



**Ebensburg Borough Council Meeting**  
**Monday, March 28, 2016**  
**6:30 p.m.**

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**Borough Council**  
Doug Tusing, President  
Susan Barber, Vice-President  
John Cobaugh  
Cecilia Houser  
Theresa Jacoby  
Dave Kuhar  
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 February 22, 2016 regular monthly meeting of Borough Council.
- Item 9B: Approve the Financial Statement.
- Item 9C: Approve payment of bills.
- Item 9G: Approve an agreement with the FAA allowing the 2012 entitlement grant to be transferred to Penn Valley Airport Authority.

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**

**Houser & 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: Landlord/Tenant Utility Bills  
The Municipal Authority’s Rules & Regulations hold the property owner ultimately responsible for a tenant’s unpaid utility bills. A landlord sought relief from a tenant’s unpaid bill. The Municipal Authority voted to affirm the rule as it exists, holding owners ultimately responsible for their tenants’ bills.

Recommended Action – No action required.

**6. RECREATION COMMITTEE**

**Barber & Jacoby**

- \* Item 6A: Nathan’s Divide Education Center  
Council previously approved a DCNR planning grant application through Southern Alleghenies Planning Commission in the amount of \$10,500 for a \$21,000 feasibility study. The 50% matching funds were committed by donations and in-kind work. The grant was since approved. At a March 23<sup>rd</sup> planning meeting, it was learned that the actual total project cost is \$26,000. Southern Alleghenies will attempt to adjust the grant to \$13,000. The planning group believes that they have already secured the additional matching funds.

Staff has issued an RFP for the associated professional services. A separate project fund will be established wherein the grant funds and matching funds will be deposited, and from which all project invoices will be paid.

Recommended Action – No action required.

- \* Item 6B: Memorial Field

Borough crews have begun a major landscaping project at the Memorial Field ballfields. The edges of the baselines have been raised over the years, primarily due to the sweeping of water from the baselines. A sand/clay mix is used on the baselines, and it builds up over time creating a high lip at both edges of the baseline and a hazardous playing surface. Crews are skinning that excess material off, applying topsoil and reseeding those areas.



All fields are in need of grading and minor surface repairs. A buildup of soil and grass under the fences is being removed. New stone surfaces are being added in front of dugouts. The bricks on the memorial wall at the center of the facility have been repaired. Some of the work is cosmetic, but most is meant to ensure that we provide a safe playing surface at the facility.



Recommended Action – No action required.

## 7. STREET COMMITTEE

Cobaugh, Miller & Houser

\* Item 7A: Ongoing Projects

There are two ongoing street-related projects that will require traffic control measures or road closures through the spring.

Borough crews have begun the installation of the new streetlights along West High Street. Side streets are being closed as conduits are being installed between blocks.

On North Center Street it is necessary to repair or replace three leaking water line valves before PennDOT begins their resurfacing project.

Recommended Action – No action required.

## 8. ADMINISTRATION COMMITTEE

Barber, Jacoby & Kuhar

**Item 8A: Deferred Compensation Plan Amendment**

The Act 457 Deferred Compensation Plan does not contain any exclusions for types of employees. In the absence of stated exclusions, all employees, including part-time, and independent contractors, are eligible to participate. The Plan is employee deduction only, with no cost to the borough. But the fact that all are eligible means that the borough must provide notices and disclosures to all. Resolution #2016-03 is proposed excluding all part-time employees and independent contractors. None are currently participating in the plan.

Recommended Action – Adopt Resolution #2016-03 excluding part-time employees and independent contractors from participation in the Act 457 Deferred Compensation Plan.

## 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 February 2016 is presented for approval.

Recommended Action – Approve the February 2016 financial statement.

- \* Item 9C: Bills  
A list of bills totaling \$313,342.05 is submitted for approval.

Recommended Action – Approve payment of the bills as submitted.

**Item 9D: Sidewalk Project Debt**

Council discussed last month the budget shortfall relative to payment on the 1-year note obtained for the 2015 sidewalk project. The note is payable in full in June 2016. The original loan was \$750,000. The current balance as of 3/22/16 is \$439,753.

It was the consensus of Council last month to temporarily borrow wastewater funds to retire the debt, and to reimburse the wastewater fund as the final grant funds are received, as property owner assessments are received, and as finances allow during the year.

Recommended Action – Approve the payment of approximately \$139,800 from the general fund, and a temporary transfer of \$300,000 from the wastewater fund in order to retire the sidewalk bridge loan (exact payoff to be determined).

**Item 9E: Property Lien Interest**

Council discussed last month whether interest was being charged on property liens. While interest has not been charged, Ordinance #563 of 2009 requires that interest be charged at the rate of 10%.

Staff suggests that the rate of 10% might be considered excessive, and recommends that Council establish a rate more in line with the current market rates. In order to do so, Ordinance #563 would have to be amended. Staff suggests that the Ordinance be amended to allow Council to establish an interest rate, from time to time, by Resolution, as it sees fit. Ordinance #628 is proposed to accomplish that. Once granted final approval in April, then Resolution #2016-03 can be adopted establishing the lower interest rate. Staff is suggesting that an interest rate of 6% might be more appropriate.

Recommended Action – Grant tentative approval to Ordinance #628, allowing for the interest rate on property liens to be amended from time to time by Resolution, and advertise for public inspection.

**Item 9F: PLCB Noise Enforcement Exemptions**

Since 2008, Ebensburg Borough has opted to enforce noise regulations at local licensed liquor establishments, exempting those establishments from PLCB's enforcement of noise violations. That exemption was last approved in 2012 and is due for renewal.

Resolution #2016-02 is submitted authorizing that petition. A copy of the petition is attached, along with a map of the exempted area (commercially zoned areas) and description of boundary lines.

Recommended Action – Adopt Resolution #2016-02 petitioning the PLCB to exempt certain areas and licensed establishments from PLCB enforcement of noise violations.

\* **Item 9G: Airport Grant**

The 2012 non-primary entitlement airport grant from the FAA in the amount of \$150,000 is due to expire. RACRA does not intend to utilize the funds for a capital project. The funds are available to be transferred to the Penn Valley Airport Authority for a project, but the transfer of the funds requires Council approval.

Recommended Action – Approve an agreement with the FAA allowing the 2012 entitlement grant to be transferred to Penn Valley Airport Authority.

**Item 9H: Natural Gas Prices**

Dominion Energy is offering a fixed price for natural gas through February 2018 of \$2.96 per Mcf. The borough’s current price is \$2.18. Rates have recently varied as follows:

July 2015	\$2.26
August 2015	\$2.20
September 2015	\$2.18
October 2015	\$2.53
November 2015	\$2.56
December 2015	\$2.56
January 2016	\$2.18
February 2016	\$2.16

The borough pays approximately \$28,200 annually for natural gas at all facilities. Approximately 35% of that is the above commodity charge.

Whether to continue at the market rate or to lock in a fixed price for a specific period depends on Council’s feeling for the future natural gas prices. Nobody knows which is the best choice. Because the proposed fixed rate is significantly higher than the current market rate, and because Pennsylvania is now the second largest producer of natural gas, staff believes that continuing at the current variable rate is probably best.

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 Samantha Kemock 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
  - \*1) Ebensburg Float  
The Zoning Hearing Board granted a special exception for a minor impact home based business and a variance for a lighted sign to William Kerr at 793 Ben Franklin Highway to operate a new business, Ebensburg Float.

Recommended Action – No action required.

**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.*