

Call to Order:

The regular scheduled meeting of Monday, August 5th, 2013 was called to order by Ms. McCarthy at 6:32 p.m. Members present were: Mr. Kissell, Mr. Vandzura, Mr. Yetsko, Mr. Slanoc, Mrs. Chobany, and Mayor Fox. Also present were Robert Koban-Borough Manager; Mr. Emerick-Solicitor, Mr. Wisor-Borough Engineer; Chief Miller-Public Safety, Mr. Squillario-Public Works Director and Michelle Claar-Borough Secretary. Mr. Kissell requested a moment of silence for Mr. Carl Chappell who was a retired Police Chief for the Borough.

VISITORS:

Due to the volume of residents in attendance, the meeting was held in the back meeting room of the fire department. Present were Sarah Wolford with the Dispatch and approximately 70 residents of the community.

Ms. McCarthy advised the residents that the bid opening is scheduled first at 6:30 p.m. Mr. Wisor proceeded with opening bids for the 2013 Street Paving Program with four (4) contractors placing bids:

	Option 1	Option 2
• New Enterprise Stone & Lime	\$80,710.32	\$67,744.16
• Grannas Brothers	\$81,175.20	\$66,856.00
• HRI, Inc.	\$97,148.00	\$79,544.00
• Quaker Sales	\$97,073.50	\$83,374.80

Mr. Wisor reviewed the bids for bid bonds, calculations, and contract documentation during the meeting. The award for the contract was later in the meeting.

ON MOTION OF MR. KISSELL SECONDED BY MRS. CHOBANY, THE COUNCIL UNANIMOUSLY APPROVED TO GO OUT OF ORDER TO RECOGNIZE THE VISITORS. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. KISSELL, MR. VANDZURA, MR. YETSKO, MR. SLANOC, MRS. CHOBANY, MAYOR FOX, AND MS. McCARTHY. MOTION CARRIED 7-0.

Ms. McCarthy opened with thanking the public for attending last month's meeting for showing their support and involvement concerning the proposed sewer ordinance for testing of laterals. Ms. McCarthy elaborated on her opinion and views of the proposed ordinance advising the borough must move forward due to the antiquated lines and serious infiltration issues; especially in Ward 3. Ms. McCarthy also commented that Council has been discussing the ordinance since November of last year and has had major controversy among members. Mr. Kissell also addressed the residents on his views. Mayor Fox requested that each member of Council share their opinions so the residents would hear where each member stood.

Mayor Fox, Mrs. Chobany, Mr. Slanoc, Mr. Yetsko, and Mr. Vandzura were in favor of testing laterals only during the sale or transfer of property. Mr. Kissell and Ms. McCarthy were in favor of testing for all properties whether or not they are sold or transferred. Mrs. Chobany also commented that there are two issues that need to be addressed: the testing which would be considered by Council and; the fate of proposed sewer project. Mrs. Chobany provided the names of board members on the Sewer Authority Board and advised the residents to attend the next Sewer Authority meeting to express their concerns. Mr. Squillario added the meeting will be held on Tuesday, August 13th at 7:00 p.m. Ms. McCarthy called for public comment and advised that only five minutes will be allotted per resident. Mr. Ellsworth Pauley; Ms. Janet Spaid, and Mr. Mark Chobany were among the residents that addressed their concerns with Council. Mr. Pauley voiced his concern on the DEP mandating the testing and the infiltration issues. Ms. Spaid commented on the confusion she had with what direction each member of Council was deciding. Mr. Chobany took the floor commenting on what the public was willing to agree on with testing only on the transfer or sell of property and whether or not the Sewer Authority would still do the project without the borough required the testing. Mr. Squillario also addressed the public with the history of the plant, project, infiltration issues, and the antiquated lines. Mr. Squillario commented on cost of the project with having all the infiltration going into the new system. Ms. McCarthy called for any other public comment. Ms. McCarthy called for Council direction on how they will proceed. After a lengthy discussion on the proposed sewer ordinance, Mr. Koban requested a motion from Council on moving forward with the advertising of the proposed ordinance.

ON MOTION OF MAYOR FOX, SECONDED BY MRS. CHOBANY, COUNCIL APPROVED TO ADVERTISE; IN THE DISPATCH, THE PROPOSED SEWER TESTING ORDINANCE FOR TESTING ONLY OF PROPERTIES THAT ARE BEING SOLD OR TRANSFERRED WITHIN THE BOROUGH. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. VANDZURA, MR. YETSKO, MR. SLANOC, MRS. CHOBANY, AND MAYOR FOX. VOTING NEGATIVELY WERE MR. KISSELL AND MS. MCCARTHY. MOTION CARRIED 5-2.

Ms. McCarthy thanked the public for attending the meeting and sharing the concerns with Council. The proposed ordinance will be available for public inspection and forwarded to Council for adoption at the Tuesday, September 3rd regular meeting of Council.

Reports:

Managers Report:

Mr. Koban furnished a written report prior to the meeting. Mr. Koban informed Council that he received a letter from Selective that they will not be renewing the Workers Compensation due to the number of injury claims, wages, and medical payouts with the fire company members. Mr. Koban also commented that Ebensburg Insurance is working

diligently on obtaining a carrier that will write the policy for workers compensation. The current policy is due to expire on September 1st, 2013.

Solicitor's Report:

Mr. Emerick furnished a written report prior to the meeting. Mr. Emerick advised that he investigated the Sekerak property on Gillespie Avenue prior to the meeting and commented that the building is down and cleaned up with no public nuisance of any sort. Mr. Emerick questioned if Council was satisfied with the site clearance and if there were any other issues. Mayor Fox questioned the total legal expenses and if they were going to be collected from Mr. Sekerak. Mr. Emerick advised that the judgment included legal fees. The total through 4/26/12 is \$3,959.31 according to Mr. Emerick.

ON MOTION OF MRS. CHOBANY, SECONDED BY MR. SLANOC, COUNCIL UNANIMOUSLY AGREED TO MOVE FORWARD WITH COLLECTING THE LEGAL FEES FROM MR. SEKERAK. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. KISSELL, MR. VANDZURA, MR. YETSKO, MR. SLANOC, MRS. CHOBANY, MAYOR FOX, AND MS. McCARTHY. MOTION CARRIED 7-0.

The Kowalczyk litigation is still pending; no update.

Mr. Emerick advised Council that he researched the County records for the owner of the 1024 Gillespie Avenue property. Mr. William Cramer and Mellissa Weymer are the record owners of the property. Several records were revealed of foreclosure. Chief Miller advised that he also tracked records for the last several months with Mr. Cramer moving out of the area. Mr. Emerick requested direction from Council on how to proceed.

ON MOTION OF MR. VANDZURA, SECONDED BY MRS. CHOBANY, COUNCIL UNANIMOUSLY AGREED TO MOVE FORWARD WITH HAVING THE ENGINEER PERFORM A FIELD STUDY IN ACCORDANCE WITH THE BOROUGH'S DANGEROUS BUILDINGS ORDINANCE. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. KISSELL, MR. VANDZURA, MR. YETSKO, MR. SLANOC, MRS. CHOBANY, MAYOR FOX, AND MS. McCARTHY. MOTION CARRIED 7-0.

Engineers Report:

Mr. Wisor furnished a written report to Council. Mr. Wisor advised that PennDot has the preliminary design for the Mountain Avenue Sidewalk Project and will share it with Council at the August 19th committee of the whole meeting.

Police Report:

Chief Miller furnished a written report prior to the meeting. Chief Miller had nothing additional to add to his report.

Public Works Report:

Mr. Squillario furnished a written report prior to the meeting. Ms. McCarthy commented on the weeds at the railroad tracks that are owned by Norfolk Southern. Mr. Squillario has tried several times to contact Norfolk Southern to cut the weeds.

Treasurer's Report:

Ms. Claar furnished a written report prior to the meeting.

ON MOTION OF MRS. CHOBANY, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY APPROVED THE TREASURER'S REPORT IN THE AMOUNT OF \$64,156.66. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. KISSELL, MR. VANDZURA, MR. YETSKO, MR. SLANOC, MRS. CHOBANY, MAYOR FOX, AND MS. McCARTHY. MOTION CARRIED 7-0.

Correspondence:

The Cambria County Tax Claim Bureau sent notice of an Upset Tax Sale to be held on September 9th, 2013. Ms. Claar had provided a list of properties for Council members to review. Mayor Fox suggested that Mr. Koban and Ms. Claar contact the County for guidelines and notification of any property scheduled for sale.

Minutes of the Previous Meeting:

The minutes from the July 1st regular meeting were distributed prior to the meeting. Ms. McCarthy advised that Mrs. Chobany's name was listed twice on the motion for moving forward with the proposed sewer testing ordinance for sale/transfer and sixty days for repair. Ms. Claar will correct the minutes. Ms. Claar also advised that the July 15th committee of the whole meetings were not presented to Council and will be provided at the August 19th committee meeting for approval.

ON MOTION OF MRS. CHOBANY, SECONDED BY MR. YETSKO, THE COUNCIL UNANIMOUSLY APPROVED THE MINUTES FROM THE JULY 1ST, 2013, REGULAR MEETING FOLLOWING THE CORRECTION OF A VOTE AS NOTED ABOVE. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. KISSELL, MR. VANDZURA, MR. YETSKO, MR. SLANOC, MRS. CHOBANY, MAYOR FOX, AND MS. McCARTHY. MOTION CARRIED 7-0.

Paying of Bills:

The list of bills and additional bills were distributed prior to the meeting. Ms. Claar also advised Council that the bill received from Highland Sewer and Water for the fire hydrant installed at 505 Main Street was \$98.63 over the "not to exceed" \$4,800.00 motion at the April 15th committee meeting.

ON MOTION OF MAYOR FOX, SECONDED BY MR. VANDZURA, THE COUNCIL UNANIMOUSLY APPROVED PAYING THE ADDITIONAL \$98.63 TO HIGHLAND SEWER AND WATER FOR FIRE HYDRANT INSTALLATION. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. KISSELL, MR. VANDZURA, MR. YETSKO, MR. SLANOC, MRS. CHOBANY, MAYOR FOX, AND MS. McCARTHY. MOTION CARRIED 7-0.

ON MOTION OF MRS. CHOBANY, SECONDED BY MAYOR FOX, THE COUNCIL UNANIMOUSLY APPROVED THE PAYING OF ALL BILLS IN THE AMOUNT OF \$27,677.53. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. KISSELL, MR. VANDZURA, MR. YETSKO, MR. SLANOC, MRS. CHOBANY, MAYOR FOX, AND MS. McCARTHY. MOTION CARRIED 7-0.

Reports

Reports were received from the Portage Water Authority for June; Sewer Authority for June; Portage Joint Recreation for June 3rd and June 17th; and Laurel Municipal Inspection Agency for June and July.

ON MOTION OF MRS. CHOBANY, SECONDED BY MAYOR FOX, THE COUNCIL UNANIMOUSLY APPROVED THE REPORTS FROM THE VARIOUS BOARDS AND COMMISSIONS. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. KISSELL, MR. VANDZURA, MR. YETSKO, MR. SLANOC, MRS. CHOBANY, MAYOR FOX, AND MS. McCARTHY. MOTION CARRIED 7-0.

Unfinished Business:

The Mountain Avenue Sidewalk is moving forward with the Engineers in the draft phases of the design. Mr. Wisor advised that once the draft is complete, he will present it to Council.

Mr. Koban informed Council that PennDot has been moving forward with the Dulancey Intersection project. An agreement between Amfire and Portage Borough is still moving forward.

The Sekerak property located at Gillespie Avenue was discussed under the Solicitor's report. Item to remain on agenda until legal fees are paid by Mr. Sekerak.

There was no update on the Comcast Cable agreement.

Mr. Koban informed Council that a letter was received via fax from Mr. Pat Golden; with the Army Corps of Engineers, concerning the Caldwell Avenue flood wall project.

Mr. Koban commented on the proposed LERTA ordinance. Mr. Koban advised that he will approach the Portage Area School District and Cambria County concerning the LERTA with all geographical areas and percentages within the borough.

ON MOTION OF MR. KISSELL, SECONDED BY MR. YETSKO, COUNCIL APPROVED TO ADVERTISE; IN THE DISPATCH, THE PROPOSED LERTA (LOCAL ECONOMIC REVITALIZATION TAX ASSISTANCE ACT) PROPOSED ORDINANCE TO BE CONSIDERED FOR ADOPTION AT THE SEPTEMBER REGULAR MEETING OF COUNCIL. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. KISSELL, VANDZURA, MR. YETSKO, MR. SLANOC, MRS. CHOBANY, MAYOR FOX AND MS. MCCARTHY. MOTION CARRIED 7-0.

New Business:

Mr. Wisor reviewed all four bids for the 2013 Street Paving Program for accuracy and proper documentation. The lowest bidder was New Enterprise Stone & Lime.

ON MOTION OF MR. SLANOC, SECONDED BY MR. KISSELL, COUNCIL UNANIMOUSLY AWARDED THE 2013 STREET PAVING PROGRAM TO NEW ENTERPRISE STONE & LIME; OPTION 1 IN THE AMOUNT OF \$80,710.32. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. KISSELL, MR. VANDZURA, MR. YETSKO, MR. SLANOC, MRS. CHOBANY, MAYOR FOX, AND MS. MCCARTHY. MOTION CARRIED 7-0.

Mr. Koban and Mr. Squillario reviewed the 2013 General Fund and Liquid Fuels budget to determine what was budgeted. The bids came in lower than anticipated. A discussion was held on additional work that could be done with the low bid prices. Mr. Squillario commented that Ash Street could be completed for approximately \$3,300.00, with the prices as quoted by New Enterprise. This would be a separate contract with New Enterprise and Ms. Claar will contact PennDot for clarification on the overage percentage permissible on contracts.

ON MOTION OF MAYOR FOX, SECONDED BY MRS. CHOBANY COUNCIL UNANIMOUSLY AGREED TO COMPLETE THE PAVING OF ASH STREET IN THE AMOUNT OF \$3,300.00. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. KISSELL, MR. VANDZURA, MR. YETSKO, MR. SLANOC, MRS. CHOBANY, MAYOR FOX, AND MS. MCCARTHY. MOTION CARRIED 7-0.

The Portage Area Planning Commission submitted a letter of recommendation on the following plans for the Portage Area Ten Year Comprehensive Plan, the Open Space and Recreation, and the Trail Feasibility Plans. Each prospective phase will be adopted by resolution.

The Ten Year Comprehensive Plan was discussed.

ON MOTION OF MR. YETSKO, SECONDED BY MAYOR FOX, COUNCIL UNANIMOUSLY AGREED TO APPROVE RESOLUTION 6-2013 BY ADOPTING THE TEN YEAR COMPREHESIVE PLAN AT THE RECOMMENDATION OF THE PORTAGE AREA PLANNING COMMISSION. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. KISSELL, MR. VANDZURA, MR. YETSKO, MR. SLANOC, MRS. CHOBANY, MAYOR FOX, AND MS. McCARTHY. MOTION CARRIED 7-0.

The Trail Feasibility was discussed with Mr. Kissell questioning the Johnson Avenue sidewalk distance of concrete to the Park for the trail plan. Mr. Slanoc commented that the plans (still in draft) will be reviewed in their entirety before any final approval of the project.

ON MOTION OF MR. YETSKO, SECONDED BY MRS. CHOBANY, COUNCIL UNANIMOUSLY AGREED TO APPROVE RESOLUTION 7-2013 BY ADOPTING THE TRAIL FEASIBILITY PLAN AS PART OF THE COMPREHENSIVE PLAN AT THE RECOMMENDATION OF THE PORTAGE AREA PLANNING COMMISSION. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. VANDZURA, MR. YETSKO, MR. SLANOC, MRS. CHOBANY, MAYOR FOX, AND MS. McCARTHY. MOTION CARRIED 6-1 WITH MR. KISSELL VOTING NO.

The Open Space and Recreation was also discussed.

ON MOTION OF MR. VANDZURA, SECONDED BY MAYOR FOX, COUNCIL UNANIMOUSLY AGREED TO APPROVE RESOLUTION 8-2013 BY ADOPTING THE OPEN SPACE AND RECREATION PLAN AS PART OF THE COMPREHENSIVE PLAN AT THE RECOMMENDATION OF THE PORTAGE AREA PLANNING COMMISSION. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. KISSELL, MR. VANDZURA, MR. YETSKO, MR. SLANOC, MRS. CHOBANY, MAYOR FOX, AND MS. McCARTHY. MOTION CARRIED 7-0.

Good of the Borough:

Summerfest this weekend with Council to participate in the parade and assist at the soda booth.

Mayor Fox commented on loan documentation and resolution that was already approved by Council for the loan guarantee grant funding on the proposed sewer project. Mayor Fox questioned that if the Sewer Authority does not accept the testing of laterals for only properties sold or transferred within the borough; can the borough pull out of the loan

guarantee for grant funding. Mr. Squillario advised that he will investigate and report back at the August committee meeting.

Mr. Koban requested Council approval to advertise for a part time patrol officer in the Dispatch to obtain additional applications.

ON MOTION OF MRS. CHOBANY, SECONDED BY MR. KISSELL, THE COUNCIL UNANIMOUSLY APPROVED THE ADVERTISING IN THE DISPATCH FOR A PART TIME PATROL OFFICER. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. KISSELL, MR. VANDZURA, MR. YETSKO, MR. SLANOC, MRS. CHOBANY, MAYOR FOX, AND MS. McCARTHY. MOTION CARRIED 7-0.

Mr. Kissell commented that a pipe is still exposed at the Old Harpo's site and requested a cap be placed over it.

Mr. Kissell advised Council that viewing hours for Mr. Carl Chappell will be held from 2-4 and 6-8 p.m. on Tuesday, August 6th with burial on Wednesday at 10:00 a.m.

Mr. Kissell suggested having Mr. Koban and Mr. Squillario investigate the condition of the stone retaining wall at Caddy's on Johnson Avenue.

Adjournment:

ON MOTION OF MR. YETSKO, SECONDED BY MR.VANDZURA, COUNCIL UNANIMOUSLY ADJOURNED THE MEETING AT 8:52 P.M.