

The regular monthly meeting of the Ebensburg Borough Council was called to order on Monday, September 28, 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: Charles Moyer, Mayor  
Daniel Penatzer, Borough Manager  
Christine Strugala, Community Development Director  
Terry Wyland, Police Chief  
Blair Pawlowski, Solicitor  
Jeff Evans, Public Works Director  
Bernie Kozlovac, Plant Manager  
Dave Hurst, Altoona Mirror  
Dave Sutor, Mountaineer-Herald

Audience: 10

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. Adopt Resolution #2009-07 appointing Wessel & Company as auditor for 2009.
- B. Approve Administrative Measures Relative to Employee Pension Plans:
  - 1) Adopt the minimum municipal obligation (MMO) calculation for the uniformed pension plan in the amount of \$76,814.
  - 2) Adopt the minimum municipal obligation (MMO) calculation for the non-uniformed pension plan in the amount of \$39,216.
  - 3) Adopt Resolution #2009-08 continuing an employee contribution rate of 0% for the non-uniformed pension plan for 2010.
  - 4) Adopt Resolution #2009-09 continuing an employee contribution rate of 8% for the uniformed pension plan for 2010.
  - 5) Adopt Resolution #2009-10 authorizing distribution of the State aid check to the respective employee pension plans.
- C. Approve minutes of the regular meeting of August 24, 2009.
- D. Approve financial statement.
- E. Approve bills noting 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.

- F. Accept the resignation of Bruce Schweitzer from the Ebensburg Zoning Hearing Board, and appoint Harold Eckenrod to the seat.
- G. Grant final approval to the Lattener Subdivision Plan noting abstention by Councilor Tusing.

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

Motion passes.

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

5. **Mayor's Report**

Mayor Moyer reviewed the police report. Junior Councilor Takas asked how recycling was being controlled by Hugill Sanitation. Mr. Penatzer is going to look into the matter.

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 .804 mil gallons/day. He said they processed 23 dry tons of solids (6.5 from outside sources). There have been no more odor complaints. Mr. Kozlovac submitted a letter to DEP in an effort to get the violation removed for the alleged odors.

B. Mr. Tusing said a Whole Effluent Toxicity (WET) test is required at the wastewater treatment plant for the NPDES permit renewal. The test will measure an organism's ability to survive, grow and reproduce in the discharged water. A series of Aquatic Bioassay Acute Toxicity tests will be performed on two species and will test parameters such as pH, dissolved oxygen, ammonia and residual chlorine; this will be performed quarterly for one year. The following proposals were received for to perform the tests:

American Aquatic Testing	Allentown	\$2,600.00
Seewald Laboratories	Williamsport	\$3,600.00

Mr. Tusing made a motion to approve a contract with American Aquatic Testing of Allentown to conduct WET testing at the wastewater plant in the total amount of \$2,600.00. (Kuhar) Motion passes unanimously.

8. **Recreation Committee** – None.

9. **Street Committee**

Mr. Miller said the sidewalk project along West Ogle Street is essentially complete. A few areas are still being patched and a few properties need landscaped. The contractor has been paid all except for \$5,000 that is due subject to continued liquidated damages beyond September 17<sup>th</sup> and the filing of all required prevailing wage forms. Mr. Penatzer that the last concrete was poured on September 22<sup>nd</sup> and that the assessment of liquidated damages should stop on that day. He said a total of \$8,600 in damages would be a sufficient amount for the project. Grannas Paving will be resurfacing the streets in the next few days and the new trees have been ordered. Mr. Miller made a motion to authorize final payment of \$4,000 on the sidewalk project, subject to prevailing wage compliance. (Tusing) Motion passes unanimously.

10. **Administration Committee** – None.

- A. Mr. Tusing said budget numbers have been prepared and the administrative committee will be compiling a tentative budget for the October meeting. Final adoption is expected at the November council meeting.
- B. The full-time police position was advertised and applications are due October 5<sup>th</sup>. The position is expected to be filled by the end of the year.

11. **General Business**

- A. Dean Gittings asked council to consider purchasing his parking lot behind the Castle Pub. Mr. Penatzer reviewed the conditions at the site and estimated that it would cost around \$150,000 to improve the lot. The consensus of council was to not pursue a purchase at this time based on the amount of improvements needed and ample parking currently available in the downtown.
- B. An intergovernmental agreement has been developed for the new Central Cambria Codes Enforcement Agency through the Central Cambria Coalition. The agency will be effective January 1, 2010 and a full time code inspector is currently being sought. The inspector will be employed by Cambria Township, and the township will be reimbursed for all payroll expenses. Ebensburg Borough will provide office space and equipment, and be reimbursed for office expenses. Applications for the position are due on October 5<sup>th</sup>. Start-up funds are necessary to get the agency started and each municipality is being asked to advance \$5,000 to the program; this will eventually be returned. Mr. Penatzer said the agency is being formed because it is cost effective, will provide a higher level of customer service and access to the officer, and a much faster response time on projects. An appeals board for building code disputes is needed. Mr. Lutz made a motion to grant tentative 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. (Miller) Motion passes unanimously. Mr. Lutz then made a motion to grant tentative 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. (Illig) Motion passes unanimously. Mr. Lutz made a motion to approve an advance of \$5,000 to the Central Cambria Codes Enforcement Agency. (Illig) Motion passes unanimously.
- C. Cambria Tractor has a 2004 loader machine with 1,000 hours available for \$68,000. The replacement of the 1991 W14 was intended for the 2010 capital budget, but Mr. Penatzer said a brand new loader would have cost \$130,000 - \$160,000. This gently used machine has new tires and would be like new. The old W14 would be advertised for sale and bids sought. Mr. Tusing made a motion to approve advertising for bids for a 2004-2009 used Case Model 621 loader, or equivalent, with 1,500 or fewer hours. (Miller) Motion passes unanimously. Mr. Tusing made a motion to approve advertising for bids the sale of the 1991 W14 loader. (Miller) Motion passes unanimously.

12. **Department Reports**

A. **Police**

Chief Wyland said several people were arrested for allegedly breaking into cars.

B. **Public Works**

Mr. Evans said the reservoir is down 5 ½ feet, sewer testing began, and smoke testing starts next week. Leaf pick-up will be done on an as needed basis.

**C. Community Development**

Mrs. Strugala said businesses have had positive comments about the trade show display. PotatoFest was a success despite the rain.

**D. Recreation – None.**

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

**14. Public Comments**

June Fether said that she heard many positive comments about the town during PotatoFest.

Mr. Lutz made a motion to enter into executive session at 7:30 p.m. to discuss a personnel matter and streetscape settlement proposal. (Miller) Motion passes unanimously.

Meeting reconvened: 7:59 p.m.

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

Meeting adjourned: 8:00 p.m.

Minutes Recorded by:

Christine M. Strugala  
Community Development Director