

## **Borough of Somerset Council Meeting**

### **October 24<sup>th</sup>, 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 and Ian Mandichak.*

b) **Borough Council Members absent:** *Jim Clark.*

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

d) **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 Engineer, Tom Reilly.*

e) **Public Attendance:** *None.*

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

#### **Motion**

Mr. Hoffman moved, Mrs. Opp seconded, to approve the October 24<sup>th</sup>, 2022 Borough Council Meeting Agenda.

Motion Unanimously Carried

5. **Announcements:**

a) **Announcement** - *An executive session was held on October 17<sup>th</sup>, 2022 at 6:00 p.m. for the purpose of discussing Collective Bargaining for our Police Contract.*

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

a) **September 19<sup>th</sup>, 2022** – *Borough Council/Joint Authority Meeting Minutes.*

#### **Motion**

Mrs. Opp moved, Mrs. Miller seconded, to approve the September 19<sup>th</sup>, 2022 Borough Council/Joint Authority 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 October 2022.*

**Motion**

Mrs. Opp moved, Mr. Hoffman seconded, to approve the payment of bills for October 2022 numbered 38954 – 39103 totaling \$879,817.28.

Motion Unanimously Carried

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

**Motion**

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

Motion Unanimously Carried

**10. Policy Agenda:**

**Old Business:**

a) *None*

**New Business:**

a) Resolution No. 2022-09 – *Consider authorizing the deposit of Commonwealth monies into the Borough's various pension plans.*

Ms. Enos explained that every year we receive money from the Commonwealth of PA.

The allotment is based on our certification. The monies received this year was \$248,661.68.

She said that how we deposit the funds into the Borough's Pension Fund is based upon advice given to us by our pension Actuaries.

Ms. Enos added that we set this up in the form of a Resolution each year in October, and are required to do that before the end of October 2022.

**Motion**

Mrs. Opp moved, Mrs. Miller seconded, to authorize the deposit of Commonwealth monies into the Borough's various pension plans.

Motion Unanimously Carried

**Resolution No. 2022 -09**

***WHEREAS***, the Borough of Somerset has received a direct deposit from the Commonwealth of Pennsylvania dated September 28<sup>th</sup>, 2022 in the amount of Two Hundred Forty-Eight Thousand, Six Hundred Sixty-One and 68/100 (\$248,661.68) Dollars, representing the Commonwealth's allocation from the General Municipal Pension State Aid Program, and;

***WHEREAS***, Act 205 of 1984 provides that pension allocations must be deposited in the Municipal Pension Plan within thirty (30) days of receipt by the Municipal Treasurer, and;

***WHEREAS***, the governing body must determine by Resolution the amount to be distributed into its various plans;

***NOW THEREFORE, BE IT RESOLVED***, that Forty-Nine Thousand Five Hundred Eight and 68/100 (\$49,508.68) Dollars be allocated to the Non-Uniformed Collective Bargaining Pension Plan; and One Hundred Ninety-Nine Thousand One Hundred Fifty-Three and 00/100 (\$199,153.00) Dollars be allocated to the Police Pension Plan.

***ADOPTED*** this 24th day of October 2022.

b) **Resolution No. 2022-10** – Consider authorizing the elimination of member contributions to the Police Pension Plan for 2022. (Based upon the recommendation of our pension actuary).

Ms. Enos said that, in the future, there may be Police contributions required. At this time, actuarially, it is not necessary, so we have to officially eliminate it if it is not something that is necessary. That is also done by Resolution.

**Motion**

Mrs. Opp moved, Mr. Mandichak seconded to authorize the elimination of member contributions to the Police Pension Plan for 2022. (Based upon the recommendation of our pension actuary)

Motion Unanimously Carried

## **Resolution No. 2022-10**

**WHEREAS**, Ordinance No. 1144, Section XI relating to the Police Pension Fund states that the monthly contributions for participants may be reduced or eliminated by an annual Resolution if an actuarial study annually indicates that such reductions or elimination for that year will not adversely affect the actuarial soundness of the fund, and;

**WHEREAS**, a letter from Lori R. Owen, QPA, Consultant, Dunbar, Bender & Zapf, Inc., dated September 28<sup>th</sup>, 2022, states “that the Borough may eliminate employee contributions in the Police Plan for 2022 ...

**NOW THEREFORE, BE IT RESOLVED**, that the five (5) percent contributions from Police Officers for the year 2022 be eliminated.

**ADOPTED** this 24<sup>th</sup> day of October 2022.

- c) **Resolution No. 2022-11** – Consider authorizing this Resolution which allows taxpayers who fail to receive a tax notice during their first year of occupancy to apply for a waiver from penalties and additional costs from the tax collector.

Ms. Enos stated that this is a Resolution that all Municipalities will be considering.

The Act 57 was approved and requires all Municipalities, School Districts and Counties, who levy Real Estate Tax, to adopt this Resolution or an Ordinance. This will begin for all tax years after January 1, 2023, however, it has to be adopted by Resolution through Borough Council.

Ms. Enos explained that, presently, there is no way to remove or waive any type of penalty, and this Resolution will allow us to do that. She said that in a resident’s first year of occupancy in the Borough, if they do not receive a tax notice once they move into the Borough, they can apply for a waiver from penalties and additional costs from the tax collector.

She added that Solicitor Cascio has reviewed this Resolution as well.

Solicitor Cascio said that the Act 57 was recently passed by the Legislature and is directed to a very narrow situation.

The tax collector has no notice of a real estate closing, and is no longer listed in the previous homeowners name, until the following year when they see the tax duplicate. The previous home owner can end up with penalties because the taxes on the property go unpaid. If a Resolution or Ordinance passes, and someone finds themselves in this position, it will exonerate them from the penalties.

### **Motion**

Mrs. Opp moved, Mr. Hoffman seconded to authorize this Resolution which allows taxpayers who fail to receive a tax notice during their first year of occupancy to apply for a waiver from penalties and additional costs from the tax collector.

Motion Unanimously Carried

**RESOLUTION # 2022-11**  
**IMPLEMENTING ACT 57 OF 2022**  
**PROPERTY TAX PENALTY WAIVER PROVISIONS**

A Resolution of the Council of the Borough of Somerset, Somerset County to implement Act 57 of 2022.

WHEREAS, Act 57 of 2022, amending the Local Tax Collection Law, was signed by Governor Wolf on July 11, 2022, and takes effect on October 10, 2022; and...

WHEREAS, Act 57 requires taxing districts that impose taxes on the assessed value of real property to adopt a resolution or ordinance within 90 days of the effective date of the act, or not later than January 9, 2023, directing the tax collector to waive additional charges for real estate taxes in certain situations; and...

NOW, THEREFORE, BE IT RESOLVED, that the Tax Collector of the Borough of Somerset comply with the provisions of Act 57 and this resolution for tax years beginning on or after January 1, 2023...

**DEFINITIONS**

The following words and phrases shall have the meanings given to them within this resolution unless the context clearly indicates otherwise:

**Additional Charge**: Any interest, fee, penalty, or charge accruing to and in excess of the face amount of the real estate tax as provided in the real estate tax notice.

**Qualifying Event**:

1. For the purposes of real property, the date of transfer of ownership, as evidenced by a recorded deed or other instrument transferring title.
2. For manufactured or mobile homes, the date the Borough becomes aware of transfer of ownership or a lease agreement commences for the original location or relocation of a manufactured or mobile home on a parcel of land not owned by the owner of the manufactured or mobile home. The term does not include the renewal of a lease for the same location.

**Tax Collector**: The elected tax collector for the Borough of Somerset, Somerset County, any authorized or designated delinquent tax collector, the Somerset County Tax Claim Bureau, or any alternative collector of taxes as provided for in the act of July 7, 1947 (P.L.1368, No.542), known as the "Real Estate Tax Sale Law," an employee, agent or assignee authorized to collect the tax, a purchaser of claim for the tax or any other person authorized by law or contract to secure collection of, or take any action at law or in equity against the person or

property of the taxpayer for the real estate tax or amounts, liens or claims derived from the real estate tax.

### **WAIVER**

The Tax Collector shall, for tax years beginning on and after January 1, 2023, grant a request to waive additional charges for real estate taxes if the taxpayer does all of the following:

- A. Provides a waiver request of additional charges, on a form provided by the state Department of Community and Economic Development, to the Tax Collector in possession of the claim within twelve (12) months of a qualifying event;
- B. Attests that a tax notice was not received; and
- C. Provides the Tax Collector in possession of the claim with one of the following:
  - 1. A copy of the deed showing the date of real property transfer; or
  - 2. A copy of the title following the acquisition of a mobile or manufactured home subject to taxation as real estate showing the date of issuance or a copy of an executed lease agreement between the owner of a mobile or manufactured home and the owner of a parcel of land on which the mobile or manufactured home will be situated showing the date the lease commences; and
- D. Pays the face value amount of the tax notice for the real estate tax with the waiver request.

***ADOPTED this 24<sup>th</sup> day of October 2022.***

- d) *Special Budget Meeting* – *Selecting a date in November to hold a Special Budget Meeting to discuss the operating and capital budgets for 2023.*

Monday November 14<sup>th</sup>, 2022 was the date selected for the Special Budget Meeting.

### **Motion**

Mr. Hoffman moved; Mrs. Opp seconded to authorize the Special Budget Meeting to be held on Monday November 14<sup>th</sup>, 2022 at 5:00 p.m. to discuss the operating and capital budgets for 2023. The appropriate public notices of the Meeting will also be sent out.

Motion Unanimously Carried

- e) *Commercial Vehicles for 2023*– *Discussion concerning the timeline available for ordering commercial vehicles at “Co-Stars Pricing” for 2023.*

Ms. Enos said that they are presently in the budgeting process with Staff, just on requests, for 2023. The Public Works Department is looking for a Ford F250 Super Duty pick-up truck.

The Ford Company disclosed that they are opening up a very small window in October where we can order vehicles and receive Co-Stars discount pricing. Then that window will close for the year of 2023.

Mr. Enos pointed out that she does not like committing to a purchase in 2023 without Council actually seeing where the budgets end for this year, and project to be in 2023. She added that she did not want to withhold this information from Council knowing we could have ordered the truck at a discounted price.

Mr. Bailey disclosed that he had just received this information today. He said that they are giving us a week to do the pricing and a week to take the orders. Each Ford Dealer is only allotted so many orders for this type of pick-up truck, and once the dealerships get their allotment, they will not receive any more.

Ms. Enos said that she was told that if we purchase outside of that window, we are probably going to be facing MSRP pricing even if we can get the truck ordered. As a result, we will not receive the Co-Stars discount pricing, which can potentially range from \$8,000.00 - \$10,000.00. She pointed out that Co-Stars is a major discount. She added that this is one item we were looking to replace.

Mr. Bailey said that the Public Works Department replaced 1 truck two years ago, and lost 2 trucks due to frame issues that cannot be repaired, so they were put out of service.

Ms. Enos said that ever since covid-19 hit, and the whole industry changed, you could order anytime. Now if you want a new vehicle, you have to pre-order. She added that we get Co-Stars discount pricing on new vehicles.

Mr. Bailey noted that retail order blanks are scheduled until Oct 27<sup>th</sup>. They anticipate a very short window to place orders. So probably 2-5 days until the order blanks are filled.

Ms. Enos stated trucks that were budgeted for this year, and approved, have still not arrived.

The International was to be here in May and got pushed ahead several times into January 2023.

Mr. Bailey said he directly ordered a plow, and it is waiting to be picked up. He added that they are waiting to build the frame for the plow to mount to the truck. They need the measurements from the truck, so the frame will need to be built when the truck comes in. In the meantime, Mr. Bailey will be picking up the plow instead of paying \$2,000.00 for shipping costs.

Chief Cox disclosed that the Police cruiser he ordered in the spring of this year, did not arrive yet.

Mr. Reilly disclosed that they ordered 10 Chevy Silverado trucks in 2021 & 2022 and did not receive any of them.

**Motion**

Mrs. Miller moved; Mrs. Opp seconded to authorize the Public Works Department to order a Ford F250 Super Duty pick-up truck for 2023.

Motion Unanimously Carried

f) Donation Request– Consider the request for a donation for the Humane Society of Somerset County.

**Motion**

Mrs. Opp moved; Mr. Hoffman seconded to approve the donation request for the Humane Society of Somerset County in the amount of \$500.00.

Motion Unanimously Carried

**Committee Business/Reports:**

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

Ms. Enos had nothing further to report.

k) Finance Report – Given by Brett Peters.

Mr. Peters provided Borough Council with the Year-to-Date Financial Report through the month of September 2022. He mentioned that we are 75% of the way through the year.

**General Fund:**

Revenues – 102.53%

Expenses – 91.36%

**Water Fund:**

Revenues – 69.49%

Expenses – 81.70%

**Sewer Fund:**

Revenues – 78.45%

Expenses – 65.82%

Mr. Peters added that if Council had any particular questions, to contact him and he would address them as best as he can.

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

Mrs. Ream said that she heard there was good cooperation during the two recent structure fires from other Fire Departments.

Mrs. Ream had nothing further to report.

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

Mr. Hoffman said that the oncoming project at the Brinker Building is moving along.

The Jacobs Building is still slated for demolition in the coming weeks. There was some asbestos found around some of the windows. Arrangements were made for that to be

removed and then demolition will follow directly afterwards. Also, scrap and different useful materials are still being removed from the building.

“Light Up Night” in Somerset is coming up at the end of the November. “Small Business Saturday” will be on the same day.

Mr. Hoffman also mentioned that “Fire & Ice” and “Chili Cook-off”, with all elements included, will hopefully be back in full steam this year. “Prehistoric” will be the theme for “Fire & Ice” this year.

*n) PSAB Report – Given by Fred Rosemeyer.*

Mayor Rosemeyer mentioned that he had information from the Department of General Services regarding new grants that are available, and provided it to Mr. Peters.

Mayor Rosemeyer had nothing further to report.

*o) Somerset Volunteer Fire Dept. Report – Given by Steve Shaulis.*

Mr. Shaulis mentioned that the Fire Department recently had more than the number of fire calls that they usually do, along with a few structure fires. Mr. Shaulis commented that the help and cooperation from Somerset Fire Department, and that of surrounding Fires Departments, has been fantastic.

The Somerset Fire Department participated in a Basic Vehicle Rescue course last weekend with a lot attending this course.

There was also an Open House for Fire Prevention Week last weekend. There was good attendance from the Community at the event.

*p) Engineer’s Report – Given by Tom Reilly.*

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

**WATER:**

**1) Water System Capital Improvement Projects:**

Mr. Reilly said that they have a meeting schedule with PennVEST on Wednesday to discuss some outstanding items on that project.

**2) Laurel Hill Reservoir:**

Mr. Reilly said they are trying to get some grant funding to demo the dam. American Rivers submitted a grant application to Fish and Wildlife at the end of September 2022.

## **SEWER:**

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

Mr. Reilly brought out that the Study Phase of the Sewer & Stormwater Project is being worked on. A meeting was held on September 29<sup>th</sup>, 2022 with Borough Staff and the Engineers regarding rehab construction technology that they are going to potentially utilize on the large sewer project. Demonstrations are currently being scheduled for some of the rehab technologies.

## **GENERAL:**

### **1) Center Ave. Sidewalk Project:**

Mr. Reilly disclosed that the design for this project is quickly approaching completion.

*Advertisement* is scheduled for some time in November 2022. *Bid Opening* will be some time in December 2022. *Construction* will be starting in the spring of 2023.

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

Mayor Rosemeyer mentioned that an Ashley Lybarger wrote an excellent article in the PSAB booklet on Emergency Employees. In the article, Chief Cox speaks about the pro-active response to our schools and school shootings. He encouraged all to read the article. He expressed that he gives Chief Cox a lot of credit because “what he says, he does.”

Mayor Rosemeyer also mentioned how much time, after hours, Chief Cox put into his 11-page Planning Process. He said that the Judges, the D.A. and others at the Court House really paid attention to what Chief Cox had put together.

He expressed that he wanted to give Chief Cox credit for the amount of paperwork it takes to get things like this done at the Police Department. He added that he heard from one of the Judges who spoke highly of the Borough's Officers.

## **10. Executive Session** – None requested.

## **11. ADJOURNMENT**

### **Motion**

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

Motion Unanimously Carried  
6:40 p.m.

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Michele A. Enos, Borough Manager/ Secretary