

The regular monthly meeting of the Ebensburg Borough Council was called to order on Monday, September 26, 2022 at 6:30 p.m. in the Council Room of the Ebensburg Municipal Building by President, Doug Tusing.

- Present: Doug Tusing, President
Cecilia Houser, Vice President
Dave Kuhar
Robert Miller
Mike Owatt
Jeff Ball
- Others: Kelly Cook, Borough Manager
Blair Pawlowski, Solicitor
Randy Datsko, Mayor
Danea Koss, Community Development Director
Dirk Johnson, Recreation Director
Luke Byrne, Inframark
Lauren Hagens, The Mountaineer Herald
- Absent: Theresa Jacoby

Audience: 4

A. The Pledge of Allegiance was recited.

B. **Public Comments** – None.

C. **Consent Agenda**

Mr. Kuhar made a motion to approve the consent agenda containing the following items. (Owatt)
Motion passed unanimously.

1. Approve report of Inframark for the Wastewater Treatment Plant Operations.
2. Approve report of the Inframark for the Water Treatment Plant Operations.
3. Approve the minutes of the August 22, 2022 regular monthly meetings of Borough Council.
4. Approve the financial statement for August.
5. Approve payment of bills for September.

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

E. **Mayor's Report** – None.

F. **Council President** – None.

G. **Water/Wastewater Committee**

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

Mr. Kuhar reported that Inframark's written report was submitted regarding operations, projects and activities at the wastewater plant for Council review.

2. **Report from Inframark on Water Treatment Plant Operations**

Mr. Kuhar reported that Inframark's written report was submitted regarding operations, projects and activities at the water plant for Council review.

3. High Street Water Line Replacement Project

Mr. Kuhar reported that work began on Monday, June 20th and substantial completion is to be within 120 calendar days from the date of commencement, putting that date at September 29, 2022. Final completion is estimated by November 28, 2022. The installation of water main is complete. W.A. Petrakis Contracting is completing the connection of water service lateral lines for each facility along the project corridor that required a new lateral. Any lead service lines will be replaced in their entirety. Upon the completion of the laterals, they will commence restoration.

H. Recreation Committee

- 1. Rotary Dog Park Meeting** – Mr. Owatt reported that the Borough applied for a \$30,000 Mini-Grant through the Southern Alleghenies Planning and Development Commission. Staff was notified that we were awarded the grant of \$30,000.

Staff requested the Rotary to schedule a meeting between the Rotary and Recreation Committee as soon as possible to discuss the administration of the dog park construction and project administration.

I. Street Committee

1. 2022 Street Paving Project

Ms. Houser reported that the paving project was awarded to Grannas Brothers in the amount of \$269,988.29. Due to weather delays and the existing waterline project, the Contractor will start paving September 26, 2022 and is expected to complete the project by October 4th.

2. Sidewalk and Curbing Project 2022

Ms. Houser reported that two bids for the project were received and reviewed at last month's meeting; BCS Construction at \$163,900 and Glenn O. Hawbaker, Inc. for \$345,010.10. Council recommended approval to BCS Construction, pending review by the Manager and Solicitor. On August 23, 2022 BCS notified the Borough of their withdrawal of their bid due to an error.

Ms. Houser made a motion to reject all bids and rebid the project later this year, planning for spring construction. (Kuhar) Motion passed unanimously.

J. Administration Committee

1. AFSCME Contract

Mr. Kuhar reported that negotiations with the American Federation of State, County and Municipal Employees have commenced for the current contract expiring on December 31, 2022. The committees have met five times and negotiations are proceeding along.

2. 2022 Budget Preparation

Mr. Kuhar reported that the manager is preparing preliminary budget numbers. The Administration Committee met on September 21, 2022 and will meet again in October to

compile a tentative budget for Council's review at the October meeting. Final adoption is expected at the November Council meeting.

3. **Employee Pension Plans**

Mr. Kuhar 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 2023 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.

Mr. Kuhar made the following motions:

Adopt the minimum municipal obligation (MMO) calculation for the non-uniformed pension plan in the amount of \$91,820.

Adopt the minimum municipal obligation (MMO) calculation for the uniformed pension plan in the amount of \$16,401.

Adopt the minimum municipal obligation (MMO) calculation for the defined contribution plan in the amount of \$5,991.

Adopt Resolution #2022-11 establishing an employee contribution rate of 3% (unchanged) for the non-uniformed pension plan for 2022.

Adopt Resolution #2022-12 establishing an employee contribution rate of 3% (unchanged) for the uniformed pension plan for 2022.

Adopt Resolution #2022-13 authorizing distribution of the State aid check to the respective employee pension plans.

(Owatt) Motions passed unanimously.

K. **Diversity Committee – None.**

L. **General Business**

1. **Fireworks Law**

Ms. Cook reported that Pennsylvania passed an amended Fireworks Law, Act 74 of 2022, which went into effect earlier this month. Staff has reviewed a summary of the new law and has outlined the various options available for Council's consideration. The Mayor, Police Chief and staff all recommend utilizing the portion of the new law that allows municipalities to prohibit fireworks, except through specific exceptions as required by the law. All exceptions must be met:

(a) that no one under the age of 18 will purchase, possess or use Consumer Fireworks;

- (b) that Consumer Fireworks will not be used on private property or on public property, including, but not limited to, streets, parking lots, sidewalks and parks, without the express permission of the owner or entity that controls the property;
- (c) that the Consumer Fireworks will not be used within, directed at or directed from a “vehicle” or “building” as those two terms are defined in the Law;
- (d) that the Consumer Fireworks will not be directed at another person;
- (e) that the Consumer Fireworks will not be used by a person who is under the influence of alcohol, a controlled substance or another drug; and
- (f) that the Consumer Fireworks will not be used within 150 feet of a building or vehicle, whether or not the building or vehicle is owned by the user of the Consumer Fireworks

The consensus of Council is to have the Manager draft an ordinance for Council review and discussion at the October meeting which includes these additional provisions.

2. **Hazard Mitigation Plan**

Ms. Cook reported that the Disaster Mitigation Act of 2000 requires all levels of government to have and maintain a Hazard Mitigation Plan. Local municipalities generally adopt the County’s Plan as their own, as Ebensburg has done in the past, most recently in 2016. Cambria County has completed an update of their Plan and it has been approved by PEMA. It is necessary for each local government to now adopt that updated Plan.

The Hazard Mitigation Plan identifies any and all types of emergencies that could affect any given area and is used to eliminate or reduce the occurrence of those potential hazards. For example, flooding is a potential hazard. The Hazard Mitigation Plan recommends public education, dam monitoring efforts, downstream warning plans, promotion of flood insurance, etc.

Mr. Owatt made a motion to adopt Resolution #2202-14 adopting the Cambria County Hazard Mitigation Plan as the Plan for the Borough. (Miller) Motion passed unanimously.

3. **Façade Grant**

Ms. Houser reported that the Borough has enjoyed tremendous success with the Façade Grant program. The previous grant of \$50,000 was fully utilized. Staff recommends that the Borough apply for a new grant in the same amount.

Ms. Houser made a motion to approve Resolution #2202-15 authorizing the filing of an application for funds with the Pennsylvania Department of Community and Economic Development Façade Grant in the amount of \$50,000.00. (Kuhar) Motion passed unanimously.

M. **Department Report**

1. **Police Department** - Chief Wyland reported on last month’s activities including updates on the annual PotatoFest.
2. **Public Works Department** – None.

3. **Community Development** – Ms. Koss reported on recent activities including the success of PotatoFest, upcoming events including Volunteer & Main Street Member Appreciation Night, the Fall Foliage Ride and bringing back downtown Halloween window painting next month.

4. **Recreation Department** – Mr. Johnson reported on recreation activities including fall basketball registration and an upcoming Craft Fair on October 8th.

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

O. **Public Comments** –

Ms. June Fether, 122 E. Alton Street, asked if there is a time limit on how long a temporary rented dumpster can be in place when parked on a street.

Mr. Bill Link, 728 N. Spruce Street, asked if a sub-contractor will do the street resurfacing.

P. **Adjournment** – There being no further business, Ms. Houser made a motion to adjourn. (Miller) Motion passed unanimously.

Meeting Adjourned 7:01 PM

Minutes Recorded by: Danae Koss, Community Development Director