

The regular monthly meeting of the Ebensburg Borough Council was called to order on Monday, November 21, 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
Robert Miller
Mike Owatt
Jeff Ball
Theresa Jacoby
Dave Kuhar

Others: Kelly Cook, Borough Manager
Matt Gribler, Solicitor
Randy Datsko, Mayor
Terry Wyland, Chief of Police
Danea Koss, Community Development Director
Josh Surkovich, Public Works Director
Jody Eberhart, Ebensburg Police Department
Luke Byrne, Inframark
Breanna Berkebile, The Mountaineer Herald
Katie Smolen, The Tribune Democrat
Boy Scout Troop 98

Audience: 19

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. (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 October 24, 2022 regular monthly meetings of Borough Council.
4. Approve the financial statement for October and quarterly transfers.
5. Approve payment of bills for November.

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

E. **Mayor's Report** – Mayor Datsko reported that members of the police department are completing a mandatory First Aid/CPR Training. He added that there have been complaints of people running stop signs and indicated that the police will be on the lookout for violators.

F. **Council President** – Mr. Tusing reported that it has been a difficult budgeting year and this meeting is not one that Council is looking forward to as there will be discussion of a proposed tax increase.

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 occurred on September 29, 2022. As mentioned in 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.

Ms. Cook noted that Petrakis is coming back on Wednesday to address a few areas that caused some problems during the first snow plowing of the season.

H. Recreation Committee – None.

I. Street Committee – It was mentioned that Winter Parking will be in effect as needed starting December 1st.

J. Administration Committee

1. AFSCME Contract

Ms. Houser reported that the administrative committee 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 1 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 health insurance as was previously determined in the agreement.
- 5) Employees hired after 1-1-2023 will 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 be paid for a maximum of 90 unused sick days (increased by 15

days) at the rate of \$60/day.

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

Ms. Houser made a motion to approve the AFSCME Collective Bargaining Agreement for 2023-2026. (Jacoby) Motion passed unanimously.

2. 2023 Annual Budget

Mr. Kuhar reported that the Administration 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 equivalent 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.

Mr. Miller expressed opposition to the significant increase in the hourly rates for part-time police officers. Ms. Cook explained that those rates had not be adjusted for several years, and that higher hourly rates were necessary to attract a sufficient number of part-time officers.

Mr. Kuhar made a motion to grant tentative approval to the 2023 annual budget and advertise for public inspection. (Houser) Roll call was taken:

Tusing	Yes	Miller	No	Ball	Yes
Houser	Yes	Owatt	Yes		
Kuhar	Yes	Jacoby	Yes		Motion passed 6-1.

3. Ordinance #665 Regarding 2023 Taxes

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

Ms. Houser made a motion to 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. (Kuhar) Roll call was taken:

Jacoby	Yes	Jacoby	Yes	Ball	Yes
Owatt	Yes	Houser	Yes		
Miller	No	Tusing	Yes		Motion passed 6-1.

4. Salary Resolution

Ms. Jacoby reported that 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 AFSCME. 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 Ebsburg 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 Ebsburg Main Street 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.

Council members further discussed the salary of the Community Development Director and it was clarified the salary would be raised to \$55,000 with the borough paying 50% or \$27,500 towards the salary.

Ms. Jacoby made a motion to adopt Resolution #2022-16 establishing wages for 2023. (Houser) Motion passed unanimously.

K. Diversity Committee – None.

L. General Business

1. Ordinance #664 regarding the revised Fireworks Law

Ms. Houser reported that the Borough has the right to regulate fireworks within the borough and this ordinance provides a consumer fireworks permit by exception process. 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

Upon further discussion by Council, it was agreed that the Resolution would be amended to remove the \$50.00 application fee to be paid by the consumer.

Ms. Houser made a motion to grant final approval to Ordinance #664 establishing procedures and requirements pertaining to consumer fireworks permits with the amendment that there would be no application fee. (Miller) Roll call was taken:

Houser	Yes	Tusing	Yes	Ball	Yes
Jacoby	No	Owatt	Yes	Kuhar	Yes
Miller	Yes				Motion passed 6-1.

2. Resolution #2022-17 implementing Act 57 of 2022

Ms. Houser reported that 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.

Ms. Houser made a motion to approve Resolution #2022-17 requiring the Tax Collector to comply with the Provisions of Act 57. (Jacoby) Motion passed unanimously.

3. Resolution #2022-18

Mr. Kuhar reported that the value of a surplus 2006 Case 580 Backhoe was in excess of \$1,000, thus requiring authorization to advertise it for sale.

Council discussed that the County has expressed interest in purchasing the backhoe. The consensus was to offer it to the County at \$35,000 which is the value as determined by a local equipment supplier. If the County decline to purchase the backhoe, it would then be publicly advertised for bids.

Mr. Kuhar made a motion to approve Resolution #2022-18 determining the value of a 2006 Case 580 Backhoe and authorizing the offer to the County and if necessary, subsequent advertisement for sale. (Houser) Motion passed unanimously.

M. Department Report

1. **Police Department** - Chief Wyland reported on recent activities including an update to the winter parking enforcement to include enforcement of ticketing vehicles that are parked against traffic.
2. **Public Works Department** – Mr. Surkovich reported on recent activities including Scenic Acres wrapping up the tree planting, getting the Christmas decorations up, painting and final inspection of the water tank and finishing up with leaf pick-up.
3. **Community Development** – Ms. Koss reported on recent activities including an update on the Shop Small Contest and Neighborhood Champion status, two new business openings at the Mini Mall (Stoneycreek Photography and Great Vintage Picks), and updates on the Turkey Trot and Dickens of a Christmas.
4. **Recreation Department** – None
5. **Ebensburg Planning Commission** – Ms. Cook reported that the Planning Commission recommended for approval a 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 Ben Franklin Highway. The rear yard setback exemption was recommended since the structure in question (a detached garage at 701 W. High) is already grandfathered in as a side yard setback exemption.

Ms. Houser made a motion to approve the side lot addition for 701 West High Street to 706 Ben Franklin Highway, including the exemption for the side yard setback. (Owatt) Motion passed unanimously.

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

O. **Public Comments** – None.

P. **Executive Session** – None.

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

Meeting Adjourned 7:30 PM

Minutes Recorded by: Danae Koss, Community Development Director