

A meeting of Portage Borough Council was held on Monday, October 5th, 2015 at 6:30 p.m., in Council Chambers.

Those in attendance were:

Sharon McCarthy, President
Mayor James Kissell
John Morgan(arriving late)

George Wozniak
Jerome Yetsko
Todd Learn

Mrs. Chobany

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

CALL TO ORDER

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

REFLECTION/PLEDGE OF ALLEGIANCE

Mr. Kissell offered a reflection and commented on the Borough's 125th anniversary. The reflection was followed by the Pledge of Allegiance.

RECOGNITION OF GUESTS

Ms. McCarthy asked for a motion to go out of order of the agenda to recognize the guests present.

ON MOTION OF MR. KISSELL, SECONDED BY MR. WOZNIAK, THE COUNCIL AGREED TO GO OUT OF ORDER OF THE AGENDA TO RECOGNIZE THE GUESTS PRESENT. MOTION CARRIED 6-0.

Visitors:

Ron Portash-Mainline Publications; Kelly Cernetich-Altoona Mirror; Randy Griffith-Tribune Democrat; Joe Stauski and several members of the Portage Volunteer Fire Dept; Mr. Steven Nagy;

Mr. Steven Nagy was in attendance as an interested candidate for the vacancy on the Portage Area Planning Commission. Ms. McCarthy presented another letter of interest from Mr. Rick Nagy and informed Mr. Steven Nagy of the process for filling vacancies. A meet and greet for both candidates will be held at 6:00 p.m. on Monday, October 19th, 2015. Both candidates will be notified by mail.

The Portage Fire Dept was in attendance with Mr. Stauski as the guest speaker. Mr. Stauski and company questioned the status of their request; for the Borough's support letter in hosting the 2017 Cambria County Firemen's Convention. Mr. Stauski commented that it is an excellent fund raiser for the organization. A discussion was held on the location of the event; behind the borough building or Crichton McCormick Park. Ms. McCarthy also presented copies of the property deeds for the Park. Mr. Koban cautioned Council that the first item is for a motion from Council to submit a letter approving support for the Portage Fire Dept to host the 2017 convention, behind the borough building. A discussion then resulted on the location for the event; to which the Crichton McCormick Park was mentioned. Ms. McCarthy called for Council to vote on whether or not they will support the Portage Fire Dept with hosting the convention.

ON MOTION OF MRS. CHOBANY, SECONDED BY MR. WOZNIAK, COUNCIL APPROVED THE PORTAGE VOLUNTEER FIRE DEPARTMENT REQUEST TO HOST THE 2017 CAMBRIA COUNTY CONVENTION, LOCATED IN THE BACK OF THE BOROUGH BUILDING. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. WOZNIAK, MRS. CHOBANY, AND MS. McCARTHY. VOTING NEGATIVELY WERE MR. YETSKO AND MAYOR KISSELL. MOTION CARRIED 4-2.

Mayor Kissell remarked on the location of the event versus the Park and was not in favor of it being held behind the borough building.

Mr. Stauski then presented a letter to Borough Council requesting the event to be held at Crichton McCormick Park. In the past, several organizations and community requests were received; to either seek permission or to allow alcoholic beverages within the Park. Several of the Park Deeds reflect no alcoholic beverages permitted within the Park. Mr. Koban commented that this issue has been ongoing for over 25 years and he would like to have a definitive answer for any future events. Another lengthy discussion took place on Mr. Emerick researching the park deeds and determining if alcoholic beverages could be permitted within the Park. Mr. Wozniak commented that a meeting should be held with members of the Portage Joint Recreation Commission and the Portage Township Supervisors to discuss the issue before having Mr. Emerick research the deeds. Several members commented on the expense of the research, the moral obligation to residents of the community, and a definitive determination to permit alcohol. After Council's deliberation; Ms. McCarthy called for a decision.

ON MOTION OF MRS. CHOBANY, SECONDED BY MR. KISSELL, COUNCIL APPROVED TO HAVE MR. EMERICK RESEARCH THE PARK DEEDS FOR ANY RESTRICTIONS AND OTHER LEGAL OBLIGATIONS WITHIN CRICHTON MCCORMICK PARK. THE COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MRS. CHOBANY, MR. YETSKO, MR. KISSELL, AND MS. McCARTHY. VOTING NEGATIVELY WAS MR. WOZNIAK. MOTION CARRIED 6-1.

Council requested that Mr. Emerick provide the information for the Committee meeting on October 19th.

Mr. Koban requested to open bids for the Public Works Addition project. There was only one bidder. Mr. Bowman opened and read the bid from Triple B Services, LLC. The amount bid was \$49,973.24. Mr. Wozniak and Mr. Learn commented that the bid was almost double than was first originally bid. The owner; Ben Colosimo submitted a "Terms of Contract" if the project was awarded. The terms are attached with the bid proposal if anyone wishes to review them. A short discussion took place. Mr. Wisor and Mr. Emerick will review the bid and the terms of the contract and address it later in the meeting.

REPORTS

A. Borough Manager

Mr. Koban commented that a copy of his report was provided to Council prior to the meeting. Mr. Koban elaborated on the breakdown for the Workers Comp premium for the 2015-2016 budget years for the fire department. The premium slightly increased but the experience modification rate had decreased for 2016.

Mr. Koban advised Council that the Simala/Irwin property is moving forward and can be removed from the agenda.

Mr. Learn questioned the 816 Jefferson Avenue property with all the pigeons on and inside the building. Chief Miller investigated the property and issued the owner a ten (10) day notice to

abate the nuisance and also to make pairs to the structure. Mr. Koban advised that he investigated the other day and there has been nothing done prior to the meeting. Mrs. Chobany questioned the timeframe for tying into the new sewer system. Mr. Koban commented that it should be a year from the time construction is complete. Ms. Claar will verify the information from the sewer ordinance and let Mrs. Chobany know.

B. Solicitor

Attorney Emerick noted that his report was provided to Council prior to the meeting.

Mr. Emerick commented on the bid provisions as presented from Triple B Services for the maintenance building addition. Council questioned several of the provisions that were listed on the terms and also discussed other options including:

- The price almost doubled, due to prevailing wage rates and bidding threshold
- Additional cost of material from the previous specs and bid
- Decreasing the size of the structure or scaling back
- Engaging sub-contractors to perform some of the work
- Terms for payment
- Borough options with contractor accepting the original contract terms
- Storage for the equipment, tools, and materials
- Bid is valid for 15 days
- Discuss the terms and bid amount with the Contractor
- Additional bidders for the project
- Utilizing the funds for paving roads instead of a maintenance building
- Approved budget figure up to \$50,000.00.

Mr. Yetsko questioned if there could be an executive session to discuss the issue to which Mr. Emerick advised that since it is a public bid, there cannot be an executive session. After a lengthy discussion by Council, Mr. Emerick advised that Council could either reject all bids or table the awarding of the project until a discussion is held with the Contractor.

ON MOTION OF MRS. CHOBANY, SECONDED BY MR. LEARN, COUNCIL UNANIMOUSLY APPROVED TO TABLE THE BID FROM TRIPLE B SERVICES, LLS FOR THE PW MAINTENANCE BUILDING ADDITION UNTIL THE OCTOBER 19TH COMMITTEE 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.

Mr. Emerick questioned if the demolition agreement for the Gaunts was signed for the 532 Dulancey Drive structure. Ms. Claar advised that one party had signed and is waiting for the other two parties.

As it relates to litigation regarding Wyar v. Portage and Kowalczyk v. Portage, Attorney Emerick informed Council that both matters are still pending.

Mr. Koban commented that the installment note for the Portage Fire Department is being reviewed by the fire company and will provide additional information at the October 19th committee meeting.

Mr. Emerick provided Council with a timeline of the agreements and the recorded deeds between the Borough and the Fire Department. Mr. Emerick advised that the deeds were not researched and verified at the Cambria County Courthouse with any change of titles. Mr. Koban commented that it has happened on several occasions that issues were not properly

followed through and recorded. Mr. Koban suggested having Mr. Emerick research the validity of the property deeds/agreements at the Cambria County Courthouse.

ON MOTION OF MR. KISSELL, SECONDED BY MRS. CHOBANY, COUNCIL UNANIMOUSLY APPROVED TO HAVE MR. EMERICK RESEARCH THE PROPERTY DEEDS AND AGREEMENTS BETWEEN THE BOROUGH AND THE FIRE DEPT AT THE CAMBRIA COUNTY COURTHOUSE FOR VALIDITY. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MRS. CHOBANY, MAYOR KISSELL, AND MS. McCARTHY, MOTION CARRIED 7-0.

C. Engineer

Mr. Wisor commented that he had forwarded a copy of his report to Council prior to the meeting. Mr. Wisor informed Council that PennDot is accepting Corridor Enhancement grant funding applications that could be applied for the Mainstreet Streetscape Project. The grant application is due by December 18th, 2015. A discussion was held on the type of project and where it would begin and end with the sidewalks. Mr. Koban made a recommendation to move forward with the grant application process. The grant is a thirty percent (30%) local match.

ON MOTION OF MRS. CHOBANY, SECONDED BY MR. LEARN, COUNCIL UNANIMOUSLY APPROVED TO HAVE MR. WISOR MOVE FORWARD WITH THE GRANT APPLICATION PROCESS WITH PENNDOT FOR THE CORRIDOR ENHANCEMENT STREETScape 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.

Mr. Kissell questioned the 30% match and if the funds would be available. Mr. Koban commented that the match would be paid from the Capital Improvement Fund.

Mr. Wisor presented a field survey that was performed by Mr. Tim Campbell on the 907 Jefferson Avenue property that is owned by Lilly First National Bank. Mr. Wisor advised that the structure meets the dangerous structure ordinance. Lilly First National Bank will be notified by Attorney Emerick with the findings to make the necessary repairs or demolition.

D. Chief of Police

Chief Miller reported that he had forwarded a copy of his report to Council prior to the meeting. Chief Miller informed council that the total of incidents was omitted from his report. There were a total of 122 incidents.

Chief Miller advised that the vehicle parked at the 600 block of Cambria Street has been removed.

Mrs. Chobany thanked Chief Miller for following through on the Vine Street complaint.

Ms. McCarthy informed Chief Miller that she has received several compliments regarding Officer Leyo and commended his actions with the school students.

E. Director of Public Works

Mr. Bowman noted that a copy of his report was provided to Council prior to the meeting. Mr. Bowman had nothing additional to add.

CORRESPONDENCE:

The WinterFest Committee sent notice they will be holding an initial planning meeting on Tuesday, October 6th, 2016 at 6:30 p.m. at the Portage Library. The WinterFest is being scheduled for Friday, December 11th through Sunday, December 13th, 2015.

Cambria County Office of the Controller sent the special purpose examination of the Portage Borough Tax Collector from March 1, 2013 through January 15, 2014. The report is on file.

Laurel Municipal Inspection Agency e-mailed a withdrawal letter. Loretto Borough is withdrawing from the agency. LMIA sends letters to other municipalities in accordance with their by-laws.

MINUTES OF PREVIOUS MEETING

Ms. Claar presented the minutes from the September 8th regular meeting. The agenda reflected the September 21st, 2015 committee meeting but were not presented at this time. Ms. McCarthy advised that a correction needs made to the timeframe for the Gaunt demolition. The structure is to at least be to the first floor or level surface by December 31st, 2015.

ON MOTION OF MRS. CHOBANY, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY APPROVED THE MINUTES FROM THE SEPTEMBER 8TH 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.

BILLS AND TREASURER'S REPORT

Ms. McCarthy noted that copies of the bills and Treasurer's report were distributed for review by Council members prior to the meeting. Additional bills were also presented prior to the meeting.

ON MOTION OF MR. KISSELL, SECONDED BY MRS. CHOBANY, COUNCIL UNANIMOUSLY ACCEPTED THE TREASURER'S REPORT AND AGREED THAT THE BILLS AND ADDITIONAL BILLS BE PAID IN THE AMOUNT OF \$47,141.71 AS PRESENTED IN WRITTEN FORM. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MRS. CHOBANY, MAYOR KISSELL, AND MS. McCARTHY, MOTION CARRIED 7-0.

REPORTS RECEIVED

Ms. McCarthy noted that reports were received from the Portage Water Authority (August); Portage Sewer Authority (August); LMIA (September)

ON MOTION OF MRS. CHOBANY, 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.

UNFINISHED BUSINESS

Mr. Koban provided an update as follows:

- Item A: Comcast Cable Agreement-Mr. Koban advised that he will be scheduling a meeting with Cheryl McCabe and Attorney Emerick shortly.
- Item B: Deed for Fire Company-discussed earlier in the meeting

- Item C: LERTA-Ms. McCarthy questioned if the issue could be removed from the agenda. Mr. Koban advised that he would like to have it remain on the agenda until the Portage Area School District approves the revised resolution reflecting the geographical locations.
- Item D: Vacant Planning Commission seat was discussed earlier in the meeting.
- Item E: The Snow and Ice Emergency-Mr. Wozniak reported that he spoke with Mr. Allen Kline with Cambria County EMA and he suggested every other avenue. The issue will be on the October committee meeting agenda for further discussion.

BUILDINGS

- 907 Jefferson Avenue –the issue was discussed earlier in the meeting.
- 933 Sonman Avenue-Mr. Koban advised Council that he has drafted a letter and now has the pictures of the structure that can be sent to Mr. Greenawalt.
- 612 Orchard Street – no update.
- 532 Dulancey Drive-discussed earlier in the meeting.

NEW BUSINESS

1. Building Permit Ordinance-Mr. Koban elaborated on the building permit ordinance (Chapter 4 Part 2: Building Permits). Since opting into the Uniform Construction Codes with Laurel Municipal Inspection Agency as the Third Party Administrator; the Borough does not issue any building/compliance permits. Mr. Koban explained the process and recommended repealing the ordinance from the Code of Ordinances.

ON MOTION OF MAYOR KISSELL, SECONDED BY MR. LEARN, COUNCIL UNANIMOUSLY APPROVED TO MOVE FORWARD WITH ABOLISHING/REPEALING THE BUILDING PERMIT ORDINANCE AND PRESENT THE DRAFT AT THE OCTOBER COMMITTEE MEETING FOR APPROVAL TO ADVERTISE. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MRS. CHOBANY, MAYOR KISSELL, AND MS. McCARTHY, MOTION CARRIED 7-0.

2. Building/Compliance Fee Schedule-Mr. Koban informed Council that after working on the budget, the line item for building/compliance permits is decreasing. Mr. Koban explained the administrative procedures and noted that the building/compliance fee of \$30.00 being charged by the Borough. LMIA issues all the building/compliance permits and if there is no inspection; the permit fee is waived. If the fees can be justified by the Borough, a fee can be charged. Ms. Claar explained the process of signing off on the Municipal Authorization form as well. Mr. Learn questioned if the process would change and Ms. Claar advised that the residents will still need to complete a Building/Compliance permit application and the Borough signs off on the authorization form and then fax it to LMIA. The process will remain the same and the only change is that the borough does not collect the \$30.00 fee. After a discussion,

ON MOTION OF MAYOR KISSELL, SECONDED BY MR. LEARN, COUNCIL UNANIMOUSLY APPROVED TO MOVE FORWARD WITH REMOVING THE BUILDING/COMPLIANCE PERMIT FEE FROM THE FEE SCHEDULE AND PRESENT THE DRAFT AT THE OCTOBER COMMITTEE MEETING FOR APPROVAL TO ADVERTISE. COUNCIL MEMBERS VOTING AFFIRMATIVELY

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

MOTIONS:

1. Certificate of Deposit-Mr. Koban informed Council that each year, a \$3,000.00 certificate of deposit is budgeted. Ms. Claar will obtain interest rates.

ON MOTION OF MAYOR KISSELL, SECONDED BY MR. LEARN, COUNCIL UNANIMOUSLY APPROVED TO PURCHASE A \$3,000.00 CERTIFICATE OF DEPOSIT ACCORDING THE TO 2015 APPROVED BUDGET. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MRS. CHOBANY, MAYOR KISSELL, AND MS. McCARTHY, MOTION CARRIED 7-0.

2. The Commonwealth of PA submitted the 2015 State Aid for Pension in the amount of \$11,076.66. The uniform Police Pension plan is currently overfunded. The non-uniform pension with PMRS has a minimum municipal obligation of \$11,966.00. The difference between the MMO and the State Aid received is \$889.34.

ON MOTION OF MAYOR KISSELL, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY APPROVED TO DEPOSIT THE STATE AID FUNDS (\$11,076.66) INTO THE NON-UNIFORM PENSION PLAN WITH PMRS FOR THE 2015 MMO (\$11,966.00) WITH THE BALANCE OF \$889.34 TO BE PAID FROM THE GENERAL FUND. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MRS. CHOBANY, MAYOR KISSELL, AND MS. McCARTHY, MOTION CARRIED 7-0.

3. Trick or Treat for the Borough-as set by motion of Council on October 7th, 2013 to be held on the last Sunday of October, closest to Halloween.

ON MOTION OF MRS. CHOBANY, SECONDED BY MAYOR KISSELL, COUNCIL UNANIMOUSLY APPROVED TO SET TRICK OR TREAT WITHIN THE BOROUGH ON SUNDAY, OCTOBER 25TH, FROM 4:00-6:00 P.M. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MRS. CHOBANY, MAYOR KISSELL, AND MS. McCARTHY, MOTION CARRIED 7-0.

4. The Community HarvestFest committee submitted a request to close one half of Branch Street for the HarvestFest.

ON MOTION OF MAYOR KISSELL, SECONDED BY MRS. CHOBANY, COUNCIL UNANIMOUSLY APPROVED THE REQUEST OF THE HARVESTFEST COMMITTEE TO CLOSE ONE HALF OF BRANCH STREET BETWEEN BETHANY'S PARKING LOT AND INCLUDING PARKING PLACES FROM THE ALLEY ALONG THE PROPERTY OF MAINLINE HERITAGE AND THE BOROUGH TO BEYOND THE LOWER END OF BETHANY CHURCH ON SUNDAY, OCTOBER 18TH, 2015 FROM 10:30 A.M. UNTIL 5:30 P.M. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MRS. CHOBANY, MAYOR KISSELL, AND MS. McCARTHY, MOTION CARRIED 7-0.

5. Letters of interest for upcoming boards and commissions-Ms. Claar provided Council with a listing of various boards and commissions that will be expiring at the end of the year. Ms. McCarthy commented that the list needs to be updated.

ON MOTION OF MR. WOZNIAK, SECONDED BY MRS. CHOBANY, COUNCIL UNANIMOUSLY APPROVED TO ADVERTISE FOR LETTERS OF INTEREST FOR THE EXPIRING TERMS ON THE WATER AND SEWER AUTHORITY, PORTAGE AREA PLANNING COMMISSION (1 SEAT), JOINT RECREATION COMMISSION (2 SEATS) COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MRS. CHOBANY, MAYOR KISSELL, AND MS. McCARTHY, MOTION CARRIED 7-0.

6. The Portage Fire Company request to host the 2017 Cambria County Convention was discussed earlier in the meeting.

7. The Portage Fire Company property deed was discussed earlier in the meeting.

GOOD OF THE BOROUGH

The Cambria County Borough Association Dinner will be held on Tuesday, October 27th at Hoss's in Ebensburg. Mayor Kissell requested that each member of Council wear their borough shirts. Ms. Claar advised Council that the Association is paying for members of Council and the Mayor. Any other employees or guests are \$20.00 person. Ms. Claar advised that PSAB will be presenting the Borough with a plaque commemorating our 125th anniversary. Those attending will be Ms. McCarthy, Mr. Koban, Mayor Kissell, Ms. Claar and Jr. Council-Alexis Wozniak.

ON MOTION OF MAYOR KISSELL, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY APPROVED TO PURCHASE A BOROUGH SHIRT FROM CARTER'S GRAPHICS FOR JR. COUNCIL PERSON; ALEXIS WOZNIAK. 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 MAYOR KISSELL, SECONDED BY MR. MORGAN, COUNCIL UNANIMOUSLY APPROVED TO PAY THE \$60.00 FOR MR. KOBAN, MS. CLAR, AND MS. WOZNIAK TO ATTEND THE CAMBRIA COUNTY BOROUGH ASSOCIATION DINNER. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MRS. CHOBANY, MAYOR KISSELL, AND MS. McCARTHY, MOTION CARRIED 7-0.

ADDITIONAL AGENDA ITEMS:

1. The opening of bids was addressed earlier in the meeting.
2. The PennDot grant application was discussed earlier in the meeting.

ADJOURNMENT

THERE BEING NO FURTHER BUSINESS, ON MOTION OF MRS. CHOBANY, SECONDED BY MAYOR KISSELL, THE MEETING WAS ADJOURNED AT 8:28 P.M.