

The regular monthly meeting of the Ebensburg Borough Council was called to order on Monday, December 20, 2022 at 6:30 p.m. in the Council 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

Others: Kelly Cook, Borough Manager
Randy Datsko, Mayor
Blair Pawlowski, Solicitor
Jeff Evans, Public Works Director
Terry Wyland, Chief of Police
Danea Koss, Community Development Director
Robert Miller, Incoming Council Member
Kristen Badoux, The Mountaineer Herald

Audience: 1

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. It is a matter of record that Zachary Palko was hired part-time at the Tennis Center at the rate of \$8.50/hour.
2. Approve the minutes of the November 22, 2021 regular monthly meeting of Borough Council.
3. Approve the financial statement.
4. Approve payment of bills.

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

E. **Consideration of Any Motion(s) To Amend Agenda** – None.

F. **Mayor's Report** – Mayor Datsko reported he is looking into the idea of establishing a sister city in Wales and is considering Llanboidy, birthplace of Ebensburg's founder Rhees Lloyd. Additional research and discussion will be necessary to proceed with any initiative.

G. **Council President** – Mr. Tusing reported that, according to the December issue of the Borough News Magazine, a motion to adjourn does require a second, therefore Council will resume this practice. Mr. Tusing also recognized Mr. Scot May for the active role he has taken while on Council

over the past four years and for his active participation on behalf of his constituents, neighbors and community.

H. Water/Wastewater Committee

1. Report from Inframark on Wastewater Plant Operations

Mr. Ball reported that written reports from Inframark for the wastewater plant were not provided in the packets but are available through the office.

2. Report from Inframark on Water Treatment Plant Operations

Mr. Ball reported that written reports from Inframark for the water were not included in Council's packet but are available from the office.

I. Recreation Committee

1. Dog Park

Mr. May reported that the Borough applied for a grant in the amount of \$249,411 for the construction of a dog park project spearheaded by the Ebensburg Rotary Club. The Commonwealth sent a grant offer in the amount of \$112,000. The Rotary is continuing their commitment of fundraising for the remainder of the money required for the construction.

Mr. May made a motion to approve the acceptance of the grant between the Commonwealth of Pennsylvania and the Borough of Ebensburg for a grant in the amount of \$112,000 for the construction of a dog park at Lake Rowena. (Jacoby) Motion passed unanimously.

J. Street Committee – None.

K. Administration Committee – None.

L. Diversity Committee – None.

M. General Business

1. Resolution #2021-12

Ms. Jacoby reported that a resolution is needed authorizing and approving Borough officers to sign documents for the PENNVEST funding.

Ms. Jacoby made a motion to approve Resolution #202-12 authorizing the Borough of Ebensburg's Officers to execute any and all documents, agreements, contracts and/or undertake any and all actions required to be delivered and/or taken by the Borough of Ebensburg and further authorizing any actions by Borough of Ebensburg Officials which are necessary or proper to effectuate the guaranty of the Borough of Ebensburg secured by a lien on its water revenues, which lien shall be subordinate only to the liens that secure the two previous PENNVEST water construction loans (ME #'s 80113, 82201); the guaranty of the Borough of Ebensburg shall also be secured by a pledge of its taxing authority; any other requirements by PENNVEST to effectuate the guaranty by the Borough of Ebensburg; the PENNVEST funding application; funding agreement; the maximum grant amount of \$1,265,610.00 and the maximum principal

forgiveness loan amount of \$805,765.00; and directing other necessary and proper action. (Owatt) Motion passed unanimously.

2. Resolution #2021-13

Ms. Jacoby reported that a resolution is needed proposing a second amendment to the Agreement of Lease which provides an increase in the lease payment to the Authority. (This increase is reflected in the increased water rates for the Municipal Authority customers.)

Ms. Jacoby made a motion to approve Resolution #2021-13 proposing an amendment to the Agreement of Lease as follows. (Houser) Motion passed unanimously.

a. The Agreement of Lease be and the same is hereby amended to provide for an increase in the annual lease payment from the Borough of Ebensburg to the Ebensburg Municipal Authority prior to the initiation of principal and interest payments on this PENNVEST water construction loan sufficient to cover the Ebensburg Municipal Authority's increased annual debt service as a result of this water construction project.

b. All references in the Agreement of Lease to the "2018 Capital Improvements Program" shall be amended to provide; "both the 2018 Capital Improvements Program and the 2022 Water Construction Project."

3. Ordinance #660: An Ordinance that adopts the Guaranty Agreement for the PENNVEST loan.

Ms. Houser reported that PENNVEST has approved a loan of \$805,765 and a grant of \$1,265,610 for the High Street Waterline replacement. The loan is for 20 years, with 1% interest rate 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.

Ms. Houser made a motion to grant tentative approval to Ordinance #660 authorizing a PENNVEST loan guaranty in the amount of \$805,765 on behalf of the Ebensburg Municipal Authority's water system improvement project. (Jacoby) Motion passed unanimously.

4. Ordinance #661: Compliance with Unit Debt Act

Ms. Houser reported that 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%.

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.

Ms. Houser made a motion to grant tentative approval to Ordinance #661, seeking authorization from DCED for new debt, in compliance with the Unit Debt Act. (Jacoby) Motion passed unanimously.

O. Department Report

1. Police Department

Chief Wyland shared that last month's Turkey Trot and this month's Dickens of a Christmas went very well. He added that about 20% of the new equipment for the new cruiser has been received and the rest should arrive within the next two to three weeks.

2. Public Works Department

Public Works Director Jeff Evans shared that he didn't have anything to add to his submitted written report.

3. Community Development

Community Development Director Danae Koss reported on the community development department's activities during the month including the Dickens of Christmas events. She also thanked the Public Works department for their help with the event and doing a great job with getting the Christmas decorations up throughout town.

4. Recreation Department

Recreation Director Dirk Johnson submitted a written report to Council but was not present.

P. Media Comments/Questions – None.

Q. Public Comments

1. Mr. Ken Cummins, 221 N. Julian Street, reported that there are seams in the asphalt opening up on the 200 block of N. Julian Street and asked if it could be looked at.
2. Mr. Bill Link, 725 N. Spruce Street, reported that there is street sign missing from the intersection of Highland and Marion Streets and asked if it could be replaced.
3. Councilor Scot May shared that it was an unusual four years for local government and there likely wasn't a topic that didn't come up throughout his term. He was happy with many of the accomplishments made, including a successful town hall meeting, the borough's gold level sustainability certification and the establishment of the borough's diversity committee. He'd also like to remain active with the sister city initiative.

4. Mr. Jerry McMullen, 214 W. Lloyd Street, commented on how nice the decorations look throughout town.

R. **Adjournment** – There being no further business, Mr. May made a motion to adjourn. (Jacoby)
Motion passed unanimously.

Meeting Adjourned 6:55 PM

Minutes Recorded by: Danae Koss, Community Development Director