

Borough of Somerset Municipal Authority Meeting

April 27th, 2026 – 6:30 p.m. (In-Person) Borough Council Room

1. **Meeting Called to Order** – Ben Flower at 6:30 p.m.

2. **Roll Call**

a. **Authority Board Members Present:** *Ben Flower, Lee Hoffman, Jeff Shaffer and Todd Thomas.*

b. **Also Present:** *Municipal Authority Manager, Jessica Sizemore; Administrative Assistant, Roger Bailey; Director of Finance, Brett Peters; Assistant Director of Finance, Matthew Franciscus; Solicitor, Bill Barbin; Consulting Engineers, Tom Reilly and Jake Bolby.*

c. **Public Attendance:**
Steve Peck and Alec Bittner.

3. **Approval of Agenda**

Motion to add Resolution 2026-08 to the Municipal Authority of the Borough of Somerset Agenda authorizing the officials of the Municipal Authority of the Borough of Somerset to sign the COA on behalf of the Municipal Authority of the Borough of Somerset, to the agenda.

Mr. Shaffer moved, Mr. Flower seconded.

Motion Unanimously Carried

A. **Approval of Agenda** – Review and approval of the Agenda for April 27th, 2026 Meeting.

a. Motion to approve the Agenda with the addition of Resolution 2026-08.

Mr. Flower moved, Mr. Shaffer seconded.

Motion Unanimously Carried

B. **Executive Session** - Contract Negotiation and Legal Matters.

Executive Session was held after the meeting was adjourned from 6:50 p.m. to 7:15 p.m.

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

A. **Approval of Meeting Minutes** – Meeting Minutes from the March 30th, 2026 Municipal Authority of the Borough of Somerset Board Meeting.

a. Motion to approve the Meeting Minutes from March 30th, 2026

Municipal Authority of the Borough of Somerset Board Meeting.

Mr. Flower moved, Mr. Hoffman seconded.

Motion Unanimously Carried

5. Opening of Bids

A. None

6. General Public Comments

A. None

7. Payment of Bills/Requisitions

A. None

8. Policy Agenda

A. Old Business

i. None

B. New Business

a. DEP Consent Order and Agreement

i. Motion to approve the executing the Consent Order & Agreement between the Commonwealth of Pennsylvania Department of Environmental Protection and the Municipal Authority of the Borough of Somerset in the Matter of Violation of the Clean Stream Law.

Mr. Flower moved, Mr. Hoffman seconded.

Motion Unanimously Carried

ii. Motion to approve Resolution 2026-08 authorizing the officials of the Municipal Authority of the Borough of Somerset to sign the Consent Order and Agreement on behalf of the Municipal Authority of the Borough of Somerset.

Mr. Flower moved, Mr. Shaffer seconded.

Motion Unanimously Carried

b. Rescind Resolution 2026-03 Declaration of Official Intent to Reimburse General Funds for Phase 1B, Sewer Improvements Project

i. Motion to rescind Resolution 2026-03 Declaration of Official Intent to Reimburse General Funds for Phase 1B, Sewer Improvements Project due to PENNVEST requirements and incorrect wording.

Mr. Shaffer moved, Mr. Flower seconded.

Motion Unanimously Carried

c. Resolution 2026-04 Declaration of Official Intent to Reimburse General Funds for Phase 1B, Sewer Improvements Project

i. **Motion to approve Resolution 2026-04 Declaration of Official Intent to Reimburse General Funds for Phase 1B, Sewer Improvements Project.**

Mr. Flower moved, Mr. Shaffer seconded.

Motion Unanimously Carried

RESOLUTION 2026-04

OF

THE MUNICIPAL AUTHORITY OF THE BOROUGH OF SOMERSET

DECLARATION OF OFFICIAL INTENT TO REIMBURSE GENERAL FUNDS USED TO CONSTRUCT IMPROVEMENTS TO ITS SANITARY SEWER COLLECTION SYSTEM WITH FUNDS RECEIVED FROM THE PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY

WHEREAS, the Municipal Authority of the Borough of Somerset ("Funding Recipient") has determined that construction of improvements is necessary to the Sanitary Sewer Collection System located in the Borough of Somerset and Somerset Township, Somerset County, Pennsylvania (the "Project"); and

WHEREAS, in order to finance the costs of the Project, the Funding Recipient has issued or intends to issue its Funding Agreement to the Pennsylvania Infrastructure Investment Authority ("PENNVEST") in the maximum principal forgiveness loan amount of \$900,000 (the "PENNVEST Funding Agreement"); and

WHEREAS, Funding Recipient intends to pay Project costs, on an interim basis, using its GENERAL FUNDS until the proceeds of the PENNVEST Funding Agreement are received.

NOW, THEREFORE, the Funding Recipient hereby declares as follows:

Pursuant to federal requirements set forth at 26 C.F.R. § 1.150-2, the Funding Recipient officially intends to reimburse its GENERAL FUNDS for Project costs incurred by the Funding Recipient with the proceeds of the PENNVEST Funding Agreement up to the maximum principal amount of \$16,100,000.

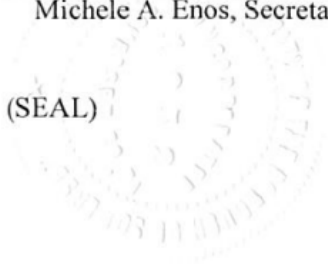
Municipal Authority of the Borough of Somerset

ATTEST:

Michele A. Enos
Michele A. Enos, Secretary

By: Ben Flower
Ben Flower, Chairman

(SEAL)



DATE: APRIL 14, 2026

- d. PENNVEST Funding Offer, Sewer Systems Improvement Project Phase 1C
 - i. **Motion to approve the PENNVEST Funding Offer for the Sewer Systems Improvement Project Phase 1C as per the terms provided by PENNVEST. Loan amount \$3,769,709 for 30 years at 1% interest rate and non-repayment of \$8,780,291.**
Mr. Flower moved, Mr. Hoffman seconded.

Motion Unanimously Carried

- ii. **Motion to allow management to execute PENNVEST and Project Documents, as needed, to progress the Phase 1C, Sewer Systems Improvement Project.**
Mr. Flower moved, Mr. Hoffman seconded.

Motion Unanimously Carried

- e. Resolution 2026-06 Intent to Borrow from PENNVEST, Phase 1C
 - i. **Motion to approve Resolution 2026-06 Intent to Borrow from PENNVEST Loan Number 75416, in the amount of \$3,769,709 for Phase 1C, Sewer Improvements Project.**
Mr. Flower moved, Mr. Hoffman seconded.

Motion Unanimously Carried

FUNDING RECIPIENT - LOAN NUMBER 75416

RESOLUTION TO BORROW 2026-06

AUTHORIZING THE SECURING OF FUNDING FROM THE PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY ("PENNVEST") IN THE MAXIMUM PRINCIPAL AMOUNT OF \$3,769,709.00 AND THE ACCEPTANCE OF A GRANT FROM THE AUTHORITY IN THE MAXIMUM PRINCIPAL AMOUNT OF \$8,780,291.00 FOR THE PURPOSE OF PROVIDING FUNDS TO FINANCE THE COST OF THE CONSTRUCTION, REPAIR, REHABILITATION, REMEDIATION, AND, IMPROVEMENT OF THE SANITARY SEWER AND STORMWATER SYSTEM OF THE FUNDING RECIPIENT, TO PAY COSTS AND EXPENSES OF SECURING SUCH FUNDING; AUTHORIZING THE EXECUTION AND DELIVERY OF A PLEDGE OF THE GROSS REVENUES AND RECEIPTS, MORTGAGE, OF THE AUTHORITY; APPROVING THE FORM, TERMS AND CONDITIONS OF THE FUNDING DOCUMENTS; AUTHORIZING THE EXECUTION OF THE FUNDING DOCUMENTS AND PROVIDING FOR THE AUTHENTICATION AND DELIVERY THEREOF; AND AUTHORIZING THE DISPOSITION OF THE FUNDING PROCEEDS RECEIVED OR TO BE RECEIVED FROM PENNVEST.

WHEREAS, the Municipal Authority of the Borough of Somerset, created and existing under the laws of the Commonwealth of Pennsylvania, has determined that it is necessary and in its best interests to construct, repair, remediate, rehabilitate, and improve (the "Project") that certain public, sewer and stormwater system; (the "System"); and

WHEREAS, in order to finance the cost of the Project, the Municipal Authority of the Borough of Somerset intends to secure a loan in the maximum principal amount of \$3,769,709.00, from PENNVEST to be evidenced by a debt obligation (the "Debt Obligation") and a grant in the maximum principal amount of \$8,780,291.00 (the "PENNVEST Funding"), secured by, a pledge of

the gross receipts and revenues of the Funding Recipient (the "Project Collateral") and other agreements granting and creating security interests, all as more particularly set forth in the funding agreement between the Municipal Authority of the Borough of Somerset and PENNVEST (the "Funding Agreement") and the funding offer from PENNVEST dated April 15, 2026 (the Debt Obligation, Project Collateral, other security agreements, funding offer, the Funding Agreement and all other agreements, documents, certificates and instruments described in or contemplated by the Funding Agreement are collectively referred to as the "Funding Documents"); and

WHEREAS, the Municipal Authority of the Borough of Somerset desires and intends to take all necessary and proper actions and to execute all documents required by PENNVEST to be executed to obtain the PENNVEST Funding and assure its proper repayment.

NOW, THEREFORE, the Municipal Authority of the Borough of Somerset hereby resolves as follows:

Section 1. For the purpose of providing funds to finance the cost of the Project and to pay costs and expenses in connection with the PENNVEST Funding, the Municipal Authority of the Borough of Somerset hereby authorizes the execution of all Funding Documents and the taking of all actions necessary and required by PENNVEST to obtain the PENNVEST Funding in the combined maximum principal amount of \$12,550,000.00 pursuant to the provisions of the Pennsylvania Municipality Authorities Act of May 2, 1945, P.L. 382, as amended and the Funding Documents.

Section 2. The PENNVEST Funding shall be secured by the Funding Documents from the Municipal Authority of the Borough of Somerset to PENNVEST, and to the extent and in the manner therein set forth, the Project Collateral and other agreements granting and creating certain security interests in favor of PENNVEST, as well as a pledge of all other revenues and receipts of the Municipal Authority of the Borough of Somerset for the payment of costs of the Municipal Authority of the Borough of Somerset, and for the payment of principal of, and interest on, the Debt Obligation. In addition, the Municipal Authority of the Borough of Somerset shall accept the Debt

Obligation as a special revenue obligation and pledge of its sewer revenues toward the repayment of the Debt Obligation.

The Funding Documents shall not in any manner pledge the full faith and credit or taxing power of the Commonwealth of Pennsylvania, nor shall it be deemed to be an obligation of the Commonwealth of Pennsylvania, nor shall the Commonwealth be liable for the payment of the principal of, or interest on, such obligation, but it shall be secured upon and payable from the gross revenues and receipts of the Municipal Authority of the Borough of Somerset derived from the System and from such other moneys as may be made available for the purpose of repaying the Debt Obligation.

Section 3. The form, terms and conditions of the Funding Documents prepared by counsel for the Municipal Authority of the Borough of Somerset and PENNVEST, to be substantially in the form as submitted to this meeting are hereby approved. The Chairman of the Municipal Authority of the Borough of Somerset is hereby authorized to execute the Funding Documents in such form on behalf of the Municipal Authority of the Borough of Somerset, subject to such changes and modifications, if any, as may be approved by such Chairman, the execution of the Funding Documents to be conclusive evidence of such approval, and the Secretary is hereby authorized to cause the corporate seal of the Municipal Authority of the Borough of Somerset to be affixed thereto and to attest the same. The Secretary of the Municipal Authority of the Borough of Somerset is further authorized to acknowledge the same on behalf of the Municipal Authority of the Borough of Somerset and to deliver said Funding Documents to PENNVEST.

Section 4. The PENNVEST Funding shall be repaid in the amounts and on certain dates, all as set forth in the Funding Documents as submitted to this meeting. The PENNVEST Funding is also subject to early repayment as provided in the Funding Documents.

Section 5. The application for the PENNVEST Funding ("Application") in the form submitted at this meeting is hereby approved with such subsequent, necessary and appropriate

variations, omissions and insertions, if any, as may be approved by the Chairman of the Municipal Authority of the Borough of Somerset, and the Chairman is hereby authorized to sign said Application, amended as aforesaid, on behalf of the Municipal Authority of the Borough of Somerset. The review of the Application and any amendments by PENNVEST, as well as any investigation required by PENNVEST in connection with the PENNVEST Funding, are hereby authorized.

Section 6. Upon receipt, the proceeds from the PENNVEST Funding authorized to be secured in this Resolution shall be applied by the Municipal Authority of the Borough of Somerset under the terms and conditions set forth in the Funding Documents.

Section 7. The proper officers of the Municipal Authority of the Borough of Somerset are hereby authorized, empowered and directed on behalf of the Municipal Authority of the Borough of Somerset to execute any and all papers and documents to do and cause to be done any and all acts and things necessary or proper for the execution or carrying out of this Resolution, of the Funding Documents and in the Application and securing of the PENNVEST Funding.

Section 8. All resolutions or parts of resolutions inconsistent herewith shall be, and the same are, hereby rescinded, cancelled and annulled.

Municipal Authority of the Borough of Somerset

ATTEST:


Michele A. Enos
Michele A. Enos, Secretary

(SEAL)

By: Ben Flower
Ben Flower, Chairman

DATE: April 27, 2020

f. Resolution 2026-07 Intent to Reimburse General Funds Phase 1C, Sewer Improvements Project

i. Motion to approve Resolution 2026-07 Intent to Reimburse General Funds from PENNVEST Loan Number 75416 Phase 1C, Sewer Improvements Project.

Mr. Flower moved, Mr. Hoffman seconded.

Motion Unanimously Carried

RESOLUTION 2026-07
OF
MUNICIPAL AUTHORITY OF THE BOROUGH OF SOMERSET

DECLARATION OF OFFICIAL INTENT TO REIMBURSE GENERAL FUNDS USED TO CONSTRUCT IMPROVEMENTS TO ITS SEWER SYSTEM IMPROVEMENT PROJECT, 1C WITH FUNDS RECEIVED FROM THE PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY

WHEREAS, the Municipal Authority of the Borough of Somerset ("Funding Recipient") has determined that construction of improvements to the Sanitary Sewer Collection System (1C) located in Somerset Borough, Somerset County, Pennsylvania (the "Project") are necessary; and

WHEREAS, in order to finance the costs of the Project, the Funding Recipient has issued or intends to issue its Debt Obligation to the Pennsylvania Infrastructure Investment Authority ("PENNVEST") in the maximum principal amount of \$3,769,709.00 (the "PENNVEST Debt Obligation"); and


WHEREAS, Funding Recipient intends to pay Project costs, on an interim basis, using its GENERAL FUNDS until the proceeds of the PENNVEST Debt Obligation are received.

NOW, THEREFORE, the Funding Recipient hereby declares as follows:

Pursuant to federal requirements set forth at 26 C.F.R. § 1.150-2, the Funding Recipient officially intends to reimburse its GENERAL FUND for Project costs incurred by the Funding Recipient with the proceeds of the PENNVEST Debt Obligation up to the maximum principal amount of \$3,769,709.00.

Municipal Authority of the Borough of Somerset

ATTEST:



Michele A. Enos, Secretary

By: 

Ben Flower, Chairman

(SEAL)

DATE: April 27, 2026

g. Legal Service Agreement with William Gleason Barbin, Esq for Phase 1C, Sewer Improvements Project

i. Motion to approve the Legal Service Agreement with William Gleason Barbin, Esq. for services for Phase 1C, Sewer Improvements Project in the amount of \$62,750.

Mr. Flower moved, Mr. Hoffman seconded.

Motion Unanimously Carried

h. Resolution 2026-05 Opening of Municipal Authority of the Borough of Somerset bank account for Phase 1B PENNVEST project funds

i. Motion to approve Resolution 2026-05, the opening a bank account for the purposes of PENNVEST Phase 1B, Sewer Improvements Project funds.

Mr. Shaffer moved, Mr. Flower seconded.

Motion Unanimously Carried

2026-05

Acct # 2005485807

RESOLUTION OF LODGE, ASSOCIATION OR OTHER SIMILAR ORGANIZATION

Somerset Trust Company
151 West Main Street
Somerset, PA 15501

By:

Municipal Authority of the Borough of Somerset
347 West Union Street
Somerset, PA 15501

Referred to in this document as "Financial Institution"

Referred to in this document as "Association"

I, Michele Enos, certify that I am Secretary (clerk) of the above named association organized under the laws of Pennsylvania, Federal Employer I.D. Number 81-3911722, and that the resolutions on this document are a correct copy of the resolutions adopted at a meeting of the Association duly and properly called and held on 04/17/2026 (date). These resolutions appear in the minutes of this meeting and have not been rescinded or modified.

AGENTS Any Agent listed below, subject to any written limitations, is authorized to exercise the powers granted as indicated below:

Table with 3 columns: Name and Title or Position, Signature, Facsimile Signature (if used). Rows include Michele A. Enos, Jessica J. Sizemore, Brett B. Peters, Matthew S. Franciscus, Roger A. Bailey.

POWERS GRANTED (Attach one or more Agents to each power by placing the letter corresponding to their name in the area before each power. Following each power indicate the number of Agent signatures required to exercise the power.)

Table with 3 columns: Indicate A, B, C, D, E, and/or F; Description of Power; Indicate number of signatures required. Powers include: (1) Exercise all powers, (2) Open deposit/share accounts, (3) Endorse checks/orders, (4) Borrow money, (5) Endorse/assign property, (6) Renting Safe Deposit Box, (7) Other.

LIMITATIONS ON POWERS The following are the Association's express limitations on the powers granted under this resolution.

EFFECT ON PREVIOUS RESOLUTIONS This resolution supersedes resolution dated _____. If not completed, all resolutions remain in effect.

CERTIFICATION OF AUTHORITY

I further certify that the Association has, and at the time of adoption of this resolution had, full power and lawful authority to adopt the resolutions on page 2 and to confer the powers granted above to the persons named who have full power and lawful authority to exercise the same. (Apply seal below where appropriate.)

If checked, the Association is a non-profit lodge, association or similar organization.

Signatures of Michele A. Enos (Secretary), Brett B. Peters (Attest by Other Officer), and Jessica J. Sizemore (Attest by Other Officer).

RESOLUTIONS

The Association named on this resolution resolves that,

- (1) The Financial Institution is designated as a depository for the funds of the Association and to provide other financial accommodations indicated in this resolution.
- (2) This resolution shall continue to have effect until express written notice of its rescission or modification has been received and recorded by the Financial Institution. Any and all prior resolutions adopted by the Association and certified to the Financial Institution as governing the operation of this association's account(s), are in full force and effect, until the Financial Institution receives and acknowledges an express written notice of its revocation, modification or replacement. Any revocation, modification or replacement of a resolution must be accompanied by documentation, satisfactory to the Financial Institution, establishing the authority for the changes.
- (3) The signature of an Agent on this resolution is conclusive evidence of their authority to act on behalf of the Association. Any Agent, so long as they act in a representative capacity as an Agent of the Association, is authorized to make any and all other contracts, agreements, stipulations and orders which they may deem advisable for the effective exercise of the powers indicated on page one, from time to time with the Financial Institution, subject to any restrictions on this resolution or otherwise agreed to in writing.
- (4) All transactions, if any, with respect to any deposits, withdrawals, rediscounts and borrowings by or on behalf of the Association with the Financial Institution prior to the adoption of this resolution are hereby ratified, approved and confirmed.
- (5) The Association agrees to the terms and conditions of any account agreement, properly opened by any Agent of the Association. The Association authorizes the Financial Institution, at any time, to charge the Association for all checks, drafts, or other orders, for the payment of money, that are drawn on the Financial Institution, so long as they contain the required number of signatures for this purpose.
- (6) The Association acknowledges and agrees that the Financial Institution may furnish at its discretion automated access devices to Agents of the Association to facilitate those powers authorized by this resolution or other resolutions in effect at the time of issuance. The term "automated access device" includes, but is not limited to, credit cards, automated teller machines (ATM), and debit cards.
- (7) The Association acknowledges and agrees that the Financial Institution may rely on alternative signature and verification codes issued to or obtained from the Agent named on this resolution. The term "alternative signature and verification codes" includes, but is not limited to, facsimile signatures on file with the Financial Institution, personal identification numbers (PIN), and digital signatures. If a facsimile signature specimen has been provided on this resolution, (or that are filed separately by the Association with the Financial Institution from time to time) the Financial Institution is authorized to treat the facsimile signature as the signature of the Agent(s) regardless of by whom or by what means the facsimile signature may have been affixed so long as it resembles the facsimile signature specimen on file. The Association authorizes each Agent to have custody of the Association's private key used to create a digital signature and to request issuance of a certificate listing the corresponding public key. The Financial Institution shall have no responsibility or liability for unauthorized use of alternative signature and verification codes unless otherwise agreed in writing.

Pennsylvania. The designation of an Agent does not create a power of attorney; therefore, Agents are not subject to the provisions of 20 Pa.C.S.A. Section 5601 et seq. (Chapter 56; Decedents, Estates and Fiduciaries Code) unless the agency was created by a separate power of attorney. Any provision that assigns Financial Institution rights to act on behalf of any person or entity is not subject to the provisions of 20 Pa.C.S.A. Section 5601 et seq. (Chapter 56; Decedents, Estates and Fiduciaries Code).

FOR FINANCIAL INSTITUTION USE ONLY

Acknowledged and received on _____ (date) by _____ (initials) This resolution is superseded by resolution dated _____ .

Comments:

i. Municipal Authority Bank Account Signatures

i. Motion to approve the updating of the authorized signatures for the Municipal Authority of the Borough of Somerset bank accounts as presented.

Mr. Flower moved, Mr. Shaffer seconded.

Motion Unanimously Carried

j. ME 77145 Amendment 3 Engineering Service Agreement

i. Motion to ratify the approval of Amendment 3 Engineering Service Agreement dated 4/10/2026. This Agreement consists of changes for cost allocation between the Sewer System Improvements Project Phase 1B, C & D along with an increase in RPR Services for Phase 1C & D of \$150,000.

Mr. Flower moved, Mr. Hoffman seconded.

Motion Unanimously Carried

k. Acknowledgement of 2024-S-01 Pay Apps as noted below

i. Acknowledgement of the Payment of Pay App 07 in the amount of \$751,439.51 to Snyder Environmental Services, Inc., for the work completed from 3/1/26 to 3/31/2026.

l. Acknowledgement of PENNVEST Pay Requests as noted below

i. Sewer Systems Improvement Project, Phase 1A Construction – Pay Request No. 6, Loan 71501 in the amount of \$470,734.47.

ii. Sewer Systems Improvement Project, Phase 1A Design/Engineering Services – Pay Request No. 7, Loan 77141 in the amount of \$33,987.07.

9. Reports

a. Manager's Report – Update on Operations.

“National Work Zone Safety Awareness Week” was recently recognized in the Borough. Borough employees participated in “Go Orange” Day on Wednesday by wearing orange shirts reminding all to work & drive safely in work zone areas. A nice luncheon was also provided for participating employees.

b. Engineer's Report – Update on the Status of Projects for Water, Sewer and Stormwater.

SEWER:

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

Phase 1A, which includes the collection system of Brierwood and west, is moving along.

The “Notice to Proceed” with Phase 1B is set for June 1st, 2026. A pre-construction meeting with the contractor, First Fruits Excavating, will be held in a few weeks.

Phase 1C, which includes the east side of Somerset Borough, is advertising for bid opening beginning May 1st, 2026. Bids will be opened June 11th, 2026. Construction may begin as early as October 2026.

Phase 1D is going to fall along the same schedule as Phase 1A, B & C. The Part 2 Permit will be submitted next. Once approved, the PENNVEST Funding Application will be submitted.

Once Phase 1D Phase is complete, a post-construction Flow Monitoring Phase will follow.

Planning for Phase 2 includes the Sewer Treatment Plant & Equalization.

Phase 3 includes the pumping station and interceptor sewers.

c. Facility Reports for March 2026 – *Provided on the portal for informational purposes.*

d. March 2026 Financial Report & Monthly Transactions – *Provided on the portal for informational purposes.*

10. Adjournment

A. Adjournment

a. **Motion to adjourn.**

Mr. Shaffer moved to adjourn, seconded by Mr. Hoffman.

Motion Unanimously Carried

6:50 p.m.

B. Next Meeting:

a. May 18th, 2026 @ 5:00 p.m.

Jessica Sizemore, Municipal Authority Manager