



**Ebensburg Borough Council Meeting**  
**Monday, March 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 February 22, 2010 regular monthly meeting of Borough Council.
- Item 9C: Approval of Bills  
Vote to be recorded reflecting abstention by Councilor Barber on amount owed Barber Oil Company.
- Item 10G: Schedule a Public Hearing for the proposed Zoning Ordinance & Zoning Map and the proposed Subdivision and Land Development Ordinance on Monday, May 3, 2010 at 6:30 p.m.

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 involves 5,662 feet of new curb and 1,665 sq. yds. of new sidewalk. That’s a bit more curb than last year’s project but a bit less sidewalk. The project estimate was \$303,195 for Center Street and \$160,000 for Highland Avenue. The following 11 bids were received. A detailed bid tabulation with unit costs is included in the meeting packet.

Rural Valley Construction, Rural Valley	\$388,825.00
Berkebile Brothers, Johnstown	\$448,850.00
Kishmo. Inc., Apollo	\$451,138.00
Thomas DiDiano, Pittsburgh	\$479,487.25
BCS Construction, Altoona	\$512,136.00
Glenn Hawbaker, State College	\$523,864.80
Gordon DeLozier, State College	\$529,732.00
D.C. Ventre, Duncansville	\$616,142.00
Straw Construction, Boswell	\$643,404.00
Dennis Fleeher, Cecil	\$658,373.00
HRI, Inc., State College	\$676,491.00

Several changes were made to the specifications this year. We required all bidders to be pre-qualified by PennDOT, a process that assures a contractor is experienced and capable of performing the work. We required bidders to demonstrate experience with prevailing wage submissions. We required that the prime contractor perform a minimum of 75% of the work themselves rather than involve sub-contractors. The liquidated damages penalty was increased to \$350/day.



Borough staff met with the low bidder on March 8<sup>th</sup>, and are satisfied that the contractor is thoroughly familiar with the project, and has a history of acceptable work on similar projects. The contractor is prepared to begin the project immediately. The contractual deadline for completion is July 31<sup>st</sup>.

Action – Award a contract to Rural Valley Construction in the amount of \$388,825.00 for sidewalk and curb construction on North Center Street and East Highland Avenue.

**Item 7B: North Center Street/East Highland Avenue Lighting & Signs**

This component of the project extends 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 is for materials only, as the installation will be done by borough crews. Bids for this portion of the project were opened on February 15<sup>th</sup> and were tabled last month pending the results of the sidewalk construction bids.

The following four bids were received:

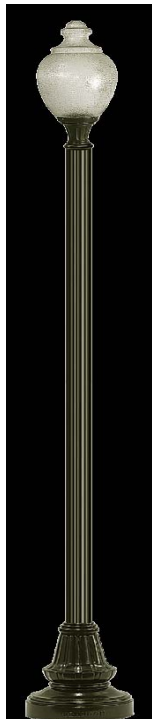
Hanks Illuminations – Bid received one day late; was returned to bidder unopened.

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 – Award a contract to The Streetscape Company in the amount of \$30,688.00 for the purchase of streetlights and signs for North Center Street.



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

This contract involves removal of 39 trees along the project. Project specifications were mailed to eleven potential bidders. The only bid received on Friday, March 19<sup>th</sup> was from Tri-County Tree Service of Ebensburg in the amount of \$16,600.00.

The trees in this project are much larger than in previous projects, and in many cases involve utility lines and structures. The project also requires approved traffic control measures along North Center Street. Staff believes that those two factors lead to most companies not expressing an interest in the project. The cost per tree in this lone bid is \$367. That appears to be in line with last year's cost of \$214 considering the size of these trees, the exposures, and the required traffic control. There is a separate charge for unusually large trees at Matevish Funeral Home.

The sidewalk contractor is prepared to begin work immediately, thus there is insufficient time to seek additional bidders. Staff is recommending that the bid be awarded to the sole bidder.



Action – Award a contract to Tri-County Tree Service in the amount of \$16,600.00 for removal of trees along North Center Street and East Highland Avenue.

**Item 7D: 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.

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 #569 amending the Sidewalk Ordinance.

**Item 7E: Winter Emergency**

The Commonwealth has requested Federal disaster assistance for many Pennsylvania counties, including Cambria County and therefore Ebensburg Borough. In order to receive Federal reimbursement of expenses the storm must be recognized as a near-record snowfall event and the costs for any 48-hour continuous period must exceed the per capita threshold of \$3.23 countywide. In addition to satisfying the criteria, the President must approve the emergency declaration before funds are approved.

Council has been provided with a copy of Ebensburg’s reimbursement request in the amount of \$6,587.97. Ebensburg incurred very little in overtime costs because it is our policy to separate into two shifts during winter emergencies.

The report does not indicate the total cost incurred for the winter storms, but rather ONLY the costs for the 48-hour period of February 11-12. Ebensburg Borough budgets a sufficient amount every winter to cover extraordinary events, and we expect to remain within budget this winter.

Word is expected very soon as to whether the Federal declaration is approved or not.

Recommended Action – No action required.

**8. ADMINISTRATION COMMITTEE**

**Tusing, Barber & Lutz**

\* Item 8A: Summer Employment Applications

The summer maintenance and lifeguard positions have been advertised. Applications are due on April 5<sup>th</sup>. The Recreation Board will have recommendations for lifeguard hiring at Council’s April meeting. The Public Works Department will submit recommendations for the summer positions.

Action – No action required.

\* Item 8B: 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. Applications are due by April 5<sup>th</sup>. An appointment should be made at the May meeting.

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 February 28, 2010 is presented for approval. A 12-month fund balance analysis is also included.

The format of the financial statement has been modified to include ALL Borough funds. Heretofore the statement was limited to the general, water and wastewater funds. Included now are the liquid fuels account, YPCC activities account, façade grant account, airport project account, and pool project account.

Terminology within the financial statement has also been modified to comply with GASB 54 (Governmental Accounting Standards Board). GASB Statement No. 54 is intended to clarify fund balance classifications. What we previously referred to as “reserved” funds is now identified as “assigned”. Those funds that were “unreserved” are now identified as “unassigned”. Implementation of the change is required by June 2011.

Updated financial statements reflecting the revised format have also been provided for the end of 2009 and January 2010.

Recommended Action – Approve the financial statement.

\* Item 9C: Bills

A list of bills totaling \$308,130.55 is submitted for approval.

The list of bills includes an account in the amount of \$1,769.38 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 #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.

Council expressed a desire last month to add a provision for appeals on the citation. This new Ordinance does not supersede the provisions of the underlying ordinances, and the various underlying ordinances have different appeal processes. The following is the language that was added to the Ordinance and the printed citation.

SECTION 4. Any person aggrieved by the issuance of a Local Law Citation has a right to appeal, within seven (7) days, by requesting the Ebensburg Borough Police Department to file a civil complaint under the provisions of the underlying Ordinance, in place of the Local Law Citation, thereby affording oneself the opportunity for a hearing.

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 #570 providing for a local law citation.

**Item 9E: Airport Grants**

All equipment under the grant for snow removal equipment has been received, and the list of final bills associated with the project are below. The grant contract was for \$135,790.00. The total spent was \$135,717.74. The local match, provided by RACRA, was 2½%.

Recommended Action – Approve the following payments relative to the airport snow removal equipment:

Kimball & Associates	\$1,933.45
Kimball & Associates	\$ 683.47
Centre Communications	\$2,718.55
Al’s Tires	\$ 64.00
Keystone Electric	\$ 300.00

**Item 9F: 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.

Recommended Action – Grant tentative approval to Ordinance #571 deleting a prohibition on firearms in parks, and advertise it for public inspection.

**Item 9G: Alarm Systems**

The county 9-1-1 center will discontinue the monitoring of alarm systems after June 2010. The Borough has monitored alarms at the water plant, wastewater plant, YPCC, tennis center and police office, plus the two panic systems at the YPCC and tennis center. Staff had considered discontinuing the alarms anyway, and the 9-1-1 center's decision to terminate that service brings the issue up now.

Staff is recommending that we discontinue monitoring of all of the alarms with the exception of the panic buttons at the two facilities. We feel it is important to continue to provide that measure for the safety of patrons using the 24-hour access during late evening and early morning hours.

Alarms at the water plant and wastewater plant will continue to function but will notify staff members instead via an automatic dialer. The fire alarms at the YPCC and tennis center would sound an audible alarm only. We feel an audible entry alarm at the police office is also sufficient.

The current fees for alarm monitoring are \$2,100 annually. That is expected to be somewhat higher if we switch to another monitoring center. With the exception of the panic buttons, we do not feel the expense is necessary.

Recommended Action – No action required, but consensus is sought.

**Item 9H: Resident Survey**

The results of the resident survey conducted during February have been tallied and a report prepared. The Manager will review portions of the survey with Council at the meeting. The report will also be posted on the borough website.

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  
No activity.

\* 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 Ebensburg Borough Planning Commission conducted a required Public Meeting on March 4<sup>th</sup> for review of the proposed Zoning Ordinance and Map. No members of the public attended that meeting. A copy of the Ordinance and Map was forwarded to the Cambria County Planning Commission on March 5<sup>th</sup> for the required 45-day review period. The next required step in the adoption process is a Public Hearing conducted by Borough Council. Staff is suggesting that the Public Hearing be scheduled for Monday, May 3<sup>rd</sup>. 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 also requires a Public Hearing, and staff is suggesting that it be scheduled at the same time.

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

Recommended Action – Schedule a Public Hearing for the proposed Zoning Ordinance & Zoning Map and the Subdivision and Land Development Ordinance on Monday, May 3, 2010 at 6:30 p.m.

\* Item 10H: Ebensburg Zoning Board

- 1) Kuhar Variances

The zoning hearing board granted three variances to David Kuhar for the construction of a garage at 412 East Lloyd Street. The proposed garage would not be accessory to any other structure, the lot is smaller than the minimum allowed, and the requested rear setback was reduced.

Action – No action required.

- \* Item 10I: Central Cambria Coalition  
Discussion at the Coalition's February meeting was limited to the zoning ordinance adoption process in the three municipalities.

## 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

*An executive session of Council is required to discuss a personnel matter, and a potential legal matter. The session is expected to last less than 30 minutes. No additional action will be taken by Council following the executive session.*

## 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](http://www.ebensburgpa.com).*

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