



Ebensburg Borough Council Meeting
Monday, December 18, 2023
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: Correspondence received from Joshua Krise
- Item 11E: Subrogation Claim Regarding Kirsch Property
- Item 11F: Approve the minutes of the November 20, 2023 regular monthly meeting of Borough Council.
- Item 11G: Approve the financial statement for November.
- Item 11H: Approve payment of bills for December.

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: Ordinance #667: An Ordinance that adopts the Guaranty Agreement for the PENNVEST water project loan.

PENNVEST has approved a grant of \$2,983,725 and a loan of \$4,922,366 for the Phase I Waterline Replacement. The loan is for 20 years, with 1% rate. It will be necessary for the Borough to guarantee the PENNVEST loan. In accordance with the Unit Debt Act, Council will need to adopt a Guaranty Agreement by Ordinance. The Solicitor has drafted the enabling Ordinance, the required guaranty agreement, promissory note, debt statement, and borrowing base certificate for tentative adoption. The Borough and Authority solicitors will review those documents for compliance. The Solicitor will compile a Self-Liquidating Debt Report to be certified by the Authority's Engineer. Those documents will be included in the final Ordinance.

Recommended Action - Grant final approval to Ordinance #667 authorizing a PENNVEST loan guaranty in the amount of \$4,922,366 on behalf of the Ebensburg Municipal Authority the water system improvement project.

Item 6D: Ordinance #668: An Ordinance that adopts the Guaranty Agreement for the second PENNVEST water project loan.

PENNVEST has approved a grant of \$492,706 and a loan of \$136,664 for Lead Service Line Replacement. The loan is for 30 years, with 1% rate. It will be necessary for the Borough to guarantee the PENNVEST loan. In accordance with the Unit Debt Act, Council will need to adopt a Guaranty Agreement by Ordinance. The Solicitor has drafted the enabling Ordinance, the required guaranty agreement, promissory note, debt statement, and borrowing base certificate for tentative adoption. The Borough and Authority solicitors will review those documents for compliance. The Solicitor will compile a Self-Liquidating Debt Report to be certified by the Authority's Engineer. Those documents will be included in the final Ordinance.

Recommended Action - Grant final approval to Ordinance #668 authorizing a PENNVEST loan guaranty in the amount of \$136,664 on behalf of the Ebensburg Municipal Authority the water system improvement project.

Item 6E: Resolution #2023-15: Resolution authorizing the execution of documents.

Consideration of Motion to adopt and approve Resolution #2023 - 15, authorizing the Borough of Ebensburg Officers to execute any and all documents, Agreements, contracts, and/or undertake any and all actions required to be delivered and/or taken by the Borough of Ebensburg and further authorizing any actions by Borough of Ebensburg Officials which are necessary or proper to effectuate the guaranty of the Borough of Ebensburg secured by a lien on its water revenues, which lien shall be subordinate only to the liens that secure the three (3) previous PENNVEST water construction loans (ME #'s 80113, 82201, 85208); the guaranty of the Borough of Ebensburg shall also be secured by a pledge of its taxing authority; any other requirements by PENNVEST to effectuate the guaranty by the Borough of Ebensburg; the PENNVEST funding application; funding agreement; 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 - Grant approval to Resolution #2023 -15

Item 6F: Resolution #2023-16: Resolution authorizing the Guaranty Agreement

Consideration of Motion to adopt and approve Resolution # 2023 -16, authorizing and approving the Guaranty Agreement and authorizing and approving Borough of Ebensburg'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 - Grant approval to Resolution #2023 -16

Item 6G: Resolution #2023-17: Resolution authorizing the execution of documents

Consideration of Motion to adopt and approve Resolution #2023- 17, authorizing the Borough of Ebensburg's Officers to execute any and all documents, Agreements, contracts, and/or undertake any and all actions required to be delivered and/or taken by the BOROUGH OF EBENSBURG and further authorizing any actions by Borough of Ebensburg Officials which are necessary or proper to effectuate the guaranty of the Borough of Ebensburg secured by a lien on its water revenues, which lien shall be subordinate only to the liens that secure the three (3) previous PENNVEST water construction loans (ME #'s 80113, 82201, 85208); the guaranty of the Borough of Ebensburg shall also be secured by a pledge of its taxing authority; any other requirements by PENNVEST to effectuate the guaranty by the Borough of Ebensburg; the PENNVEST funding application; funding agreement; 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-Grant approval to Resolution #2023-17

Item 6H: Resolution #2023-18: Resolution authorizing the Guaranty Agreement

Consideration of Motion to adopt and approve Resolution # 2023- 18, authorizing and approving the Guaranty Agreement and authorizing and approving the Borough of Ebensburg’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 - Grant approval to Resolution #2023 -18

Item 6I: Resolution #2023-19: Amending the Lease Agreement with the Authority

Consideration of Motion to adopt and approve Resolution # 2023-19, 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-Grant approval to Resolution #2023-19

Item 6J: Motion to proceed with the Projects and allowing the Authority to proceed.

Consideration of Motion to authorize and approve the Borough of Ebensburg 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-Grant approval and authorization for the Borough of Ebensburg 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.

8. STREET COMMITTEE

Ball, Houser & Owatt

9. ADMINISTRATION COMMITTEE

Houser, Jacoby & Kuhar

Item 9D: Resolution#2023-20

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 historically, non-union employees receive the same adjustment as negotiated with AFSME. It should also be noted that the wages for the police are unchanged from those of 2023 because the negotiation of their contract has not been finalized. Once this is done, a new resolution will be passed to encompass this.

The Administration Committee has requested that the proposed Salary Resolution be discussed in executive session prior to taking action.

Recommended Action – Discuss the matter in executive session, and subsequently Adopt Resolution #2023-20 establishing wages for 2024.

10. DIVERSITY COMMITTEE

Kuhar & Houser

11. GENERAL BUSINESS

Item 11A: Ebensburg Municipal Airport – Hangar Repairs

We are still awaiting a final report from the structural engineer with details of the permanent hangar repairs needed to resolve corrosion of the columns and other bracing issues. There is a possibility that the permanent repairs can be made fairly quickly, which would eliminate the expense of temporary shoring of the structure. Once the final report is received and reviewed, Staff will make a recommendation as to how Council should proceed.

Recommended Action- None at this time.

Item 11B: RACRA Lease

As discussed at previous meetings, the Lease Agreement between Ebensburg Borough and RACRA is due to expire on December 31 of this year due to the fact that RACRA failed to execute their option to renew the lease within the required timeframe. Subsequently, RACRA has requested that the lease be extended.

Given that the situation regarding the hangar is as of yet unresolved, at this time Staff recommends that the lease extension between the Borough and RACRA be extended for a period of one year, to expire on December 31, 2024.

Recommended Action – Approve an extension to the Lease Agreement between the Borough and RACRA for a period of one year.

Item 11C: 2024 Fee Resolution #2023-21

A Resolution is required each year to establish fees to be charged for various services for the coming year. Conditional Use, Zoning Hearing, Land/Subdivision and Stormwater Management have been recommended by staff to increase from \$325.00 to \$400.00. If the fees are less, the applicant receives a refund, but lately the fees have been considerably higher due to increases in the cost of advertising and engineering costs. The fees for the rental of the pavilions are also proposed to be increased. The fee for garbage was increased as well to reflect the new five-year garbage and recycling contract.

Recommended Action – Adopt Resolution #2023-21 establishing the fees to be charged in 2024 for various purposes.

- * Item 11D: Correspondence was received from Joshua Krise regarding the lack of sufficient parking in and around the Courthouse.

Recommended Action – No action required.

- * Item 11E Correspondence was received from Selective Insurance regarding a subrogation claim for the Kirsch Property at 501 W. High Street regarding a sewer line backup.

Recommended Action – No action required.

- * Item 11F: Minutes of Previous Meeting(s)
The minutes of the October 23, 2023 regular meeting are presented for Council review and approval.

Recommended Action – Approve the minutes of the previous meetings.

- * Item 11G: Financial Statement
The financial statement for November 2023 is presented for approval.

Recommended Action – Approve the November 2023 financial statement.

- * Item 11H: Bills
A list of bills totaling \$228,502.43 for December 2023 is submitted for approval.

Recommended Action – Approve payment of the bills as submitted.

12. DEPARTMENT REPORTS

Item 12A: Police Department

Chief Loughran 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- No activity

Item 12H: Ebensburg Zoning Hearing Board – No activity

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 – Council will meet to discuss real estate and personnel matters.

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.