



Ebensburg Borough Council Meeting
Monday, October 26, 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 9A: Approve the minutes of the September 28, 2015 regular monthly meeting of Borough Council.
- Item 9B: Approve the Financial Statement.
- Item 9C: Approve payment of bills.
- Item 9I: Appoint Christina Koren to fill the unexpired term of Dr. Kirsch on the Ebensburg Main Street Partnership, term 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.

6. RECREATION COMMITTEE

Barber & Jacoby

7. STREET COMMITTEE

Lutz, Miller & Houser

Item 7A: Sidewalk Project

The contracted portion of this project is completed. PennDOT conducted a final inspection on October 16th, and documents have been submitted to close out the grant. Final payment has been made to the contractor.

Borough crews will complete the installation of new street signs over the next few weeks, and will install the new streetlights as long as weather permits.

Recommended Action – No action required.

Item 7B: North Spruce Street One-Way

Council was asked to consider making North Spruce Street one-way. A joint letter was subsequently received from area property owners and is in Council's packet.

Recommended Action – Dependent on discussion.

8. ADMINISTRATION COMMITTEE

Lutz, Barber & Jacoby

Item 8A: 2016 Annual Budget

The administrative committee has compiled a tentative 2016 budget for Council's review. A copy of the draft budget was provided to Council. The 2016 Operating Budget calls for revenues of \$5,238,770 and expenditures of \$5,099,110. The general fund budget is balanced with no increase in real estate taxes.

	Revenues	Expenditures	Surplus
General Fund Budget	\$1,877,370	\$1,807,780	\$69,590
Water Fund Budget	\$1,555,500	\$1,545,900	\$ 9,600
Wastewater Fund Budget	\$1,575,900	\$1,515,430	\$60,470
Stormwater Fund Budget	<u>\$230,000</u>	<u>\$230,000</u>	<u>\$ 0</u>
Total Operating Fund	\$5,238,770	\$5,099,110	\$145,660

	2015	2016	Change
General Fund Budget	\$1,829,630	\$1,807,780	-1.20%
Water Fund Budget	\$1,541,550	\$1,545,900	0.28%
Wastewater Fund Budget	\$1,522,920	\$1,515,430	-0.49%
Stormwater Fund Budget	<u>\$ 146,000</u>	<u>\$ 230,000</u>	<u>57.54%</u>
Total Operating Fund	\$5,040,100	\$5,099,100	1.17%

The draft budget maintains taxes and utility rates at their current levels. The Manager will review the major points of the proposed budget.

The 2016 annual budget is granted tentative approval at this meeting, advertised for public inspection, and then adopted at the November meeting.

Recommended Action – Grant tentative approval to the 2016 annual budget and advertise for public inspection.

Item 8B: Tax Ordinance

An Ordinance is required each year to establish the real estate tax for the coming year.

Recommended Action - Grant tentative approval to Ordinance #615, establishing the 2016 real estate tax.

* Item 8C: FOP Negotiations

The administration committee conducted its second negotiating session with police officers relative to renewal of the collective bargaining agreement that expires at the end of 2015.

Recommended Action – No action required.

Item 8D: YPCC Housekeeping

The 2016 draft budget includes a new part-time position for housekeeping at the YPCC. Staff recommends that the new position be filled now.

Recommended Action – Hire Mike Sirja for YPCC housekeeping at rate of \$8.50/hr.

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 September 2015 is presented for approval.

Recommended Action – Approve the September 2015 financial statement.

* Item 9C: Bills

A list of bills totaling \$402,633.75 is submitted for approval.

Recommended Action – Approve payment of the bills as submitted.

* Item 9D: Nature Center

At last month's meeting, Council approved the submission of a grant application for a feasibility study for the proposed nature center, subject to the involved parties being able to certify that the required local match was available. Written pledges were received for the application, and the application was submitted.

Recommended Action – No action required.

Item 9E: Parking Ordinance

There is non-uniformity that exists between the amount of fine that is assessed for parking violations and what the borough's current parking ordinance prescribes.

Under the current practice, a meter violation is a \$5 fine. It increases to \$8 after seven days, and then \$15 if it is later filed at the district judge's office. The ordinance prescribes a fine of \$5, and then \$15 if unpaid after seven days.

There are sixteen other types of parking violations such as parking in posted areas, winter parking hours, etc. In practice, some are \$5 fines, some are \$10 fines, and others are \$15 fines. After seven days, these increase to \$35. After 30 days, when filed at the district judge's office, the fine reverts back to \$15, the same as a meter violation, only because the software system cannot recognize a second fine amount.

The police department is recommending several amendments to parking enforcement procedures, some of which require an ordinance amendment.

- 1) Stop the practice of increasing meter violations to \$8. Follow the ordinance as written; \$5 for seven days, \$15 after that. Further, if it is necessary to file a charge with the district judge, increase the fine to \$35 after 30 days.
- 2) Make all other parking violations (other than meter violations) \$15. Increase to \$35 after seven days. If it is necessary to file a charge with the district judge, the fine remains at \$35.
- 3) The current traffic ordinance specifies a \$25 fine for traffic signal violations, prohibited right turns, wrong way on one-way, and stop sign violations. These violations are addressed in the Motor Vehicle Code, and do not belong in a local ordinance.
- 4) There are several parking violations that are enforced under the Motor Vehicle Code including parking too close to a crosswalk, a traffic signal or driveway. As we rely on the Vehicle Code, only a sworn police officer can enforce those. Adding those violations to the local ordinance will allow them to be enforced by the parking enforcement officer.
- 5) The ordinance already includes a short list of several types of site-specific parking signs that are enforced. We should add to that list “Bus Stop”, “Handicap”, “Loading Zone”, and spaces reserved for specific individuals or specific purposes.
- 6) The traffic ordinance lists all locations where pedestrian crossing signals are located. We need to add West High Street at Ben Franklin Highway and Rowena Drive at Manor Drive.
- 7) Complaints about parked vehicles obstructing alleys are frequent. Add a section prohibiting parking on any non-ordained alley contained in the plan of lots.
- 8) Add to the violation section a statement indicating that the continuation or reoccurrence of the violation after a period of 24 hours shall constitute a new and separate offense for each successive additional 24-hour period.
- 9) Add a section formally creating the position of parking enforcement officer and granting enforcement powers.
- 10) Expand the list of streets designated as “snow emergency routes” to include all major streets. In the rare event that a snow emergency is declared, parking would be prohibited on all such streets.

Sections of the ordinance have also been amended to include references to the multi-station pay stations and ability to pay fees by other than coins.

The current ordinance states that actual rates and time limits for parking meters will be established from time to time by Resolution of Council. Historically though, the Mayor has determined which time limits apply at specific streets and parking lots. As that should be designated by Resolution, Resolution #2015-11 has been prepared to approve the current parking meter rates.

Recommended Action #1 – Grant tentative approval to Ordinance #627 amending parking regulations, and advertise for public inspection.

Recommended Action #2 – Adopt Resolution #2015-11 establishing parking meter rates.

Item 9F: IT Service

The Borough currently pays \$17,500 annually for IT services. The cost is fixed regardless of how little or how much we utilize the service. In addition, the Borough pays \$1,200 annually for web/cloud hosting, \$3,900 for telephone lines, and \$805 annually for virus protection. That is a total of \$23,400 in recurring IT related costs.

Precision Business Solutions (PBS) of Ebensburg Borough wishes to offer the same services for a fixed cost of \$20,000 annually. PBS formerly provided IT services to the Borough until 2011, but did not do so under a fixed fee arrangement. They now offer such a plan.

PBS would be charged with all computer hardware, software, telephone and camera issues. Under the current arrangement In-Shore handles IT, SimCloud handles web hosting, PBS handles telephones and Gittings handles security cameras. A lack of coordination and cooperation complicates projects. As an example, the new security cameras have been installed now for three months, but they have not yet been linked to the website for public viewing. A single turnkey vendor would eliminate those problems.

Staff recommends that Precision Business Solutions be hired as IT contractor. This is a month-to-month agreement.

Recommended Action – Approve agreement with Precision Business Solutions to provide IT services to the borough.

Item 9G: New Truck

The 2016 budget includes a new pickup truck, plow and spreader for the public works department. The department wishes to purchase at least the plow and spreader now. The plow would be mounted on the utility truck now, and the spreader on a pickup truck, improving the department’s ability to handle winter maintenance, especially in parking lots.



Recommended Action – Approve purchase of new spreader and plow from Walsh Equipment, under State contract, for \$14,100.00.

Item 9H: Energy Rates

The Borough’s contract for energy rates with Champion Energy Services expires at the end of 2016. Current energy rates are at historic lows, and Smith Energy Group, the Borough’s energy broker, recommends selecting now a supplier for a two-year period following 2016. The lowest quoted rate is Constellation NewEnergy at 6.022 cents/hWh. Our current rate is 7.29 cents/kWh.

The contract with Constellation only covers the seven largest of the Borough’s thirty accounts. The change will result in an annual savings of over \$18,000.

Recommended Action – Approve a contract with Constellation NewEnergy as energy supplier for 2017 and 2018 at the rate of 6.022 cents/kWh.

- * **Item 9I: Ebensburg Main Street Partnership**
Dr. Kerry Kirsch has resigned from the Board of the Main Street Partnership. Christina Koren is recommended as his replacement. Christina is employed by Mount Aloysius College as Director of Mission Integration and Community Engagement, and has been very involved with Ebensburg's events.

Recommended Action – Appoint Christina Koren to fill the unexpired term of Dr. Kirsch on the Ebensburg Main Street Partnership, term expires 12/2015.

Item 9J: Christmas

Christmas lighting will likely not be on full display this year. Most of the new decorations for the downtown have arrived, but the lights for the street trees are still sitting in Customs. If they are not received within the next week, there will not be enough time to have them installed. The new bows and pole wraps for the streetlights were intended to complement the tree lights, and not be the main display. Without the tree lights, the pole wraps might appear a bit sparse.

The old wreaths from the downtown area were to be moved to the new streetlight poles on West High Street and South Center Street, but those new streetlights will not be installed until spring. As such, there will be few decorations outside of the downtown area. The old snowflake decorations cannot be used as many were already sold, and the electrical circuit was used for the planned new decorations.

Recommended Action – No action required.

Item 9K: Knopp Drive

The owner of 99 Grandview Drive (Mazeika) wishes to acquire a portion of Knopp Drive, an unopened street in front of their property. In addition to the parcel on which the water storage tanks are, the Borough also owns the parcel bordered by Alpha Drive and the extension of Grandview Drive (26-009-105.000).

Grandview Drive formally ends at Alpha Drive. The extension past the front of 99 Grandview Drive is not an ordained street. It is not maintained by the Borough. Mazeika wishes to acquire enough of the unopened street to square off the southeast corner of their property. Doing so would cross more than half of Knopp Drive.

The Solicitor can inform Council of the procedure one would follow to acquire a portion of the unopened street. Any means of doing so would require the consent of at least all property owners contiguous to the street, and possibly all owners on the entire street plat.

The most practical future use of the Borough's vacant parcel would need frontage on Grandview Drive, and the value of that parcel could be diminished without the Grandview Drive extension.

While it would be to the Borough's advantage if neighboring property owners wanted to have Knopp Drive improved and ordained, it is not to the Borough's advantage to permit any portion of Knopp Drive to be claimed. If Council is not willing to permit acquisition of any portion of Knopp Drive, then Mazeika can proceed no further.



Recommended Action – Deny the request to acquire any portion of the Grandview Drive extension or Knopp Drive.

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.

A copy of the minutes of the last recreation board meeting is included in Council’s packet.

* 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

*1) NAPA

The planning commission reviewed preliminary plans for the new NAPA store on Rowena Drive. Design is not far enough along to render any opinion.

Recommended Action – No action required.

2) **Fairgrounds Stormwater**

The fairgrounds was encountering a stormwater problem in the line of barn buildings. The buildings were flooding due to old downspouts and blocked dry wells. The committee that manages the barn buildings had new downspouts installed, and added underground piping to discharge the stormwater to a point below the gravel road.

Just prior to the fair, a heavy rain resulted in a washout of the parking area below that gravel road. The fairgrounds installed additional underground pipe through the parking lot in order to discharge the stormwater to an existing pond in the tree line near Randolph Street. The intention of the fairgrounds was to prevent the washout of the parking lot, and to divert the stormwater away from residences along Beech Street.



This type of work is a regulated activity under the stormwater ordinance, requiring a proper application and a mathematical calculation illustrating that stormwater flows are not being increased. The fairgrounds only had four days until the fair to get the work completed, and did not realize that a permit was required for such work.

Staff reviewed the matter with the borough engineer. He inspected the site, found that no additional stormwater was being added that did not exist before, and believed that an application would demonstrate no increase in stormwater flow. Further, the trapezoid channel being installed by the borough at Beech Street was designed to accommodate future development of the fairgrounds, and is more than adequate to handle any flows generated from that area.

The matter was then presented to the planning commission, the agency to whom a stormwater application would be submitted to. The planning commission, per Section 402 of the stormwater ordinance and the borough engineer's determination, approved an exemption from the planning requirements. The engineer's opinion is in Council's packet.

The matter is now referred to Borough Council for action.

Recommended Action – Approve an exemption from the stormwater planning requirements for work completed at the Cambria County Fairgrounds.

* 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.

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.