



Ebensburg Borough Council Meeting
Monday, October 26, 2020
6:30 p.m.

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Borough Council
Doug Tusing, President
Dave Kuhar, Vice-President
Jeffrey Ball
Cecilia Houser
Theresa Jacoby
Scot May
Michael Owatt
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, 2020 regular monthly meeting of Borough Council.

Item 9B: Approve the financial statement and quarterly transfers.

Item 9C: Approve payment of bills.

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

Ball & Kuhar

Item 5A: Report from Inframark on Wastewater Treatment Plant Operations

Q&A on the written report submitted and on projects and activities at the wastewater plant.

Recommended Action – No action required.

Item 5B: Report from Inframark on Water Treatment Plant Operations

Q&A on the written report submitted and on projects and activities at the water plant.

Recommended Action – No action required.

6. RECREATION COMMITTEE

Jacoby, May & Owatt

Item 6A: Winter Plowing

The YPCC and the tennis center are used at all hours of the day. The parking lots have historically been plowed by borough crews as time permits. That means that those lots are often not plowed for several hours after a snow event. Even then, the borough crews' time could be better spent clearing intersections, public parking lots and sidewalks.

Staff is recommending that we contract the snow plowing for those two facilities on an as needed basis. As the local plowing company sees in passing that plowing is needed, they can do so. It is likely that during the common 3-inch snow event the borough crews will be able to adequately service those lots. During heavier snow events the facilities should be plowed more frequently than borough crews are able to do. When such assistance is needed the cost will be less than \$100/lot.

Recommended Action – Dependent on discussion.

7. STREET COMMITTEE

Ball, Houser & Owatt

Item 7A: 2020 Sidewalk Project

All primary work on this project has been completed. The contractor will have likely completed the punchlist of minor secondary work prior to meeting night.

Recommended Action – No action required.

Item 7B: 2020 Street Resurfacing

The milling of streets in the northeast quadrant began on October 12th. Resurfacing started October 20th and is still underway.

Recommended Action – No action required.

Item 7C: Street Trees

Bids were sought for the purchase of 76 street trees.

Eisler's Nursery	\$13,103.00
Schichtel's Nursery	\$11,538.00



Recommended Action – Award a contract in the amount of \$11,538.00 to Schichtel’s Nursery for the purchase of street trees.

Item 7D: Sidewalk Ordinance

Last month Council granted tentative approval to Ordinance #655 deleting the required sidewalk on the south side of West Sample Street between West Street and Marian Street. The Ordinance has been advertised and is ready for final adoption.

Recommended Action – Grant final approval to Ordinance #655 amending where sidewalks are required on West Sample Street.

8. ADMINISTRATION COMMITTEE	Houser, Jacoby & Kuhar
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Item 8A: Borough Manager Retirement

The upcoming vacancy in the Borough Manager position has been advertised. Applications are due on November 9th. The administration committee intends to review those applications and schedule initial interviews during November. A later round of interviews is likely during December. The committee hopes to agree on a candidate in early January with a start date of February 22nd. That will allow for a 2-week period of overlap during which the outgoing manager can assist with orientation.

Recommended Action – No action required.

Item 8B: 2021 Annual Budget

The administrative committee has compiled a tentative 2021 budget for Council’s review. The 2021 Operating Budget calls for revenues of \$6,115,030 and expenditures of \$6,063,450. The general fund budget is balanced with no increase in real estate taxes. This is the 11th consecutive year without a tax increase for general purposes, and the 10th consecutive year without a tax increase for any purpose; the last being in 2010 for the swimming pool debt.

	Revenues	Expenditures	Surplus
General Fund Budget	\$2,14025,530	\$2,125,250	\$15,280
Water Fund Budget	\$1,810,500	\$1,794,140	\$16,360
Wastewater Fund Budget	\$1,938,000	\$1,918,060	\$19,940
Stormwater Fund Budget	<u>\$ 226,000</u>	<u>\$ 226,000</u>	<u>\$ 0</u>
Total Operating Fund	\$6,115,030	\$6,063,450	\$ 51,580

The General Fund Budget is increased by 2.5%. The increase is primarily due to higher costs budgeted for healthcare and pensions.

The Water Fund Budget is increased by 3.9% primarily due to increased healthcare and pension costs, correction of the cost for contracted operations, and budgeted increases for repairs. The Wastewater Fund Budget is increased by 2.7% for those same reasons.

Overall, the 2021 Operating Budget represents an increase of 2.9% from 2020.

With the exception of the budgeted cost of employee benefits and the increased budget for utility system repairs, expenditures in all funds remain fairly consistent, reflecting our commitment to control expenses while ensuring the continued delivery of services in the most cost-effective manner.

	2020	2021	Change
General Fund Budget	\$2,072,400	\$2,125,250	2.55%
Water Fund Budget	\$1,726,250	\$1,794,140	3.93%
Wastewater Fund Budget	\$1,867,960	\$1,918,060	2.68%
Stormwater Fund Budget	<u>\$ 226,000</u>	<u>\$ 226,000</u>	<u>0%</u>
Total Operating Fund	\$5,892,610	\$6,063,450	2.90%

The draft budget maintains taxes at their current levels but includes an increase in water rates. The Manager will review the major points of the proposed budget. A synopsis of the budget is included in Council’s packet.

The 2021 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 2021 annual budget and advertise for public inspection.

Item 8C: Tax Resolution

Resolution 2020-13 is proposed maintaining the same real estate tax rate in 2021.

Recommended Action – Adopt Resolution 2020-13 maintaining a real estate tax rate in 2021 of 30.75 mills on land and 8.5 mills on buildings for general purposes, and 2.5 mills on land for stormwater.

Item 8D: Zoning and Property Maintenance Enforcement

The Borough Manager currently serves as the zoning enforcement officer and property maintenance enforcement officer. He is compensated \$3,000 and \$3,250, respectively, for those services.

The Committee recommends that Laurel Municipal Inspection Agency, the same agency that already administers the building code, be engaged to provide zoning enforcement services. Laurel provides zoning services to eight other municipalities and has well-trained and experienced staff specifically for zoning. Borough residents currently do not pay a fee for zoning opinions. The fee for all approved zoning opinions with Laurel is \$55. The Committee recommends that Laurel assess \$25 of that fee to each applicant, and the balance of \$30 to the borough. There are approximately 100 zoning opinions issued annually, meaning that the borough will continue to incur a budgeted expense of \$3,000 annually for zoning enforcement.

The Committee recommends that property maintenance enforcement continues to be provided in-house. The role should be assigned to the new Borough Manager without additional compensation and delegated as necessary to borough staff.

Recommended Action – Designate Laurel Municipal Inspection Agency as Zoning Enforcement Officer, effective January 1, 2021.

9. DIVERSITY COMMITTEE

May, Kuhar & Houser

Item 9A: Gender-Neutral Code Revisions

Ordinance #656 was proposed to correct gender-specific terms used throughout the Borough's Code of Ordinances. It directs that ALL ordinances and resolutions be edited to replace gender-specific terms with gender-neutral terms. The Ordinance further expands the Borough's focus on equity and inclusion and is consistent with the Borough's stated diversity objectives. The Ordinance was granted tentative approval last month, has been advertised for public inspection and is ready for final adoption.

Recommended Action – Grant final approval to Ordinance #656 editing all ordinances and resolutions as necessary to replace gender-specific terms with gender-neutral terms.

10. GENERAL BUSINESS

* Item 10A: Minutes of Previous Meeting(s)

The minutes of the September 28, 2020 regular meeting are presented for Council review and approval.

Recommended Action – Approve the minutes of the previous meeting(s).

* Item 10B: Financial Statement

The financial statement for September 2020 is presented for approval.

Recommended Action – Approve the September 2020 financial statement and quarterly transfers.

* Item 10C: Bills

A list of bills totaling \$***** is submitted for approval.

Recommended Action – Approve payment of the bills as submitted.

Item 10D: Middle School Football Field

A request is pending to rezone the former middle school football field from single-household residential to multi-household residential. A public hearing was conducted on October 19th at 6:30. The matter was forwarded to the Cambria County Planning Commission for comment and to the Ebensburg Borough Planning Commission for a recommendation.

The Cambria County Planning Commission reviewed the request and submitted its recommendation that the zoning district be changed as requested, with the stipulation that the Historic Character Overlay continue to apply. It determined that it is unlikely that single-household residences would ever be constructed on the site due to the heavy traffic volume on North Center Street, and that multi-family residences currently exist in the vicinity.

The Ebensburg Borough Planning Commission also recommended that the change be approved, emphasizing the requirement that any specific development satisfy the Land Development Ordinance and the Historic Character Overlay. The Commission did not feel that the objections expressed earlier concerning a proposed change to commercial use were applicable to this proposed use, specifically the narrowness of streets, site lighting, litter, dumpsters and rodents, truck deliveries and noise.

Recommended Action – Dependent on discussion.

* Item 10E: Zoning Amendment

A request for a zoning amendment relative to front yard fences was received last month and referred to the planning commission. The matter is on the planning commission’s November 5th agenda.

Recommended Action – No action required.

Item 10F: LERTA Ordinance

The Local Economic Revitalization Tax Assistance Act (LERTA) exists to encourage economic opportunities and prevent deterioration of underdeveloped properties by tax exemptions granted to such properties. The site of the former Cambria County Prison is one such property. Cambria County and the Central Cambria School District agree that repurposing of the building will be difficult without some positive assistance. Establishment of a LERTA tax exemption will result in improving the economic, physical, and social conditions of the parcel by creating new employment and diminishing blight.

The LERTA designation is for a period of ten years with the following abatement schedule:

- Year 1 & 2: 100%
- Year 3 & 4: 80%
- Year 5 & 6: 60%
- Year 7 & 8: 40%
- Year 9 & 10: 20%

Recommended Action – Grant tentative approval to Ordinance #657 establishing a LERTA property tax exemption for the former prison site and advertise for final adoption.

Item 10G: Building Code Waiver Permits

Ebensburg Borough is the only municipality served by Laurel Municipal Inspection Agency that does not issue “waiver permits” under the Building Code. While nearly any construction work on a commercial building requires a building permit, there are many forms of residential building projects that are exempt from building permits. For example, roof replacement, siding and replacement doors/windows. Detached garages do not require a building permit.

Where a building permit is not otherwise required, a waiver permit process is recommended. A waiver permit is free. It does not require that a design be submitted with the application. It is simply intended to assure that old building materials such as shingles are properly disposed of, and it serves as notice to the county assessment office that some type of improvement occurred.

Recommended Action – Dependent on discussion.

Item 10H: Reaffirm Actions of September 28, 2020 Meeting

The September 28, 2020 Council meeting conducted via Zoom was interrupted and could not be continued without initiating a new session. Members of the public and press who had originally connected to the meeting were provided with the information for the new session and were able to re-connect. Several actions were taken during the second portion of the meeting and should be reaffirmed by Council to ensure full compliance with the Sunshine Act. Those actions include:

1. Award a contract to Pro Disposal for weekly garbage collection and recycling service for the 3-year period beginning January 1, 2021.
2. Grant final approval to Ordinance #654 banning outdoor burning with the exception of recreational fires.
3. Adopt Resolution 2020-12 authorizing an application to Cambria County for \$375,240 under the Covid-19 Relief Grant.
4. Approve the site plan for the dog park to be constructed at the Lake Rowena property, and the in-kind service of water and stormwater pending final negotiated agreement.
5. Refer the requested Zoning Ordinance amendment relative to front yard fences to the planning commission for recommendations.

Recommended Action – Reaffirm all actions taken by Borough Council during the September 28, 2020 meeting.

11. DEPARTMENT REPORTS

Item 11A: Police Department

Chief Wyland has submitted a written report on the police department’s activities during the month.

Item 11B: Public Works Department

Public Works Director Jeff Evans has submitted a written report on the public works department’s activities during the month.

Item 11C: Community Development

Community Development Director Danae Koss has submitted a written report on the community development department’s activities during the month.

Item 11D: Recreation Department

Recreation Director Dirk Johnson has submitted a written report on the recreation department’s activities during the month.

* Item 11E: Codes Enforcement

A monthly codes enforcement report was forwarded to Council.

* Item 11F: Ebensburg Municipal Authority

A copy of the minutes of the last municipal authority meeting is included in Council’s packet.

* Item 11G: Ebensburg Planning Commission

1. Lot Merger, 320 East High Street

A lot merger at 320 East High Street was tentatively approved by Council in August pending planning commission approval. The planning commission tabled the application in September as the lot merger plan had not yet been submitted. It was finally approved at the October meeting.

Recommended Action – No action required.

* Item 11H: Ebensburg Zoning Board – No activity

12. 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.

13. PUBLIC COMMENTS

Members of the public are invited to comment at this time on any issues, whether or not on the agenda.

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.