

# **Borough of Somerset Council Meeting**

## **December 28th, 2020 - 5:00 p.m.**

### **1. Meeting Called to Order - President Ruby Miller**

### **2. Pledge of Allegiance**

### **3. Roll Call:**

Council Members present: Ruby Miller; Fred Rosemeyer; Lee Hoffman; Pam Ream; Sue Opp; Steve Shaulis and Gary Thomas.

Also present: Mayor Scott Walker.

Present: Junior Council Member Sierra Urban.

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

### **Public Attendance:**

a) None

### **4. Announcements**

a) None

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

a) November 23rd, 2020 – Borough Council Meeting Minutes.

### **Motion**

Mr. Opp moved, Mrs Ream seconded to approve the November 23<sup>rd</sup>, 2020 Borough Council Meeting Minutes.

Motion Unanimously Carried

### **6. Award of Bids:**

a) None

### **7. General Public Comments:**

a) None requested

### **8. Administrative Business:**

a) Communications (None)

b) Payment of Bills – Month of December 2020.

**Motion**

Mrs. Ream moved, Mr. Hoffman seconded, to approve the payment of bills for December 2020 numbered 35830 - 35979 totaling \$417,184.94.

Motion Unanimously Carried

**9. Policy Agenda:**

**Old Business:**

a) None

**New Business:**

a) Ordinance No. 1381 – Consider approving an Ordinance to set the tax millage for 2021 at 17.40 mills. (General Purpose is 16.29 mills; Mary S. Biesecker Library is .666 mills and the Somerset Volunteer Fire Department is .444 mills)

(Before a motion was taken, Solicitor Cascio asked if anyone from the general public on the Teleconference call would like to comment on any Agenda item. There was no response, therefore, no interest in commenting was shown)

**Motion**

Mr. Rosemeyer moved, Mr. Thomas seconded to accept the Ordinance to set the tax millage for 2021 at 17.40 mills. (General Purpose is 16.29 mills; Mary S. Biesecker Library is .666 mills and the Somerset Volunteer Fire Department is .444 mills)

Motion Unanimously Carried

**ORDINANCE NO. 1381**

***AN ORDINANCE OF THE BOROUGH OF SOMERSET, COUNTY OF SOMERSET, COMMONWEALTH OF PA, FIXING THE TAX RATE FOR THE YEAR 2021***

**BE IT ORDAINED AND ENACTED**, and it is hereby ordained and enacted by the Borough Council of the Borough of Somerset, County of Somerset, and Commonwealth of Pennsylvania:

**SECTION 1.** That a tax be and the same is hereby levied on all real property within the Borough of Somerset, subject to taxation for the fiscal year 2021 as follows:

Tax Rate for General Purposes, the sum of 16.29 on each dollar of assessed valuation.

For Mary S. Biesecker Public Library purposes, the sum of .666 mills on each dollar of assessed valuation.

For Somerset Volunteer Fire Department purposes, the sum of .444 mills on each dollar of assessed valuation.

The same being summarized in tabular form as follows:

<b><u>MILLS ON EACH DOLLAR OF ASSESSED VALUATION</u></b>	
<b>Tax Rate for General Purposes</b>	<b>16.29 Mills</b>
<b>Tax Rate for Mary S. Biesecker Public Library purposes</b>	<b>.666 Mills</b>
<b>Tax Rate for Somerset Volunteer Fire Department Purposes</b>	<b>.444 Mills</b>
<b><u>TOTAL:</u></b>	<b><u>17.40 Mills</u></b>

**SECTION 2.** That any ordinance, or part of ordinance conflicting with this ordinance, be and the same is hereby repealed insofar as the same affects this ordinance.

Adopted this 28<sup>th</sup> day of December, 2020

*b) Final Budgets for 2021 – Consider adopting the final Budgets for 2021 which includes General Fund; Water Fund; Sewer Fund and Special Revenue Funds.*

**Motion**

Mr. Thomas moved, Mr. Shaulis seconded to adopt the final Budgets for 2021 which includes General Fund; Water Fund; Sewer Fund and Special Revenue Funds.

Motion Carried Unanimously

*c) Resolution No. 2020-15 – Consider authorizing the elimination of member contributions to the Police Pension Plan for 2020.*

**Motion**

Mrs. Ream moved, Mrs. Opp seconded to authorize the elimination of member contributions to the Police Pension Plan for 2020.

Motion Carried Unanimously

## **Resolution No. 2020-15**

**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 December 8<sup>th</sup> 2020, states “that the Borough may eliminate employee contributions in the Police Plan for 2020 ...

**NOW THEREFORE, BE IT RESOLVED**, that the five (5) percent contributions from Police Officers for the year 2020 be eliminated.

**ADOPTED** this 28<sup>th</sup> day of December 2020.

d) Ordinance No. 1382 – Consider adopting the ordinance to revise the “local limits” to the Borough’s Pre-Treatment Ordinance to comply with the standards set by the Environmental Protection Agency.

Ms. Enos brought out that what has changed about the Pre-Treatment Ordinance is the category of “nickel”. She mentioned that this was discussed with Borough Council a few months ago. Ms. Enos said that at the previous Council Meeting, it was also mentioned that Somerset Township also had to approve, and pass, their own Ordinance. Somerset Borough is also required to adopt this revision by Ordinance. She added that this is in compliance with the Environmental Protection Agency standards.

### **Motion**

Mrs. Ream moved, Mr. Rosemeyer seconded to adopt the ordinance to revise the “local limits” to the Borough’s Pre-Treatment Ordinance to comply with the standards set by the Environmental Protection Agency.

Motion Unanimously Carried

## **ORDINANCE NO.1382**

AMENDING ORDINANCE  
TO ORDINANCE NO. 1362, AS HERETOFORE AMENDED,  
OF  
THE BOROUGH OF SOMERSET

BE IT HEREBY ORDAINED AND ENACTED:

Article 1. The Section, Subsection and Paragraph of Ordinance No. 1362, as amended, of the Borough of Somerset, which is identified with particularity in the body of this Amending Ordinance, is hereby amended as provided herein.

Article 2. All other terms, provisions, conditions and requirements of Ordinance 1362, as previously amended, which are not expressly amended by this Amending Ordinance, shall remain unchanged and in full force and effect.

Article 3. The following table, values and notes are hereby adopted as part of Local Limits (§158-8 of the Code of the Borough of Somerset) thereby supplanting and replacing the entire text and values appearing between the headings “Metal Inorganics” and “Compatible Pollutants”:

**Combined Local Limit Loading For All Industrial User Permits**

Parameter	Total Allowable Industrial Permittee Local Contribution	Uniform Concentration
	(lb/day)	(mg/L)
Arsenic	0.047	0.043
Cadmium	0.019	0.017
Chromium (VI)	0.063	0.059
Chromium (Total)	3.501	3.230
Copper	0.448	0.413
Cyanide	0.188	0.173
Iron (Dissolved)	12.284	11.330
Iron (Total)	63.026	58.132
Lead	0.540	0.498
Mercury	0.002	0.002
Nickel	0.416	0.383
Silver	0.083	0.074
Zinc	1.406	1.297

Article 4. This Amending Ordinance will take effect immediately on the date of its content approval by the federal EPA.

e) Mary S. Beisecker Library Grant – Consider authorizing the execution of a grant agreement between the Borough of Somerset and the Commonwealth of PA for the award of a Keystone Grant for Library Improvements in the amount of \$241,798.53. The local match will be funded solely by the Mary S. Beisecker Public Library.

Ms. Enos stated that this is a grant application submitted by the Mary S. Beisecker Library. Somerset Borough would be acting as the pass-through agency, as we have previously done when a similar type of grant, that was received by the Library.

Ms. Enos mentioned that we have in writing the guarantee of the 50% local match to be solely funded by the Mary S. Beisecker Public Library.

She added that it is being recommended to execute an agreement with the Commonwealth for this funding for the Mary S. Beisecker Library.

### **Motion**

Mr. Rosemeyer moved, Mr. Hoffman seconded to approve the execution of a grant agreement between the Borough of Somerset and the Commonwealth of PA for the award of a Keystone Grant for Library Improvements in the amount of \$241,798.53. The local match will be funded solely by the Mary S. Beisecker Public Library, with no required funding costs to the Borough of Somerset.

Motion Unanimously Carried

### **f) VSE Corporation – Discussion concerning a court order to reimburse real estate taxes in the amount of \$4,678.89 as part of a judgement for an assessment appeal.**

Ms. Enos mentioned that VSE Corporation was formerly known as the Wheeler Brothers. She said that they went into a tax assessment appeal, and the Borough has received a court order judgement to reimburse VSE Corporation as part of their judgement.

Ms. Enos brought out that the Borough's portion of taxes totaling \$4,678.89, that VSE Corporation had already paid, will go back to VSE. Once an appeal is filed, it covers that year and any subsequent year that follows. So this is part of a 3-year judgement from 2018 – 2020.

Ms. Enos also mentioned that Somerset County and the School District will also have to reimburse monies paid to them from VSE as part of this judgement.

Solicitor Cascio explained that every taxable property in PA, and in the County, has the ability to appeal the evaluation on the property that is established by the County Assessment Office. An assessment appeal can be filed every year if you believe your property is assessed at too high a value, which then results in either a hearing or a trial.

Solicitor Cascio said that as a result of VSE Corporations appeal, their assessment values have been reduced, subsequently reducing their real estate tax millage.

He added that Somerset County and the School Board has approved this settlement for their portion of the reimbursement to VSE Corporation.

### **Motion**

Mr. Rosemeyer moved, Mr. Hoffman seconded to reimburse real estate taxes in the amount of \$4,678.89 as part of a judgement to ratify the settlement of an assessment appeal.

Motion Unanimously Carried

*g) Bakersville Volunteer Fire Department – Requesting a donation for their fire department.*

Ms. Enos brought out that Somerset Borough had sent a donation of \$50.00 to Bakersville Volunteer Fire Department last year. She added that this is an approved donation that Borough Council is able to contribute to if they choose to do so.

Mr. Shaulis brought out that Bakerville Fire Department provides Somerset Borough with protection at the Water Plant.

**Motion**

Mr. Thomas moved, Mr. Rosemeyer seconded to send a \$50.00 donation to the Bakersville Volunteer Fire Department.

Motion Unanimously Carried

Mrs. Ream mentioned a house on Canal Drive that has “ponding” in their back yard from water runoff. She said the resident reached out to her to see if the Borough could help.

After discussion, Ms. Enos stated that the problem will be assessed by the Borough to see if it can be resolved.

Mr. Bolby stated that the only remaining projects from 2020 that is ongoing are the Cleaning & Televising and Smoke & Dye Projects. He brought out that both are related to the sewer, and the Corrective Action Plan, for the sewer system. Mr. Bolby added that both of these projects are on schedule.

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

**Motion**

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

Motion Unanimously Carried

? p.m.

**Back in Public Session**

5:34 p.m.

***Out of Execution Session, a motion was recommended:***

Ms. Enos stated that it is recommended for Borough Council to authorize the approval of the Teamsters presented 1-year contract, and to execute the necessary document, provided there are no changes made to what was negotiated.

**Motion**

Mr. Thomas moved, seconded by Mrs. Ream to authorize the approval of the Teamsters presented 1-year contract and to execute the necessary document provided there are no changes made to what was negotiated.

Motion Unanimously Carried

**11. ADJOURNMENT**

**Motion**

Mrs. Opp moved to adjourn, motion seconded by Mrs. Miller.

Motion Unanimously Carried  
5:38 p.m.

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Michele A. Enos, Borough Manager/ Secretary