

Call to Order:

The regular scheduled meeting of Monday, October 7th, 2013 was called to order by Ms. McCarthy at 6:30 p.m. Members present were: Mr. Yetsko, Mr. Slanoc, Mrs. Chobany, and Mayor Fox. Also present were Robert Koban-Borough Manager; Mr. Emerick-Solicitor, Mr. Wisor-Borough Engineer; Mr. Squillario-Public Works, Chief Miller-Public Safety. Mr. Vandzura, Mr. Kissell and Michelle Claar-Borough Secretary were absent.

ON MOTION OF MAYOR FOX, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY APPROVED TO GO OUT OF ORDER ON THE AGENDA TO ADDRESS THE PUBLIC. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. YETSKO, MR. SLANOC, MRS. CHOBANY, MAYOR FOX, AND MS. McCARTHY. MOTION CARRIED 5-0.

NOTE: Minutes were prepared from Mr. Squillario's notes and there was no extension cord for the tape recorder for the meeting.

VISITORS:

Approximately 30 residents were in attendance for the final decision on the proposed sewer testing ordinance. A discussion was held on the proposed ordinance again and Ms. McCarthy called for a vote from Council.

ON MOTION OF MAYOR FOX, SECONDED BY MRS. CHOBANY, COUNCIL APPROVED ORDINANCE 2-2013 BY ADOPTING A SEWER USE ORDINANCE REQUIRING TESTING OF ALL REAL PROPERTY UPON THE SELL OR TRANSFER OF SAID PROPERTY WITHIN THE BOROUGH. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. YETSKO, MR. SLANOC, MRS. CHOBANY, AND MAYOR FOX. Ms. McCARTHY VOTED NO. MOTION CARRIED 4-1.

Mr. Squillario elaborated on the preliminary schedule for the proposed sewer extensions. Mr. Squillario also commented that even though you don't have to test until sell or transfer of property, the Sewer Authority has the authorization to inspect for infiltration at anytime under the Authorities rules and regulations.

Reports:

Managers Report:

Mr. Koban furnished a written report prior to the meeting. Mr. Koban informed Council that he will be attending the Portage School District meeting to address the LERTA. Mr. Koban spoke with Business Manager; Mr. Kunko and Superintendent; Mr. Bernazzoli and was advised that the LERTA will be on the agenda for committee meeting. Mr. Koban also apprised Council that he will also be attending the Cambria County Commissioners meeting. There were no other questions from Council.

Solicitor's Report:

Mr. Emerick furnished a written report prior to the meeting. Mr. Emerick advised Council that he reviewed the Engineer's report concerning the property located at 1024 Gillespie Avenue. A ten day notice will be sent out to the property owner and the property will be posted.

Mayor Fox questioned the ownership of the trailer on the property located at 1013 Hopfer Avenue. The individual owns the trailer but leases the pad space where the trailer is located. The trailer is in deplorable condition and the owner has been removed. Mr. Emerick will research case law to determine whom would be responsible; the owner of the trailer or the property owner. Mr. Emerick requested Council direction on how to proceed.

ON MOTION OF MRS. CHOBANY, SECONDED BY MR. SLANOC, COUNCIL UNANIMOUSLY APPROVED TO MOVE FORWARD WITH POSTING THE PROPERTY UNDER THE PUBLIC NUISANCE ORDINANCE. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. YETSKO, MR. SLANOC, MRS. CHOBANY, MAYOR FOX, AND MS. McCARTHY. MOTION CARRIED 5-0.

Mr. Emerick requested an Executive Session concerning the additional Sekerak legal fees.

The Kowalczyk litigation is still pending; no update.

Engineers Report:

Mr. Wisor furnished a written report to Council. Mr. Wisor provided information on the costs and prevailing wage requirements associated with a new roof on the Fire Department side of the Administration Building. Mr. Koban will meet with the Fire Department personnel to discuss the project and the associated costs.

Mr. Wisor and Mr. Koban met with PennDot representatives to discuss the Mountain Avenue Sidewalk Project regarding suggestions from Council at the September meeting. PennDot advised the following are acceptable for the project:

- 6" curb radius versus the standard PennDot 8" curb
- Widening Mountain Avenue between Orchard and Grant Street for uniform width but the pavement construction over the two feet will be at the Borough's expense.
- Sidewalk abutting the back edge of curb

PennDot advised the following is not acceptable for the project:

- Depressed curb across the alley openings
- Elimination of cross sections

Council will meet at 5:30 p.m. at the borough building to walk the Mountain Avenue project area and discuss the above issues prior to the October committee meeting. An e-mail will be sent out to Council for a reminder.

Mr. Wisor advised that the Highway Occupancy Permit has been submitted to PennDot for Mainline Pharmacy located at 619 Main Street. Mr. Wisor advised that a letter needs to be submitted to PennDot concerning the approval of removing the parking meters on Main Street. A letter will be submitted to Mr. Wisor. Mr. Koban commented that he met with Ethan from the county to see what the status is of this years Transportation Enhancement Funding. Ethan informed him that the funding has not yet been approved by the State.

Police Report:

Chief Miller furnished a written report prior to the meeting. Chief Miller advised that he has received a completed application for the part time officer position. Chief Miller and Mr. Koban will be scheduling an interview with the applicant.

Public Works Report:

Mr. Squillario furnished a written report prior to the meeting. Mr. Squillario informed Council that he is officially retiring effective March 31, 2014. Mrs. Chobany requested that the alley be investigated between Vine, Blair and Jefferson.

Treasurer's Report:

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

ON MOTION OF MRS. CHOBANY, SECONDED BY MAYOR FOX, COUNCIL UNANIMOUSLY APPROVED THE TREASURER'S REPORT IN THE AMOUNT OF \$75,352.49. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. YETSKO, MR. SLANOC, MRS. CHOBANY, MAYOR FOX, AND MS. McCARTHY. MOTION CARRIED 5-0.

Correspondence:

Mrs. Bern Sigado sent a thank you to the Public Works Department for the spring and fall cleanup; alley paving, and winter maintenance.

Comcast sent notice of price increases and channel line-up channels. The notices will also be sent to the customers via the monthly bill.

Minutes of the Previous Meeting:

The minutes from the September 3rd regular and September 16th committee meeting were distributed prior to the meeting. Ms. McCarthy advised that Mrs. Chobany's name was omitted from several motions and roll call numbers from the September 16th committee meeting. Ms. Claar will correct the minutes to reflect the changes.

ON MOTION OF MRS. CHOBANY, SECONDED BY MR. SLANOC, THE COUNCIL UNANIMOUSLY APPROVED THE MINUTES FROM THE SEPTEMBER 3RD, 2013 REGULAR MEETING AND THE SEPTEMBER 16TH, 2013 COMMITTEE MEETING

(WITH THE CORRECTION OF THE OMISSION OF MRS. CHOBANY'S NAME ON THE SEPTEMBER 16TH COMMITTEE MEETING). COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. YETSKO, MR. SLANOC, MRS. CHOBANY, MAYOR FOX, AND MS. McCARTHY. MOTION CARRIED 5-0.

Paying of Bills:

The list of bills and additional bills were distributed prior to the meeting.

ON MOTION OF MRS. CHOBANY, SECONDED BY MAYOR FOX, THE COUNCIL UNANIMOUSLY APPROVED PAYING THE BILLS AND THE ADDITIONAL IN THE AMOUNT OF \$70,271.69. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. YETSKO, MR. SLANOC, MRS. CHOBANY, MAYOR FOX, AND MS. McCARTHY. MOTION CARRIED 5-0.

Reports

Reports were received from the Portage Water Authority and the Portage Sewer Authority for August; PAJRC for July and August along with 2014 proposed budget, Portage Library for June and Laurel Municipal for September.

ON MOTION OF MRS. CHOBANY, SECONDED BY MR. YETSKO, THE COUNCIL UNANIMOUSLY APPROVED THE REPORTS FROM THE VARIOUS BOARDS AND COMMISSIONS. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. YETSKO, MR. SLANOC, MRS. CHOBANY, MAYOR FOX, AND MS. McCARTHY. MOTION CARRIED 5-0.

Unfinished Business:

The Mountain Avenue Sidewalk project was discussed under the Engineers report.

The Sekerak property located at Gillespie Avenue was discussed under the Solicitor's report with Mr. Emerick requesting an executive session.

The Comcast agreement will be discussed at the October committee meeting. Mr. Koban also informed Council that with Portage Township's new agreement, they gained approximately \$9,000.00 in additional franchise fees.

Norfolk Southern will be here in the middle of October to investigate the Lee Street Arch.

A discussion was held on the Caldwell Avenue retainer project. One quote was received from Gregori Construction. The issue will be discussed at the October committee meeting.

The Portage Municipal Authority sent a revised police and hydrant agreement for Council to review from the September meeting. A discussion was held and Mayor Fox questioned the 90 day termination notice.

ON MOTION OF MR. SLANOC, SECONDED BY MRS. CHOBANY, THE COUNCIL APPROVED THE PORTAGE MUNICIPAL AUTHORITY POLICE PROTECTION AGREEMENT FOR SERVICES IN LIEU OF FIRE HYDRANT RENTAL AND USAGE FEES. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. YETSKO, MR. SLANOC, MRS. CHOBANY, AND MS. McCARTHY. VOTING NEGATIVELY WAS MAYOR FOX. MOTION CARRIED 4-1.

New Business:

The Portage Area Sewer Authority submitted a revision to the existing sewage facilities plan for Council approval. Mr. Koban commented that if any member of Council wishes to review the entire plan, a copy is available in the office.

ON MOTION OF MR. SLANOC, SECONDED BY MRS. CHOBANY, THE COUNCIL UNANIMOUSLY APPROVED RESOLUTION 12-2013 BY ADOPTING AN ACT 537 PLAN MINOR REVISION TO THE EXISTING SEWAGE FACILITIES PLAN AS SUBMITTED BY THE PORTAGE SEWER AUTHORITY. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. YETSKO, MR. SLANOC, MRS. CHOBANY, MAYOR FOX, AND MS. McCARTHY. MOTION CARRIED 5-0.

PennDot submitted a contribution agreement between the Commonwealth of PA Dept of Transportation and Portage Borough for the intersection improvements on State Route 164 and Dulancey Drive. Mr. Koban advised that Amfire will be contributing \$105,000.00 and the Borough will be funding \$25,000.00.

ON MOTION OF MAYOR FOX, SECONDED BY MR. SLANOC, THE COUNCIL UNANIMOUSLY APPROVED RESOLUTION 13-2013 BY APPROVING A CONTRIBUTION AGREEMENT BETWEEN THE COMMONWEALTH OF PA DEPT OF TRANSPORTATION AND PORTAGE BOROUGH FOR THE INTERSECTION IMPROVEMENTS AT STATE ROUTE 164 AND DULANCEY DRIVE IN THE AMOUNT OF \$130,000.00. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. YETSKO, MR. SLANOC, MRS. CHOBANY, MAYOR FOX, AND MS. McCARTHY. MOTION CARRIED 5-0.

PennDot submitted a Sidewalk Maintenance Agreement between the Commonwealth of PA Dept of Transportation and Portage Borough for the construction and maintenance of the sidewalk improvements on State Route 164.

ON MOTION OF MR. SLANOC, SECONDED BY MR. YETSKO, THE COUNCIL UNANIMOUSLY APPROVED RESOLUTION 14-2013 BY APPROVING A SIDEWALK MAINTENANCE AGREEMENT BETWEEN THE COMMONWEALTH OF PA DEPT OF TRANSPORTATION AND PORTAGE BOROUGH FOR THE CONSTRUCTION AND MAINTENANCE OF THE SIDEWALK IMPROVEMENTS AT STATE ROUTE 164. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. YETSKO, MR. SLANOC, MRS. CHOBANY, MAYOR FOX, AND MS. McCARTHY. MOTION CARRIED 5-0.

The Commonwealth of PA sent the 2013 State Aid in the amount of \$11,329.73 to be applied toward the 2013 municipal minimum obligation. The total MMO for 2013 was \$11,833.00, leaving a balance of \$503.27 to be paid from the general fund.

ON MOTION OF MAYOR FOX, SECONDED BY MRS. CHOBANY, THE COUNCIL UNANIMOUSLY AUTHORIZED THE 2013 STATE AID ALLOCATION OF \$11,329.73 BE DEPOSITED INTO THE NON-UNIFORM PENSION PLAN FOR THE 2013 MMO WITH THE BALANCE OF \$503.27 TO BE PAID FROM THE GENERAL FUND. THE TOTAL 2013 MMO WAS \$11,833.00. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. YETSKO, MR. SLANOC, MRS. CHOBANY, MAYOR FOX, AND MS. McCARTHY. MOTION CARRIED 5-0.

The Portage Municipal Water Authority submitted a request for Council's consideration to contribute 1/3rd of the cost for the purchase of a new computer system and backup software for the water, sewer, and garbage billing.

ON MOTION OF MR. SLANOC, SECONDED BY MRS. CHOBANY, THE COUNCIL UNANIMOUSLY APPROVED THE REQUEST FROM THE PORTAGE MUNICIPAL AUTHORITY TO CONTRIBUTE AN AMOUNT NOT TO EXCEED \$5,000.00 FOR THE PURCHASE OF NEW COMPUTER SYSTEM AND BACKUP SYSTEM FOR UTILITY BILLING. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. YETSKO, MR. SLANOC, MRS. CHOBANY, MAYOR FOX, AND MS. McCARTHY. MOTION CARRIED 5-0.

The Cambria County Conservation District submitted a request to either agree or disagree with strategies to maximize funds for treating discharges to the Little Conemaugh River.

ON MOTION OF MRS. CHOBANY, SECONDED BY MR. SLANOC, THE COUNCIL UNANIMOUSLY APPROVED THE REQUEST FROM THE CAMBRIA COUNTY CONSERVATION DISTRICT TO AGREE WITH THE STRATEGIES TO MAXIMIZE FUNDS WHILE TREATING ABANDONED DISCHARGES TO THE LITTLE CONEMAUGH RIVER. COUNCIL MEMBERS VOTING AFFIRMATIVELY

INCLUDED MR. YETSKO, MR. SLANOC, MRS. CHOBANY, MAYOR FOX, AND MS. McCARTHY. MOTION CARRIED 5-0.

A discussion was held on the $\frac{1}{2}$ percent of earned income tax while preparing for the 2014 annual budget. Mayor Fox commented that a percentage of the additional tax could be transferred into the General Fund in lieu of increasing property taxes. Mayor Fox elaborated on the millage rates in prior years. The last increase in the millage rate was in \$2010 for 3 mills. Mayor Fox urged Council to seriously review this in preparing for the budget. Mr. Koban commented that he would not want this to be a set figure or percentage but use it as a guideline. Mr. Slanoc agreed.

Ms. Claar provided Council with the boards and commissions expiring terms at the end of year and requested approval to advertise for letters of interest. The following expirations are for the Water Authority (Ray Bowman); Joint Recreation (Sharon Squillario) and the Planning Commission (Bonnie Fox).

ON MOTION OF MRS. CHOBANY, SECONDED BY MR. YETSKO, THE COUNCIL UNANIMOUSLY APPROVED THE ADVERTISING FOR LETTERS OF INTEREST FOR THE WATER AUTHORITY (5 YEAR TERM); JOINT RECREATION (3 YEAR TERM) AND THE PORTAGE PLANNING COMMISSION (5 YEAR TERM). COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. YETSKO, MR. SLANOC, MRS. CHOBANY, MAYOR FOX, AND MS. McCARTHY. MOTION CARRIED 5-0.

Good of the Borough:

HarvestFest on Sunday, October 20th from 2:00 - 5:00 p.m.

Cambria County Borough Association will be holding the Fall dinner meeting at St. Benedicts Hall in Johnstown on Tuesday, October 22nd. Mayor Fox, Mr. Koban and Ms. McCarthy will be attending thus far. Mr. Kissell and Mr. Vandzura will be notified of the dinner.

A discussion was held on trick or treat. Trick or treat will be held on Sunday, October 27th, 2013 from 4:00 - 6:00 p.m. For the minutes and the record,

ON MOTION OF MR. YETSKO, SECONDED BY MAYOR FOX, COUNCIL UNANIMOUSLY ANNOUNCED THAT TRICK OR TREAT FOR THE BOROUGH WILL BE HELD ON THE LAST SUNDAY OF OCTOBER FOR HALLOWEEN FROM 4:00 P.M TO 6:00 P.M. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. YETSKO, MR. SLANOC, MRS. CHOBANY, MAYOR FOX, AND MS. MCCARTHY. MOTION CARRIED 5-0.

Adjournment:

ON MOTION OF MRS. CHOBANY, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY ADJOURNED THE MEETING AT 8:15 P.M. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. YETSKO, MR. SLANOC, MRS. CHOBANY, MAYOR FOX, AND MS. McCARTHY. MOTION CARRIED 5-0.