

A meeting of Portage Borough Council was held on Monday, August 4th, 2014, at 6:30 p.m., in Council Chambers.

- **REFLECTION/PLEDGE OF ALLEGIANCE**

Mr. Kissell offered a reflection. The reflection was followed by the Pledge of Allegiance.

Those in attendance were:

Sharon McCarthy	Todd Learn	Mayor James Kissell
George Wozniak (late)	Jerome Yetsko	Rebecca Chobany
John Morgan		

Also present were: Robert Koban, Borough Manager; Michael Emerick, Solicitor; Gary Wisor, Engineer; Chief Miller, Public Safety; Ray Bowman, Public Works; and Michelle Claar, Borough Secretary.

- **RECOGNITION OF GUESTS**

Ms. McCarthy recognized the following guests: Mrs. Linda Turgeon; Mrs. Kelly Cernetich with the Altoona Mirror; Amanda Petrunak with the Dispatch; Mrs. Polly Vandzura; Mr. Donald Squillario, and Ms. Jean Kinley.

ON MOTION OF MR. YETSKO, SECONDED BY MR. KISSELL, COUNCIL UNANIMOUSLY APPROVED TO GO OUT OF ORDER TO RECOGNIZE THE VISITORS. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MRS. CHOBANY, MAYOR KISSELL, AND MS. McCARTHY. MOTION CARRIED 6-0.

The first to address Council was Mrs. Linda Turgeon. Mrs. Turgeon provided a notarized complaint letter detailing the incident and a police report from Summerhill Township police department. The letter is on file in the Secretary's office. Mrs. Turgeon informed Council that she had a complaint against a police officer that responded to her home after her neighbors were shooting geese and the shotgun bb's were landing on her home and were also shooting within a safety zone. She is concerned for the safety and welfare of her children and grandchildren within the area and the eminent danger of bb's. Mrs. Turgeon contacted the PA Game Commission and PA State Police as well. Mr. Koban asked where the incident took place and Mrs. Turgeon advised it was in Summerhill. Mr. Koban and Mr. Emerick advised Mrs. Turgeon that she would need to contact the PA Game Commission and Summerhill Township regarding the incident. Mrs. Turgeon advised that the officer that talked to her regarding the shooting of the geese and bb's was a Portage Police Officer; Officer Donald Wyar. According to the letter; Officer Wyar told her they had a permit and that it is a Game Commission issue and not to call the police anymore. Chief Miller and Mr. Koban commented that Officer Wyar assisted Summerhill Police Department on the incident and that the issue would have to be resolved. Mrs. Turgeon also apprised Council that she spoke with the PA Game Commission and will contact the Attorney General Office, if need be. Mrs. Turgeon was seeking a police report from the Portage Police concerning the incident. Mr. Emerick advised that she can complete a right to know to obtain the incident report. He also suggested she attend the next Summerhill Township meeting and the PA Game Commission to resolve the issue.

Mrs. Polly Vandzura questioned if Council had an opportunity to discuss her request of providing any documentation in either paper form or on the website prior to the monthly meetings. Ms. McCarthy advised that there was no committee meeting in July and they have not had an opportunity to discuss the issue.

Mr. Squillario was in attendance to observe.

IV. REPORTS

A. Borough Manager's Report

Mr. Koban provided a copy of his report to Council prior to the meeting. Mr. Koban provided additional details to his report:

- Updated Council on the status of an employee and he will possibly be able to return to work next Wednesday.
- Ms. McCarthy questioned the status of the 1027 Gillespie Avenue property. Chief Miller advised that he spoke with Mrs. Miller regarding the structure and agrees that the structure has to be demolished. She is in the process of obtaining estimates and is requesting time to remove some items from within the structure. After a lengthy discussion, Council agreed to keep the issue on the agenda and giving Mrs. Miller time by the end of October.
- Mr. Koban commented that there are two additional items that will require motions under old and new business.

B. Solicitor's Report

Mr. Emerick reported that he provided a copy of his report prior to the meeting.

- As it relates to 1024 Gillespie Avenue, the final lien figure determined with the demolition costs was \$2,715.53. Mr. Emerick will file the lien and requested a motion to move forward with the property to be listed on the next judicial sale. The property will not be listed until August of 2015. Mr. Emerick explained the process to Council and advised that the liens would have to be paid and the taxes be exonerated by the Borough, County and School District. If the Tax Claim Bureau receives a bid, the property would be sold to that bidder subject to all liens of record.

ON MOTION OF MR. MORGAN, SECONDED BY MAYOR KISSELL, COUNCIL UNANIMOUSLY APPROVED HAVING MR. EMERICK MOVE FORWARD WITH THE \$2,715.53 LIEN AND PLACING THE PROPERTY ON THE LIST FOR THE NEXT JUDICIAL SALE. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MRS. CHOBANY, MAYOR KISSELL, AND MS. McCARTHY. MOTION CARRIED 6-0.

- As it relates to Portage v. Sekerak, Mr. Emerick is awaiting on a hearing date.
- Concerning Kowalczyk v. Portage, Mr. Emerick is in the process of preparing the responses to the interrogatory letter and will be assisted by Mr. Koban and Ms. Claar.

- Mr. Emerick provided Council with an amendment to the Portage Borough Police Department policy and procedures manual concerning outside employment. Chief Miller had prepared a previous policy for supplemental income for Council to approve from last month. After a discussion:

ON MOTION OF MAYOR KISSELL, SECONDED BY MRS. CHOBANY, COUNCIL UNANIMOUSLY APPROVED AN ADDITION TO THE PORTAGE BOROUGH POLICE DEPARTMENT POLICY AND PROCEDURES CONCERNING OUTSIDE EMPLOYMENT. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MRS. CHOBANY, MAYOR KISSELL, AND MS. McCARTHY. MOTION CARRIED 6-0.

C. Engineer's Report

Mr. Wisor reported that he provided a copy of his report prior to the meeting and had nothing to add.

- ❖ Ms. McCarthy questioned the status of the bids on the administration building roof. Mr. Wisor advised that the bids were advertised and will have to be opened, read and awarded at the next committee meeting. Mr. Koban advised that depending on where the bid amounts come in at; the Fire Department will have to re-commit their share of funding.
- ❖ As it relates to Mountain Avenue Sidewalk Enhancement Project, Mr. Wisor informed Council that the project is slightly over 78% complete. Topsoil and surface restoration are the next phase of the project. Additional work is also being coordinated.

D. Police Chief's Report

Chief Miller reported that he provided a copy of his report prior to the meeting. Chief Miller provided an update on the 907 Jefferson Avenue Property. Chief Miller sent a ten day notice to First National Bank of Lilly and met with Mr. Leahey concerning the property. Mr. Leahey informed Chief Miller he might have a buyer for the property but has not received a response back prior to the meeting.

E. Director of Public Works Report

Mr. Bowman reported that he provided a copy of his report prior to the meeting. Ms. McCarthy commented that the department was very busy last month. Mr. Bowman provided updates:

- The Dulancey Intersection project is moving forward with the Contractor installing sidewalk and curb; but commented that Main Street is a mess and down to one lane of traffic.
- The road to the park has been repaired prior to Summerfest. Mrs. Chobany questioned the status of the back road. Mr. Bowman advised that the crew will make the necessary repairs to the back road a day or two before Summerfest weekend. Ms. McCarthy questioned the inner road and sidewalks within the park. Mr. Koban apprised Council that the inner roads and sidewalks will be a major undertaking requiring the necessary equipment; labor, materials, and the timeframe. The project can be done but a lot of prep work and time will be needed to complete the project. A discussion was held on

the best time to perform the work; after Summerfest, after school starts back, or when it slows down in the fall. The project will be placed on the Public Works Dept schedule.

- Mrs. Chobany questioned Ms. Claar as it relates to a wire that she hit with her vehicle. Ms. Claar advised that she reported the down wire to Comcast and Verizon but didn't know if it was a phone or cable wire.

F. Treasurer's Report

Ms. Claar provided the Treasurer's report for July.

ON MOTION OF MRS. CHOBANY, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY ACCEPTED THE TREASURER'S REPORT IN THE AMOUNT OF \$53,954.08. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MRS. CHOBANY, MAYOR KISSELL, AND MS. McCARTHY. MOTION CARRIED 6-0.

V. CORRESPONDENCE

The 121st Convention of Western PA Firemen's Association sent notice of a free seminar to be held on Friday August 8th, 2014 from 2:00 – 4:00 p.m. concerning the Worker's Compensation Act, Act 48 of 2011 Firefighters Cancer Presumption Act, and a Question and Answer session.

Mr. and Mrs. John Sklarsky submitted a letter of gratitude to Council and the Public Works Department for the removal of a dilapidated garage at 1024 Gillespie Avenue. The letter is on file in the Secretary's office.

The Cambria County Tax Claim sent notice of the Upset Sale and the list of properties that will be included. Ms. Claar prepared a spreadsheet reflecting the property owner and the physical addresses. Ms. Claar also advised that a file will be maintained by year as a tracking measure of borough properties being include in the upset sales.

The Portage Public Library sent a request for assistance in leveling off the ground in the empty lot beside the library. Mr. Koban and Mr. Bowman met with Mr. Gilpatrick to evaluate the project. Mr. Koban advised that if the shale is pulled to the front, there would not be enough to level the surface in question. Mr. Koban also commented that it would take a couple ton of shale to make it level. Mr. Kissell commented that he knows of a contractor that is selling tri-axle loads of material for \$10.00/ton. Mr. Bowman commented that they would not be able to work on this project until after Summerfest.

ON MOTION OF MRS. CHOBANY, SECONDED BY MR. MORGAN, COUNCIL UNANIMOUSLY APPROVED THE REQUEST FROM THE PORTAGE LIBRARY TO ASSIST IN THE LEVELING OF THE VACANT LOT. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MRS. CHOBANY, MAYOR KISSELL, AND MS. McCARTHY. MOTION CARRIED 6-0.

VI. CITIZEN'S INPUT ON AGENDA ITEMS

None

VII. MINUTES OF PREVIOUS MEETINGS

The minutes from the July 21st regular meeting were presented to Council prior to the meeting.

ON MOTION OF MAYOR KISSELL, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY APPROVED THE MINUTES OF JULY 21ST REGULAR MEETING. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MRS. CHOBANY, MAYOR KISSELL, AND MS. McCARTHY. MOTION CARRIED 6-0.

VIII. BILLS AND TREASURER'S REPORT

Ms. McCarthy noted that copies of the bills and additional bills report were distributed for review by Council members prior to the meeting.

ON MOTION OF MR. KISSELL, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY ACCEPTED THE TREASURER'S REPORT AND AGREED THAT THE BILLS AND ADDITIONAL BILLS BE PAID AS PRESENTED IN WRITTEN FORM. THE BILLS TOTALED \$27,507.68. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MRS. CHOBANY, MAYOR KISSELL, AND MS. McCARTHY. MOTION CARRIED 6-0.

IX. REPORTS RECEIVED

Ms. McCarthy noted the following reports were received from the Water and Sewer Authorities reports for June 2014 along with the Portage Area Joint Recreation Commission for July, 2014 and the Portage Area Ambulance for May, 2014.

ON MOTION OF MRS. CHOBANY, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY ACCEPTED THE REPORTS RECEIVED AS NOTED ABOVE. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MRS. CHOBANY, MAYOR KISSELL, AND MS. McCARTHY. MOTION CARRIED 6-0.

X. UNFINISHED BUSINESS

Mr. Koban provided an update on the following:

- Item A: Mountain Avenue Sidewalk Project-moving forward with a request to perform additional sidewalk and curb work from Farren Street to Mill Alley. Additional funds will also have to be approved under new business.
- Item B: Short and Long Range Goals Based on Long Range Plan – future committee meeting
- Item C: Dulancey Drive Intersection Project–project is moving forward with sidewalk and curbs being installed. Mayor Kissell commented on the traffic at the intersection and the vehicular traffic on North Railroad and Lee Street. Mayor Kissell questioned if the road

could be posted no parking until the project is complete due to safety and traffic concerns. After a discussion:

ON MOTION OF MRS. CHOBANY, SECONDED BY MAYOR KISSELL, COUNCIL UNANIMOUSLY APPROVED NO PARKING ON NORTH RAILROAD STREET FROM MAIN TO LEE STREET, AND FROM LEE STREET TO SUGAR ALLEY. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MRS. CHOBANY, MAYOR KISSELL, AND MS. McCARTHY. MOTION CARRIED 7-0.

- Item D: Sekerak Legal Fees – discussed by Attorney Emerick under the Solicitors report.
- Item E: Comcast Cable Agreement – Mr. Koban advised that the issue will be discussed at a future committee meeting.
- Item F: Lee Street Arch/Norfolk Southern – Mr. Koban apprised Council that Ms. Claar received an e-mail and Mr. Edward Kaplaniak has been replaced by another Norfolk Southern representative; Mr. Alex Rocca regarding the Main Street Arch lease agreement. Mr. Koban commented that the issue is in their hands and we have new contact information again.
- Item G: Caldwell Avenue Flood Wall Replacement Project – Mr. Koban advised that this should have been removed from the agenda from last month's meeting. Mayor Kissell questioned if the smaller sections of flood wall on Caldwell Avenue could be repaired on the lower end. Mr. Koban suggested prioritizing the project with all the other projects being implemented by the Public Works Department.
- Item H: 1024 Gillespie Avenue – discussed under the Solicitors report
- Item I: LERTA – Mr. Koban advised that Mr. Wisor will be assisting in the preparation of borough maps to review specific areas within the Borough that can be utilized for the LERTA zones. The issue will be discussed at the next committee meeting.
- Item J. As it relates to the bonding of Council; the issue will be discussed at a future committee meeting.
- Item K. Mainline Trail Grant Funding- Mr. Koban advised it was to be removed from the agenda.
- Item L: As it relates to the 1007 Conemaugh Avenue Property (Vivis). Mr. Koban advised that even though the structure is visually an eye sore, the structure does not warrant a dangerous structure. Council agreed to leave the issue on the agenda and commented that the resident can file a complaint civilly at Magistrate Decorts Office.
- Item M: The 1027 Gillespie Avenue property was discussed earlier in the meeting under the Borough Managers report.
- Item N. 907 Jefferson Avenue property (Lilly FNB) was discussed earlier under the Police report.

XI. NEW BUSINESS

1. As it relates to the proposed sewer use testing ordinance that was properly advertised in the Tribune Democrat, the proposed ordinance was reviewed.

ON MOTION OF MAYOR KISSELL, SECONDED BY MR. MORGAN COUNCIL APPROVED ORDINANCE 4-2014 CONCERNING THE ADOPTION OF SEWER USE ORDINANCE PROVIDING FOR LATERAL TESTING OF PROPERTIES FOR THE PURPOSE OF THE REDUCTION OF INFLOW AND INFILTRATION INTO THE SANITARY SEWER SYSTEM. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MAYOR KISSELL, AND MS. McCARTHY. VOTING NEGATIVELY WAS MRS. CHOBANY. MOTION CARRIED 6-1.

2. Ms. Claar presented a resolution to Council concerning the signatories required at S & T Bank for accessing the safety deposit. Mr. Squillario and Robert Fox names need to be removed and Mayor Kissell and Raymond Bowman need to be added.

ON MOTION OF MRS. CHOBANY, SECONDED BY MR. WOZNIAK COUNCIL UNANIMOUSLY APPROVED RESOLUTION 12-2014 BY AUTHORIZING MS. McCARTHY, MS. CLaar; MR. KISSELL, AND MR. BOWMAN; AND REMOVING MR. SQUILLARIO AND ROBERT FOX ON THE SIGNATURE CARDS TO ACCESS THE SAFETY DEPOSIT BOX AT S & T BANK. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, AND MRS. CHOBANY. ABSTAINING WAS MAYOR KISSELL AND MS. McCARTHY. MOTION CARRIED 5-0-2.

3. Mr. Koban updated Council on the Mountain Avenue grant funds available due to the construction administration and construction inspection through Stiffler, McGraw & Associates. Mr. Koban advised that he wanted to utilize the entire grant to the penny and move forward with the project of sidewalk and curbs. After conversing with the contractor; M & B Services, they provided an estimated cost of \$27,315.00 to complete the sidewalk and curb from Farren Street to Mill Alley. For completing this phase; the funds will have to be paid through the Capital Improvement Savings Account.

ON MOTION OF MR. MORGAN, SECONDED BY MR. LEARN, COUNCIL UNANIMOUSLY APPROVED MOVING FORWARD WITH THE ADDITIONAL SIDEWALK AND CURB ON MOUNTAIN AVENUE FROM FARREN STREET TO MILL ALLEY AT AN ESTIMATED COST OF \$27,315.00 TO BE PAID FROM THE CAPITAL IMPROVEMENT SAVINGS ACCOUNT. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MRS. CHOBANY, MAYOR KISSELL, AND MS. McCARTHY. MOTION CARRIED 7-0.

GOOD OF THE BOROUGH

Mayor Kissell commented on the Neighborhood Crime Watch seminar he attended at the Portage Fire Hall on Wednesday, July 30th sponsored by Representative Frank Burns's office. Chief Miller and Robert Miller also attended the seminar. Mayor Kissell commented that there is definitely residential interest within the community to participate in a crime watch. Another seminar will be held on August 20th at 7:00 p.m. Mayor Kissell posted The PUSHER signs down at the entrance of the Park. Ms. Claar advised that Mrs. Ellen Gonchar is requesting two signs to be placed in her yard.

The Summerfest event will be held August 8th through the 10th, 2014 and commended the Summerfest Committee for all their efforts.

ADJOURNMENT

ON MOTION OF MRS. CHOBANY, SECONDED BY MAYOR KISSELL, COUNCIL UNANIMOUSLY AGREED TO GO INTO EXECUTIVE SESSION FOR PERSONNEL RELATED MATTERS. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MRS. CHOBANY, MAYOR KISSELL, AND MS. McCARTHY. MOTION CARRIED 7-0.

ON MOTION OF MRS. CHOBANY, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY AGREED TO GO OUT OF EXECUTIVE SESSION. MOTION CARRIED 7-0.

THERE BEING NO FURTHER BUSINESS OR ACTION, ON MOTION OF MAYOR KISSELL, SECONDED BY MRS. CHOBANY, COUNCIL UNANIMOUSLY AGREED TO GO OUT OF THE REGULAR MEETING AND ADJOURN. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MRS. CHOBANY, MAYOR KISSELL, AND MS. McCARTHY. MOTION CARRIED 7-0.

THE MEETING ADJOURNED AT 8:23 P.M.