

The regular monthly meeting of the Ebensburg Borough Council was called to order on Monday, November 28, 2016 at 6:30 p.m. at the Ebensburg Municipal Building, 300 W. High Street, Ebensburg, by Council President Doug Tusing.

Present: Doug Tusing, President  
Susan Barber, Vice-President  
Joe Miller  
Cecilia Houser  
Dave Kuhar  
Theresa Jacoby

Absent: John Cobaugh

Others: Daniel Penatzer, Borough Manager  
Randy Datsko, Mayor  
Jeff Evans, Public Works Director  
Danea Koss, Community Development Director  
Bernie Kozlovac, Plant Supervisor  
Blair Pawlowski, Solicitor  
Josh Byers, The Mountaineer-Herald  
Jocelyn Brumbaugh, The Tribune Democrat

Audience: 2

A. The Pledge of Allegiance was recited.

B. **Public Comments** – Mr. Tusing announced that a public hearing was held prior to the start of the meeting and that the meeting would be recorded.

C. **Consent Agenda**

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

1. Approve the minutes of the October 24, 2016 regular monthly meeting of Borough Council.
2. Approve the Financial Statement.
3. Approve payment of the bills.

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

E. **Mayor's Report** – None.

F. **Council President** – Mr. Tusing shared that winter parking would begin in a few days and reminded everyone of the new winter parking enforcement rules stating that if there is no snow, there is no winter parking enforcement.

**G. Water/Wastewater Committee**

1. There were no excursions for the month of October 2016 at the wastewater plant. Plant flows averaged 0.588 mgd. Mr. Kozlovac gave an update on projects happening at the plant.

Mr. Kuhar announced that Bernie Kozlovac would be returning at the end of the year. He complimented him on his great work and thanked him.

2. **Beech Street Stormwater Project**

Snyder Excavating will return to the project as soon as their schedule allows.

3. **Holding Tank Ordinance**

Mr. Kuhar revisited Ordinance #633 allowing holding tanks within the borough that was granted for tentative approval last month and was advertised for public inspection.

Mr. Kuhar made a motion to grant final approval to Ordinance #633, allowing holding tanks within the borough. (Houser) Motion passed unanimously.

4. **Wastewater Ordinance**

Mr. Kuhar shared that Ordinance #412 of 1989 established rules and regulations applicable to wastewater services. The Ordinance has never been updated to conform to the Rules and Regulations adopted from time to time by the Ebsburg Municipal Authority. Ordinance #412 should be repealed in its entirety and replaced with a new Ordinance that simply references the latest edition of rules and regulations duly adopted by the Authority.

Ordinance #631, adopted in September 2016, addresses the rules and regulations specifically applicable to the connections, but does not address the remainder of the rules and regulations adopted by the Authority.

Mr. Kuhar made a motion to grant tentative approval to Ordinance #636, repealing Ordinance #412 and adopting wastewater rules and regulations as duly adopted by the Ebsburg Municipal Authority, and advertise for public inspection. (Barber) Motion passed unanimously.

**H. Recreation Committee – None.**

**I. Street Committee – None.**

**J. Administration Committee**

1. **2017 Annual Budget**

Ms. Barber reported that the 2017 budget was presented to Council last month and has been advertised for public inspection. The 2017 Operating Budget calls for revenues of

\$5,651,830 and expenditures of \$5,569,480. The general fund is balanced with no increase in real estate taxes.

Ms. Barber made a motion to grant final approval to the 2017 annual budget. (Kuhar) Motion passed unanimously.

2. **2016 Salary Adjustment**

Ms. Barber stated that the Department of Labor increased the Federal minimum annual salary to \$47,476 effective 12/1/2016. This new regulation would have been applicable to the salaries of Recreation Director and Community Development Director.

On November 23<sup>rd</sup>, a Federal judge granted an injunction, suspending the new rule. It is unclear at this time if the rule will be implemented as drafted, if it will be amended by the new administration, or if it will be abandoned entirely, allowing the old minimum salary to stand. Ms. Barber added that for now, there is no need to implement the rule.

3. **2017 Fee Resolution**

Ms. Barber stated that an Ordinance is required each year to establish fees to be charged for various services for the coming year. The following are the changes for 2017:

- The contractual garbage fee will increase 5.7% in 2017. The customer rate is adjusted to cover that increase. The fee will increase from \$17.85/mo. To \$18.95/mo.
- The fee approved last winter for water line thawing has been included. The first visit is free. Subsequent visits are \$35/man hour with a a minimum \$55 charge.
- A fee of \$150 for replacement of a water meter damaged by a customer is added.
- A fee of \$150 for replacement of a water meter MXU damaged by a customer is added.

Ms. Barber made a motion to adopt Resolution #2016-13 establishing the fees to be charged in 2017 for various purposes. (Kuhar) Motion passed unanimously.

4. **Upcoming Meeting** – It is a matter of record that the December meeting will be held on Monday, December 19<sup>th</sup>, 2016.

5. **North Center Street Property**

Mr. Penatzer reviewed a request regarding a 125-acre borough owned parcel on the west side of Center Street north of the Fairgrounds. The parcel includes a 50' x 400' section that connects the parcel to North Center Street through frontage owned by Zane Bianucci. Over the years, parts of four storage unit buildings have been constructed on the borough-owned property. Mr. Bianucci is considering selling his property and wishes to first acquire the 50' x 400' section in order to clear up the boundary line issues.

Staff is suggesting that a trade of properties might be the best solution. Council might want to consider trading the 50' section in question for an equal 50' section on the south edge of the Bianucci property.

The consensus of Council is to further explore a trade of properties with Mr. Bianucci. Mr. Tusing recused himself from the discussion. Mr. Pawlowski believes this to be a fair trade.

**6. Wayfinding Signs**

Mr. Penatzer recommended replacing the current blue wayfinding signs through town with new decorative signs. The new signs will have the borough logo at the top and better suit the downtown. A total of 20 signs would be installed along High and Center Streets. The Ebensburg Main Street Partnership has agreed to pay for half of the project cost.

Mr. Miller made a motion to approve the purchase of twenty wayfinding signs from FastSigns of Mechanicsburg in the amount of \$6,700.00 (Houser) Motion passed unanimously.

**7. Downtown Flowers**

Mr. Penatzer shared that in 2016 sixteen hanging baskets were installed on eight street light poles in the center of town. Staff is suggesting that we install additional baskets along the first block in all four directions. The cost of the project is \$6,700.00. The Main Street Partnership has agreed to pay for half of the project cost, and the annual cost of the flowers.

Ms. Barber made a motion to approve the purchase of thirty-two hanging baskets from Planters Unlimited in the amount of \$6,700.00. (Kuhar) Motion passed unanimously.

**8. Backhoe**

A replacement backhoe is in the 2017 capital budget. Public Works staff prefers to replace the backhoe with an excavator. They feel an excavator would be more beneficial for the line of work that we perform.

An excavator will cost \$94,900 under the State contract. Staff recommends that the excavator is be purchased. The old backhoe will be sold, and is expected to be worth \$15,000 or more.

Mr. Miller made a motion to approve the purchase of a Case excavator from Groff Equipment for \$94,000.00. (Barber) Motion passed unanimously.

9. **Master Gardeners**

Master Gardeners are volunteers trained by the Penn State Extension. They help Extension better serve the home gardening public by answering questions, speaking to groups, working with 4-H gardening projects, maintaining demonstration gardens, teaching plant sciences and horticulture, writing gardening articles and many other ways.

The gardeners are looking for a small parcel on which to establish a community garden. The borough owns a parcel along Ann Street between the basketball courts and the YPCC that could be used for this purpose.

Ms. Jacoby made a motion to make it a matter of record that the Master Gardeners are authorized to use a borough-owned parcel on Ann Street for a community garden. (Miller) Motion passed unanimously.

K. **Department Reports**

1. **Police Department** – Chief Wyland reported on last month’s activities including the new winter parking enforcement rules and reminded everyone to be careful not to park directly across from someone else so that plows and buses can maneuver through some of the narrower streets with ease.
2. **Public Works Department**  
Mr. Evans reported on last month’s activities including updates on DAF repairs, water leak repairs, Christmas decorations, and removal of the yard waste dumpster. He also thanked Council for the approval of the purchase of an excavator.
3. **Community Development Department**  
Ms. Koss reported on last month’s activities including the Main Street Happy Hour and gave updates on the membership renewal mailing, Dickens of a Christmas and the decorating contests. She added that information for the January Borough Newsletter is now being collected.
4. **Recreation Department** – None.
5. **Planning Commission**  
**Former Prison**  
Mr. Penatzer reviewed with Council that a subdivision of the county property containing the Veterans Park and former prison had been approved in September of 2014. The subdivision separated the park into its own parcel and split the former prison into two separate parcels. It is now necessary to reverse the split of the former prison into two separate parcels as the building is being sold as a single parcel.

Ms. Houser made a motion to approve the lot merger of two parcels on which the former Cambria County Prison is situated. (Jacoby) Motion passed unanimously.

**Precision Business Solutions Expansion**

Mr. Penatzer stated that Precision Business Solutions, located at 302 Reddinger Street, has acquired the property situated between Sugar Street and Reddinger Streets. There are two existing parcels divided by an unopened alley. Mr. Shrift, of Precision Business Solutions wished to combine those two parcels with his business parcel.

Council agreed last month to waive interest in the unopened alley between the two parcels and agreed to grant tentative approval to Ordinance #634 abandoning the southern end of Reddinger Street. Council also agreed to grant tentative approval to Ordinance #635 amending the zoning map by extending the Mixed Use-Village Commercial zone to Sugar Street.

A public hearing relative to the proposed zoning map amendment was conducted prior to this meeting and there were no changes to the proposal. Further, the water and sewer utility lines on the involved parcels have been protected by easement described in the lot merger plan.

Mr. Kuhar made a motion to grant final approval to Ordinance #634, vacating the portion of Reddinger Street. (Houser) Motion passed unanimously.

Mr. Kuhar made a motion to grant final approval to Ordinance #635, amending the Zoning Map to extend the current boundary of the Mixed Use-Village Commercial zone from Reddinger Street to Sugar Street. (Barber) Motion passed unanimously.

Mr. Kuhar made a motion to grant final approval to the PBS lot merger. (Barber) Motion passed unanimously.

**6. Ebensburg Zoning Board – None.**

M. **Media Comments/Questions** – Ms. Brumbaugh from The Tribune Democrat asked if anyone from Council would like to share their thoughts on the 2017 budget.

N. **Public Comments** – None.

There being no further business Mr. Miller made a motion to adjourn. (Jacoby) Motion passed unanimously.

Meeting Adjourned: 7:41 PM

Minutes Recorded by: Danae Koss, Community Development Director