



Ebensburg Borough Council Meeting
Monday, August 24, 2009
6:30 p.m.

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Borough Council
Deborah Nesbella, President
Doug Tusing, Vice-President
Susan Barber
Terry Illig
Dave Kuhar
Joe Lutz
V. Joseph Miller
Annie Takacs, Junior Councilor
Mayor
Charlie Moyer

AGENDA

CALL TO ORDER & PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

Members of the public are invited to comment at this time on any item appearing on the agenda.

1. CONSENT AGENDA

All items listed on the Consent Agenda are considered to be routine and will be acted upon by a single motion. There will be no separate discussion of these items unless members of the Council request specific items to be removed for separate action.

Item 9A: Approval of the minutes of the July 27, 2009 regular monthly meeting of Borough Council.

Item 9B: Approval of Financial Statement

Item 9C: Approval of Bills
Vote to be recorded reflecting abstention by Councilor Barber on amount owed Barber Oil Company and abstention by Councilor Illig on amount owed Erica Illig.

Item 9D: Authorization for Council and Staff to Attend PSAB Conference October 16-18 in Erie.

Recommended Action – Approve the consent agenda.

2. APPOINTMENTS TO ADDRESS COUNCIL

3. MAYOR'S REPORT

Item 3A: Report on Police Department.

4. COUNCIL PRESIDENT COMMENTS

Item 5A: Report From Severn Trent Services on Wastewater Plant Operations.

Plant Supervisor Bernie Kozlovac will provide a verbal report on projects and activities at the wastewater plant during the month.

Item 5B: Approval of Contract Renewal With Severn Trent for Operations of the Wastewater Treatment Plant.

The contract with Severn Trent Services for operation of the wastewater treatment plant expired May 31, 2008. A verbal agreement extended the contract under the same terms and cost while the plant upgrade project was underway.

Severn Trent, using the past six months of data, has estimated what the annual operational costs will be. A new contract has been negotiated with Severn Trent. Key points of the new agreement are:

- 1) The original 3-year contract expired 5/31/07. Annual increases were based on the CPI-U, plus a factor based on the number of new taps. Those rates were:

2004-2005	\$381,612/yr.
2005-2006	\$396,468/yr. (3.89%)
2006-2007	\$414,060/yr. (4.43%)

The contract was extended for one additional year (expiring 5/31/08) with a 2% increase bringing the annual fee to \$422,316. Severn Trent has provided service for two years at that same rate.

The fee proposed in the new 5-year contract is \$460,920/yr. That is slightly higher than if the actual CPI-U increases would have been applied in 2008 and 2009 (CPI-U increases alone would have yielded \$440,933).

- 2) In the original contract, routine maintenance was treated as a variable cost. Out of the annual fee, \$24,000 was specified for routine maintenance. If Severn Trent spent more than that, we owed them the difference. If they spent less, they owed us.

In the proposed contract, variable expenses now include \$70,000 for electricity/propane; \$30,000 for chemicals; \$60,000 for sludge disposal; and \$18,000 for routine maintenance. Again, if the actual costs are higher, we owe Severn Trent. If lower, they owe us.

It is necessary to treat energy costs as a variable expense in this contract due to the uncertainty of the rate caps on electricity, scheduled to expire in 2011. Nobody knows for sure what the new rate will be, or if the rate caps will be extended. If energy costs were to be the sole responsibility of Severn Trent, the contract cost would need to be substantially higher.

- 3) The original contract limited the amount of sludge that the plant could accept before Severn Trent was entitled to a share of that revenue. In the proposed contract, Severn Trent does not receive any portion of sludge revenue, so long as the need for overtime is avoided.

- 4) The new contract includes percentage increases in the second and third year based on the CPI-U, without consideration for the number of new taps.

A question remains yet concerning “baseline conditions”. The contract allows for additional fees if the stated baseline flow is exceeded. That question will not be resolved until Monday, and needs to be answered before final approval of the contract.

Recommended Action – Approve of the renewal contract with Severn Trent, retroactive to June 2009.

Item 5C: Update on Phase #1 of Smoke Testing Program.

Ebensburg Borough, and in fact all municipalities, is being directed by DEP to reduce the amount of inflow and infiltration (I&I) into the wastewater system. This is actually an EPA requirement being enforced by DEP. Infiltration occurs when ground-water seeps into sewer pipes through cracks, leaky joints or deteriorated manholes.

By far, however, the bigger problem is inflow. This occurs in direct proportion to the amount of rainfall. The typical source is storm water from downspouts, basement sump pumps (that capture water entering basements) or driveway and foundation drains that are connected directly to a sanitary sewer pipe.

The Ebensburg Wastewater System normally processes 600,000 g.p.d. That flow has swelled to as much as 8.2 million g.p.d., largely due to the amount of inflow into the system.

EPA has required a 10-year corrective action plan to reduce I&I. The most recent step taken by the borough under that corrective action plan was the adoption of an ordinance requiring private stormwater systems to be tested for illegal connections to the wastewater system.

2009 is the year that Ebensburg Borough begins our DEP-required testing of residential and commercial sewage systems. The tests are intended to detect any connections that are allowing infiltration into the sewage system.

Borough crews are set to begin smoke-testing sections of town. Smoke is pumped into the sanitary sewer system under pressure and then rises out of any illegal taps such as downspouts. Smoke will escape through ground to indicate leaks in service laterals. Property owners that have any such illegal sources of infiltration will be required to pay to have corrections made.

This Ordinance does not require replacement of sewer lines under a basement slab. Corrections will only be required to portions of the sewer system that would reasonably be expected to be exposed to weather and subject to leaking.

The testing will occur in a specific section of town each year over the next six years. In 2009, we will be testing all properties west of Center Street. Smoke testing in Ebensburg is scheduled to begin on September 14th and will last for approximately six weeks. Work will begin along North & South Center Street and move in a westerly direction toward Lovell Park and Hillcrest Drive.

The smoke may on occasion enter buildings. That could happen if sewage traps are empty or lacking. The smoke is non-toxic and leaves no residue. Staff will make every effort to notify property owners in advance of any testing in specific areas. Public notices will appear in local newspapers, and news releases will be provided to local media.

Recommended Action – No action required.

6. RECREATION COMMITTEE

Illig & Barber

7. STREET COMMITTEE

Miller & Lutz

Item 7A: Review of West Ogle Street Sidewalk Project.

The pace of work on the Ogle Street sidewalk project has improved since our meeting with the contractors and follow-up letter. Completed quantities now match the amounts that have been invoiced and paid.



The project deadline was extended to August 10th. Actual work is expected to be completed by the end of August. The sub-contractors have met with the Department of Labor & Industry regarding prevailing wage compliance, and L&I has authorized continued payments to the contractor, subject to a final review prior to final payment.

Recommended Action – No action required.

Item 7B: Award Bids for Purchase of 134 Trees.

Residents have made their own selections relative to species of trees to be planted along this year's sidewalk project. Staff compiled the list and advertised for bids. Bids were opened on August 14th. Two nurseries bid on the contract.

The low bid was Eisler Nurseries from near Butler. They have provided trees to Ebensburg for several years. They were not able to provide six specific trees in the specifications. The second bidder is able to provide those six trees. Staff is recommending that the bid be awarded to Eisler Nurseries with the exception of those six trees, and that those six trees be awarded to the second bidder, Ray's Nursery.

Recommended Action – Award the following bids:

Eisler Nurseries, Prospect	129 Varied	\$17,190
Ray’s Nursery, Johnstown	6 Crimson Sentry	\$1,050

Item 7C: Selection of Street(s) for 2010 Sidewalk Project.

Staff will review a proposal to undertake a sidewalk and curb replacement project in 2010 on North Center Street and East Highland Avenue. The proposed project involves 2,038 LF of sidewalk and 4,802 LF of curbing. That is slightly more curbing than done in 2009, but only about one-half of the amount of sidewalk. Several properties in this new project are expected to keep their existing brick. There are 52 properties involved in the project, one fewer than in 2009.

Once completed, this project will have a drastic impact on everyone traveling through Ebensburg. It is a very visible street, and the improvements will be a natural extension of the downtown streetscape.



There are some factors that make this project different from other residential projects. First, Center Street is a State road. That means that the project will require PennDOT approved drawings and a traffic control plan. While detouring will not be necessary, the plan is required for flagging and signage. These requirements, plus the need to cut the street two feet outside of the curb, will increase the unit cost.

Second, Center Street and Highland Avenue are different in that old trees form a popular canopy across the street. Approximately one-half of those trees have been removed over time by owners due to the poor condition of the trees. There are approximately 24 such trees on each street.

In January we surveyed all property owners along this project to learn their opinions on the trees. Sixteen of fifty-five surveys were returned. Fifteen supported the project, while one felt that sidewalk improvements should be done individually. On Center Street, six of seven preferred that old trees be replaced. On Highland Avenue, five of eight had the same preference.

We intend to stress to the property owners at the public meeting that the decision on what to do with their trees is up to them individually. There are only three trees in the project that need to be removed because they impede the curb or are too close to a driveway. Staff does not feel it is necessary to do a wholesale replacement of trees in this project, due to the tree lawns being wider than most.

All of those responding to the survey supported the idea of extending Victorian streetlights up Center Street to Highland Avenue. If affordable, new streetlights would have both an aesthetic benefit and a practical benefit. The existing streetlights are above the trees and do not penetrate well to the street. Light posts would be more functional regardless of any decisions made regarding tree. We should at a minimum install the wiring conduit while the area is excavated.

The improvements on East Highland Avenue include curbs and sidewalks on both sides between Center Street and Caroline Street. Between Caroline Street and Margaret Street, both sides would have new curbs but only the north side would have a sidewalk. No improvements are planned below Margaret Street.



The project would be funded in the same fashion as all previous projects, in that the property owners would be assessed the actual bid cost of the sidewalk and the borough would pay for the balance of the project from the sidewalk reserve.

The first step in the project would be scheduling a meeting in September to describe the project to the residents. All residents are already aware that the project is being proposed, and there seems to be general support for it.

At the same time, staff recommends proceeding with design. Engineered drawings will be required for State-owned Center Street. It will not be necessary to have engineered drawings for borough-owned Highland Avenue. We can simply apply the same standards to Highland Avenue without the need to be site specific. The estimated cost of design is \$20,000.

Staff will show a series of photographs at the meeting to review the scope of the project.

Recommended Action – Authorize design of sidewalk improvements on North Center Street.

Item 7D: Update on East Crawford Street Stormwater Project.

Staff spoke to Council several months ago concerning a stormwater problem on East Crawford Street at Center Street that caused a severe icing condition during the winter months. Borough crews are nearly completed with those repairs. A new 12” stormwater line was installed along the south side of Crawford Street between Center Street and Locust Street. Two new catch basins were installed along East Crawford Street, and a third was installed on Center Street at Veterans Park. A french drain was installed into the park to help drain water.



At Locust Street the new pipe turned north, and connected to an existing catch basin just south of Horner Street.

Recommended Action – No action required.

8. ADMINISTRATION COMMITTEE

Tusing, Barber & Lutz

- * Item 8A: Review of 2010 Annual Budget Preparation
Work on the 2010 annual budget will begin next week. Department heads will review statistics from 2009 and begin compiling their 2010 budget requests. The borough manager will develop preliminary numbers, and the administrative committee will finalize a draft budget for Council’s consideration in October.

Recommended Action – No action required.

9. GENERAL BUSINESS

- * Item 9A: Minutes of Previous Meeting(s).
The minutes of the previous meeting are presented for Council review and approval.

Recommended Action – Approve the minutes of the previous meeting.

- * Item 9B: Financial Statement
The financial statement for July 31, 2009 is presented for approval. A 12-month fund balance analysis is also included.

Recommended Action – Approve the financial statement.

- * Item 9C: Bills
A list of bills totaling \$187,246.70 is submitted for approval.

The list of bills includes an account in the amount of \$1,630.02 payable to Barber Oil Company. An abstention will be recorded in the minutes on behalf of Councilor Barber on that particular bill.

Recommended Action – Approve payment of the bills as submitted.

- * Item 9D: PSAB Fall Leadership Conference.
The Pennsylvania State Association of Boroughs’ Fall Leadership Conference is at the Ambassador Conference Center in Erie on October 16-18. Topics include Federal policies and implications for State and local governments; upcoming expiration of electric rate caps; assessing police services; and duties of a codes enforcement official. There is also a session on utilizing the Federal Home Loan Bank Letter of Credit Program for financing major community projects (such as our pool project).

Recommended Action – Approve attendance of Council, Mayor and Manager at the PSAB Fall Leadership Conference.

- * Item 9E: Delivery of New Police Vehicle.
The new 2009 Ford Excursion has been delivered and is now in service.



Recommended Action – No action required.

Item 9F: Sale of 2001 Dodge Durango

The 2001 Dodge Durango was advertised for sale in the daily newspaper. The following bids were received:

Naugle Auto & Truck, Nanty Glo	\$ 586.93
Sulli Motors, Ambridge	\$1,068.00
Conemaugh Fire Company	\$1,100.00
Nanty Glo Police Department	\$2,200.00
Leonard Kmett, Hollsopple	\$2,500.00

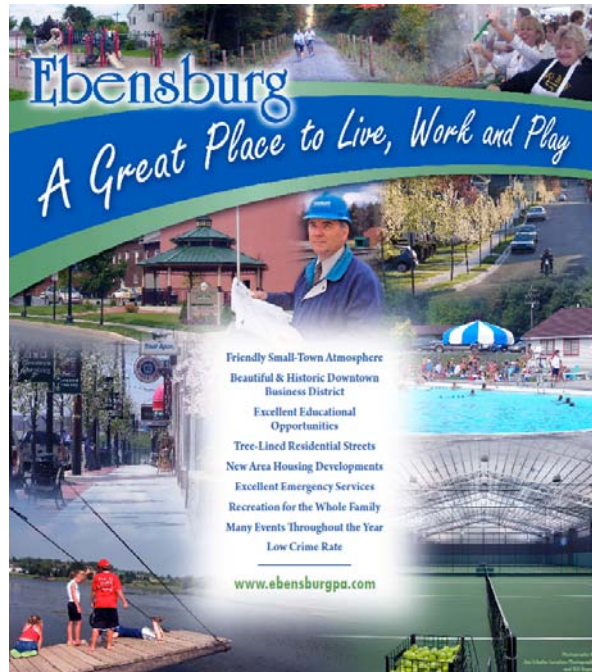


If the vehicle is sold to the highest bidder, in this case a private individual, all emergency equipment would have to be removed. Article XII, Section 4(iv)(A) of the Pennsylvania Borough Code allows property to be sold to another political subdivision without advertising. Staff is recommending that all bids received for the vehicle be rejected, and that the vehicle be sold to Nanty Glo Police Department, as is, for \$2,200.00.

Recommended Action – Reject all bids received for the 2001 Dodge Durango, and sell the vehicle to Nanty Glo Police Department for \$2,200.00.

Item 9G: Update of Proposed Borough Marketing Activities.

Staff discussed with Council last month a proposed marketing program for the borough. That program included a display panel intended for expos and display at sites throughout the borough, and a newspaper advertisement intended to target potential home and business buyers. The branded marketing message was to promote Ebensburg as a great place to live, work and play. The consensus of Council was to not only approve of the ideas presented but to expand the marketing effort to other forums. Staff was asked to develop a year-round marketing strategy and present that to Council.



Staff has prepared a year-round marketing plan that includes newspaper, television, radio and billboard advertising. The plan incorporates many of the advertising initiatives already in place for and paid for by our various events. The new costs to support this marketing plan is approximately \$8,000 for a year, an amount that would need to be incorporated into the 2010 budget.

Recommended Action – Dependent on discussion.

Item 9H: Resolution #2009-05, Code of Ethics for Elected & Appointed Officials.

Proposed for adoption is Ebensburg Borough's first Code of Ethics for elected and appointed officials. Residents expect responsible, fair and honest officials, and compliance with this Code will assist all of the borough's officials and employees in satisfying that goal.

There has never been a single incident that has caused any reason for one to suspect that any borough official, past or present, has acted unethically. This is purely a proactive measure intended to outline the types of activities that would be deemed to be wrong, and that all officials and employees should strive to avoid.

Recommended Action – Dependent on discussion.

Item 9I: Resolution #2009-06, Application to DCED for Additional \$30,000 in Façade Grant.

The most recent façade grant program has been exhausted. Eleven various improvement projects were funded at downtown businesses since last Fall. Ebensburg is eligible for an additional \$30,000 in façade grants from DCED. Resolution #2009-06 authorizes the application for those funds.

Recommended Action – Adopt Resolution #2009-06 applying for façade funds from DCED.

Item 9J: Re-appraisal of Borough Property by Industrial Appraisal Company

Industrial Appraisal Company issues an updated property valuation report on behalf of the borough every year. That report is necessary to assure that adequate amounts of insurance exist for all property and facilities. If Industrial Appraisal certifies the replacement cost of property, and the borough insures the property to that amount, then full replacement of the property is guaranteed without any risk of being underinsured. It is also used by our accountants for asset valuation and GASB compliance. A percentage increase is applied every year to adjust for inflation.

The last full appraisal for Ebensburg was more than thirteen years ago. It is therefore likely that our property values are far out of line. During those years, Ebensburg has added many facilities that have never been appraised including the YPCC, tennis center, sewage plant upgrade, building improvements, playgrounds, Penn Eben Park, Memorial Field, pavilions, Saltlick water line and the Prave lot. Those facilities are of course all insured, however, no appraised value has ever been calculated.

Since so much time has passed since the borough's last full appraisal, staff is recommending that Industrial Appraisal be authorized to conduct such an appraisal of all property. The cost of the appraisal, to be performed in early Spring, is \$8,795.00.

Recommended Action – Authorize Industrial Appraisal Company to perform a full appraisal of borough property in 2010, at a cost of \$8,795.00.

10. DEPARTMENT REPORTS

Item 10A: Police Department

Chief Wyland will provide a verbal report on the police department's activities during the month. A written report was e-mailed to Council separately.

Item 10B: Public Works Department

Public Works Director Jeff Evans will provide a verbal report on the public works department's activities during the month.

Item 10C: Community Development

Community Development Director Christine Strugala will provide a verbal report on the community development department's activities during the month.

Item 10D: Recreation Department

Recreation Director Matt Pfeil will provide a verbal report on the recreation department's activities during the month.

* Item 10E: Codes Enforcement

A monthly building codes enforcement report was e-mailed to Council separately.

* Item 10F: Ebensburg Municipal Authority

A copy of the draft minutes of the most recent municipal authority meeting is not yet available.

* Item 10G: Ebensburg Planning Commission

The planning commission met on August 6th with representatives of Sutter & Associates to develop zoning district regulations specific to Ebensburg's new zoning ordinance.

* Item 10H: Ebensburg Zoning Board

No activity

* Item 10I: Central Cambria Coalition

A. Establishment of Regional Zoning & Building Codes Enforcement Agency

Staff from the three coalition member municipalities are beginning to formulate plans for the creation of the coalition's new regional codes enforcement agency. All three municipalities have now given the required notice of their intent to withdraw from either the COG program or the county codes enforcement agency.

Staff will compile a number of documents including an intergovernmental agreement and related ordinance for creation of the program, and administrative documents such as an annual budget and job descriptions.

The new agency will be charged with handling all matters related to building codes, zoning, property maintenance and nuisance ordinances. The position will also serve as a single point of contact for new development in the area. It is not unusual for one desiring to construct a project in Cambria Township to have to deal with the township zoning

board, township planning commission, borough water department, township sewage agency, township zoning officer, county building codes agency and others. This joint office should greatly simplify that development process.

The new agency will be funded 100% by fees already in place. Officials hope to be able to eventually decrease those fees, collecting only what is necessary to fund the department. As the agency's size is much smaller than the COG or county agency, it should be able to be much more customer friendly and responsive.

It will be necessary to present to each municipality's elected officials an intergovernmental agreement and implementing ordinance by September in order to allow sufficient time to have the agency operational by January 1st.

11. MEDIA COMMENTS/QUESTIONS

Representatives of the media are invited to comment and ask questions at this time on any issues, whether or not on the agenda.

12. PUBLIC COMMENTS

Members of the public are invited to comment at this time on any issues, whether or not on the agenda.

13. ADJOURNMENT

Copies of all staff reports and documents subject to disclosure that relate to any item of business referred to on the agenda are available for public inspection the Thursday before each regularly scheduled meeting at the Borough office, located at 300 West High Street, Ebensburg, Pa. Any documents subject to disclosure that are provided to members of the Borough Council regarding any item on this agenda are available for public inspection at the Borough office or at www.ebensburgpa.com.

In accordance with the Americans With Disabilities Act, if you need special assistance to participate in this meeting, please contact the Borough office (814) 472-8780 or eburg@ebensburgpa.com. Notification 48-hours before the meeting will enable the Borough to make reasonable arrangements to ensure accessibility to this meeting.