

The regular monthly meeting of the Ebensburg Borough Council was called to order on Monday, March 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  
Cecilia Houser  
Theresa Jacoby  
John Cobaugh  
Dave Kuhar

Absent: Joe Miller

Others: Daniel Penatzer, Borough Manager  
Randy Datsko, Mayor  
Blair Pawlowski, Solicitor  
Jeff Evans, Public Works Director  
Bernie Kozlovac, Plant Supervisor  
Terry Wyland, Chief of Police  
Danea Koss, Community Development Director  
Samantha Kemock, Recreation Director  
Jocelyn Brumbaugh, The Tribune Democrat  
Kelly Cernetich, The Altoona Mirror  
Josh Byers, Mainline News

Audience: 4

A. The Pledge of Allegiance was recited.

B. **Public Comments** – Mr. Tusing announced that the meeting was being recorded.

C. **Consent Agenda**

Ms. Barber made a motion to approve the consent agenda, containing the following items: (Kuhar) Motion passed unanimously with one abstention by Ms. Jacoby on reimbursement to her for travel expenses.

1. Approve the minutes of the February 22, 2016 regular monthly meeting of Borough Council.
2. Approve the Financial Statement.
3. Approve payment of bills.
4. Approve an agreement with the FAA allowing the 2012 entitlement grant to be transferred to Penn Valley Airport Authority.

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

E. **Mayor's Report** – Mayor Datsko shared that crosswalk patrols would be starting up again and warnings and citations would be issued. He added that he received information adding crosswalk flashing lights to our existing signs. He's going to research them a bit more and will have more information next month.

F. **Council President Comments** – Mr. Tusing shared that he'd received a letter from Ron Springer on behalf of Dauntless Fire Company, letting him know that the fire department has received 100% compliance with the child protective services requirement and had just completed a successful audit by Wessel & Company. Mr. Tusing would like to commend our local fire company for the important job that they do. He added that they are a group that we can be proud of.

**G. Water/Wastewater Committee**

1. There were no excursions for the month of February 2016. Plant flows averaged 1.143 MGD. Mr. Kozlovac, Plant Supervisor, provided a verbal report on activities at the wastewater plant during the month.

**H. Recreation Committee – None.**

**I. Street Committee – None.**

**J. Administration Committee**

**1. Deferred Compensation Plan Amendment**

Ms. Barber explained that the Act 457 Deferred Compensation Plan does not contain any exclusions for types of employees. In the absence of stated exclusions, all employees are eligible to participate. The plan is employee deduction only with no cost to the borough. But, because all employees are eligible, means that the borough must provide notices and disclosures to all Ms. Barber made a motion to adopt Resolution #2016-03 excluding part-time employees and independent contractors from participation in the Act 457 Deferred Compensation Plan. (Jacoby) Motion passed unanimously.

**K. General Business**

**1. Sidewalk Project Debt**

It was the consensus of Council at last month's meeting to temporarily borrow wastewater funds to retire the budget shortfall on the 1-year note for the 2015 sidewalk project. The wastewater fund will be reimbursed as the final grant funds and property owner assessments are received.

Ms. Barber made a motion to approve the payment of approximately \$139,800 from the general fund, and a temporary transfer of \$300,000 from the wastewater fund in order to retire the sidewalk bridge loan (exact payout to be determined). (Kuhar) Motion passed unanimously.

**2. Property Lien Interest**

Ordinance #563 of 2009 requires that interest be charged at the rate of 10% on property liens. Staff believes this is excessive and suggests that this ordinance be amended to allow Council to establish an interest rate, from time to time, by Resolution, as it sees fit.

Mr. Kuhar made a motion to grant tentative approval to Ordinance #628, allowing for the interest rate on property liens to be amended from time to time by Resolution, and advertise for public inspection. (Cobaugh) Motion passed unanimously.

**3. PLCB Noise Enforcement Exemptions**

Resolution #2016-02 is submitted authorizing a petition to the PLCB to renew Ebensburg Borough's option to enforce noise regulations at local licensed liquor establishments, exempting those establishments from PLCB's enforcement of noise violations. That exemption was last approved in 2012 and is due for renewal.

Ms. Houser made a motion to adopt Resolution #2016-02 petitioning the PLCB to exempt certain areas and licensed establishments from PLCB enforcement of noise violations. (Cobaugh) Motion passed unanimously.

**4. Natural Gas Prices**

Dominion Energy is offering a fixed price for natural gas through February 2018 of \$2.96 per Mcf. The borough's current price is \$2.18. Rates have recently varied as follows:

July 2015

\$2.26

|                |        |
|----------------|--------|
| August 2015    | \$2.20 |
| September 2015 | \$2.18 |
| October 2015   | \$2.53 |
| November 2015  | \$2.56 |
| December 2015  | \$2.56 |
| January 2016   | \$2.18 |
| February 2016  | \$2.16 |

The borough pays approximately \$28,200 annually for natural gas at all facilities. Approximately 35% of that is the above commodity charge. The consensus of Council is to continue at the market rate, rather than lock in a fixed price since the proposed fixed rate is significantly higher than the current market rate.

#### L. Department Reports

1. **Police Department** – Chief Wyland reported that with day-light savings time, there are more kids out walking and on bikes and please be sure to stop at stop signs and for crosswalks. He also mentioned that the crosswalk campaign would be starting again soon. He added that the department has completed all of its annual trainings and that they recently received preliminary training on the use of the overdose drug Narcan.
2. **Public Works Department** – Mr. Evans reported on last month's activities including updates at the water treatment plant, water sampling, and an landscaping project at the Memorial ballfields.
3. **Community Development** – Ms. Koss reported on the member networking event, Art in Bloom, the historic designation project and the preliminary results from the citizen survey.
4. **Recreation Department** – Ms. Kemock reported on activities at the YPCC including the Itty Bitty Basketball program, a painting party fundraiser on April 22<sup>nd</sup>, the YPCC Golf Outing and gave updates on the tennis center. Ms. Kemock also commended YPCC employee Nicole Gallaher and our local police and fire departments on their response to an incident where someone passed out while using the facility.
5. **Codes Enforcement** – A monthly codes enforcement report was provided to Council.
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** – None.
8. **Ebensburg Zoning Board** – The Zoning Hearing Board granted a special exception for a minor impact home based business and a variance for a lighted sign to William Kerr 793 Ben Franklin Highway to operate a new business, Ebensburg Float.

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

N. **Public Comments** – Mayor Datsko reminded everyone that spring clean-up will be April 26<sup>th</sup> and 27<sup>th</sup> and that winter parking ends on Thursday, March 31<sup>st</sup>.

#### O. Adjournment

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

Meeting Adjourned: 7:10 p.m.

Minutes Recorded by: Danae Koss, Community Development Director