



Ebersburg Municipal Authority Meeting
Monday, December 18, 2023
4:00 p.m.

Phone: 814-472-8780
E-Mail: eburg@ebensburgpa.com
Website: www.ebersburgpa.com

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

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 November 2023 regular monthly meeting.

Item 10B: Consideration of motion to approve the Financial Statement for November 2023.

Item 10C: Consideration of motion to approve payment of bills for December 2023.

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
Luke Byrne 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

Josh Surkovich will report on the public works department's activities during the month.

Recommended Action – No action required

7. SOLICITOR

8. ENGINEER

The Engineer will review those items contained in the report.

Item 8A: Phase I: Waterline Replacement Project

The bids were published and ten bids were received and opened on December 12, 2023. The low bid was from Guyer Brothers in the amount of \$6,172,025.20. Their paperwork was reviewed and is complete.

Recommended Action – Approve Contract No. 2023-1, for Phase I of the Waterline Replacement Project to Guyer Brothers in the amount of \$6,172,025.20.

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 November 2023 is submitted for approval.

Recommended Action – Approve the financial statement.

- * Item 10C: Bills

A list of bills totaling \$141,773.79 for December is submitted for approval.

Recommended Action – Approve payment of the bills as submitted.

Item 10D: 2024 Budget Review

Recommended Action – No action is required.

Item 10E: Discussion Concerning Risk Mitigation

The recommendation given by DEP for structures that have lead lines or components that need replaced, requires for the flushing of the lines by the homeowners after the line is replaced. This requirement will cause the property owner to have an inordinately high-water usage during that time. Staff is requesting to waive this period of usage from the owner’s bills during the flushing period.

Recommended Action – Dependent upon discussion.

Item 10F: FEE SCHEDULE / RATE RESOLUTION

Consideration of Motion to adopt and approve Resolution # 2023-09, authorizing, establishing, and adopting a schedule of rates and charges governing the furnishing of water and sewer service in the Ebensburg Municipal Authority service area, and directing other necessary and proper action.

Recommended Action – Approve Resolution #2023-09 authorizing, establishing, and adopting a schedule of rates and charges governing the furnishing of water and sewer service in the Ebensburg Municipal Authority service area, and directing other necessary and proper action.

Item 10G: RESOLUTION TO AMEND LEASE AGREEMENT

Consideration of Motion to adopt and approve Resolution # 2023-10, proposing an amendment to the Agreement of Lease as follows:

- a. 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 Ebensburg Municipal Authority prior to the initiation of principal and interest payments on the two 2024 PENNVEST water construction loans sufficient to cover the Ebensburg Municipal Authority's increased annual debt service as a result of the water construction projects.
- b. All references in the Agreement of Lease to the “2018 Capital Improvements Program” shall be amended to provide: “the 2018 Capital Improvements Program, the 2022 Water Construction Project, and the 2024 Water Construction Projects.”

Recommended Action – Approve Resolution # 2023-10.

Item 10H: MOTION TO AMEND LEASE AGREEMENT

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

- a. 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 Ebensburg Municipal Authority prior to the initiation of principal and interest payments on the two 2024 PENNVEST water construction loans sufficient to cover the Ebensburg Municipal Authority's increased annual debt service as a result of the water construction projects.
- b. All references in the Agreement of Lease to the "2018 Capital Improvements Program" shall be amended to provide: "the 2018 Capital Improvements Program, the 2022 Water Construction Project, and the 2024 Water Construction Projects."

Recommended Action – Approve The Amended Lease Agreement.

Item 10I: GENERAL RESOLUTION #2023-11

- a. Consideration of Motion to adopt and approve Resolution # 2023- 11, 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 the maximum amount of \$629,370.00, comprised of a maximum loan amount of \$136,664.00 and the maximum principal forgiveness loan amount of \$492,706.00, and directing other necessary and proper action.

Recommended Action – Approve Resolution #2023-11

Item 10J: REIMBURSEMENT RESOLUTION #2023-12

- a. Consideration of Motion to adopt and approve Resolution # 2023-12, 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 amount of \$629,370.00, comprised of a maximum loan amount of \$136,664.00 and the maximum principal forgiveness loan amount of \$492,706.00 (the "PENNVEST Funding Offer"), and to take any and all required and appropriate related action.

Recommended Action – Approve Resolution #2023-12

Item 10K: RESOLUTION #2023-13 TO BORROW

- a. Consideration of Motion to adopt and approve Resolution # 2023- 13, authorizing the securing of funding from the PENNVEST in the maximum loan amount of \$629,370.00, comprised of a maximum amount of \$136,664.00 and the maximum principal forgiveness loan amount of \$492,706.00, 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 #2023-13

Item 10L: GUARANTY RESOLUTION #2023-14

a. Consideration of Motion to adopt and approve Resolution # 2023-14, authorizing and approving the GUARANTY AGREEMENT and authorizing and approving the EBENSBURG MUNICIPAL 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 Pennsylvania Infrastructure Investment Authority (PENNVEST) Guaranty Agreement, Funding Application, Funding Agreement, and the maximum amount of \$629,370.00, comprised of a maximum loan amount of \$136,664.00 and the maximum principal forgiveness loan amount of \$492,706.00, and directing other necessary and proper action.

Recommended Action – Approve Resolution #2023-14

Item 10M: GENERAL RESOLUTION #2023-15

a. Consideration of Motion to adopt and approve Resolution # 2023-15, 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 the maximum amount of \$7,906,091.00, comprised of a maximum loan amount of \$4,922,366.00 and the maximum principal forgiveness loan amount of \$2,983,725.00, and directing other necessary and proper action.

Recommended Action – Approve Resolution #2023-15

Item 10N: REIMBURSEMENT RESOLUTION #2023-16

a. Consideration of Motion to adopt and approve Resolution # 2023-16, 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 amount of \$7,906,091.00, comprised of a maximum loan amount of \$4,922,366.00 and the maximum principal forgiveness loan amount of \$2,983,725.00 (the "PENNVEST Funding Offer"), and to take any and all required and appropriate related action.

Recommended Action – Approve Resolution #2023-16

Item 10O: RESOLUTION #2023-17 TO BORROW

a. Consideration of Motion to adopt and approve Resolution # 2023-17, authorizing the securing of funding from the PENNVEST in the maximum amount of \$7,906,091.00, comprised of a maximum loan amount of \$4,922,366.00 and the maximum principal forgiveness loan amount of \$2,983,725.00, 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 #2023-17

Item 10P: GUARANTY RESOLUTION #2023-18

- a. Consideration of Motion to adopt and approve Resolution # 2023- 18, authorizing and approving the GUARANTY AGREEMENT and authorizing and approving the EBENSBURG MUNICIPAL 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 Pennsylvania Infrastructure Investment Authority (PENNVEST) Guaranty Agreement, Funding Application, Funding Agreement, AND the maximum amount of \$7,906,091.00, comprised of a maximum loan amount of \$4,922,366.00 and the maximum principal forgiveness loan amount of \$2,983,725.00, and directing other necessary and proper action.

Recommended Action – Approve Resolution #2023-18

Item 10Q: MOTION

- a. Consideration of Motion to authorize and approve the Ebensburg Municipal Authority to proceed with the Projects and to take any and all appropriate and required related action, including, but not limited to, authorizing an amendment to any of the above approved documents, and further 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 to complete and close on the \$7,906,091.00 and the \$629,370.00 Funding Offers from PENNVEST.

Recommended Action – Approve the motion to authorize and approve the Ebensburg Municipal Authority to proceed with the Projects and to take any and all appropriate and required related action

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

Executive session will be held to receive advice from 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.

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.