

The regular monthly meeting of the Ebensburg Borough Council was called to order on Monday, April 22, 2013 at 6:30 p.m. at the Ebensburg Municipal Building, 300 W. High Street, Ebensburg, by Council President Doug Tusing.

Present: Doug Tusing, President
Deborah Nesbella, Vice President
Joe Lutz
Susan Barber
Cecilia Houser
Dave Kuhar
Terry Illig

Others: Daniel Penatzer, Borough Manager
Terry Wyland, Chief of Police
Dave Dodson, Public Works Director
Blair Pawlowski, Solicitor
Ian Wissinger, Mountianeer-Herald
Zach Geiger, Altoona Mirror

Absent: Randy Datsko, Mayor

Audience: 2

A. The Pledge of Allegiance was recited.

B. **Public Comments** – None

C. **Consent Agenda**

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

1. Approve the minutes of the March 25, 2013 regular monthly meeting of Borough Council.
2. Approve the Financial Statement and quarterly fund transfers.
3. Approve payment of the bills. Councilor Susan Barber abstained from voting.

D. **Appointment to Address Council**

E. **Mayor's Report**-None

F. **Council President**-Mr. Tusing stated that municipal elections will be held this year for three council seats, mayor and tax collector.

G. **Water/Wastewater Committee**

1. There were no excursions for the month of March, 2013 at the wastewater plant. Plant flow averaged 1.245 mgd.

2. Updates on the ongoing water project were provided in the municipal authority minutes.
3. The Annual Chapter 94 Report for wastewater operations was completed for 2012.

H. Recreation Committee

1. Playground Equipment

Staff had intended to apply for a grant for new swing sets at Lake Rowena and the swimming pool. The total cost for equipment is less than \$10,000 and the requirements of the grant are not cost-effective. New equipment is proposed for four sites: New swings and bleachers at Lake Rowena outside of the right field fence; new swings at Lake Rowena next to the pavilion; New swings on the east side of Lake Rowena near the Lakeside Church; and new swings and benches at the swimming pool. Council asked that a swinging bench be installed near the basketball court.

Ms. Houser made a motion to forego the grant application and advertise for bids for new playground equipment for the above sites. (Illig) Motion passed unanimously

I. Street Committee

1. Sidewalk Design

Keller Engineers has begun survey work associated with the design of sidewalks on West High Street, South Center Street, Rowena Drive.

2. East Ogle Street Sidewalk

The following bids were received for the new sidewalk and curbs on the 100 block of East Ogle Street.

Gulisek Construction	\$37,460.00
MARMAT, Inc.	\$38,863.00
Rural Valley Construction	\$39,050.00
Kishmo, Inc.	\$40,065.00
BCS Construction	\$47,985.00
Turjan Enterprises	\$56,593.00

Mr. Lutz made a motion to award a bid to Gulisek Construction in the amount of \$37,460. (Kuhar) Motion passed unanimously

3. Sidewalk Ordinance Amendment

Ordinance #605 was proposed amending Ordinance #513 of 2003 designating the areas where sidewalks are required. The Ordinance eliminates a requirement for sidewalks on South Cherry Street, eliminates reference to redundant sections, and adds sidewalk on additional segments of street already included in the Ordinance.

Mr. Lutz made a motion to grant tentative approval to Ordinance #605 amending the areas in which sidewalks are required, and to advertise for public inspection. (Barber) Roll call was taken:

Barber	Yes	Tusing	No
Nesbella	Yes	Lutz	Yes
Houser	Yes		

Motion passed.

4. Street Paving

Council reviewed a recommended list of streets for resurfacing in 2013. Ms. Houser made a motion to advertise for bids for resurfacing of the 100 and 200 blocks of East Ogle Street, North Sugar Street and South Sugar Street. (Lutz) Motion passed unanimously

J. Administration Committee

1. Summer Employees

Mr. Lutz made a motion to hire Corey Myers and Peter Schaffer as pool concession workers at the rate of \$7.25/hr.

2. Non-Uniform Pension Plan

Following a recent resignation of a non-vested employee, Mockenhaupt Associates realized that the non-uniform pension plan lacks language prescribing how the contributions made by the employee were to be refunded to the employee. Mockenhaupt prepared that pension amendment, and at the same time revised the document to incorporate the current requirements for “qualified” government pension plans pursuant to §401(a) of the IRS Code, including recent required amendments for the Economic Growth and Tax Relief Reconciliation Act of 2001, the Pension Protection Act of 2006, and the Heroes Earnings Assistance and Relief Tax Act of 2008.

Ms. Barber made a motion to grant tentative approval to Ordinance #606 restating the non-uniform Pension plan, incorporating changes relative to refunding of employee contributions and incorporating recent IRS amendments. (Illig) Motion passed unanimously.

K. General Business

1. Ebensburg Oil & Gas Remediation

Representatives of Synergy attended last month’s meeting seeking an environmental covenant relative to any future potable wells on the Lake Rowena property. The matter was referred to the Solicitor for further review. Primary concerns included the effect of a “release of liability”, the borough’s ability to

preserve its right to pursue damages, and what happens if the hydrocarbon product appears again in the future. The Manager and Solicitor spoke with DEP representatives and their Counsel. The Solicitor's recommendation was to execute the covenant.

Mr. Illig made a motion to approve the proposed environmental covenant for Lake Rowena prohibiting the use of the property for potable water. (Barber) Motion passed unanimously.

2. Entrance Sign

Bids were sought for construction of the new "Welcome to Ebensburg" sign along West High Street at the Holy Name Cemetery. An easement was obtained last year from Holy Name for the site. The following bids were received.

Paul Felix Construction, Ebensburg	\$17,373.00
Major Builders, Johnstown, Pa	\$18,725.00
BIPCO, Mars, Pa	\$18,900.00
Knopp & Klatt, Ebensburg, Pa	\$23,705.00

The low bid contains stipulations that change the terms of the bid document, and are so significant that post-bid clarification and subsequent award would constitute an unfair advantage. The low bidder does not guarantee the price for the required 60 days, reserves a right to adjust the material cost, advances the payment schedule, does not guarantee the workmanship, and inserts a "rock" clause. Staff recommended and the Solicitor affirmed that the low bid be rejected, and that the contract be awarded to Major Builders.

Mr. Illig made a motion to award a contract to Major Builders in the amount of \$18,725 to construct the Welcome to Ebensburg sign. (Kuhar) Motion passed unanimously.

L. Department Reports

1. Police Department

Chief Wyland provided a written report on last month's activities.

2. Public Works Department

Mr. Dodson reported on last month's activities of staff maintenance.

3. Community Development-None

4. Recreation Department-None

M. Media Comments/Questions

Zach Geiger, from the Altoona Mirror asked about future plans for sidewalk projects.

Mike Illig asked about the water project and new valves.

N. Public Comments –None

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

Meeting Adjourned: 7:15PM

Minutes Recorded by:

Daniel Penatzer, Borough Manager