



Ebensburg Borough Council Meeting
Monday, April 26, 2010
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
Randy Datsko

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 6A: Adopt Resolution #2010-03 authorizing signatures for documents related to the swimming pool grant application.
- Item 9A: Approval of the minutes of the March 22, 2010 regular monthly meeting of Borough Council.
- Item 9B: Approval of Financial Statement and Fund Transfers.
- Item 9C: Approval of Bills
Vote to be recorded reflecting abstention by Councilor Barber on amount owed Barber Oil Company.
- Item 9G: Adopt Resolution #2010-05 authorizing signatures for documents related to the winter storm reimbursement.
- Item 9H: Adopt Resolution #2010-06 authorizing signatures for documents related to a \$300,000 downtown improvement grant through DCED on behalf of Ebensburg Downtown Partners.

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

- * Item 6A: Swimming Pool Project Grant
DCNR requires a Resolution authorizing signatures on documents related to the swimming pool grant application.

Recommended Action – Adopt Resolution #2010-03 authorizing signatures for documents related to the swimming pool grant application.

Item 6B: Lake Rowena Treatment

A permit had been obtained from the Pa Fish Commission for herbicide treatment of the growth in Lake Rowena this summer. Since then, Aquatic Environmental Consultants of Scotland, Pa submitted a proposal to conduct the treatment, and they can perform the work cheaper than we could have purchased the chemicals. The permit has already been amended to allow AEC to apply the treatment in early June.



Recommended Action – Engage Aquatic Environmental Consultants for treatment of Lake Rowena, in the amount of \$2,477.00.

Item 7A: North Center Street/East Highland Avenue Sidewalk Project

Rural Valley Construction has begun work on this project. They are working four 10-hour days, appear to have sufficient staff on the job, are doing good work, and are on schedule.



Borough crews have begun replacement of the four catch basins at the intersection with Horner Street. The two on Horner Street can be replaced now. The two on Center Street will have to wait until traffic is switched to the opposite side later in the project.

It is worth noting that PennDOT, who normally requires that full-time inspection be engaged from an engineering firm, has agreed to allow the Borough to use its own Jeff Evans for inspection. This exception was allowed due to Jeff's knowledge of PennDOT forms and procedures and their experience having worked with Jeff on similar projects in the past. The waiving of the full-time inspection requirement will result in a savings of approximately \$30,000.

Recommended Action – No action required.

Item 7B: North Center Street/East Highland Avenue Tree Removal

Tri-County Tree Service has completed cutting of trees along the project. Borough crews are removing stumps at a pace sufficient to stay ahead of the contractor. We prefer to not get too far ahead, as the stump removal results in removal of existing sidewalk slabs and a muddy condition.



Borough staff suggested to residents along the project the idea of lining North Center Street and East Highland Avenue with hybrid elm trees. A copy of that proposal is in Council's packet. The response from residents has been overwhelmingly supportive of the idea.

Recommended Action – No action required.

Item 7C: Street Paving

The streets proposed for paving in 2010 are Randolph Street between Spruce & Beech, Beech Street between Highland & Randolph, Maple Springs Court, and Ann Street from Julian Street west.



This project is less than one-half the size project we would normally undertake. That may result in a unit cost that is substantially higher than past years. The cost per ton could vary from \$55 to \$75. If the bid cost is higher than \$65 per ton, Council may wish to postpone the work and add it to next year's project in order to receive a lower unit cost. Either way, the combination of Liquid Fuels and County Aid will be more than sufficient to pay for the project without the need for general fund dollars. The project has been advertised for bids, with bids due on May 17th.

Recommended Action – No action required.

Item 7D: Streetscape Repairs

Straw Construction has begun replacing failed sections of the streetscape project. Their work is expected to be completed by May 31st.



Recommended Action – No action required.

8. ADMINISTRATION COMMITTEE	Tusing, Barber & Lutz
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* Item 8A: Junior Councilor Applications
 Annie Takacs’ term as Ebensburg’s Junior Council member will expire at the end of May. Advertisements have been placed for interested applicants and notices have been distributed in the schools. An appointment will be made at the May meeting.

Recommended Action – No action required.

Item 8B: Field Maintenance

This position handles maintenance at Memorial Field. The position is 20 hours/week at minimum wage. Michael Leary has some experience working on Central Cambria’s fields. Staff is recommending that he be hired for this position, and counted among the other summer workers for the remainder of the work week.

Recommended Action – Hire Michael Leary for maintenance of baseball fields at Memorial Field at the rate of \$7.25/hr.

Item 8C: Lifeguards

The summer lifeguard positions were advertised and the applications were considered by the Recreation Board. We received 12 applications. Matt Pfeil and the Board are recommending that all applicants be hired as lifeguards.

Monica Rudolph	Tanner Street	6 th yr.
Charles Marcinko	East Highland Avenue	5 th yr.
Emily Hansen	East Crawford Street	5 th yr.
Dominick Risaliti	East Highland Avenue	4 th yr.
Sarah Marcinko	East Highland Avenue	4 th yr.
Renee Risaliti	East Highland Avenue	4 th yr.
Brianna Gillin	North Julian Street	4 th yr.
Mariah Seymour	East Horner Street	3 rd yr.
Matthew Litzinger	South Phaney Street	1 st yr.
Chelsea Nelson	Jamesway Road	1 st yr.
Cody Slebodnick	Meadowview Court	1 st yr.
Luke Marcinko	East Highland Avenue	1 st yr.

Recommended Action #1 – Hire Monica Rudolph as head lifeguard at the rate of \$8.25/hr.

Recommended Action #2 – Hire the other eleven listed persons as lifeguards at the rate of \$7.25/hr.

Item 8D: Summer Maintenance

The summer maintenance positions were advertised and seven applications were received. One was excluded as not meeting the minimum age requirement. Staff recommends that four of those be hired for the routine summer maintenance positions.

Brian Springer	West Lloyd Street	4 th yr.
Jordan Paterson	South Center Street	3 rd yr.
Luke Caroff	West Ogle Street	2 nd yr.
Robert Leary, Jr.	West Lloyd Street	1 st yr.

Recommended Action #1 – Hire Ron Jacobs as the summer work supervisor at the rate of \$11.50/hr.

Recommended Action #2 – Hire Brian Springer, Jordan Paterson, Luke Caroff and Robert Leary for summer maintenance at the rate of \$7.25/hr.

Item 8E: Summer Public Works

Two of the summer workers in recent years have been assigned to the public works crew, with AFSCME approval.

Recommended Action – Hire Corey Faish (3rd) and Kevin Adams (1st yr) for summer public works at the rate of \$7.25/hr.

Item 8F: Landscaping

This position handles landscaping responsibilities at the YPCC, tennis center, swimming pool, Kimball Park, Penn Eben Park, Lake Rowena and all playgrounds. The position is 30 hours/week between May and October. Charmaine Aurandt held the position last year and is available to return in 2010.

Recommended Action – Hire Charmaine Aurandt as part-time landscaper at the rate of \$7.55/hr.

Item 8G: Ordinance #572, Elimination of Killed-In-Service Benefit

In 2006, Act 600 was amended to require a killed-in-service benefit to police officers killed in the line of duty. The benefit required continued payment of 100% of salary to dependants. Since payment of such a benefit would have had a devastating impact on the financial assets of a pension plan, many municipalities, including Ebensburg Borough, chose to insure the benefit.

Act 51 of 2009 transfers the obligation for that benefit from municipal pension plans to the Commonwealth. Since the benefit was added in 2006 by Ordinance #537, a new Ordinance is required in order to eliminate the benefit. The policy insuring the benefit will be allowed to expire.

Recommended Action – Grant tentative approval to Ordinance #572 eliminating the killed-in-service benefit under the Uniformed Pension Plan, and advertise for public inspection.

* Item 8H: Investments

From time to time staff solicits investment proposals from area banks to verify that funds are earning the maximum interest rate available. The following proposals were received on March 31st.

	<u>FNB</u>	<u>1st C' wealth</u>	<u>Northwest</u>	<u>Ameriserv</u>
Checking	0.17%	0.10%	0.55%	0.06%
Money Market	1.03%			1.51%
1-Yr CD	0.65%	0.90%		1.35%

There is approximately \$1.8 million on hand in checking and money market accounts at First National Bank. Current interest rates are so low, and the difference between institutions is so little that staff recommends the funds be allowed to remain at First National Bank.

All government funds in excess of \$250,000 are fully collateralized by the bank as required under Act 72 of 1971.

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 March 31, 2010 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 1st quarter are attached.

Recommended Action – Approve the financial statement and fund transfers.

* Item 9C: Bills

A list of bills totaling \$189,333.47 is submitted for approval.

The list of bills includes an account in the amount of \$187.10 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: Ordinance #571, Firearms in Parks

Tim Havener, a resident of Ebensburg Borough, expressed concern that Ebensburg's Ordinance regulating parks also regulates the carrying of firearms in parks. He alleged that the firearm prohibition was a violation of Section 6120 of the Pa Uniform Firearms Act,

which states, “No county, municipality or township may in any manner regulate the lawful ownership, possession, transfer or transportation of firearms, ammunition or ammunition components when carried or transported for purposes not prohibited by the laws of this Commonwealth.” The laws of the Commonwealth (except Philadelphia) only prohibit firearms in court and school buildings.

The matter was referred to the Solicitor, who agreed with Mr. Havener’s interpretation of the Act. The proposed Ordinance deletes language in two sections of the existing ordinance specific to regulation of firearms.

The proposed Ordinance was granted tentative approval last month, was advertised for public inspection and is ready for final adoption.

Recommended Action – Grant final approval to Ordinance #571 deleting a prohibition on firearms in parks.

- * Item 9E: Spring Clean-Up
Spring Clean-Up is scheduled in Ebensburg on May 26th and 28th on regular pick-up days.

Recommended Action – No action required.

Item 9F: Ordinance #573, Tax Delinquencies

In 1985 Ebensburg Borough entered into an agreement with Berkheimer Associates for collection of delinquent earned income, per capita and occupational privilege taxes. Over the years as tax collectors changed, enforcement of collections of delinquent taxes became lax. Central Cambria School District has approached all three coalition municipalities suggesting that collection of delinquent taxes should be improved.

Following discussion at the last coalition meeting, members agreed to seek strict compliance with tax collections. All agreed that the same firm should be utilized by all three members, and to engage Berkheimer Associates for delinquent collections. Members also agreed that it was important to go back the previous three years to collect delinquencies, and capture any delinquencies before the change to county-wide collections in 2012.

All costs and fees of collection of delinquent taxes are borne by the taxpayer and are paid directly to and retained by the delinquent tax collector. Act 192 of 2004 requires that the delinquent tax collector be authorized by Ordinance to collect and retain those fees. The fees are attached as part of the proposed Ordinance. The Act also prescribes the time periods and methods of collection.

This issue applies only to Earned Income Tax and Local Services Tax. Ebensburg Borough repealed the per capita tax in 2005. Real Estate Tax delinquencies are handled by the county.

Recommended Action #1 – Adopt Resolution #2010-04 appointing Berkheimer Associates as the delinquent tax collector for Act 511 taxes.

Recommended Action #2 – Grant tentative approval to Ordinance #573 authorizing Berkheimer Associates to impose and retain costs and fees associated with delinquent tax collection, and advertise it for public inspection.

- * Item 9G: Winter Storm Disaster Declaration
FEMA requires a Resolution authorizing signatures on documents related to the winter storm reimbursement.

Recommended Action – Adopt Resolution #2010-05 authorizing signatures for documents related to winter storm reimbursement.

- * Item 9H: Downtown Improvement Grant
DCED has authorized an additional \$300,000 in grant funding for downtown improvements, specifically for renovations to the former Odd Fellows Building at 207 West High Street.

The additional funds will be payable through an amendment to an existing grant agreement. A Resolution authorizing signatures is required for the amendment. While the Borough serves as the applicant for the downtown improvement grants, all responsibility for grant administration is vested in Ebensburg Downtown Partners through a previously adopted sub-recipient agreement.

Recommended Action – Adopt Resolution #2010-06 authorizing signatures for documents related to a \$300,000 downtown improvement grant through DCED on behalf of Ebensburg Downtown Partners.

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 codes enforcement report is provided in Council's mailbox.

- * Item 10F: Ebensburg Municipal Authority

A copy of the minutes of the last municipal authority meeting is included in Council's packet.

Item 10G: Ebensburg Planning Commission

- * 1) Zoning, Subdivision & Land Development, and Stormwater Management Ordinances
The three member municipalities of the Central Cambria Coalition have been working for over a year with Sutter & Associates to develop new zoning, stormwater and subdivision

ordinances. Each municipality will be adopting its own separate ordinances, but the ordinances in all three municipalities will be similar.

The next required step in the adoption process is a Public Hearing conducted by Borough Council. That hearing is scheduled for Monday, May 3rd. Assuming that significant changes are not made, the proposed ordinance can be ready for Council's tentative adoption at the May Council meeting.

The Subdivision Ordinance requires review at the same hearing.

The Stormwater Management Ordinance is considered complete. All three Ordinances will be presented to Borough Council for tentative approval in May.

Recommended Action – No action required.

- * Item 10H: Ebensburg Zoning Board – No activity
- * Item 10I: Central Cambria Coalition
Coalition members discussed the ongoing adoption process of the land use ordinances and collection of delinquent taxes. A copy of the meeting minutes is included in Council's packet.

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.