

The regular monthly meeting of the Ebensburg Borough Council was called to order via video meeting on Monday, April 27, 2020 at 6:30 p.m. at the Ebensburg Municipal Building, 300 W. High Street, Ebensburg, by President Doug Tusing.

Present: Doug Tusing, President
Dave Kuhar, Vice President
Theresa Jacoby
Scot May
Cecilia Houser
Mike Owatt
Jeff Ball

Others: Daniel Penatzer, Borough Manager
Randy Datsko, Mayor
Blair Pawlowski, Solicitor
Danea Koss, Community Development Director
Dirk Johnson, Recreation Director
Phil Sutton, Ebensburg Rotary Club
Mark Pesto, The Tribune Democrat
Kristin Baudoux, The Mountaineer Herald

Audience: 5

A. The Pledge of Allegiance was recited.

B. Public Comments

Ms. Renee Martin-Nagle shared her concerns with the plan to remove trees as part of the upcoming sidewalk and curb project. Ms. Martin-Nagle discussed the benefits to keeping the trees and asked Council to reconsider this decision.

Mr. Derek Kaufman once again expressed his wishes to keep the trees on his property at 609 E. Crawford Street. Mr. Kevin O'Brien, speaking with regard to his assessment of Mr. Kaufman's trees discussed during the last Council meeting, shared his background and experience working with trees.

C. Consent Agenda

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

1. Approve the minutes of the March 30, 2020 regular monthly meeting of Borough Council.
2. Approve the Financial Statement.
3. Approve payment of bills.

D. Appointment to Address Council – None.

E. **Mayor's Report** – Mayor Datsko shared that he and Chief Wyland reported that calls are down by about half. He also reminded everyone that Spring Clean Up would still take place this week on Thursday, April 30th and Friday, May 1st.

F. **Council President** – Mr. Tusing thanked the Borough staff for keeping the office running during the shutdown and for putting safety measures in place.

G. **Water/Wastewater Committee**

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

Mr. Penatzer reported that Inframark provided written reports for the water and wastewater plants and they were provided in Council's packets.

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

Mr. Penatzer reported that Inframark provided written reports for the water and wastewater plants and they were provided in Council's packet. He added that it was worth noting that Inframark is in the process of developing a written SOP for water plant operations. A call was held on April 15th between Borough staff and Inframark representatives to delineate responsibilities of each. Going forward, we should enhance SCADA to allow chlorine levels and pumps at Ogden to be adjusted by the plant operator.

3. **Reservoir Drain Valve Replacement**

Mr. Penatzer reported that the project to replace the drain valve on the small reservoir has lingered for several years. The valve and associated parts are already on hand. A project to install that valve primarily involves draining the reservoir again, redirecting the channel flow or intake tower base. A pre-bid conference is scheduled for April 27th with bids due on May 11th.

4. **West Horner Street Sewer Projects**

Mr. Penatzer shared that there are two sewer related projects in the 200 block of West Horner Street being advertised. The first extends a sewer main to the rear of residences on the south side of Horner Street. The second extends a sewer main from Horner Street north on Cherry Street to Alton Street. Bids are due on May 11th.

5. **Carroll Street Sewer Main**

Mr. Penatzer reported that Bishop Carroll High School is completing a project to replace the sewer laterals on the school campus. Guyer Brothers is the contractor and they offered to replace 220 LF of 8" public sewer main at a cost of \$11,000. Such a price could not have been obtained through bidding and was below the bidding threshold.

It is a matter of record that Guyer Brothers was engaged to replace 220 LF of sewer main along Carroll Street. Ms. Houser reported that work has begun.

6. Sewer Replacement Project

Mr. Penatzer reported that the \$9 million sewer replacement project is essentially complete. Sippel still has some minor work to complete this spring including some yard restoration and lowering of several laterals. A dispute exists concerning down time incurred by Sippel due to unmarked utilities being struck/relocated and other factors. They have submitted a change order in excess of \$2.1 million. The claim is currently being reviewed by the Authority's engineer, and specialized legal advice is being sought.

H. Recreation Committee

1. Lake Rowena Concession Building

Ms. Jacoby reported that the concession stand at Lake Rowena is in poor condition and was previously discussed and referred to the Recreation Board. Staff and the Board agree that the existing building can be repaired instead of building a completely new one. The restrooms in the building have not been open for several years and should be removed. The concrete floor needs to be replaced. Cracks in the block of the building should be repaired, a second window added and new siding should be added to the outside of the building.

2. Dog Park

Ms. Jacoby shared that the Ebensburg Rotary Club earlier discussed with Council its desire to construct and donate to the Borough a dog park. Locations were discussed including near the YPCC, at the east end playground and the fairgrounds. After discussions with staff, the Recreation Board is recommending that the dog park be constructed at Lake Rowena adjacent to and behind the current outdoor hockey rink. There will be two sections within the park to keep smaller and larger dogs separated. Parking and water service is readily available.

Ms. Jacoby made a motion to approve the request from the Ebensburg Rotary Club to proceed with plans for a dog park at the Lake Rowena property. (Owatt) Motion passed unanimously.

I. Street Committee

1. 2020 Sidewalk Project

Mr. Owatt reported that bids for the 2020 sidewalk project in the northeast quadrant were considered last month. The low bid was \$1,371,061.79 from M&B Services of Clarion. Action was tabled due to the limitations imposed on contractors for non-essential work during the Coronavirus outbreak.

Restrictions on construction are scheduled to be lifted on May 1st. Staff recommends that the project be awarded at this time. The ability to resurface streets this fall in the northeast quadrant is dependent on the project being started by June. Further, the ability to undertake next year's project in the northwest quadrant depends on completing this year's project this year. The street repairs following the sewer project did not include a

conventional topcoat, and street conditions will deteriorate significantly if paving is delayed until 2022.

Staff also suggests that special consideration be given to property owners who have experienced a financial hardship during Covid-19. Council has always done that in the past for the few that, for whatever reason, may have had a particularly difficult time paying for the project. Under the current circumstances there may be a higher number needing to stretch payments over a longer period.

Ms. Houser made a motion to award the contract to M&B Services of Clarion, contingent upon Governor Wolf's lifting of the restriction on construction as of May 1st. (May) Motion passed unanimously.

Mr. May made a motion that special consideration be given to property owners who have experienced a financial hardship during Covid-19. (Houser) Motion passed unanimously.

2. 2020-21 Sidewalk Project Line of Credit

Mr. Owatt reported that proposals were received last month for the line of credit necessary for the 2020 and 2021 sidewalk projects. The line of credit will allow costs to be paid while property owner payments are pending. First Commonwealth Bank submitted the most favorable proposal.

The responding banks were informed that if a project is possible in 2020 a rate would be negotiated with First Commonwealth. If the project is delayed until 2021, new financing proposals would be requested and if the sidewalk project is awarded, staff should be authorized to negotiate an updated financing proposal.

Ms. Houser made a motion to negotiate a rate with First Commonwealth Bank for a line of credit for the 2020 and 2021 sidewalk project. (Kuhar) Motion pass unanimously.

3. Unit Debt Act Compliance

Mr. Owatt reported that all new debt, regardless of duration, requires Unit Debt Act compliance involving calculation of an updated debt statement and borrowing base certificate and adoption of an Ordinance. If the project is awarded, and once a revised financing proposal is obtained, then tentative approval should be granted to Ordinance #652 seeking DCED authorization to incur debt in compliance with the Unit Debt Act.

Ms. Jacoby made a motion to grant tentative approval to Ordinance #652 seeking DCED authorization to incur debt in compliance with the Unit Debt Act. (Houser) Motion passed unanimously.

4. 609 East Crawford Street

Mr. May reported that the property owner at 609 East Crawford Street is requesting that the sidewalk project be revised in order to save the large trees at the front of his property, and that a curb cut be permitted for access to the property. He added that the property is in fact two separate parcels, although not shown as such on the county GIS. As a matter of policy, the request for the curb cut would be granted.

After some discussion regarding possible alternative solutions and safety concerns, Mr. Penatzer offered another possible option, to remove this block from this project since it is the last block in the quadrant. If it is removed from this project, it could then be picked up in a future project.

Ms. Jacoby made a motion to exclude the north side of the 600 and 700 block of East Crawford Street in the 2020-2021 sidewalk project. (May) Roll call was taken:

Houser	Yes	Tusing	No	May	Yes
Jacoby	Yes	Owatt	Yes	Ball	Yes
Kuhar	No				

Motion carries 5 to 2.

5. Tree Cutting

Mr. Kuhar reported that bids for the tree cutting associated with the sidewalk project were considered last month. The low bid was \$35,000 from Top Notch Logging of Ebensburg. Action was tabled due to a decision on the sidewalk project. Since the sidewalk contract was awarded, this contract should also be awarded.

Mr. Kuhar made a motion to award a contract to Top Notch Logging of Ebensburg in the revised amount of \$32,000. (Houser) Motion passed unanimously.

J. Administration Committee – None.

K. General Business

1. Sewage Enforcement

Mr. Penatzer reported that due to the closure of the Cambria County Sewage Enforcement Agency, staff recommends that the Cambria County Building Codes Enforcement Agency (Laurel Municipal Inspection Agency) be empowered to serve as the Borough's sewage enforcement officer, in accordance with Act 537.

An intergovernmental agreement is required in order for multiple municipalities to share sewage enforcement through the agency. An Ordinance is required to adopt such an Agreement. Ordinance #651 was tentatively approved last month, has been advertised for public inspection and is ready for final adoption

Ms. Jacoby made a motion to grant final approval to Ordinance #651 adopting an Intergovernmental Agreement authorizing the Cambria County Code Enforcement Agency to serve as Sewage Enforcement Officer. (Owatt) Motion passed unanimously.

2. Airport

Mr. Penatzer reported that bids are being sought for the airport resurfacing project. Bids are due on May 18th. The CARES Act will now allow this project to be paid 100% with FAA funds, with no local match required. In addition, a grant of \$20,000 has been awarded to the airport to be used for general expenses. RACRA wishes to use the grant funds for a new credit card reader at the fuel pump.

Kimball has prepared the engineering agreement for the construction phase of the resurfacing project.

Ms. Houser made a motion to approve the engineering agreement with CDI/L.R. Kimball in the amount of \$65,166.00 for the construction phase of the airport resurfacing project. (Kuhar) Motion passed unanimously.

L. Department Report – Reports were included in Council’s packets.

1. **Police Department** – None.
2. **Public Works Department** – None.
3. **Community Development Department** – Ms. Koss shared that the Art in Bloom Committee had put together a Virtual Art in Bloom, with nearly 150 entries, since they were unable to host their event this year. She added that the Main Street Partnership “Save Our Shops” contest to try and help the businesses who are struggling through the shutdown. Two \$50 gift cards will be given away each week for anyone who spends at least \$25 with a local shop.
4. **Recreation Department** – Mr. Johnson shared that the YPCC, Tennis Center and Swimming Pool will be ready to go as soon as we receive direction that we are able to open our doors again.

M. Media Comments/Questions – Ms. Baudoux from the Mainline News asked if a decision had been made on Wheels & Wings.

N. Public Comments – None.

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

Meeting Adjourned: 7:45 PM

Minutes Recorded by: Danae Koss, Community Development Director