

The regular monthly meeting of the Ebensburg Borough Council was called to order on Monday, March 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
Joe Lutz
Annie Takacs, Junior Councilor

Others: Daniel Penatzer, Borough Manager
Randy Datsko, Mayor
Christine Strugala, Community Development Director
Jeff Evans, Public Works Director
Terry Wyland, Police Chief
Heath Long, Assistant Solicitor
Bernie Kozlovac, Plant Manager
Ashley Watt, Mountaineer-Herald
David Hurst, Altoona Mirror

Absent: Deborah Nesbella, President

Audience: 3

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 February 22, 2010.

B. Approve bills noting an abstention by Councilor Barber on amount owed to Barber Oil Company and Link Service LLC.

Miller	YES	Kuhar	YES
Barber	ABSTAIN	Tusing	YES
Illig	YES	Lutz	YES

Motion passes.

C. A public hearing for the proposed zoning ordinance & map and the proposed subdivision and land development ordinance will be held on Monday, May 3, 2010 at 6:30 p.m.

D. Summer employment applications are due on April 5th.

E. Advertisements have been placed for the next Junior Council member term.

F. Receipt of municipal authority meeting minutes.

G. Discussion at the Central Cambria Coalition's February meeting was limited to the zoning ordinance adoption process in the three municipalities.

4. **Appointments to Address Council**

Stephanie Stohon and Jill Bender of Wessel & Company reviewed the 2009 audit. They said there were no major concerns and commended the borough for their work on the budget.

5. **Mayor's Report**

Mayor Datsko presented the police department report and said the winter parking regulations end next week. He said former Mayor Moyer was awarded a certificate of recognition for his term of service from Congressman Murtha's office.

6. **Council President** – None.

7. **Water/Wastewater Committee**

Mr. Kozlovac said there were no excursions and they processed 13.8 dry tons of solids (.34 from outside sources). The average flow for the month was .598 mil gallons/day. The plant has been granted two more safety awards.

8. **Recreation Committee** – None.

9. **Street Committee**

A. Mr. Miller said 11 bids were received for the North Center Street/East Highland Avenue sidewalk project. The project estimate was \$303,195 for Center Street and \$160,000 for Highland Avenue. The following bids were received:

Rural Valley Construction, Rural Valley	\$388,825.00
Berkebile Brothers, Johnstown	\$448,850.00
Kishmo. Inc., Apollo	\$451,138.00
Thomas DiDiano, Pittsburgh	\$479,487.25
BCS Construction, Altoona	\$512,136.00
Glenn Hawbaker, State College	\$523,864.80
Gordon DeLozier, State College	\$529,732.00
D.C. Ventre, Duncansville	\$616,142.00
Straw Construction, Boswell	\$643,404.00
Dennis Fleeher, Cecil	\$658,373.00
HRI, Inc., State College	\$676,491.00

All bidders were required to be pre-qualified by PennDOT to assure that the contractor is experienced and capable of performing the work. Bidders were also required to demonstrate experience with prevailing wage submissions. The prime contractor must perform a minimum of 75% of the work themselves, rather than using a sub-contractor. The liquidated damages penalty was increased to \$350/day. Work is to begin immediately and the completion deadline is July 31st. Mr. Miller made a motion to award a contract to Rural Valley Construction in the amount of \$388,825 for sidewalk and curb construction on North Center Street and East Highland Avenue. (Lutz) Motion passes unanimously.

B. Mr. Miller said bids for the streetlight portion of the North Center Street/ East Highland Avenue sidewalk project were tabled last month pending the results of the sidewalk construction bids. Mr. Miller made a motion to award a contract to Brandon Industries in the amount of \$30,688.00 for the purchase of streetlights and signs for North Center Street. (Barber) Motion passes unanimously.

C. Mr. Miller said the contract for tree removal that is part of the North Center Street/East Highland Avenue project involves taking out 39 trees. One bid was received for the project from Tri-County Tree Service in the amount of \$16,600.00. Mr. Penatzer said that each property owner will decide if they would like to keep their tree and that the number of trees indicated was based on the assumption of how many would need to be removed; this will also affect the total cost of the project. Mr. Miller made a motion to award a contract to Tri-County Tree Service in the amount of \$16,600.00 for removal of trees along North Center Street and East Highland Avenue. (Lutz) Motion passes unanimously.

D. Mr. Lutz explained the proposed amendment to Ordinance #569 concerning where sidewalks are required. The ordinance was advertised for public inspection. Mr. Lutz made a motion to grant final approval to Ordinance #569 amending the Sidewalk Ordinance. (Illig) Motion passes unanimously.

- E. Mr. Lutz said the Commonwealth has requested Federal disaster assistance for Cambria County, among many others. If the cost for any 48-hour continuous period during a near-record snowfall exceeded the per capita threshold of \$3.23 countywide, then the President can decide if funds will be approved. Ebensburg's reimbursement request is \$6,587.97 for the period of February 11-12. Word is expected soon as to whether the Federal declaration is approved or not.
- F. Assistant Solicitor Long said that Straw Construction is anxious to start work to replace slabs of sidewalk in the downtown area. They will be remarking the affected areas and will start work on April 5th.

10. **Administration Committee** - None.

11. **General Business**

- A. Mr. Penatzer presented the financial statement for February 28, 2010. He noted that the format of the statement was limited to general, water and wastewater funds. Included now are accounts for liquid fuels, YPCC activities, façade grant, airport projects, and the pool project. Terminology has also been modified to comply with GASB 54 (Governmental Accounting Standards Board). Updated financial statements reflecting the revised format were provided as well for the end of 2009 and January 2010. Mr. Illig made a motion to approve the financial statement. (Kuhar) Motion passes unanimously.
- B. Mr. Penatzer explained the ordinances in place that regulate nuisance violations and a proposed ordinance that would be performed by police officers as they encounter violations. 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 added the following provision for appeals to the citation as was requested by council at the February meeting:

SECTION 4. Any person aggrieved by the issuance of a Local Law Citation has a right to appeal, within seven (7) days, by requesting the Ebensburg Borough Police Department to file a civil complaint under the provisions of the underlying Ordinance, in place of the Local Law Citation, thereby affording oneself the opportunity for a hearing.

Mr. Illig made a motion to grant final approval to Ordinance #570 providing for local law citation. (Lutz)

Miller	NO	Kuhar	YES
Barber	YES	Tusing	YES
Illig	YES	Lutz	YES

Motion passes.

- C. The airport grant contract was for \$135,790.00 and the total spent was \$135,717.74. All equipment for snow removal under the grant has been received and the final list of bills is as follows:

Kimball & Associates	\$1,933.45
Kimball & Associates	\$ 683.47
Centre Communications	\$2,718.55
Al's Tires	\$ 64.00
Keystone Electric	\$ 300.00

Mr. Miller made a motion to approve the above payments relative to the airport snow removal equipment. (Lutz) Motion passes unanimously.

- D. Mr. Penatzer said Tim Havener, an Ebensburg Borough resident, questioned the borough's ordinance concerning the regulation of firearms being carried in parks. He alleged that the firearm prohibition was a violation of the Pa Uniform Firearms Act. Mr. Penatzer said the laws of the Commonwealth (except) Philadelphia only prohibit firearms in court and school buildings. The Borough Solicitor agreed that the ordinance should be adjusted in accordance with the law. Ms. Barber made a motion to grant tentative approval to Ordinance #571 deleting prohibition of firearms in parks, and advertise it for public inspection. (Illig) Motion passes unanimously.
- E. Mr. Penatzer said the county 911 center will discontinue the monitoring of alarm systems after June 2010. The borough has alarm systems at the water plant, YPCC, tennis center and police office. It was suggested to discontinue monitoring of the alarms and only keep the panic buttons at the two facilities. Alarms at the water plant would continue to function but would notify staff members instead via an automatic dialer. The fire alarms at the YPCC and tennis center would sound an audible alarm only. An audible entry alarm at the police office would be used. The current expense for the alarm monitoring is \$2,100 annually. It was the consensus of council to keep the panic buttons and have the alarms monitored via an automatic dialer at the other facilities.
- F. Mr. Penatzer reviewed the results of the 2010 resident survey. He said there was a 25% response rate and outlined the survey's findings. Mr. Kuhar commended staff on their work on the survey and suggested surveying kids who use the borough pool and seniors in the community to gather their ideas. It was the consensus of council for staff to put together a newsletter to provide further explanation on a few of the main topics.

12. Department Reports

A. Police

Chief Wyland said all officers are now certified and it was a busy month due to the snow.

B. Public Works

Mr. Evans said they have begun cleaning the streets and the sewer contractor started today at the Industrial Park.

C. Community Development

Mrs. Strugala distributed a copy of the 2010 business directory, announced the schedule of entertainers for Concerts in the Park, and said she will be attending the Saint Francis University Internship Fair on Thursday, March 25th.

D. Recreation

Monthly report was distributed.

13. Media Comments/Questions

David Hurst of the Altoona Mirror asked what the status of the pool project was, how the fundraising was going, and if the grant was through DCNR. Ashley Watt of the Mountaineer-Herald asked who the main demographics were that responded to the survey.

14. Public Comments – None.

Ms. Barber made a motion to enter into executive session at 8:12 p.m. (Miller) Motion passes unanimously.

Meeting reconvened at 9:00 p.m.

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

Meeting adjourned: 9:00 p.m.

Minutes Recorded by:

Christine M. Strugala
Community Development Director