, the Borough had the opportunity to apply for a Sidewalk Replacement Project similar to what was done on West Main Street. There was a Multi-Modal Grant program that we applied for last year. We were not successful in obtaining the grant in that funding cycle. She added that a new funding cycle has come out, and we would like to re-apply, if Council is willing to make the grant application.

Ms. Enos said that *Resolution 2020-06* is authorization to apply for a Multi-Modal Grant for the replacement of sidewalks in the 100 Block of North & South Center Avenue. She explained that the grant would be for \$587,768.65, with a local match of \$251,900.85. She added that we would only apply for the grant with a local match, if we are permitted to use our Community Development Block Grant funding in order to do the Sidewalk Project. If DCED deems the CDBG funding to be eligible, we have those funds secured in the Project, and we could use the CDBG funding as a local match.

Ms. Enos pointed out that a local match is not required, but if we apply for the grant with a local match, and have those monies available, then more funding will be available for DCED to offer to other Communities. When the Granting Agency sees that you are buying into the project and offering a local match, the Borough may be more successful in being awarded the grant. Ms. Enos brought out that the only way we would apply for the grant in this way, is if we can use the CDBG funding as a local match.

Ms. Enos explained that if the CDBG funding would not be deemed eligible to be utilized as a local match, we still want to make application for the grant. This is what *Resolution 2020-07* details. As a result, we would be applying for the total cost of the Sidewalk Project which is \$839,669.50, with no local match.

Ms. Enos pointed out that our goal is to not use any General Fund monies. She added that if we can submit our grant application with a local match offer, it could make our grant more viable in the Granting Agency's eyes, because they would not have to fund the total cost of the Project. A local match offer would set our grant application apart from all the others who will be submitting theirs with a 0% match. Ms. Enos added that we are hoping a local match would entice them to fund our project.

Ms. Enos stated that if Borough Council is willing to do this, we would submit both Resolutions.

THE BOROUGH OF SOMERSET, SOMERSET COUNTY, PENNSYLVANIA

RESOLUTION NO. 2020-06

A RESOLUTION OF SOMERSET BOROUGH TO APPLY FOR A MULTIMODAL TRANSPORTATION FUND GRANT THROUGH THE PENNSYLVANIA DCED AS WELL AS AUTHORIZING THE BOROUGH MANAGER AND COUNCIL PRESIDENT AS OFFICIALS TO SIGN ALL DOCUMENTS NECESSARY TO APPLY FOR THE AFOREMENTIONED GRANT.

Be it RESOLVED, that Somerset Borough of Somerset County hereby requests a Multimodal Transportation Fund Grant through the PA DCED in the amount of **\$587,768.65** to be used for the Center Street Sidewalk Project in the Borough of Somerset.

Be it FURTHER RESOLVED, that the Applicant does hereby designate Michele Enos, Borough Manager or Ruby Miller, Council President as the official(s) to execute all documents and agreements between the Borough of Somerset and the PA DCED to facilitate and assist in obtaining the requested grant.

I, Michele Enos, duly qualified Secretary of the Borough of Somerset (Name of Applicant), Somerset County, (Name of County), Pennsylvania, 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 May 11, 2020 and said Resolution has been recorded in the Minutes of the Borough of Somerset Council (Applicant) and remains in effect as of this date.

IN WITNESS THEREOF, I affix my hand and attach the seal of the Borough of Somerset (Applicant), this 11th day of May, 2020.

ADOPTED: May 11, 2020

THE BOROUGH OF SOMERSET, SOMERSET COUNTY, PENNSYLVANIA

RESOLUTION NO. 2020-07

A RESOLUTION OF SOMERSET BOROUGH TO APPLY FOR A MULTIMODAL TRANSPORTATION FUND GRANT THROUGH THE PENNSYLVANIA DCED AS WELL AS AUTHORIZING THE BOROUGH MANAGER AND COUNCIL PRESIDENT AS OFFICIALS TO SIGN ALL DOCUMENTS NECESSARY TO APPLY FOR THE AFOREMENTIONED GRANT.

Be it RESOLVED, that Somerset Borough of Somerset County hereby requests a Multimodal Transportation Fund Grant through the PA DCED in the amount of **\$839,669.50** to be used for the Center Street Sidewalk Project in the Borough of Somerset.

Be it FURTHER RESOLVED, that the Applicant does hereby designate Michele Enos, Borough Manager or Ruby Miller, Council President as the official(s) to execute all documents and agreements between the Borough of Somerset and the PA DCED to facilitate and assist in obtaining the requested grant.

I, Michele Enos, duly qualified Secretary of the Borough of Somerset (Name of Applicant), Somerset Count, (Name of County), Pennsylvania, 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 May 11, 2020 and said Resolution has been recorded in the Minutes of the Borough of Somerset Council (Applicant) and remains in effect as of this date.

IN WITNESS THEREOF, I affix my hand and attach the seal of the Borough of Somerset (Applicant), this 11th day of May, 2020.

ADOPTED: May 11, 2020

Motion

Mr. Rosemeyer moved, Mrs. Opp seconded to authorize to apply for a Multi-Modal Grant for the replacement of sidewalks in the amount of **\$587,768.65** for the 100 Block of North and South Center Avenue ***with a local match of \$251,900.85.***

Motion Unanimously Carried

Motion

Mr. Thomas moved, Mrs. Opp seconded to apply for a Multi-Modal Grant for the replacement of sidewalks in the amount of **\$839,669.50** for the 100 Block of North and South Center Avenue ***with no local match.***

Motion Unanimously Carried

5. Multi-Modal Commitment Letter - Authorization to submit the funding commitment letter as part of the Sidewalk Grant Application process noting that we will commit to a 30% match if our CDBG monies are deemed eligible.

Ms. Enos explained this is just a Commitment Letter, and part of the requirements of most grant applications. Besides the Resolution, they want a letter of commitment that we will fund the Project if a local match is deemed to be eligible.

Motion

Mr. Rosemeyer moved, Mr. Hoffman seconded to authorize to submit the funding commitment letter as part of the Sidewalk Grant Application process noting that we will commit to a 30% match if our CDBG monies are deemed eligible.

Motion Unanimously Carried

6. Digester Cleaning Project/Wastewater Treatment Plant – Consider authorizing to prepare bids to complete the Digester Cleaning Project at our Wastewater Treatment Plant. This was part of our 2020 Capital Budget.

Ms. Enos brought out that discussions were held regarding Capital Projects at our Wastewater Treatment Plant that have been incorporated with our Corrective Action Plan, which include measures to be taken with the Hydraulic Overload. She said that these measures are going to be financed with the Capital Projects, along with the Wastewater Treatment Plant Improvements. Ms. Enos added that discussions in December 2019 revealed that there was a budgeted amount for debt service. This project was part of that debt service that we had on our Budget List.

After evaluation, we were informed that the cost to perform the maintenance on the Digestors is going to be between \$250,000 - \$300,000. This was included as part of the Debt Service Payment in the 2020 Budget for the Digester Cleaning Project.

Ms. Enos stated Borough Council is being asked for authorization to prepare the bids to complete the Digester Cleaning Project at our Wastewater Treatment Plant.

Motion

Mr. Thomas moved, Mrs. Opp seconded to authorize to prepare bid specifications to complete the Digester Cleaning Project at our Wastewater Treatment Plant. This was part of our 2020 Capital Budget.

Motion Unanimously Carried

7. Engineering Agreement – Consider authorizing the agreement for engineering services related to the Digester Cleaning Project at our Wastewater Treatment Plant in the amount of \$16,500.00.

Motion

Mrs. Opp moved, Mr. Rosemeyer seconded to authorize the agreement for engineering services related to the Digester Cleaning Project at our Wastewater Treatment Plant in the amount of \$16,500.00.

Motion Unanimously Carried

8. Donation Requests:

(a) *None.*

(b) **Year to Date Financial Report** – *Provided through the month of April 2020.*

Mr. Peters distributed the Year to Date Financial Statements through April 2020 to Borough Council. He added that we are 1/3 of the way through the year.

General Fund:

Revenues – 22.21%

Expenses – 26.32%

Water Fund:

Revenues – 31.49%

Expenses – 29.97%

Sewer Fund:

Revenues – 26.70%

Expenses – 29.27%

Mr. Peters added that if Borough Council had any questions, he would do his best to answer them now or in the future.

(c) **Manager's Report** – *Reports will be distributed to Council for all departments when we return to full operation.*

Ms. Enos mentioned that hard copies of all Departmental Reports will be sent to Borough Council Members when we resume normal operations.

Ms. Enos pointed out that discussion was held regarding interim financing with Somerset Trust, because the Borough is looking at a much bigger project with PennVEST. This line-of-credit is to “bridge-the-gap” until we get to the loan financing portion with PennVEST.

Ms. Enos disclosed that the Borough received notification, today, that we are eligible for a line-of-credit through Somerset Trust. As a result, Solicitor Cascio is currently taking it under review, from a legal prospective, making sure that everything is covered before we ask the Municipal Authority and/or Borough Council to approve the line-of-credit.

Ms. Enos mentioned that this is the Corrective Action Plan measures that were discussed regarding the Wastewater Treatment Plant, which includes the cleaning, televising and repairing of all sanitary sewer lines throughout the Borough. She said that this will be discussed further with the Municipal Authority next week.

Ms. Enos acknowledged that she would keep Borough Council apprised as soon as she and Solicitor Cascio get through some of the processes.

Ms. Enos disclosed to Borough Council that a hundred or more bricks fell to the ground from the façade at Kay Kemp's property, at Somerset Galleries on West Main Street. She said that the Public Works Department blocked off the sidewalk, and the parking space, to ensure pedestrian and traffic safety.

With the direction of Solicitor Cascio, Mr. Bolby made arrangements for a Structural Engineer from EADS to come in and make an evaluation of the building to determine its safety, and what type of emergency situation we may be facing. The Structural Engineer from EADS, along with herself and Mr. Bolby, will be meeting with Kay Kemp at 8:30 a.m. tomorrow. As soon as the results of the evaluation are in, Ms. Enos added that she would disclose this to Borough Council.

Ms. Enos mentioned that since the Governor is lifting the "Stay-At-Home" Order, and that we are moving into the "yellow phase" of this pandemic, all of our offices will be back full-staffed on Friday morning May 15th, 2020.

She explained that the employees will be using the CDC Guidelines. She added that the only thing we will not be doing right now, is having the public come into our building under this "yellow phase". Ms. Enos added that if the public has business with the Borough, they can make arrangements for an appointment to do a "one-on-one" safely with using CDC Guidelines.

(d) President's Report - Given by Ruby Miller.

Mrs. Miller asked Mr. Shaulis if there was going to be any type of Memorial Day Event.

Mr. Shaulis stated that he could not answer that question at present. He added that he received a message from Pam Tokar-Ickes earlier today. She and Mr. Shaulis are going to have a teleconferencing call, so he may have more information about any event details after the call.

(e) Somerset Inc. Report - Given by Lee Hoffman.

Mr. Hoffman brought out that Somerset Inc. is continuing to help businesses with their promotions of Specials and other things.

He also disclosed that Somerset Inc. is helping people to do what they can with their loan program.

Somerset Inc. is hoping to have some form of the "Chalk the Block" Festival in July.

Mr. Hoffman also mentioned that they are unaware if they will be able to continue with their building purchases through the NPP moving into the "yellow phase."

(f) PSAB Report – Given by Fred Rosemeyer.

Mr. Rosemeyer encouraged Borough Council to read the most recent PSAB Magazine. He disclosed that in one of the recent magazines, PennDOT announced that they will have "Automated Speed Enforcement" in work areas. He pointed out that the article explained that this is a new system that detects and records motorists exceeding

the posted speed in Work Zones. If an individual is caught speeding through a work area, a motorist can receive a fine between \$75.00 - \$150.00.

He also mentioned another excellent read article in the PSAB Magazine regarding the Police Department, which is called "The Valor of Power."

(g) Somerset Volunteer Fire Department Report – Given by Steve Shaulis.

Mr. Shaulis brought out that the Somerset Volunteer Fire Department's call load is way down with everything going on.

He mentioned that the Fire Department is still practicing the measures that are in place related to the pandemic. He added that they do not congregate after a fire call because of the CDC Guidelines.

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

Mr. Bolby mentioned that the Pump Replacement Project at the Sewer Plant has been put on hold during this time. He said that he would expect it to start back up whenever everything starts to calm down. Mr. Bolby added that they have time on this Project, and currently, all the pumps are up and running and being maintained.

Mr. Bolby also mentioned that the Highland Park Project will be starting at the beginning of June 2020, and all other Projects that are in the design phases, are progressing.

(i) Mayor's Report – Given by Mayor Walker

Mayor Walker stated that he had nothing to report at this time.

Chief Cox stated that he had nothing to report at this time.

8. Executive Session – None requested.

9. ADJOURNMENT

Motion

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

Motion Unanimously Carried

5:45 p.m.

Michele A. Enos, Borough, Manager/ Secretary

