



Ebensburg Borough Council Meeting
Monday, November 23, 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.

JUNIOR COUNCILOR

A Junior Councilor position was first created by Borough Council in 2002 by Resolution #2002-02. Council recognized the importance of involving residents of all ages in the decision-making process, and that, while not yet able to vote for its elected representatives, youth nonetheless have an interest in the operation of borough government. The position was last occupied in 2012 and there have been no applicants since then. William Westrick, a junior at Central Cambria High School, wishes to be named to that position.

The Junior Councilor must be a borough resident completing the junior year of high school. The term is June-May. The junior member is permitted to attend all meetings of Council (except executive sessions) and all committee meetings and is permitted to participate fully in those proceedings, except shall not be afforded the right to vote.

Mayor Datsko will administer the oath of office to Mr. Westrick.

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 8D: Make it a matter of record that Robert Stofko has been hired as a janitor effective 10/19/2020.

Item 8F: Make it a matter of record that Michael Kush has been hired as a tennis assistant effective 11/2/2020.

Item 9A: Approve the minutes of the October 26, 2020 regular monthly meeting of Borough Council.

Item 9B: Approve the financial statement.

Item 9C: Approve payment of bills.

Item 10J: Award a contract to Midstate Consultants in the amount of \$1,975.00 to conduct an IFE for the airport taxiway rehabilitation project.

Recommended Action – Approve the consent agenda.

2. APPOINTMENTS TO ADDRESS COUNCIL

Item 2A: Julie Horvath

Julie Horvath of 709 East Sample Street wishes to present a PowerPoint regarding a proposed skatepark.

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.

Item 5C: AWOP Award

PaDEP has selected Ebensburg's water treatment plant to receive an Area Wide Optimization Program Award. AWOP is a national filter plant optimization effort among various states, the EPA and the Association of State Drinking Water Administrators. The award recognizes outstanding efforts toward optimizing filter plant turbidity performance. This year the 31 top-performing filter plants received the award.

Recommended Action – No action required.

Item 5D: Water/Sewer Projects

At the September meeting staff discussed one small water project on North Spruce Street and two small sewer projects on North Marian Street and East Ogle Street. At that time, Council approved seeking bids for all three projects. After further consideration, the cost of none of

the three projects will be high enough to require bidding. There are enough underground unknowns to make developing specifications for bidding impossible without incurring additional costs for engineering.

The most cost-effective approach for these projects is a joint effort between borough crews and a private contractor. Kev's Excavating would be used for excavation and site work on a time and material basis. Borough crews will procure and install all piping and connections.

The sewer project in the 700 block of East Ogle Street will be delayed. The collector line currently at the rear of those properties is under porches and will need to be relocated to the front of the properties.

Recommended Action – No action required.

Item 5E: Water Loss

The unaccounted water loss on our water distribution system had been as high as 47%. While we want water loss to be as low as possible, 20% is the accepted target. Our own public works crews have worked diligently to detect system leaks and to make repairs. They have also worked closely with Inframark to better coordinate the various meter readings at the treatment plant and storage tanks, and with office staff to coordinate the calculation of water sold through customer meters. All of that work has our current water loss rate down to 26%. There is one valve and flow meter at the treatment plant yet to be replaced. Our loss rate will likely hover between 20-30% due to the age of the distribution lines.

Recommended Action – No action required.

Item 5F: Ongoing Byproducts Violations

November's quarterly test results continue to show elevated HAA5 and TTHM levels in the water being purchased from Greater Johnstown's Saltlick system. Those are byproducts of the chlorine used to disinfect the water. They are not considered serious health risks but do constitute violations of the maximum contaminant level (MCL) and therefore require public notification. The problem affects only those customers that actually receive water purchased from Saltlick, primarily those few along Route 22. Regardless, regulations require that all customers on our system be notified.

Greater Johnstown completed the installation of an aeration system on the Saltlick reservoir earlier this year. It is intended to decrease the byproducts in the water. Test results have been trending lower during 2020 but the running average of test results remains slightly above the MCL. We remain hopeful that the running average will soon drop below the MCL and that public notifications will no longer be necessary.

Recommended Action – No action required.

7. STREET COMMITTEE

Ball, Houser & Owatt

Item 7A: 2020 Sidewalk Project

All primary work on this project has been completed. The contract as awarded was \$1,371,061. The final cost is \$1,316,800 due to slightly lower quantities of curb and sidewalk. The final bill has been paid less retainage for several small items. We retained \$1,800 for some reseeding and blacktop repair that needs to be redone in the spring. The contractor was given the option of foregoing payment and having our crew take care of it. There was \$10,000 retained for alleged damage to a foundation wall. We asked only that the contractor respond in writing to the owner's claim. Any disagreement on the actual damages will be between the contractor and the owner.

Recommended Action – No action required.

8. ADMINISTRATION COMMITTEE

Houser, Jacoby & Kuhar

Item 8A: Borough Manager Retirement

The upcoming vacancy in the Borough Manager position has been advertised. Nineteen applications were received. The administration committee has reviewed those applications and sought additional information from twelve of the candidates. Initial interviews will likely occur 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: Non-Uniform Pension Plan

The non-uniform employee pension plan is a defined-benefit plan. It provides a pre-determined retirement benefit and the employer is responsible for providing that benefit. The annual minimum municipal obligation (MMO) calculation is intended to assure that the employer deposits into the plan each year the amount required to fund the future pension obligations.

Public employee pension plans, with the exception of police pension plans which are governed by Act 600, are now permitted to be defined-contribution plans for newly hired employees. In such a plan the annual contribution is always a simple, flat percentage of wages paid, much like a 401(k). The advantages to the employer are that the pension contributions are known in advance, they are not at the mercy of the market, the reporting is much simplified, and there is little need to incur actuarial costs.

Those non-uniformed employees currently in the defined-benefit plan must remain in that plan. The proposed change would only apply to new hires. The old plan would be gradually phased out through attrition. Converting to a defined-contribution plan for new public works hires requires bargaining with AFSCME. The current collective bargaining agreement expires December 2022. It requires that the current plan remain in force until then. The Borough will negotiate new language at that time. In the meantime, all non-union new hires will be enrolled in the new defined-contribution plan.

Mockenhaupt has drafted Ordinance #658 amending the non-uniform pension plan creating a defined-contribution component for new hires.

The current annual cost of the non-uniformed pension plan is 18.6% of wages. State aid covers approximately half of that. Contributions under a defined-contribution plan would be only 7.5%. State aid will be more than adequate to cover that entire cost. (The annual state aid paid in any given year will never exceed the actual cost; it would be reduced accordingly.) This degree of savings would be achieved gradually over future years as the number of active employees in the defined-benefit plan is reduced through retirement or separation.

Recommended Action – Grant tentative approval to Ordinance #658 amending the Non-Uniform Pension Plan to include a defined-contribution component for new hires.

Item 8C: 2021 Annual Budget

Council last month granted tentative approval to the 2021 budget. 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.

	Revenues	Expenditures	Surplus
General Fund Budget	\$2,140,253	\$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	\$ 226,000	\$ 226,000	\$ 0
Total Operating Fund	\$6,115,030	\$6,063,450	\$ 51,580

The budget has been advertised for public inspection and is ready for final adoption.

Recommended Action – Grant final approval to the 2021 annual budget.

- * Item 8D: **Janitorial Hire**
Robert Stofko of Ebensburg was hired to fill the vacant janitorial position.

Recommended Action – Make it a matter of record that Robert Stofko has been hired as a janitor effective 10/19/2020.

- * Item 8E: **Tennis Center Hire**
Michael Kush was hired to fill the vacant tennis assistant position.

Recommended Action – Make it a matter of record that Michael Kush has been hired as a tennis assistant effective 11/2/2020.

Item 8F: 2021 Salary Resolution

A Resolution is adopted each year to establish the wages to be paid to borough employees, as recommended by the administrative committee, reviewed last month with Council, and included in the 2021 budget. AFSCME, FOP and non-union wages increase 2½%.

Recommended Action – Adopt Resolution #2020-14 establishing wages for 2021.

9. DIVERSITY COMMITTEE	May, Kuhar & Houser
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10. GENERAL BUSINESS

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

The minutes of the October 26, 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 October 2020 is presented for approval.

Recommended Action – Approve the October 2020 financial statement.

* Item 10C: Bills

A list of bills totaling \$780,234.28 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 issue was tabled last month.

The Zoning Enforcement Officer, having considered all comments received, recommends that the request be approved.

Recommended Action – Grant tentative approval to Ordinance #659 amending the Zoning District Map changing the zoning district of property situated at North Center Street and Bolton Street, and formally occupied as the middle school football field, to Multi-Household Residential.

Item 10E: Zoning Amendment, Fences

A request for a zoning amendment relative to front yard fences was received and referred to the Ebensburg Borough Planning Commission. The matter was reviewed at the planning commission’s November 5th meeting. The minutes of the planning commission’s meeting are included in Council’s packet.

The planning commission recommends that the prohibition on front yard fences continue. They do not believe that the term “fence” was ever intended to apply to low decorative bricks and borders or to plants and hedges. They recommend language that reflects a more conventional interpretation of what is and is not a fence. They also recommend that owners be permitted to properly maintain a pre-existing non-conforming fence.

Ordinance #660 is proposed amending the Zoning Ordinance relative to fences. While continuing the prohibition on front yard fences, it clarifies the following:

- 1) Pre-existing non-conforming fences may continue to be maintained.
- 2) Hedges are not included in the definition of fence.
- 3) Retaining walls are permitted in front yards.
- 4) Plants, landscaping materials and low retaining walls are excluded from the definition of fence. Decorative landscaping items less than three feet in height are permitted in front yards.

Recommended Action – Grant tentative approval to Ordinance #660 amending the Ebsburg Borough Zoning Ordinance relative to fences.

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 a graded abatement schedule.

The proposed Ordinance received tentative approval last month, has been advertised for public inspection and is ready for final adoption.

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

* Item 10G: Meeting Dates

The December Council meeting will be held on Monday, December 20th at 6:30 p.m. on Zoom. Pre-registration is required by contacting the borough office for access.

Item 10H: 2021 Fee Resolution

A Resolution is required each year to establish fees charged for services for the coming year. The only change in 2021 is the addition of the recently approved \$10 zoning opinion fee.

Recommended Action – Adopt Resolution #2020-15 establishing the fees to be charged in 2021 for various purposes.

Item 10I: Disposal of Municipal Records

The Borough files current municipal records in a file room next to the front office. Those records are eventually archived in storage upstairs. From time to time, due to lack of storage space, it becomes necessary to permanently dispose of municipal records. That was last done in 2012, and we are now again out of storage space.

Regulations require Borough Council to approve of the permanent disposal of municipal records. The detention time of specific records is regulated by Act 428 of 1968 and prescribed in the Municipal Records Manual. Resolution #2020-16 lists the municipal records to be disposed of.

Many of the records contain private financial and tax information, and many of the records are police files. Thus, all records will be shredded. Burgmeier's Hauling will pick up the records at our site and provide the shredding service.

There are also several miscellaneous pieces of obsolete computer hardware that should be disposed of.

Recommended Action – Adopt Resolution #2020-16 authorizing the disposal of certain municipal records, documents and hardware.

- * Item 10J: **Airport Taxiways and Apron**
The Bureau of Aviation has approved funding for a 2021 project to rehabilitate the taxiways and apron at the airport. The design, bidding and construction phases will likely be funded 100% with a grant. The worst-case scenario is that the construction phase would be funded at 95%. In that event, RACRA has the 5% matching funds on hand as the earlier runway project was unexpectedly covered 100% by a grant.

The estimated construction cost of the project is \$501,000. Engineering cost is \$118,188. The Bureau requires that an Independent Fee Estimate (IFE) be obtained by a third party.

Recommended Action – Award a contract to Midstate Consultants in the amount of \$1,975.00 to conduct an IFE for the airport taxiway rehabilitation project.

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. Front Yard Fences
The Planning Commission discussed provisions in the Zoning Ordinance relative to front yard fences. The commission's recommendation was to continue to prohibit front yard fences, but to amend the definition of fence to a more conventional meaning.

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.