Ebensburg Borough Council Meeting
Monday, May 24, 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 8B: Summer Public Works
Rescind the hiring of Corey Faish, and hire Benjamin Peacock for summer public works at the rate of $7.25/hr.

Item 9A: Approval of the minutes of the April 26, 2010 regular monthly meeting of Borough Council and the May 3, 2010 public hearing.

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.

Item 9F: Zoning Hearing Board Alternate
Appoint Carol Rummel as alternate to the Ebensburg Zoning Hearing Board, term expires 12/31/10.

Recommended Action – Approve the consent agenda.

2. APPOINTMENTS TO ADDRESS COUNCIL

3. MAYOR'S REPORT

Item 3A: Report on Police Department.

Item 3B: Junior Councilor Recognition
The Mayor will recognize the service of outgoing Junior Councilor Annie Takacs.

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
A joint workshop is recommended for Council and the Recreation Board to discuss the proposed swimming pool project, and recreation issues in general. This is just a general discussion, as both Boards have not met together for quite some time.

Recommended Action – Schedule a joint workshop session with Borough Council and the Recreation Board on Monday, June 21st at 6:30 p.m. at the swimming pool. In the event of rain, the meeting will be held in Council chambers.

7. STREET COMMITTEE — Miller & Lutz

Item 7A: North Center Street/East Highland Avenue Sidewalk Project
Rural Valley Construction began work on East Highland Avenue on May 11th, more than three weeks ahead of schedule. The firm appears to be doing excellent work.

Borough crews have completed replacement of the four catch basins at the intersection with Horner Street, they have installed all conduit for the new Victorian streetlights, and they have removed the tree stumps on Highland Avenue.

Staff has mailed letters to those residents that wanted to keep their brick sidewalks informing them that they now have 90 days to complete the work.

Bids for the purchase of the new trees are due on May 21st. A bid tabulation will be prepared for Council action.

Recommended Action – Consider bids received for new trees.

Item 7B: Street Paving

The bids for the 2010 street paving project were opened on May 17th. The following bids were received.

Grannas Brothers	$54,781.55
New Enterprise Stone & Lime	$57,703.30
Quaker Sales Corp.	$57,471.00
HRI, Inc.	$63,246.25

Staff was concerned last month that the project was much smaller than previous years, and that the unit cost may be higher. This year's unit cost for pavement is $71/ton, and that is comparable to bids in other communities. Staff recommends that the bid be awarded. The project will be paid for with a combination of Liquid Fuels and County Aid. No general fund dollars will be necessary this year.

Proposed for paving are Randolph Street between Spruce & Beech, Beech Street between Highland & Randolph, Maple Springs Court, and Ann Street from Julian Street west.

Recommended Action – Award a bid in the amount of $54,781.55 to Grannas Brothers for street resurfacing.

Item 7C: Streetscape Repairs

Straw Construction has completed all repairs to the streetscape contract. There is a question that remains relative to underslab heating systems that were replaced. The Solicitor will discuss this with Council.

Recommended Action – Dependent on discussion.

8. ADMINISTRATION COMMITTEE — Tusing, Barber & Lutz

Item 8A: Junior Councilor

May is Annie Takacs' last meeting as Ebensburg's Junior Council member. The one-year term is June through May.

Zachary Ambrisco of 411 West Sample Street has been selected as the new junior councilor. He is entering his senior year at Central Cambria High School.

Recommended Action – Appoint Zachary Ambrisco as this year's Junior Councilor.

*Item 8B: Summer Public Works

Corey Faish was one of the students hired last month for a summer public works position. He is taking an internship instead elsewhere. In his place staff is recommending that Benjamin Peacock be hired.

Recommended Action – Rescind the hiring of Corey Faish, and hire Benjamin Peacock for summer public works at the rate of $7.25/hr.

Item 8C: 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. 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 #572 eliminating the killed-in-service benefit under the Uniformed Pension Plan.

9. GENERAL BUSINESS

* Item 9A: Minutes of Previous Meeting(s).
The minutes of the previous meeting are presented for Council review and approval. Minutes of the May 3rd public hearing are also provided.

Recommended Action – Approve the minutes of the previous meeting and the May 3rd public hearing.

* Item 9B: Financial Statement
The financial statement for April 30, 2010 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 $343,592.16 is submitted for approval.

The list of bills includes an account in the amount of $319.50 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 #573, Tax Delinquencies
Last month, Borough Council took action to appoint Berkheimer Associates as the collector of delinquent earned income and local services tax. Coalition partners Jackson Township and Cambria Township are doing the same.

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

Council also adopted a Resolution last month appointing Berkheimer Associates as the delinquent tax collector. Two additional resolutions are required. Resolution #2010-07 designates the Borough Manager as the person responsible for confidentiality in the transfer of information. Resolution #2010-08 designates Berkheimer as the Tax Hearing Officer under the Taxpayer Bill of Rights.

Recommended Action #1 – Grant final approval to Ordinance #573 authorizing Berkheimer Associates to impose and retain costs and fees associated with delinquent tax collection.

Recommended Action #2 – Adopt Resolution #2010-07 naming the Borough Manager as the primary contact for taxpayer confidential information.

Recommended Action #3 – Adopt Resolution #2010-08 appointing Berkheimer Associates as the Tax Hearing Officer per the Taxpayer Bill of Rights.

Item 9E: Land Use Ordinances

In a joint project through the Central Cambria Coalition, Cambria Township, Jackson Township and Ebensburg Borough have developed coordinated land use ordinances. A joint planning committee has been working for nearly two years on drafting the ordinances, under the guidance of Richard Sutter & Associates, and in consultation with the three local planning commissions. The ordinances were the subject of a public meeting in March of the planning commission, and a public hearing in May conducted by Borough Council. Unless there are specific questions, the ordinances will not be reviewed again here.

1) Ordinance #574, Zoning Ordinance & Map

Ebensburg Borough Council conducted a public hearing on May 3rd to review details of the proposed Zoning Ordinance. The proposed Ordinance constitutes a total rewrite of the Zoning Ordinance, originally adopted in 1962 and last rewritten n 1997.

Recommended Action – Grant tentative approval to the new Zoning Ordinance & Zoning Map and advertise it for public inspection.

2) Ordinance #575, Subdivision & Land Development Ordinance

Ebensburg Borough Council conducted a public hearing on May 3rd to review details of the proposed Subdivision & Land Development Ordinance. There are no material changes from the existing Ordinance. The proposed Ordinance is rewritten in the updated DCED format.

Recommended Action – Grant tentative approval to the new Subdivision & Land Development Ordinance and advertise it for public inspection.

3) Ordinance #576, Stormwater Management Ordinance

The proposed Ordinance is a rewrite of the existing Stormwater Management Ordinance. There are no material changes from the existing Ordinance. The proposed Ordinance is rewritten in the updated DCED format.

Recommended Action – Grant tentative approval to the new Stormwater Management Ordinance and advertise it for public inspection.

* Item 9F: Zoning Hearing Board Alternate

Carol Rummel has volunteered to serve as the alternate to the Zoning Hearing Board. The position has remained vacant since last fall with no nominees.

Recommended Action – Appoint Carol Rummel as alternate to the Ebensburg Zoning Hearing Board, term expires 12/31/10.

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 – No activity

* Item 10H: Ebensburg Zoning Board

1) Carlisle Variance
   The zoning hearing board granted a variance to Bill Carlisle for the construction of a garage addition at 130 Truman Street. The proposed garage would be within 12 feet of the side property line rather than the required 15 feet.

   Action – No action required.

* Item 10I: Central Cambria Coalition
The May meeting was cancelled.

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.