

The regular monthly meeting of the Ebensburg Borough Council was called to order on Monday, September 28, 2020 at 6:30 p.m. via Zoom, by President Doug Tusing.

Present: Doug Tusing, President
Dave Kuhar, Vice President
Theresa Jacoby
Scot May
Cecilia Houser
Mike Owatt
Absent: Jeff Ball
Others: Daniel Penatzer, Borough Manager
Randy Datsko, Mayor
Blair Pawlowski, Solicitor
Danea Koss, Community Development Director
Dirk Johnson, Recreation Director
Kristen Baudoux, The Mountaineer Herald
Phil Sutton, Ebensburg Rotary Club

Audience: 2

A. The Pledge of Allegiance was recited.

B. **Public Comments** – None.

C. **Consent Agenda**

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

1. It is a matter of record that Malia Kutchman has been hired part-time at the tennis center effective August 27, 2020.
2. Approve the minutes of the August 24, 2020 regular monthly meeting of Borough Council.
3. Approve the Financial Statement and quarterly transfers.
4. Approve payment of bills.
5. Approve design of taxiway improvement project.

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

E. **Mayor's Report** – Mayor Datsko reported that, per Chief Wyland and in the interest of public safety, there would be more monitoring of the crosswalks, jaywalking and stop sign enforcement since there have been a number of complaints and incidents.

F. **Council President** – Mr. Tusing encouraged residents of the Borough to please reply to the Census, if they haven't already done so. An accurate census count helps the Borough to receive a proper allocation of government funding and government representation.

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.

3. Water Project

Mr. Kuhar reported that there is a relatively small water line project to be completed along North Spruce Street between Horner and Milton Streets. There are multiple leaks ongoing on that 1½" line. This project involves the replacement of 600 feet of water line serving two customers. The project must be completed prior to street resurfacing in 2021. Staff can prepare the bidding documents in-house and the work can be completed this fall.

Mr. Kuhar made a motion to approve the bidding of a water line project on North Spruce Street. (Houser) Motion passed unanimously.

4. Sewer Projects

Mr. Kuhar reported that there are two relatively small sewer line projects to be completed. The first is in the 700 block of East Ogle Street. The 200 feet line is in the rear yards and serves four properties. The line was omitted from the wastewater project.

The second project is in the 200 block of North Marian Street. The new main recently installed in Marian Street is too low for two properties. It is necessary to install 200 feet of new main at the rear in order to provide service. These customers remain connected to an old sewer main that is to be converted to stormwater use. The project must be completed prior to street resurfacing in 2021. Staff can prepare the bidding documents in house and the work can be completed this fall.

Mr. Kuhar made a motion to approve the bidding of two sewer projects on East Ogle Street and North Marian Street. (May) Motion passed unanimously.

H. Recreation Committee – None.

I. Street Committee

1. 2020 Sidewalk Project

Ms. Houser reported that all primary work on this project has been completed with the exception of two blocks of East Sample Street. A punch-list of minor secondary work has been shared with the contractor and they are working to complete that work.

2. 2020 Street Resurfacing

Ms. Houser reported that the milling and resurfacing of streets in the northeast quadrant is expected to begin in early October.

3. Sidewalk Ordinance

Ms. Houser reported that in February 2020, Council agreed to delete the required sidewalks on the south side of the 500 and 600 blocks of West Sample Street, between West Street and Marian Street. The Ordinance was not amended at that time as further consideration was to be given to possibly adding segments of additional streets to the list of required sidewalks. The Street committee is recommending that the Ordinance be amended to address the change on West Sample Street only.

Ms. Houser made a motion to grant tentative approval to Ordinance #655 amending where sidewalks are required on West Sample Street. (Kuhar) Motion passed unanimously.

J. Administration Committee

1. Borough Manager Retirement

Mr. Tusing reported that the Borough Manager will be retiring on March 6, 2021 and that Council's administration committee has met twice to discuss a search process for filling the vacancy. Council will meet in executive session at the conclusion of this meeting to further discuss with all members how to proceed.

It is a matter of record that the administration committee met in executive session on August 24, 2020 and September 14, 2020 to discuss the upcoming manager vacancy.

2. Tennis Center

It is a matter of record that Malia Kutchman has been hired part-time at the tennis center 8/27/2020.

3. 2021 Budget Preparation

The Manager is preparing preliminary budget members. The administration committee will meet on Monday, October 12th to compile a tentative budget for Council's review at the October meeting. Final adoption is expected at the November meeting.

K. General Business

1. Gender-Neutral Code Revisions

Mr. Kuhar reported that there is a growing awareness of the need for language to be inclusive of all people. Gender-specific words contribute to gender bias and are exclusionary. He added that the Borough's Code of Ordinances contains many gender-specific words and specific examples were cited.

Ordinance #656 is proposed to correct this problem. 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.

Mr. Kuhar made a motion to grant tentative approval to Ordinance #656 editing all ordinances and resolutions as necessary to replace gender-specific terms with gender-neutral terms and to advertise for public inspection. (Houser) Motion passed unanimously.

2. Garbage/Recycling Bids

Mr. Penatzer reported that the garbage/recycling contract expires at the end of 2020. Bids were advertised and opened on October 8th. The following bids were received:

	<u>Current</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>
Pro Disposal, Inc.	\$144,936.96	\$146,280.00	\$146,280.00	\$149,780.00
Waste Management		\$305,661.60	\$317,872.80	\$330,592.80
Burgmeier Hauling		\$164,682.12	\$169,622.58	\$174,711.26

The bid cost of other related services are:

Pro Disposal

Spring clean-up	\$5,000.00	\$0	\$0	\$0
Rear pick-up	\$4.00/mo.	\$4.00/mo.	\$4.00/mo.	\$4.00/mo.
Additional bag	\$2.00/bag	\$2.00/bag	\$2.00/bag	\$2.00/bag

Waste Management

Spring clean-up		\$8,599.22	\$8,943.19	\$9,300.92
Rear pick-up		\$39.03/mo.	\$39.99/mo.	\$40.99/mo.
Additional bag		\$3.50/bag	\$3.50/bag	\$3.50/bag

Burgmeier Hauling

Spring clean-up		\$4,700.00	\$4,841.00	\$4,986.23
Rear pick-up		\$3.00/mo.	\$3.09/mo.	\$3.18/mo.
Additional bag		\$1.50/bag	\$1.55/bag	\$1.60/bag

The borough's current customer charge is \$18.50/mo. There is no need to adjust that fee as the Borough's annualized cost increased less than \$1,400. Spring clean-up will now be provided at no additional cost.

The question was asked about the viability of the recycling program. Pro Disposal operates the only functional recycling site in Cambria County. In addition to its own customers, they accept recyclables from Waste Management and the county's program. When the market is poor Pro Disposal is able to store recyclables for later disposal, but storage is limited. There are times when recyclables end up in the landfill for lack of any other option.

Mr. Owatt made a motion to award a contract to Pro Disposal for weekly garbage collection and recycling service for the 3-year period beginning January 1, 2021. (Jacoby) Motion passed unanimously.

3. Outdoor Burning

Mr. Penatzer reported that at last month's meeting Council granted tentative approval to Ordinance #654 banning outdoor burning with the exception of recreational fires. The Ordinance has been advertised and is ready for final adoption.

Mr. Kuhar made a motion to grant final approval to Ordinance #654 banning outdoor burning with the exception of recreational fires. (Houser) Roll call was taken:

Tusing	Yes	Houser	Yes	
Kuhar	Yes	May	Yes	
Owatt	Yes	Jacoby	No	Motion passed.

4. Covid-19 Financial Impact

Mr. Penatzer reported that the overall impact of Covid-19 on Borough finances has been minimal. The YPCC, tennis center and swimming pool incurred loss of revenue, however, the expenses at each of the facilities was reduced.

Covid-related business closures have had a more significant impact on water and wastewater revenues. Those shortfalls will be discussed in more detail next month when the budget is presented.

5. Cambria County CARES Act Grant

Mr. Kuhar reported that Cambria County has received CARES Act funding to be distributed for Covid-19 relief. There are two separate programs: one for non-governmental entities and one for government.

The Main Street Partnership will likely qualify for non-governmental funding. Loss of fundraising revenue is an eligible submission. The Partnership has suffered a net loss of approximately \$50,000 due to cancellation of events in 2020.

The Borough qualifies under the governmental portion of the program. Loss of revenue is not eligible under governmental funding, however, all "front line" police personnel costs are reimbursable between March 1st and December 31st. Eligibility extends to even regularly scheduled officers. Eligible police costs total \$364,778. In addition, costs incurred by the Borough for increased cleaning hours and sanitizing supplies totals \$10,462. The Borough's total grant application is for \$375,240. Funding applications were submitted to both programs prior to the September 4th deadline.

Mr. Kuhar made a motion to adopt Resolution 2020-12 authorizing an application to Cambria County for \$375,240 under the Covid-19 Relief Grant. (Houser) Motion passed unanimously.

6. Dog Park

Ms. Jacoby reported that Council reviewed conceptual ideas in April for a dog park to be constructed at Lake Rowena by the Rotary Club. The concept was approved, and the Rotary Club wishes for Council to review and approve that site plan. None of the existing trees are impacted. The Borough's commitments to the project include the use of the property, providing and installing water service and stormwater drainage to the area, and long-term ownership and maintenance of the facility. Those will all qualify as local matching fund for any grant program.

Ms. Jacoby made a motion to 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. (Owatt) Motion passed unanimously.

7. Middle School Football Field

Mr. Penatzer reported that a request is pending to rezone the former middle school field from single-household residential to multi-household residential. A public hearing is scheduled for Monday, October 5th at 6:30 pm. The consensus of Council is to move the hearing to the YPCC.

8. Zoning Amendment

Mr. Penatzer shared that the Zoning Hearing Board recently denied a variance for a front yard fence, in accordance with Section 607 of the Zoning Ordinance. Fences are not permitted forward of the front of a residence in residential zoning districts. The applicant is requesting that the Ordinance be amended due to the number of alleged violations of that section that exist. Staff has not had an opportunity to fully review the matter and recommends further review at the October meeting. In the meantime, the request can be forwarded, as required, to the planning commission for review and recommendation.

Mr. May made a motion to refer the requested Zoning Ordinance amendment relative to front yard fences to the planning commission for recommendations. (Houser) Motion passed unanimously.

L. Department Report

1. Police Department – None.

2. Public Works Department – Mr. Evans reported that a leak was found on Wilmore Road and was repaired.

3. **Community Development Department** – Ms. Koss reported that the Concerts in the Park series had concluded on September 25th and that nine concerts, in total, were hosted. She added that the Spud Stroll was held on Saturday, September 26th as a modified version of the PotatoFest, due to the Covid-19 gathering restrictions in place. It was well attended and businesses were pleased with the turn-out. Events were spread out enough throughout town so there weren't any large-scale gatherings. The Fall Foliage Ride on the Ghost Town Trail will continue as planned on Sunday, October 11th, weather permitting.
 4. **Recreation Department** – None.
 5. **Ebensburg Zoning Board**
Lot Merger, 320 East High Street
A lot merger at 320 East High Street was tentatively approved by Council last month pending planning commission approval. The planning commission tabled the application as the lot merger plan had not yet been submitted. It is scheduled for consideration again on October 1st.
- M. **Media Comments/Questions** – None.
- N. **Public Comments**
Mr. Bill Link, 725 N. Spruce Street, commented that it was a good idea to host a Zoom meeting.
- O. **Executive Session** – Council entered into Executive Session at 7:40 pm to discuss the search process for a Borough Manager.
- P. **Adjournment** – There being no further business, Ms. Jacoby made a motion to adjourn. (Owatt) Motion passed unanimously.

Meeting Adjourned 8:25 PM

Minutes Recorded by: Danae Koss, Community Development Director