



Ebensburg Borough Council Meeting
Monday, April 22, 2013
6:30 p.m.

Phone: 814-472-8780
E-Mail: eburg@ebensburgpa.com
Website: www.ebensburgpa.com

Borough Council
Doug Tusing, President
Deborah Nesbella, Vice-President
Susan Barber
Cecilia Houser
Terry Illig
Dave Kuhar
Joe Lutz

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 25, 2013 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.

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 COMMITTEE

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: Severn Trent Rate Adjustment

The contract with Severn Trent prescribes a rate adjustment in June of each year based on the CPI (1.97%). The calculation is included in Council's packet.

Recommended Action – No action required.

* Item 5C: Water Project

The water project was discussed in detail at the municipal authority meeting. Details are included in the minutes of the municipal authority meeting, contained in the packet.

Contract 3 involves the conversion to the radio-read water meters. Council hired four temporary workers to complete the installations. One of those has left for full-time employment, and staff believes we can finish the project with the remaining three workers.

Recommended Action – No action required.

* Item 5D: Chapter 94 Report

The annual Chapter 94 Report for wastewater operations was completed for 2012. A copy is available on the borough's website.

Recommended Action – No action required.

6. RECREATION COMMITTEE

Illig, Houser & Nesbella

Item 6A: Playground Equipment

Staff had intended to apply for a grant for new swing sets at Lake Rowena and the swimming pool. This is a very minor project, and the strings attached to a grant for the project are onerous, including stamped drawings for the equipment and sites. The total cost for equipment is less than \$10,000 and the requirements of the grant are not cost-effective. There are four sites included in this project, and stamped drawings for all sites could cost that much again.

Site #1 is at Lake Rowena outside of the right field fence. A 4-swing set is proposed there next to the restroom building. Two existing sets of bleachers should be replaced (not eligible for the grant anyway). The site will require a bit of grading, which can be done in-house. Concrete slabs will be poured for the two sets of bleachers.

Site #2 is also at Lake Rowena next to the pavilion. An existing swing set is not code-compliant and will be replaced with a 4-swing set.

Site #3 is on the east side of Lake Rowena near the Lakeside Church. The existing swing set and sliding board are not code-compliant and must be replaced. Another 4-swing set is proposed there, without a sliding board.

Site #4 is at the swimming pool. An old swing set was removed from that area several years ago due to its poor condition. Another 4-swing set is proposed here next to the fence. Plans for Jenck's Dam included four swinging benches along the shore. Those should be ordered and installed at the same time.



Area at Lake Field for bleachers and swings



Old swing set at Lake Rowena



Old swing set and slide at Lake Rowena



Area at swimming pool for swings

Staff recommends that bids be sought for the four swing sets, swinging benches and bleachers, and that we forego the grant for this project.

Recommended Action – Approve advertising for bids for playground equipment at the swimming pool and Lake Rowena.

7. STREET COMMITTEE

Lutz & Houser

- * Item 7A: Sidewalk Design – West High Street, South Center Street, Rowena Drive
Keller Engineers and staff walked the project on April 10th. Keller has begun the survey work, and staff is providing right-of-way data for the cross streets.

Recommended Action – No action required.

Item 7B: East Ogle Street Sidewalk

The only sidewalk project scheduled for 2013 is the 100 block of East Ogle Street next to the courthouse. This project involves a new sidewalk beside the courthouse, and new curbs on both sides of the street. The red brick street will then be paved.

Because of the amount of paving material to be applied to the street, the new curbs are being installed 4” higher than normal. That will look very odd until the street is paved later in the summer.

Bids were due earlier in the day today, and a bid tabulation will be available at the meeting.

Recommended Action – Dependent on bids received.



Item 7C: Sidewalk Ordinance Amendment

Ordinance #513 of 2003 designated the areas where sidewalks are required. It has been amended twice to reflect new sidewalks completed and planned. The Ordinance should be amended again to reflect changes already made on South Cherry Street, and plans for future sidewalk improvements.

The Ordinance requires sidewalks on the west side of South Cherry Street. That sidewalk was deleted last year when the new curb was installed. It was decided then that traffic on Cherry Street did not require a sidewalk.

On East Crawford Street, sidewalks are required on the north side of the 100 block, then on both sides between Locust Street and Caroline Street. East of Caroline Street there is no requirement for sidewalks. The recommendation is to have sidewalks on both sides from Center Street to Phaney Street, and then on the south side only between Phaney Street and Roberts Street.

On North Caroline Street, sidewalks are required on both sides between High Street and Crawford Street, and again between Highland Avenue and Tibbott Street. There are no sidewalks between Crawford Street and Highland Avenue, nor are any required. That segment should have a sidewalk. While there are several minor obstacles that would have to be overcome, the recommendation is to require sidewalks on both sides of North Caroline Street from High Street to Tibbott Street.

On East Horner Street, sidewalks are required on both sides between Center Street and Caroline Street, and on the north side only between Caroline Street and Sugar Street. The recommendation is to require sidewalks on both sides of the entire length of East Horner Street.

On South Center Street, sidewalks are required on both sides between High Street and Triumph Street, and then on the west side between Triumph Street and Prave Street. The recommendation is to require sidewalks on both sides between Center Street and Prave Street.

On West Sample Street, sidewalks are required on both sides between Center Street and Marian Street, and then on the north side between Marian Street and West Street. The recommendation is to require sidewalks on both sides between Center Street and West Street.

On West Triumph Street, the Ordinance requires sidewalks in varying configurations. The recommendation is to require sidewalks on both sides between Center Street and Marian Street.

On South Marian Street, no sidewalk is required between Ogle Street and Triumph Street. A sidewalk should be required on the west side along Memorial Field.

The Ordinance contains three references to West Highland that are redundant and can be deleted from the Ordinance.

Recommended Action – Grant tentative approval to Ordinance #605, and advertise for public inspection.

Item 7D: Street Paving

The few streets in need of resurfacing include North Julian extension, North Caroline, Tibbott, Roland, Arbor and Margaret streets. There are two other projects being considered that make resurfacing of those streets this year impractical.

The municipal authority is considering installation of a new wastewater collection system in areas of town that will include portions of Caroline Street. They should have a better idea about those plans in the next month or two. Caroline Street is also being considered as part of a future sidewalk project, and it should not be resurfaced if Council decides to move forward with the sidewalk in the next year or two. All of the above streets should be paved at the same time, so staff recommends delaying them for at least another year.

The 100 and 200 blocks of East Ogle Street need to be paved this summer, as soon as the Ogle Street sidewalk project is completed. That project cannot wait due to the height of the new curbs. It is to our benefit to have a larger area than that for paving, so staff suggests that we add North and South Sugar Street to this year’s project. The resurfacing of Ogle Street and Sugar Street is estimated to cost \$55,400 and will be paid for with \$33,500 in County Liquid Fuels and \$21,900 from the liquid fuels fund. No general fund dollars will be needed for the street paving project.

As a separate project, we will resurface the municipal parking lot on High Street at Cherry Street. Staff will show Council some of the planned improvements.

In addition, staff has inspected all streets and prepared a long list of areas that need to be cut and patched by our own crews. That list has been provided to Council. Let staff know of any known areas that have not been included for patching.



Recommended Action – Advertise for bids for resurfacing of segments of East Ogle Street and Sugar Street, and a separate contract for resurfacing of the municipal parking lot.

8. ADMINISTRATION COMMITTEE

Barber & Lutz

Item 8A: Summer Workers

Council filled the summer positions last month. The recreation department had not yet decided how the swimming pool concession stand was to be staffed. They now intend to staff

it in the same manner as last year, and recommend that Corey Myers (2nd yr.) and Peter Schaffer be hired for those positions.

The administrative office usually tries to obtain a college intern for the summer months. When that is not possible, a summer worker has been hired. We are hopeful at this point that we will have an intern. If not, Council will be asked to fill that final position in May.

Recommended Action – Hire Corey Myers and Peter Schaffer for concessions at rate of \$7.25/hr.

Item 8B: Non-Uniform Pension Plan Restatement

Following a recent resignation of a non-vested employee, Mockenhaupt Associates realized that the non-uniform pension plan lacks language prescribing how the contributions made by the employee were to be refunded to the employee. Mockenhaupt prepared that pension amendment, and at the same time revised the document to incorporate the current requirements for “qualified” government pension plans pursuant to §401(a) of the IRS Code, including recent required amendments for the Economic Growth and Tax Relief Reconciliation Act of 2001, the Pension Protection Act of 2006, and the Heroes Earnings Assistance and Relief Tax Act of 2008. The proposed amendments to the Ordinance are included in the packet.

Recommended Action – Grant tentative approval to Ordinance #606 restating the non-uniform Pension plan, incorporating changes relative to refunding of employee contributions and incorporating recent IRS amendments.

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 2013 is presented for approval. A 12-month fund balance analysis is also included.

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 1st quarter are attached.

Recommended Action – Approve the March 2013 financial statement and quarterly fund transfers.

- * Item 9C: Bills
A list of bills totaling \$159,719.45 is submitted for approval. The list of bills includes an account in the amount of \$1,696.93 payable to Barber Oil Company. An abstention will be recorded in the minutes on behalf of Councilor Barber on that particular bill.

Recommended Action – Approve payment of the bills as submitted.

Item 9D: Ebensburg Oil & Gas Remediation

Representatives of Synergy attended last month’s meeting seeking an environmental covenant relative to any future potable wells on the Lake Rowena property. The matter was referred to the Solicitor for further review. Primary concerns included the effect of a “release of liability”, the borough’s ability to preserve its right to pursue damages, and what happens if the hydrocarbon product appears again in the future.

The Manager and Solicitor spoke with DEP representatives and Counsel on April 16th. The Solicitor will report on that discussion, and the recommendation will be to sign the covenant.

Recommended Action – Approve the environmental covenant for Lake Rowena prohibiting future use of the property for potable water.

Item 9E: Entrance Sign

Bids were sought for construction of the new “Welcome to Ebensburg” sign along West High Street at the Holy Name Cemetery. An easement was obtained last year from Holy Name for the site. Bids were opened on April 2nd and are as follows:

Paul Felix Construction, Ebensburg	\$17,373.00
Major Builders, Johnstown, Pa	\$18,725.00
BIPCO, Mars, Pa	\$18,900.00
Knopp & Klatt, Ebensburg, Pa	\$23,705.00

The low bid contains stipulations that change the terms of the bid document, and are so significant that post-bid clarification and subsequent award would constitute an unfair advantage. The low bidder does not guarantee the price for the required 60 days, reserves a right to adjust the material cost, advances the payment schedule, does not guarantee the workmanship, and inserts a “rock” clause. Therefore, staff recommends that the low bid be rejected, and that the contract be awarded to Major Builders.

Recommended Action – Award the bid for sign construction to Major Builders in the amount of \$18,725.00.

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 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 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 – 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.

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.