

The regular monthly meeting of the Ebensburg Borough Council was called to order on Monday, August 27, 2018 at 6:30 p.m. at the Ebensburg Municipal Building, 300 W. High Street, Ebensburg, by Council Vice-President Susan Barber.

Present: Doug Tusing, President  
Susan Barber, Vice President  
Theresa Jacoby  
Scot May  
Dave Kuhar  
Cecilia Houser  
John Cobaugh

Others: Randy Datsko, Mayor  
Daniel Penatzer, Borough Manager  
Blair Pawlowski, Solicitor  
Terry Wyland, Chief of Police  
Jeff Evans, Public Works Director  
Mark Wirfel, Severn Trent, Plant Supervisor  
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: 24

A. The Pledge of Allegiance was recited.

**B. Public Comments**

Mr. Ed Bishop, 318 W. Triumph St, expressed concerns with the paving patchwork that's been done on the roads following the sewer line replacements. He also added the utility company that's been trimming the trees is ruining the trees by cutting out the heart. He thinks they should be putting a sealant on them. Mr. Bishop then asked Council whether or not the alley behind Triumph Street would be paved again following the project.

**C. Consent Agenda**

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

1. Approve the minutes of the July 23, 2018 regular monthly meeting of Borough Council.
2. Approve the Financial Statement.
3. Approve payment of bills with one abstention from Councilor Barber on amount owed to Barber Oil Company.
4. Appoint Lisa Shirt to complete a 5-year term on the Ebensburg Main Street Partnership, term expiring 12/2019.

**D. Appointment to Address Council**

**1. Residents of East Sample Street**

Ms. Pat Kelly, 624 E. Sample Street reviewed concerns with the sidewalk project that she expressed at last month's meeting. She added that they are getting no benefit for the \$8 a month stormwater fee that they are being charged each month because there is no stormwater project in that area in the foreseeable future.

Mr. Penatzer reviewed a map of the stormwater project and how each section of the borough was divided up and prioritized. He also reviewed a map of where the current stormwater system is located, along with photos of areas where water is pooling and other concerns. He explained that there is a schedule of work to be completed and several project areas, including the Fairgrounds, E. Triumph Street and S. West Street, have already been done.

Mr. Tusing added that the Borough has an inadequate stormwater system and that we are in the middle of a \$9 million state-mandated sewer project. He added that we are trying to get everything done, but it's going to take time.

Mr. Randy Passanita, 617 E. Sample Street, asked to confirm sidewalk project scheduling.

**E. Mayor's Report** – Mayor Datsko reminded everyone that schools are now back in session and bicycles are considered vehicles and should follow the same rules as cars. He added that vehicles are not stopping at the crosswalks and when we do our next crosswalk campaign, we will be handing out citations rather than warnings.

**F. Council President**

Mr. Tusing, in regards to the sewer line discussion, reported that residents should not connect to the new sewer line until they are told to. He reaffirmed that the first letters that went out to residents are still in effect and that the letters that were just sent last week were not sent to those in the project area. He added that there are loans for sidewalk and sewer line replacement projects available through the PA Housing & Finance Agency and that information about these programs can be found on the Ebensburg Borough website.

**G. Water/Wastewater Committee**

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

Mr. Mark Wirfel, plant supervisor, provided a written report of plant activities which included 28 million gallons of clean water returned to Howells Run, 10.6 tons of sludge was sent to landfill, and there were no excursions for the month of July. He added that the sewer project is making headway and that the work being done is helping.

**2. Wastewater Project**

Mr. Kuhar reported that the wastewater project is proceeding in the southern sections of the borough and is 10% complete. Staff mailed 41 notices to customers within the project

area to proceed with connections. There are only five customers in the initial notification area (Hillcrest and Industrial Park) that have not yet made the required repairs. Water termination notices have been mailed to those customers.

Of the 486 notices issued in the second notification area (Crestwood, Lovell, New Germany Road, Emerald, north of Highland), 184 had yet to make repairs as of August 15<sup>th</sup>. Warning notices were mailed, and since then 33 have been contracted and 13 have been completed. Any remaining in this group will receive termination notices after October 31<sup>st</sup>.

All borough-owned properties, with three exceptions, have successfully tested. The rental house at the pool requires pipe bursting, and that will be completed after the pool season. Memorial Field and the borough garage will be completed as the sewer project reaches those areas.

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

##### **1. YPCC Lease**

Mr. Penatzer updated Council on additional discussions with Child Development and CareerLink for the basement area of the YPCC. He shared the current and proposed new fee structures for both tenants and reviewed the square footage of both spaces. The consensus of Council was to enter into executive session at the end of the meeting to further discuss negotiations for the tenants.

#### **I. Street Committee**

##### **1. Sidewalk Project**

Mr. Penatzer gave an overview of why we have sidewalks in the Borough and the basic guiding principles with regard to sidewalks in the Borough that was included in Council's packet. The Borough has had a sidewalk ordinance in place for many years and it was revised in 2003 in preparation for the Downtown Streetscape Project, with revisions continuing in 2008, 2010 and 2013 in advance of other sidewalk projects. Numerous sidewalk projects have taken place along primary streets in both commercial and residential areas.

Council and staff have taken into consideration feedback from the four public meetings, comments given at the last Council meeting from several residents of E. Sample Street and a letter from several residents on W. Sample Street.

Mr. Penatzer asked Council to now make a decision as to whether or not they want to add sidewalks to N. Caroline Street up to Bolton Street. He offered to talk with those residents and get their feedback. There were no objections from Council.

Mr. Kuhar made a motion to accept new alignment of sidewalks on E. Sample Street. (Barber) Roll call was taken.

|         |     |        |     |
|---------|-----|--------|-----|
| Kuhar   | Yes | May    | Yes |
| Jacoby  | No  | Barber | Yes |
| Cobaugh | Yes | Tusing | Yes |
| Houser  | Yes |        |     |

Motion Passed.

Ms. Jacoby made a motion to keep sidewalks as is without adding extra sidewalk on the north side of W. Triumph Street. (Houser) Roll call was taken.

|        |     |         |     |
|--------|-----|---------|-----|
| Barber | Yes | Kuhar   | Yes |
| May    | No  | Cobaugh | No  |
| Houser | Yes | Jacoby  | Yes |
| Tusing | Yes |         |     |

Motion passed.

Ms. Jacoby made a motion to delete sidewalks in the 500-600 block of W. Sample Street. The motion did not receive a second and the motion died.

The consensus of Council is not to put sidewalks on N. West Street or W. Crawford Street up to Bishop Carroll.

#### J. Administration Committee

##### 1. AFSCME Labor Agreement

The administrative committee has had three meetings with AFSCME representatives to negotiate a renewal of the AFSCME labor agreement, which expires at the end of 2018. They are hopeful that negotiations will wrap up after one more meeting on September 11th.

##### 2. 2019 Annual Budget

Staff will begin work in September on the 2019 budget. The administrative committee will meeting in early October to complete a tentative budget for Council's review at the October meeting. Final adoption is expected at the November Council meeting.

#### K. General Business

##### 1. Zoning Amendment

Ms. Barber reported that a hearing had been conducted earlier, regarding the following zoning amendment, to which there were no comments made. 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

Ms. Barber made a motion to grant final 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. (Kuhar) Motion passed unanimously.

2. **Crestwood Estates Right-of-Way**

Ms. Jacoby stated that during development of Crestwood Estates, a right-of-way was preserved from New Germany Road for a two-acre parcel owned by Ebensburg Borough. Maplebrook Road now provides access to that parcel on the southwest side and from the east. The surrounding property owners wish to clear the unused R/W from the deed. There are no utilities using the R/W, and it doesn't appear that the Borough would ever have any use for it and Persio/Sossong have no interest in preserving the R/W from New Germany Road.

Ms. Jacoby made a motion to waive any interest that the Borough has or may have in a right-of-way extending between New Germany Road and Borough-owned parcel 08-020-140.000 in Cambria Township. (Houser) Motion passed unanimously.

L. **Department Reports**

1. **Police Department** – Chief Wyland reported on last month's activities including a successful drug take back night that netted 139 lbs of unwanted prescription drugs. He also noted that the Downtown Shutdown and Homecoming had their largest crowds to date, and he advised residents to be sure to lock their cars at night as there have been instances reported of thefts from unlocked cars.
2. **Public Works Department** – Mr. Evans reported on last month's activities including work being done on the sewer project, DAF system, water purchase from Johnstown and sale to Nanty Glo.
3. **Community Development Department** - Ms. Koss reported that last month's Downtown Shutdown and Homecoming were both very successful and added that this Friday, August 31<sup>st</sup> would be the final Concert in the Park. She added that nearly 300 applications had been received for the upcoming PotatoFest with around 220 being accepted. Lastly, she added that a Volunteer Appreciation Night and Main Street member Happy Hour would be held on Thursday, September 20<sup>th</sup>.
4. **Recreation Department** – Mr. Johnson reported on last month's activities including the Tennis Center Open House, an update on the pool schedule, an upcoming Pooch Pool Party on September 9<sup>th</sup> that will have dogs up for adoption and will benefit the Cambria County Humane Society.
5. **Ebensburg Planning Commission** – None.

**6. Ebensburg Zoning Board – None.**

**M. Media Comments/Questions**

Mr. Sean Sauro from The Altoona Mirror asked if there would be a list of streets and the decisions that had been made.

**N. Public Comments**

Ms. Linda Eckenrode, speaking on behalf of her mother, Jessica Link, who is a resident of W. Sample Street, stated her displeasure with the way the meeting was conducted.

Ms. June Fether, Arbor Street, asked Council to consider incorporating signage guidelines for any B&B's that may be placed in residential areas.

Mr. Mike Owatt of 612 North Caroline Street again expressed his frustration and concerns relating to the proposed sidewalk project on N. Caroline Street.

Ms. June Fether, Arbor Street, thanked Council for their professionalism.

**O. Executive Session – Council entered into an executive session at 8:42 pm to further discuss the lease of the bottom floor of the YPCC.**

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

Meeting Adjourned: 8:59 PM

Minutes Recorded by: Danae Koss, Community Development Director