



**Ebensburg Borough Council Meeting**  
**Monday, February 22, 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 9A: Approval of the minutes of the January 25, 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 9F: Adopt Resolution #2010-02 authorizing full-time office staff to receive and receipt tax payments on behalf of the tax collector.
- Item 9G: Appoint Christina Shoemaker to an unexpired term on the Ebensburg Area Business Commission, term expires December 2010.
- Item 10G: 1) Grant final approval to the Berzonsky subdivision.  
2) Grant final approval to the Springer subdivision.

Recommended Action – Approve the consent agenda.

**2. APPOINTMENTS TO ADDRESS COUNCIL**

**Item 2A: 2009 Audit.**

Stephanie Stohon and Jill Bender of Wessel & Company will review with Council the 2009 audit.

**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: North Center Street/East Highland Avenue Sidewalk Project**  
The project is currently advertised for bids, with bids due on March 8<sup>th</sup>.



A separate component of this project is a proposal to extend the Victorian streetlights north on Center Street as far as Highland Avenue. This would also include matching sign posts and street signs as was done in the downtown. The cost of the streetlight and sign portion of the project would be for materials only, as the installation can be done by borough crews. Bids for this portion of the project were opened on February 15<sup>th</sup>.

The following four bids were received:

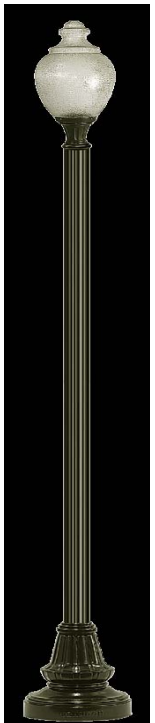
Hanks Illuminations – Bid received one day late; was returned to bidder unopened.

Hite Company – Total bid is \$26,775.46. The bid is deemed non-compliant as the posts are only 3” diameter rather than 5”.

The Streetscape Company – Total bid is \$7,513.72. The bid is deemed non-compliant as they only bid the signs and not the lights, and the signs did not meet the specifications.

Brandon Industries – Total bid is \$30,688.00 and is totally compliant.

Recommended Action – Table action on bids received pending receipt and consideration of construction bids next month.



**Item 7B: Ordinance #569, Amendment to Sidewalk Ordinance.**

The proposed Ordinance makes minor changes to the section of the existing sidewalk Ordinance that stipulates where sidewalks are required. The changes are required to reflect work already performed on West Ogle Street, and work planned on future projects. The changes are as follows:

East Sample Street – Clarifies that the blocks between Caroline and Poplar have sidewalks on the north side only.

Rowena Drive – Adds the requirement for sidewalks on the north side of the street, including segment between Manor Drive and the new bridge.

West Ogle Street – An existing line in the Ordinance already requires sidewalks on both sides of the entire length of West Ogle Street. Conflicting language is being deleted.

West High Street – An existing line in the ordinance already requires sidewalks on both sides. Conflicting language is being deleted.

Recommended Action – Grant tentative approval to Ordinance #569 amending the sidewalk Ordinance, and advertise it for public inspection.

**8. ADMINISTRATION COMMITTEE** **Tusing, Barber & Lutz**

**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 January 31, 2010 is presented for approval. A 12-month fund balance analysis is also included.

Recommended Action – Approve the financial statement and fund transfers.

- \* Item 9C: Bills  
A list of bills totaling \$158,021.56 is submitted for approval.

The list of bills includes an account in the amount of \$1,296.16 and \$1,137.86 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: 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.

Ordinance #568 is proposed to satisfy the need for floodplain regulations. It is based on a model ordinance provided by FEMA. 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 #568, the Floodplain Management Ordinance.

- \* Item 9E: Countywide Earned Income Tax Collection

Municipal and school officials continue to meet monthly to establish a countywide collection system for earned income taxes. The new system must be in place for 2012 collections. While we had hoped to have it ready to go for 2011, that no longer appears likely. The monthly meetings are being held at Ebensburg's municipal building.

In January the committee engaged Mike Carbonara as its Solicitor. They expect to adopt the required by-laws in March. They have agreed to establish a preliminary operating fund of \$25,000. In the long-term, tax collections will be used to fund the committee's operation. Ebensburg Borough's weighted contribution to that operating fund will be \$315.

The committee will begin developing an RFP to solicit proposals from third-party tax collection agencies. It appears to be the consensus of the committee that a third-party option is preferred rather than creating a new bureau and employing staff.

Recommended Action – No action required.

- \* Item 9F: Resolution #2010-02, Tax Receipts

One of the advantages of bringing the tax collector office back into the municipal building was the expanded hours by which residents could pay their taxes. The tax collector obviously will not be present at the office to collect the taxes, and the full-time office staff will be collecting the payments. The law requires that those receiving tax payments on behalf of the tax collector be duly authorized by the Borough and the tax collector. The proposed Resolution provides that authorization.

Recommended Action – Adopt Resolution #2010-02 authorizing full-time office staff to receive and receipt tax payments on behalf of the tax collector.

- \* Item 9G: Ebensburg Area Business Commission Appointment  
Lou Hribar of Northwest Savings Bank resigned from the EABC due to a transfer. The EABC is recommending that Christina Showmaker of Allegheny Chesapeake Physical Therapy be appointed to fill his term.

Recommended Action – Appoint Christina Shoemaker to an unexpired term on the Ebensburg Area Business Commission, term expires December 2010.

**Item 9H: Ordinance #570, Local Law Citations**

Ebensburg Borough has several ordinances in force that regulate nuisance violations. Enforcement of those ordinances is problematic. The penalty provisions include a fine of up to \$600, plus up to 30 days in prison. The enforcement process begins with a notice of violation mailed to the violator, and if the problem is not corrected, generally within 10 days, a civil complaint is filed at the District Magistrate. Filing of the complaint costs approximately \$80. The process is time consuming, allows too much time for the condition to continue, adds additional filing costs, and requires a formal hearing or guilty plea to settle.

The proposed Ordinance authorizes a citation for enforcement of specific nuisance violations, very similar to that used to enforce various parking violations. Enforcement is performed by police officers as they encounter violations. The officer simply checks the appropriate violation(s) and issues the citation. It provides for a very simple process, saves considerable time, provides for a reasonable fine, and removes the District Magistrate from the process.

The local law citation would be applicable to the following ordinances and violations:

|                |  |
|----------------|--|
| Ordinance #326 | High grass or weeds prohibited                   |
| Ordinance #380 | Dogs defecating on public property               |
| Ordinance #494 | Outdoor burning restricted                       |
| Ordinance #507 | Animals prohibited in parks                      |
| Ordinance #511 | Storage of nuisance vehicles                     |
| Ordinance #511 | Storage of nuisance materials                    |
| Ordinance #513 | Sidewalks to be kept clear of snow and ice       |
| Ordinance #513 | Vehicles prohibited on sidewalk                  |
| Ordinance #513 | Depositing snow on street or sidewalk prohibited |
| Ordinance #513 | Depositing grass clippings on street or sidewalk |
| Ordinance #559 | Obstruction of sidewalk prohibited               |

This Ordinance does not nullify the penalty provisions in the existing ordinances. If the citation is not paid within seven days, then the existing penalty provisions of the applicable Ordinance are invoked and a formal civil complaint is filed.

Recommended Action – Grant tentative approval to Ordinance #570 providing for a local law citation, and advertise it for public inspection.

## 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

Awaiting first report from MDIA.

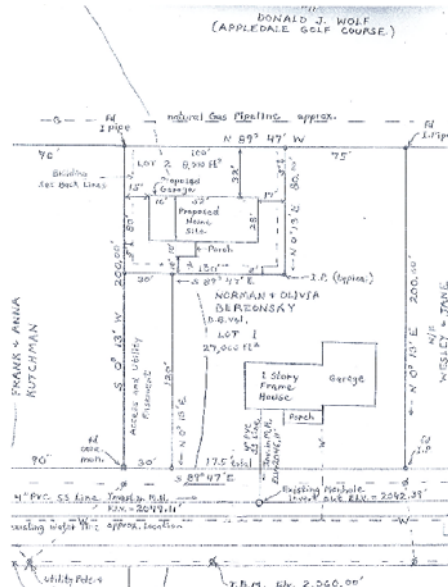
### \* Item 10F: Ebersburg Municipal Authority

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

### \* Item 10G: Ebersburg Planning Commission

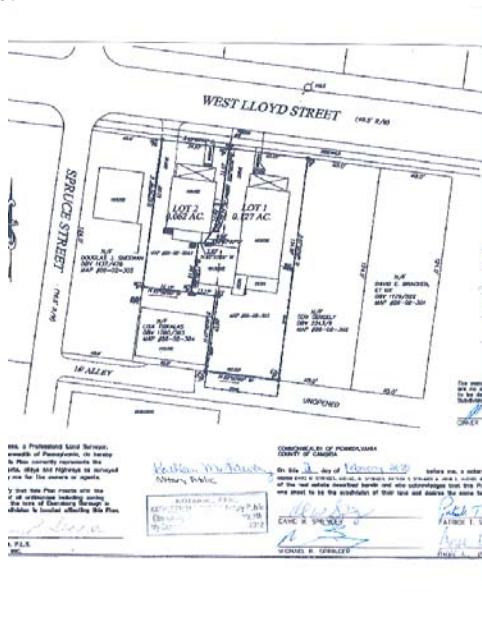
#### \* 1) Berzonsky Subdivision

The planning commission approved the subdivision application of Norm Berzonsky for 127 Lovell Avenue. He intends to create a new parcel at the southeast corner of the existing lot. An access and utility easement is provided to the new parcel. The proposed use for the new parcel is a single-family dwelling. The zoning board has previously approved a special exception for residential construction in a commercial zone.



Recommended Action – Grant final approval to the Berzonsky subdivision.

- \* 2) Springer Subdivision  
The planning commission approved the subdivision application of Michael Springer for 514 West Lloyd Street. His father had owned two adjoining properties for many years. Both homes are approximately 90 years old. A garage was constructed between the two residences approximately 35 years ago, prior to enactment of zoning. Following his father's death, the family intends to sell both residences individually. It is necessary to assign the existing garage to the 514 address and the proposed boundary line accomplishes that. Members expressed concern that the proposed boundary line is within inches of the second parcel. The only apparent alternative to the new subdivision is demolition of the garage.



Recommended Action – Grant final approval to the Springer subdivision.

- \* 3) 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 Ebensburg Borough Planning Commission has advertised a public meeting of the Commission for March 4<sup>th</sup> at 6:30 p.m. to receive public comment on the draft ordinances. A final draft of the proposed ordinances is expected to be forwarded to Borough Council soon after that public meeting. Borough Council is then required to conduct a public hearing on the zoning and subdivision ordinances. A 45-day comment period is required prior to the hearing, so the hearing will probably be near the beginning of May. Council should be able to grant final approval to all three ordinances at the June meeting.

Recommended Action – No action required.

- \* Item 10H: Ebensburg Zoning Board  
No activity.
  
- \* Item 10I: Central Cambria Coalition  
There was no meeting in February.

## **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](http://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](mailto:eburg@ebensburgpa.com). Notification 48-hours before the meeting will enable the Borough to make reasonable arrangements to ensure accessibility to this meeting.*