



Ebensburg Borough Council Meeting
Monday, November 23, 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 October 26, 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 by Councilor Illig on amount owed Erica Illig.

Recommended Action – Approve the consent agenda.

2. APPOINTMENTS TO ADDRESS COUNCIL

- Item 2A: RACRA.**
Representatives of RACRA wish to present a report to Council on activities at the airport this year and projects underway.

Recommended Action – No action required.

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

Item 7A: Review of West Ogle Street Sidewalk Project

Fred Imler & Sons, the prime contractor on the Ogle Street sidewalk project, encountered an issue with the Department of Labor & Industry over a failure to pay prevailing wages. In a settlement drafted by L&I, a balance of \$10,057.44 was owed by Imler to his employees. In lieu of a final payment to Imler, L&I requested that the borough instead pay the sum directly to L&I for processing to those employees. Borough Council discussed the proposed settlement in an executive session following last month's meeting. The Solicitor has since obtained a signed certification from Imler assuring that payment of the agreed settlement will satisfy all obligations of the borough to the State, employees and Imler.

The new trees were delivered on November 13th and planting is underway.

Recommended Action – 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.

Item 7B: North Caroline Street Parking

The Ebensburg Area Ambulance Association has asked that parking be banned on the west side of North Caroline Street across from the ambulance station. They have difficulty getting ambulances safely in and out of the station when vehicles are parked in that location. A telephone pole at the corner of the driveway greatly restricts the ability to turn the ambulance.



Staff looked at the situation. While it is possible to get the ambulance out of the first bay and onto the street with vehicles parked across the street, there is risk of damage from getting too close to the telephone pole or the parked car. Backing the ambulance into the station is more difficult.

There are a total of three parking spaces in that area, and they are frequently used. The church does not feel that eliminating the parking spaces will cause any difficulty, so long as parking regulations are not strictly enforced during weekend services. If it was not for the telephone pole at the corner of the driveway, there would be ample room to turn the ambulance. The pole cannot be moved due to the gas utilities in that immediate area.

Recommended Action – Dependent on discussion

8. ADMINISTRATION COMMITTEE

Tusing, Barber & Lutz

Item 8A: 2010 Annual Budget

The 2010 annual operating budget was tentatively approved last month and was advertised for public inspection. It is ready for final adoption.

Action – Grant final approval to the 2010 annual budget.

Item 8B: Tax Ordinance #567

An Ordinance is required each year to establish the real estate tax for the coming year. Ordinance #567 was granted tentative approval last month, was advertised for public inspection and is ready for final adoption.

Action - Grant final approval to Ordinance #567, establishing the 2010 real estate tax.

Item 8C: 2010 Fee Resolution

A Resolution is required each year to establish fees to be charged for various services for the coming year. All fees, including garbage collection, remain unchanged from 2009.

Action – Adopt Resolution #2009-12 establishing the fees to be charged in 2010 for various purposes.

Item 8D: 2010 Wage & Salary Resolution

A Resolution is adopted each year to establish the wages to be paid to borough employees, as recommended by the administrative committee and included in the 2010 budget. A comparison of 2009 and 2010 wages is included in the packet.

Action – Adopt Resolution #2009-13 establishing wages to be paid in 2010.

Item 8E: Supplemental Agreement, Fraternal Order of Police

The proposed supplemental agreement relaxes the 10-mile residency requirement for full-time police officers hired before November 2009. All future police officers will be required to reside within a 10-mile radius of the borough. Regardless of date of hire, those considered for appointment to Chief of Police or Acting Chief shall have satisfied the residency requirement.

Action – Approve the supplemental agreement with the full-time police officers and the FOP.

Item 8F: Police Department SOP Update

The police department’s standard operating procedure (SOP) was first adopted in 1998. Staff is recommending that the SOP be updated to address use of the Taser, car cameras, and ENRADD. The Use of Force section was also updated. The proposed amendments have been reviewed by the Chief of Police, Mayor and Borough Manager, and all three recommend approval. Council has been provided a copy of the amended sections. A copy of the complete SOP is available on the borough’s website.

Action – Adopt Resolution #2009-14 amending the Ebensburg Borough Police Department’s Standard Operating Procedure and Code of Conduct.

Item 8G: Full-time Police Position

Thirteen applicants sat for the written test administered on November 12th. The 12 of those that passed the written test will sit for an oral test on December 5th. Those that pass the oral examination have that score added to their written examination score. Those eligible for veteran’s preference have an additional ten points added to their score. Prior to being ranked in the top three, a background check is conducted on the applicants. The civil service commission will present to Council a list of applicants with the top three total scores. If only one on that final list is a veteran, Council is obligated to select that veteran. If there are two or more veterans on the final list of three, Council is free to make a selection. Council will be given the opportunity to interview those three candidates, if desired. The selected officer’s hiring is subject to medical and psychological exams.

Staff expects to have the eligibility list for Council’s action in December.

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 October 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 \$408,897.13 is submitted for approval.

The list of bills includes an account in the amount of \$1,442.39 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: December Meeting.
Make it a matter of record that the December meeting of Borough Council will be held on Monday, December 21st.

Recommended Action – No action required.

Item 9E: Airport Grants

RACRA has acquired a grant for snow removal equipment, as described earlier in the evening by RACRA representatives. Two pieces of equipment have already been purchased under the grant, and it is necessary to formally approve those purchases. RACRA has provided the local match. As a matter of record, the borough has advanced the grant share of those purchases in order to pay the vendors, and will be reimbursed 100% once the grant funds are received.

Kimball & Associates has been working on design specifications for the runway safety improvement project. The only expenses incurred thus far for that project have been from Kimball for design and from the Conservation District for a permit fee. No funds are advanced for this project, as all parties wait for grant funds to be received prior to payment.

Recommended Action #1 – Approve purchase of snow removal equipment consisting of a pickup truck and plow system in the amount of \$20,074.00 (State bid) from Tri-Star Motors.

Recommended Action #2 – Approve purchase of snow removal equipment consisting of a Fair Manufacturing snowblower in the amount of \$59,545.00 (State bid) from Cambria Tractor.

Recommended Action #3 – 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

Item 9F: Airport Layout Plan

RACRA has submitted a letter seeking Council’s approval to allow seasonal vendors to occupy the frontage area along Route #22 at the airport. It would be necessary to submit a revised airport layout plan to the Bureau of Aviation in order to allow non-aeronautical activity at that site. An amended airport layout plan is included in Council’s packet. Council members had previously indicated an informal approval of this proposal.

Recommended Action – Approve amendment to airport layout plan allowing seasonal vending along Route #22 frontage.

Item 9G: Stormwater Management Master Plan

In 2001 and 2002 Borough Council authorized L. Robert Kimball & Associates to pursue funding for development of a Stormwater Management Master Plan. The plan was expected to cost approximately \$75,000 at that time. A \$10,000 planning grant was later received that was used to acquire new digital mapping of the borough. That digital mapping has been used time and time again in recent years for a variety of projects including the update of the sewage collection system and sidewalk improvement projects. No further funding was ever received, and the stormwater project has stood still since then.

Other stages of that master plan development have occurred since then, but as a result of other work. For example, much of the effort that would have been required to determine stormwater line sizes was accomplished during the sewage collection system project. And in 2006, the county acquired new color orthographic photography of the borough. The remaining cost to complete a new Stormwater Management Master Plan has been whittled down to \$44,200.

This is an example of a project that could have been affordably undertaken in phases over a few years. Instead, we waited for funding that never came and the project remains incomplete.

Council has been provided with an updated proposal from Kimball for completion of the stormwater plan. Staff is suggesting that while efforts continue to acquire funding, we proceed in phases with local funding to complete the project over a four-year period.

The current stormwater system servicing Ebensburg Borough, where it exists, is undersized and in poor condition. Many areas of the borough are without a stormwater collection system at all. It is not unusual for existing stormwater lines to flow in excess of capacity and produce geysers in back yards. Projects are routinely undertaken that further surcharge the stormwater collection system, such as Memorial Field, the Babcock property, addition of new basins, etc.

Staff will review with Council a breakdown of the three watershed areas and sub-areas within the borough. It is important that stormwater management improvements be initiated. Staff will also review how a phased project can be paid for utilizing the existing dedicated stormwater tax.

Recommended Action – Dependent on discussion.

Item 9H: Citizen Survey

The last survey of residents was conducted in 2006. The surveys have always been a source of good ideas, and a reliable barometer of how local government services are being provided. Staff has prepared a draft survey for 2010 and is seeking Council's input on questions they may wish to see added or other issues to be explored.

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 last week’s municipal authority meeting is in Council’s packet.

* Item 10G: Ebensburg Planning Commission

1) Kaza Subdivision

The planning commission approved the Kaza subdivision, the case conditionally approved by Council last month.

2) Zoning Updates

The planning commission continues to work on revisions to the zoning ordinance. The updated zoning map has been completed. Most sections of the zoning ordinance have been completed. Some final revisions are needed yet regarding preservation of historic character of certain neighborhoods, parking space design standards, driveway surfaces, satellite dishes, definitions, and planned residential development. The regional planning group expects to be able to recommend the new zoning ordinances to all three Coalition governing bodies shortly after the new year.

Action – No action required.

* 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.