

The regular monthly meeting of the Ebensburg Borough Council was called to order on Monday, December 18, 2023, at 6:30 p.m. in the Council Room of the Ebensburg Municipal Building by President, Doug Tusing.

Present: Doug Tusing, President
Jeff Ball
Theresa Jacoby
Dave Kuhar
Bob Miller
Mike Owatt
Abraham Remillard, Junior Councilor
Kelly Cook, Borough Manager

Absent: Cecilia Houser, Vice President
Isaac Bradley, Junior Councilor

Others: Randy Datsko, Mayor
Joseph Loughran, Chief of Police
Danea Koss, Community Development Director
Dirk Johnson, Recreation Director
Josh Surkovich, Public Works Director
Matt Gribler, Solicitor
Luke Byrne, Inframark
Mike Murphy, Incoming Council Member
Kristen Badoux, Mainline Newspapers

Audience: 2

A. The Pledge of Allegiance was recited.

B. **Public Comments** – None.

C. **Consent Agenda**

Ms. Jacoby made a motion to approve the consent agenda containing the following items. (Kuhar)
Motion passed unanimously.

1. Approve report of Inframark for the Wastewater Treatment Plant Operations.
2. Approve report of Inframark for the Water Treatment Plant Operations.
3. Correspondence received from Joshua Krise.
4. Subrogation Claim Regarding Kirsch Property.
5. Approve the minutes of the November 20, 2023, regular monthly meeting.
6. Approve the financial statement for November.
7. Approve payment of bills for December.

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

E. **Consideration of Any Motion(s) to Amend Agenda** – None.

F. **Mayor's Report** – None.

G. **Council President Comments** – Mr. Tusing congratulated incoming council member Mr. Mike Murphy on the recent election results. He also expressed his thanks to Mr. Mike Owatt who will be finishing up his term on Council in December.

H. **Water/Wastewater Committee**

1. **Ordinance #667: An Ordinance that adopts the Guaranty Agreement form the PENNVEST water project loan**

Mr. Kuhar reported that 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.

Mr. Kuhar made a motion to 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. (Owatt) Motion passed unanimously.

2. **Ordinance #668: An Ordinance that adopts the Guaranty Agreement for the second PENNVEST water project loan.**

Mr. Kuhar reported that 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.

Mr. Kuhar made a motion to 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. (Miller) Motion passed unanimously.

3. **Resolution #2023-15: Resolution authorizing the execution of documents.**

Mr. Kuhar reported that consideration of a Motion is necessary 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.

Mr. Kuhar made a motion to grant approval to Resolution #2023 -15. (Owatt) Motion passed unanimously.

4. Resolution #2023-16: Resolution authorizing the Guaranty Agreement

Mr. Kuhar reported that consideration of a Motion is necessary 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

Mr. Kuhar made a motion to grant approval to Resolution #2023 -16. (Jacoby) Motion passed unanimously.

5. Resolution #2023-17: Resolution authorizing the execution of documents

Mr. Kuhar reported that consideration of a Motion is necessary 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.

Mr. Kuhar made a motion to grant approval to Resolution #2023-17. (Jacoby) Motion passed unanimously.

6. Resolution #2023-18: Resolution authorizing the Guaranty Agreement

Mr. Kuhar reported that consideration of a Motion is necessary 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

Mr. Kuhar made a motion to grant approval to Resolution #2023 -18. (Miller) Motion passed unanimously.

7. Resolution #2023-19: Amending the Lease Agreement with the Authority

Mr. Kuhar reported that consideration of a Motion is necessary 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.”

Mr. Kuhar made a motion to grant approval to Resolution #2023-19. (Owatt) Motion passed unanimously.

8. Motion to proceed with the Projects and allowing the Authority to proceed.

Mr. Kuhar reported that consideration of a Motion is necessary 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.

Mr. Kuhar made a motion to 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. (Jacoby) Motion passed unanimously.

Ms. Cook shared that a Public Meeting of the Ebensburg Municipal Authority would be held to discuss the upcoming waterline replacement project on Wednesday, December 20th at 5 pm in Council Chambers.

I. **Recreation Committee** – None.

J. **Street Committee** – None.

K. **Administration Committee**

1. **Resolution #2023-20**

Ms. Jacoby reported that 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 portions of the Resolution be further reviewed at the January meeting. Notwithstanding, Mr. Miller made a motion to approve Resolution #2023-20 (Jacoby). Motion passed unanimously.

L. **Diversity Committee** – None.

M. **General Business**

1. **Ebensburg Municipal Airport**

Ms. Cook shared that 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.

2. **RACRA Lease**

Ms. Cook reported that, 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 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.

Ms. Jacoby made a motion to approve an extension to the Lease Agreement between the Borough and RACRA for a period of one year. (Miller) Motion passed unanimously.

3. **2024 Fee Resolution #2023-21**

Ms. Cook reported that 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 increase 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.

Ms. Jacoby made a motion to adopt Resolution #2023-21 establishing the fees to be charged in 2024 for various purposes. (Kuhar) Motion passed unanimously.

N. **Department Report**

1. **Police Department** – Chief Loughran reported that the department sponsored two children through the “Shop with A Cop” program and volunteered at the event held at the Ebensburg Walmart. He added that they are planning to use the Ebensburg Borough Police Facebook page more often to distribute information as needed.
2. **Public Works Department** – Public Works Director Josh Surkovich reported that they repaired a leak on South Center Street and one on Campground Road.
3. **Community Development** – Ms. Danae Koss gave updates on Dickens of a Christmas, a new business opening and free metered parking downtown through the end of December to promote holiday shopping.
4. **Recreation Department** – Mr. Dirk Johnson submitted a written report. He noted that there would free tennis at the Tennis Center on Christmas and New Year’s Day.

O. **Media Comments/Questions** – None

P. **Public Comments** - None

Q. **Executive Session** – None.

R. **Adjournment** – There being no further business, Ms. Jacoby made a motion to adjourn. (Miller) Motion passed unanimously. It was noted that the Reorganization Meeting would be held on January 2nd at 6:30 pm in Council Chambers.

Meeting Adjourned 6:57 PM

Minutes Recorded by: Danae Koss, Community Development Director