

A meeting of Portage Borough Council was held on Tuesday, September 2nd, 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
George Wozniak
John Morgan

Todd Learn
Jerome Yetsko

Mayor James Kissell
Rebecca Chobany

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

Mayor Kissell motioned, seconded by Mr. Wozniak to go out of order to recognize the visitors. Motion carried 7-0.

- **RECOGNITION OF GUESTS**

Matt McCoy-Portage VFD; Mr. Robert Fox; Jeff and Marlene Harvey; Kelly and Neil Penrod, Kyle Fritz with the Eads Group; Amanda Petrunak with the Dispatch, and Justin Dennis with the Tribune were in attendance.

Matt McCoy; Deputy Fire Chief for the Portage Volunteer Fire Company was present to update Council on various issues pertaining the Fire Company.

- Mr. McCoy advised Council that the fire department had purchased a property on Orange and Grove Avenue. Mr. McCoy advised that they will be training on a control burn of the property and inquired on any borough ordinances or necessary permits. The necessary permits are being applied for with DEP and they will be following the Fire Code and Safety Academy guidelines for the controlled burn. The burn won't be taking place until next April or May of 2015. Mr. McCoy also advised that they will be notifying the neighborhood when the time gets closer for the burn.
- Mr. McCoy advised that he will be meeting with the Emergency Management Director to review and update the emergency operations plan and resource list.
- The Insurance Company for the Fire Department performed an audit and recommended that the back social room have lock bars installed on the doors instead of a lock and chain.
- Mr. McCoy provided an update on the Portage Bakery Fire on August 26th, 2014. Ms. McCarthy questioned if there were any issues with water and fire hydrants. Mr. McCoy advised that they laid fire hoses down Route 164 from Springhill and worked well with the Portage Municipal Water Authority. The fire department was able to save some equipment with their quick response.
- Mr. McCoy informed Council that he hasn't had an opportunity to meet with the Fire Department Board concerning the bid opening of the Borough Roof Replacement Project. A discussion was held on the timeframe to award the project since the bid came back higher than the engineer's estimate. Mr. McCoy will report back to Mr. Koban after their regular meeting to discuss the options and the additional funds needed for the project at the September Committee Meeting.

Marlene and Jeff Harvey apprised Council of a parking issue at 923 Gillespie Avenue and provided several pictures. The pictures reflected a neighbor parking on the borough right of way in the grass. The Harveys advised that they cannot see backing out of their driveway and it is a line of sight issue. Mr. Harvey questioned who would be held liable if there was an accident while the vehicle is parked in the right of way. Mr. Bowman advised that the road is narrow in that block of Gillespie Avenue and the grass strip is before the sidewalk. Mrs. Harvey was advised by Chief Miller that he had investigated the incident and that there was nothing that could be done about the neighbors parking on the grass. Mr. Koban also commented on two other complaints/concerns that were reported by Mrs. Harvey concerning high weeds and wood piles on a neighbors property. Mrs. Harvey advised that those issues were resolved.

Kelly and Neil Penrod questioned the police coverage and protection. Mr. Koban advised that there is currently a lack in coverage but will be rectified within the next month. At this point, Mr. Koban introduced a new part time officer; Ms. Gale Berkin. Officer Berkin attended the meeting for Chief Miller and to introduce herself to Council and the public. Council welcomed Officer Berkin aboard.

Mr. Robert Fox requested to wait until later in the meeting to discuss sewer related issues.

Mr. Kyle Fritz with the Eads Group was in attendance at Council's request from the August regular meeting. Mr. Fritz presented a map reflecting sections of the proposed sewer project and what was included with the grant funding. Areas highlighted in "red" were Pennvest eligible funds. Mr. Fritz elaborated on the base bid and the phases for the project. If costs are higher than anticipated; they can back out of a phase, if need be. A lengthy discussion took place on the storm drains and the benefit it would be for the borough. Mr. Fritz advised Council that a motion is not needed; only that the Borough is on board prior to grant submittal. Also discussed was the borough's financial position on the project to which Mr. Koban replied to utilize the funds from Capital Improvement Savings Fund. Mrs. Chobany questioned if there would be a cost to the residents. After all the above was discussed; Mr. Koban requested a motion from Council to move forward with approving the reimbursement to the Portage Area Sewer Authority for the storm sewers.

ON MOTION OF MAYOR KISSELL, SECONDED BY MR. YETSKO, COUNCIL APPROVED TO MOVE FORWARD WITH THE REIMBURSEMENT TO THE PORTAGE AREA SEWER AUTHORITY FOR THE INSTALLATION OF STORM SEWERS THAT WILL THEN BE TRANSFERRED OVER TO THE BOROUGH. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MAYOR KISSELL, AND MS. McCARTHY. VOTING NEGATIVELY WAS MRS. CHOBANY. MOTION CARRIED 6-1.

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:

- ❖ Mr. Koban again, welcomed new part time patrol officer Gale Berkin.
- ❖ Mr. Koban requested an executive session later in the meeting concerning a personnel issue.

- ❖ As it related to the bid openings for the Borough roof replacement project, the fire department will be meeting to discuss how much more they can contribute and report back at the September committee meeting.
- ❖ Ms. McCarthy questioned the treasurer's report concerning the Johnstown Housing Authority in lieu of taxes payment. Mr. Koban advised that he didn't have an opportunity to read the correspondence that came with the check.
- ❖ Mr. Koban advised that a check was received from Progressive Insurance for damages to the Welcome to Portage sign.

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 advised that the lien was forwarded to the Cambria County Prothonotary Office. Mr. Emerick requested removing the item from the agenda's.
- As it relates to Portage v. Sekerak, Mr. Emerick advised that an additional \$500.00 was added to the legal fees for no response from Mr. Sekerak.
- 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.

C. Engineer's Report

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

- ❖ Mr. Wisor reviewed the contract documents from American Roofing for the Borough Building Roof Replacement Project and recommended awarding them the contract. The Borough has sixty (60) days to award and will take place at the September committee meeting.
- ❖ As it relates to Mountain Avenue Sidewalk Enhancement Project, Mr. Wisor informed Council that the construction is complete and there is no inspector on site. The final paperwork is being processed.
- ❖ Mr. Wisor presented a proposal for the sign inventory at a cost of \$

D. Police Chief's Report

Chief Miller was absent but provided a copy of his report prior to the meeting. New part time officer; Gale Berkin was in attendance for the Public Safety Department. Ms. McCarthy questioned the JNET report to which Mr. Koban replied that Chief Miller is the only officer on JNET at this time. As it relates to a waiver of permits for the Summerfest, the issue will be on a future agenda.

E. Director of Public Works Report

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

- The asphalt path at the park is moving forward. Ms. McCarthy commended the department for all their efforts.
- Two potholes were reported at the intersection of Webster and Legion Avenue.

- Mr. Koban commended the public works department for the efforts on designing an asphalt box which mounts on the skid steer and is being used at the Park to lay the pavement sidewalk around the baseball fields.
- Ms. McCarthy commented on the weeds at the railroads tracks. The Public Works did not spray the weeds.

F. Treasurer's Report

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

ON MOTION OF MRS. CHOBANY, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY ACCEPTED THE TREASURER'S REPORT IN THE AMOUNT OF \$56,821.55. 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

There was no correspondence.

VI. CITIZEN'S INPUT ON AGENDA ITEMS

None at this time.

VII. MINUTES OF PREVIOUS MEETINGS

The minutes from the August 4th regular and August 18th committee meeting were presented to Council prior to the meeting. Mr. Emerick advised Ms. Claar to remove the employee's name from the Manager's report of the August 4th regular meeting.

ON MOTION OF MRS. CHOBANY, SECONDED BY MAYOR KISSELL, COUNCIL UNANIMOUSLY APPROVED THE MINUTES OF AUGUST 4TH REGULAR MEETING WITH THE CORRECTIONS AS NOTED AND THE AUGUST 18TH COMMITTEE MEETING. 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, additional bills, and financial reports were distributed to Council members prior to the meeting.

ON MOTION OF MRS. CHOBANY, 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 \$49,527.04. 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 the following reports were received from the Water and Sewer Authorities reports for July, 2014 along with the Portage Ambulance for June and July; and the Laurel Municipal Inspection Agency for June.

ON MOTION OF MRS. CHOBANY, SECONDED BY MAYOR KISSELL, 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 on the following:

- Item A: Mountain Avenue Sidewalk Project-the concrete sealing and the final paperwork to be submitted and closed out.
- Item B: Short and Long Range Goals Based on Long Range Plan – future committee meeting
- Item C: Dulancey Drive Intersection Project–the project is moving forward with HRI pouring concrete sidewalks. Mr. Kissell questioned if any of the asphalt millings could be stockpiled and used at the project.
- Item D: Sekerak Legal Fees – Completed and removed from the agenda
- 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. Alex Rocca submitted an e-mail that a lease agreement will be received within the near future.
- Item G: 1024 Gillespie Avenue – Issue removed from the agenda.
- Item H: LERTA – Mr. Wisner presented another copy of the LERTA Zones for council to review. Mr. Koban commented that the map should have detailed boundaries reflected as what is stated in the minutes from the committee meeting. Mr. Koban apprised Council that the zones need to be approved at the next committee meeting and then presented to the Cambria County Commissioners and the Portage Area School District Board. After their approval, the proposed ordinance will have to be re-advertised for public comment.
- Item I. As it relates to the bonding of Council; the issue will be discussed at a future committee meeting.
- Item J: As it relates to the 1007 Conemaugh Avenue Property (Vivis). There was no update on the status of the demolition or repairs.
- Item K: There was no update on the 1027 Gillespie Avenue property.

- Item L. As it relates to the 907 Jefferson Avenue property (Lilly FNB). Mr. Ed Myers and Mr. Seese are in the process of acquiring the property. Mr. Learn advised that they were going to tear down the back section of the structure.
- Item M. Right to know as requested by Mrs. Polly Vandzura. Ms. Claar contacted the PSAB and received correspondence back for Council and Mr. Emerick to review. Mr. Koban commented that once Council has met in a quorum, the documents and all related materials and considered to be public record. A right to know request form can be completed by the requester and the RTK officer has five (5) days to provide the documentation as requested. No personnel, HIPPA, or litigation is considered to be a public record. Council agreed to provide the agenda at the meeting and can also be placed on the website for the public to view prior to the meeting. The issue was removed from the agenda.
- Mr. Phil Stagers request to relocate the Stager sign will remain on the agenda until the Dulancey Intersection project is completed.

XI. NEW BUSINESS

- A. As it relates to Chief Miller and his request for the JNET guidelines to be incorporated into the Police Policy and Procedures manual. Chief submitted the policy for council to review.

ON MOTION OF MAYOR KISSELL, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY APPROVED THE ADDITION OF THE JUSTICE NETWORK GUIDELINES TO BE INCORPORATED IN THE PORTAGE POLICE POLICY AND PROCEDURES MANUAL. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MRS. CHOBANY, MAYOR KISSELL, AND MS. McCARTHY. MOTION CARRIED 7-0.

- B. Mr. Robert Fox addressed Council regarding the Main Street property he purchased through the Sheriff sale and the required sewer testing regulations of the Portage Area Sewer Authority. Mr. Fox spoke with Mr. Stancovich and was advised that he must pressure test his building. Mr. Fox is requesting a letter from the Borough stating what he must have done to be in compliance with the ordinance. Mr. Fox commented that the property was purchased through a judicial sale through Cambria County and questioned if he had to perform a pressure test since it was on the sale/transfer of property in accordance with the ordinance. Mr. Koban commented that there is a void in the ordinance concerning judicial, foreclosures, and upset sales for the new property owners. Mr. Koban questioned Mr. Fox of his previous intentions of capping of the sewer from a previous conversation they had. Mr. Fox elaborated on the status of the building and if it is in good shape, he will utilize the bottom of the building. Mr. Fox also commented that the Borough needs to be aware of what the Compliance Officer is conveying to the public regarding the sewer ordinance. Mr. Emerick advised Mr. Fox that he will have to attend a Sewer Authority meeting to address his concerns to the board.
- C. Ms. Claar advised Council that the grant closeout for the DCNR and CCP grant has not yet been completed for their approval. Ms. Claar is working with Mr. Rich Truscello to complete the closeout. The issue was tabled until the September committee meeting.

- D. Mr. Koban advised Council that he spoke with Mr. Ron Cadwallader with the Portage Municipal Authority regarding a water line to be placed within the borough right of way on Mountain Avenue. A lengthy discussion was held as to whether the waterline should be within the right of way or in the asphalt pavement. Ms. McCarthy pulled members with Mrs. Chobany, Mr. Learn and Ms. McCarthy voting yes. Mr. Morgan, Mr. Yetsko, and Mr. Wozniak abstained and would like to investigate the project before voting on the issue. Mr. Koban recommended a walk-through of the project on Thursday, September 4th at 7:00 a.m.

GOOD OF THE BOROUGH

Mr. Kissell advised that a crime watch meeting will be held on September 17th, 2014. There was a great response from the community at the last meeting. Mr. Kissell is also requesting that Council consider purchasing signs for the pusher program.

ADJOURNMENT

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

ON MOTION OF MR. WOZNIAK, SECONDED BY MAYOR KISSELL, 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.

ON MOTION OF MRS. CHOBANY, SECONDED BY MR. YETSKO, 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.

ON MOTION OF MRS. CHOBANY, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY AGREED TO 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 9:35 P.M.