

A meeting of Portage Borough Council was held on December 1<sup>st</sup>, 2014, at 6:30 p.m., in Council Chambers.

Those in attendance were:

Sharon McCarthy, President  
Rebecca Chobany  
Mayor James Kissell  
Todd Learn

John Morgan  
George Wozniak  
Jerome Yetsko

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

### **I. CALL TO ORDER**

Ms. McCarthy called the meeting to order at 6:30 p.m., which was followed by a roll call with all members being present.

### **II. REFLECTION/PLEDGE OF ALLEGIANCE**

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

### **III. RECOGNITION OF GUESTS**

Ms. McCarthy recognized the following guests: Kelly Cernetich, Altoona Mirror.

### **IV. REPORTS**

#### **A. Borough Manager's Report**

Mr. Koban commented that a copy of his report was provided to Council prior to the meeting.

As it relates to the 2015 General Fund proposed budget; Mr. Koban provided an overview of the changes from the November Committee meeting. The following changes were:

- Updated year to date figures for revenue and expenditures through 11/17/2014.
- Paid off the Gillespie Avenue Bridge loan payment on motion of Council at the November 17<sup>th</sup> committee meeting, in the amount of \$8,614.92.
- Increased the full time non-uniform employees wages by another two (2%) percent for a total increase of four (4%) in 2015. Chief of Police also received an additional 2% increase.
- The EMA Director increased from \$200.00 to \$400.00/year. Mr. Koban informed Council that PSAB and the Cambria County EMA Director were contacted to research if there was any cap on a salary for the EMA Director. There was no cap and it can be set by each municipality.
- The new proposed balanced budget for 2015 now reflects \$929,797.24.

Ms. McCarthy called for a motion on the above changes for the 2015 proposed budget for the General Fund.

ON MOTION OF MRS. CHOBANY, SECONDED BY MAYOR KISSELL, COUNCIL UNANIMOUSLY APPROVED THE CHANGES AS PRESENTED ABOVE FOR THE 2015 PROPOSED BUDGET FOR THE GENERAL FUND. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MS. McCARTHY,

MRS. CHOBANY, MAYOR KISSELL, MR. LEARN, MR. MORGAN, MR. WOZNIAK, AND MR. YETSKO. MOTION CARRIED 7-0.

Mr. Wozniak questioned the grant application documentation requested by Mr. Brant. Mr. Koban explained that Mr. Brant sent an e-mail requesting additional information to be supplied with the application. Mr. Wozniak commented that he was displeased with the project narrative presented by Mr. Brant as being generic.

Mr. Koban informed Council that the new full time officer; Aaron Leyo could not be present to be introduced to Council. Chief Miller advised Council that officer Leyo is doing well and is a good fit for the department.

Ms. McCarthy questioned if there was an update on the Portage Area Historical Society grant. There was no update available prior to the meeting.

Ms. McCarthy commented on the minutes submitted by the Laurel Municipal Inspection Agency concerning the increase in employee wages for their 2015 budget. Ms. McCarthy questioned if the Borough has any representation. Mr. Koban advised that a representative was appointed at the re-organization meeting.

Mr. Koban thanked Mr. Wozniak and Mr. Learn for participating in the interview process for the full time patrol officer.

#### B. Solicitor's Report

Attorney Emerick reported that he provided a copy of his report prior to the meeting. Mr. Emerick commented on the unemployment hearing for a borough employee. The referee will render a decision within the next week.

Concerning Kowalczyk v. Portage, Attorney Emerick reported that the interrogatories were completed, signed, notarized and will be forwarded to Plaintiff's Counsel.

Mr. Emerick conveyed holiday greetings to everyone.

#### C. Engineer's Report

Mr. Wisor stated that he did provide a copy of his report prior to the meeting. Mr. Wisor had one additional item to add relating to 933 Sonman Avenue. A field survey was performed on November 3<sup>rd</sup>, 2014 and Mr. Wisor provided the report for Council to review. Mr. Wisor commented that the structure does not qualify for the Borough's Dangerous Building Ordinance. Mr. Wisor advised Council that it is their recommendation to have the home owner make the necessary repairs as noted in the report.

As it relates to the Trout Run Wall project, Stiffler, McGraw & Associates submitted a proposal to complete and file for a PA DEP General Permit No. 11 and is waiting authorization to proceed. A lengthy discussion was held on the length of work, other necessary permits, contracted work, in-house work, and seek grant funding availability. Mr. Wisor will also contact the U.S. Army Corp of Engineers for clarification of the other necessary permits.

D. Police Chief's Report

Chief Miller reported that a copy of his report was provided to Council prior to the meeting. Chief Miller had nothing additional to report.

E. Director of Public Works Report

Mr. Bowman reported that he provided a copy of his report prior to the meeting. Mr. Bowman advised that the winter equipment is operational and they are ready for winter operations.

Mayor Kissell questioned if the signs and/or barricades are on the project list. Mr. Bowman advised that he will be taking vacation and has assigned it to Fran and Scott.

F. Treasurer's Report

Ms. Claar presented the Treasurers report in the amount of \$54,426.21 for Council approval

ON MOTION OF MRS. CHOBANY, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY ACCEPTED THE TREASURER'S REPORT AS PRESENTED IN WRITTEN FORM. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MS. McCARTHY, MRS. CHOBANY, MAYOR KISSELL, MR. LEARN, MR. MORGAN, MR. WOZNIAK, AND MR. YETSKO. MOTION CARRIED 7-0.

V. CORRESPONDENCE

- ✓ Comcast submitted price increases effective on December 20<sup>th</sup>, 2014
- ✓ Portage Area Schools sent a donation request for the Secret Santa Project
- ✓ A Thank You card was submitted from the HarvestFest Committee

VI. CITIZEN'S INPUT ON AGENDA ITEMS

There was no citizen input.

VII. MINUTES OF PREVIOUS MEETINGS

Minutes from the November 3<sup>rd</sup> regular meeting and the November 17<sup>th</sup> committee meeting were presented to Council for review and approval.

ON MOTION OF MAYOR KISSELL, SECONDED BY MR. MORGAN, COUNCIL UNANIMOUSLY APPROVED THE MINUTES OF THE REGULAR NOVEMBER 3<sup>rd</sup>, 2014 MEETING AND NOVEMBER 17<sup>th</sup>, 2014 COMMITTEE MEETING AS PRESENTED. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MS. McCARTHY, MRS. CHOBANY, MAYOR KISSELL, MR. LEARN, MR. MORGAN, MR. WOZNIAK, AND MR. YETSKO. MOTION CARRIED 7-0.

VIII. BILLS AND ADDITIONAL BILLS TO BE PAID

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

ON MOTION OF MRS. CHOBANY, SECONDED BY MAYOR KISSELL, COUNCIL UNANIMOUSLY AGREED THAT THE BILLS AND ADDITIONAL BILLS BE PAID IN THE AMOUNT OF \$38,698.02. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MS. McCARTHY, MRS. CHOBANY,

MAYOR KISSELL, MR. LEARN, MR. MORGAN, MR. WOZNIAK, AND MR. YETSKO. MOTION CARRIED 7-0.

#### **IX. REPORTS RECEIVED**

Ms. McCarthy noted that the Water Authority minutes for October were not included in Council packets. Ms. Claar will contact the Authority for the October minutes. The Portage Area Sewer Authorities' reports for October, 2014 were received, along with the LMIA report for November; Portage Ambulance for Sept & October; Joint Recreation Commission for Aug & September.

ON MOTION OF MRS. CHOBANY, SECONDED BY MR. KISSELL, COUNCIL UNANIMOUSLY ACCEPTED THE REPORTS RECEIVED AS NOTED ABOVE. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MS. McCARTHY, MRS. CHOBANY, MAYOR KISSELL, MR. LEARN, MR. MORGAN, MR. WOZNIAK, AND MR. YETSKO. MOTION CARRIED 7-0.

#### **X. UNFINISHED BUSINESS**

Mr. Koban provided an update as follows:

- Item A: Short and Long Range Goals Based on Long Range Plan –Mr. Koban commented that the January committee meeting will be dedicated to the goals that are represented within the long range plan. Ms. McCarthy also commented on open communications between the various organizations and boards. Mrs. Chobany suggested that Council discuss the appointment of members to the various boards and commissions for the February Committee meeting.
- Item B: Dulancey Drive Intersection Project –Penn Dot had contacted the Borough Secretary advising of a final inspection and apologized for the late notification. Mr. Bowman attended the final inspection and commented that the overhead street signs were completed. One section of sidewalk still has to be poured and marked. The signs were also placed where the sidewalk is closed on the North side of Main Street. Mr. Kissell commented that the South side of Main Street at the Arch is very crowded with the Woman's Club decorations and wagon and questioned where Mr. Stager could place his sign back on the property. The property on the North side now has grass planted and vacant. Mr. Wozniak questioned if the sign would be in compliance with the new sign ordinance or grandfathered in. A discussion took place on where the sign could be placed. Mr. Koban requested that Council visit the area to make a recommendation on the re-placement of the sign for Mr. Stager at the January Committee meeting. Mr. Learn commented that he spoke with Mr. Mike Stager and they are planning on planting some trees within the vacant lot. Council agreed to remove the issue from the agenda relating to the project since Mr. Stagers request is another issue.
- Item C: Comcast Cable Agreement – Mr. Koban indicated that he will be gathering information and discuss it at the January Committee meeting.
- Item D: LERTA – Mr. Koban attended the Portage Area School District meeting presenting the LERTA and then e-mailed the proposed ordinance to Attorney McGlynn. Mrs. Chobany questioned if there was any update from the School District relating to an article that was in the newspaper. Mr. Koban advised that there was no update.

- Item E: Request from Mr. Phil Stager to relocate the Stager sign back to the wagon area at the Arch was discussed under the Dulancey Drive project. Council will be visiting the areas to make a recommendation to Mr. Stager for the re-placement of the sign at the January Committee meeting.
- Item F: Update on Trout Run repairs – discussed earlier in the meeting under the Engineer's report.

### **Buildings:**

- As it relates to 907 Jefferson Avenue; there was no update
- As it relates to 933 Sonman Avenue; the issue was discussed earlier in the meeting under the Engineers report with the homeowner to make the necessary repairs. Mr. Kissell commented that the Hammer Street Church of God may be interested in the property.
- As it relates to the 612 Orchard Street Chief Miller informed Council that he will be attending a hearing on high grass and weeds next week with the property owner.
- Ms. McCarthy, Mr. Kissell, and Mr. Wozniak advised that the old Starlight property located on 828 North Railroad Avenue is vacant again. The roof area is tarped and the windows are broken out in the upstairs.

## **XI. NEW BUSINESS**

- ❖ The 2015 proposed operating budget for the General Fund and Liquid Fuels was discussed earlier in the meeting with several changes that were approved by Council. The millage rates, compensation plan, and setting the salaries for 2015 was also reviewed and approved.

ON MOTION OF MRS. CHOBANY, SECONDED BY MR. LEARN, COUNCIL UNANIMOUSLY APPROVED THE ADVERTISING OF THE 2015 PROPOSED BUDGET FOR THE GENERAL AND STATE LIQUID FUELS FUNDS FOR PUBLIC INSPECTION AND TO BE ADOPTED AT THE DECEMBER 19<sup>TH</sup> SPECIAL MEETING. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MS. McCARTHY, MRS. CHOBANY, MAYOR KISSELL, MR. LEARN, MR. MORGAN, MR. WOZNIAK, AND MR. YETSKO. MOTION CARRIED 7-0.

- ❖ Mr. Koban informed Council that a resolution will be needed for the garbage collection rates in 2015. The rates for garbage have been consistent since 2009.

ON MOTION OF MR. KISSELL, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY APPROVED RESOLUTION 17-2014 BY SETTING THE GARBAGE COLLECTION RATES AT \$14.30 PER MONTH CURBSIDE SERVICE AND \$31.00 PER PACK OF TEN PREPAID BAGS EFFECTIVE JANUARY 1<sup>ST</sup>, 2015. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MS. McCARTHY, MRS. CHOBANY, MAYOR KISSELL, MR. LEARN, MR. MORGAN, MR. WOZNIAK, AND MR. YETSKO. MOTION CARRIED 7-0.

- ❖ Ms. Claar presented the 2015 calendar for regular and committee meetings for Council to review. Mr. Koban commented that the July and August meetings were a problem with having a quorum. After a discussion, the August date for the committee meeting was changed from the 17<sup>th</sup> to the 24<sup>th</sup>.

ON MOTION OF MR. KISSELL, SECONDED BY MRS CHOBANY, COUNCIL UNANIMOUSLY APPROVED THE ADVERTISING OF THE 2015 DATES FOR THE REGULAR AND COMMITTEE MEETINGS. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MS. McCARTHY, MRS. CHOBANY, MAYOR KISSELL, MR. LEARN, MR. MORGAN, MR. WOZNIAK, AND MR. YETSKO. MOTION CARRIED 7-0.

- ❖ The WinterFest Committee sent a request to close Main Street during the WinterFest Activities commencing on Friday, December 12<sup>th</sup> through December 13<sup>th</sup>. The request is from the Dollar General store to the former Chobany Store at Main Street and Jefferson Avenue. Mr. Kissell commented that from a safety issue, to closing should be extended an additional block. Mr. Koban commented that there hasn't been any issues in prior years. Mr. Kissell also commented that the parking lot into Dollar General cannot be blocked off. Mr. Kissell was also in opposition of the Christmas tree area at Conemaugh Avenue. After a discussion, Mrs. Chobany suggested closing Main Street per the WinterFests' request.

ON MOTION OF MRS. CHOBANY, SECONDED BY MR. LEARN, COUNCIL APPROVED THE CLOSING OF MAIN STREET FROM THE DOLLAR STORE TO THE FORMER CHOBANY STORE AND ACCESS FROM JEFFERSON AND MOUNTAIN AVENUE ON FRIDAY & SATURDAY, DECEMBER 12<sup>TH</sup>, FROM 6:00 P.M. TO 9:00 P.M. ALSO THE CLOSING OF MAIN STREET FOR THE CHRISTMAS PARADE SPONSORED BY THE PORTAGE ROTARY AT 2:00 P.M. SHARP. MS. McCARTHY POLLED WITH COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MS. McCARTHY, MRS. CHOBANY, MR. LEARN, MR. MORGAN, MR. WOZNIAK, AND MR. YETSKO. VOTING NEGATIVELY WAS MAYOR KISSELL. MOTION CARRIED 6-1.

- ❖ WinterFest submitted another request for the assistance of the Public Works Department to hang Christmas lights on the Christmas tree across from the Chatterbox. Mr. Kissell questioned who would be taking the tree down and was also concerned of any liability issues with a bucket truck or loader. Mr. Kissell was also disappointed that the WinterFest committee didn't contact the borough prior to this meeting for the requests. Ms. Claar advised that she received the requests in mid November and the Council meeting was just held. Mr. Koban cautioned Mr. Kissell that he was taking a personal approach with the requests from the WinterFest Committee to which Mr. Kissell rebutted. After a lengthy discussion;

ON MOTION OF MRS. CHOBANY, SECONDED BY MR. LEARN, COUNCIL APPROVED THE WINTERFEST REQUEST TO HAVE THE PUBLIC WORKS DEPARTMENT ASSIST IN THE HANGING OF THE CHRISTMAS TREE LIGHTS ACROSS FROM THE CHATTERBOX. MS. McCARTHY POLLED WITH COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MS. McCARTHY, MRS. CHOBANY, MR. LEARN, MR. MORGAN, MR. WOZNIAK, AND MR. YETSKO. VOTING NEGATIVELY WAS MAYOR KISSELL. MOTION CARRIED 6-1.

## **XII. GOOD OF THE BOROUGH**

- Ms. McCarthy commented and extended a 100<sup>th</sup> birthday acknowledgment to Rita Hornyak.
- Mr. Koban advised Council that the Baran Family has donated the Christmas Tree to the WinterFest Committee for the event. The Christmas Tree “Gumdrop Tree” was located at the corner of Jefferson and Hammer.
- Council commended and acknowledged the Woman’s Club for all their decorating throughout the year in Portage, especially the Christmas season.
- Council also commended the Public Works Department for their assistance in the Winterfest Activities and to Mr. Koban and Ms. Claar for their preparation and time in the 2015 proposed operating budget.
- Mr. Kissell commended the Portage School District Cheerleaders in their latest competition and acknowledged the great athletic department.
- Mr. Kissell advised that the Neighborhood Crime Watch will be meeting on Wednesday, December 10<sup>th</sup> at 7:00 p.m.
- Mr. Kissell advised that the Portage Food Pantry will be moving their operations to 605 Main Street (the former Treasurer Seekers) effective for the January 2015 food distribution.
- Council agreed to meet at 5:50 p.m. on Friday, December 19<sup>th</sup> to hold a “meet and greet” for a Water Authority board candidate.
- Each year, the Borough authorizes “Free Meter Parking” for the month of December.

ON MOTION OF MR.YETSKO, SECONDED BY MAYOR KISSELL, COUNCIL UNANIMOUSLY APPROVED “FREE METER PARKING” FOR THE MONTH OF DECEMBER. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MS. McCARTHY, MRS. CHOBANY, MR. LEARN, MR. MORGAN, MR. WOZNIAK, MAYOR KISSELL, AND MR. YETSKO. MOTION CARRIED 7-0.

## **XIII. ADJOURNMENT**

THERE BEING NO FURTHER BUSINESS, ON MOTION OF MRS. CHOBANY, SECONDED BY MR. KISSELL, THE MEETING WAS ADJOURNED AT 7:47 P.M. MOTION CARRIED 7-0.