



Ebensburg Municipal Authority Meeting
Monday, May 20, 2024
4:00 p.m.

Phone: 814-472-8780
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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 April 2024 regular monthly meeting.

Item 10B: Consideration of motion to approve the Financial Statement for April 2024.

Item 10C: Consideration of motion to approve payment of bills for May 2024.

Recommended Action – Approve the consent agenda.

3. APPOINTMENTS TO ADDRESS AUTHORITY

Terry and Joyce Molchan would like to address council regarding the use of fluoride.

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: Water Line Replacement – Contractor Payment Request #1.

Recommended Action – Approve the payment request of Guyer Brothers for \$870,702.53.

Item 8B: Pennvest Requisition #4- Contract 82248

Pennvest requisition #4 has been prepared for Pennvest loan number 82248 in the amount of \$884,330.80.

Recommended Action – Approve requisition #4 for contract 82248 in the amount of \$884.330.80.

Item 8C: Stormwater Projects

Project bids were received on May 8th. Eight bids were received and the low bidder was A. Liberoni, Inc. based in Plum, PA. The amount of the low bid was \$1,727,128.67. The bid documents were reviewed and found to be complete.

Recommended Action – Approve the contract for the Stormwater project to A. Liberoni in the amount of \$1,727,128.67.

Item 8B: H2O Grant Application

An application was submitted that resulted in a grant award of \$187,250 towards the completion of the Ogden Tank Mixing System. The Authority encouraged staff to continue to work with the state so the money can be used for water projects, without increasing expenditures. Staff will provide updates if any are available.

Recommended Action- No action at this time.

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 April 2024 is submitted for approval.

Recommended Action – Approve the financial statement.

* Item 10C: Bills

A list of bills totaling \$141,698.20 for May is submitted for approval.

Recommended Action – Approve payment of the bills as submitted.

Item 10D: FEE SCHEDULE / RATE RESOLUTION #2024-01

Consideration of Motion to adopt and approve Resolution # 2024-01, authorizing, establishing, and adopting a schedule of rates and charges governing the furnishing of water, sewer, and stormwater service in the Ebensburg Municipal Authority service area, and directing other necessary and proper action.

Recommended Action – Approve Resolution #2024-01.

Item 10E: RESOLUTION TO AMEND LEASE AGREEMENT #2024-02

Consideration of Motion to adopt and approve Resolution # 2024-02, authorizing and approving 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 the Ebensburg Municipal Authority prior to the initiation of principal and interest payments on this PENNVEST Storm Sewer Drainage/Stormwater construction loan sufficient to cover the Ebensburg Municipal Authority's increased annual debt service as a result of this Storm Sewer Drainage/Stormwater construction project. Any required increase in rent shall occur on or before three months prior to principal amortization on PENNVEST Loan 58143.
- b. The monthly rental payment the Borough of Ebensburg is required to pay to the Ebensburg Municipal Authority shall include the debt service on all nine (9) outstanding PENNVEST loans, including the pending PENNVEST funding offer, in addition to any other authorized costs and expenses:

- i. 58143 (Storm Sewage Drainage Project), current PENNVEST funding offer;
- ii. 80236 (LSL Replacement Project), currently in disbursement status, settlement on 2/14/2024;
- iii. 82248 (Water Line Replacement Project), currently in disbursement status, settlement on 2/14/2024;
- iv. 85208 (WIFTA High Street Water Line Replacement Project), currently in interim amortization status, settlement on 5/25/2022;
- v. 75328 (Sanitary Sewer Improvements Project), this loan is in final amortization status, settlement 4/19/2018;
- vi. 82201 (Water Improvement Project), this loan is in final amortization status, settlement on 9/11/2012;
- vii. 75222 (WWTP Upgrade Project), this loan is in final amortization status, settlement on 2/26/2008;
- viii. 75196 (Sanitary Sewer Improvement Project and Sludge Dewatering Equipment), this loan is in final amortization status, settlement on 5/3/2007;
- ix. 80113 (Water System improvements), this loan is in final amortization status, settlement on 12/14/2004.

- c. 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, the 2024 Water Construction Projects, and the 2024 Storm Sewer Drainage/Stormwater Project."

Recommended Action – Approve Resolution #2024-02.

Item 10F: MOTION TO AMEND LEASE AGREEMENT

Consideration of Motion to approve and adopt the above amendment to the Agreement of Lease.

Recommended Action – Approve the Amended Lease Agreement.

Item 10G: GENERAL RESOLUTION #2024-03

Consideration of Motion to adopt and approve Resolution # 2024-03, 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 loan amount of \$3,389,310.00 related to the 2024 Storm Sewer Project, and directing other necessary and proper action.

Recommended Action – Approve Resolution #2024-03.

Item 10H: REIMBURSEMENT RESOLUTION #2024-04

Consideration of Motion to adopt and approve Resolution # 2024-04, authorizing the Authority to reimburse its general funds for Project costs incurred for the Stormwater Project by the Authority with the proceeds of the PENNVEST Funding Agreement up to the maximum amount of \$3,389,310.00 (the "PENNVEST Funding Offer"), and to take any and all required and appropriate related action.

Recommended Action – Approve Resolution #2024-04.

Item 10I.: RESOLUTION TO BORROW #2024-05

Consideration of Motion to adopt and approve Resolution # 2024-05, authorizing the securing of funding from the PENNVEST in the maximum loan amount of \$3,389,310.00 for the purpose of providing funds to finance the cost of the construction of improvements to the public stormwater system by installing approximately 5,515 feet of 15-inch to 60-inch stormwater piping, inlets, manholes and end walls.

Recommended Action – Approve Resolution #2024-05.

Item 10J.: GUARANTY RESOLUTION #2024-06

Consideration of Motion to adopt and approve Resolution # 2024-06, 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 loan amount of \$3,389,310.00, and directing other necessary and proper action.

Recommended Action – Approve Resolution #2024-06.

Item 10K.: MOTION TO AUTHORIZE OFFICERS TO TAKE ALL NECESSARY ACTIONS

Consideration of Motion to authorize and approve the Ebensburg Municipal Authority to proceed with the Projects and to take any and all necessary, 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 \$3,389,310.00 Funding Offer from PENNVEST, as required, for the 2024 Storm Sewer Drainage/ Stormwater Project.

Recommended Action – Approve Motion.

Item 10L.: RESOLUTION TO AUTHORIZE CONDEMNATION #2024-07

Consideration of Motion to adopt and approve Resolution # 2024-07, authorizing and approving the Ebensburg Municipal Authority to proceed with Eminent Domain/Condemnation Proceedings related to the 2024 Storm Sewer Drainage/Stormwater Project, and directing other necessary and proper action; and authorizing all actions required to be delivered and/or taken by the authority which are necessary to authorize and approve proceeding with condemnation actions against any property owner(s) refusing to grant the Ebensburg Municipal Authority the necessary fee simple title or easement/right of way necessary, as required, for the 2024 Storm Sewer Drainage/ Stormwater Project.

Recommended Action – Approve Resolution #2024-07.

Item 10M: RESOLUTION 2024-08

Consideration of Motion to adopt and approve Resolution # 2024-08, authorizing and approving the Ebensburg Municipal Authority members to execute documents associated with Highway Restoration and Maintenance Bonds for the Area C Stormwater Project.

Recommended Action – Approve Resolution #2024-08.

Item 10N: RESOLUTION 2024-09

Consideration of Motion to adopt and approve Resolution # 2024-09, authorizing and approving the execution of the Highway Restoration and Maintenance Bond for the Area C Stormwater Project.

Recommended Action – Approve Resolution #2024-09.

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.