

The regular monthly meeting of the Ebensburg Borough Council was called to order on Monday, July 24, 2017 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  
Dave Kuhar  
John Cobaugh  
Theresa Jacoby  
Joe Miller

Others: Randy Datsko, Mayor  
Terry Wyland, Chief of Police  
Jeff Evans, Public Works Director  
Mark Wirfel, Water Treatment Plant Supervisor  
Daniel Penatzer, Borough Manager  
Danea Koss, Community Development Director  
Dirk Johnson, Recreation Director  
Blair Pawlowski, Solicitor  
Josh Byers, The Mountaineer-Herald  
Randy Griffith, The Tribune Democrat

Audience: 5

A. The Pledge of Allegiance was recited.

B. **Public Comments** – Mr. Tusing noted that the meeting was being recorded by Josh Byers.

C. **Consent Agenda**

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

1. Approve the minutes of the June 26, 2017 regular monthly meeting of Borough Council.
2. Approve the Financial Statement.
3. Approve payment of the bills.

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

E. **Mayor's Report** – None.

F. **Council President** – None.

#### G. **Water/Wastewater Committee**

Mr. Mark Wirfel, plant supervisor, provided a verbal report of plant activities including 38 million gallons of clean water returned to Howells Run, 12 tons of sludge sent to landfill and no excursions for the month of June.

1. **North Beech Street Stormwater** – Mr. Penatzer revisited a stormwater issue on N. Beech Street that was raised at last month’s meeting by Mr. Spinelli. Mr. Penatzer, Councilor Cobaugh, and representatives of PennDOT met with Mr. Spinelli following the June meeting. Mr. Spinelli had requested that the borough mill the street, resurface the area, and install a new curb in that section. Mr. Penatzer explained that that is not a good solution because it would divert stormwater into an area that is already experiencing its own stormwater problems.

Mr. Penatzer explained that the best long term solution is a new collection system that removes stormwater from Highland Avenue, but that is a 2,200 feet long project and an expensive one. The short term solution would be for residents along Beech Street to raise their own curb, a responsibility of the property owner.

2. **Sanitary Sewer Project** – Mr. Kuhar shared that the Municipal Authority previously issued compliance notices to customers in industrial park and the Elderwood section of the service area to complete the necessary sewer lateral work. The deadline for those customers to comply is September 30 and that work is progressing well.

The Municipal Authority has agreed to issue compliance notices now to all other areas outside of the project area. The deadline for compliance in these areas will be July 30, 2018. Notices will be sent to customers in Crestwood, Manor Drive, Agway/Lake Rowena area, and areas north of Highland Ave.

3. **SCADA Project** - Mr. Kuhar made a motion to approve sending a joint letter with the Municipal Authority to Severn Trent imposing a 30-day deadline for project completion. (Houser) Motion passed unanimously.

#### H. **Recreation Committee**

1. **Swimming Pool Driveway** – Ms. Jacoby shared that, at the June meeting, Council discussed a concern about visibility when exiting from the swimming pool driveway onto Manor Drive. Staff was asked to contact PennDOT about reducing speed limit from 35 mph to 25 mph. Staff reported that PennDOT regulations do not allow for a speed reduction because of the lack of residential housing in that area. PennDOT stated that a “Hidden Driveway” and “Watch Children” sign were both likely removed during recent paving and never replaced. New signs have since been installed. Additionally, borough crews have cleared all brush north of driveway.

**2. Center Ward Playground** – Mr. Penatzer reported that the borough crews will be completing improvements to the Center Ward playground soon. New fence has been installed, and new borders have been placed around the playground structures. New wood safety surface is currently being installed, the basketball court was resurfaced and new basketball standards and hoops will be installed.

I. **Street Committee** - None.

J. **Administration Committee**

**1. Liquid Fuels Audit**

Mr. Penatzer reported that the Pennsylvania Auditor General’s Office conducted an audit of the Borough’s Liquid Fuels account for the 3-year period including 2014 – 2016. The audit determined that the account was managed in conformance with all applicable regulations.

**2. Insurance Renewal**

Mr. Penatzer shared that while we did not solicit proposals for insurance this year, Matson Insurance of Brookville, PA submitted a proposal in addition to the renewal from Ebensburg Insurance.

	<u>Matson</u>	<u>Ebensburg</u>
Property	\$18,642	\$25,923
General Liability	\$ 4,931	\$ 9,237
Auto	\$17,496	\$13,118
Inland Marine	\$ 1,830	\$ 5,276
Crime	\$ 242	\$ 50
Heart & Lung	incl	\$ 2,647
Public Officials	\$ 1,534	\$ 1,500
Law Enforcement	\$ 4,289	\$ 3,956
Employment Practices	\$ 2,669	\$ 2,007
Airport Liability	\$ 2,439	\$ 2,439
Workers Comp (borough)	\$53,208	\$44,761
Workers Comp (Dauntless)	\$23,031	\$23,031
Terrorism	<u>\$ 0</u>	<u>-\$ 1,800</u>
<b>TOTAL</b>	<b>\$130,311</b>	<b>\$132,145</b>

Staff recommends that the borough renew with Ebensburg Insurance Agency, even though their proposal is slightly higher, as the administrative procedures to change everything over to a new carrier would outweigh the savings.

Mr. Miller made a motion to award the insurance contract to Ebensburg Insurance Agency. (Kuhar) Motion passed unanimously.

### **3. County Parking Lot**

Mr. Penatzer shared that the County Parking Lot project has been completed. In May, Council awarded a contract to Quaker Sales in the amount of \$33,679.90 to resurface the county parking lot across from the Courthouse. Once the borough crew began removing the center guardrails and excavating for conduits, it was realized that there was no base under the paved surface, which was why the lot was in such poor condition. Because it was essential that a new base be installed, the project cost increased substantially to \$62,329.25. The County acknowledged the need for the increased cost.

It is a matter of record that the project costs doubled due to the need for more pavement materials.

### **4. Outdoor Burning**

Mr. Penatzer shared that one of the most frequent complaints received involves open burning. Such a complaint was discussed at last month's, and several others have been received since. The current ordinance allows open burning on Tuesdays between 8 am and 5 pm, and on Saturday mornings. It allows anything to be burned and requires metal receptacles, stoves or fireplaces.

Staff outlined many environmental hazards linked to burning and doesn't believe there is any reason to burn anything in the borough. Ordinance #638 has been submitted for Council's consideration. It prohibits open burning at all times, but allows for recreational fires, with restrictions.

The consensus of Council was to table discussion to the next meeting so that there is time to review it further. Mr. Penatzer will provide a copy of the current burning ordinance and the state law per the township association's interpretation.

### **5. Property Maintenance**

Mr. Penatzer reported that there were 55 property maintenance enforcement notices mailed this spring to residents. The notices addressed violations such as high grass, abandoned vehicles, junk and debris, building maintenance, etc. Most violations have been addressed, and six of the properties are working to correct the issues. Civil proceedings are being filed against only four of the properties for non-compliance.

A rental property at 623 E. High Street has received violation notices for each of the last eight years. Civil charges have been filed and judgements received, but the owner fails to correct the problem, pay the fine, or pay the filing costs. This year, borough crews were dispatched to clean the property and hauled away a truck load of garbage. The owner was charged \$525 for the clean-up, and a lien will be filed against the property for that amount and all previous enforcement costs.

**K. General Business**

**1. Street Sweeper**

Mr. Penatzer reported that the borough currently has joint ownership of a street sweeper with Cambria Township. It is a 2006 model, considered beyond its normal useful life. The joint arrangement has proven to be very inconvenient. The sweeper is used often, and staff from the borough and the township prefer that each municipality have their own sweeper. Staff suggests that Council consider purchasing a smaller “Pelican” style sweeper at a cost of \$211,000.

The consensus of Council is to review what it looks like from a budgetary standpoint at the next meeting.

**L. Department Reports**

1. **Police Department** – Chief Wyland reported that both the Q94 and Wheels & Wings events went well. He said the department is back to being fully staffed and he’s working on a grant to secure bike helmets for kids in the borough. He will be putting a press release once they are received.
2. **Public Works Department** – Mr. Evans reported on last month’s activities including an update on the Center Ward Playground project, the Kimball sewer lateral project completion, a mainline leak on Park Street and pressure testing at the Industrial Park.
3. **Community Development Department**  
Ms. Koss reported on last month’s activities including Movie in the Park wrap-up, Downtown Shutdown and Homecoming planning and announced that Dave Huber has been selected as this year’s Volunteer of the Year and will be recognized at Volunteer Appreciation night on Thursday, September 14<sup>th</sup>.
4. **Recreation Department** – Mr. Johnson reported on last month’s activities including an update on the new gym floor project, the start of fall basketball league registration, the YPCC taking over the YMCA swimming program at CCHS and the August 4<sup>th</sup> movie night at the pool. He added that the Tennis Center would be celebrating their 10<sup>th</sup> Anniversary with a celebration on August 19<sup>th</sup>.
5. **Ebensburg Planning Commission**  
**Central Commons**  
Mr. Penatzer reported that the Planning Commission considered the preliminary land development plan for the Central Commons, at the site of the former middle school at Center Street & W. Highland Avenue. Stormwater management and lot merger plans were also submitted. The project is expected to begin in early 2018. The E&S Plan has been submitted, and a HOP applied for. The land development proposes grading over an existing 14” water line to an additional depth of six feet. This is unacceptable and, to lessen the grade required, consideration will be given to shortening the planned parking

spaces in the north lot. Building A is to house retail and a restaurant. Building B will house six professional offices. Building C is a later phase. The architect will make revisions and expects to present again at the September meeting.

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

N. **Public Comments** – None.

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

Meeting Adjourned: 7:53 PM

An administrative committee session convened after adjournment.

Minutes Recorded by: Danae Koss, Community Development Director