



Ebensburg Borough Council Meeting
Monday, January 28, 2013
6:30 p.m.

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

Borough Council
Doug Tusing, President
Deborah Nesbella, Vice-President
Susan Barber
Cecilia Houser
Terry Illig
Dave Kuhar
Joe Lutz

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: Approve the minutes of the December 17, 2012 regular monthly meeting of Borough Council.
- Item 9B: Approve the Financial Statement and Fund Transfers
- Item 9C: Approve payment of bills.
- Item 9H: Adopt Resolution #2013-02 repromulgating the Central Cambria Zone Emergency Operations Plan.

Recommended Action – Approve the consent agenda.

2. APPOINTMENTS TO ADDRESS COUNCIL

Item 2A: Nicki Ream, Tax Collector

The Borough Manager has suggested that the collection of the local services tax be transferred to Berkheimer Associates, the same agency that began collecting the earned income tax county-wide in 2012. Ms. Ream wishes to discuss the recommendation with Council.

- * Item 2B: Bill Leary
Bill Leary spoke to Council last month concerning a sidewalk issue. Staff was to visit the property. Between snow cover and Leary illness, a site inspection has been mutually delayed.

3. MAYOR’S REPORT

Item 3A: Report on Police Department

4. COUNCIL PRESIDENT COMMENTS

5. WATER & WASTEWATER COMMITTEE **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.

Item 5B: Water Project

Contract 1: Waterlines and Valves – Mortimer’s Excavating, of Pulaski, PA. – Completed installation of new waterlines in Mylo Park and Jamesway Road. Currently working on Triumph Street and Reddinger Street.



East Triumph Street Waterline



New wall for clarifier building

Contract 2: WTP – Hickes Associates of Alexandria, PA. – Clarifer building floor completed and walls being constructed. Installing 16” influent and effluent lines to DAF clarifier and air lines for the filter air scour system. Fabricating the clarifier weir extensions. Backwash tank floor completed. Tank construction halted due to snow.

Contract 3: L B Water – Meeting with staff and LB Water to discuss meter installation project and status of radio installation.

Contract 4: Cambria Systems, Inc. of Sidman – Building panels in shop. Electrician is installing conduits for the control system.



Conduit installation at plant

Recommended Action – No action required.

Item 6A: Recreation Board Appointment

Councilor Cecilia Houser has volunteered to accept the appointment to the Ebensburg Recreation Board.

Recommended Action – Appoint Cecilia Houser to a 5-year term on the Ebensburg Recreation Board, term expires 12/2017.

Item 6B: Recreation Department Procedural Audit

Wessel and Company was engaged in 2012 to review the internal controls of Ebensburg's Recreation Department. Our intent was to assure that all funds were being handled in a proper fashion, that revenues were being maximized, and to determine any measures necessary to improve operations.

It is important that the Borough scrutinize its operations, especially those involving cash transactions, to assure that sound operating policies are in place and are being followed. The Recreation Department accounts for 21% of the Borough's total annual revenues. It should be emphasized that the report was not necessitated by any suspected fraud or inappropriate activity. The performance audit was simply a proactive measure to assure a sound operation.

The audit report found no signs of inappropriate activity. It did include several recommendations for improved efficiency.

Young Peoples Community Center

- 1) Rather than a 24-hour key fob, a member card should be utilized in order to track members using the gym. This change has already been implemented. The same card can be used at the swimming pool and the YPCC.
- 2) The non-member sign-in sheet should be retained for the daily usage fee in order to balance with counter sales recorded in the register. An envelope and lock box should be used after-hours. This was implemented.
- 3) A small variance in the "undeposited funds" has existed for a long time and should be adjusted. It was adjusted by the auditor.

Swimming Pool

- 1) Require acknowledgement of an ethics policy for summer help.
- 2) Stricter cash register and daily reconciliation procedures are required. These were implemented in June 2012. The QuickBooks Point of Sale software is not practical at the pool. Random "cash count" audits will be performed daily.
- 3) Issue numbered wristbands to better reconcile non-member fees paid. Staff believes the wristbands would make waiting lines too long. A hand stamp is already being used.
- 4) Access to the concessions cash register should be limited, and sales should be reconciled with inventory. Those procedures were implemented in June. Access to concession sales is limited to only two persons 85% of the time, but others do assist during rest periods when lines are long.
- 5) Add security cameras at the cash registers. Wireless is not available at the pool, but staff is considering how cameras might help.

Tennis Center

- 1) Checks and balances are required so that one person is not overseeing all financial transactions. The Recreation Director will review sales on a quarterly basis. There is very little cash transacted at the tennis center.

The staff will not go into as much detail with the performance audit as we would with the annual financial audit, but if Council or the public have any questions about any portion of the audit or procedural changes, Matt Pfeil will be available following the meeting.

Recommended Action – No action required.

7. STREET COMMITTEE

Lutz & Houser

Item 7A: Parking Violations

The police department has suggested that the fine for violation of the winter parking regulations needs to be increased. It is currently \$5 (\$15 after 7 days), which is not enough to encourage owners to move their vehicle. The recommendation is to increase the fine to \$15 (\$35 after 7 days).

While amending the Ordinance, it is also recommended that the fine for meter violations be increased. The fine has been \$3 (\$15 after 7 days) in Ebensburg for as long as anyone can remember, at least for 35 years. The increased fine will discourage violators, be more in line with what one might expect a parking fine to be, and help toward making the processing of fines cost-effective, while not adversely affecting downtown businesses.

Recommended Action – Grant tentative approval to Ordinance #604 amending the fines for various parking violations and advertise for public inspection..

8. ADMINISTRATION COMMITTEE

Barber & Lutz

Item 8A: Part-Time Maintenance

The 2013 budget includes a part-time position in public works for maintenance of the shop, vehicles and equipment. The position is budgeted at 35 hours/week at \$15/hr. The position was advertised, and 41 applications were received. Dave Dodson conducted interviews of 7 of the applicants. He recommends that F. Joseph McFadden be hired for the position.

Recommended Action – Approve hiring F. Joseph McFadden for a part-time maintenance position, effective 1/7/2013, at the rate of \$15/hr.

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 December 31, 2012 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 4th quarter are attached.

Recommended Action – Approve the December 2012 financial statement.

* Item 9C: Bills

A list of bills totaling \$403,225.82 is submitted for approval.

Recommended Action – Approve payment of the bills as submitted.

Item 9D: Collection of Local Services Tax

Staff recommends that the collection of the local services tax (LST) be transferred to Berkheimer Associates, the same agency that began collecting the earned income tax (EIT) county-wide in 2012.

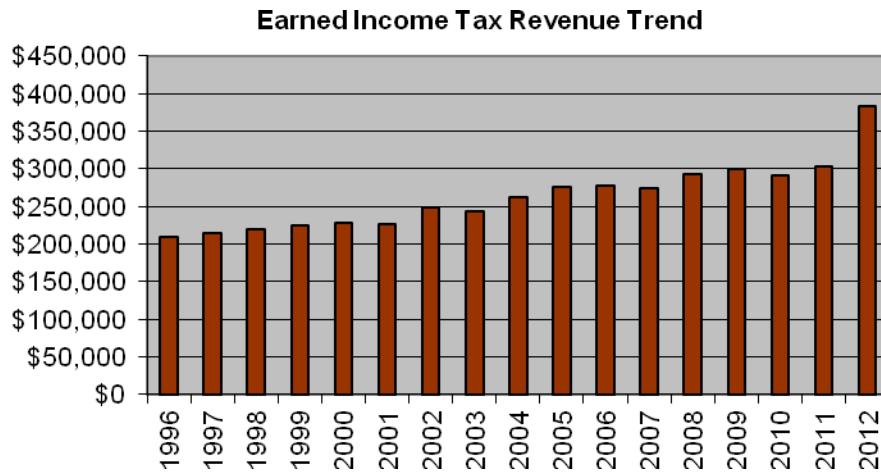
Historically, EIT collections increase 3-5% each year. In 2012, the first year of county-wide collections, our collections ballooned by 27%. That is more than \$70,000 in unanticipated revenue. I believe there are three contributing factors to that increase. First, and foremost, is the ability of the regional collector to cross-check social security numbers and tax returns with the State and Federal governments. Second, Act 32 now requires all employers to withhold local taxes from pay. And third, taxpayers pay more heed to firms, especially regional firms, than they do a local tax collector.

The LST nets approximately \$85,000 annually. It too is an employer-deducted tax, and it makes sense to have it collected by the same firm that the employer is forwarding the EIT to. Berkheimer is in a position to apply the same cross-checks between the LST returns and the EIT returns. When taxpayers recognize that the records will be cross-checked, compliance will be increased.

Local governments have a responsibility to assure that taxes are collected in the fairest manner possible. For far too long, too many people have avoided paying local tax collectors their fair share. The two biggest reasons for converting to county-wide collection of EIT were to save collection costs and increase compliance. The move, over the objection of local tax collectors, was very successful. Staff believes the same benefit can be achieved by doing the same with LST.

The commission rate for Berkheimer to collect LST is 2.05%. The local tax collector is currently paid 4%, or a \$3,400 annual commission for LST. The loss of that commission would leave the local tax collector with only real estate tax to collect, a 20% overall decrease in income.

There is no deadline for making the change, but in fairness to the tax collector and any potential candidates, staff recommends announcing any change before February 15th, the filing date for nominating petitions.



Recommended Action – Dependent on discussion.

Item 9E: Ebensburg Main Street Partnership

The Ebensburg Area Business Commission wanted to qualify for tax benefits for its donors and wanted to qualify for a temporary liquor license. In order to do so they needed to create a non-profit entity under IRS Section 501(c)3. Thus, the Ebensburg Main Street Partnership was formed. Borough Council supported creation of the Partnership through Resolution #2011-04. The original intent was to continue to function as the Ebensburg Area Business Commission, and to utilize the Partnership as needed. Both entities would have the same officers.

After speaking to accounting and insurance professionals, there is no reason to continue the EABC. The existence of both entities will be redundant and confusing and serve no purpose. All involved, including borough staff, are recommending that the EABC be dissolved, and that the new Ebensburg Main Street Partnership be the sole entity to achieve the same purposes as the EABC.

The proposed change is an administrative one; it should be transparent to the business community, advertisers, event participants, etc. The Partnership will function in the same manner as the business commission did.

Recommended Action – Adopt Resolution #2013-01 dissolving the Ebensburg Area Business Commission and creating the Ebensburg Main Street Partnership.

Item 9F: Planning Fees

Applications submitted to the borough for subdivisions and land developments must be reviewed by the Cambria County Planning Commission in accordance with the Municipalities Planning Code. Those reviews have always been free. Effective January 1st, the planning commission will begin assessing fees for reviews initiated by landowners. It will be necessary to add that additional fee to the fee assessed by the borough, and collect the entire amount due with the application.

Residential Subdivisions, No Construction	Number of Lots	Fee
Lot line revisions, lot consolidation plans, non building waivers	1-2	\$100.00
	3-5	\$125.00
	5-10	\$175.00
	More than 10	\$200.00 + \$5.00 per lot

Residential Construction	Number of New Units or Lots	Fee
Residential subdivision or land development including individual lots, multi-family units and planned residential developments.	1	\$125.00
	2-5	\$175.00
	5-10	\$225.00
	10-25	\$300.00
	More than 25	\$350.00 + \$5.00 per lot

Non Residential Construction	Square Feet of Unit(s)	Fee
Includes commercial land developments (including parking lots), mixed use, industrial and institutional structures.	Under 3,000 sq. ft.	\$225.00
	3,001 - 15,000 sq. ft.	\$350.00
	15,001 - 25,000 sq. ft.	\$450.00
	25,000 - 50,000 sq. ft.	\$550.00
	Over 50,000 sq. ft.	\$700.00

Zoning/SALDO Amendments	Fee
Zoning Amendment Review	\$150.00*
SALDO Amendment Review	\$150.00*
*Waived for applications filed by a Cambria County municipality.	

Other Services	Fee
Residential Planning Module (Component 4B)	\$150.00
Commercial Planning Module (Component 4B)	\$250.00
Special Reviews Not Listed Above	\$200.00

The borough's fee for subdivision is \$275. Actual costs are deducted and the difference is refunded. In the case of minor subdivisions, we often do not even collect the fee with the application, as we know there will be no costs incurred. If multiple lots are involved, or if there are land development or stormwater issues involved, then the \$275 fee is collected because the application is forwarded to the engineer for review. If the actual cost of review exceeds \$275, the applicant is then billed for those actual costs.

The vast majority of applications in Ebensburg Borough are considered minor, and no costs are incurred. Most involve simple changes to lot lines or the division of a single lot into two. The county's action will mean that a fee of \$100 - \$125 will now be charged for even the simplest of subdivisions.

Ebensburg rarely sees a multi-lot subdivision, but when we do, such as the current Cox subdivision application, the application fee will nearly double. All new commercial buildings require land development approval, and that fee will be substantially higher.

Recommended Action – Amend the fee assessed for subdivision and land development applications to include the new fee assessed by the Cambria County Planning Commission.

Item 9G: Emergency Energy Demand Response Program

This program enables large electric customers of Penelec to be paid for being available to reduce electricity consumption when the reliability of the electric grid is in jeopardy and voltage reductions and rolling brownouts are imminent.

When notified of the need to shed load, the borough will transfer to emergency generators at the water and wastewater treatment plants within two hours. The transfer is not required if conditions make the transfer impossible. There have been two conditions in the grid in the past six years that could have triggered such an event. We are expected to transfer power within two hours of notice, and the event will last for a maximum of six hours.

In exchange for being available to shed load, we will receive \$10,318 in the first year, \$5,725 in the second year, and \$6,862 in the third year. Subsequent payments are estimated to be \$13,604. Payments will be made quarterly to the borough. The term of the agreement is five years.

Recommended Action – Adopt the Demand Response Sales Agreement with EnerNOC.

- * Item 9H: **Promulgation of Emergency Operations Plan**
The Emergency Management Services Code requires each municipality to have a local emergency management agency and an emergency operations plan. Ebensburg Borough and Cambria Township entered into an Intergovernmental Agreement in 1999 to create the Central Cambria Zone Emergency Management Agency. At the same time a joint emergency operations plan was developed for the zone covering both municipalities. From time to time we are required to readopt, or repromulgate, the emergency operations plan.

Recommended Action – Adopt Resolution #2013-02 repromulgating the Central Cambria Zone Emergency Operations Plan.

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 Dave Dodson will provide a verbal report on the public works department's activities during the month.

Item 10C: Community Development

The Borough Manager will provide a verbal report on the community development department's activities during the month. Planning for Art in Bloom is ahead of schedule, and the event committee volunteers are prepared to handle early preparation of the event. The vacant position has been advertised with applications due by January 28th. The Borough Manager and a committee of officers from Ebensburg Main Street Partnership will develop a short list, begin interviews and recommend a replacement in time for Council's February meeting.

Item 10D: Recreation Department

Recreation Director Matt Pfeil will provide a verbal report on the recreation department's activities during the month.

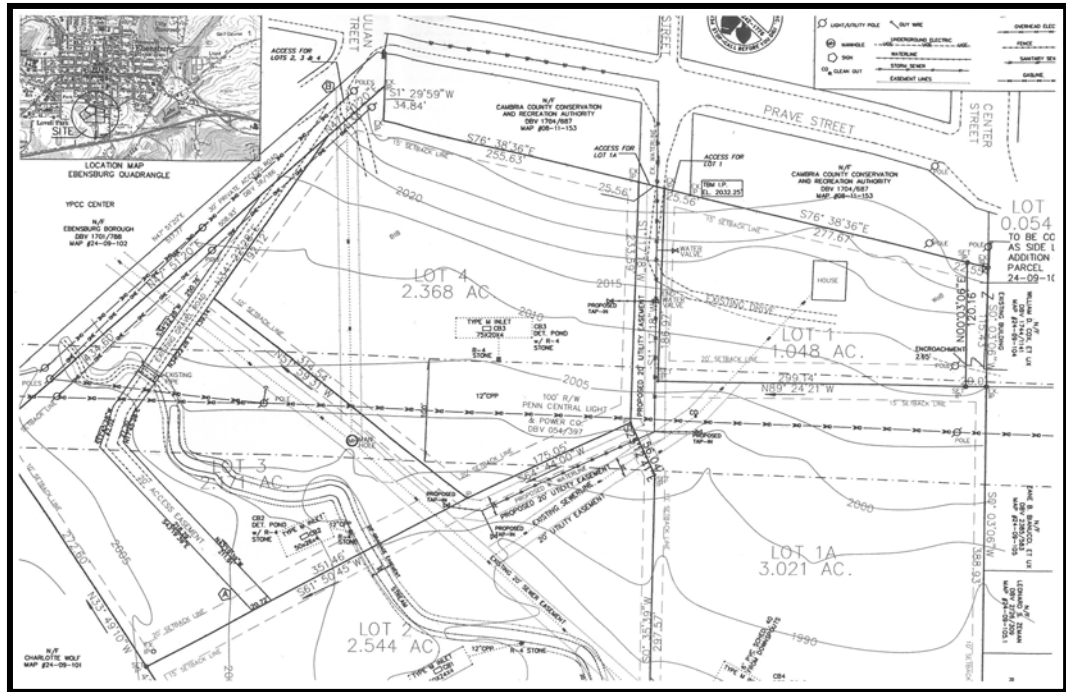
- * Item 10E: **Codes Enforcement**

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) Cox Subdivision

The planning commission reviewed a proposed subdivision and land development of property owned by Bill Cox, situated south of Prave Street. Five separate lots are being proposed. The Ordinance requires that all streets be improved public streets. The proposed streets are not improved, and do not satisfy the minimum right-of-way requirements. It is expected that Mr. Cox will resubmit an amended application seeking approval for Lot 1A only, and temporarily abandon plans for further lots.



Recommended Action – No action required.

* Item 10H: Ebensburg Zoning Board – No activity

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

Council will enter an executive session to discuss a personnel matter. No further action is expected 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.

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.