

The regular monthly meeting of the Ebensburg Borough Council was called to order on Monday, September 28, 2015 at 6:29 p.m. at the Ebensburg Municipal Building, 300 W. High Street, Ebensburg, by Council President Doug Tusing.

Present: Doug Tusing, President
Joe Lutz
Cecilia Houser
Dave Kuhar
Theresa Jacoby
Cecilia Houser

Absent: Susan Barber

Others: Daniel Penatzer, Borough Manager
Randy Datsko, Mayor
Heath Long, Solicitor
Jeff Evans, Public Works Director
Bernie Kozlovac, Plant Supervisor
Terry Wyland, Chief of Police
Danea Koss, Community Development Director
Matt Pfeil, Recreation Director
Kelly Cernetich, The Altoona Mirror
Brian Fronk, Mainline News
Dave Petrosky, L.R. Kimball
Dave Lester

Audience: 12

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: (Miller)
Motion passed unanimously.

1. Approve the hiring of Caitlin Baker as a tennis assistant effective 8/28/15 at rate of \$8.00/hr.
2. Approve the hiring of James Melnyk and Justin Kreutzberger as part-time police officers at the rate of \$14.00/hour.
3. Approve the minutes of the August 24, 2015 regular monthly meeting of Borough Council.
4. Approve the Financial Statement.
5. Approve payment of bills.

D. **Appointments to Address Council**

Dave Petrosky and Dave Lester presented their preliminary plans for the development of a nature center and trails in the area of the swimming pool and reservoirs. Mr. Petrosky and Mr. Lester asked for the borough's blessing to continue with their project plan and asked that the borough agree to serve as the applicant for a planning grant from the DCNR, for which the application is due Friday, October 9th.

Mr. Miller made a motion that the Borough of Ebensburg will serve as applicant for a planning grant from DCNR on the condition that any required local match is secured. (Lutz) Motion passed unanimously.

E. **Mayor's Report** – Mayor Datsko wanted to remind everyone that bicyclists are subject to all vehicle codes.

F. **Council President Comments** – Mr. Tusing congratulated all those involved with PotatoFest on another successful event.

G. **Water/Wastewater Committee**

1. There were no excursions for the month of August 2015. Plant flows averaged 0.482 MGD. Mr. Kozlovac, Plant Supervisor, provided a verbal report on activities at the wastewater plant during the month.
2. Mr. Kuhar shared with Council that the Ebensburg Municipal Authority had recently awarded Stiffler & McGraw the engineering contract for the Authority.

H. **Recreation Committee**

1. **Tennis Center Lights**

Ms. Jacoby made a motion to award a contract to Sylvania Lighting Services for relighting of the Tennis Center, in the amount of \$49,024.37. (Kuhar) Motion passed unanimously.

I. **Street Committee**

1. **Sidewalk Project**

The only contracted work remaining on the sidewalk project is pouring of final curbs on South Center Street and adjusting the Ebensburg Oil & Gas driveway. Borough crews will complete the installation of new streets signs over the next few weeks, and will install the new streetlights as long as weather permit.

2. **South Spruce Street One-Way**

Mr. Lutz made a motion to grant final approval to Ordinance #625 making the 100 block of South Spruce Street one-way from High Street towards Lloyd Street. (Miller) Motion passed unanimously.

3. **Street Trees**

Quotes were sought for the purchase of 68 street trees in conjunction with the sidewalk project. Only one complete bid was received. The second bid was for only four of the trees.

Ms. Houser made a motion to award a contract to Eisler Nurseries for the purchase of street trees in the amount of \$5,760.00.

4. Ms. Houser voiced concerns from area residents regarding their wish to see Spruce Street, from Sample to West High Street, turned into a one-way street. Mr. Lutz suggested that the issue be tabled until the next meeting so that Council has the chance to take a look at this area.

J. **Administration Committee**

1. **Employee Pension Plan**

Council reviewed the estimates for the required minimum municipal obligation (MMO) for 2016 as compared to the previous three years. It is likely that Council will be asked to revise the MMO later this year when the 2015 Actuarial Valuation Report has been finalized, however they are required to formally approve a number by September 30th.

Ms. Jacoby made a motion to adopt the minimum municipal obligation (MMO) calculation for the uniformed pension plan in the amount of \$36,479. (Lutz) Motion passed unanimously.

Ms. Jacoby made a motion to adopt the minimum municipal obligation (MMO) calculation for the non-uniformed pension plan in the amount of \$82,180. (Lutz) Motion passed unanimously.

2. **Review of 2016 Annual Budget Preparation**

The Manager is preparing preliminary budget numbers, and the administrative committee will compile a tentative budget for Council's review at the October meeting. Final adoption is expected at the November Council meeting.

3. **2015 Audit**

Regulations require that the auditor be designated prior to the end of each year. Mr. Lutz made a motion to adopt Resolution #2015-10 appointing Wessel & Company as auditor for 2015. (Houser) Motion passed unanimously.

4. **FOP Negotiations**

The administration committee conducted its second negotiating session with police officers relative to renewal of the collective bargaining agreement that expires at the end of 2015.

K. General Business

1. **Noise Ordinance**

A complaint was voiced at last month's meeting about noise generated at the new fitness business on Tanner Street. The Manager was asked to review noise ordinances in other communities.

Noise ordinances from six other communities were compared. Only one of those referenced a dB reading. The others deemed a violation to exist if certain conditions were exceeded. Ebensburg's ordinance requires a dB measurement prior to any enforcement action.

Chief Wyland borrowed a noise meter and measured sound levels at the Tanner Street property and at various other locations in town. The maximum noise level at Tanner Street was not exceeded, and was exceeded at several areas of town by normal vehicle traffic and other activities. The meter was not calibrated, and the findings were presented only as a relative comparison of noise levels.

Staff presented two options for Council's consideration. First, purchase a noise meter suitable for community noise monitoring and train the police in its use. Second, amend the borough's noise ordinance negating the need for an actual sound measurement. The consensus of Council was to take no action on the matter of noise enforcement.

L. Department Reports

1. **Police Department** – Chief Wyland thanked Council for the hiring of two part-time police officers. He added that PotatoFest went very well with no incidents.
2. **Public Works Department** – Mr. Evans reported on last month's activities including updates at the lightening strike at the water tower and the sidewalk project.
3. **Community Development** – Ms. Koss reported on the success of PotatoFest and thanked all those involved in helping with the event. She also updated Council on planning for the upcoming Fall Foliage ride and Dickens of Christmas. She added that she had a meeting to discuss Ebensburg's historic designation application status.
4. **Recreation Department** – Mr. Pfeil reported on last month's activities including updates on basketball leagues, the new facility equipment and the tennis center.
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** – No activity.
8. **Ebensburg Zoning Board** – The zoning board granted a special exception for a professional office at 400 N. Center Street. The Board also approved variances dealing with side and rear setbacks, driveway area, required number of off-street parking spaces and sizes of parking spaces.

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

N. **Public Comments**

Mr. Joe Sinclair, West Crawford Street, asked if the business on Tanner Street had been approached to try to find a resolution to the noise concerns.

Mr. Bill Link, North Spruce Street, asked if the swimming pool has been closed up for the winter. Mr. Link also commented that Spruce Street is very narrow between Sample & High Streets.

Mr. Rick Bloom, Cambria County Conservation & Recreation Authority (CCCRA), commented that the CCCRA would like to see the Ghost Town Trail brought further along the old railroad track.

Mr. Dave Lester, Ebensburg, added that there is a brownfields site in the area of the proposed Nature Center, behind the Crossroads Alliance Church, that would be addressed as part of their project.

Mr. V. Joseph Miller, Tanner Street, addressed Council and expressed disappointment that Council has chosen not to take action regarding the stated noise disturbance in his neighborhood. He added that if an ordinance isn’t working, you have to go with another ordinance.

O. **Adjournment**

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

Meeting Adjourned: 7:53 p.m.

Minutes Recorded by: Danae Koss, Community Development Director