

The regular monthly meeting of the Ebensburg Borough Council was called to order on Monday, September 27, 2021 at 6:30 p.m. in the Community Room of the Ebensburg Municipal Building by President, Doug Tusing.

Present: Doug Tusing, President
Dave Kuhar, Vice President
Theresa Jacoby
Scot May
Cecilia Houser
Mike Owatt
Jeff Ball
Will Westrick, Junior Councilor

Others: Kelly Cook, Borough Manager
Randy Datsko, Mayor
Blair Pawlowski, Solicitor
Danea Koss, Community Development Director
Dirk Johnson, Recreation Director
Jeff Evans, Public Works Director
Gerry McMullen, Municipal Authority
Kristin Baudoux, The Mountaineer Herald
Katie Smolen, The Tribune Democrat

Audience: 2

A. The Pledge of Allegiance was recited.

B. **Public Comments** – None.

C. **Consent Agenda**

Ms. Houser made a motion to approve the consent agenda containing the following items.
(May) Motion passed unanimously.

1. Approve the minutes of the August 23, 2021 regular monthly meeting of Borough Council.
2. Approve the financial statement.
3. Approve payment of bills.

D. **Appointment to Address Council** – None.

E. **Mayor's Report** – None.

F. **Council President** – Mr. Tusing reported that he had received a letter from Dauntless Fire Company stating that they had received an independent audit report from Wessel & Company confirming that all funds were properly accounted for and control procedures were adequate.

G. **Water/Wastewater Committee**

1. **Report from Inframark on Wastewater Plant Operations**

Mr. Kuhar reported that Inframark provided written reports for the wastewater plant and they were provided in Council's packet.

2. Report from Inframark on Water Treatment Plant Operations

Mr. Kuhar reported that Inframark provided written reports for the water plant which were provided in Council's packet.

H. Recreation Committee– None.

I. Street Committee

1. 2021 Paving Project

Mr. Owatt reported that New Enterprise was awarded the 2021 paving project and received a notice to proceed commencing on July 19, 2021. They commenced work on September 13, 2021. Milling and paving of the northwest quadrant of the borough is nearing completion, and all work is expected to be done prior to the deadline of September 28, 2021.

2. Ordinance Regarding Implementation of Act 50 of 2021

Mr. Owatt reported that the Borough has the right, under Act 50 to regulate uses of the Right-of-Way. This ordinance administers a process for managing requests for the placement of Small Wireless Facilities within the Borough, in preparation for the eventual rollout of 5G wireless and other future technologies.

Mr. Owatt made a motion to grant tentative approval to Ordinance #659 establishing procedures and requirements pertaining to the implementation of Act 50 of 2021 and regulating small wireless facilities to be placed within the public right-of-way. (Jacoby) Motion passed unanimously.

3. Resolution 2021-03

Ms. Houser reported that this resolution adopts a design manual for the regulation of small wireless facilities so that it does not deter from aesthetics and design in the Borough.

Ms. Houser made a motion to grant tentative approval to Resolution 2021-03 approving the design manual for the regulation of small wireless facilities. (Kuhar) Motion passed unanimously.

4. Ms. Houser reported that the Street Committee had recently met with Mayor Datsko, Kelly Cook, Jeff Evans and Chief Wyland to discuss winter parking regulations. The group suggested to change all non-PennDOT maintained roads that are currently signed as "No Parking between 2 AM and 6 AM" to "No Parking between 2 PM and 6 PM" to facilitate plowing and to better accommodate residents. That change would become effective when this year's Winter Parking regulations go into effect on December 1. Streets maintained by PennDOT would continue to be designated as "No Parking between 2 AM and 6 AM".

J. Administration Committee

1. 2021 Budget Preparation

Ms. Jacoby reported that the Manager is preparing preliminary budget numbers. The administration committee will meet on Tuesday, October 5th to compile a tentative budget for

Council's review at the October meeting. Final adoption is expected at the November Council meeting.

2. **Employee Pension Plans**

Ms. Jacoby reported that there are several routine actions required every year relative to the employee pension plans. The Minimum Municipal Obligation (MMO) is the amount calculated each year that is required to be deposited into each pension plan. Regulations require Council to formally approve that number by September 30th. The state aid unit value for 2022 has not yet been announced, but it is not necessary to adopt the actuarially determined MMO. The state aid listed below is approximated. Council must also establish the contribution rate, if any, for employees and determine how the State pension aid is to be distributed to the two pension plans:

Ms. Jacoby made the following motions:

Adopt the minimum municipal obligation (MMO) calculation for the non-uniformed pension plan in the amount of \$132,396.

Adopt the minimum municipal obligation (MMO) calculation for the uniformed pension plan in the amount of \$55,407.

Adopt the minimum municipal obligation (MMO) calculation for the defined contribution plan in the amount of \$6,038.

Adopt Resolution #2021-04 establishing an employee contribution rate of 3% (unchanged) for the non-uniformed pension plan for 2021.

Adopt Resolution #2021-05 establishing an employee contribution rate of 3% (unchanged) for the uniformed pension plan for 2021.

Adopt Resolution #2021-06 authorizing distribution of the State aid check to the respective employee pension plans. (Owatt) Motions passed unanimously.

3. **Part-time Employee** – Ms. Jacoby reported that a vacancy has existed for a cleaning position with the borough offices and tennis center.

It is a matter of record that Tracy Brunatti has been hired to clean the borough offices and tennis center at the rate of \$10.50/hour.

K. **Diversity Committee** – Mr. May reported that plans are still underway for an event, however progress and plans are still being affected by the pandemic.

L. **General Business**

1. **PLCB Noise Enforcement Ordinance**

Ms. Cook reported that the PLCB approved the Noise Exemption Petition of Ebensburg Borough on September 22, 2021. The exemption will remain in effect until September 22, 2026.

2. Lease Agreement with Goodwill of the Southern Alleghenies

Ms. Cook reported that Ebensburg Borough and Goodwill of the Southern Alleghenies entered into a lease agreement on October 18, 2018 for three years, terminating on September 30, 2021. The tenant has requested to renew the lease with the Borough for one year, commencing on 10-1-2021 at the current lease rate of \$1,117.38 per month.

Mr. Kuhar made a motion to approve a one-year lease with Goodwill of the Southern Alleghenies at the current lease rate. (Houser) Motion passed unanimously.

3. Lease Agreement with Cambria County Child Development Corporation

Ms. Cook reported that Ebensburg Borough and the Cambria County Child Development Corporation entered into a lease agreement October 18, 2018 for three years, ending on September 30, 2021. The tenant has requested to renew a three-year lease with the Borough from 10-1-2021 until 9-30-2024 at the current lease rate of \$1,666.94 per month.

Ms. Houser made a motion to approve the three-year lease with the Cambria County Child Development Corporation at the current lease rate. (Jacoby) Motion passed unanimously.

4. Adjoining Land Merger

Ms. Cook shared that the owner of the property at 726 Marian Street has requested a simple land merger of adjacent property. The Planning Commission reviewed the request on 9-1-2021 and recommended approval.

Ms. Jacoby made a motion to approve the land merger plan for 726 N. Marian Street. (Owatt) Motion passed unanimously.

M. Department Report

1. Police Department

Chief Wyland reported on the police department's activities during the month which included a continued high rate of unemployment scam investigations. Also, delivery of the new cruiser has been delayed. He added that PotatoFest went very well with no reported incidents.

2. Public Works Department

Public Works Director Jeff Evans reported on the public works department's activities during the month which included leak detection and upcoming plans for decorating for Christmas.

3. Community Development

Community Development Director Danae Koss reported on the community development department's activities during the month including the success of the 30th annual PotatoFest and upcoming events including Volunteer Appreciation Night, Fall Foliage Ride, Halloween Parade & Trick-or-Treat and Dickens of a Christmas. She added that three new businesses had recently opened: Ax'd Up Axe Throwing Lounge, Drayer Physical Therapy and Hometown Retirement Specialists.

4. Recreation Department

Recreation Director Dirk Johnson reported on the recreation department's activities during the month including the status of the pool closure and softball tournament at the Memorial Field that will wrap-up on October 17th.

5. Other Information

Ms. Kelly Cook shared that she had recently been in contact with an urban forester regarding revamping the list of tree recommendations that the borough provides to residents for placement in the tree lawn. She also inquired whether there would be any harm in waiting until spring when borough crews could plant new trees, instead of our usual fall planting schedule which requires the use of an outside contractor.

N. **Media Comments/Questions** – None.

O. Public Comments

1. Ms. Pat Henry, 128 Hickory Street, expressed her desire to have Hickory Street maintained by the Borough through the winter.
2. Mr. Bill Link, 725 N. Spruce Street, commended the PotatoFest Committee and Main Street Partnership on a job well done. He also expressed concerns over whether or not the Peoples Gas would be coming in and tearing up the recently paved streets.
3. Mr. Gerry McMullen, 214 W. Lloyd Street, shared that Council may want to consider amending the agenda due to the new Sunshine Law requirements.

P. **Executive Session** – Council entered into Executive Session at 7:11 pm to discuss a real estate matter which stemmed from a recent meeting with staff from DCNR.

Q. **Adjournment** – There being no further business, Ms. Jacoby made a motion to adjourn. Motion passed unanimously.

Meeting Adjourned 7:27 PM

Minutes Recorded by: Danaea Koss, Community Development Director