

The regular monthly meeting of the Ebensburg Borough Council was called to order on Monday, August 24, 2009 at 6:30 p.m. at the Ebensburg Municipal Building, 300 W. High Street, Ebensburg, by Council President Deborah Nesbella.

Present: Deborah Nesbella, President
Joe Lutz
Susan Barber
V. Joseph Miller
Dave Kuhar
Annie Takacs, Junior Councilor

Others: Charles Moyer, Mayor
Daniel Penatzer, Borough Manager
Christine Strugala, Community Development Director
Terry Wyland, Police Chief
Blair Pawlowski, Solicitor
Bernie Kozlovac, Plant Manager
Dave Hurst, Altoona Mirror
Dave Sutor, Mountaineer-Herald

Absent: Doug Tusing, Vice President
Terry Illig

Audience: 8

1. The Pledge of Allegiance was recited.

2. **Public Comments** -None

3. **Consent Agenda**

Mr. Lutz made a motion to approve the consent agenda containing the following items:
(Miller)

A. Approve minutes of the regular meeting of July 27, 2009.

B. Approve financial statement.

C. Approve bills noting abstention by Councilor Barber on amount owed to Barber Oil Company.

Miller	YES	Kuhar	YES
Lutz	YES	Nesbella	YES
Barber	ABSTAIN		

Motion passes.

D. Authorize council and staff to attend PSAB conference October 16-18 in Erie.

4. **Appointments to Address Council** – None.

5. **Mayor's Report**

Mayor Moyer reviewed the police report.

6. **Council President** – None.

7. Water/Wastewater Committee

- A. A copy of Severn Trent's monthly operations report was distributed. Mr. Kozlovac said there were no excursions and the average flow for the month was .837 mil gallons/day. He said they processed 31.5 dry tons of solids (7 from outside sources). There have been no odor complaints in the last two months.
- B. The contract with Severn Trent Services for operation of the wastewater treatment plant expired May 31, 2008. A verbal agreement extended the contract while the plant upgrade was underway. A new contract has been negotiated with Severn Trent. Annual increases were outlined and the fee proposed for the new 5-year contract would be \$460,920/yr. Maintenance costs were discussed. Variable expenses would include \$70,000 for electricity/propane, \$30,000 for chemicals, \$60,000 for sludge disposal, and \$18,000 for routine maintenance. If costs would be higher, the borough would owe Severn Trent, if lower, then they would owe the borough. Mr. Penatzer said it was necessary to treat energy costs as a variable expense due to the uncertainty of rate caps on electricity. In the new contract, Severn Trent would not receive any portion of sludge revenue as long as the need for overtime was avoided. The new contract includes percentage increases every year based on the CPI-U, without consideration for the number of new taps. Baseline conditions concerning the amount of flow would match the plant capacity so that both the plant and borough are protected. Mayor Moyer commended Mr. Kozlovac on his job running the plant. Mr. Kuhar made a motion to approve the renewal contract with Severn Trent, retroactive to June 2009. (Miller) Motion passes unanimously.
- C. Mr. Kuhar said all municipalities are being required by DEP to reduce the amount of inflow and infiltration (I&I) into the wastewater system by ground-water. Ebensburg's wastewater system has seen a large increase in flow due to inflow. EPA has required a 10-year corrective action plan to reduce I&I. Borough crews will begin smoke-testing throughout town to identify leaks. Property owners will be required to pay for any corrections that need to be made. The testing will occur in a specific section of town each year over the next six years. In 2009, all properties west of Center Street will be tested beginning September 14th and will last for approximately six weeks. The smoke is non-toxic and leaves no residue. Public notices will be sent out and property owners notified prior to testing.

8. Recreation Committee – None.

9. Street Committee

- A. Mr. Miller said the sidewalk project along West Ogle Street has been progressing and is expected to be complete by the end of August. The Department of Labor and Industry has authorized continued payments to the sub-contractors, subject to final review prior to final payment.
- B. Two bids were received for the purchase of trees to be planted along West Ogle Street. The low bid received from Eisler Nurseries was not able to provide six trees outlined in the specifications. The second bidder, Ray's Nurseries, was able to provide the six trees. Mr. Miller made a motion to award the bid for 129 Varied trees to Eisler Nurseries in Prospect at a cost of \$17,190 and the 6 remaining Crimson Sentry trees to Ray's Nurseries for \$1,050. (Lutz) Motion passes unanimously.

- C. Mr. Penatzer proposed the 2010 sidewalk and curb project on North Center Street and East Highland Avenue. It would involve 52 properties, 2,038 LF of sidewalk, and 4,802 LF of curbing. Several properties would keep their existing brick. Mr. Penatzer said the improvements would extend the downtown streetscape. The project would require PennDOT approval because it is a state road. He said there are 24 large old trees along the street. A survey was sent out to all affected property owners in January and the majority was in favor of the project and replacing the old trees. Mr. Penatzer showed a slide show of pictures detailing the proposed project. Victorian streetlights would be added along the street. A public meeting would be held in September to describe the project to residents. The estimated cost to design the project is \$20,000. Mr. Lutz made a motion to authorize design of sidewalk improvements on North Center Street. (Barber) Motion passes unanimously.
- D. Mr. Miller updated council on the East Crawford Street stormwater project. He said crews are nearly done with repairs. A new 12" stormwater line was installed. Two new catch basins were installed along East Crawford Street and another on Center Street. A French drain was installed into Memorial Park to help drain water.
- E. Mr. Miller said the detour signs for the Lake Rowena bridge project are confusing. Mr. Penatzer said he has asked PennDOT to clarify the signage.

10. **Administration Committee** – None.

11. **General Business**

- A. The 2001 Dodge Durango was advertised for sale in the daily newspaper. The following bids were received:

Naugle Auto & Truck, Nanty Glo	\$ 586.93
Sulli Motors, Ambridge	\$1,068.00
Conemaugh Fire Company	\$1,100.00
Nanty Glo Police Department	\$2,200.00
Leonard Kmett, Hollsopple	\$2,500.00

Mr. Penatzer said if the vehicle was sold to the highest bidder, then all emergency equipment would have to be removed. Article XII, Section 4(iv)(A) of the Pennsylvania Borough Code allows property to be sold to another political subdivision without advertising. Mr. Lutz made a motion to reject all bids received for the 2001 Dodge Durango, and sell the vehicle to Nanty Glo Police Department for \$2,200.00. (Miller) Motion passes unanimously.

- B. Mrs. Stugala presented a year-round marketing strategy to council for 2010. The plan would include newspaper, television, radio and billboard advertising. The plan incorporates many of the advertising initiatives already in place and paid for by the EABC for various events. The new costs to support this marketing plan would be approximately \$8,000 for a year, an amount that would need to be incorporated into the 2010 budget.
- C. Mr. Penatzer said it is necessary for adoption of a code of ethics for Ebensburg Borough elected and appointed officials. He said this is purely a proactive measure intended to outline the types of activities that would be deemed wrong, and that all officials and employees should avoid. Mr. Lutz made a motion to adopt Resolution #2009-05, Code of Ethics for Elected and Appointed Officials. (Barber) Motion passes unanimously.

- D. Mr. Penatzer said eleven projects were funded through DCED's façade improvement assistance. Ebensburg Borough is eligible for an additional \$30,000 in façade funds and a resolution is required to authorize the application for those funds. Mr. Lutz made a motion adopt Resolution #2009-06 to apply for façade funds from DCED. (Kuhar) Motion passes unanimously.
- E. The last full appraisal for Ebensburg Borough property was over thirteen years ago. The cost for Industrial Appraisal Company to appraise all borough properties in the spring would be \$8,795.00. Mrs. Barber made a motion to authorize Industrial Appraisal Company to perform a full appraisal of borough property in 2010, at a cost of \$8,795.00. (Kuhar) Motion passes unanimously.
- F. Mr. Penatzer said there was an environmental issue in February of 1995 on the Babcock property. There was a hydraulic oil spill at the rear building that went through DEP. It was noted that you can tear the building down, but you must leave the concrete slab in place. In order to close on the property, an environmental covenant must be signed and attached to the deed. Mr. Pawlowski will ask for a reduced sale price based on this issue with the property. Mr. Miller made a motion to approve signing the environmental covenant. (Kuhar) Motion passes unanimously.

12. Department Reports

A. Police

Chief Wyland said there were no problems at Homecoming or the Concerts in the Park. He gave updates on officers and asked people to lock their cars because of several break-ins lately.

B. Public Works – None.

C. Community Development

Mrs. Strugala said the Concerts in Park were a success. Volunteer night will be held on August 27th at Lake Rowena. The trade show display will be at the Saint Francis Student Involvement Fair and Small Business Expo in September.

D. Recreation – None.

13. Media Comments/Questions

Dave Hurst of the Altoona Mirror asked why the borough was adopting a code of ethics and if it was similar to a conflict of interest statement.

14. Public Comments

Mike Illig asked how long the bulbs in the streetlights last and how often they are replaced.

There being no further business, Mr. Miller made the motion to adjourn. (Barber) Motion passes unanimously.

Meeting adjourned: 7:45 p.m.

Minutes Recorded by:

Christine M. Strugala
Community Development Director