



Ebensburg Borough Council Meeting
Monday, November 21, 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 6A: Approve report of Inframark for the Wastewater Treatment Plant Operations

Item 6B: Approve report of Inframark for the Water Treatment Plant Operations

Item 11D: Approve the minutes of the October 24, 2022 regular monthly meeting of Borough Council.

Item 11E: Approve the financial statement for October and the quarterly transfers.

Item 11F: Approve payment of bills for November.

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

6. WATER, WASTEWATER & STORMWATER COMMITTEE

Ball, Kuhar & Miller

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

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

Recommended Action – Accept and approve report.

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

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

Recommended Action – Accept and approve report.

Item 6C: High Street Water Line Replacement Project

Work began on Monday, June 20th. Substantial occurred by September 29, 2022. As mentioned at last month's meeting, final completion is now expected by May 2023, due to an extension granted by the Municipal Authority. The delay will allow the project trench areas to settle and a better final project will be achieved by delaying the final pavement.

Recommended Action – No action required

7. RECREATION COMMITTEE

Jacoby, Miller & Owatt

8. STREET COMMITTEE

Ball, Houser & Owatt

9. ADMINISTRATION COMMITTEE

Houser, Jacoby & Kuhar

Item 9A: AFSCME Labor Agreement

The administrative committee has reached a tentative agreement with AFSCME. The current Collective Bargaining Agreement expires at the end of 2022.

Terms of the proposed 4-year Agreement include:

- 1) Wage increases of 4%, 2½%, 3%, 2½% over the four years (except that wage for the Laborer I position increased to \$22.24 an hour for 2023).
- 2) Uniform allowance increased from \$500 to \$600.
- 3) Dental increased from \$400 to \$500.
- 4) Dependent health coverage will be reinstated to employees. Employees will continue to contribute to the insurance as was previously determined in the agreement.
- 5) Employees hired after 1-1-2023 will be able to join a Defined Contribution Plan, rather than the existing Defined Benefit Plan. This change was previously implemented to Non-Union hires effective 1-1-2021.
- 6) There were multiple changes in the language of the agreement concerning sick time, leaves of absence, family sick time and overtime. The provisions still exist but clarification was required to stipulate when the leave can be taken. Language was also inserted regarding the use of outside contractors and union work done by a supervisor.
- 7) Sick time accumulation was capped at 120 days and employees leaving work due to retirement or disability will receive 90 days of pay (increased by 15 days) at the rate of \$40/day.

All provisions of the proposed Agreement have been included in the 2023 budget.

Recommended Action – Approve the AFSCME Collective Bargaining Agreement for 2023-2026.

Item 9B: 2023 Annual Budget

The administrative committee has compiled a tentative 2023 budget for Council’s review.

The 2023 Operating Budget calls for revenues of \$6,673,705 and expenditures of \$6,673,705. The general fund budget is balanced with the implementation of an increase in real estate taxes amounting to 3.75 mills. It should be noted that the Borough has not enacted any tax increase in the past 13 years.

	Revenues	Expenditures	Surplus
General Fund Budget	\$2,320,170	\$2,320,170	\$0
Water Fund Budget	\$2,137,795	\$2,137,795	\$0
Wastewater Fund Budget	\$1,987,240	\$1,987,240	\$0
Stormwater Fund Budget	<u>\$ 228,500</u>	<u>\$ 228,500</u>	<u>\$0</u>
Total Operating Fund	\$6,673,705	\$6,673,705	\$ 0

The General Fund Budget reflects an increase of 16.5% over last year. This increase is primarily due to higher costs of wages and benefits for borough personnel and overall inflation in supplies

and services. In particular, the budget reflects the hiring of an additional full-time police officer to reduce anticipated overtime and to ensure 24/7/365 coverage, mainly due to difficulties encountered in reliably securing part-time officers utilized in the past.

The Water Fund Budget increased by 13.85%, primarily due to added personnel costs, as well as contractual increases in water plant operation due to inflation. The Wastewater Fund Budget experienced an increase of 4.4%. At this time, neither of these funds requires an adjustment in rates. Wastewater has had a small surplus of revenues over expenditures for several years, but this year, it will balance. The Water system has consistently experienced an increase in bulk water sales which are projected to continue in 2023.

Recommended Action – Grant tentative approval to the 2023 annual budget and advertise for public inspection.

Item 9C: Ordinance #665 Regarding 2023 Taxes

The Borough must pass an ordinance for taxes if the rate is being increased.

Recommended Action – Grant tentative approval to Ordinance #665 establishing the tax rate for general purposes to the sum of 36.75 mills for assessed valuation for land, 11.75 mills for assessed valuation for improvements, plus continuation of a dedicated tax for stormwater management equal to 2.5 mills of assessed valuation for land. Overall, this equates to an overall average tax rate of 16.75 mills.

Item 9D: Salary Resolution

A Resolution is adopted each year to establish the wages to be paid to borough employees. AFSCME and FOP wages increase in accordance with labor contracts, and as is historically the case, non-union employees receive the same adjustment as negotiated with AFSME. The Administrative Committee further recommends that 1) the Borough increase salaries for office staff to \$18.00 per hour in order to bring them up to the average rate paid for similar jobs in Boroughs the size of Ebensburg within our region. Lastly, the staff recommends a one-time adjustment in the salary of the Community Development Director. This increase is fully supported by the Ebensburg Mainstreet Partnership who reimburse the Borough for 50% of the wages paid for that position. Other wages are reviewed and recommended by the Administrative Committee as part of the budget development process. The 2023 budget reflects the wages as per the proposed Resolution.

Recommended Action – Adopt Resolution #2022-16 establishing wages for 2023.

11. GENERAL BUSINESS

Item 11A: Ordinance #664 regarding the revised Fireworks Law

The Borough has the right to regulate fireworks within the borough and this ordinance provides consumer fireworks permit by exception. The exceptions are as follows:

- (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

Recommended Action – Grant final approval to Ordinance #664 establishing procedures and requirements pertaining to consumer fireworks permits.

Item 11B: Resolution #2022-17 implementing Act 57 of 2022

Pennsylvania recently enacted Act 57 which amends the Local Tax Collection Law to provide waivers for additional fees due to unpaid real estate taxes. These waivers only apply in certain circumstances if submitted within 12 months of a qualifying event. This resolution requires the tax collector to waive additional charges for taxpayers who have purchased a home within the last twelve months and have not received a bill.

Recommended Action – Approve Resolution #2022-17 requiring the Tax Collector to comply with the Provisions of Act 57.

Item 11C: Resolution #2022-18

Determining the value of 2006 Case 580 Backhoe to be in excess of \$1,000 and authorizing for the advertisement or sale of property.

Recommended Action – Approve Resolution #2022-18 determining value of 2006 Case 580 Backhoe and authorizing for advertisement or sale.

* Item 11D: Minutes of Previous Meeting(s)

The minutes of the October 24, 2022 regular meeting are presented for Council review and approval.

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

- * Item 11E: Financial Statement
The financial statement for October 2022 and the 3rd quarterly transfers is presented for approval.

Recommended Action – Approve the October 2022 financial statement and quarterly transfers.

- * Item 11F: Bills
A list of bills totaling \$707,084.98 for November 2022 is submitted for approval.

Recommended Action – Approve payment of the bills as submitted.

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 Josh Surkovich 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 – The Planning Commission recommended for approval the side lot addition with an exemption of the side yard setback for the property of David and Sandra Cuppett. The side lot addition is from 701 West High Street to 706 Benjamin Franklin Highway.

Recommended Action – Approve the side lot addition from 701 West High Street to 706 Benjamin Franklin Highway.

* Item 12H: Ebensburg Zoning Board – 1st Summit applied for a Special Exception before the Zoning Hearing 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 – Only if necessary with specific reason stated beforehand.

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.

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. Notification 48-hours before the meeting will enable the Borough to make reasonable arrangements to ensure accessibility to this meeting.

