

The regular monthly meeting of the Ebensburg Borough Council was called to order on Monday, July 23, 2018 at 6:30 p.m. at the Ebensburg Municipal Building, 300 W. High Street, Ebensburg, by Council Vice-President Susan Barber.

Present: Susan Barber, Vice President
Theresa Jacoby
Scot May
Dave Kuhar
Cecilia Houser

Absent: Doug Tusing, President
John Cobaugh

Others: Randy Datsko, Mayor
Daniel Penatzer, Borough Manager
Blair Pawlowski, Solicitor
Terry Wyland, Chief of Police
Jeff Evans, Public Works Director
Danea Koss, Community Development Director
Dirk Johnson, Recreation Director
Jocelyn Brumbaugh, The Tribune Democrat
Sean Sauro, The Altoona Mirror
Andrew Smithmyer, The Mountaineer Herald

Audience: 22

A. The Pledge of Allegiance was recited.

B. Public Comments

Ms. Pat Kelly, 624 E. Sample Street reported that she and her neighbors have been getting together and have prepared an impact statement covering issues like trees, sidewalks, snow removal and the huge financial impact. She expressed concern that details of the proposed sidewalk project were set in stone.

Mr. George Kopchik, 616 E. Sample Street echoed Ms. Kelly's concerns and added that he didn't feel that sidewalks are needed as far down on E. Sample Street as there is not a lot of pedestrian or vehicular traffic. He added that he agreed that curbs are needed and that the project is a big expense especially on the heels of the sewer project.

Mr. Dave Ott, 708 E. Sample Street added that since 1954 there haven't been sidewalks on E. Sample Street and why do we need one now.

Mr. Josh Yoder, 501 E. Sample Street asked if Council has walked the whole length of E. Sample Street. He also expressed concerns with the sidewalk project.

Mr. Penatzer commented that the four public meetings, intended to hear comment, were not yet completed, and that several sections including East High Street, a section of East Crawford Street and two blocks of West Sample Street remained to be decided.

Councilor May said that he works at Kimball's and the approved plan was handed to the project team and they are ready to run with it and they aren't considering better or more scientific ways to do it. He added that the residents of E. Sample Street have put more thought into the project than all of Council. He also asked if there is any data to support that the areas that received new sidewalks are safer.

C. Consent Agenda

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

1. Approve the minutes of the June 25, 2018 regular monthly meeting of Borough Council.
4. Approve the Financial Statement and quarterly transfers.
5. Grant final approval to a land development application for Ebensburg Animal Hospital at 922 Rowena Drive.

D. Appointment to Address Council

1. **Public Service Awards** – Mr. Tom Grambling, Vice President of the Pennsylvania State Association of Boroughs presented public service awards to Susan Barber for 10 or more years of dedicated service, Dave Kuhar for 10 or more years of dedicated service, Randy Datsko for 20 or more years of dedicated service and Dan Penatzer for 35 years of dedicated service.

2. **Michael Owatt** - Mr. Owatt of 612 North Caroline Street expressed his frustration and concerns relating to the proposed sidewalk project. His belief is that no one from the borough has talked to the residents and they don't want the sidewalks.

E. **Mayor's Report** – Mayor Datsko recognized, thanked and presented a certificate to Blair Pawlowski for this 45 years of dedicated service to the Borough in his role as solicitor.

F. Council President

Ms. Barber reported that the meeting was being recorded by Andrew Smithmyer for The Mountaineer Herald.

G. Water/Wastewater Committee

1. Report from Inframark on Wastewater Plant Operations

Mr. Mark Wirfel, plant supervisor, was not present but provided a written report of plant activities which included 34 million gallons of clean water returned to Howells Run, 15.8 tons of sludge sent to landfill, and no excursions for the month of June.

2. Wastewater Project

Mr. Kuhar stated that the wastewater project is proceeding in the southern sections of the borough. Staff expects to be sending connection notices to the first 30 or so customers soon.

H. Recreation Committee

1. Paddle Boats

Ms. Jacoby reported the idea of having paddle boats on Lake Rowena has been floated in the past and has previously been mentioned in resident surveys. Lakemont is selling its paddle boats, so the idea is again being considered. Questions regarding liability, storage, docking, staffing, maintenance, etc. are being considered. Staff is suggesting that the question be referred to the Recreation Board for research and a recommendation.

The consensus of Council was to refer the question of paddle boats on Lake Rowena to the Recreation Board for a recommendation.

I. Street Committee

1. Stop Signs

Ms. Houser reported that members of the street committee looked at the stop signs following last month's discussion. If they feel action is necessary it will be added to the next month's agenda. If not, it will be dropped.

2. Sidewalk Project

Mr. Penatzer reported that the design of the sidewalk project is underway and three of the four public meetings have been held with approximately 40 persons attending each. An issue remains to be resolved with East Sample Street between Caroline Street and Roberts Street. The previous decision was to require sidewalks on the south side only. Most of the existing sidewalk is on the north side now, and many persons prefer that it be kept on the north side only. Doing so would create a problem with three existing driveways/retaining walls. Staff is waiting to receive input at all four public meetings before making any recommendation as to whether the sidewalk should remain on the south side, as the Ordinance now states, or if it should be shifted to the north side.

Some residents have strongly suggested that Council reconsider adding sidewalks to two streets. Several residents along West Triumph Street believe that there is so much congestion with parked vehicles during events at Memorial Field that there should be a sidewalk on both sides. Several residents of North Caroline Street believe that a sidewalk along North Caroline Street north of Highland Avenue is important. Staff suggests that all Council members look at those areas during the next month, and then decide if any changes should be made to the Ordinance. Those can be addressed at the same time staff makes a recommendation regarding East Sample Street.

3. Natural Gas Project

Mr. Penatzer reported that the gas company informed the borough on July 13th that a major project is planned throughout Ebensburg Borough, the replacement of nearly all main lines. They are aware of the sewer project, and hope to be able to follow the sewer work with the gas project. They intend to begin work in September in areas south of High Street, where the contractor is expected to be completing sewer work. If all sewer and gas work is completed south of High Street, we should be able to bid a sidewalk project for that area in spring 2019, and have streets resurfaced in late 2019.

The sewer work north of High Street is not expected to be completed until July 2019, therefore the gas project will not be finished until fall 2019. If there is enough time to undertake a sidewalk project north of High Street in 2019, it could only be in areas east of Center Street. It is very unlikely that any street resurfacing could be completed north of High Street in 2019. It is more likely that a sidewalk project north of High Street would occur in early 2020, with street resurfacing to follow.

4. Street Resurfacing

Mr. Penatzer reported that it appears that some street resurfacing could be completed in 2019, as reported above. Side streets such as Locust and Beech will be repaired by the utility contractors, receiving new base and a top coat only in the repaired areas. Streets such as Ogle, Lloyd and West which were in very good condition prior to the excavation will also only be repaired as necessary. South Julian, West Triumph and South Marian, which will see utility excavation and curb excavation will be milled and fully paved. Several other streets such as South Caroline, Lovell and Chris, which would have been due for resurfacing anyway, will be fully paved.

The cost for street resurfacing in 2019 will be approximately \$350,000 and will complete all paving work necessary south of High Street.

All paving north of High Street will need to be postponed until 2020. Utilizing the same criteria for determining the extent of paving work to be done to each street, the cost will be \$550,000 or a total of \$900,000 for paving. The borough has approximately \$750,000 in reserve for street resurfacing, and by 2020 will have the entire amount necessary.

J. Administration Committee – None.

K. General Business

1. Fireworks

Mr. Penatzer shared that there were recent incidents involving fireworks in the borough that have resulted in complaints and safety concerns about fireworks.

The Borough does not currently have an Ordinance that regulates fireworks. Act 43 of 2017 authorizes local municipalities to regulate ‘display fireworks’, but does not grant any authority to regulate “consumer fireworks”. Display fireworks are for public display and must be used by professional pyrotechnicians. Consumer fireworks are those that can be purchased and used by anyone. The Act greatly expands the types and sizes of permissible consumer fireworks that can be sold and used within the Commonwealth. The Act allows anyone that is at least 18 years of age to purchase, possess and use consumer fireworks. Fireworks are not permitted on public property, and are prohibited within 150 feet of any building intended for occupancy.

The consensus of Council and the solicitor is that the Borough should follow Act 43 of 2017 as it is very comprehensive and covers us.

2. Garbage Collection

Mr. Penatzer reported that since problems with the garbage collection were discussed publicly last month, the situation has much improved. Some isolated instances still occur, but it is obvious that the contractor has addressed the problems.

3. Zoning Amendment

Mr. Penatzer reported that Ebensburg Borough’s Zoning Ordinance, and most zoning ordinances, are written in such a fashion that only uses specifically listed are permitted. If a proposed use is not included on that list, it is prohibited. Several months ago, Council discussed whether B&Bs should be permitted in residential districts. The question was referred to the Planning Commission for a recommendation.

The Planning Commission discussed it in June 2017, but it was never referred back to Council. The Planning Commission believes that B&Bs are common place in most older communities, especially those communities with large historic homes such as in Ebensburg. The Commission’s recommendation was to permit B&Bs in all zoning districts in which residential occupancies are already permitted.

Ms. Jacoby made a motion to grant tentative approval to Ordinance #644, amending the Ebensburg Borough Zoning Ordinance and allowing B&Bs in all zoning districts in which residential occupancy is already permitted, and advertise for public inspection.

4. Truck Replacement

Mr. Penatzer reported that a 2009 Ranger pickup was involved in an accident this month and is a total loss and that it is important that it be replaced. If a similarly small truck is not yet available, an F-150 will be purchased. Mr. Penatzer also added that the trailer involved in the accident was also a complete loss and the mower is being repaired.

Mr. Kuhar made a motion to approve the purchase of a Ford F-150 or smaller pickup truck off the State bid list. (May) Motion passed unanimously.

L. Department Reports

1. **Police Department** – Chief Wyland reported on last month’s activities including a few instances with fireworks and getting caught up on the new law as well as a Drug Take Back Day that’s scheduled for Friday, July 27th that the department is partnering on with Cambria Township Police, the local fire departments, EMS and County offices.
2. **Public Works Department** – Mr. Evans reported on last month’s activities including the water plant and increasing chemicals due to algae, keeping up with one-calls and a pump station repair at the Industrial Park.
3. **Community Development Department** - Ms. Koss reported that the Downtown Shutdown would be taking place this coming Friday and that the streets would close down at 6 pm with the band taking stage at 8 pm until 11 pm. She added that Homecoming events would be held throughout the day on Saturday closing at Lake Rowena with live music and fireworks at dusk.
4. **Recreation Department** – None.
5. **Ebensburg Planning Commission** – None.
6. **Ebensburg Zoning Board** – None.

M. Media Comments/Questions

Mr. Sean Sauro from The Altoona Mirror asked why there can’t be driveways in the sidewalk project. He also asked how the paddle boats came up, how many are available for purchase and what kind of boats are currently permitted on Lake Rowena.

N. Public Comments

Ms. June Fether shared that there is a coffee shop in Tamaqua, PA that employs recovering addicts. She added that other communities may want to consider establishing similar shops.

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

Meeting Adjourned: 8:10 PM

Minutes Recorded by: Danae Koss, Community Development Director