

The regular monthly meeting of the Ebensburg Borough Council was called to order on Monday, February 22, 2010 at 6:30 p.m. at the Ebensburg Municipal Building, 300 W. High Street, Ebensburg, by Council Vice President Doug Tusing.

Present: Doug Tusing, Vice President
Susan Barber
V. Joseph Miller
Terry Illig
Dave Kuhar

Others: Daniel Penatzer, Borough Manager
Randy Datsko, Mayor
Christine Strugala, Community Development Director
Matt Pfeil, Recreation Director
Jeff Evans, Public Works Director
Terry Wyland, Police Chief
Blair Pawlowski, Solicitor
Bernie Kozlovac, Plant Manager
Ashley Watt, Mountaineer-Herald
David Hurst, Altoona Mirror
Frank Burns, State Representative

Absent: Deborah Nesbella, President
Joe Lutz
Annie Takacs, Junior Councilor

Audience: 8

1. The Pledge of Allegiance was recited.

2. **Public Comments** - None

3. **Consent Agenda**

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

A. Approve minutes of the regular meeting of January 25, 2010.

B. Approve financial statement and fund transfers.

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

| | | | |
|--------|---------|--------|-----|
| Miller | YES | Kuhar | YES |
| Barber | ABSTAIN | Tusing | YES |
| Illig | YES | | |

Motion passes.

D. Update on the Countywide Earned Income Tax Collection.

E. Adopt Resolution #2010-02 authorizing full-time office staff to receive and receipt tax payments on behalf of the tax collector.

F. Appoint Christina Shoemaker to an unexpired term on the Ebensburg Area Business Commission, term expires December 2010.

G. Awaiting first report of codes enforcement from MDIA.

H. Receipt of municipal authority meeting minutes.

I. Grant final approval to the Berzonsky subdivision and to the Springer subdivision.

J. The Ebensburg Borough Planning Commission has advertised a public meeting for March 4th at 6:30 p.m.; this is to receive public comment on the draft ordinances for zoning, stormwater and subdivisions for the Central Cambria Coalition municipalities.

4. Appointments to Address Council

Wessel & Company will review the 2009 audit at the March meeting.

5. Mayor's Report

Mayor Datsko presented the police department report and said he has had many calls concerning the snow plowing, both good and bad.

6. Council President – None.

7. Water/Wastewater Committee

Mr. Kozlovac said there were no excursions and they processed 20 dry tons of solids (none from outside sources). The average flow for the month was .911 mil gallons/day.

8. Recreation Committee – None.

9. Street Committee

A. Mr. Miller said bids for a separate component of the sidewalk project along North Center Street and East Highland Avenue have been received; this is for a proposal to extend the Victorian streetlights north on Center Street as far as Highland Avenue. It would also include matching sign posts and streets signs. The cost for this portion of the project would be for materials only since borough crews would do the installation. The following bids were received:

Hanks Illumination – bid was received late and returned.

Hite Company – \$26,775.46 – the bid was deemed non-compliant due to the posts being only 3” instead of 5” in diameter.

The Streetscape Company - \$7,513.72 – the bid was deemed non-compliant because the signs did not meet the specifications and the lights were not included.

Brandon Industries - \$30,688.00

It was the consensus of council to table action on the bids received pending receipt and consideration of construction bids next month. In addition, Mr. Penatzer explained that the new poles would look the same as those in the downtown, but with different banner arms.

B. Mr. Miller asked if the crosswalk signs could be put in another location where they would not be in the middle of the road. Council discussed the issue and decided to leave them where they currently are.

C. Mr. Miller explained a proposed ordinance to amend the existing sidewalk ordinance, changing the part where it stipulates where sidewalks are required. The changes are required to reflect work already performed on West Ogle Street, and work planned on future projects. The changes would include the following:

East Sample Street – Clarifies that the blocks between Caroline and Poplar have sidewalks on the north side only.

Rowena Drive – Adds the requirement for sidewalks on the north side of the street, including segment between Manor Drive and the new bridge.

West Ogle Street – An existing line in the Ordinance already requires sidewalks on both sides of the entire length of West Ogle Street. Conflicting language is being deleted.

West High Street – An existing line in the ordinance already requires sidewalks on both sides. Conflicting language is being deleted.

Mr. Miller made a motion to grant tentative approval to Ordinance #569 amending the sidewalk Ordinance, and advertise it for public inspection. (Illig) Motion passes unanimously.

10. Administration Committee

Mrs. Barber said that Tom Brannas has resigned from the Sunday part-time position at the tennis center. It was recommended that Kevin Illig of New Germany Road be hired for this position. Mrs. Barber made a motion to approve hiring Kevin Illig as part-time at the tennis center, effective 2/22/10, at \$7.25/hr. (Kuhar) Motion passes unanimously.

11. General Business

- A. Mr. Penatzer said Ordinance #568, establishing floodplain regulations, has been advertised for public inspection. Mr. Illig made a motion to grant final approval to Ordinance #568, the Floodplain Management Ordinance. (Miller) Motion passes unanimously.
- B. Mr. Penatzer said there are several ordinances in place that regulate nuisance violations. He said the current process used to enforce them is lengthy and time consuming. He explained a proposed ordinance that would be performed by police officers as they encounter violations. This would instead require the officer to check the appropriate box and issue the citation, making it a much faster response and quicker solution to the problem. The local law citation would be applicable to the following:

| | |
|----------------|--|
| Ordinance #326 | High grass or weeds prohibited |
| Ordinance #380 | Dogs defecating on public property |
| Ordinance #494 | Outdoor burning restricted |
| Ordinance #507 | Animals prohibited in parks |
| Ordinance #511 | Storage of nuisance vehicles |
| Ordinance #511 | Storage of nuisance materials |
| Ordinance #513 | Sidewalks to be kept clear of snow and ice |
| Ordinance #513 | Vehicles prohibited on sidewalk |
| Ordinance #513 | Depositing snow on street or sidewalk prohibited |
| Ordinance #513 | Depositing grass clippings on street or sidewalk |
| Ordinance #559 | Obstruction of sidewalk prohibited |

Mr. Penatzer said the proposed Ordinance does not nullify the penalty provisions in the existing ordinances. Mr. Illig requested that it be written on the ticket that they have the right to appeal. Mr. Illig made a motion to grant tentative approval to Ordinance #570 providing for local law citation, and advertise it for public inspection. (Barber)

| | | | |
|--------|-----|--------|-----|
| Miller | NO | Kuhar | YES |
| Barber | YES | Tusing | YES |
| Illig | YES | | |

Motion passes.

12. Department Reports

A. Police

Chief Wyland said accidents have been a bit higher due to the weather.

B. Public Works

Mr. Evans said they have been busy with snow removal.

C. Community Development

Mrs. Strugala said RACRA will be doing a cruise-in/fly-in at the airport during Homecoming. The 2010 business directory will be available in March. She said Wessel & Company will be moving into the former Karen Jewelers building in the next few days.

D. Recreation

Mr. Pfeil said the Friends of the Pool committee will have a craft show on April 24th at the YPCC. He said they can hold 55 vendors and 18 have already reserved a spot. He thanked the local schools for allowing them to use their gyms, and said that the Saint Francis University tennis matches at the tennis center are going well.

13. Media Comments/Questions

David Hurst of the Altoona Mirror asked if a ticket for violation of Ordinance #570 would be a flat fee. He also asked what the height restriction is for high grass.

14. Public Comments

Mr. Kuhar welcomed State Representative Frank Burns. Mr. Burns commended Borough Council and staff for their work and offered his support. He asked council to keep him informed and offered to help seek funds for the proposed pool project.

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

Meeting adjourned: 7:10 p.m.

Minutes Recorded by:

Christine M. Strugala
Community Development Director