

A meeting of Portage Borough Council was held on June 2nd, 2014, at 6:30 p.m., in Council Chambers.

Those in attendance were:

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

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.

- **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.

RECOGNITION OF GUESTS

Ms. McCarthy recognized the following guests: Kelly Cernetich and Clayton Over with the Altoona Mirror; Justin Dennis with the Tribune Democrat, Paulette and Raymond Vandzura, and Robin

- **REFLECTION/PLEDGE OF ALLEGIANCE**

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

III. Appointment to Sewer Authority Board

Prior to the meeting, Council held a meet and greet of candidates expressing interest to serve on the Portage Area Sewer Authority Board. The candidates were: Mr. Raymond Vandzura and Mr. Donald Moore. Ms. McCarthy called for nominations:

MR.KISSELL NOMINATED AND SECONDED BY MR. MORGAN TO NOMINATE MR. MOORE. MS. MCCARTHY CALLED FOR ANY OTHER NOMINATIONS. MR. YETSKO CLOSED THE NOMINATIONS. MR. KISSELL MOTIONED, SECONDED BY MR. MORGAN TO APPOINT MR. DONALD J. MOORE TO THE VACANT PORTAGE AREA SEWER AUTHORITY BOARD UNTIL THE TERM ENDING DECEMBER 31ST, 2016. . COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MRS. CHOBANY, MAYOR KISSELL, AND MS. McCARTHY. MOTION CARRIED 7-0.

IV. REPORTS

A. **Borough Manager's Report**

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

Mr. Koban provided additional details to his report:

- Mr. Koban commented on the purchase order he signed for Team Force on the light bar. The total purchase order was for \$6,627.00 which also included the installation of the

Watch Guard camera and the radios. Mr. Kissell questioned the loan payment amount. Mr. Koban advised Mr. Kissell that the loan obligation with 1st Summit Bank will be based on bi-annual payments (approx \$9,500.00/year) along with \$4,500.00 down payment. The 2014 approved budget allocated \$10,789.00 for a new cruiser. The total loan obligation will be \$26,827.00.

- Mrs. Chobany questioned the status of the pickup truck to be purchased by the Portage Area Joint Recreation Commission and if they had utilized our federal ID number. Mr. Koban explained the chain of events that had transpired. Mrs. Chobany questioned why it is now an issue. Mr. Koban apprised the board that an audit performed by Dennis P. Kotzan and Associates recommended that the Borough should not permit any other organizations to utilize the federal ID number; especially when the Borough has no financial control. Mr. Koban also advised he spoke with Attorney McGlynn regarding the issue and was in agreement to not use our federal id number. Mr. Koban suggested having the borough purchase the truck and placing it on our insurance. Mr. Emerick suggested contacting the Insurance Carrier. Ms. McCarthy questioned if the truck was even purchased yet. Council agreed to wait for Ms. Kinley to provide additional information.

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, Mr. Koban informed Council that he and Mr. Bowman investigated the garage to be demolished and determined they would need at least two dumpsters for the material and the concrete. They also noticed that a portion of a large tree would have to be cut down to get access to the garage. Mr. Koban suggested renting a mini-excavator for the demolition and it could also be utilized for the Caldwell Avenue Flood Protection Wall. Mr. Emerick advised Council that the court order does not include removal of the tree; to which Mr. Koban commented that they will only have to cut some of the tree back to gain access to the garage.

ON MOTION OF MRS. CHOBANY, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY APPROVED THE DEMOLITION OF THE GARAGE AND CUTTING THE TREE BACK TO GAIN ACCESS TO THE GARAGE. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MRS. CHOBANY, MAYOR KISSELL, AND MS. McCARTHY. MOTION CARRIED 7-0.

- Mr. Emerick informed Council that Bond Council for the Portage Municipal Authority is requesting a resolution to increase the terms of existence of fifty (50) years.

ON MOTION OF MR. KISSELL, SECONDED BY MRS. CHOBANY, COUNCIL UNANIMOUSLY APPROVED RESOLUTION 9-2014 BY AMENDING THE ARTICLES OF INCORPORATION OF THE MUNICIPAL AUTHORITY OF THE BOROUGH OF PORTAGE BY INCREASING THE TERMS OF EXISTENCE OF FIFTY (50) YEARS. 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 proposed lateral testing ordinance was discussed later in the meeting.

- As it relates to Portage v. Sekerak, Mr. Koban apprised Council that he spoke with Mr. Sekerak and was advised to either contact his Attorney or he could contact Mr. Emerick concerning the legal fees and documents he had received. Mr. Emerick advised Council that he has a motion to compel prepared if Council wishes to move forward with litigation.

ON MOTION OF MR. WOZNIAK, SECONDED BY MR. KISSELL, COUNCIL UNANIMOUSLY APPROVED MOVING FORWARD WITH MR. EMERICK FILING THE MOTION TO COMPEL. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MRS. CHOBANY, MAYOR KISSELL, AND MS. McCARTHY. MOTION CARRIED 7-0.

- Concerning Kowalczyk v. Portage, Mr. Emerick reported that this matter is in the pretrial discovery stage.
- Mr. Emerick informed Council of a hearing for a judicial sale to be held on June 25th, 2014 on a property located on Webster Avenue.

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 if the Sign management plan being mandated by the FWHA will be implemented by June 14, 2014. Mr. Koban commented that he met with Mr. Wisor and Mr. Bowman to review the plan and inventory of signs. Mr. Koban also suggested having a budgeted amount for sign replacement and manpower to calculate the inventory.
- Mr. Kissell questioned Mr. Wisor if he obtained any additional information on Dirt and Gravel grants. Mr. Wisor advised that Borough staff would be required to attend the seminars and courses and meet difficult criteria to obtain the funding. Mr. Bowman commented that chip and seal or dirt roads would not qualify or meet the criteria along with the width of the roads. The seminar location is 154 miles roundtrip and Mr. Bowman did not feel that the Borough would qualify for any of the grants. Ms. McCarthy suggested contacting Mr. Jerry Brant of the Decoplan Associates, LLC to seek grant funding.

ON MOTION OF MRS. CHOBANY, SECONDED BY MR. LEARN, COUNCIL UNANIMOUSLY APPROVED CONTACTING MR. BRANT OF DECOPLAN & ASSOCIATES TO SEARCH FOR GRANT FUNDING FOR THE BACK ROAD AT CRICHTON McCORMICK PARK. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MRS. CHOBANY, MAYOR KISSELL, AND MS. McCARTHY. MOTION CARRIED 7-0.

D. Police Chief's Report

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

- Mrs. Chobany questioned the status of 907 Jefferson Avenue to which Chief Miller advised that he has sent two ten day notices already to the owners. Chief Miller also advised Council that he has sent out over 40 letters to property owners regarding high grass, weeds, and /or maintenance issues.

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 public works department has been cutting and weed eating all borough properties.
- Mr. Bowman informed Council that the gas company is behind schedule for the utility relocation at the Dulancey intersection. Mr. Bowman advised that with the joint effort between the Borough and the Portage Municipal Water Authority, the intersection could be paved due to the bumps and condition of the road.

F. Treasurer's Report

ON MOTION OF MRS. CHOBANY, SECONDED BY MR. KISSELL, COUNCIL UNANIMOUSLY ACCEPTED THE TREASURER'S REPORT IN THE AMOUNT OF \$123,203.47. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MRS. CHOBANY, MAYOR KISSELL, AND MS. McCARTHY. MOTION CARRIED 7-0.

V. CORRESPONDENCE

The Rotary Club of Portage submitted a request to hold the Portage Summerfest 2014 5 Kilometer Race on Saturday, August 9th, 2014. The race is scheduled to start at 8:30 a.m. and will begin and end at the Portage Football Stadium.

ON MOTION OF MR. WOZNIAK, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY APPROVED THE REQUEST OF THE ROTARY CLUB OF PORTAGE TO HOLD THE PORTAGE SUMMERFEST 2014 5 KILOMETER RACE ON SATURDAY, AUGUST 9TH, 2014. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MRS. CHOBANY, MAYOR KISSELL, AND MS. McCARTHY. MOTION CARRIED 7-0.

Ms. Jean Kinley arrived at this point. Mrs. Chobany questioned Ms. Kinley regarding the pickup truck to which Ms. Kinley advised that the truck was already purchased at Stagers. Ms. McCarthy apprised Ms. Kinley of what transpired with the use of the Borough's federal id number for sales tax exemption purchases. Ms. Kinley commented that she has no other comments.

VI. CITIZEN'S INPUT ON AGENDA ITEMS

None

VII. MINUTES OF PREVIOUS MEETINGS

The minutes from the May 5th, 2014 regular meeting of Council was presented to Council prior to the meeting. The agenda reflected the May 19th committee meeting but were not presented.

ON MOTION OF MRS. CHOBANY, SECONDED BY MR. LEARN, COUNCIL UNANIMOUSLY APPROVED THE MINUTES OF MAY 5TH, 2014 REGULAR MEETING AS PRESENTED. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MRS. CHOBANY, MAYOR KISSELL, AND MS. McCARTHY. MOTION CARRIED 7-0.

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 MRS. CHOBANY, SECONDED BY MR. MORGAN, 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 \$24,557.03. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MRS. CHOBANY, MAYOR KISSELL, AND MS. McCARTHY. MOTION CARRIED 7-0.

IX. REPORTS RECEIVED

Ms. McCarthy noted that the Water and Sewer Authorities reports for April, 2014 were received, along with the Portage Public Library for March, 2014.

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

X. UNFINISHED BUSINESS

Mr. Koban provided an update as follows:

- Item A: Mountain Avenue Sidewalk Project-Mr. Koban apprised Council that the project is moving forward and they will be moving equipment onto school grounds. A pre-construction meeting is scheduled for Wednesday, June 4, 2014 at 9:00 in the Administration Building. Mr. Koban also commented that he spoke with Mr. Kunko; the Business Manager for the Portage Area School District and was advised that the school district may be able to utilize some funds to complete the rest of the sidewalk project on Mountain Avenue.

- Item B: Short and Long Range Goals Based on Long Range Plan – Mr. Koban reminded Council that a walk through tour of the ACRP building will be held on Tuesday, June 3rd at 7:00 p.m.
- Item C: Dulancey Drive Intersection Project – Mr. Koban and Mr. Bowman attended a utility relocation meeting but the work will not be completed until late summer or fall.
- 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 the next committee meeting.
- Item F: Lee Street Arch/Norfolk Southern – Mr. Koban advised Council that he spoke with Mr. Ed Kaplaniak of Norfolk Southern and is waiting for a response. Mr. Koban informed Mr. Kaplaniak of Council's decision to pay the lifetime fee of \$400.00 for the beautification and lease at the Main Street Arch. Ms. McCarthy also advised Mr. Koban that stones are falling onto the sidewalk under the Lee Street Arch. Mr. Bowman commented that he attended the Outreach Project and was advised to contact our local representative to obtain any assistance with Norfolk Southern.

At this point, Mrs. Robin Davis addressed Council regarding the dilapidated structure located at 1007 Conemaugh Avenue. Mrs. Davis has reported this property several times with: shingles coming off the roof, a broken fence ready to fall onto her property, broken glass from windows, and high grass. Chief Miller informed Council that he has cited the property owner several times and they have paid the citations. The property owner has also been cutting the grass but has not addressed any concerns of the condition of the home or the fence. Mr. Koban suggested having Council investigate the structure prior to having an Engineer's Field Survey and deeming the structure dangerous. Several other properties were discussed as well. Ms. McCarthy requested Ms. Claar to obtain any lien information on the property. Mrs. Davis questioned Mr. Koban as to whom she can file against if the fence falls in or any other dangerous situation that develops. Mr. Koban advised Mrs. Davis that she could file a civil action suit against the property owner. Mr. Koban and Council agreed to place the 1007 Conemaugh Avenue on the agenda for discussion at the next meeting.

- Item G: Caldwell Avenue Flood Wall Replacement Project – Mr. Koban advised that Mr. Raptosh will coordinate with the Public Works Department on a possible start date.
- Item H: 1024 Gillespie Avenue – discussed by Attorney Emerick under the Solicitors report
- Item I: LERTA – Mr. Koban elaborated on the Cambria County Commissioners meeting that he and Mr. Kissell attended that was held at the Portage Elementary School. Mr. Koban commented that he is not sure where it stands with the Commissioners. There is only one member on board with the LERTA. Mrs. Chobany questioned the tax break structure and scale and if it affected only new construction. Mr. Koban provided an overview of the LERTA to the new members of Council as well.
- Item J: Sewer Testing of Properties – Mr. Koban advised Council that it is now in their hands and several decisions need to be determined on how to precede since Option 2 was voted upon at the May committee meeting and communicated back to the Portage Area Sewer Authority board. Mrs. Chobany questioned as to what has transpired and thought the issue was already resolved. Mr. Koban elaborated on the chain of events

that took place from the last three months. Mr. Koban commented that there are three issues taking place:

- Amend the current ordinance or adopt a new ordinance as presented by Mr. Emerick.
- The timeframe requiring testing
- Designation of enforcement officer as requested by the Sewer Authority

After another lengthy discussion between financial assistance to homeowners; new construction, amendment of the ordinance, homeowners responsibility, designation of the enforcement officer and control, Mr. Koban advised Council that they need to make a decision on the above.

MRS. CHOBANY MOTIONED FOR OPTION 1-REPLACE AND/OR REHABILITATE THE EXISTING SYSTEM IN KIND. MS. MCCARTHY CALLED FOR SECOND. MOTION DIED DUE TO THE LACK OF A SECOND.

MR. MORGAN MOTIONED, SECONDED BY MR. KISSELL TO MOVE WITH OPTION 2 INSTALL A PARALLEL SEWER SYSTEM WITHOUT REQUIRING TESTING UNDER BUILDING FOUNDATIONS, AS AGREED AT THE COMMITTEE MEETING. MS. MCCARTHY ROLL CALLED WITH RESPONDING NEGATIVELY WERE: MRS. CHOBANY, MR. LEARN, AND MR. WOZNIAK. RESPONDING AFFIRMATELY WERE: MR. MORGAN, MR. YETSKO, MAYOR KISSELL, AND MS. MCCARTHY. MOTION CARRIED 4-3 WITH OPTION 2.

Mr. Wozniak commented that there is still a lot of confusion between the amendment of current ordinance, a separate ordinance, and designation and the issue should be discussed until it is finished. Mrs. Chobany commented that she does not want the Sewer Authority to have total control over the testing or be the enforcement officer. Mr. Koban suggested another workshop be held to discuss the options as stated above at the next committee meeting. Mr. Kissell also commented that there are three new members of Council since the current Ordinance was adopted.

ON MOTION OF MR. MORGAN, SECONDED BY MR. YEYSKO, COUNCIL UNANIMOUSLY CANCELLED THE MONDAY, JUNE 16TH, COMMITTEE MEETING AND RESCHEDULED FOR MONDAY, JUNE 23RD, 2014 AT 6:00 P.M. IN COUNCIL CHAMBERS TO DISCUSS ONLY THE PROPOSED SEWER ORDINANCE. 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 K: Sign Inventory and Plan to Meet FWHA Compliance was discussed earlier under the Engineer's report.
- Item L: Police policy and procedures regarding supplemental income was tabled under the next committee meeting or will be discussed in an executive session due to personnel issues.

- Item M. As it relates to the bonding of Council; the issue was tabled until the next meeting.
- Item N. Project Manager for the Mountain Avenue Sidewalk Enhancement Project-Mr. Koban informed Council that there was some confusion between naming a project manager between the Borough and Stiffler, McGraw & Associates. Mr. Koban received an e-mail from Mr. Wisor stating that the Borough is not putting an SMA employee on the Borough's payroll for the Project Manager. The project manager will have to be a full time employee or staff from the Borough. Mr. Koban recommended the Public Works Director; Mr. Raymond Bowman for the designation of the project manager.

ON MOTION OF MR. YETSKO, SECONDED BY MAYOR KISSELL, COUNCIL UNANIMOUSLY DESIGNATED MR. RAYMOND BOWMAN AS THE LOCAL PROJECT MANAGER FOR THE MOUNTAIN AVENUE SIDEWALK ENHANCEMENT PROJECT. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MRS. CHOBANY, MAYOR KISSELL, AND MS. McCARTHY. MOTION CARRIED 7-0.

XI. NEW BUSINESS

- Financial loan obligation for the 2014 Ford Cruiser

Ms. Claar presented a resolution to Council regarding the financial loan obligation with First Summit Bank for the 2014 Ford Taurus Cruiser in accordance with the Local Government Unit Debt Act small borrowing.

ON MOTION OF MAYOR KISSELL, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY APPROVED RESOLUTION 78-2014 BY AUTHORIZING A FINANCIAL LOAN OBLIGATION WITH FIRST SUMMIT BANK; IN THE AMOUNT OF \$26,827.00, AT IN INTEREST RATE OF 3.35%; PAYABLE IN BI-ANNUAL PAYMENTS. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MRS. CHOBANY, MAYOR KISSELL, AND MS. McCARTHY. MOTION CARRIED 7-0.

- 2014 Personnel Policy

The proposed amendment to the personnel policy was property advertised in the Dispatch concerning probationary employees. The previous time frame was six months plus thirty days to be amended to ninety (90) days.

ON MOTION OF MR. KISSELL, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY APPROVED ORDINANCE 3-2014 BY AMENDING ORDINANCE 3-1996 CONCERNING THE PERSONNEL POLICY FOR UNIFORM AND NON-UNIFORM PROBATIONARY EMPLOYEES. 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

Ms. McCarthy commended and thanked the Junior Councilmember's Ms. Emily Chobany and Joseph Randazzo for their support and efforts on Council and their commencement.

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

ADJOURNMENT

THERE BEING NO FURTHER BUSINESS, ON MOTION OF MRS. CHOBANY, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY AGREED TO GO OUT OF THE REGULAR MEETING. 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 9:03 P.M.