

The regular monthly meeting of the Ebensburg Borough Council was called to order on Monday, October 26, 2009 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
Terry Illig
Joe Lutz
Susan Barber
V. Joseph Miller
Dave Kuhar

Others: Charles Moyer, Mayor
Daniel Penatzer, Borough Manager
Christine Strugala, Community Development Director
Matt Pfeil, Recreation Director
Terry Wyland, Police Chief
Heath Long, Assistant Solicitor
Jeff Evans, Public Works Director
Bernie Kozlovac, Plant Manager
Susan Evans, Tribune Democrat
Dave Hurst, Altoona Mirror
Dave Sutor, Mountaineer-Herald

Absent: Deborah Nesbella, President
Annie Takacs, Junior Councilor

Audience: 11

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. Hire Thomas Branas as an assistant at the tennis center.
- B. Approve minutes of the regular meeting of September 28, 2009.
- C. Approve financial statement and fund transfers.
- D. Approve bills adjusting the amount paid to the Ebensburg Area Business Commission for a Homecoming donation to \$2,500 and removal of the postmaster payment of \$176 for tennis postage. There was an abstention by Councilor Barber on amount owed to Barber Oil Company and by Councilor Illig on amount owed to Erica Illig.

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

Motion passes.

- E. Approve the lease of the swimming pool house to Keith Maul and Ashley Powell at the rate of \$300/mo. escalating through the lease.

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 .65 mil gallons/day. He said they processed 10.5 dry tons of solids (6.5 from outside sources). There will be a safety article published in February about the successful relationship between Severn Trent and Ebensburg Borough.
- B. Mr. Kuhar said water systems are now required to have a means in place to notify customers of emergencies and alerts. A system with SwiftReach Networks of New Jersey was discussed. The setup cost would be \$350 and the annual subscription would be \$800. The system can make 3,000 calls per minute and the price per call would be five cents per thirty second call. Mr. Tusing said this program was reviewed by the Municipal Authority as well. Mr. Kuhar made a motion to approve a service agreement with SwiftReach Networks for the telephone notification system. (Illig) Motion passes unanimously.
- C. Mr. Penatzer said it is necessary to decrease the amount of inflow and infiltration (I & I) that exists in the industrial park collection system. It was recommended that the lines be videotaped and cleaned to allow for leaks to be detected and sources of I & I to be detected. The cost is expected to be less than \$1.50 per linear foot to clean and video approximately 5,500 LF of 8" pipe. Mr. Kuhar made a motion to authorize seeking proposals for cleaning and videotaping of the industrial park collection system. (Lutz) Motion passes unanimously.

8. Recreation Committee – None.

9. Street Committee

Mr. Miller said the paving has been completed along West Ogle Street. Mr. Penatzer said there are two areas that need to be fixed and that trees will be planted in the next few weeks.

10. Administration Committee

- A. Ms. Barber said the 2010 budget is ready for tentative approval. There will be no tax increase and overall utility rates will be significantly reduced. A discussion took place over the need for more Christmas decorations. Ms. Barber made a motion to grant tentative approval to the 2010 annual budget and advertise for public inspection. (Miller) Motion passes unanimously.
- B. Ms. Barber said an ordinance is required each year to establish the real estate tax for the coming year. Ms. Barber made a motion to grant tentative approval to Ordinance #567, establishing the real estate tax. (Illig) Motion passes unanimously.
- C. Mr. Lutz said 26 applications were received for the full-time police officer position; eight of which were rejected by the civil service commission because they didn't satisfy the minimum requirements. He explained the testing process and it was recommended that Bill Gamble Municipal Police Testing of Oakdale be appointed as the written examination administrator. The total cost to test the eighteen applicants is \$680. The oral examination will be administered by Joseph Stephan, Dick Hassinger, and Ed Miller; all were appointed by the civil service commission. Mr. Lutz made a motion to adopt Resolution #2009-11 naming on behalf of the civil service commission, Bill Gamble Municipal Police Testing, as the written examination administrator for the police hiring process. (Barber) Motion passes unanimously.

11. General Business

- A. The Central Cambria Coalition will be transitioning to the new Central Cambria Codes Enforcement Agency at the beginning of the year. An intergovernmental agreement has been developed. The full-time position of codes inspector has been advertised and applicants interviewed. The Coalition hopes to have the position filled in early December to allow for time to prepare in advance of the January start date. An appeals board for building code disputes will need to be formed for the new agency. Mr. Lutz made a motion to grant final approval to Ordinance #565 establishing and authorizing participation in an intergovernmental agreement with Cambria Township and Jackson Township for the establishment of a joint codes enforcement program. (Illig) Motion passes unanimously. Mr. Lutz then made a motion to grant final approval to Ordinance #566 establishing and authorizing participation in an intergovernmental agreement with Cambria Township and Jackson Township for establishment of a Central Cambria Building and Housing Code Board of Appeals. (Miller) Motion passes unanimously.
- B. Mr. Penatzer said one bid was received for the newer loader from Cambria Tractor in Ebensburg for \$68,000.00. The following two bids were received for the sale of the old loader:

Machinery Leasing Service, Ebensburg	\$10,800.00
Rollock, Johnstown	\$13,363.00

Mr. Illig made a motion to award a bid in the amount of \$68,000.00 to Cambria Tractor for the purchase of a 2004 used Case Model 621 loader. (Lutz) Motion passes unanimously. Mr. Illig then made a motion to approve selling the 1991 Case W14 loader to Rollock for the bid amount of \$13,363.00. (Miller) Motion passes unanimously.

- C. Mr. Penatzer said the settlement with Straw Construction Company concerning the streetscape project was to be received in the next few days. Assistant Solicitor Long recommended that the settlement be executed. It will allow the borough to select twenty of the questionable concrete slabs to be replaced by Straw and a cash settlement of \$17,500. All work must be started by 3/31/10 and completed no later than 5/31/10. The new concrete will have a renewed warranty. Mr. Illig made a motion to approve the settlement agreement subject to confirmation by the Solicitor that the terms are as described. (Miller) Motion passes unanimously.

12. Department Reports

A. Police

Chief Wyland said there was a large crowd for the Halloween parade, they have suspects for the burglaries at the pool, and he reminded all to continue to lock their cars and homes due to recent break-ins.

B. Public Works

Mr. Evans said they have been busy raising catch basins and getting ready for the pavers along West Ogle Street. The reservoir is down six feet.

C. Community Development

Mrs. Strugala said all vendor spots have been filled for the Dickens craft shows. Ornaments are on sale to raise money for the event. Membership renewals are currently being sent out for the Main St. program.

D. Recreation

Mr. Pfeil said there are 135 members of the YPCC Fitness Center and memberships are being renewed at the tennis center.

E. Ebensburg Planning Commission

Mr. Penatzer said the planning commission will consider an application on November 5th for the subdivision of a parcel being purchased by Ryan Kaza at the corner of Phaney Street and Crawford Street. Due to the need for a subdivision of the trailers from the residence being a late requirement of the financing company, the closing cannot be delayed until approval at the next Council meeting. The property was struck by fire years ago and the trailers have been habitual property maintenance offenders. Mr. Illig made a motion to grant approval to the Kaza subdivision, subject to the Planning Commission's concurrence. (Miller) Motion passes unanimously.

13. Media Comments/Questions

David Hurst of the Altoona Mirror asked if there would be a recreation tax.

14. Public Comments

Mike Illig thanked council for no tax increase. Tom Bortel asked if the swimming pool renovation project was going to happen.

Mr. Illig made a motion to enter into executive session at 7:08 p.m. to discuss a personnel matter and Ogle Street litigation. (Miller) Motion passes unanimously.

Meeting reconvened: 8:09 p.m.

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

Meeting adjourned: 8:10 p.m.

Minutes Recorded by:

Christine M. Strugala
Community Development Director