

The regular monthly meeting of the Ebensburg Borough Council was called to order on Monday, May 22, 2023 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
Jeff Ball
Theresa Jacoby
Bob Miller

Absent: Mike Owatt
Dave Kuhar

Others: Kelly Cook, Borough Manager
Randy Datsko, Mayor
Terry Wyland, Chief of Police
Matt Gribler, Solicitor
Danea Koss, Community Development Director
Dirk Johnson, Recreation Director
Luke Byrne, Inframark
Breanne Berkebile, The Mountaineer Journal

Audience: 5

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. (Miller)
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 April 24, 2023 regular monthly meeting and the May 8, 2023 special meeting of Borough Council.
4. Approve the financial statement for May.
5. Approve payment of bills for May.

D. Appointments to Address Council – None.

E. Consideration of Any Motion(s) to Amend Agenda

Ms. Houser made a motion to amend the agenda to add item 11G to discuss a streambank improvement project that the Cambria County Conservation District and PA Fish and Boat Commission are proposing for Lake Rowena. (Miller) Motion passed unanimously.

F. Mayor's Report – Mayor Datsko reported that he'd received a letter asking that Wolf's Performing Arts be acknowledged for their award-winning performance at their annual dance competition. He added that he and borough manager, Kelly Cook, had recently met with Richard Kane from

PennDOT to discuss the crosswalk safety issues that have recently come up. He stated that there have been two reportable incidents in the last 20 years. They also discussed adding lights and eliminating crosswalks.

G. Council President – Mr. Tusing congratulated the six candidates for Borough Council who will be moving forward in the November election.

H. Water/Wastewater Committee

1. Ordinance #666 An Ordinance for compliance with the Unit Debt Act

Mr. Miller reported that Ordinance #666 would need to be rescinded from the April 24, 2023 regular meeting due to lack of required advertising. Ms. Houser made a motion to rescind Ordinance #666 from the April 2023 meeting. (Jacoby) Motion passed unanimously.

2. Ordinance #666 An Ordinance for compliance with the Unit Debt Act

Mr. Miller reported that final approval would need to be granted to Ordinance #666 determining the Borough to incur lease rental debt under the Pennsylvania Local Government Unit Debt Act, by its guaranty of a loan in the amount of \$622,000. Ms. Houser made a motion to grant final approval Ordinance #666. (Miller) Motion passed unanimously.

3. Water Project – Lead and Copper Rule

Mr. Miller reported that the Municipal Authority has initiated the design phase of a water line replacement project. Funding requirements have already been updated to include elements of the Lead and Copper Rule. In order to proceed expeditiously with the procurement of funds for this project, residents and property owners within the project area have received letters requesting them to provide information and photos for their incoming service lines. Council is urging all residents who received notice in the mail to please complete it and return to us as soon as possible.

Mr. Tusing added that if residents/property owners are unable to take photos, they should contact the borough and a borough employee will be sent out to get the needed photos.

H. Recreation Committee – None.

I. Street Committee

1. High Street Waterline Project Paving Repairs

Ms. Houser reported that due to continued cold temperatures, final paving repairs for last year's waterline project did not start until May 17th. The contractor is scheduled to initiate work by May 24th, weather permitting.

2. 2023 Street Paving Project

Ms. Houser reported that bids were opened on May 18, 2023. Two bids were received by the Borough; both were accompanied by the required bid bond. The estimated cost for the project waws \$185,580 and sufficient funds are available in the 2023 budget to complete the work.

Quaker Sales Corporation	\$183,968.00
New Enterprise Stone & Lime Co. Inc.	\$175,572.30

Ms. Houser made a motion to award the 2023 paving project to the lowest bidder, New Enterprise Stone & Lime Co, Inc. for a total of \$175,572.30. (Miller) Motion passed unanimously.

J. Administration Committee

1. Police Chief Retirement

Ms. Jacoby reported that long-time Chief of Police, Terry Wyland, has formally announced his retirement effective July 1, 2023. The position has been placed for advertisement.

2. Police Memorandum of Understanding

Ms. Jacoby reported that the current police contract states that the police chief and assistant chief are required to live within the Borough. Both parties have agreed to remove this clause from the contract.

Ms. Jacoby made a motion to approve the MOA with the Ebensburg Police Officers to amend the language requiring residency of the Chief and Assistant Chief. The residency of the Police Chief will be removed with all the officers hired after November 2009 required to reside within 15 air miles of the Borough. (Houser) Motion passed unanimously.

K. Diversity Committee – None.

L. General Business

1. West Chester Amicus Brief Participation

Ms. Cook reported that, as with Ebensburg, West Chester, PA has an Ordinance that sets a stormwater fee for all parcels in the municipality. Currently, West Chester is in appeal to the Pennsylvania Supreme Court, as a lower court has ruled that the fee was a tax and therefore exemption should be granted to the Commonwealth and related entities. Staff is requesting that Council consider signing on to the brief in support of West Chester. In doing so, we would not actually be participating in the appeal, and there is no financial or legal obligation to the Borough. This will be further discussed during Executive Session following the meeting.

2. Sale of Borough Equipment

Ms. Cook reported that Council approved the sale of various equipment which staff subsequently advertised for sale. Numerous bids were received through Municibid. High bids were as follows:

- LeeBoy Roller for \$3,010.00 to Justin DoRego
- Case Backhoe for \$25,900 to Luke Byrne
- Mower Deck for \$429 to William Colbath
- 2011 Dodge Ram for \$8,600 to Tanner Walter
- Northstar Skid Sprayer for \$2,285 to Anthony Vega

Ms. Houser made a motion to approve the sale of the items listed above to the highest bidders for a total of \$40,224.00. (Jacoby) Motion passed unanimously.

3. PA Fish and Boat Commission Project

Ms. Jacoby made a motion to approve the signing of a Landowner Letter of Commitment to permit the Cambria County Conservation District to install conservation practices/best management practices at Lake Rowena, a borough owned property. (Houser) Motion passed unanimously.

M. Department Report

1. **Police Department** – Chief Wyland reminded residents to keep watch for kids on bikes now that school is out and that they have stepped up stop sign and crosswalk enforcement.
2. **Public Works Department** – Mr. Surkovich provided a written report but was not present at the meeting.
3. **Community Development** – Ms. Koss reported on the Main Street Partnership received national accreditation for their main street program, as well as the Partnership’s consideration of new patriotic themed lamppost banners throughout town. She added that summer event planning is well underway and that a volunteer group had just recently completed a clean-up project in Kimball Park and would be moving onto Penn Eben Park next.
4. **Recreation Department** – Mr. Johnson reported on a recent television commercial that Jamie Taylor had done for the Tennis Center and shared that he has an upcoming meeting with Gittings Security to discuss cameras. He added that the bathrooms at the fields are being painted, repaired and cleaned.

N. Media Comments/Questions – None.

O. Public Comments – None.

P. Executive Session – Council entered into executive session at 7:00 PM to discuss personnel and other matters. They exited at 7:13 PM.

Ms. Houser made a motion to set a formal policy of no outside employment for the Chief of Police. (Miller) Motion passed unanimously.

Ms. Houser made a motion to join the Amicus brief in support of West Chester with regard to the establishment and collection of stormwater fees. (Ball) Motion passed unanimously.

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

Meeting Adjourned 7:15 PM

Minutes Recorded by: Danae Koss, Community Development Director