

## **Borough of Somerset Council Meeting November 19th, 2018 at 7:00 p.m.**

Meeting was called to order by President Ruby Miller, opening with recitation of the Pledge of Allegiance to the Flag.

### **Roll Call:**

Council Members Present: Ruby Miller; Fred Rosemeyer; Judy Pyle; Sue Opp; Steve Shaulis and Gary Thomas. Mayor Scott Walker also present.

Absent was Council Member Pam Ream.

Junior Council Member Jonathan Wagner also present.

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

### **Announcements:**

(a) *None*

### **Approval of Minutes of Previous Meetings:**

(a) *October 29<sup>th</sup>, 2018 – Committee of the Whole Meeting Minutes*

### **Motion**

Mrs. Opp moved, Mr. Shaulis seconded to approve the October 29<sup>th</sup>, 2018 Committee of the Whole Meeting Minutes.

Motion Unanimously Carried

(b) *October 22<sup>nd</sup>, 2018 – Borough Council Meeting Minutes*

### **Motion**

Mrs. Pyle moved, Mr. Thomas seconded to approve October 22<sup>nd</sup>, 2018 Borough Council Meeting Minutes.

Motion Unanimously Carried

### **Award of Bids:**

(a) *None*

**General Public Comments:**

- (a) *Eric Sadler – Requested to address Borough Council.  
(Mr. Sadler was not present)*

**Administrative Business:**

- (a) *Communications (none)*
  
- (b) *Payment of Bills:*

**Motion**

Mrs. Opp moved, Mrs. Pyle seconded, to approve the payment of bills numbered 32055 – 32221 totaling \$334,414.61.

Motion Unanimously Carried

**Policy Agenda:**

**Old Business:**

- (a) *None*

**New Business:**

- (a) *Somerset Trust Company – Requesting to permanently remove one (1) metered parking space along East Union Street near the intersection of N. Kimberly Avenue.*

Ms. Enos mentioned that this is a request from CME on behalf of Somerset Trust Company, which is their Engineer on the project. They are requesting that 1 metered space be permanently removed for their future project there.

**Motion**

Mr. Thomas moved, Mrs. Opp seconded, to the permanent removal of one (1) metered parking space along East Union Street near the intersection of N. Kimberly Avenue.

Motion Unanimously Carried

- (b) *2018 CDBG Application – Consider authorizing a Resolution to apply for Community Development Block Grant Funding for 2018.*

Ms. Enos stated that this is an annual Resolution that the Borough considers for Entitlement Communities for CDBG Funding. This is the Resolution submitted on our behalf by the Redevelopment Authority of Somerset County.

**2018 ENTITLEMENT CDBG APPLICATION**  
**AUTHORIZING RESOLUTION**  
**BOROUGH OF SOMERSET**

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

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

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

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

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

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

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

Funding in the amount of \$110,380.00 will be used for an owner/occupied, residential housing rehabilitation program.

**Motion**

Mr. Rosemeyer moved, Mr. Thomas seconded, to authorize the Resolution to apply for Community Development Block Grant Funding for 2018.

Motion Unanimously Carried

*(c) 2018 CDBG Application – Consider executing the Cooperation Agreement between the Borough of Somerset, County of Somerset and the Redevelopment Authority for the administration of the 2018 CDBG Funding.*

Ms. Enos stated that this is a tri-party agreement between the Borough, the County and the Redevelopment Authority.

The Redevelopment Authority administers these funds on behalf of the Borough, and this is what the agreement states.

**Motion**

Mrs. Pyle moved, Mrs. Opp seconded, to authorize the execution of the Cooperation Agreement between the Borough of Somerset, County of Somerset and the Redevelopment Authority for the administration of the 2018 CDBG Funding.

Motion Unanimously Carried

*(d) 2018 CDBG Application – Consider authorization to execute the signature page of the 2018 CDBG Application for funding.*

Ms. Enos mentioned that this is just the signature page for the Agreement for funding. It is authorizing its execution.

**Motion**

Mr. Rosemeyer moved, Mr. Shaulis seconded, to authorize the execution of the signature page of the 2018 CDBG Application for funding.

Motion Unanimously Carried

*(e) Somerset Area Ambulance Association – Requesting a donation for 2019.*

Ms. Enos mentioned that this donation was discussed at the last Committee of the Whole Meeting. She brought out that this donation is part of the 2019 Budget. She stated that if Council wants to support this donation, it requires official action.

Ms. Enos stated that the Borough has previously donated \$4,000.00 a year. This would be paid out in quarterly installments of \$1,000.00 if Council chooses to donate.

**Motion**

Mr. Rosemeyer moved, Mrs. Opp seconded, to authorize a donation to the Somerset Area Ambulance Association in the amount of \$4,000.00 for 2019.

Motion Unanimously Carried

(f) Somerset Inc. – Consider authorizing the renewal of our annual membership to Somerset Inc.

Ms. Enos stated that the renewal cost for the Borough is \$125.00.

**Motion**

Mrs. Opp moved, Mr. Thomas seconded, to authorize the renewal of our annual membership to Somerset Inc. in the amount of \$125.00.

Motion Unanimously Carried

(g) Somerset Inc. – Consider authorizing the purchase of an ice sculpture for the annual Fire & Ice Festival.

Ms. Enos stated that, typically, every year we purchase a one block ice sculpture. She mentioned that by renewing our membership with Somerset Inc., it discounts the price to \$290.00 for the one block ice sculpture.

**Motion**

Mrs. Pyle moved, Mr. Rosemeyer seconded, to authorize the purchase of an ice sculpture for the annual Fire & Ice Festival.

Motion Unanimously Carried

(h) Department of Community & Economic Development – Consider authorization to execute the grant agreement for the improvements to the Mary S. Biesecker Public Library.

Ms. Enos stated that the Borough is acting as a “pass through” on this, and as the Grant Applicant, we are acting on behalf of the Mary S. Biesecker Public Library. She

stated that one of the reasons why Council authorized the Borough to participate in this, is that we were not going to be providing administration for this grant.

Ms. Enos stated that the Grant Agreement has come in for the total project cost of \$222,394.76. This is the grant amount. She stated that the Borough will still need to be the signatory on the grant, because we are the official applicant, even though it is a Library Grant.

The Library will be paying the matching grant amount. The Borough will not be funding any costs involved in this project.

**Motion**

Mrs. Pyle moved, Mr. Thomas seconded, to authorize the execution of the grant agreement for the improvements to the Mary S. Biesecker Public Library.

Motion Carried (5 yes – 1 no)  
(Mr. Rosemeyer voting “No”)

(i) Resolution No. 2018-14 – Consider designating the firm of Friedline, Pison & Company to audit our 2018 Accounts.

Ms. Enos stated that this is something that we also do annually. She added that the CPA the Borough has been using for years is Friedline, Pison & Company.

**RESOLUTION No. 2018-14**

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

*NOW THEREFORE, We, the Council and Mayor of the Borough of Somerset designate Friedline, Pison & Company to audit Borough Accounts for the year 2018.*

*ADOPTED this 19<sup>th</sup> day of November 2018.*

**Motion**

Mrs. Pyle moved, Mrs. Opp seconded, to designate the firm of Friedline, Pison & Company to audit our 2018 Accounts.

Motion Unanimously Carried

*(j) Resolution No. 2018-15 – To appoint PA Municipal Code Alliance for Residential and Commercial Building Inspection Services.*

Ms. Enos explained that all of the fees that PA Municipal Services set is going to be transferred to whatever applicant is applying. She stated that the Borough will be getting 10% for administration, because we are still going to be the keeper of the records. She mentioned that the Borough has records for every property within the Borough.

**Resolution No. 2018-15**

**A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF SOMERSET, SOMERSET COUNTY, PENNSYLVANIA, APPOINTING PENNSYLVANIA MUNICIPAL CODE ALLICANCE, INC. AS A THIRD-PARTY AGENCY SELECTED TO ADMINISTER AND ENFORCE THE UNIFORM CONSTRUCTION CODE AND SERVE AS A BUILDING CODE OFFICIAL.**

**WHEREAS**, THE BOROUGH OF SOMERSET elected to enforce the Uniform Construction Code in accordance with 35 P.S. §7210.501(a) on May 24<sup>th</sup>, 2004; and

**WHEREAS**, Since its election to enforce the Uniform Construction Code, THE BOROUGH OF SOMERSET has administered the Code by a duly-authorized and qualified employee as permitted by 35 P.S. § 7210.501(b)(1); and

**WHEREAS**, THE BOROUGH OF SOMERSET has elected to administer and enforce the Uniform Construction Code in conjunction with the currently authorized and qualified employee by retaining a third-party agency to provide such services as permitted by 35 P.S. § 7210.501(b)(2); and

**WHEREAS**, the BOROUGH OF SOMERSET desires to appoint Pennsylvania Municipal Code Alliance, Inc. as a third-party agency jointly responsible for the administration and enforcement of the Uniform Construction Code and to serve as a Building Code Official of THE BOROUGH OF SOMERSET.

**NOW THEREFORE, BE IT RESOLVED**, by the COUNCIL OF THE BOROUGH OF SOMERSET as follows:

1. THE BOROUGH OF SOMERSET hereby appoints Pennsylvania Municipal Code Alliance, Inc. as a the third-party agency jointly responsible with the previously appointed Building Code Official for the administration and enforcement of the Uniform Construction Code, as adopted and as may be amended by the ordinances

of this municipality and to serve as a Building Code Official in THE BOROUGH OF SOMERSET.

2. Any fees charged for building permits or for other services related to the administration and enforcement of the Uniform Construction Code, by the Pennsylvania Municipal Code Alliance, Inc. shall be in accordance with a schedule of fees established by Pennsylvania Municipal Code Alliance, Inc. from time to time and provided to THE BOROUGH OF SOMERSET.
3. THE BOROUGH OF SOMERSET may request, from time to time, that Pennsylvania Municipal Code Alliance, Inc. provide other services to THE BOROUGH OF SOMERSET.
4. Pennsylvania Municipal Code Alliance, Inc., shall at all times when providing services to THE BOROUGH OF SOMERSET, maintain a valid certification with the Pennsylvania Department of Labor and maintain general liability and errors and omissions insurance coverage in an amount of at not less than One Million Dollars.
5. Severability. The provisions of this Resolution shall be severable, and if any of its provisions shall be held unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall not affect the validity of any of the remaining provisions of this resolution.
6. Repealer: Except for any action of the Council of THE BOROUGH OF SOMERSET, designating any employee as Building Codes Officer, all resolutions or parts of resolutions inconsistent herewith are expressly repealed.
7. Effective Date: This Resolution shall become effective immediately.

**DULY ADOPTED**, this 19<sup>th</sup> day of NOVEMBER, 2018 by the COUNCIL OF THE BOROUGH OF SOMERSET in the lawful session duly assembled.

**BOROUGH OF SOMERSET**

**Motion**

Mrs. Opp moved, Mrs. Pyle seconded, to appoint PA Municipal Code Alliance for Residential and Commercial Building Inspection Services.

Motion Unanimously Carried

*(k) Handicap Parking Space Request – Consider authorizing a designated handicap parking space along the 100 Block of East Sanner Street.*



Ms. Enos disclosed that the daughter of an elderly couple that live along the 100 Block of East Sanner Street, called on her parent's behalf and asked if the Borough would consider a handicap parking space.

Ms. Enos explained to the daughter that the Borough cannot designate the space for only her parents, and that anyone who has the proper handicap identifications could utilize the space. The daughter was in agreement with this. Ms. Enos explained to the daughter that it would take Borough Council's authorization to designate a handicap parking space.

Ms. Enos acknowledged that this request is not out of the norm. The Borough has had handicap parking space requests in the past which was permitted by Council.

Ms. Enos brought out to Council that they have the authorization to approve this request, and also have the authorization to remove it, as well. So they are not bound to this permanently.

### **Motion**

Mr. Thomas moved, Mr. Shaulis seconded, to authorize a designated handicap parking space along the 100 Block of East Sanner Street.

Motion Unanimously Carried

### *(I) 2019 Budgets – Consider the adoption of the tentative General, Water and Sewer Fund Budgets for 2019.*

Mr. Peters stated that, as was previously discussed at the Committee of the Whole Meeting, the General Fund Budget includes a 1 mill tax increase.

Ms. Enos recapped that the Borough has enough in Reserves in the General Fund to take care of the Capital Requests that would be purchased in 2019. After that, there would be nothing left for future Capital Purchases unless taxes were raised to be put into that fund. Or we have the option to eliminate services. She stated that these are the two options, to raise taxes or eliminate services that are being provided.

Ms. Enos stated that the Budget had been prepared with a 1 mill tax increase based upon the consensus that was given by Borough Council at the last meeting.

Mr. Peters brought out that the Sewer Fund was prepared with the 5 cents rate increase/per hundred gallon of water used.

Ms. Enos stated that this is averaged out of a 4,000-gallon customer use. This would be an increase of approximately \$2.00 a month.

Discussion was held regarding tax increases and how costs continue to rise that the Borough has no control of.

Ms. Enos brought out that Somerset Borough is the largest Borough in Somerset County, and one that provides many services other Boroughs do not have. We have many employees, also, who provide the services the Borough offers.

**(3 Separate Motions were voted upon by Members of Council)**

**Motion**

Mr. Thomas moved, Mrs. Pyle seconded, to adopting the Tentative Budget for the Sewer Fund for 2019, which includes an increase of 5 cents per/hundred gallons.

Motion Unanimously Carried

**Motion**

Mr. Shaulis moved, Mrs. Opp seconded, to adopt the Tentative Budget for the General Fund for 2019, which includes a 1 mill real estate tax increase.

Motion Carried (4 yes – 2 no)

(Mr. Thomas & Mrs. Pyle voting “No”)

**Motion**

Mrs. Opp moved, Mr. Shaulis seconded, to adopt the Tentative Budget for the Water Fund & Special Revenue Funds for 2019 with no increase.

Motion Unanimously Carried

**Executive Session** – None requested.

**ADJOURNMENT:**

Mr. Thomas moved to adjourn, seconded by Mrs. Pyle.

Motion Unanimously Carried

7:38 p.m.

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Michele A. Enos, Borough Manager/Secretary