



**Ebensburg Borough Council Meeting**  
**Monday, April 28, 2014**  
**6:30 p.m.**

Phone: 814-472-8780  
E-Mail: [eburg@ebensburgpa.com](mailto:eburg@ebensburgpa.com)  
Website: [www.ebensburgpa.com](http://www.ebensburgpa.com)

**Borough Council**  
Doug Tusing, President  
Susan Barber, Vice-President  
Cecilia Houser  
Theresa Jacoby  
Dave Kuhar  
Joe Lutz  
Joe Miller  
**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 March 24, 2014 regular monthly meeting of Borough Council.
- Item 9B: Approve the Financial Statement and quarterly fund transfers.
- Item 9C: Approve payment of bills. Vote to be recorded reflecting abstention by Councilor Barber on amount owed Barber Oil Company and Link Services.
- Item 9E: Approve selling a 1998 Massey Ferguson tractor to G&G Enterprises for \$4,550.00.  
Approve selling a 1998 bucket truck to D. Edward Leasing for \$5,001.00.

Recommended Action – Approve the consent agenda.

**2. APPOINTMENTS TO ADDRESS COUNCIL**

- Item 2A: Matt & Melissa Kirsch**  
Mr. and Mrs. Kirsch will request that a stop sign be added on Julian Street at Sample Street. They are concerned about traffic speed.

**3. MAYOR'S REPORT**

- Item 3A: Report on Police Department**

**Item 3B: Introduction of Officer Chris Bopp**

Officer Bopp is Ebensburg’s newest full-time police officer and will be introduced to Council.

**Item 3C: Officer Commendation**

Mayor Datsko will recognize Officer Jody Eberhart’s public service on behalf of boy scouts.

**4. COUNCIL PRESIDENT COMMENTS**

**5. WATER & WASTEWATER COMMITTEE** **Kuhar & Houser**

**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 Plant Operations**

Borough Council is discussing with Severn Trent the possibility of Severn Trent managing, under contract, the water treatment plant.

Recommended Action – No action required.

**6. RECREATION COMMITTEE** **Barber & Jacoby**

**7. STREET COMMITTEE** **Lutz, Miller & Houser**

**Item 7A: Petition to Vacate Hemlock Street**

The Evelyn A. Falchini Trust has filed a petition for Council to vacate Hemlock Street. This is sought in conjunction with the plan of Sheetz, Inc. to acquire by lease all properties abutting Hemlock Street from the Falchini Trust, and to construct a new convenience store on the merged properties.

The vacating of streets is governed by Section 1731 of the Borough Code, and grants Council the authority to do so, provided that all abutting property owners who, as a result of vacating the street, would be denied access to said properties, consent. The Falchins own all abutting properties.



The development project was reviewed by the planning commission on April 3<sup>rd</sup>. On April 9<sup>th</sup>, the zoning hearing board approved all requested variances. The planning commission will conduct a final review on May 1<sup>st</sup>.

The Ordinance vacating the street was granted tentative approval last month, and was advertised giving all interested parties ten days in which to request a public hearing. No such requests were received. The Ordinance is ready for final adoption.

Last month there was a question about the effect of the Ordinance if the land development is not completed. In that event, the street will no longer exist, but an easement will have been recorded with the approved land development plan. Once the project is completed, the existing water line will be abandoned and the easement will expire. Below are the comments added to the land development plan and street vacation plan.

**Ebensburg LD Plan Note:**

The twenty feet (20') wide easement for public water and for stormwater, as shown on the Plan Sheets 7 and 11, is provided and dedicated to the Ebensburg Municipal Authority and Ebensburg Borough. Owner acknowledges that Owner is responsible to maintain all of the stormwater facilities onsite, that no stormwater facilities can be altered or removed without the approval of the Borough of Ebensburg, and that the Borough (with respect to stormwater) and the Municipal Authority (with respect to public water) each have that right to enter the easement in order to check and maintain these respective facilities. Owner further acknowledges that in the event that the public water or stormwater facilities requires maintenance by the Borough or the Authority in the future, it is the responsibility of the Owner, at Owner's cost, to remove and restore any buildings or structures located within the said twenty feet (20') wide easement.

**Vacation Plan Notes:**

1. Notwithstanding the vacation of Hemlock Street, there shall remain an easement for the benefit of the Municipal Authority to maintain and repair the public water line lying within Hemlock Street until such time as such public water line is relocated.
2. Upon the vacation of Hemlock Street, the vacated area shall become private and the Borough of Ebensburg shall have no further obligation to maintain, plow, or repair all or any portion of such vacated area. If the current proposed Sheetz Project or any other future project for Owner's properties adjoining such vacated portion is not approved or constructed, the Borough of Ebensburg will not consider a petition to re-open the former Hemlock Street as a public street.

The Borough Code requires that the Ordinance be adopted within 30 days of the second advertisement, or the public hearing, whichever is later. If final adoption is to be postponed, the ordinance would have to be re-advertised prior to that adoption.

**Recommended Action** – Grant final approval to Ordinance #611 vacating Hemlock Street.

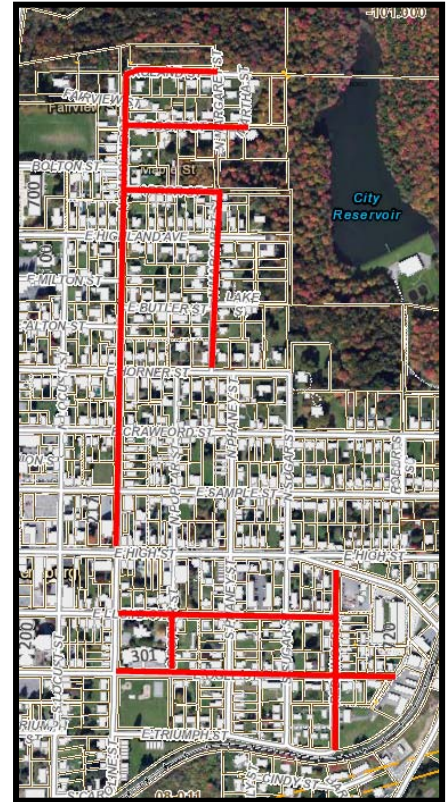
**Item 7B: Street Paving**

There are two sections of town that have streets in need of resurfacing. The first is the southeast corner including Reddinger Street, one block of Poplar Street, and Lloyd Street and Ogle Street between Caroline Street and Reddinger Street. The second section is the northeast corner of town including Tibbott Street, Roland Street, Arbor Street, Margaret Street and Caroline Street.

There has been some discussion about new sidewalks on North Caroline Street, and a new sewage collection system in that area of town. The condition of the street surface is so bad, and a sidewalk or sewage project is so far in the future that staff recommends proceeding with the street resurfacing now. The proposed stormwater project affects a short distance between Highland Avenue and Butler Street.

The estimated cost for resurfacing these streets is \$209,951 and is detailed in a separate report. The project will be paid for with \$7,500 from County Aid Liquid Fuels and the balance from State Liquid Fuels. No general fund dollars will be required.

In addition, staff has inspected all streets, and crews have begun milling many areas that need to be cut and patched. All patching work will be completed by our own crew.



Recommended Action – Advertise for bids for resurfacing of the above listed streets.

\* **Item 7C: Street Patching**

Borough crews have nearly completed milling of areas on various streets in preparation for asphalt patching. Patching of the milled areas should begin later this week.

Recommended Action – No action required.



## 8. ADMINISTRATION COMMITTEE

Lutz, Barber & Jacoby

### Item 8A: Summer Workers

Most summer positions were filled at Council's March meeting. The office assistant position was waiting on confirmation of the availability of interns. We have one intern for two days each week. Staff recommends that Danielle Link be hired for three days/week.

In March, Charmaine Aurandt was hired again for landscaping. She is now unable to continue in that position. Staff recommends that Jack Habas be hired. He has assisted in that position during the spring and fall of previous years.

Recommended Action #1 – Hire Danielle Link for summer office assistant at rate of \$7.25/hr.

Recommended Action #2 – Rescind motion hiring Charmaine Aurandt.

Recommended Action #3 – Hire Jack Habas for landscaping position at rate of \$8.00/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 March 2014 is presented for approval.

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 1<sup>st</sup> quarter are attached.

Recommended Action – Approve the March 2014 financial statement and quarterly fund transfers.

### \* Item 9C: Bills

A list of bills totaling \$343650.68 is submitted for approval. The list of bills includes an account in the amount of \$1,698.07 payable to Barber Oil Company and \$26.90 payable to Link Services. An abstention will be recorded in the minutes on behalf of Councilor Barber on those particular bills.

Recommended Action – Approve payment of the bills as submitted.

### Item 9D: Stormwater Fees

In November, Council discussed the recently completed stormwater management study, and the number and cost of stormwater projects that need to be undertaken. The consensus was to implement a stormwater management utility fee, as authorized by Act 67 of 2013. In December, Council approved acquiring new aerial photography necessary for research. In

February, Council engaged Kimball to determine and justify an appropriate Equivalent Residential Unit (ERU) and fee. An ERU is the basis for any stormwater fee, in the same way that water and wastewater fees are based on EDUs.

The ERU was determined by the average impervious area of 10% of the residential parcels in the borough. A computer program was used to randomly select the parcels to be included in the 10% sampling. The actual impervious area and the number of ERU's for all commercial and tax exempt properties within the Borough were determined. After determining the total number of ERU's within the Borough, various rates were assigned per ERU to determine the amount of revenue per year that could be generated via the new stormwater utility fee. For example, we now know that an annual fee of \$96/ERU will generate \$268,416 annually.

The next step is to prioritize projects listed in the recent stormwater study, and the annual capital cost to complete the projects over a 15-30 year period determined. Based on the above information, we can compare the annual revenue generated to the annual capital costs required to complete the stormwater projects. This comparison will give the Borough sufficient data to determine an ERU rate that would be affordable while generating sufficient revenue to permit the much needed construction of an improved stormwater system for the Borough.

Prior to going any further with these calculations, staff requires the input of Council on how the fee will be applied to commercial properties. Each and every residential property will be assessed at the rate of one (1) ERU, or \$96. Commercial properties are assessed that same fee multiplied by a factor based upon the actual amount of impervious surface on that specific property. Undeveloped commercial properties have a multiplier of one (1) and will pay only the \$96. Most commercial properties have multipliers of between 1 and 6. Several other commercial properties have relatively high factors. Below are the top five factors.

<u>Property</u>	<u>Factor</u>	<u>Annual Fee</u>
Cambria County Legion Assoc.	152.7	\$14,659
Crossroads Meadow	44.3	\$ 4,252
Kimball Associates	39.4	\$ 3,782
Rebekah Manor	24.8	\$ 2,380
Zane Bianucci	22.4	\$ 2,150

- 35 properties have factors of 1.
- 101 properties have factors of between 1 and 5.
- 43 properties have factors between 5 and 20.

In addition, there are 88 tax-exempt properties that will not be exempt from the stormwater fee. The top five tax exempt properties are:

Bishop Carroll High School	102.5	\$ 9,840
Ebensburg Borough (tennis, hockey)	47.8	N/A
Cambria County 9-1-1 Building	34.2	\$ 3,283
Ebensburg Borough (pool)	26.5	N/A
Central Cambria SD (old middle school)	22.3	\$ 2,140

- 35 properties have factors of 1.
- 34 properties have factors of between 1 and 5.
- 14 properties have factor between 5 and 20.

The calculation of the factor is fact-based, and reflects the actual, not an estimated, amount of impervious surface on the property. It is that impervious surface that results in the high amount of stormwater runoff. It is the “fairest” method of applying the fee. The question though is, is the resulting fee reasonable and/or affordable to those properties? Does Council feel that the fees should be applied as calculated, or should a cap be applied to those with higher factors? For example, capping the ERUs at 30 would mean that the highest fee assessed to any one property would be \$2,880.

As mentioned above, the next step is to prioritize projects listed in the recent stormwater study, and the annual capital cost to complete the projects over a 15-30 year period determined. We already know what a \$96/year stormwater fee will generate if the above factors are applied. In order to complete the study, we need to know what Council’s position is on applying the factors to the properties with larger impervious surfaces.

The total cost of all future stormwater projects is approximately \$5.8 million. At this stage, it appears that the three priority projects would be North Julian Street at the fairgrounds (\$90K), the southwest corner of town between West High Street and the Ghost Town Trail (\$556K), and the northeast corner of town between Center Street and Tanner Street (\$1.124M) for a total cost of \$1.77 million. The proposed stormwater fee would be adequate to cover the self-liquidating debt service over an 8-year period for those three projects.

Recommended Action – Develop a consensus on:

- 1) Should the stormwater fee be capped at 30 ERUs for large properties?
- 2) Is an annual fee of \$96 acceptable?
- 3) Are the three projects listed as priority generally believed to be the three most problematic areas?
- 4) Is Council comfortable with incurring debt for an 8-year period? If not, a project would have to be deleted or the fee would have to be higher.

\* Item 9E: Sale of Vehicles

The Massey Ferguson tractor and GMC bucket truck were advertised for sale. The following bids were received.

Tractor

G&G Enterprises	Stoystown, PA	\$4,550.00
Gaudino Brothers LLC	Freedom, PA	\$3,053.00
Jason Claar	Ebensburg, PA	\$2,500.00
Jason Jacobs	unknown	\$2,205.00
Bill Kiel	Portage, PA	\$2,128.00
Jerry Sickles	Nanty Glo, PA	\$1,872.53
Dennis Miller	Ebensburg, PA	\$1,505.00
Ed Lipnic	Ebensburg, PA	\$ 650.00
Earl Jones	Johnstown, PA	\$ 497.28

Bucket Truck

D. Edward Leasing	Windber, PA	\$5,001.00
G&G Enterprises	Stoystown, PA	\$3,250.00
Gaudino Brothers LLC	Freedom, PA	\$2,678.00
O’Hara’s Signs	Ebensburg, PA	\$2,500.00
Mike O’Hara	Ebensburg, PA	\$1,500.00
Bill Kiel	Portage, PA	\$1,176.00
Earl Jones	Johnstown, PA	\$ 527.00
Ed Lipnic	Ebensburg, PA	\$ 400.00

Recommended Action #1 – Approve selling a 1998 Massey Ferguson tractor to G&G Enterprises for \$4,550.00.

Recommended Action #2 – Approve selling a 1998 bucket truck to D. Edward Leasing for \$5,001.00.

**Item 9F: Candlelight Drive Flooding**

In June 2012, Council first discussed the recurring flooding that occurs during heavy downpours at the intersection of South Center Street and Candlelight Drive. The water usually recedes rapidly once the rain slows. The repeated flooding has damaged the parking lot at Rebekah Manor, and has flooded the residential property on Lakeview Road in Cambria Township.



The borough does not have any facilities anywhere near the intersection. Our closest street is Locust Street at the front of Agway, and we have no stormwater basins below Locust Street. Candlelight Drive is a county-owned road, and of course Center Street is a State road. The west side of the intersection is in Ebensburg Borough; the east side is in Cambria Township.

The problem begins with debris collecting at the corner of the field at Candlelight Drive. Then there is a section of 36” pipe under Candlelight Drive to a basin that is too small to manage the flow. From the basin under Center Street there is a 54” pipe in good condition. The 54” pipe that carries the water under the Uni-Mart parking lot is in poor condition. At the far end of the Uni-Mart lot there is a 54” pipe in relatively good condition that crosses under Route #22.



Numerous meetings have been held including the borough, township, county, PennDOT, DEP, the conservation district and Uni-Mart. The conclusion of studies performed by a host of engineers, including Synergy Environmental, Kimball and PennDOT, is that a new 54” line should be installed under Candlelight Drive, and that Uni-Mart replace the line through their property.

The county cannot afford to undertake the stormwater work under Candlelight Drive. The township has agreed to assist the borough with the work, and the county has agreed to reimburse the two municipalities with additional liquid fuels funds.

Brandon and Jason Jacoby are the owners of the property situated at the northwest corner of the Candlelight Drive intersection. A construction easement will be necessary to enter the property to perform the work, and they are reluctant to grant the easement. A meeting is scheduled for Wednesday, April 30<sup>th</sup> with the Jacobys and involved engineers to consider options. If an easement can be obtained for the work, Council’s approval is sought for borough crews to proceed with the work. If an easement is not granted, the matter will have to be referred to the county to pursue a legal means for the flooding hazard to be mitigated.

Recommended Action – Authorize borough staff to proceed with stormwater repairs at Candlelight Drive, subject to the execution of easements.

## 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**

Community Development Director Dana Koss 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**

**1) Sheetz**

The planning commission considered a subdivision and land development application for the proposed Sheetz store. The project received a favorable review, and final action was postponed until all zoning issues are resolved.

Recommended Action – No action required.



\* Item 10H: Ebensburg Zoning Board

**1) Petrunak**

The zoning board approved a special exception for a minor-impact home-based business at 106 Tanner Street. The owner will be making jewelry in the residence.

**2) Sheetz**

The zoning board approved seven variances for the proposed Sheetz store on West High Street.

**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.*