

The regular monthly meeting of the Ebensburg Borough Council was called to order on Monday, November 23, 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  
Doug Tusing, Vice President  
Terry Illig  
Joe Lutz  
Susan Barber  
V. Joseph Miller  
Dave Kuhar  
Annie Takacs, Junior Councilor

Others: Daniel Penatzer, Borough Manager  
Christine Strugala, Community Development Director  
Matt Pfeil, Recreation Director  
Terry Wyland, Police Chief  
Blair Pawlowski, Solicitor  
Jeff Evans, Public Works Director  
Bernie Kozlovac, Plant Manager  
Dave Sutor, Mountaineer-Herald

Absent: Charles Moyer, Mayor

Audience: 9

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 October 26, 2009.

B. Approve financial statement.

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

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

Motion passes.

D. The December Borough Council meeting will be held on Monday, December 21, 2009.

E. Receipt for codes enforcement monthly report.

F. Receipt of municipal authority meeting minutes.

G. The planning commission approved the Kaza subdivision and the commission continues to work on revising the zoning ordinance.

4. **Appointments to Address Council**

Mr. Jim Loncella of RACRA updated council on the state of airport. He said they are at 86% capacity for hangar rentals and emphasized that volunteers are doing all maintenance. Future plans are to add a webcam, commercial tenant, an additional hangar, and a full service maintenance shop. They plan to continue doing marketing and fundraising.

5. **Mayor's Report** – None.

6. **Council President** – None.

7. **Water/Wastewater Committee**

Mr. Kozlovac said there were no excursions and they processed 23 dry tons of solids (6 from outside sources). The alarm system to the 911 center has been tested. Mr. Tusing said all major projects have been completed.

8. **Recreation Committee** – None.

9. **Street Committee**

A. Mr. Miller said the solicitor has received certification from Fred Imler & Sons assuring payment of the agreed settlement on the West Ogle Street project; this will satisfy all obligations of the borough to the state, employees and Imler. The new trees have been planted. Mr. Miller made a motion to make it a matter of record that Council approved settlement of a prevailing wage dispute between Imler & Sons and employees in the amount of \$10,057.44. (Illig) Motion passes unanimously.

B. Mr. Penatzer said the Ebensburg Area Ambulance Association has asked that parking be banned on the west side of North Caroline Street across from the ambulance station. This is due to difficulty getting in and out of the station. It was the consensus of council to suggest to them that there is some reluctance to do this and ask them to tolerate this issue until smaller ambulance vehicles are obtained.

10. **Administration Committee**

A. Mr. Tusing said the 2010 annual operating budget was advertised for public inspection. He then made a motion to grant final approval to the 2010 annual budget. (Kuhar) Motion passes unanimously.

B. Mr. Tusing said Ordinance #567, establishing the real estate tax for 2010, was advertised for public inspection. He then made a motion to grant final approval to Ordinance #567, establishing the 2010 real estate tax. (Miller) Motion passes unanimously.

C. Mrs. Barber said a resolution is required each year to establish fees to be charged for garbage collection, etc. She then made a motion to adopt Resolution #2009-12 establishing the fees to be charged in 2010 to remain the same as they were in 2009 for various purposes. (Illig) Motion passes unanimously.

D. Mrs. Barber said a resolution is adopted each year to establish the wages to be paid to borough employees. She then made a motion to adopt Resolution #2009-13 establishing wages to be paid in 2010. (Miller) Motion passes unanimously.

E. Mr. Lutz said the proposed supplemental agreement of the Fraternal Order of Police relaxes the 10-mile residency requirement for full-time police officers hired before November 2009. All future police officers will be required to abide by the residency requirement. Anyone considered for appointment to Chief of Police or Acting Chief, regardless of hire date, must satisfy the residency requirement. Mr. Lutz made a motion to approve the supplemental agreement with the full-time police officers and the FOP. (Illig) Motion passes unanimously.

F. Mr. Lutz said the police department's standard operating procedure needed updated to address use of the Taser, car cameras, and ENRADD. The Use of Force section was also updated. Mr. Lutz made a motion to adopt Resolution #2009-14 amending the Ebensburg Borough police department's standard operating procedure and code of conduct. (Tusing) Motion passes unanimously.

- G. Mr. Lutz said twelve applicants will be given an oral test for the full-time police position. The process of how scores will be added together was reviewed. The eligibility list for council's action is expected in December. Mrs. Nesbella commended the administrative committee on all of their work throughout the year.

**11. General Business**

- A. Mr. Penatzer said RACRA provided the local match for a grant they were awarded for the purchase of snow removal equipment. The borough advanced the grant share of the purchases in order to pay the vendors, and will be reimbursed 100% once the grant is received. Mr. Lutz made a motion to approve purchase of snow removal equipment consisting of a pickup truck and plow system in the amount of \$20,074 (state bid) from Tri-Star Motors. (Miller) Motion passes unanimously. Mr. Lutz then made a motion to approve purchase of snow removal equipment consisting of a Fair Manufacturing snow blower in the amount of \$59,545 (state bid) from Cambria Tractor. (Miller) Motion passes unanimously. Mr. Lutz made a motion to approve the following payments relative to the runway safety improvement project:

Cambria County Conservation District	\$ 700.00
Kimball & Associates	\$82,806.95
Kimball & Associates	\$ 2,383.27
Kimball & Associates	\$ 7,942.96

(Miller) Motion passes unanimously.

- B. RACRA asked to submit a revised airport layout plan to the Bureau of Aviation to include seasonal vendors to occupy the frontage area along Route #22 at the airport. Mr. Lutz made a motion to approve amendment to the airport layout plan allowing seasonal vending along Route #22 frontage. (Kuhar) Motion passes unanimously.
- C. Mr. Penatzer said only one phase of the Stormwater Management Master Plan that was developed by L. Robert Kimball & Associates has been completed due to funding. An updated proposal from Kimball was reviewed for completion of the plan. The watersheds and how they drain were explained. A 4-year phased study was reviewed. Mr. Tusing made a motion to finalize the stormwater management plan authorizing \$9,500 for the 2010 budget year. (Kuhar) Motion passes unanimously.
- D. Mr. Penatzer said the last citizen survey was conducted in 2006. This is a way to gather feedback from residents concerning how local government services are being provided. A new survey will be sent out in January 2010. It was the consensus of council to clarify in the survey that work must be performed at the borough pool and to add a second question concerning the effect it will have on taxes.

**12. Department Reports**

**A. Police**

Chief Wyland said there are pending arrests on the recent crime spree and winter parking goes into effect on December 1<sup>st</sup>.

**B. Public Works**

Mr. Evans said they have been busy decorating for Christmas and picking up leaves. The inspection of the water plant by DEP went well and no major problems were found. Four large trees will be replaced in Penn Eben Park.

**C. Community Development**

Mrs. Strugala said Rebecca Carlin will be the grand marshal for the Christmas events. She reviewed plans for Dickens and said Main Street membership renewals are coming in. Claire Terese Photography opened in the downtown. She said the real estate ad will run on Saturday and she has been working with the police dept. to get their forms onto the computer.

**D. Recreation**

Mr. Pfeil said the basketball leagues have outgrown the YPCC gym. The indoor soccer league is now 3 days/week due to its popularity. He gave an update on the tennis center and said that the miniature railroad and slot cars for Dickens will be at the YPCC this year.

13. **Media Comments/Questions** - None.

14. **Public Comments** – None.

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

Meeting adjourned: 7:40 p.m.

Minutes Recorded by:

Christine M. Strugala  
Community Development Director