



**Ebensburg Borough Council Meeting**  
**Monday, January 24, 2022**  
**6:30 p.m.**

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**Borough Council**  
Doug Tusing, President  
Cecilia Houser, Vice-President  
Jeffrey Ball  
Theresa Jacoby  
Dave Kuhar  
Robert Miller  
Michael Owatt  
**Mayor**  
Randy Datsko

**AGENDA**

**CALL TO ORDER & PLEDGE OF ALLEGIANCE**

**PUBLIC COMMENTS**

*Members of the public are invited to comment at this time on any item appearing on the agenda.*

**1. CONSENT AGENDA**

*All items listed on the Consent Agenda are considered to be routine and will be acted upon by a single motion. There will be no separate discussion of these items unless members of the Council request specific items to be removed for separate action.*

Item 11A: Approve the minutes of the December 20, 2021 regular monthly meeting of Borough Council and of the January 3, 2022 reorganization meeting.

Item 11B: Approve the financial statement and quarterly transfers.

Item 11C: Approve payment of bills.

Recommended Action – Approve the consent agenda.

**2. APPOINTMENTS TO ADDRESS COUNCIL**

**3. CONSIDERATION OF ANY MOTION(S) TO AMEND AGENDA**

**4. MAYOR'S REPORT**

**Item 4A: Report on Police Department**

**5. COUNCIL PRESIDENT COMMENTS**

**Item 5A: Committee Appointments**

The President has made the following committee assignments:

Water/Wastewater/Stormwater: Councilors Ball, Kuhar & Miller

Recreation: Councilors Jacoby, Miller & Owatt

Streets: Councilors Ball, Houser & Owatt

Administration: Councilors Houser, Jacoby & Kuhar

Diversity: Councilors Houser & Kuhar

**6. WATER, WASTEWATER & STORMWATER COMMITTEE** **Ball, Kuhar & Miller**

**Item 6A: Report from Inframark on Wastewater Treatment Plant Operations**

Q&A on the written report submitted and on projects and activities at the wastewater plant.

Recommended Action – No action required.

**Item 6B: Report from Inframark on Water Treatment Plant Operations**

Q&A on the written report submitted and on projects and activities at the water plant.

Recommended Action – No action required.

**7. RECREATION COMMITTEE** **Jacoby, Miller & Owatt**

**Item 7A:** The Skatepark Project that was proposed by a Borough resident has been put on hold. Those who donated money for this cause will be offered a refund.

Recommended Action – No action required.

**8. STREET COMMITTEE** **Ball, Houser & Owatt**

**Item 8A: Ordinance # 662: An Ordinance that amends Ordinance #591, the Tree Ordinance, by allowing the Approved Street Tree Planting List and the list of Prohibited Trees to be changed by resolution.**

The current Tree Ordinance includes detailed lists of trees that are approved or prohibited for planting in tree lawns. The current lists are in need of updating and will very likely require periodic updating in the future. Staff recommends that we remove the actual lists from the ordinance itself, thus allowing any updates to be handled by Council resolution rather than requiring an amendment to the ordinance each time. Once this change is made, the current lists will then be updated.

Recommended Action-Grant tentative approval to Ordinance #662 removing the approved and prohibited tree lists from the Tree Ordinance and allowing these lists to be changed in the future by Council resolution.

**9. ADMINISTRATION COMMITTEE**

**Houser, Jacoby & Kuhar**

**Item 9C: Memorandum of Agreement**

A grievance was filed against the Borough for not utilizing two employees during PotatoFest. A tentative agreement between the Borough and the union has been proposed.

Recommended Action – Dependent on discussion in Executive Session.

**Item 9C: Consider an Amendment to the Manager’s Agreement regarding residency.** The current agreement requires that residency, within a 25-mile radius, be established within one year of employment. Due to the current housing market, despite extensive efforts, the manager has been unable to meet this deadline and is therefore requesting a one-year time extension.

Recommended Action – Dependent on discussion in Executive Session.

**10. DIVERSITY COMMITTEE**

**Kuhar & Houser**

**11. GENERAL BUSINESS**

\* Item 11A: Minutes of Previous Meeting(s)

The minutes of the December 20, 2021, regular meeting are presented for Council review and approval.

Recommended Action – Approve the minutes of the previous meeting(s).

\* Item 11B: Financial Statement

The financial statement for December 2021 and quarterly transfers are presented for approval.

Recommended Action – Approve the December 2021 financial statement and quarterly transfers.

\* Item 11C: Bills

A list of bills totaling \$ 463,740.44 is submitted for approval.

Recommended Action – Approve payment of the bills as submitted.

**Item 11F: Ordinance #660: An Ordinance that adopts the Guaranty Agreement for the PENNVEST loan.**

PENNVEST has approved a grant of \$1,265,610 and a loan of \$805,765 for the High Street Waterline replacement. The loan is for 20 years, with 1% interest for the first five years and then 1.743% thereafter. It will be necessary for the Borough to guarantee the PENNVEST loan. In accordance with the Unit Debt Act, Council will need to adopt a Guaranty Agreement by Ordinance. The Solicitor has drafted the enabling Ordinance, the required guaranty agreement, promissory note, debt statement, and borrowing base certificate for tentative adoption. The Borough and Authority solicitors will review those documents for compliance. The Solicitor has also compiled a Self-Liquidating Debt Report to be certified by the Authority's Engineer. Those documents are included in the proposed Ordinance.

Recommended Action-Grant final approval to Ordinance #660 authorizing a PENNVEST loan guaranty in the amount of \$1,265,610 on behalf of the Ebensburg Municipal Authority the water system improvement project.

**Item 11G: Ordinance #661: Compliance with Unit Debt Act**

For the 2020 and 2021 sidewalk projects, a \$1 million line of credit was secured. It was assumed that at the conclusion of the 2021 project that a principal of \$670,000 would remain. A 5-year loan would then be obtained to pay off that line of credit. In reality, the remaining principal is only \$550,000. Staff has obtained proposals for a 5-year loan and recommends a loan in the amount of \$550,000 from First National Bank for a 5-year period at a fixed rate of 2.39%.

**Rates Received:**

First Commonwealth Bank	2.75%
S & T Bank	3.24%
First National Bank	2.39%

All new debt, regardless of duration, requires Unit Debt Act compliance involving calculation of an updated debt statement and borrowing base certificate and adoption of an Ordinance.

Recommended Actions-

1. Approve acceptance of a 5-year loan with First National Bank for \$550,000 at a fixed interest rate of 2.39% to pay off the remaining line of credit from the 2020/21 sidewalk projects.
2. Grant final approval to Ordinance #661, seeking authorization from DCED for new debt, in compliance with the Unit Debt Act.

**12. DEPARTMENT REPORTS**

**Item 12A: Police Department**

Chief Wyland has submitted a written report on the police department’s activities during the month.

**Item 12B: Public Works Department**

Public Works Director Jeff Evans has submitted a written report on the public works department’s activities during the month.

**Item 12C: Community Development**

Community Development Director Danae Koss has submitted a written report on the community development department’s activities during the month.

**Item 12D: Recreation Department**

Recreation Director Dirk Johnson has submitted a written report on the recreation department’s activities during the month.

\* Item 12E: Codes Enforcement

A monthly codes enforcement report was forwarded to Council.

\* Item 12F: Ebensburg Municipal Authority

A copy of the minutes of the last municipal authority meeting is included in Council’s packet.

\* Item 12G: Ebensburg Planning Commission – No activity

\* Item 12H: Ebensburg Zoning Board

**13. MEDIA COMMENTS/QUESTIONS**

*Representatives of the media are invited to comment and ask questions at this time on any issues, whether or not on the agenda.*

**14. PUBLIC COMMENTS**

*Members of the public are invited to comment at this time on any issues, whether or not on the agenda.*

**15. EXECUTIVE SESSION – Personnel Matters**

**16. ADJOURNMENT**

*Copies of all staff reports and documents subject to disclosure that relate to any item of business referred to on the agenda are available for public inspection the Thursday before each regularly scheduled meeting at the Borough office, located at 300 West High Street, Ebensburg, Pa. Any documents subject to disclosure that are provided to members of the Borough Council regarding any item on this agenda are available for public inspection at the Borough office or at [www.ebensburgpa.com](http://www.ebensburgpa.com).*

*In accordance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Borough office (814) 472-8780 or [eburg@ebensburgpa.com](mailto:eburg@ebensburgpa.com). Notification 48-hours before the meeting will enable the Borough to make reasonable arrangements to ensure accessibility to this meeting.*