



Ebensburg Borough Council Meeting
Monday, October 26, 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 8D: Hire Thomas Branas as an assistant at the tennis center.

Item 9A: Approval of the minutes of the September 2, 2009 regular monthly meeting of Borough Council.

Item 9B: Approval of Financial Statement & Fund Transfers

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.

Item 9F: Approval of a lease of the swimming pool house to Keith Maul and Ashley Powell at a rate of \$300/mo. escalating through the lease.

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.

Recommended Action – No action required.

Item 5B: Telephone Notification System

Water systems are now required to have a means in place to notify customers about system emergencies, water repairs, dirty water, etc. Staff will review a “Reverse 911” telephone notification system.

The proposed system is with SwiftReach Networks of New Jersey, a program endorsed by Pa Rural Water Association. The setup cost is \$350. The annual subscription is \$800. The price per call is 5¢/30 second call. The system can make 3,000 calls per minute. Calls would be placed to all customers to notify them of a water emergency or line flushing, or can be placed to just those few customers within a certain radius of a water leak.

Recommended Action – Approve service agreement with SwiftReach Networks for telephone notification system.

Item 5C: Industrial Park Infiltration

A great deal of inflow and infiltration (I&I) exists in the industrial park collection system. It is believed that leaking private laterals and tapping tees are the main cause. That collection system was slip-lined approximately ten years ago, and the tapping tee joints were chemically grouted six years ago. It is necessary to decrease the amount of I&I in the park, or begin consideration of upgrading the pumps in the pump station.

Staff is recommending that the lines be videotaped and cleaned. That process will allow for all leaks to be detected, and they will be rated from least to worst. All sources of I&I will be documented and the exact locations known. The borough system is responsible for any leaks in the mains, the tapping tees, and the portion of the service lateral between the tap and the property line. The customer will be responsible for any leaks detected in the service lateral inside of the property line.

There are several companies in the immediate area that perform this type of work. The cost is expected to be less than \$1.50 per linear foot to clean and video approximately 5,500 LF of 8” pipe. That should not exceed the bid limits. Staff is recommending that proposals be sought from those area companies.

Recommended Action – Authorize seeking proposals for cleaning and videotaping of industrial park collection system.

7. STREET COMMITTEE

Miller & Lutz

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

All work has been completed with the exception of the street paving. As the agenda is being prepared, Grannas Brothers has arrived and completed all base repairs. The loop west of Memorial Field has been paved, and it is possible that all street paving could be completed prior to the Council meeting.

A call is expected any time from the nursery saying that the trees are ready for transplanting.



An issue remains open regarding payment of prevailing wages to employees by the contractors. Council will be discussing this issue in an executive session at the end of this meeting.

Recommended Action – No action required.

8. ADMINISTRATION COMMITTEE

Tusing, Barber & Lutz

Item 8A: 2010 Annual Budget

Nothing elicits groans from an agenda like the auditors' report in the spring, and the budget presentation in the fall. But there is nothing more important to borough government than its finances, and both deserve our attention. We are fortunate that in both cases, the reports generally come as good news.

The 2010 budget is no exception, in that it also represents good news. The budget will be presented with no increases in taxes, and contains a significant reduction in overall utility rates.

The 2010 annual budget is granted tentative approval at this meeting, advertised for public inspection, and then adopted at the November meeting. The budget has already been reviewed with the recreation board and municipal authority.

Action – Grant tentative approval to the 2010 annual budget and advertise for public inspection.

Item 8B: Tax Ordinance #567

An Ordinance is required each year to establish the real estate tax for the coming year.

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

Item 8C: Full-time Police Position

Twenty-six applications were received for the full-time police officer position. The civil service commission rejected six of those applicants as not satisfying the minimum requirements. The first step in the hiring process is a written examination. Those that receive a grade of at least 70% on the written test are then given an oral examination.

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.

Council needs to appoint a written examination administrator. Staff is recommending that Bill Gamble Municipal Police Testing of Oakdale be appointed to administer and grade the written test. Section one of that test is a cognitive type test that tests the candidates' proficiency in reading comprehension, writing skills, and general mathematics. Section two of that test is an attitude and personality characteristics exam that measures the candidates' effectiveness in interacting with fellow officers and the public. The total cost to test the twenty remaining applicants is \$680.

The oral examination will be administered by a panel of three persons appointed by the civil service commission. The commission has appointed Joseph Stephan, Dick Hassinger and Ed Miller to that panel.

Recommended Action – 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.

* Item 8D: Part-time Hire.

Staff is recommending that Thomas Branas be hired as an assistant at the tennis center during Amanda's maternity leave.

Recommended Action – Hire Thomas Branas as assistant at tennis center, effective 10/23/09 at the rate of \$7.25/hr.

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 September 30, 2009 is presented for approval. A 12-month fund balance analysis is also included.

At the end of each quarter, fund transfers are made in order to process transfers made to and from reserve accounts, and to distribute the cost of routine and capital expenses among the proper accounts. Fund transfers made for the 3rd quarter are attached.

The financial statement requires an explanation. Note that the fund balances for all three accounts are down. The water and wastewater fund balances are down primarily because the utility bills were processed late in September due to late meter readings. Payments that are normally due by the end of September were not due until October 10th. That will rebound during October. Several capital purchases were paid in September that were spread across all three funds, including the purchase of the Babcock property and the new tractor mower. The purchase of the new police car also contributed to the lower general fund balance. The fund balances at the end of October are expected to return to near normal.

Recommended Action – Approve the financial statement and fund transfers.

* Item 9C: **Bills**

A list of bills totaling \$313,602.08 is submitted for approval.

The list of bills includes an account in the amount of \$347.33 payable to Barber Oil Company. An abstention will be recorded in the minutes on behalf of Councilor Barber on that particular bill. It also includes an account in the amount of \$500.00 to Erica Illig. An abstention will be recorded in the minutes on behalf of Councilor Illig for that bill.

Recommended Action – Approve payment of the bills as submitted.

Item 9D: Central Cambria Codes Enforcement Agency

The Central Cambria Coalition has been preparing for the switch from the two existing building codes agencies to the new Central Cambria Codes Enforcement Agency. Ebensburg Borough currently utilizes the Cambria/Somerset COG for building code and zoning enforcement. Cambria and Jackson townships use the Cambria County Building Codes Enforcement Agency. The change will be effective at the beginning of the year.

An intergovernmental agreement has been developed outlining the proposed arrangement. The code 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.

The full-time position of codes inspector has been advertised, and applicants have been interviewed. The Coalition hopes to have the position filled in early December in order to allow time to prepare forms, applications and other administrative items in advance of the program's January start date.

Municipalities are also required to have in place an appeals board for building code disputes. The three member municipalities belong now to regional appeals boards through the current regional enforcement agencies. It will be necessary to form a new regional appeals board for the new program. A second proposed intergovernmental agreement accomplishes that.

Both ordinances have been advertised and are ready for final adoption.

Recommended Action #1 – 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.

Recommended Action #2 – 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.

Item 9E: Loader Purchase

Staff had intended to include in the 2010 capital budget the replacement of the 1991 W14. An opportunity arose when a 2004 machine in like-new condition with 1,000 hours, leased by Bedford Township, became available at Cambria Tractor. It was consensus of Council last month to pursue the purchase of the used machine this year. Staff was instructed to advertise for bids for the purchase of a used loader, and to advertise the old loader for sale.



The following bids were received for a newer loader:

Cambria Tractor, Ebensburg	\$68,000.00
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The following bids were received for the sale of the old loader:

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

Recommended Action #1 – Award a bid in the amount of \$68,000.00 to Cambria Tractor for the purchase of a 2004 used Case Model 621 loader.

Recommended Action #2 – Approve selling the 1991 Case W14 loader to Rollock for the bid amount of 13,363.00.

Item 9E: Streetscape Lawsuit – Straw Construction Co.

In an executive session following last month's meeting, Council granted tentative approval to a settlement in the dispute with Straw Construction over the failed concrete in the 2005 streetscape project. That settlement agreement is being written and is expected to be received in time for the Council meeting. The Solicitor is recommending that it be executed.

The streetscape project cost \$1,327,000. The issue in the case was concrete that crumbled or spalled almost immediately after completion of the project. There was concrete valued at \$120,000 that was completely unacceptable. Straw has agreed to replace all of that concrete. There was another amount of finished concrete that was showing early signs of spalling. The borough has monitored that concrete for two years, and it shows no signs of worsening. That concrete, valued at \$80,000 could be tolerated, and the borough sought \$40,000 in damages. Instead, the borough will select twenty of those questionable slabs for Straw to replace, and accept a cash settlement of \$17,500. All work must be started by 3/30/10 and be completed no later than 5/30/10. The new concrete will have a renewed warranty.

Recommended Action – If in hand, approve the settlement agreement in the matter of Ebensburg Borough vs. Straw Construction Company relative to the streetscape project. **OR**, if not yet in hand, approve the settlement agreement subject to confirmation by the Solicitor that the terms are as described.

* Item 9F: Pool House Lease

The longtime tenant of the borough-owned house at the swimming pool has moved. The borough received an immediate inquiry, and the property was rented to Keith Maul and Ashley Powell. The current rental rate of \$300/mo. continues for the first year, and increases automatically to \$350 in the 2nd year and \$400 in the 3rd year.



Recommended Action – Approve the lease of the swimming pool house to Keith Maul and Ashley Powell.

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 will consider at its November 5th meeting an application for the subdivision of a parcel being purchased by Ryan Kaza at the corner of Phaney Street and Crawford Street. Normally, Council grants final approval to a subdivision following the planning commission’s review and approval. In this case, the need for a subdivision of the trailers from the residence was a very late requirement of the financing company. The closing cannot be delayed until Council’s next meeting, as the new owner would miss a significant rebate on the purchase. Mr. Kaza is asking Council to consider granting approval to the subdivision conditional upon subsequent approval of the planning commission. Mr. Kaza will own both subdivided properties.

Staff recommends that the subdivision be approved in this unusual fashion. The residence has been vacant since struck by fire several years ago, and the trailers have been habitual property maintenance offenders. The property transfer will be beneficial to the neighborhood.



Action – Grant approval to the Kaza Subdivision, subject to the Planning Commission’s concurrence.

* 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. EXECUTIVE SESSION

- * Item 13A: Personnel Matter
Council will consider a personnel matter. The topic will not result in any action following the session.
- * Item 13B: Personnel Matter
The administrative committee will discuss non-union negotiations. The topic will not result in any action following the session.
- * Item 13C: Ogle Street Litigation
Council will consider a proposed settlement in a prevailing wage dispute relative to the Ogle Street project. This topic will require a decision when Council reconvenes.

14. 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.