

Borough of Somerset Council Meeting

June 27th, 2022 - 5:00 p.m. *(In-Person Meeting)*

1. **Meeting Called to Order** – President Ream.

2. **Pledge of Allegiance**

3. **Roll Call:**

a) **Borough Council Members present:** *Pam Ream; Ruby Miller; Lee Hoffman; Sue Opp; Steve Shaulis; Jim Clark and Ian Mandichak.*

b) **Also present:** *Mayor Fred Rosemeyer.*

c) **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.*

d) **Public Attendance:** *None*

4. **Approval of Agenda:** *Consider approving the Agenda.*

Motion

Mr. Shaulis moved, Mrs. Opp seconded, to approve the June 27th, 2022 Agenda.

Motion Unanimously Carried

5. **Announcements**

a) *None*

6. **Approval of Minutes of Previous Meeting(s)**

a) **May 23rd, 2022** – *Borough Council Meeting Minutes.*

Motion

Mr. Mandichak moved, Mrs. Opp seconded, to approve the May 23rd, 2022 Borough Council Meeting Minutes.

Motion Unanimously Carried

7. **Award of Bids:**

a) *None*

8. General Public Comments:

a) *None registered*

9. Administrative Business:

a) Communications (None)

b) Payment of Bills – Month of June 2022.

Motion

Mrs. Opp moved, Mr. Mandichak seconded, to approve the payment of bills for June 2022 numbered 38380 – 38569 totaling \$838,569.79.

Motion Unanimously Carried

c) Department Reports – Consider approving the Departmental Reports for the month of May 2022.

Motion

Mrs. Opp moved, Mr. Shaulis seconded, to approve the Departmental Reports for the month of May 2022.

Motion Unanimously Carried

10. Policy Agenda:

Old Business:

a) *None*

New Business:

a) DCED Multimodal Grant – Discussion concerning a grant to replace the sidewalks in the 100 Block of North Center Avenue. This grant would require a local match commitment of \$127,884.00.

Ms. Enos mentioned that this Grant was discussed at our previous meeting. She added that the local match commitment of \$127,884.00 can change based upon the increase we are seeing in prices.

Ms. Enos noted that we are always looking for grants to support Borough activities, and EADS has always been great at bringing those to our attention.

Typically, there is a local match requirement of 10%, 20% or 30%, and a grant application with a 0% match is pretty rare. In this case, the Multimodal Grant is a 30% local match.

Ms. Enos pointed out that we were able to commit monies from our Community Development Block Grant funding with the South Center Sidewalk Project because that area fell within the “low to moderate” census tract. That census tract could change over time,

therefore, North Center Avenue may not fall into that category. This would mean that if we would apply for CDBG funding, we could be ineligible. In a worst case scenario, this could be a commitment that we fund through our General Fund monies, which is tax-based monies.

Ms. Enos stated that we are trying to do this project for Uptown, and fund this, because the whole project in itself is way more than the Borough can afford if we were to do it on our own. If we were to apply, the 100 block of North Center is \$430,000.00.

She said that there is a possibility that we may be able to use CDBG funding, and commit for a 3-year period, because we receive between \$85,000.00 - \$90,000.00 a year. But if this area is removed from the census tract, then we have to be prepared to commit to the local share if we apply and we receive the money.

Mr. Bolby reiterated that the census tract can change in this area. It is looked at every 10 years. He brought out that he hasn't heard whether they re-looked at the boundaries. As of right now, Mr. Bolby said he will check with the Redevelopment Authority to see if that area still qualifies.

Mrs. Ream brought out that she would like to know if there is any further information from Mr. Bolby before she could make an informed decision. She added that we are trying to do a lot Uptown, and there is a lot of good happening there, but she also doesn't want to discount the importance of doing this for our Uptown taxpayers.

Mr. Bolby brought out that applications are due July 31st, 2022. In the meantime, he said that he will check to see if the census tract has or has not changed, and report back to Council & the Authority with that information at the July 25th, 2022 Joint Meeting, before the decision is made to make application.

Ms. Enos noted that the application process can be contingent upon a year of qualifying, and if it doesn't quality, we can forgo the application process.

Mrs. Ream said that further discussion could include that the decision will be contingent on the fact that we would have a 1-year guarantee of pulling the monies from CDBG funds. If the area was removed from the census tract, we'd have to plan for that as well knowing we would have the \$127,884.00 match, or more, to pay back.

Mr. Shaulis voiced concern about the new sidewalks being torn up with all the upcoming projects in the Borough. Mr. Bolby noted that all the utilities, north & south, are being done in advance of the South Center portion of the sidewalk restoration. He said that there are 2 contracts going on, but it is to get clear of these new sidewalks.

Mrs. Ream asked if there was a higher financial risk to the Borough if the sidewalks were not completed. Mr. Bolby answered by saying that the risk on the north side is only cost. He added that utilities are "getting out of the way."

Mr. Hoffman asked if there is a liability for not maintaining a sidewalk that has “chunks” taken out of it. Ms. Enos answered by saying that we have an Ordinance in the Borough that makes the property owner that abuts the sidewalk responsible.

Mr. Hoffman also spoke about the prominence of the Uptown location. He said that all the sidewalks around town need attention, and he certainly understands the cost associated with it. He mentioned how the buildings, businesses and events held there would be benefited by new sidewalks. Thousands of people walk the sidewalks between the Court House and the restaurants, and if people want a thriving business, they need a way to get into their business safely. Mr. Hoffman added that he wants to look at the overall benefit to the town long term.

Mr. Hoffman also said that if another couple years go by without the sidewalks being done, the sidewalks on West Main Street are going to be more cured. So, at this point, if the new sidewalks are done, this will make all the sidewalks look more cohesive.

Mrs. Ream added that while she is worried about the present cost going up, who knows what the cost will be when there is no choice but to replace it.

Ms. Enos brought out, while speaking about grant opportunities, that there are strict qualifications for low-moderate income projects. The project has to benefit and qualify for low-moderate income. She mentioned that the Borough wanted to do a lot of projects, but when the income survey came in too high, the project did not qualify.

Ms. Enos mentioned that they see more grant opportunities for new construction in the sidewalk area than for replacement. She said that any grant will consider replacement of sidewalks as maintenance.

Mrs. Ream brought out that further discussion, regarding the sidewalk project, will be considered at the July 25th, 2022 Joint Meeting before the application deadline on July 31st, 2022.

Motion

Mr. Clark moved, Mr. Mandichak seconded to support the DCED Multimodal Grant, contingent on the information that Mr. Bolby provides at the next Joint Meeting on July 25th, 2022.

Motion Unanimously Carried

b) Intermunicipal Services Agreement – 2nd Amendment - Consider executing the amendment to the agreement between the Borough of Somerset, Municipal Authority of the Borough of Somerset, the Township of Somerset, and the Somerset Township Municipal Authority to extend the terms of the agreement to equal or exceed the terms of the 20-year debt service of the Capital Water Project.

Ms. Enos pointed out that we have an existing agreement with the Township and its Authority, with our Borough and our Authority for water services. They are a very large customer of Somerset Borough.

Ms. Enos said that part of the PennVEST documentation is that they want to see the terms of this agreement to at least equal or exceed the amount of debt service on the new \$20-million-dollar Water Project, which is 20 years. The agreement is listed as 50 years, or as long as the Borough is still paying debt back.

Solicitor Cascio added that the debt service does not extend beyond the projected life of the Authority.

Ms. Enos added that this is what the Amendment is. She said that this is a requirement from PennVEST who is the agency funding the \$20-million-dollar Water Project. It is to ensure that as long as we have debt, we continue to provide services to our largest customers as well too.

Ms. Enos noted that the Borough's Municipal Authority entered into this 2nd Amendment Agreement, and approved it, at their last Municipal Meeting. So the next step is to have Borough Council also approve it.

Motion

Mrs. Miller moved, Mr. Shaulis seconded to execute the amendment to the agreement between the Borough of Somerset, Municipal Authority of the Borough of Somerset, the Township of Somerset, and the Somerset Township Municipal Authority to extend the terms of the agreement to equal or exceed the terms of the 20-year debt service of the Capital Water Project.

Motion Unanimously Carried

c) *Ordinance for Water Project – Consider adopting the Ordinance which guarantees the PennVEST Loan of \$14,595,231.00.*

Motion

Mr. Clark moved; Mr. Shaulis seconded to adopt the Ordinance which guarantees the PennVEST Loan of \$14,595,231.00

Motion Unanimously Carried

Borough of Somerset
Somerset, County, Pennsylvania

ORDINANCE NO. 1385

THE COUNCIL OF THIS BOROUGH DETERMINING TO INCUR LEASE RENTAL DEBT;
EVIDENCED BY THE GUARANTEED REVENUE NOTE IN THE MAXIMUM PRINCIPAL
AMOUNT OF \$14,595,231.00, TO BE AUTHORIZED AND ISSUED BY MUNICIPAL AUTHORITY
OF THE BOROUGH OF SOMERSET IN CONNECTION WITH THE CONSTRUCTION,

ALTERATION AND IMPROVEMENTS TO THE PUBLIC WATER FACILITIES IN AND ABOUT THIS BOROUGH OF SOMERSET, AND PAYING RELATED COSTS, FEES AND EXPENSES; SPECIFYING THE REALISTIC USEFUL LIFE OF THE PROJECT; AUTHORIZING AND DIRECTING APPROPRIATE OFFICERS OF THE BOROUGH OF SOMERSET TO TAKE CERTAIN ACTIONS AND TO EXECUTE CERTAIN DOCUMENTS, INCLUDING A GUARANTY AGREEMENT, BETWEEN THE BOROUGH OF SOMERSET AS GUARANTOR AND THE MUNICIPAL AUTHORITY OF THE BOROUGH OF SOMERSET, AND THE PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY; APPROVING THE FORM, MAXIMUM GUARANTEED AMOUNTS AND SOURCES OF PAYMENT OF THE GUARANTY AGREEMENT, AND PLEDGING THE FULL FAITH , CREDIT, AND TAXING POWER OF THIS BOROUGH OF SOMERSET IN SUPPORT THEREOF; CREATING A SINKING FUND IN CONNECTION WITH SUCH GUARANTY OBLIGATIONS AND APPOINTING A SINKING FUND DEPOSITORY; AND PROVIDING FOR THE REPEAL OF ALL INCONCISTENT ORDINANCES OR PARTS OF ORDINANCES.

WHEREAS, the Borough of Somerset, Somerset County, Pennsylvania (the “Local Government Unit”) is the local government unit under provisions of 53 PA.C.S. Chs. 80-8, as amended and supplemented from time to time, known as the Pennsylvania Local Government Unit Debt Act, (the “Act”).

WHEREAS, the Municipal Authority of the Borough of Somerset, (the “Authority”) is a municipality authority organized by appropriate action of the Borough of Somerset and existing under the Municipal Authorities Act, 53 Pa. C.S. Ch. 56 (the “Authorities Act”); and

WHEREAS, the Authority will undertake a capital project which consists of constructing alterations, additions and improvements to the Public Water Distribution, Transmission, and Treatment facilities in and about this Borough of Somerset (the “Project”).

WHEREAS, the Pennsylvania Infrastructure Investment Authority (“PENNVEST”) has approved funding for the Project, subject to the approval of lease rental debt proceedings under the Act; and

WHEREAS, provided the debt related to the project qualifies as self-liquidating, as aforesaid, the proposed increase of lease rental debt, together with the Local Governmental Unit’s other indebtedness

presently outstanding, will not cause the limitations of the Local Governmental Unit's lease rental debt incurring power, pursuant to constitutional and statutory authority, to be exceeded.

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Borough of Somerset, Somerset County, Pennsylvania, and it is hereby ordained and enacted by the authority of same as follows:

SECTION 1. This Borough of Somerset authorizes and requests the Municipal Authority of the Borough of Somerset (the "Authority") to undertake and complete the Project.

SECTION 2. This Borough of Somerset determines to incur debt as such term is defined in the Act, which shall be lease rental debt of this Borough of Somerset pursuant to the Act, in connection with the Project.

SECTION 3. Such lease rental debt shall be in the maximum principal amount of \$ and shall be evidenced by the Borough of Somerset guaranty of a certain obligation issued by the Authority under the Authorities Act consisting of a guaranteed revenue note in the maximum principal amount of \$14,595,231.00, to be issued by the Authority under the Authorities Act (the "PENNVEST Note"). The PENNVEST Note shall have the benefit of and be secured by, among other things, the guaranty obligations of the Borough of Somerset

SECTION 4. The Borough of Somerset specifies that the estimated useful life of the Project is in excess of 40 years.

SECTION 5. Under the PENNVEST Note, the Authority shall begin principal amortization of the PENNVEST Note on the earlier of: (i) three (3) months after the estimated date of completion of the Project, (ii) the first day of the calendar month following actual completion of the Project, or (iii) three (3) years from the date of settlement. Notwithstanding the foregoing, principal amortization on the PENNVEST Note shall not be deferred beyond the later of two (2) years from the date of settlement or one (1) year after completion of the Project in accordance with Section 8142(c) of the Act. As of the date of this Ordinance, the projected estimated date of completion of the Project is December 31, 2025.

SECTION 6. The Borough of Somerset as guarantor, shall enter into a Guaranty Agreement, to be dated as provided therein (the "Guaranty Agreement"), substantially in the form approved and presented to this meeting and attached hereto as EXHIBIT A, with the Pennsylvania Infrastructure Investment Authority (PENNVEST) as security for the PENNVEST Note. The Guaranty Agreement shall set forth the terms and conditions to be observed by the Borough of Somerset relative to the

PENNVEST Note and to guaranty unconditionally, for the benefit of PENNVEST and other holder, from time to time of the PENNVEST Note, full prompt payment of Debt Service, as such phrase is defined in the Guaranty Agreement, to the extent provided therein, as such shall become due and payable under the PENNVEST Note for the life of the PENNVEST Note.

SECTION 7. A copy of the Guaranty Agreement, in the form so presented and approved at this meetings shall be filed with the Secretary of this Borough of Somerset and shall be available for inspection at reasonable times by interested person requesting such inspection.

SECTION 8. This Borough of Somerset in the Guaranty Agreement does hereby covenant with PENNVEST and the Authority as follows: i) to include the Debt Service, as in respect of its guaranty for each of its Fiscal Years in which such sums shall be payable, in its budget for that Fiscal Year; ii) to appropriate such amounts from its general revenues for payment of its obligations under the Guaranty Agreement; iii) to duly and punctually pay or caused to be paid from its sinking funds (hereinafter mentioned and identified) or any other of its revenues or funds, the amount payable in respect to the guaranty, at the dates and times required there under according to the true meaning and intent thereof; and (iv) for such budgeting, appropriation, and payment in respect to the guaranty, this Borough of Somerset shall, and does pledge irrevocably, its full faith, credit, and taxing power. This covenant shall be specifically enforceable. For purposes of complying with the forgoing covenant, this Borough of Somerset covenants that it shall budget the amounts set forth in **EXHIBIT B** which is attached hereto and made a part hereof, such amounts being such debt service on the PENNVEST Note for the Fiscal Years in such amounts are payable, and shall appropriate and pay over to PENNVEST such amounts subject to the provisions of the Guaranty Agreement regarding the same.

This Borough of Somerset also shall covenant in the Guaranty Agreement and does hereby covenant that, to the extent sufficient money shall not be available in its then current budget at any time when payments are required under the Guaranty Agreement, and if it shall be unable to incur debt lawfully in the current year for the purpose or to issue tax anticipation notes or other to satisfy its obligations the Guaranty Agreement, it shall include any monies so payable by it in its budget for the next succeeding Fiscal Year and shall appropriate such amounts to the payment of such obligations and shall duly and punctually pay such obligations in the manner stated in the Guaranty Agreement, according to the true intent and meaning thereof and, for such budgeting, appropriation and payment, it shall and does pledge, irrevocably, its full faith, credit, and taxing power. This covenant shall be specifically enforceable.

It shall be the intent and purpose of the Guaranty Agreement that this Borough of Somerset shall be required to pay over to PENNVEST only that portion of such debt service that cannot be paid from other funds available for that purpose, as set forth in the Guaranty Agreement.

SECTION 9. The maximum guaranty obligations of the Borough of Somerset, with respect to the PENNVEST Note, as set forth in the Guaranty Agreement, shall be payable, if and as necessary, in such amounts as set forth in **EXHIBIT B**.

SECTION 10. The guaranty obligation of this Borough of Somerset shall be payable from the tax and other general revenues of the Borough of Somerset.

SECTION 11. This Borough of Somerset hereby creates and establishes a sinking fund as such phrase is defined or applied by the Act, with respect to its obligations under the Guaranty Agreement with respect to such guaranty, Somerset Trust Company, 151 West Main Street, Somerset, PA is hereby designated as the sinking fund depository and paying agent as such phrases are defined by the Act, with respect to obligations of this Borough of Somerset under the Guaranty Agreement with respect to such guaranty.

SECTION 12. The President and Vice-President and the Secretary of the Borough of Somerset as appropriate, are authorized and directed to prepare, certify and file with the Pennsylvania Department of Community and Economic Development the debt statement, as such phrase is defined in the Act required by 53 Pa. C.S. Section 8110, on behalf of this Borough of Somerset and the borrowing base certificate appended to such debt statement.

SECTION 13. The President and Vice-President and the Secretary of the Borough of Somerset, as appropriate, are authorized and directed to prepare statements required by the Act to qualify the lease rental debt for exclusion from the appropriate debt limit as self-liquidating.

SECTION 14. The President and Vice-President and the Secretary of the Borough of Somerset as appropriate, are authorized and directed to make application to the Department of Community and Economic Development for approval with respect to the Guaranty Agreement as required by 53 P.S. Section 8111(b), and in connection with this application to pay or cause to be paid the applicable filing fee.

SECTION 15. After obtaining the approval discussed in Section 13, President and Vice-President and the Secretary of the Borough of Somerset as appropriate, are authorized and directed to execute, attest, and deliver the Guaranty Agreement to PENNVEST.

SECTION 16. The President and Vice-President and the Secretary of the Borough of Somerset as appropriate, are authorized and directed to execute all documents and to do all other acts as may be necessary and proper to carry out the intent and purpose of this Ordinance and the undertakings of the Borough of Somerset under the Guaranty Agreement.

SECTION 17. In the event any provision, section, sentence or clause or part of the Ordinance shall be held invalid, such invalidity shall not impair or affect any remaining provision, section, sentence, clause or part of the Ordinance from remaining in full force and effect. This Ordinance shall become effective in accordance with the provisions of the Act.

SECTION 18. All ordinances or parts of ordinances that are inconsistent herewith are repealed.

ORDAINED AND ENACTED THIS 27th day of June, 2022.

d) Ordinance – Consider adopting an Ordinance authorizing the execution of an Intergovernmental Cooperation Agreement between the Borough, Somerset Township and the Somerset Area School District for police services in a portion of Somerset Township.

Ms. Enos disclosed that Somerset Township and the School District have already adopted their Ordinance. This Ordinance is authorizing the execution of the Intergovernmental Agreement between these 3 bodies.

Solicitor Cascio brought out that this Agreement will change the service area to include Route 281 which will include traffic enforcement and the like.

Solicitor Cascio noted that every time we were going to do this Agreement, we had to have special proceedings to adopt the Intergovernmental Cooperation Agreement. He pointed out that we are taking advantage of the provision in the statute of Intergovernmental Cooperation Agreements that says that this can be extended, or revised in the future, without going through another Ordinance. It can just be done by Resolution.

He said that the passage of this Ordinance would also allow Council to do other types of Agreements, through other areas, for other types of Intergovernmental Agreements.

Ms. Enos reiterated that if there are any changes to the Agreement, the Borough will not have to go through multiple Ordinance Amendments. We can just do this by Resolution, in the future, as the need arises.

Motion

Mr. Clark moved; Mr. Hoffman seconded to authorize the execution of an Intergovernmental Cooperation Agreement between the Borough, Somerset Township and the Somerset Area School District for police services in a portion of Somerset Township.

Motion Unanimously Carried

ORDINANCE NO. 1386

AN ORDINANCE OF THE BOROUGH OF SOMERSET, SOMERSET COUNTY, PENNSYLVANIA AUTHORIZING INTERGOVERNMENTAL COOPERATION WITH OTHER GOVERNMENT UNITS

WHEREAS the Somerset Borough Council, Somerset County, Pennsylvania (the “Borough” and “Borough Council”) has found that it is in the best interest of the health, safety, and welfare of Borough residents to enter into cooperative agreements with other local government units; and

WHEREAS the Borough has also found it to be in the best interest of the health, welfare, and safety of the residents of the Borough to enact this Ordinance providing for cooperation with other local government units and to share certain functions, powers, and responsibilities with other local governmental units; and

WHEREAS specific authority for the adoption and implementation of this Ordinance is found in that certain statutory compilation signed into law on December 19, 1996, P.L. 1158, known as Act No. 177 of 1996, 53 Pa. C.S.A. §§ 2301 *et seq.*, and more commonly known as the “Intergovernmental Cooperation Act,” as amended.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Somerset Borough Council:

SECTION 1: SHORT TITLE AND PURPOSE

This Ordinance may be called the “Somerset Borough Intergovernmental Cooperation Ordinance” (The “Ordinance”). The general purpose of the Ordinance is to specifically comply with the Intergovernmental Cooperation Act, as amended, and to allow the Borough to contract with other local government units for any purposes and conditions allowed by the laws of the Commonwealth of Pennsylvania, including, without limitation, agreements for police services outside of the Borough’s corporate limits.

SECTION 2: DEFINITIONS

The Borough is a “local government” unit as defined in the Intergovernmental Cooperation Act, as amended, and, specifically, under 53 Pa. C.S.A. § 2302 thereof. It is also concluded that other boroughs, townships, and school districts of the County of Somerset, and Somerset County, itself, classify as “local government” units under the same definition. All other terms used shall have their ordinary, customary, and natural meaning unless specifically defined elsewhere in this Ordinance.

SECTION 3: AGREEMENTS TO BE ADOPTED BY RESOLUTION

By the authority conferred upon it by the Intergovernmental Cooperation Act, as amended, the Borough Council proclaims its intention to contract with other local government units within the County

of Somerset to allow for exercising any Borough function, power, or responsibility in cooperation with those of the other local government units, and allowing the Borough to delegate certain functions, powers, and responsibilities to other local government units; provided, however, that each specific instance of intergovernmental cooperation shall be accomplished only after the Borough Council's resolution to approve and authorize the execution of the written agreement appended thereto, containing the agreements necessary to perform all acts necessary to a specific purpose of intergovernmental cooperation.

SECTION 4: SPECIFIC PURPOSE - POLICE SERVICES IN SOMERSET TOWNSHIP, SOMERSET COUNTY, PENNSYLVANIA (THE "TOWNSHIP")

Without limiting the generality of the intention this Ordinance, Somerset Borough Council confirms one specific purpose for the adoption of this Ordinance is to authorize intergovernmental cooperation among the Borough, the Somerset Area School District, and the Township to allow the Borough to perform police services to the Somerset Area School District ("SASD") in connection with SASD facilities, programs, activities, and operations located and/or within the Township. It is the Borough's further and specific intention that the provision of any police services shall comply with the Borough Code, as amended, including, without limitation, 8 Pa. C.S.A. § 1122, 8 Pa. C.S.A. § 1202(24), and Section 3301.1(b)(4)(i) thereof, 8 Pa. C.S.A. § 3301.1(b)(4)(i), the Second Class Township Code, as amended, including, without limitation, Section 1507 thereof, 53 P.S. §66507, and Section 1903 thereof, 53 P.S. §66903, and with the Pennsylvania Municipal Police Jurisdiction Act, Act No. 141 of June 15, 1982, 42 Pa. C.S.A. §§ 8951 *et seq.*, as amended, including, without limitation, 42 Pa. C.S.A. § 8953(e).

SECTION 5: SEVERABILITY

If any section, clause, phrase, portion, or provision of this Ordinance is determined by a Court of competent jurisdiction to be invalid, such holding shall not affect the validity of the remaining portions of the Ordinance.

SECTION 6: REPEALER

All prior ordinances, parts of ordinances, resolutions, or other official actions in conflict with this Ordinance are repealed; provided, however, that any active intergovernmental agreements entered into by the Borough under the authority of such prior ordinances, parts of ordinances, resolutions, or other official actions shall remain in full force and effect.

SECTION 7: EFFECTIVE DATE

This Ordinance shall become effective upon adoption and shall continue until amended or repealed by the Borough of Somerset.

ORDAINED AND ENACTED into law by the Somerset Borough Council of in lawful session assembled this 27th day of June, 2022.

BOROUGH OF SOMERSET,
SOMERSET COUNTY, PENNSYLVANIA

- e) Intergovernmental Cooperation Agreement for Police Services – Consider executing an Intergovernmental Cooperation Agreement for police services in a portion of Somerset Township.

Solicitor Cascio noted that this Agreement will need passed because the Ordinance was adopted. Going forward, Council can just approve the Intergovernmental Cooperation Agreements.

Motion was “unanimously carried” after a vote was taken to execute this Agreement,

- f) Municipal Authority Resignation – Consider accepting the resignation of Mr. Vince Jacob as a member of our Municipal Authority Board.

Ms. Enos disclosed that, sadly, Mr. Jacob handed in his resignation to serve on the Municipal Authority Board. Since this is the body that appoints the Municipal Authority Board Members, the Authority has to officially act on his resignation before they can press forward in trying to recruit people for the Municipal Authority Board and/or advertise for vacancies.

Motion

Mrs. Opp moved; Mr. Mandichak seconded to accept the resignation of Mr. Vince Jacob as a member of our Municipal Authority Board with regret.

Motion Unanimously Carried

- g) Request to Cancel Out the Layout of an Unnamed Alley – A request was submitted by Kenton & Nancy Roberts to cancel the layout of an unnamed alley near Autumn Drive and Uhl Street. Authorize a Public Hearing to be held on July 25th, 2022.

Solicitor Cascio said that if a Borough or Municipality wanted to have the option of opening a public street or alley way, they would lay out the alley.

This unnamed alley is near Autumn Drive running parallel to Edgewood Avenue. What is being asked is essentially cancelling the laying out of that unnamed alley, so that no one can travel through that area elsewhere.

Ms. Enos disclosed that when the Borough receives such requests to cancel out the layout of an alley, it requires a Public Hearing to do that. The Public Hearing cancels out the public's right of usage, not the private rights, but it takes an official action from Council after the Public Hearing has been planned for, advertised and held.

Ms. Enos pointed out that the Public Hearing has to be advertised to give the public opportunity to be heard. Afterward, Council will have to vote on making the official cancelling out of the alley way.

Ms. Enos added that Council is being asked to set a Public Hearing date, which she recommends be done at the next meeting at 5:00 p.m.

Motion

Mr. Hoffman moved; Mr. Clark seconded to authorize a Public Hearing to be held on July 25th, 2022 at 5:00 p.m. to discuss the cancellation of the layout an unnamed alley near Autumn Drive and Uhl Street.

Motion Unanimously Carried

h) Request from Somerset Vol. Fire Dept. – Seeking a donation and advertisement for the upcoming Western PA Firemen’s Convention.

Ms. Enos disclosed that Somerset Volunteer Fire Department is hosting the Western PA Firemen’s Convention in August 2022. A list of donations categorized as “bronze”, “silver” or “gold” can be gifted. Advertisement in their Convention Booklet can be printed on a whole page, half page, quarter-page or 1/8th page.

Discussion regarding a donation and advertisement was discussed among Council Members.

Motion

Mr. Hoffman moved; Mrs. Miller seconded, to advertise a whole page in the Convention Booklet.

Motion Unanimously Carried

i) Zoning Ordinance – Discussion concerning proposed amendments to the Zoning Ordinance for the following items: Chickens, Fence Height Requirements, and Microbreweries.

Ms. Enos brought out that there have been requests for **microbreweries** in the Borough.

Mrs. Ream pointed out that there has been success in other Municipalities that have put microbreweries within their Borough. She said that she personally feels that if Council needs to do anything to allow microbreweries in the Borough, she would support it. She added that if they want to have an attraction of people to come Uptown, then that attraction will usually bring people into other store fronts up there that are open, so this is definitely something that Council should consider.

Mr. Hoffman brought out that the old Ordinance came to light from the Ankeny Building changing hands. He said that the new owners are really adamant about getting something in

there. Microbrewery/Wine Bar came up, and apparently this old Ordinance has 50-100 year rules that he is in complete support of breaking down to support the microbrewery.

Ms. Enos said that the Ordinance is silent on half of things because it is old. She said that if Council would consider to allow for microbreweries in commercial districts, then Council would have to officially amend that old Ordinance.

Motion

Mr. Clark moved; Mr. Hoffman seconded, to prepare an amendment of the Zoning Ordinance to include the allowance of microbreweries in Somerset Borough.

Motion Unanimously Carried

Chief Cox noted that there is a residual positive effect for this. He said that if the new owners are allowed to improve the first floor of the building, there is going to be an improvement of those residential areas above.

Solicitor Cascio stated that there was a change in a State Law from 2016, effective the beginning of 2017, called Act 166. It is called a "G" License where you can sell Pennsylvania beer brewed by rural manufacturers.

Ms. Enos pointed out that at a later time we should have an overall look at the entire Zoning Ordinance, because there are a lot of updates the Borough can benefit from. She added that the Borough gets repeated calls to take these three items being discussed to Council.

Solicitor Cascio said that the actually licensing is done from the PLCB. What we are looking at, is to have the Zoning Ordinance permit these types of operations.

Ms. Enos disclosed that, presently, the Ordinance prohibits microbreweries.

Next discussed amongst Council was the **fence height requirement** in the Borough. Ms. Enos disclosed that for the last several years, homeowners who put in fencing, are complaining because they want to be able to put in higher fencing for privacy reasons and/or for their animals. They wanted this issue brought before Council to consider changing the fencing maximum height up to a 6' requirement. Currently, the Borough has a 42" maximum height requirement for both side and front yard fencing.

Ms. Enos pointed out that individuals can bypass the Borough and apply for a permit through PMCA, because after a 42" height, it is considered some type of retaining wall that has to be permitted. She said that a lot more applications are coming in wanting fencing in side yards higher than the 42" requirement.

Ms. Enos added that those who currently have property line fencing are grandfathered in. Those who have fencing for swimming pools fall under a different set of regulations within a different Zoning Ordinance.

Motion

Mr. Clark moved; Mr. Shaulis seconded, to “table” the fence height requirement until Management returns with some recommendations for any changes to the current Ordinance that would benefit the Borough.

Motion Unanimously Carried

Lastly discussed amongst Council was the subject of ***allowing chickens to be raised in the Borough.***

Ms. Enos stated that they have received many inquiries about chickens. Currently, the Borough’s Zoning Ordinance is silent on this subject. Because of this fact, we have officially not permitted chickens to be in the Borough.

Ms. Enos expressed that Council needs to make this clearer and decide if they want to allow chickens in the Borough or not. She added that we need to make sure that it is written definitively in the Ordinance so that it is clear.

Mrs. Ream disclosed that she did research on other Boroughs and Municipalities Ordinances who allow chickens to be raised.

Council voiced their concerns on chickens being permitted to be raised in Somerset Borough.

Solicitor Cascio read a part of the current *Borough Zoning Ordinance, Section 1. Article V, R-1 Single-Family Residential District* that discusses “keeping of small animals” including “birds” that are permitted “for personal enjoyment or household use” in the Borough. It does not specify what is classified as a “bird.”

Ms. Enos noted that the way the current Ordinance is written leaves a “gray area” open regarding what a “bird” includes, which makes it wide open for interpretation. She expressed that this should be cleared up.

Mrs. Ream added that what the Ordinance says can be made clearer with some additional language.

Motion

Mrs. Opp moved; Mrs. Miller seconded, to review the current Borough Zoning Ordinance that identifies the ability to have “birds” in the Borough.

Motion Unanimously Carried

Committee Business/Reports:

j) Manager’s Report – Given by Michele Enos.

Ms. Enos mentioned there would be a brief Executive Session after the regular Council Meeting.

k) Finance Report – Given by Brett Peters.

Mr. Peters provided Borough Council with the Year-to-Date Financial Report through the month of May 2022. He mentioned that we are 5/12th's of the way through the year or 41.67%.

General Fund:

Revenues – 66.18%

Expenses – 43.20%

Water Fund:

Revenues – 36.15%

Expenses – 42.47%

Sewer Fund:

Revenues – 39.79%

Expenses – 32.55%

Mr. Peters added that if Council had any particular questions, he would try to address them.

l) President's Report – Given by Pam Ream.

Mrs. Ream mentioned that a group from the Brierwood neighborhood, who came to a previous Council Meeting concerning the sign there, fixed the sign themselves through donations from their neighborhood.

Mrs. Ream also mentioned that a pickle-ball club approached her twice asking if they were permitted to use the upper part of the playground as pickle-ball courts so they can play.

All of Council agreed that they could use the courts, but specific times or days will not be designated since it is an open public playground.

m) Somerset Inc. Report – Given by Lee Hoffman.

Mr. Hoffman disclosed that he and a few others from Somerset Inc. went to the Main Street Program in Richmond this past month. He expressed that they are grateful that they have such an open relationship with our local government. He said that the relationship with the Borough's Library and Laurel Arts makes it a cohesive town compared to what they heard about at the program.

Mr. Hoffman mentioned that "Chalk the Block" is coming up. They have over 15 professional artists coming and over 50 kids registered thus far. He said that over 100 individual art pieces will be created. The race will also take place.

Mr. Hoffman said that the Brinker Building is coming along, as well. Many of the rooms are being stripped down to the studs. They are finding interesting things in the walls. He added that there is much progress there.

The official transfer is being made in the Jacobs Building so it can be torn down.

Lastly, "First Fridays" is starting up this Friday July 1st, 2022 where businesses agree to stay open longer. There will be music and some different things going on. It will continue on until the first Friday when winter starts.

Mrs. Ream disclosed that she was told that a new store is planning to open Uptown.

Also in Uptown, "Heirloom Farms", is a nice addition where "Haz Beans" business previously was. She said that they are open from 7:00 a.m. – 3:00 p.m., and encouraged everyone to stop there.

Mrs. Ream also mentioned that the UPMC Hillman Cancer Center will have an Open House on Wednesday June 29th, 2022 from 5:30 p.m. – 7:00 p.m.

n) PSAB Report – Given by Fred Rosemeyer.

Mayor Rosemeyer disclosed that since he represents Borough Council, he was awarded the “Lifetime Achievement Award” at the last PSAB Conference.

o) Somerset Volunteer Fire Dept. Report – Given by Jim Clark.

Mr. Clark first thanked Ms. Enos, Mr. Bailey and Chief Cox for the improvements they made to the Public Safety Building before the Firemen’s Banquet.

Mr. Clark read the Department’s monthly report and provided a copy to be filed with the Borough records. The report is as follows:

He disclosed that the Fire Department had been extremely busy since the last Council Meeting with 37 alarms. One alarm he highlighted was in the Borough. He said that natural vegetation caught on fire at the Med Corp Building. He said to “spread the word” about not packing mulch tight against a building. He added that if it is extremely dry, wet it down. The whole building was evacuated because they didn’t know what was happening. Quick response by the maintenance and EMS got the fire snuffed out until the Fire Department got there and cleared all the smoke out. The fire even scorched the side of the Med Corp building.

Mr. Clark said that there were 11 total incidences in Somerset Borough, 3 building fire assists, 1 on the PA Turnpike and 22 in Somerset Township.

Mr. Clark also mentioned a significant fire at SCI Laurel Highlands. Their Power Plant caught on fire due to an equipment and installation issue. Until it was noticed, the fire was already through the roof. He said that there was quick action by these folks and neighboring departments. Mr. Clark disclosed that the building is a \$2 million dollar building with its equipment, and added that the loss was approximately \$30,000.00.

He also mentioned a passenger/vehicle fire, with a wire down that was weather related. A tree came down and an electric wire caught the tree on fire. The wire melted down on a vehicle loaded with tractors and mowers right next to a house. The house was saved along with his equipment and vehicle, but his truck wasn’t.

p) Engineer’s Report – Given by Jake Bolby.

Mr. Bolby discussed the changes and updates to the Engineer’s Report.

WATER:

1) Water System Capital Improvement Projects:

Mr. Bolby disclosed that the large Water Project is out to bid. There is a lot of interest in the project, and there will be a meeting with all interested bidders on July 5th, 2022. Bid openings will be on July 20th, 2022.

Mr. Bolby said that we will know what the potential costs will be on July 20th, and a report and recommendation will be provided for the Authority and Borough Council at the next Joint Meeting on July 25th, 2022. Or, depending on how the bids come in, there may be the alternate dates of August 1st or August 8th, 2022. It depends on what decisions the Authority might have to make. Mr. Bolby said we are currently obtaining easements and the process is going forward, but otherwise, we are on schedule.

SEWER:

1) Assessment, Repair, and Abatement Plan (Hydraulic Overload):

Mr. Bolby said that we are moving forward with the next Phase, and will be submitting an Abatement Plan to DEP, which is due July 15th, 2022. He noted that they were authorized at the last Authority Meeting to move forward with the first very large Phase to take care of all the defects. He added that it is a very significant project and it will be done over multiple Phases and many years.

Ms. Enos thanked Mr. Bolby for all the support he has given the Borough throughout this whole process, because he has done a lot more administrative work when it comes to these projects. She added that she appreciates it very much.

GENERAL:

1) Union Street Playground:

Mr. Bolby noted that there has been previous discussion on the DCED Multimodal Grant for this project. We are getting more information on it regarding the census tract.

He said that the last time we applied for a Multimodal Grant, it had a 0% match. The terms of that changed and now they require a 30% match. A grant application has been submitted, and is still under consideration, for upgrades to the playground with a 0% match. All these funding perimeters do vary, but most of the time you are going to be asked to provide some fund matching commitment. He brought out that 0% fund matching is few and far between.

Mr. Bolby noted that as soon as Ms. Enos hears news on the Union Street Playground application, it will be shared with the group.

q) Mayor's Report – Given by Mayor Rosemeyer.

Mayor Rosemeyer stated that there is nothing new to report.

Chief Cox disclosed that he was contacted, 10 minutes before this Council Meeting, by the Laurel Highlands Crisis Intervention Team. They discovered an opportunity to submit a grant to Pennsylvania Commission on Crime & Delinquency in the amount of \$25,000.00, which would be used to support the efforts of the Crisis Intervention Team. Apparently, the existence of the grant wasn't discovered by them, and the deadline for it is tomorrow.

CIT offers advanced training in mental health issues to Police Officers, Dispatchers, Probation Officers and everyone who is on the front lines who deal with that population on the street. He disclosed that approximately one-half of the Borough's Officers are already certified. So this grant will enable them to continue to offer the training across the region.

The Borough of Somerset is already designated as the approved applicant to the PCCD process, so Chief Cox said that CIT reached out to him to act as the applicant.

Chief Cox pointed out that there were no matching funds, and the Borough would not have to do anything. He said that it would be very much like the role that we play with the Library. The check for the grant would be cut to Somerset Borough, and then the Borough would act as a "pass through" to Laurel Highlands CIT.

Chief Cox said that, prior to the Council Meeting, he was asking for the signatures of the Borough's Mayor, President and Manager in order for them to submit this grant.

It would directly benefit the Borough's Police Department, but its benefit would not be limited to our Police Department. The Borough Police Officers have availed themselves extensively to CIT's training over the years since 2007. He reiterated that it doesn't require any Council action, just signatures from the Borough's Mayor, President and Manager.

Solicitor Cascio said that it was acceptable to sign administratively for this grant.

Motion

Mr. Mandichak moved, seconded by Mrs. Miller to authorize the signatures from the Borough's Mayor, President and Manager for the grant application.

Motion Unanimously Carried

10. Executive Session – To discuss matters of potential litigation.

Motion

Mrs. Opp moved, seconded by Mr. Shaulis to go into Executive Session to discuss Matters of potential litigation.

Motion Unanimously Carried
6:38 p.m.

Back in Session

7:08 p.m.

11. ADJOURNMENT

Motion

Mrs. Miller moved to adjourn; motion seconded by Mr. Hoffman.

Motion Unanimously Carried
7:08 p.m.

Michele A. Enos, Borough Manager/ Secretary