

The regular monthly meeting of the Ebensburg Borough Council was called to order on Monday, October 26, 2020 at 6:30 p.m. at the Young Peoples Community Center, by Vice President, Dave Kuhar.

Present: Doug Tusing, President serving as Acting Mayor
Dave Kuhar, Vice President
Theresa Jacoby
Scot May
Jeff Ball
Mike Owatt

Absent: Cecilia Houser
Randy Datsko, Mayor

Others: Daniel Penatzer, Borough Manager
Blair Pawlowski, Solicitor
Danea Koss, Community Development Director
Dirk Johnson, Recreation Director
Jeff Evans, Public Works Director
Terry Wyland, Chief of Police
Kristen Baudoux, The Mountaineer Herald
Mark Pesto, The Tribune Democrat

Audience: 16

A. The Pledge of Allegiance was recited.

B. **Public Comments** – Mr. Kuhar asked if anyone was recording the meeting. Mr. Pesto from The Tribune Democrat confirmed he was recording the meeting.

Mr. Scott Estep, Bolton Street, voiced concerns over Council voting on the former middle school field without the full Council being present.

Mr. Wayne Templeton, N. Caroline Street, voiced concerns over rezoning the former middle school field. He added that he feels zoning should remain R-1 for single-family homes and that Ebensburg doesn't need any more apartments.

Mr. Pat Watt, N. Caroline Street, shared that he does not want the proposed townhomes in the neighborhood and feels that there will end up being more than 16-20 units. He asked Council not to rezone the former middle school field.

C. **Consent Agenda**

Ms. Jacoby made a motion to approve the consent agenda containing the following items. (Ball) Motion passed unanimously.

1. Approve the minutes of the September 28, 2020 regular monthly meeting of Borough Council.
2. Approve the Financial Statement and quarterly transfers.

3. Approve payment of bills.

D. Appointment to Address Council

Mr. Joe Sinclair, E. Sample Street, spoke on behalf of Central Commons, the developers who own the former middle school field. He shared that their plans for the property are to build 16-20 luxury townhomes in the \$220k-\$300k price range. He added that available property is limited in the Borough, and this would add housing and an additional tax base. He stated that they only want to make the community bigger and better and will follow the historic character overlay requirements.

- E. **Mayor's Report** – Mr. Tusing, serving as the acting Mayor, reported that Trick or Treat would be held in Ebensburg this Saturday, October 31st. He also reminded everyone to vote in the upcoming election.

- F. **Council President** – None.

G. Water/Wastewater Committee

1. **Report from Inframark on Wastewater Plant Operations**

Mr. Kuhar reported that Inframark provided written reports for wastewater plant and they were provided in Council's packets.

2. **Report from Inframark on Water Treatment Plant Operations**

Mr. Kuhar reported that Inframark provided written reports for the water plant and they were provided in Council's packet.

H. Recreation Committee

1. **Winter Plowing**

Ms. Jacoby reported that the YPCC and the tennis center are used at all hours of the day. The parking lots have historically been plowed by borough crews as time permits. That means that those lots are often not plowed for several hours after a snow event.

Staff is recommending that we contract the snow plowing for those two facilities on an as needed basis. As the local plowing company sees in passing that plowing is needed, they can do so. It is likely that during the common 3-inch snow event the borough crews will be able to adequately service those lots. During heavier snow events, the facilities should be plowed more frequently than borough crews are able to do. When such assistance is needed the cost will be less than \$100/lot.

The consensus of Council is to contract the plowing of the those facilities after seeking competitive proposals.

I. **Street Committee**

1. **2020 Sidewalk Project**

Mr. Owatt reported that all primary work on this project has been completed and it was confirmed that the contractor has also completed the punch-list of minor secondary work.

2. **2020 Street Resurfacing**

Mr. Owatt reported that the milling of streets in the northeast quadrant began on October 12th and resurfacing started on October 20th and is still underway. The contractor will likely finish on Monday or Tuesday, weather permitting.

3. **Street Trees**

Mr. Owatt reported that bids were sought for the purchase of 76 street trees. Two bids were received from Eisler's Nursery for \$13,103.00 and Schichtel's Nursery for \$11,538.00.

Ms. Jacoby made a motion to award a contract in the amount of \$11,538.00 to Schichtel's Nursery for the purchase of street trees. (Ball) Motion passed unanimously.

4. **Sidewalk Ordinance**

Mr. Owatt reported that last month Council granted tentative approval to Ordinance #655 deleting the required sidewalk on the south side of West Sample Street between West Street and Marion Street. The Ordinance has been advertised and is ready for final adoption.

Mr. Owatt made a motion to grant final approval to Ordinance #655 amending where sidewalks are required on West Sample Street. (Jacoby) Motion passed unanimously.

J. **Administration Committee**

1. **Borough Manager Retirement**

Ms. Jacoby reported that the upcoming vacancy in the Borough Manager position has been advertised and applications are due on November 9th. The administration committee intends to review those applications and schedule initial interviews during November. A later round of interviews is likely during December. The committee hopes to agree on a candidate in early January with a start date of February 22nd. That will allow for a 2-week period of overlap during which the outgoing manger can assist with orientation.

2. **2021 Annual Budget**

Ms. Jacoby reported that the administration committee has compiled a tentative 2021 budget for Council's review. The 2021 Operating Budget calls for revenues of \$6,115,030 and expenditures of \$6,063,450. The general fund budget is balanced with no increase in real estate taxes.

With the exception of the budgeted cost of employee benefits and the increased budget for utility system repairs, expenditures in all funds remain fairly consistent.

The draft budget maintains taxes at their current levels but includes an increase in water rates. The Manager reviewed the major points of the proposed budget and included a synopsis of the budget in Council's packets.

Ms. Jacoby made a motion to grant tentative approval to the 2021 annual budget and advertise for public inspection. (Owatt) Motion passed unanimously.

3. Tax Resolution

Ms. Jacoby reported that Resolution 2020-13 is proposed maintaining the same real estate tax rate in 2021.

Ms. Jacoby made a motion to adopt Resolution 2020-13 maintaining a real estate tax rate in 2021 of 30.75 mills on land and 8.5 mills on buildings for general purposes, and 2.5 mills on land for stormwater. (Ball) Motion passed unanimously.

4. Zoning and Property Maintenance Enforcement

Ms. Jacoby reported that the Borough Manager currently serves as the zoning enforcement officer and property maintenance enforcement officer. He is compensated \$3,000 and \$3,250, respectively, for those services.

The Committee recommends that Laurel Municipal Inspection Agency, the same agency that already administers the building code, be engaged to provide zoning enforcement services. Laurel provides zoning services to eight other municipalities and has well-trained and experienced staff specifically for zoning. Borough residents currently do not pay a fee for zoning opinions. The fee for all approved zoning opinions with Laurel is

\$55. The Committee recommends that Laurel assess \$25 of that fee to each applicant, and the balance of \$30 to the borough. There are approximately 100 zoning opinions issued annually, meaning that the borough will continue to incur a budgeted expense of \$3,000 annually for zoning enforcement.

Ms. Jacoby made a motion to designate Laurel Municipal Inspection Agency as Zoning Enforcement Officer, effective January 1, 2021 and to implement a charge of \$10 to the applicant and \$45 to the Borough. (May) Motion passed unanimously.

K. General Business

1. Gender-Neutral Code Revisions

Mr. May reported that Ordinance #656 was proposed to correct gender-specific terms used throughout the Borough's Code of Ordinances. It directs that ALL ordinances and

resolutions be edited to replace gender-specific terms with gender-neutral terms. The Ordinance further expands the Borough's focus on equity and inclusion and is consistent with the Borough's stated diversity objectives. The Ordinance was granted tentative approval last month, has been advertised for public inspection and is ready for final adoption.

Mr. May made a motion to grant final approval to Ordinance #656 editing all ordinances and resolutions as necessary to replace gender-specific terms with gender-neutral terms. (Jacoby) Motion passed unanimously.

2. Middle School Football Field

Ms. Jacoby reported that a request is pending to rezone the former middle school football field from single-household residential to multi-household residential. A public hearing was conducted on October 19th at 6:30. The matter was forwarded to the Cambria County Planning Commission for comment and to the Ebensburg Borough Planning Commission for a recommendation.

The Cambria County Planning Commission reviewed the request and submitted its recommendation that the zoning district be changed as requested, with the stipulation that the Historic Character Overlay continue to apply. It determined that it is unlikely that single-household residences would ever be constructed on the site due to the heavy traffic volume on North Center Street, and that multi-family residences currently exist in the vicinity.

The Ebensburg Borough Planning Commission also recommended that the change be approved, emphasizing the requirement that any specific development satisfy the Land Development Ordinance and the Historic Character Overlay. The Commission did not feel that the objections expressed earlier concerning a proposed change to commercial use were applicable to this proposed use, specifically the narrowness of streets, site lighting, litter, dumpsters and rodents, truck deliveries and noise.

Mr. May made a motion to table voting on the Middle School Football Field rezoning request until next month. (Jacoby) Roll call was taken.

Kuhar	No	May	Yes	
Owatt	Yes	Jacoby	Yes	
Ball	Abstain			Motion passed.

3. LERTA Ordinance

Ms. Jacoby reported that the Local Economic Revitalization Tax Assistance Act (LERTA) exists to encourage economic opportunities and prevent deterioration of underdeveloped

properties by tax exemptions granted to such properties. The site of the former Cambria County Prison is one such property. Cambria County and the Central Cambria School District agree that repurposing of the building will be difficult without some positive assistance. Establishment of a LERTA tax exemption will result in improving the economic, physical, and social conditions of the parcel by creating new employment and diminishing blight. The LERTA designation is for a period of ten year with the following abatement schedule:

Year 1 & 2: 100%
Year 3 & 4: 80%
Year 5 & 6: 60%
Year 7 & 8: 40%
Year 9 & 10: 20%

Ms. Jacoby made a motion to approve Ordinance #657 establishing a LERTA property tax exemption for the former prison site and advertise for final inspection. (Owatt) Motion passed unanimously.

4. Building Code Waiver Permits

Mr. Penatzer reported that Ebensburg Borough is the only municipality served by Laurel Municipal Inspection Agency that does not issue “waiver permits” under the Building Code. While nearly any construction work on a commercial building requires a building permit, there are many forms of residential building projects that are exempt from building permits. Some examples are roof placement, siding and replacement doors/windows.

Where a building permit is not otherwise required, a waiver permit process is recommended. A waiver permit is free and does not require that a design be submitted with the application. It is intended to assure that old building materials such as shingles are properly disposed of, and serves as notice to the county assessment office that some type of improvement occurred.

No action was taken by Council.

5. Reaffirm Actions of September 28, 2020 Meeting

Mr. Kuhar reported that the September 28, 2020 Council meeting conducted via Zoom was interrupted and could not be continued without initiating a new session. Members of the public and press who had originally connected to the meeting were provided with the information for the new session and were able to re-connect. Several actions were taken during the second portion of the meeting and should be reaffirmed by Council to ensure full compliance with the Sunshine Act. Those actions include:

1. Award a contract to Pro Disposal for weekly garbage collection and recycling service for the 3-year period beginning January 1, 2021.
2. Grant final approval to Ordinance #654 banning outdoor burning with the exception of recreational fires.
3. Adopt Resolution 2020-12 authorizing an application to Cambria County for \$375,240 under the Covid-19 Relief Grant.
4. Approve the site plan for the dog park to be constructed at the Lake Rowena property, and the in-kind service of water and stormwater pending final negotiated agreement.
5. Refer the requested Zoning Ordinance amendment relative to front yard fences to the planning commission for recommendations.

Ms. Jacoby made a motion to reaffirm all actions taken by Borough Council during the September 28, 2020 meeting. (May) Motion passed unanimously.

Mr. May noted that he spoke with a representative from Pro Disposal on a recycling enhancement project and will be working with them on that.

L. **Department Report**

1. **Police Department** – Chief Wyland reported that there will be enhanced crosswalk enforcement since there have been some issues with accidents recently. He added that there would not be a Halloween parade this year prior to the start of Trick-or-Treat due to Covid-19.
2. **Public Works Department** – None.
3. **Community Development Department** – Ms. Koss reported on plans for this year's Dickens of a Christmas event modifications. She added that the Ebensburg Area Running Club would be submitting an application to host a modified version of their annual Turkey Trot. Ms. Koss also shared that K&K Wedding Décor had just opened at 206 E. High Street, and that the EMSP has once again applied to serve as a Neighborhood Champion for Small Business Saturday on November 28th.
4. **Recreation Department** – Mr. Johnson reported that, as part of the Dickens of Christmas planning, the Ebensburg Woman's Club would be hosting a modified Breakfast with Santa to feature a drive-thru breakfast pick-up. He added that plans are in place to once again hold a winter basketball league.
5. **Ebensburg Zoning Board**
Lot Merger, 320 East High Street
A lot merger at 320 East High Street was tentatively approved by Council in August pending planning commission approval. The planning commission tabled the application

in September, as the lot merger plan had not yet been submitted. It was finally approved at the October meeting.

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

N. **Public Comments**

Mr. Joe Sinclair, E. Crawford Street, asked if Council would again consider voting on the Middle School Football Field zoning issue since there were enough Council members present to vote.

Mr. Pat Watt, Caroline Street, shared again that the neighborhood wished to keep the zoning residential with regard to the Middle School Football Field.

Mr. Bill Link, 725 N. Spruce Street, asked where next month's meeting will be held and where that information can be found online.

O. **Adjournment** – There being no further business, Ms. Jacoby made a motion to adjourn. (Owatt) Motion passed unanimously.

Meeting Adjourned 7:36 PM

Minutes Recorded by: Danae Koss, Community Development Director