Ebensburg Borough Council Meeting
Monday, December 21, 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 November 23, 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.

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

5. WATER & WASTEWATER COMMITTEE — Tusing & Kuhar

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.

Recommended Action – No action required.

6. RECREATION COMMITTEE — Illig & Barber

7. STREET COMMITTEE — Miller & Lutz

8. ADMINISTRATION COMMITTEE — Tusing, Barber & Lutz

Item 8A: Full-time Police Position
Thirteen applicants sat for the written test administered on November 12th. Twelve passed the written test, and eleven of those participated in an oral examination administered on December 5th. Ten applicants successfully passed both examinations. Scores were totaled, and those eligible for veteran's preference had an additional ten points added to their score. Background checks were conducted on the top three scorers, and those three names comprise the final eligibility list presented by the Civil Service Commission. Two of the three applicants on the final eligibility list are veterans and must be given preference. All three applicants were interviewed by members of Borough Council on December 14th.

The administrative committee will announce the recommended hire at the meeting.

Recommended Action – Hire _____ as a full-time police officer effective January 3, 2010 at the contractual pay grade.

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 November 30, 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 $192,819.15 is submitted for approval.

The list of bills includes an account in the amount of $494.16 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: Airport Runway Safety Area (RSA) Project

Bids were opened on November 25th for the runway safety improvement project. The base bid for this involves grading within the RSA (beyond the pavement area) to meet current FAA requirements. The RSA is currently 90 feet wide while the current requirement is for the RSA to be a minimum of 120 feet wide. Alternate #1 involves replacement of stormwater pipe under the taxiway. Alternate #2 will add fence where none exists now at the east end of the airport. The bids, including both alternates, are well within the engineer's estimate, and RACRA is recommending that the alternates be approved along with the base bid. The following bids were received.

	Base Bid	Alternate #1	Alternate #2	Total
Engineer's Estimate	$363,537.50	$39,200.00	$17,000.00	$419,737.50
T. P. Contracting, Loretto	$291,455.00	$22,109.00	$22,435.00	$335,999.00
Straw Construction, Boswell	$303,139.57	$20,241.85	$21,319.09	$354,700.51
HRI, Inc., State College	$359,705.00	$18,102.50	$20,680.00	$398,487.50
Berkebile Excavating, Tire Hill	$361,777.74	$19,175.82	$26,270.07	$407,223.63
Ray Winters & Son, Indiana	$359,010.00	$29,215.00	$30,700.00	$418,925.00
Five R Excavating, New Florence	$413,958.30	$23,479.00	$31,825.00	$469,262.30
Gordon Delozier, Hollidaysburg	$479,584.70	$24,847.50	$19,575.00	$524,007.20
Danmar Contracting, Delmont	$508,132.50	$41,573.00	$24,461.50	$574,167.00
Donegal Construction, Greensburg	$554,683.50	$24,367.00	$22,269.00	$601,319.50
Joseph Vacarrello Inc., Carnegie	$566,295.00	$30,492.00	$33,450.00	$630,237.00
CH&D Enterprises, New Stanton	$557,929.00	$93,560.00	$26,020.00	$677,509.00
D.C. Ventre & Sons, Duncansville	$590,795.00	$67,138.00	$31,540.00	$689,473.00
L&M Excavating, Johnstown	$651,126.00	$47,444.00	$21,459.00	$720,029.00

This project is being funded with grants through the FAA (95%) and PennDOT's Bureau of Aviation (2½%). RACRA is providing the local match (2½%).

Recommended Action – Award a contract to T. P. Contracting in the amount of $335,999.00 for the runway improvement project.

Item 9E: Airport Fuel Farm Rehabilitation Project

Bids were opened on December 15th for the fuel farm rehabilitation project. The base bid for this project involves the replacement of various elements of the fuel farm system to improve the reliability of the system. Those elements include a new fuel pump, hose, hose reel, fuel filters, ground cable, and card reader system. If additional funds are available, the fuel pump enclosure will be changed to a non-combustible material, and some security lighting will be added. The additional items were described in Alternates #1, #2 and #3. The following bids were received.

	Base Bid	Alternate #1	Alternate #2	Total
Engineer's Estimate	$35,000.00			
George Reitz & Sons, Brookville	$33,523.00			
Graziani & Co., New Castle	$36,000.00	$2,000.00	$9,700.00	$1,750.00

Reitz, the low bidder for the base bid, failed to bid on the alternates. Alternate #1 is a very desired item and could have possibly been acquired within the available funds, but the low bidder did not include a bid for those items. The Engineer is negotiating with the Bureau of Aviation to determine if additional grant funds can be made available in order to accept the second bid and any of the alternates. He expects to have a recommendation for Council at the meeting. It is possible that the project may require rebidding.

This project is being funded with a grant through PennDOT's Bureau of Aviation (75%). RACRA is providing the local match (25%).

Recommended Action – Dependent on funds available from Bureau, and Engineer's recommendation.

Item 9F: Tax Collector

Charlene Remillard has resigned as Ebensburg Borough Tax Collector effective December 31st due to personal reasons. The new 4-year term would have begun in January and expired at the end of 2013.

The tax collector collects earned income taxes, emergency service taxes and real estate taxes on behalf of the borough, county and school district. The position earns approximately $28,000 annually. That will decrease to approximately 16,400 in 2011 when EIT will be collected by a single collector county-wide.

Council has 30 days from December 31st to fill the vacancy. The position can be advertised for interest, and an appointment made at the January meeting. The only requirements for the position are that the applicant be registered, a resident for at least one year and be bondable. The local tax collector has historically established an office in his/her own home. ADA regulations apply to that home office. It is important that the position be filled no later than the January meeting, as the tax collector name, office address and hours must be known for printing of the bills in February. The county will perform an audit of the former tax collector. The new appointment will be for two years until the next municipal election.

The tax collector has worked from his or her home since Mrs. Crowley held the position. Before that, the tax office was in the borough office. Staff is recommending that the tax office return to the municipal building. The inconvenience associated with the telephone ringing and payers knocking at the door at home outside of business hours is great. Home-based offices also must comply with ADA regulations, as well as keeping parking areas and walks clear. The tax collector would still establish his or her own hours, and those hours may even be outside of the borough's regular office hours. Allowing the office staff to accept tax payments would be much more convenient for the residents. A separate telephone number could be established for the tax collector desk. We have a desk, PC, phone available in front office.

Recommended Action #1 – Determine any requirement for location of tax office.

Recommended Action #2 – Accept the resignation of Charlene Remillard as tax collector effective December 31st, and advertise the position.

Item 9G: Building Codes Enforcement

It was the intent of the three municipalities participating in the Central Cambria Coalition to form a single codes enforcement agency that would enforce the building code and zoning ordinances in all three municipalities. Over the past few months, the governing bodies had

taken the steps to adopt the intergovernmental agreements and have the new Central Cambria Building Codes Enforcement Agency ready to take over enforcement on January 1st.

There is a shortage of qualified and certified individuals capable of functioning as enforcement officers, and the Coalition has been unable to fill the position. Instead, members have agreed to enter into an agreement with Middle Department Inspection Agency (MDIA). MDIA provides codes enforcement across Pennsylvania and the surrounding states. They are headquartered in West Chester, and our area is serviced from a regional office in Wexford. They have a local codes officer employed from Adams Twp, and one from Indiana. The one in Indiana is through Ebensburg every day, as he services Logan Twp and other municipalities in Blair County. MDIA is well known and respected across the state.

Members are recommending that we enter into a 1-year agreement with MDIA. The agreement has a 90-day termination clause, and is very similar to the arrangement that the municipalities had with our previous enforcement agencies. Each municipal office will have application packets available for the public. MDIA will stop every other day at the municipal office to pick up and process applications. All checks will be made out to MDIA. There is no cost to the municipality for the service. The building permit fees with MDIA are generally 15-20% lower than those currently being charged.

During the coming year, members can continue to search for a local person to hire as originally intended. After evaluating MDIA for a time, the governing bodies may all agree to stay with MDIA.

Under this arrangement, Ebensburg Borough will have to provide its own zoning and property maintenance enforcement. Much of the property maintenance is already being performed in-house. Zoning enforcement though is a bit more involved and time intensive. The Borough Manager can provide that service at least through this next year. If a local officer is eventually hired, he/she will then assume that responsibility as planned. If MDIA is retained beyond the first year, Council can determine then whether a part-time zoning officer is necessary.

The regional codes enforcement agency that the Coalition formed a few months ago can remain intact; it just will not be used for now. We also created a regional codes appeals board. That regional appeals board will be necessary even under an agreement with MDIA.

Recommended Action – Approve a 1-year Agreement with Middle Department Inspection Agency to provide building codes enforcement within the borough, effective January 1, 2010.

Item 9H Floodplain Management Ordinance

FEMA is in the process of publishing revised floodplain maps. Heretofore, Ebensburg Borough and Westmont Borough were the only municipalities in Cambria County declared free of flooding hazards. The revised floodplain maps however designate areas near Howell's Run and Lake Rowena as floodplains. Because of the map revisions, Ebensburg Borough is required to create floodplain regulations in order for property owners to be able to participate in the National Flood Insurance Program.

FEMA is requesting that the new Ordinance be completed by April. The absolute deadline for adoption is December 2010. Ordinance #568 is proposed to satisfy the need for floodplain regulations. It is based on a model ordinance provided by FEMA.

Recommended Action – Grant tentative approval to Ordinance #568, the Floodplain Management Ordinance, and advertise it for public inspection.

* Item 9I Reorganization Meeting.
Make it a matter of record that the Reorganization Meeting of Borough Council will be held on Monday, January 4th at 6:30 p.m.

Recommended Action – No action required.

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 minutes of the municipal authority meeting is not included, as their meeting is on the same day.

* Item 10G: Ebensburg Planning Commission
No activity.

* Item 10H: Ebensburg Zoning Board
No activity.

* Item 10I: Central Cambria Coalition
Discussion this month was limited to the regional codes enforcement program.

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.