

A meeting of Portage Borough Council was held on May 5<sup>th</sup>, 2014, at 6:30 p.m., in Council Chambers.

Those in attendance were:

Sharon McCarthy, President  
Rebecca Chobany  
Mayor James Kissell

John Morgan  
George Wozniak  
Jerome Yetsko

Todd Learn

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.

### **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. Mr. Kissell and Council also congratulated Mr. Bowman for accepting the position of the Public Works Director.

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

Ms. McCarthy recognized the following guests: David Hayes; Amanda Petrunak, Mainline Newspapers; Kelly Cernetich, Altoona Mirror; and Scott Maul. Mr. Hayes was here to observe.

### **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:

- Concerning the workers compensation. The Pennsylvania Compensating Rating Bureau submitted an acknowledgement letter confirming the request to recalculate the experience modification by excluding the Portage Volunteer Fire Company and separating it from the Borough's workers compensation policy. The PCRB will also notify the State Workers Insurance Fund and the Housing & Redevelopment Insurance Exchange.
- Construction projects within the borough that would affect the paving program were discussed. The Water and Sewer Authority have several projects they are undertaking within the Borough and Mr. Koban advised that he wants to make sure there is no conflicting work projects between the entities. Mr. Koban and Mr. Bowman advised that

the borough is currently on a two year paving program to where the borough can have a larger paving project and the funds would be available.

- Mr. Koban advised that he received the proposal from B&R Construction for the Caldwell Avenue Flood Wall and will be addressed under New Business.
- As it relates to the Public Works Department, Mr. Koban informed Council that Mr. Bowman accepted the position of Public Works Director. Mr. Koban apprised Council that Mr. Steberger will move to the Mechanic position. Mr. Koban then introduced Mr. Scott Maul as the new Public Works employee in the laborer position. Mr. Yetsko questioned the position and if board approval was required to which Mr. Koban replied that the Borough Manager has the authority to hire, promote, or terminate without Council approval. Mr. Morgan questioned the pay scale and how the starting salaries were determined. Mr. Koban explained the compensation plan and salary projections to Mr. Morgan and Mr. Learn. Ms. Claar will provide the 2014 approved budget along with the compensation plan and salary projections to the new members of Council. Mr. Koban also advised Council that with the above changes; the net effect with the public works department resulted in a decrease in personnel. Mr. Kissell questioned the meter man bond to which Mr. Koban replied that Mr. Squillario's bond was transferred into Mr. Bowman's name.
- As it relates to bonding; Mr. Koban apprised Council that he read an article in the Borough News that any *official* or employee who has authority to sign checks or other financial documentation should be bonded. Dennis Kotzan, CPA was contacted to recommend or determine a dollar amount of the bond. Currently, only the Secretary is bonded for \$100,000.00. Ms. McCarthy and Mr. Yetsko are signatories on all the borough accounts. Mr. Koban will provide additional information at the May committee meeting.
- Ms. McCarthy commended Mr. Koban on the results of the 2013 Audit.

#### 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. Emerick commented that there has been no response from the property owner after he sent notification to a different address for Melissa Weymer. Mr. Kissell questioned if demolition of the garage could be performed in house by the Public Works Department. Mr. Koban suggested discussing the issue at the May committee meeting.
- Mr. Emerick informed Council that the Portage Municipal Authority revenue bond guaranty, financial documentation, proof of publications, and agreement were mailed to Lynch & Lynch by Ms. Claar.

- As it relates to the sewer lateral testing requested from the Portage Area Sewer Authority, Mr. Emerick provided a new draft for Council to review based on the information he received from the committee meeting. Mr. Koban apprised Mr. Emerick that at the April committee meeting; Council had motioned to approve Option 2: Install parallel sewer system without requiring testing under building foundations (additional pressure testing required from property line to foundation wall). Mr. Koban commented that once Council made that decision, it would be taken back to the Portage Area Sewer Authority for their acceptance and approval. A meeting date has not yet been determined on when to meet between the Borough, the Sewer Authority, and their Engineer. Mr. Emerick was under the assumption that the issues were already addressed and prepared a new draft ordinance. After a lengthy discussion took place on whether the prior Ordinance 2-2013 would remain in effect or if the new ordinance would repeal it. Mr. Emerick suggested that Ordinance 2-2013 be repealed. Mr. Koban suggested that Ordinance 2-2013 remain in effect so it does not confuse the residents. Additional discussions were held on :
  - The timeframe between testing if a property is sold and/or transferred.
  - Compliance officer-either the Borough Manager or appointing Sewer Authority
  - New Construction, testing, and hook up
  - Financial assistance to the residents

Mr. Koban advised that once a date has been set to meet with the Sewer Authority Board, Council will be notified to discuss the above options and issues. Mr. Emerick commented that the new draft will have to be reviewed again, after the meeting between the Borough and the Sewer Authority. The Sewer Authority is requesting a response from the Borough by May 13<sup>th</sup>, 2014 with the options. Council agreed to table the sewer lateral testing draft ordinance until after the meeting.

- As it relates to Portage v. Sekerak, Mr. Emerick indicated that there was no response from Mr. Sekerak. Mr. Koban advised that Mr. Sekerak had purchased a property on Main Street and questioned if Mr. Emerick had sent any correspondence to Mr. Sekerak's Main Street address. Mr. Emerick was unaware of the new address. Ms. Claar will provide Mr. Emerick with the address so he can submit the paperwork for a response.
- Concerning Kowalczyk v. Portage, Mr. Emerick reported that this matter is in the pretrial discovery stage.
- Mr. Emerick presented the final draft for Council to review for the competitive bidding requirements. The proposed ordinance was properly advertised in the Dispatch with the changes requested by Council. Mr. Emerick also informed Council that a resolution will have to be approved, following the adoption of the ordinance, to establish the dollar amount thresholds. The resolution can be reviewed and adopted at the May committee meeting. The motion to adopt the competitive bidding procedures took place under new business.

### C. Engineer's Report

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

- Concerning the Mountain Avenue Enhancement Project, Mr. Wisor advised that a staff inspector for the project has been recommended by Stiffler, McGraw & Associates and will be reviewed under New Business. Mr. Wisor also commented that PennDot is ready

to move forward with a pre-construction meeting and a notice to proceed with the project. Dates will be determined and e-mailed to all parties.

- As it relates to the Sign management plan being mandated by the FWHA by June 14, 2014; Mr. Wisor accumulated guidance documents and sample forms to be implemented by the Borough. Mr. Wisor advised that he will meet with Mr. Koban to discuss the plan and the sign inventory. Mr. Wisor commented that the June 14<sup>th</sup>, 2014 deadline should be easily achievable with the management plan implementation.

#### D. Police Chief's Report

Chief Miller reported that he provided a copy of his report prior to the meeting.

- Chief Miller had nothing additional to report. Ms. McCarty informed Chief Miller that she received a complaint from a resident regarding 820 Sonman Avenue. There are two pine trees that are in the line of sight and Ms. McCarthy is inquiring whether the trees can be trimmed back or if it would be an ordinance violation. Another complaint included the rain spouting and drains on the structure.

#### E. Director of Public Works Report

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

- Mr. Bowman had nothing additional to report. Mr. Bowman acknowledged Mr. Scott Maul again and welcomed him aboard. Mr. Maul also has experience in welding and equipment operations that will enhance the Public Works Department.

#### F. Treasurer's Report

ON MOTION OF MRS. CHOBANY, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY ACCEPTED THE TREASURER'S REPORT IN THE AMOUNT OF \$117,607.84. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MRS. CHOBANY, AND MS. McCARTHY. MOTION CARRIED 7-0.

### V. CORRESPONDENCE

No correspondence

### VI. CITIZEN'S INPUT ON AGENDA ITEMS

Residents present addressed Council earlier in the meeting.

### VII. MINUTES OF PREVIOUS MEETINGS

A correction was made to the minutes of April 7<sup>th</sup>, 2014. Mr. Kissell advised on page 6 paragraph 3 that it would take water off of the street and put in into the new sewer lines should read into the old sewer lines.

ON MOTION OF MR. KISSELL, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY APPROVED THE MINUTES OF THE APRIL 7<sup>TH</sup>, 2014 MEETING AS PRESENTED, WITH THE CORRECTION AS NOTED ABOVE.

COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MRS. CHOBANY, AND MS. McCARTHY. MOTION CARRIED 7-0.

The minutes from the April 21<sup>st</sup>, 2014 meeting were not presented to Council. The minutes will be presented at the May 19<sup>th</sup> committee meeting for approval.

### **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 \$21,494.66. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MRS. CHOBANY, AND MS. McCARTHY. MOTION CARRIED 7-0.

### **IX. REPORTS RECEIVED**

Ms. McCarthy noted that the Water and Sewer Authorities reports for March, 2014 were received, along with the Portage Joint Recreation Commission for January – March, 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, MR. WOZNIAK, MRS. CHOBANY, AND MS. McCARTHY. MOTION CARRIED 7-0.

### **X. UNFINISHED BUSINESS**

Mr. Koban provided an update as follows:

- Item A: Mountain Avenue Sidewalk Project – update provided earlier in the meeting
- Item B: Short and Long Range Goals Based on Long Range Plan – to be discussed at a future meeting.
- Item C: Dulancey Drive Intersection Project – Mr. Koban and Mr. Bowman attended a utility relocation meeting but they work will not be completed until June 8, 2014.
- Item D: Sekerak Legal Fees – discussed by Attorney Emerick.
- Item E: Comcast Cable Agreement – Mr. Koban advised that the issue will be discussed at the May 19<sup>th</sup> 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. NFS is also

considering a lease payment of \$600.00 per year. Mr. Koban will provide additional information at the May 19<sup>th</sup> committee meeting.

- Item G: Caldwell Avenue Flood Wall Replacement Project – Mr. Koban received the estimate from B&R Construction and will be acted upon under New Business.
- Item H: 1024 Gillespie Avenue – discussed by Attorney Emerick.
- Item K: LERTA – Mr. Koban reported that there was no update on the LERTA and is anticipating a future meeting with the Cambria County Commissioners.
- Item L: Sewer Testing of Properties – discussed earlier in the meeting.
- Item M: Sign Inventory and Plan to Meet FWHA Compliance was discussed earlier in the meeting.

## **XI. NEW BUSINESS**

- Competitive Bidding Requirements

ON MOTION OF MR. YETSKO, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY APPROVED ORDINANCE 2-2014 BY REPEALING ORDINANCE 3-1996, SECTION 2 1201, 1202 AND 1203, AS CODIFIED IN 1, PARK 1L, SECTIONS 175, 176, AND 177; PROVIDING FOR A SYSTEM OF COMPETITIVE BIDDING AS REQUIRED BY ARTICLE XVI SECTION 1603 OF THE BOROUGH CHARTER AND PROCEDURE FOR PURCHASING GOODS AND SERVICES. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MRS. CHOBANY, AND MS. McCARTHY. MOTION CARRIED 7-0.

- 2014 Ford Cruiser

Mr. Koban informed Council that he received two quotes from Tri-Star Motors for a 2014 Ford Explorer AWD and a 2014 Interceptor SUV AWD. Tri-Star Motors is a Co-Star supplier and the Borough can piggy back on the State Contract. Mr. Koban also advised that the police cruiser was provided for in the 2014 operating budget in the amount of \$32,368.57. The quotes came in under budget. Mr. Koban at this time was requesting Council approval to place the order with Tri-Star Motors for a 2014 Interceptor AWD.

ON MOTION OF MRS. CHOBANY, SECONDED BY MR. KISSELL, COUNCIL UNANIMOUSLY APPROVED TO PURCHASE A 2014 INTERCEPTOR AWD FROM TRI-STAR MOTORS. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MRS. CHOBANY, AND MS. McCARTHY. MOTION CARRIED 7-0.

- Caldwell Avenue Retainer Wall Project

Mr. Koban provided the estimate from B&R Construction in the amount of \$9,000.00 for the Caldwell Avenue retainer wall project. The project will be paid through the Capital Savings Account.

ON MOTION OF MR. YETSKO, SECONDED BY MR. KISSELL, COUNCIL UNANIMOUSLY APPROVED THE ESTIMATE FROM B&R CONSTRUCTION IN THE AMOUNT OF \$9,000.00 FOR THE CALDWELL AVENUE RETAINER WALL PROJECT AND TO BE PAID FOR FROM THE CAPITAL IMPROVEMENT SAVINGS ACCOUNT. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MRS. CHOBANY, AND MS. McCARTHY. MOTION CARRIED 7-0.

- 2014 Personnel Policy

Mr. Koban informed Council that the section in the personnel policy concerning a probationary employee period of employment for uniform and non-uniform is unrealistic. Mr. Koban is requesting the probationary period be amended from six months plus thirty days to a ninety day (90) period and approval to advertise the amendment to Ordinance 3-1996 concerning the personnel policy.

ON MOTION OF MR. KISSELL, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY APPROVED THE ADVERTISING OF 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, AND MS. McCARTHY. MOTION CARRIED 7-0.

- Advertise for vacancy on the Portage Area Sewer Authority

Ms. McCarthy recognized condolences to Mr. Eugene Drinosky who served on the Portage Area Sewer Authority. Ms. McCarthy suggested a memorial contribution to the Portage Endowment Fund and the advertising to fill the remaining term of Mr. Drinosky.

ON MOTION OF MR. KISSELL, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY APPROVED THE ADVERTISING IN THE DISPATCH FOR LETTERS OF INTEREST TO SERVE ON THE PORTAGE AREA SEWER AUTHORITY BOARD FOR THE REMAINING TERM THROUGH DECEMBER 31, 2016 AND A MEMORIAL CONTRIBUTION OF \$30.00 TO THE PORTAGE ENDOWMENT FUND FOR MR. DRINOSKY. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MRS. CHOBANY, AND MS. McCARTHY. MOTION CARRIED 7-0.

- 2014 Cambria County Liquid Fuels Allocation

Ms. Claar presented the 2014 liquid fuels allocation request to the Cambria County Commissioners for the street resurfacing project in the amount of \$12,000.00.

ON MOTION OF MR. KISSELL, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY APPROVED RESOLUTION 6-2014 BY MAKING APPLICATION TO THE CAMBRIA COUNTY COMMISSIONERS FOR THE 2014 LIQUID FUELS ALLOCATION FOR RESURFACING VARIOUS STREETS IN THE AMOUNT OF \$12,000.00. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MRS. CHOBANY, AND MS. McCARTHY. MOTION CARRIED 7-0.

- Resolution to establish a base amount of competitive bidding and quotes was tabled until the May 19<sup>th</sup> committee meeting.
- Dirt and Gravel Roads-Back road of Park

Mr. Koban provided additional information on the grant funding and the criteria that is required to meet the guidelines for the dirt and gravel road grants. Mr. Koban advised that it is mandatory to attend a two day seminar and to determine if the project is even qualified. Mr. Wisor will also research the grants available and provide additional information at the May committee meeting.

### **ADDITIONAL AGENDA ITEMS**

As it relates to the Mountain Avenue Sidewalk Enhancement Project Construction Inspector-

Stiffler, McGraw & Associates submitted a recommendation for Mr. Randy Haney to serve as the Construction Inspector for the project. The rate is \$26.48 thru June 30<sup>th</sup>, 2014 and then increases to \$27.01 starting July 1<sup>st</sup>, 2014.

ON MOTION OF MR. KISSELL, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY APPROVED THE RECOMMENDATION OF SMA FOR MR. RANDY HANEY TO BE THE CONSTRUCTION INSPECTOR FOR THE MOUNTAIN AVENUE SIDEWALK ENHANCEMENT PROJECT AS A RATE OF \$26.48 THRU JUNE 30<sup>TH</sup>, 2014 THEN INCREASE TO \$27.01 STARTING JULY 1<sup>ST</sup>, 2014. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MRS. CHOBANY, AND MS. McCARTHY. MOTION CARRIED 7-0.

### **GOOD OF THE BOROUGH**

Mr. Learn questioned when the Public Works Department starts painting lines to which Mr. Bowman replied that the paint is on order and is scheduled as soon as the weather breaks.

Spring Clean-up is scheduled for May 6<sup>th</sup> and May 7<sup>th</sup>, 2014.

Ms. McCarthy advised Council that a permit was required to install a fence at the Bethany United Methodist Church for an autistic child and is seeking a waiver from the Borough in the amount of \$30.00.

ON MOTION OF MR. KISELL, SECONDED BY MRS. CHOBANY, COUNCIL APPROVED THE WAIVER OF A PERMIT FEE OF \$30.00 TO BETHANY UNITED METHODIST CHURCH. COUNCIL MEMBERS



VOTING AFFIRMATIVELY INCLUDED MR. KISSELL, MRS. CHOBANY, MR. MORGAN, AND MS. McCARTHY. VOTING NEGATIVELY WERE MR. LEARN, MR. YETSKO, AND MR. WOZNIAK. MOTION CARRIED 4-3.

XII.

**ADJOURNMENT**

THERE BEING NO FURTHER BUSINESS, ON MOTION OF MRS. CHOBANY, SECONDED BY MR. WOZNIAK, THE MEETING WAS ADJOURNED AT 7:49 P.M