

The regular monthly meeting of the Ebensburg Borough Council was called to order on Monday, July 28, 2014 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
Joe Lutz
Theresa Jacoby

Absent: Dave Kuhar

Others: Daniel Penatzer, Borough Manager
Randy Datsko, Mayor
Blair Pawlowski, Solicitor
Dave Dodson, Public Works Director
Bernie Kozlovac, Plant Supervisor
Terry Wyland, Chief of Police
Danea Koss, Community Development Director
Matt Pfeil, Recreation Director
Rachel Vasilko, The Mountaineer Herald
Kelly Cernetich, The Altoona Mirror

Audience: 3

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. Hire Joshua Deffibaugh as part-time police officer at the rate of \$12.50/hr, effective 7/17/2014.
2. Approve the minutes of the June 23, 2014 regular monthly meeting of Borough Council.
3. Approve the Financial Statement and quarterly fund transfers.
4. Approve payment of bills.

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

E. **Mayor's Report** – None.

F. **Council President Comments** – Mr. Tusing reminded everyone that the Concerts in the Park begin this Friday, August 1st.

G. **Water/Wastewater Committee**

1. There were no excursions for the month of June 2014. Plant flows averaged 1.459 MGD and 21.1 dry tons of sludge were hauled away to the landfill. Mr. Kozlovac, Plant Supervisor, provided a verbal report on activities at the wastewater plant during the month.

H. **Recreation Committee** – None

I. **Street Committee**

1. All construction work in preparation for the street resurfacing has been completed including the stormwater work on North Caroline Street, the water line replacement on East Ogle Street, and

the gas line replacement along and near Reddinger Street. Miller Paving is currently completing repairs to the surfaces on and near Reddinger Street. Borough crews are in the process of removing weeds from the edges of streets and otherwise preparing for the street resurfacing.

2. The new bridge to be constructed in the spring by PennDOT on West High Street includes sidewalks on both sides. Before adding sidewalks to a project, PennDOT requires that a maintenance agreement be in place. The Borough will continue to maintain the sidewalks on the bridge, and the neighboring property owners will be responsible for those sections adjacent to private properties. Mr. Miller made a motion to approve the sidewalk maintenance agreement proposed by PennDOT for sidewalks on and near the new West High Street bridge. Motion passed unanimously.

J. Administration Committee

1. Negotiations continue with AFSCME on the collective bargaining agreement which expires at the end of 2014. Negotiations are expected to conclude before the August meeting.

K. General Business

1. The Articles of Amendment for the Ebensburg Municipal Authority have been advertised as required, and have been submitted to the Secretary of the Commonwealth.
2. Ordinance #612, establishing the stormwater system fee, was granted tentative approval last month, has been advertised for public inspection, and is ready for final adoption. One minor change was made to the proposed Ordinance subsequent to advertisement. The term "single-family" has been changed to "single-household"; the difference being that persons residing in the same house that are unrelated will qualify as a single-household. Mr. Lutz made a motion to grant final approval to Ordinance #612 establishing a fee for support of a stormwater management system. (Barber) Motion passed unanimously.
3. Per Section 11 – "Credits Applicable to Stormwater Charges" of Ordinance #612, a credit policy is to be established for stormwater user fees. It allows owners to apply for credits for implementing and maintaining stormwater best management practices on their parcel(s) to reduce the rate and volume of stormwater that enters the storm sewer system or to provide on-site stormwater quality benefits. Mayor Datsko asked for clarification on whether or not a commercial property, which was originally built as a single-family household, would be eligible to apply for single-household credits. This would be referred back to the municipal authority to decide on. Mr. Lutz made a motion to adopt the Stormwater Program and User Fee Credit Manual, with the changes noted by the municipal authority. (Houser) Motion passed unanimously.
4. Ordinance #613 is submitted for Council's consideration. It transfers all stormwater facilities to the municipal authority, in the same way that all water and wastewater facilities were transferred in the past. Mr. Penatzer noted that the streets, curbs and lakes should be excluded from the stormwater facilities as the borough will continue to own them. The stormwater facilities will be leased back to the borough, under a separate document, for operation and maintenance. Ms. Barber made a motion to grant tentative approval to Ordinance #613 transferring all stormwater facilities to the Ebensburg Municipal Authority, and advertise for public inspection. (Barber) Motion passed unanimously.
5. The current Agreement of Lease between the Borough and the municipal authority, dated November 19, 2012, must be amended to include reference to stormwater management facilities. Ms. Barber made a motion to adopt the amended Agreement of Lease between the Borough of Ebensburg and the Ebensburg Municipal Authority, with the changes noted by Mr. Penatzer, reflecting the addition of stormwater management facilities. (Lutz) Motion passed unanimously.
6. The current Operating Agreement between the Borough and the municipal authority, dated November 19, 2012, must be amended to include reference to stormwater management facilities. Ms. Barber made a motion to adopt the amended Operating Agreement between the Borough of

Ebensburg and the Ebensburg Municipal Authority, with the changes noted by Mr. Penatzer, reflecting the addition of stormwater management facilities. (Houser) Motion passed unanimously.

L. Department Reports

1. **Police Department** – Chief Wyland reported that there were no issues at Downtown Shutdown or Homecoming. There was one issue at Wheels & Wings with noise at the Fairgrounds that was addressed.
2. **Public Works Department** - Mr. Dodson reported on last month's activities including updates on smoke testing, draining the high tank, and fixing a sink hole on Hemlock Street.
3. **Community Development** – Ms. Koss reported on last month's activities including updates on Wheels & Wings, Downtown Shutdown and Homecoming. She also shared that the Concerts in the Park begin this Friday and continue the first four Fridays in August. She added that Volunteer Appreciation Night will take place on August 22nd.
4. **Recreation Department** – Mr. Pfeil reported on last month's activities including updates on the use of the swimming pool, swimming lessons and events being held at the pool and the YPCC.
5. **Codes Enforcement** – A monthly codes enforcement report was provided in Council's mailbox.
6. **Ebensburg Municipal Authority** – A copy of the minutes of the last municipal authority meeting was included in Council's packet.
7. **Ebensburg Planning Commission**
 - a. The planning commission granted final approval to a subdivision/lot merger plan for Appledale Golf Course. The property is being divided in two between two family members. Mr. Lutz made a motion to grant final approval to the Appledale subdivision/lot merger plan. (Jacoby) Motion passed unanimously.
 - b. The zoning board approved four variances for the proposed Falchini building on West High Street. The variances were for setbacks next to a grass alley and Park Street, allowing retaining walls in front of the building line, parking stall sizes and landscape buffers along West High Street.

M. Media Comments/Questions

- Ms. Cerentich asked for clarification on whether or not commercial properties capped at 30 ERU's can or cannot apply for additional credits.

N. Public Comments – None

Meeting Adjourned: 7:10 p.m.

Minutes Recorded by:

Danea Koss
Community Development Director