



**Ebensburg Municipal Authority Meeting**  
**Thursday, April 28, 2022**  
**4:30 p.m.**

**Authority Members**  
Gerald McMullen, Chair  
Eric Rummel, V-Chairman  
Renee Martin-Nagle, S/T  
Heather Abbs

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**Manager**  
Kelly Cook

**AGENDA**

**CALL TO ORDER & PLEDGE OF ALLEGIANCE**

**1. PUBLIC COMMENTS**

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

**2. 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 Authority request specific items to be removed for separate action.*

Item 10A: Consideration of motion to approve the minutes of the March 28, 2022 regular monthly meeting.

Item 10B: Consideration of motion to approve the Financial Statement for March 2022.

Item 10C: Consideration of motion to approve payment of bills for April 2022.

Recommended Action – Approve the consent agenda.

**3. APPOINTMENTS TO ADDRESS AUTHORITY**

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

**5. INFRAMARK**

**Item 5A: Report from Inframark on Wastewater Treatment Plant Operations**  
Mike Montgomery will provide his report on projects and activities at the wastewater plant.

Recommended Action – No action required.

**Item 5B: Report from Inframark on Water Treatment Plant Operations**

Luke Byrne will provide his report on projects and activities at the water plant.

Recommended Action – No action required.

## 6. OPERATIONS & MAINTENANCE REPORT

Jeff Evans will report on the public works department's activities during the month.

Recommended Action – No action required

## 7. SOLICITOR

### Item 7A: Professional Services Agreements:

1. Consideration of Motion to Approve the PENNVEST Project Legal Services Agreement for the EMA Solicitor - Attorney C. J. Webb.
2. Consideration of Motion to Approve the PENNVEST Project Legal Services Agreement for the Ebensburg Borough Solicitor - Attorney Blair Pawlowski.

Recommended Action- Approve the Professional Service Agreements of C.J. Webb and Blair Pawlowski.

### Item 7B: Resolution #2022-02

A resolution of the Ebensburg Municipal Authority authorizing the Authority's officers to sign any and all necessary and related documents, and to take any and all required and appropriate related action, and further authorizing any actions by Authority officials which are necessary or proper to effectuating the PENNVEST funding application, funding agreement, and loan and principal forgiveness loan award, and directing other necessary and proper action.

Recommended Action- Approve Resolution #2022-02 which authorizes, the Authority's officers to sign any and all necessary and related documents, and to take any and all required and appropriate related action, and further authorizing any actions by Authority officials which are necessary or proper to effectuating the PENNVEST funding application, funding agreement, and loan and principal forgiveness loan award, and directing other necessary and proper action.

### Item 7C: Resolution #2022-03

A resolution of the Ebensburg Municipal Authority authorizing the Authority to reimburse its general funds or short-term borrowed funds for Project costs incurred by the Authority with the proceeds of the PENNVEST Funding Agreement up to the maximum loan amount of \$1,505,765.00 and the maximum principal forgiveness loan amount of \$1,265,610.00, and to take any and all required and appropriate related action.

Recommended Action- Approve Resolution #2022-03 which authorizes the Authority to reimburse its general funds or short-term borrowed funds for Project costs incurred by the Authority with the

proceeds of the PENNVEST Funding Agreement up to the maximum loan amount of \$1,505,765.00 and the maximum principal forgiveness loan amount of \$1,265,610.00, and to take any and all required and appropriate related action.

**Item 7D: Resolution #2022-04**

A resolution of the Ebensburg Municipal Authority authorizing the Authority to secure the funding from the PENNVEST in the maximum loan amount of \$1,505,765.00 and the maximum principal forgiveness loan amount of \$1,265,610.00 for the purpose of providing funds to finance the cost of the construction of improvements to the public drinking water system by replacing antiquated, lead-containing waterlines.

Recommended Action- Approve Resolution #2022-04 authorizing the securing of funding from the PENNVEST in the maximum loan amount of \$1,505,765.00 and the maximum principal forgiveness loan amount of \$1,265,610.00 for the purpose of providing funds to finance the cost of the construction of improvements to the public drinking water system by replacing antiquated, lead-containing waterlines.

**Item 7E: Resolution#2022-05 to Amend Lease Agreement**

Consideration of Motion to adopt and approve Resolution # 2021- 11

1. 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.
2. 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."

Recommended Action- Approve Resolution 2022-05 to Amend the Lease Agreement as proposed.

**Item 7F: Motion to Amend Lease Agreement**

Consideration of Motion to approve and adopt a second amendment to the Agreement of Lease as follows:

1. 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.
2. 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."

Recommended Action- Approve and adopt the second amendment to the Agreement of Lease as proposed.

**Item 7G: Resolution #2022-06:** A resolution which authorizes and approves the Guaranty Agreement and authorizes the Authority's Officers to sign all related documents.

Recommended Action – Approve Resolution #2022-06 of the Authority Authorizing and Approving the Guaranty Agreement and Authorizing the Authority's Officers to sign any and all related documents, and to take any and all required action necessary for the PENNVEST Guaranty Agreement, funding application, funding agreement and loan and principal forgiveness loan award and directing other necessary and proper action.

**Item 7H: Consideration of motion for settlement of disputed claim regarding Turner Apartments.**

Recommended Action – Dependent upon discussion

## 8. ENGINEER

The Engineer will review those items contained in the report.

**Item 8A: Discussion regarding Area C from their Stormwater Evaluation.**

Recommended Action – Dependent upon discussion

## 9. OLD BUSINESS

## 10. GENERAL BUSINESS

- \* Item 10A: Minutes of Previous Meeting(s)  
The minutes of the previous meeting(s) are presented for review and approval.

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

- \* Item 10B: Financial Statement  
The financial statement for March 2022 is submitted for approval.

Recommended Action – Approve the financial statement.

- \* Item 10C: Bills  
A list of bills totaling \$98,487.21 for April is submitted for approval.

Recommended Action – Approve payment of the bills as submitted.

**Item 10D: Resolution #2022-07:** A resolution which authorizes and approves and directs the Chairman and Treasurer to sign on its behalf for an occupancy permit.

Recommended Action- Approve Resolution #2022-07 which authorizes, approves and directs the Chairman and Treasurer to sign on its behalf the PENNDOT highway occupancy permit for the High Street Waterline Replacement Project.

**Item 10E: Highway Restoration and Maintenance Bond;**

Recommended Action- Approve and direct the signatories to execute the supplied Highway Restoration and Maintenance Bond.

**Item 10F: Request from Logan Gray of Legend Strength & Fitness Warehouse to purchase a small piece of property at the entrance of the Water Plant.**

Recommended Action- Dependent upon discussion

**Item 10G: Discussion regarding list of projects prioritized by the Sewer Authority**

Recommended Action- Dependent upon discussion

**11. 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.*

**12. PUBLIC COMMENTS**

**13. EXECUTIVE SESSION- Receiving advice from legal counsel**

**14. 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 Authority 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.*