



**Ebensburg Borough Council Meeting**  
**Monday, June 22, 2015**  
**6:30 p.m.**

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**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 8A: Adopt Resolution #2015-04 appointing Tracy Strom as Deputy Tax Collector.
- Item 9A: Approve the minutes of the May 18, 2015 regular monthly meeting of Borough Council.
- Item 9B: Approve the Financial Statement.
- Item 9C: Approve payment of bills.
- Item 9E: Appoint Tracy Strom to complete a 1-year term on the Cambria County Sewage Enforcement Agency, expires 12/2015.

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 & STORMWATER 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: North Beech Street Stormwater  
Snyder Excavating is expected to begin this project soon.

Recommended Action – No action required.

- \* Item 5C: Reservoir Valves  
DEP is requiring that a “close inspection of the outlet conduit including appurtenant gates and valves” be conducted at both reservoirs. That has not been done since 2003. This issue was referred to the borough engineer to determine what technical requirements might be involved with such an inspection. Staff expects to have a recommendation for Council soon.

Recommended Action – No action required.

**Item 5D: DAF Evaluation**

A dissolved air flotation (DAF) clarifier was added to the water treatment plant in 2013 as part of an overall plant improvement project. The \$1.1 million DAF was necessary for algae removal during the summer months. The DAF appears to work fine by itself, and the plant continues to work fine by itself, but getting the two to work together has been problematic. More often than not, the DAF has not been utilized, in favor of the two older circular clarifiers.

Staff has exhausted all available options for optimizing the DAF’s operation. Severn Trent, the contracted operator of the wastewater plant, also operates and has expertise in water treatment plants, and particularly with DAF-type clarifiers. The Municipal Authority has accepted a proposal from Severn Trent to send experts to our water treatment plant to completely evaluate the DAF and its compatibility with our plant, and to provide recommendations on how to proceed. The evaluation will cost \$22,000.

Recommended Action – No action required.

#### 6. RECREATION COMMITTEE

Barber & Jacoby

**Item 6A: Young Lungs at Play**

The Alternative Community Resource Program is encouraging all Cambria County municipalities to designate their parks and playgrounds as tobacco-free, and to participate in Young Lungs at Play. Additional information has been included in Council’s packet.

Council previously designated the YPCC as a tobacco-free zone in 2003 by Resolution. Young Lungs at Play signs have been posted at area playgrounds for years. This is the first time that Council is asked to formalize the designations. The tobacco-free designation would apply to all playground facilities, the entire Memorial Field complex, the baseball fields and the YPCC.



Recommended Action – Grant tentative approval to Ordinance #624 designating certain recreational areas as tobacco-free, and advertise for public inspection.

**Item 6B: Tennis Center Lights**

The tennis center has had an ongoing issue with maintenance of the ceiling lights over the indoor tennis courts. Replacement of inoperative lights is problematic in that a lift is needed to perform the work. Each time that a lift is driven onto the floor, there is risk of damaging the cushion floor. The lift is owned by the county, and had been stored at the former prison. It is difficult to load and transport to the tennis center. The lift now is stored at the War Memorial in Johnstown.

Staff normally waits until there are four or more lights out to change them. That results though in dark areas on the courts during the interim period. In almost all cases, another light burns out as soon as we complete a project.

Staff has considered a total relamp of the facility. The Hite Company and Sylvania has prepared four options for Council’s consideration. A copy of the complete proposal is in Council’s packet.

<u>Option</u>	<u>Cost</u>	<u>Annual Savings</u>	<u>Utility Rebate</u>	<u>Payback</u>	<u>Warranty</u>
Relamp - 1000 watt MH	\$7,563				1 year
New Fixtures - T5 Fluorescent	\$29,038	\$5,224	\$2,612	5.0 yrs. 4.75	10 years
New Fixtures - LED Option 1	\$39,222	\$7,476	\$3,738	yrs. 10.65	5 years
New Fixtures - LED Option 2	\$66,052	\$5,922	\$2,961	yrs.	10 years

There is \$17,477 that remains in a capital reserve fund from the initial construction, held exclusively for capital projects at the tennis center, that could be used for this project.

Staff has no clear consensus on a recommendation, except that new T5 fixtures (Option #2) or conversion to LED (Option #3) is preferred. The question is being referred to the Recreation Board and to Council for consideration.

Recommended Action – Dependent on discussion.

**Item 7A: Sidewalk Project**

PennDOT has awarded the sidewalk project to Gordon Delozier, Inc., and has issued the notice to proceed. Delozier began work on June 10<sup>th</sup>. The project completion date is October 30<sup>th</sup>.

Borough crews have completed the installation of new stormwater systems on Rowena Drive, and are currently working on replacing basin tops on West High Street.

Recommended Action – No action required.

**Item 7B: Hillcrest Drive Addressing**

The new owner of 723 West Highland Avenue asked why the property is addressed off of West Highland Avenue and not off of Hillcrest Drive. It is clear that the address should be on Hillcrest Drive. That would normally be an easy correction to make, except that in this case, the appropriate house number on Hillcrest Drive is already taken.

If dispatched to an emergency at 723 West Highland Avenue, emergency vehicles would already be past Hillcrest Drive before they realized they cannot access the property from the rear. The owner does not wish to inconvenience the neighboring properties with an address change, but staff believes the situation requires correction.

At the same time, the house at the intersection currently addressed as 701 West Highland should more accurately be addressed on Hillcrest Drive.

Correcting the addressing will involve five properties:

701 West Highland Avenue will change to 101 Hillcrest Drive.

103 Hillcrest Drive will remain unchanged.

105 Hillcrest will remain unchanged.

723 West Highland Avenue will change to 107 Hillcrest Drive.

107 Hillcrest Drive will change to 109 Hillcrest Drive.

109 Hillcrest Drive will change to 111 Hillcrest Drive.

111 Hillcrest Drive will change to 113 Hillcrest Drive.

115 Hillcrest Drive, and all subsequent addresses, will remain unchanged.



The procedure for changing the addresses is for the borough to petition the County’s Department of Emergency Services to do so. If approved, they then implement the changes, and notify the property owners, the post office, and all emergency services.

Recommended Action – Dependent on discussion.

<b>8. ADMINISTRATION COMMITTEE</b>	<b>Lutz, Barber &amp; Jacoby</b>
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\* Item 8A: Deputy Tax Collector  
Resolution #2015-04 is proposed appointing Tracy Strom to that position.

Recommended Action – Adopt Resolution #2015-04 appointing Tracy Strom as Deputy Tax Collector.

**Item 8B: Public Works Hire**

There has been a vacancy in public works for several months. The position was advertised, with 48 applications received. Twelve applicants were interviewed.

Recommended Action – Approve hiring Casey Smith as Laborer I, at the rate of \$14.71/hr., effective 6/22/15.

**9. GENERAL BUSINESS**

- \* Item 9A: Minutes of Previous Meeting(s)  
The minutes of the previous regular 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 May 2015 is presented for approval.

Recommended Action – Approve the May 2015 financial statement.

- \* Item 9C: Bills  
A list of bills totaling \$336,351.95 is submitted for approval.

Recommended Action – Approve payment of the bills as submitted.

**Item 9D: Telephones**

The telephone handsets have been malfunctioning, and are no longer supported by the manufacturer. Precision Business Solutions is proposing new Cisco handsets. These are very basic models with few functions. One mobile wireless set will be included for use in the Council room and community room.



The cost of the new handsets is \$3,921 installed. The monthly hosting fee will decrease from \$332 to \$240. This includes all 25 telephone handsets in all borough facilities.

Recommended Action – Approve the purchase of new telephone handsets at a cost of \$3,921.

- \* Item 9E: Cambria County Sewage Enforcement Agency

Recommended Action – Appoint Tracy Strom to complete a 1-year term, expires 12/2015.

**Item 9F: Zoning Amendment**

Ordinance #623 was proposed amending the Zoning Ordinance and the Zoning Map. The amendment to the Zoning Ordinance adds “Banks, Credit Unions and other Financial Institutions” as permitted non-residential uses in the Mixed Use-Village Commercial Zones (MX-VC).

The amendment to the Zoning Map was intended to extend the existing MX-VC along North Center Street south to West Highland Avenue, to include the two parcels being sold by Central Cambria School District.

The Municipalities Planning Code (MPC) requires that notice of such a change be made in several forms. In addition to the normal advertisement in a newspaper, the local planning commission, the county planning commission and owners of all properties affected by the proposed map change must be mailed a notice.

Ordinance #623 was written and processed as though it was to only affect the two middle school parcels. There was never any reference in the Ordinance, or in any of the notices, that the zoning map amendment would affect the four residential properties between the middle school properties and Julian Street. Thus, as the Ordinance was written, those four properties would remain zoned Single-Household Residential.

Assuming that, following the public hearing, Council still wishes to amend the zoning map, there are two options.

- 1) Approve the Ordinance as written, applicable to only the two middle school parcels. If Council chooses that option, and assuming there are no changes as a result of the public hearing, Ordinance #623 can be granted final approval.

“Spot Zoning” may be alleged, as the new MX-VC zone would be isolated from other MX-VC zones, and surrounded by residential zones. Council may wish to seek the Solicitor’s opinion on spot zoning. Staff believes it to be a colloquial term that is not used in any land use legislation. Spot zoning is not prohibited or illegal. If Council determines that a zoning district designation, regardless of how small or how isolated, is in harmony with the community’s comprehensive planning, and is for the good of the community, then it should be defensible.

Incidentally, the map provided to the county planning commission for review and comment included only the two middle school properties. The planning commission found that to be consistent with the county’s comprehensive plan, and recommended approval.

- 2) If Council, either because it wishes to include those other four parcels in the new MX-VC zone, or it is concerned about spot zoning, Ordinance #623 must be amended to include those four parcels, and the public notice provisions of the MPC must be repeated, including notice to those four properties. A second public hearing would be required prior to final adoption.

Recommended Action – Dependent on discussion.

## 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 Danae 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 was forwarded to Council.

\* 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 – 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. 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.*