

The regular monthly meeting of the Ebensburg Borough Council was called to order on Monday, January 24, 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
Robert Miller
Cecilia Houser
Mike Owatt
Jeff Ball

Others: Kelly Cook, Borough Manager
Randy Datsko, Mayor
Blair Pawlowski, Solicitor
Jeff Evans, Public Works Director
Dirk Johnson, Recreation Director
Danea Koss, Community Development Director
Amanda Datsko, The Mountaineer Herald

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.
(Kuhar) Motion passed unanimously.

1. Approve the minutes of the December 20, 2021 regular monthly meeting of Borough Council and of the January 3, 2022 reorganization meeting.
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** – Ms. Houser made a motion with regard to Item 11F to withdraw Ordinance #660, which is to be replaced with Ordinance #663. (Ball) Motion passed unanimously.

F. **Mayor's Report** – Mayor Datsko reported that Chief Wyland was unable to attend tonight's meeting. He added that since the last meeting, there has been additional interest from other local entities with regard to this year's upcoming 225th anniversary of Ebensburg's founding and we are exploring ways to mark the occasion. Lastly, Mayor Datsko remarked on the passing of former resident and tennis enthusiast, Mrs. Vicki Askew, for whom the Ebensburg Tennis Center was built.

G. **Council President** – Mr. Tusing welcomed Bob Miller to Council and announced assignments for council committees. He added that he had received a letter from Dauntless Fire Company regarding

a FEMA assistance grant that has been secured to help with the purchase of a new tanker to replace the current 1987 model. The department will be financing the remaining \$100k and continuing with ongoing fundraising activities.

H. **Water/Wastewater Committee**

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

Mr. Kuhar 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. Kuhar 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. **Ebensburg Skate Park**

Ms. Jacoby reported that the skate park project that had been proposed by a Borough resident has been put on hold. Anyone who donated money to the project will be offered a refund. She added that there simply wasn't the level of support or fundraising that was hoped for and there was also some difficulty in identifying a suitable location within the Borough.

J. **Street Committee**

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

Ms. Houser reported that 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 updates 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.

Ms. Houser made a motion to 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. (Jacoby) Motion passed unanimously.

K. **Administration Committee**

1. **Memorandum of Agreement**

Mr. Tusing reported that 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.

Following discussion of the matter in an Executive Session, Ms. Jacoby made a motion to approve the tentative agreement between the Borough and the union. (Owatt) Motion passed unanimously.

2. Consider an Amendment to the Manager’s Agreement regarding residency

Mr. Tusing reported that 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.

Following discussion of the matter in an Executive Session, Ms. Houser made a motion to approve a one-year time extension request with regard to the Manager’s residency requirement. (Miller) Motion passed unanimously.

L. **Diversity Committee** – Ms. Houser is in talks with former Councilor Scot May who will continue in an active role in working with Council’s Diversity Committee.

M. General Business

1. Ordinance #663 (replaced Ordinance #660 in the original Agenda): An Ordinance that Adopts the Guaranty Agreement for the PENNVEST loan.

Ms. Houser reported that PENNVEST has approved a grant of \$1,265,610 and an updated loan amount of \$1,505,765 for the High Street Waterline replacement project. 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.

Ms. Houser made a motion to grant tentative approval to Ordinance #663 authorizing a PENNVEST loan guaranty in the amount of \$1,505,765 on behalf of the Ebensburg Municipal Authority for the water system improvement project. (Owatt) Note that although Ordinance #660 received tentative approval at the December, 2021 Council meeting and was advertised, due to the change in the PENNVEST loan amount, that ordinance was never adopted.

2. Approval of Sidewalk Loan and 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%.

Rates received were:	First Commonwealth Bank	2.75%
	S&T Bank	3.24%
	First National Bank	2.39%

All new debt, regardless of duration, requires a 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 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. (Jacoby) Motion passed unanimously.

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

O. Department Report

1. Police Department

Chief Wyland has submitted a written report on the police department's activities but was not able to attend the meeting.

2. Public Works Department

Public Works Director Jeff Evans shared that the department has been busy with snow plowing and maintenance.

3. Community Development

Community Development Director Danae Koss reported on activities including Main Street membership renewals, a new WinterFest event to be held February 5th, moving forward with Art in Bloom and Ebensburg's 225th Anniversary and Sister City initiatives.

4. Recreation Department

Recreation Director Dirk Johnson reported on activities including the new cross-country ski rental program and demonstrations to be held during WinterFest and exploring the idea of purchasing a liner for the hockey rink for ice skating in the future.

P. Media Comments/Questions – None.

Q. Public Comments

Mr. Joe Sinclair, 615 W. Crawford Street, reported that he is planning to build a new home in the fall and would like to tie his property into an already existing waterline project to be undertaken at the former Anderson property by Fannie Mae and Nagle Excavating. He was referred to the Municipal Authority for further discussions.

R. Executive Session – Council entered into Executive Session at 7:07 to discuss two personnel issues and exited at 7:27 pm. Several actions were taken after re-opening the meeting, which are noted in the minutes above.

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

Meeting Adjourned 7:32 PM
Minutes Recorded by: Danae Koss, Community Development Director