



Ebensburg Borough Council Meeting
Monday, September 28, 2009
6:30 p.m.

Phone: 814-472-8780
E-Mail: eburg@ebensburgpa.com
Website: www.ebensburgpa.com

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 8B: Adopt Resolution #2009-07 appointing Wessel & Company as auditor for 2009.

Item 8C: Approve Administrative Measures Relative to Employee Pension Plans:

- 1) Adopt the minimum municipal obligation (MMO) calculation for the uniformed pension plan in the amount of \$76,814.
- 2) Adopt the minimum municipal obligation (MMO) calculation for the non-uniformed pension plan in the amount of \$39,216.
- 3) Adopt Resolution #2009-08 continuing an employee contribution rate of 0% for the non-uniformed pension plan for 2010.
- 4) Adopt Resolution #2009-09 continuing an employee contribution rate of 8% for the uniformed pension plan for 2010.
- 5) Adopt Resolution #2009-10 authorizing distribution of the State aid check to the respective employee pension plans.

Item 9A: Approval of the minutes of the August 24, 2009 regular monthly meeting of Borough Council.

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 9D: Accept the resignation of Bruce Schweitzer from the Ebensburg Zoning Hearing Board, and appoint Harold Eckenrod to the seat.

Item 10G: Grant final approval to the Latterner Subdivision Plan.

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.

Item 5B: Whole Effluent Toxicity (WET) Tests

A WET test is required at a wastewater treatment plant every six years when the NPDES permit is renewed. Ebensburg's permit was renewed in June 2007, and DEP allowed us to postpone the WET test until the upgrade project was complete. It is time now to proceed with that required test.



Whole Effluent Toxicity (WET) refers to the aggregate toxic effect to aquatic organisms from all pollutants contained in the plant's effluent (discharged water). It involves exposing test organisms to the effluent and measuring the organisms' ability to survive, grow and reproduce.

A series of Aquatic Bioassay Acute Toxicity tests will be performed on two species and will test parameters such as pH, dissolved oxygen, ammonia and residual chlorine. The test is performed quarterly for one year.

Proposals were sought from approved labs to perform the tests:

American Aquatic Testing	Allentown	\$2,600.00
Seewald Laboratories	Williamsport	\$3,600.00

Recommended Action – Approve contract with American Aquatic Testing of Allentown to conduct WET testing at wastewater plant in the total amount of \$2,600.00.

6. RECREATION COMMITTEE	Illig & Barber
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7. STREET COMMITTEE	Miller & Lutz
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Item 7A: Review of West Ogle Street Sidewalk Project.

The last of the concrete was poured on the project last week. The contractor is patching the disturbed areas of the street beside the new curbing in advance of the paving project. Only a few private properties remain to be landscaped.



The contractor has been paid everything due on the contract with the exception of \$5,000 retainage. Liquidated damages through September 17th have already been deducted, and work performed by borough crews has been deducted from the contract price. The payment of the final \$5,000 due is subject to continued liquidated damages beyond September 17th, and the filing of all required prevailing wage forms.

Staff is suggesting that the project be considered substantially completed as of September 22nd, the day on which the last concrete was poured, and that the assessment of liquidated damages stop at that point. That would mean that an additional \$1,000 would be deducted from the retainage due, and no more. This contract was significantly under-bid, none of the contractors involved made any money on the project, and a total of \$8,600 in liquidated damages is sufficient.

Grannas Paving is expected to arrive within days to resurface the streets. They will take a day or two to repair the ditches dug for the new stormwater lines and basins, another day to apply the leveling course of blacktop, and another day to finish with the topcoat.

The new trees have been ordered, but will not be transplanted until late October or early November.

Recommended Action – Authorize final payment of \$4,000 on the sidewalk project, subject to prevailing wage compliance.

8. ADMINISTRATION COMMITTEE	Tusing, Barber & Lutz
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Item 8A: Review of 2010 Annual Budget Preparation

Department heads have submitted their updates to the 2009 budget and their requests for the 2010 budget. The Manager has prepared preliminary budget numbers, and the administrative committee will compile a tentative budget for Council’s review at the October meeting. Final adoption is expected at the November Council meeting.

Recommended Action – No action required.

* Item 8B: 2009 Audit

Regulations require that the auditor be designated prior to the end of each year.

Action – Adopt Resolution #2009-07 appointing Wessel & Company as auditor for 2009.

* Item 8C: Employee Pension Plans – Minimum Municipal Obligations

There are several routine actions required every September relative to the employee pension plans. The Minimum Municipal Obligation (MMO) is the amount calculated each year that is required to be deposited into each pension plan. Regulations require Council to formally approve that number by September 30th.

	<u>Non-Uniformed Plan</u>	<u>Uniformed Plan</u>
MMO	\$39,216	\$76,814
State Aid	- \$41,418	- \$19,116
Borough Share	\$ 2,202	\$57,698

The MMO is \$4,485 higher in 2010 for the non-uniformed plan and \$3,086 lower for the uniformed plan.

Council is required to establish any employee contribution rate by Resolution. The police pension plan must continue to impose an 8% employee contribution rate, the maximum allowed. An employee contribution is not necessary for the non-uniformed plan.

A Resolution is also required stating how the State Aid funding is to be distributed. We will receive \$3,186 next year for each non-uniformed employee and \$6,372 for each police officer. The Resolution simply distributes the funds in that fashion. We will need to budget \$2,202 in the 2010 budget for the borough’s share of the non-uniformed plan and \$57,698 for the police plan MMO.

- Action #1 - Adopt the minimum municipal obligation (MMO) calculation for the uniformed pension plan in the amount of \$76,814.
- Action #2 - Adopt the minimum municipal obligation (MMO) calculation for the non-uniformed pension plan in the amount of \$39,216.
- Action #3 - Adopt Resolution #2009-08 continuing an employee contribution rate of 0% for the non-uniformed pension plan for 2010.
- Action #4 - Adopt Resolution #2009-09 continuing an employee contribution rate of 8% for the uniformed pension plan for 2010.
- Action #5 - Adopt Resolution #2009-10 authorizing distribution of the State aid check to the respective employee pension plans.

Item 8D: Full-time Police Position

Council discussed in March and April the need to hire an additional full-time police officer due to an extended illness in the department. A COPS grant that was sought was not approved, and it was consensus of Council then to proceed even without the grant. The position has been advertised, and applications are due on October 5th. A lengthy testing procedure will follow, and the position is expected to be filled by year end.

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 August 31, 2009 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 \$410,989.24 is submitted for approval.

The list of bills includes an account in the amount of \$393.66 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: Zoning Hearing Board
Bruce Schweitzer has moved out of the borough. It is therefore necessary for him to resign from the Ebensburg Zoning Hearing Board. The alternate, Harold Eckenrod, will fill his seat effective September 1st. Council can wait until reorganization in January to appoint a new alternate.

Recommended Action – Accept the resignation of Bruce Schweitzer from the Ebensburg Zoning Hearing Board, and appoint Harold Eckenrod to the seat.

Item 9E: Gittings Parking Lot

Dean Gittings is asking Council to consider purchasing or leasing the parking lot at the rear of Castle Pub, or at least consider some mutual arrangement whereby the lot would be improved and parking revenue would be split, similar to what is done with the county parking lot.

The lot is 135' deep x 176' long. It is a gravel surface, bordered on the west by an alley that is in equally poor condition. The perimeter of the lot is in need of curbing and sidewalk.



The lot could hold four rows of fifteen vehicles. A centralized meter stand could be used rather than individual parking meters. The gated entrance from Locust Street would have to be removed. The asking price for the property is \$265,000.

The property would require a significant amount of work. A quick glance indicates \$7,500 for alley repairs, \$72,000 for surfacing the lot, \$30,000 for border and island amenities, \$15,000 for meter facilities, \$8,500 for sidewalk and curb. A total of \$150,000 could easily be used for improvements to this lot. Added to the purchase price, the project cost is very high. Even under some other arrangement other than a purchase, those development costs are significant.

From a need basis, there are eight little-used parking spaces on the street in that block. Although the lot has been available for leased parking, the demand does not appear to be great judging from the few vehicles actually using the lot. The lot is very handy to downtown via Kimball Park, but it would suffer from a perception problem; it is not thought of as having direct access to downtown businesses, even to those right along North Center Street.

Staff's concerns include the very high asking price, the high cost of development, doubts about the need for additional parking, and doubts about the perceived proximity to the downtown. In addition, the borough will already be undertaking in 2010 another development project at the Babcock property. Staff believes the project would be a drastic improvement to that neighborhood, but is reluctant to recommend the purchase to Council.

Recommended Action – Dependent on discussion.

Item 9F: 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 applications are due on October 5th. 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.

While permit application fees are expected to cover the costs of the codes enforcement program, it will be necessary for the three municipalities to advance some start-up funds. Coalition members have suggested that each municipality advance \$5,000 to the program. Those funds would eventually be returned to the municipalities.

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.

Recommended Action #1 – Grant tentative 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 tentative 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.

Recommended Action #3 – Approve advance of \$5,000 to the Central Cambria Codes Enforcement Agency.

Item 9G: 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 with 1,000 hours, leased by Bedford Township, became available at Cambria Tractor. The cost of the little-used loader is \$68,000. The machine is in like-new condition, including tires. A new 521 loader next year would have cost \$130,000. Bedford’s loader is a 621, one size larger, and would cost \$160,000. Staff believes this is an opportunity we should take advantage of this year rather than paying much more next year. The old W14 would be advertised for sale. It might be worth \$10,000.



Even though the loader being purchased is used, it is necessary to seek bids.

Recommended Action #1 – Approve advertising for bids for a 2004-2009 used Case Model 621 loader, or equivalent, with 1,500 or fewer hours.

Recommended Action #2 – Approve advertising for bids the sale of the 1991 W14 loader.

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

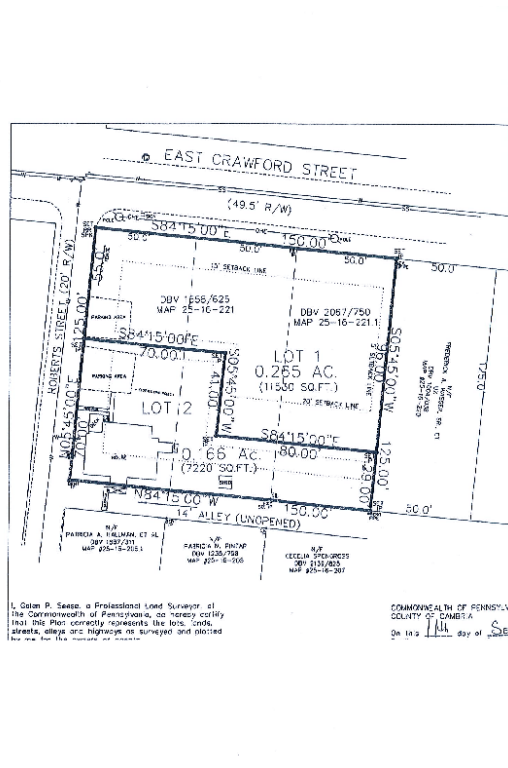
Community Development Director Christine Strugala will provide a verbal report on the community development department’s activities during the month.

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) Latterner Subdivision

The planning commission granted approval to a subdivision application separating a vacant parcel from a developed parcel at the southeast corner of East Crawford Street and Roberts Street.



Action – Grant final approval to the Latterner Subdivision.

- * 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

The Mayor has requested an executive session of Council to discuss a personnel matter. The topic is expected to last only five minutes, and will not result in any action following the session.

* Item 13B: Streetscape Settlement Proposal

The parties have tentatively agreed to a settlement in the dispute between the borough and Straw Construction relative to faulty concrete in the streetscape project. If approved, a formal settlement will be written and approved by the Court, and presented publicly at next month's meeting. This topic will not result in any action following the 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.

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.