

Borough of Somerset Council Meeting

November 23rd, 2020 - 5:00 p.m.

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 and Gary Thomas.

Absent: Council Member Steve Shaulis.

Also present: Mayor Scott Walker.

Also absent: Junior Council Member Sierra Urban.

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

Public Attendance:

a) None

4. Announcements

a) None

5. Approval of Minutes of Previous Meetings:

a) October 26th, 2020 – *Borough Council Meeting Minutes.*

Motion

Mr. Rosemeyer moved, Mrs. Opp seconded to approve the October 26th, 2020 Borough Council Meeting Minutes.

Motion Unanimously Carried

b) Departmental Reports – *Departmental Reports for October 2020.*

Motion

Mrs. Ream moved, Mr. Thomas seconded to approve the Departmental Reports for October 2020.

Motion Unanimously Carried

6. Award of Bids:

a) *None*

7. General Public Comments:

a) *None requested*

8. Administrative Business:

a) *Communications (None)*

b) *Payment of Bills – Month of November 2020.*

Motion

Mrs. Opp moved, Mr. Hoffman seconded, to approve the payment of bills for November 2020 numbered 35697 - 35829 totaling \$370,477.28.

Motion Unanimously Carried

9. Policy Agenda:

Old Business:

a) *None*

New Business:

a) *Resolution No. 2020-11 – Authorizing the Somerset County Commissioners and the Redevelopment Authority of Somerset County to submit an application on the Borough’s behalf for our 2020 Community Development Block Grant Funding.*

Ms. Enos stated that this is done annually. The amount that the Borough is applying for through the Redevelopment Authority, with their help, is \$116,138.00. Borough Council was asked to consider authorizing a Resolution to apply for that funding.

Motion

Mrs. Opp moved, Mr. Rosemeyer seconded to authorize the Somerset County Commissioners and the Redevelopment Authority of Somerset County to submit an application on the Borough’s behalf for our 2020 Community Development Block Grant Funding.

Motion Unanimously Carried

Resolution No. 2020-11

2020 ENTITLEMENT CDBG-CV APPLICATION
AUTHORIZING RESOLUTION
BOROUGH OF SOMERSET

WHEREAS, the State of Pennsylvania has made available to the BOROUGH OF SOMERSET certain funds under the Community Development Block Grant Program Act of October 11, 1984, (P.L. 906, No. 179) and;

WHEREAS, the BOROUGH OF SOMERSET recognizes the necessity and need to provide assistance to communities in the development of long-range Community Development Plans designed to address significant local needs with emphasis on benefit to low- and moderate-income families, and;

WHEREAS, the BOROUGH OF SOMERSET recognizes the necessity and need to provide assistance to communities in administering Community Development projects designed to address a number of significant Community Development needs identified in the Community Development Plan, and;

WHEREAS, the BOROUGH OF SOMERSET recognizes the necessity and need to encourage and assist communities to focus upon and address housing and community facility problems, and;

WHEREAS, the State of Pennsylvania's Bureau of Housing and Development, Department of Community & Economic Development has mandated that the BOROUGH OF SOMERSET must meet certain legal and procedural requirements as delineated in P.L. 906, No. 179, and;

WHEREAS, the BOROUGH OF SOMERSET recognizes the need and necessity of meeting these legal and procedural requirements;

NOW, THEREFORE, BE IT RESOLVED that the BOROUGH OF SOMERSET, does hereby authorize the Somerset County Commissioners and the Redevelopment Authority of Somerset County to submit an application for assistance to the Commonwealth of Pennsylvania, Department of Community & Economic Development, on its behalf as follows:

Funding in the amount of \$116,138.00 will be used for housing rehabilitation and possibly demolition/acquisition/rehabilitation.

b) Resolution No. 2020-12 – Designating the CPA Firm of Friedline & Pipon to audit all 2020 Accounts.

Ms. Enos explained that this is also done annually. Somerset Borough is required to appoint a CPA Firm to audit the accounts. This is for the Borough's 2020 accounts. This is to be authorized by Resolution.

Motion

Mrs. Ream moved, Mr. Rosemeyer seconded to designate the CPA Firm of Friedline & Pipon to audit all 2020 Accounts.

Motion Carried Unanimously

RESOLUTION No. 2020-12

WHEREAS, The Borough of Somerset has by ordinance established the use of Certified Public Accountants to audit Borough Accounts, and;

NOW THEREFORE, We, the Council and Mayor of the Borough of Somerset designate Friedline, Pipon & Company to audit Borough Accounts for the year 2020.

ADOPTED this 23rd day of November 2020.

c) Resolution No. 2020-13 – Consider adopting the Somerset County Hazard Mitigation Plan as the Borough's Plan.

Ms. Enos brought out that The Federal Disaster Mitigation Act of 2000 requires all Municipalities to have a Hazard Mitigation Plan

She said that typically we go in with Somerset County because they reach out to all Municipalities for their input in the Hazard Mitigation overall Plan for the County.

Ms. Enos added that this Resolution is adopting the County's Plan as our own, which is required every five years.

Motion

Mr. Thomas moved, Mrs. Ream seconded to adopt the Somerset County Hazard Mitigation Plan as the Borough's Plan.

Motion Carried (5 yes - 0 no - 1 abstention)
(Mr. Rosemeyer Abstained)

Somerset County 2020 Hazard Mitigation Plan Municipal Adoption Resolution

Resolution No. 2020-13

*Borough of Somerset,
Somerset County, Pennsylvania*

WHEREAS, the Borough of Somerset, Somerset County, Pennsylvania is most vulnerable to natural and human-made hazards which may result in loss of life and property, economic hardship, and threats to public health and safety, and

WHEREAS, Section 322 of the Disaster Mitigation Act of 2000 (DMA 2000) requires state and local governments to develop and submit for approval to the President a mitigation plan that outlines processes for identifying their respective natural hazards, risks, and vulnerabilities, and

WHEREAS, the Borough of Somerset acknowledges the requirements of Section 322 of DMA 2000 to have an approved Hazard Mitigation Plan as a prerequisite to receiving post-disaster Hazard Mitigation Grant Program funds, and

WHEREAS, the Somerset County 2020 Hazard Mitigation Plan has been developed by the Somerset County Department of Planning and the Somerset County Department of Public Safety in cooperation with other county departments, and officials and citizens of the Borough of Somerset, and

WHEREAS, a public involvement process consistent with the requirements of DMA 2000 was conducted to develop the Somerset County 2020 Hazard Mitigation Plan, and

WHEREAS, the Somerset County 2020 Hazard Mitigation Plan recommends mitigation activities that will reduce losses to life and property affected by both natural and human-made hazards that face the County and its municipal governments,

NOW THEREFORE BE IT RESOLVED by the governing body for the Borough of Somerset:

- The Somerset County 2020 Hazard Mitigation Plan is hereby adopted as the official Hazard Mitigation Plan of the Borough of Somerset, and
- The respective officials and agencies identified in the implementation strategy of the Somerset County 2020 Hazard Mitigation Plan are hereby directed to implement the recommended activities assigned to them.

ADOPTED, this 23rd day of November, 2020

d) Resolution No. 2020-14 – Authorizing Michael DiValentone to be added to the list of Code Enforcement Officers.

Ms. Enos explained that Michelle Swauger, who had been with us in our Code Enforcement Department, had left Somerset Borough and relocated to Ohio with her husband.

This left a vacancy, and Michael DiValentone was appointed in a part-time position to be trained under Michelle in the last two months she was here. Training has been going on in-house to support him in his new role. He has to be officially added by Resolution to the list by Somerset Borough as a Code Enforcement Officer. This gives him the ability to file Citations at the Magistrate in his position.

Motion

Mrs. Ream moved, Mrs. Opp seconded to authorize Michael DiValentone to be added to the list of Code Enforcement Officers.

Motion Unanimously Carried

Resolution No. 2020 – 14

MOTION ADOPTING RESOLUTION # 2020-14

Upon Motion duly made and seconded, and passed unanimously at a regular meeting of Somerset Borough Council held at 5:00 pm on Monday, November 23, 2020, at which a quorum was present and voting, the following Resolution was adopted:

BE IT RESOLVED, that:

1. Michele A. Enos, Michael DiValentone, and Michelle Swauger, and each of them (the “Appointees”), shall, from and after the date hereof, be a Law Enforcement Officer within the meaning of the Pennsylvania Rule of Criminal Procedure 103, and shall have full power and authority to enforce the following codes, ordinances, rules and regulations (the “Enactments”):

- Somerset Borough Ordinance No. 725 regarding Unsafe Buildings, as the same presently appears in the Somerset Borough Code, Chapter 94, Sections 94-1, et seq.
- Somerset Borough Ordinance No. 994 regarding Vacant Buildings, as the same presently appears in the Somerset Borough Code, Chapter 95, Sections 95-1, et seq.
- The BOCA Basic Property Maintenance Code of 1981, as the same was adopted into the laws of the Borough of Somerset.

- The Uniform Construction Code, as the same was adopted into the laws of the Borough of Somerset.
- All other laws, ordinances, rules and regulations of Somerset Borough, whenever enacted, that by their express terms are enforceable by a Somerset Borough Code Enforcement Officer or other elected, employed or appointed officer or official.

2. When acting under the terms of this Resolution and the Enactments, the official title of the Appointees, shall be "Code Enforcement Officer" or "Somerset Borough Code Enforcement Officer."

3. When acting within the scope of the authority granted by this Resolution, each Code Enforcement Officer shall have the power and authority, together with the privileges and immunities, allowed by law and the Enactments.

4. The official acts of all previously-appointed Code Enforcement Officers are hereby ratified and approved, and this Resolution revokes the authority to enforce the Enactments of all persons other than the Appointees.

I, **Michele A. Enos, Secretary of the Borough of Somerset**, do hereby certify that I am the Borough Secretary of the Borough of Somerset, Somerset County, Pennsylvania, and I do further certify that the text set forth herein above is a true and correct recitation of the Motion and Resolution adopted by Somerset Borough Council at its regular meeting held on Monday, November 23, 2020, at which a quorum was present and voting.

***ADOPTED** this 23rd day of November 2020*

e) *Lions Club Request* – *Requesting to remove the concession stand that is attached to their building.*

Ms. Enos disclosed that a lot of damage is being done to the concession building attached to the back side of the Lions Club building. She said that the Borough has secured the structure each and every time it gets broken into. The Lions Club is requesting to remove this small annex structure altogether. Ms. Enos informed the Lions Club that this would require Borough Council's approval.

Discussion was held among Borough Council regarding this request.

Motion

Mr. Thomas moved, Mr. Rosemeyer seconded to authorize the Lions Club to completely remove and dispose of the concession stand, at their own expense, agreeable to the Borough's satisfaction.

Motion Unanimously Carried

*f) 2021 Budget for All Funds – Discussion concerning the 2021 **Operating and Capital Budgets for all funds.***

Mr. Peters disclosed that in the General Fund Budget, there is a current day-to-day deficit of \$83,208.00. He said that this does not include the Capital Requests for the General Fund. He stated that he does not recommend having that kind of deficit, so either revenue will need raised, or expenses will need to be cut, to try to balance the budget.

Mr. Peters brought out that he is not proposing any rate increases in the Water & Sewer Funds at this time. He said that we are still continuing to utilize reserves in the Water and Sewer Funds in order to make improvements that are needed to our system for the Water Allocation Permit, and for the Corrective Action Plan.

Mr. Peters opened up discussion for specific questions about the line items in the Budget Spread Sheet distributed to Borough Council.

Specific questions were asked, and discussion was held, regarding the current condition of the Public Works Department's equipment.

In discussion, Ms. Enos explained that the Operating Budget includes the Borough's day-to-day expenses, and the Capital Budget is outside of the day-to-day expenses. She acknowledged that the Operating Budget, or day-to-day expenses, is at an \$83,208.00 deficit. That is without any Capital items being purchased at all.

Mr. Peters disclosed that a $\frac{3}{4}$ mill tax increase would cover the current deficit.

Extensive discussion was held among Council Members regarding whether a tax increase or a cutting of expenses, such as street paving, would be the better option for 2021.

It was also brought out that there were many unexpected expenses in the last few years in the Borough that was not budgeted for.

Also mentioned was that in the last few years, expenses were cut in the Police Department and in the restructuring of the Borough's Administration team.

10. Executive Session – To discuss labor negotiations involving the TEAMSTERS Union.

Motion

Mr. Rosemeyer moved, seconded by Mrs. Opp to go into Executive Session to discuss labor negotiations involving the TEAMSTERS Union.

Motion Unanimously Carried

6:00 p.m.

Back in Public Session

? p.m.

Out of Executive Session, discussion concerning the 2021 Operating and Capital Budgets for all funds continued...

Chief Cox explained why another needed Police cruiser has not been requested for the past five years, but has been foregone for Capital Budget reasons.

Chief Cox also explained four purchase/lease options available, along with their costs, which would enable a new or used cruiser to be affordable for the Borough.

He also disclosed the condition and mileage of the Police Department's current fleet.

The Borough's \$83,208.00 budget deficit was mentioned again.

Mr. Peters expressed that before Capital purchases are discussed, he cannot recommend buying any Capital items if there is not additional revenues coming in. As the Director of Finance, he said that he cannot recommend leaving revenues where they are with a deficit, while buying additional Capital purchases with Borough reserves. Mr. Peters added that if this is done, Borough reserves could be depleted to a point where the Borough cannot come back from it. He added that this is his recommendation, but he will do as Borough Council wishes.

Mr. Bailey gave insight into how the Public Works Department uses its current equipment, along with the inventory and condition of its older equipment. He also mentioned some Capital equipment requests that could be postponed until another budget year.

The cutting of some of the Borough's services was also discussed among Borough Council Members to try to save costs to the General Fund.

Mr. Peters explained that a ½ mill tax increase would bring in an additional \$60,000.00 to the General Fund. A ¾ mill tax increase would bring in an additional \$90,000.00 to the General Fund. A 1 mill tax increase would bring in \$120,000.00 to the General Fund.

Mr. Peters brought out that money cannot technically be shifted between funds, such as between the Water Fund and the General Fund. He explained that if the Borough would borrow from one of its funds to fund another, we would still have to pay back the funding we borrowed from through a debt service, although this has been done in the past.

Mr. Peters disclosed that the deficit in the General Fund is paid back by tax millage. So a tax increase for 2021 would address the Borough's current \$83,208.00 deficit in its General Funds, but it would not address any Capital request purchases.

g) 2021 Tentative Budgets – Consider the adoption of the Tentative Budgets for year 2021.
(All Funds)

Ms. Enos reminded Borough Council that the Borough is required to have a Tentative Budget Adoption decision at this meeting.

Mr. Peters expressed that a consistent Council vote was needed at this meeting that would be carried over into the Final Budget Adoption decision in December.

Discussion regarding Public Works requests, which included a lift gate for a truck, along with needed fencing at the garage to stop the misuse of the public recycling bin, were again pointed out by Mr. Bailey.

Mr. Peters explained that the Tentative Budget vote necessitated the Council collectively agreeing upon into the Final Budget vote, because after it is advertised and made available to the public to inspect, it will be re-voted on and it will become a Final Budget. He added that the tax decision needs to support the budget that Borough Council adopts. He pointed out that a ¾ mill tax increase would get to a balanced budget *before* any Capital purchases are considered.

A possible tax increase, and cutting of Borough services, were discussed to help balance the Budget, and in trying to reach a realistic budget for 2021.

Mr. Bolby disclosed that the biggest expense right now is the Water System Improvement Project. He stated that in 2021 we will be applying for the PennVEST loan that we have been working towards. So all the upfront costs that have been incurred, will be replenished into the Capital Reserves that the Borough has been using to finance through the past 1½ - 2 years when the expenses were being incurred.

Mr. Bolby said that as for the Capital Projects, the Coxes Creek de-chlorination is coming from a DEP mandate to meet a Permit criteria. The emergency generator was also purchased to meet DEP mandates. Mr. Bolby added that, in general, all those expenses that we are seeing in the Water Fund have been incurred to meet DEP requirements.

Mr. Bolby stated that, right now, there are no valves on 16” transmission line that runs several miles between the Hickory Hill Water Tank and the Coxes Creek Water Plant. He disclosed that this past year, there was a leak in the water line that could not be shut down. The wish of the Operator was to install 2 valves so the line could be shut down when needed, then later, be able to install more valves.

Motion

Mr. Thomas moved, seconded by Mrs. Ream to adopt the *Tentative Budgets* for the year 2021 that includes a 1 mill Real Estate Tax increase.

Motion Unanimously Carried

Motion

Mr. Rosemeyer moved, seconded by Mrs. Ream to approve the Capital purchase of a Police cruiser for the Police Department with the budget of \$26,000.00.

Motion Unanimously Carried

Mr. Peters reiterated, for accuracy, that the *Tentative Budget* will include a 1 mill tax increase for the Revenue side. It will also remove the deficit from the Operating Budget.

He said that Capital purchases will include a fence for around the recycle bin at the Public Works garage. Also included, will be a lift gate for a truck for the Public Works Department. For the Police Department, \$26,000.00 will be used for the purchase of a Police cruiser.

All of Borough Council Members understood and agreed with Mr. Peters' summary.

Mr. Bolby mentioned that the Cleaning & Televising Project is currently being done. No complaints from the general public have been heard regarding the contractors work.

Mr. Bolby disclosed that Smoke & Dye Testing will be starting the first week in December. He added that smoke will be blown through the sewers, and smoke will be coming out of the ground. He said that they will be coordinating with the Fire Department and County Control to make them aware of this as the project progresses.

Chief Cox mentioned that, traditionally, from "Light Up Night" through "Fire & Ice" there is free parking for the public at the parking meters. He added that ever since the onset of COVID-19, he decided to "back off" on the enforcement of the parking meters because of the burden the Community is already facing. All Borough Council agreed that all free meter parking should continue for the time being.

Ms. Enos thanked the Rotary Club, Laurel Arts, Borough Council Members, Mayor Walker, and all of the Borough employees who gave a generous donation to the Ed Roadman Family following their family's tragedy on East Main Street.

11. ADJOURNMENT

Motion

Mrs. Ream moved to adjourn, motion seconded by Mr. Hoffman.

Motion Unanimously Carried
6:58 p.m.

Michele A. Enos, Borough Manager/ Secretary