

Call to Order:

The regular scheduled meeting of January 3rd, 2011 was called to order by Ms. McCarthy at 6:45 p.m. Members present were: Mr. Kissell, Mr. Vandzura, Mr. Slanoc, Mrs. Chobany, Mr. Wozniak, and Mayor Fox. Also present were Robert Koban-Borough Manager; Mr. Emerick-Solicitor, Mr. Wisor-Engineer, Chief Miller-Public Safety, Don Squillario, and Michelle Claar-Secretary.

Mayor Fox motioned, seconded by MR. Wozniak to go out of order to recognize the visitors, motion carried 7-0.

VISITORS:

Mr. Jerome Yetsko, Mr. Dennis Beck, Ashley Watt-Dispatch.

Mr. Yetsko advised Council that he read an article in the Dispatch regarding the Rotary Club seeking permission from the Borough to utilize the ASCAP license/permit for a St. Patrick's Day dance. Mr. Yetsko had several questions regarding the license/permit:

1. What the permit is for. 2. If it was budgeted. 3. Who authorized the Agreement. 4. If the fee was a legal expense for taxpaying dollars being spent. Mr. Koban provided detailed information for each question that was asked by Mr. Yetsko. The permit is mandated by the copyright law if you play music at any public event. ASCAP stands for: the American Society of Composers, Authors, and Publishers. Municipalities must purchase the annual license that can then be utilized by any sponsored event within the Borough. The permit fee is based on the population size of the municipality. Borough Council approved the agreement at the October 3rd regular meeting. The fee for the license/permit is a discretionary expense decision approved by Council. Mr. Emerick answered the legal questions. Mr. Yetsko completed a right to know request form to obtain the ASCAP agreement. The borough has five days to reply and provide copies of the agreement.

Mr. Yetsko also had several questions regarding the Mountain House property on Mountain Avenue: 1. What organization has authority to give permission to hold events. 2. Who authorized the events. 3. Who gave permission for the Water Authority and Public Works Department to install an electrical panel on the lot. 4. Who paid for the work performed. 5. Who maintains the property. 6. Questioned if there was a noise ordinance within the Borough. Mr. Koban informed Mr. Yetsko that the Mainline Heritage Association owns the property and authority was given by them to approve the events. The Water Authority Board and Borough Council approved their employees to participate in work relating to the electrical panel. The WinterFest Committee and Mr. Paul Maul purchased and paid for the materials through public donations and donated labor. Mr. Yetsko commented that he has an agreement from the Mainline Heritage Association that he is the "caretaker" of the property. Mr. Yetsko also advised that the events held at the Mountain House lot were very loud and the music rattled his windows. There is no borough ordinance regarding noise as a public nuisance, but Chief Miller commented that there is

case law on noise. Chief Miller questioned Mr. Yetsko as to why he did not contact the police department to file a formal complaint. No complaint was filed. Mr. Yetsko advised Council that he will be attending all regular and committee meetings in the future.

Reports:

Managers Report:

Mr. Koban furnished a written report prior to the meeting. Mr. Koban had nothing additional to report but will address issues under old and new business.

Solicitor's Report:

Mr. Emerick furnished a written report prior to the meeting. Mr. Emerick had nothing additional to report on the Plummer's property located at 1021 Caldwell Avenue. Council will discuss the next step at the January Committee meeting.

Engineers Report:

Mr. Wisor furnished a written report to Council. Mr. Wisor will address issues under old and new business.

Police Report:

Chief Miller furnished a written report prior to the meeting. Mr. Vandzura questioned the strong arm robbery. Mrs. Chobany questioned if there were any issues at the Sundance Lounge. Chief Miller advised that the PLCB was inspecting the establishment.

Public Works Report:

Mr. Squillario furnished a written report prior to the meeting. Mr. Squillario had nothing additional to add. Ms. McCarthy questioned if there was enough materials for winter operations. Mr. Squillario advised that 50 ton of salt is on hold at Woodland Supply and Equipment that was pre-paid for in August.

Treasurer's Report:

Ms. Claar furnished a written report prior to the meeting. Mrs. Chobany motioned, seconded by Mr. Slanoc to approve the Treasurer's report, motion carried 7-0.

Correspondence:

Comcast sent several notices of upcoming enhancements to the digital entertainment packages and new level of services to cable subscribers to be effective in February, 2011.

Minutes of the Previous Meeting:

The minutes from December 6th, 2010 regular and December 17th 2010 special meeting, were distributed prior to the meeting. Mr. Slanoc motioned, seconded by Mrs. Chobany to

approve the minutes from December 6th, 2010 regular and December 17th, 2010 special meeting, motion carried 7-0.

Paying of Bills:

The bills were distributed prior to the meeting. Mr. Wozniak questioned the bill from Ray Allen Manufacturing for a dog snare pole. The pole was purchased due to the increasing number of stray dogs. Mr. Kissell motioned, seconded by Mrs. Chobany to pay the unpaid bills and additional bills in the amount of \$16,410.99. Ms. McCarthy polled and motion carried 7-0.

Other Reports

Mr. Kissell motioned, seconded by Mr. Wozniak to approve the monthly reports as presented, motion carried 7-0.

Unfinished Business:

There was no update on the Mainline Heritage Association.

Mr. Koban informed Council that the grant funding from the PA Dept of Environmental Protection for Gillespie Avenue Bridge repairs was awarded in the amount of \$16,250.00. The completion date is scheduled for June 30, 2011. The next process would be for Stiffler & McGraw to obtain the necessary permits, scope of engineering services, and the specifications for the project to advertise for bids. Mr. Wisor presented Council with the engineering agreement for their review. A discussion was held on future weight limits, scope of work, prevailing wage rates, and the bidding process. Mayor Fox motioned, seconded by Mr. Wozniak to approve the Engineering Agreement with Stiffler, McGraw & Associates for the Gillespie Avenue Bridge Repairs in a "not to exceed" amount of \$10,000.00. Ms. McCarthy polled and motion carried 7-0.

The Harpo's Building remains on the Cambria County list for demolition. Mr. Koban will follow up with Cambria County to obtain a demolition date. Mr. Kissell commented that the building needs to come down as soon possible.

Mr. Koban advised that a meeting will be held in the near future for the Rails to Trails project.

There is no update on the Main Street Streetscape project.

The Plummer property will be discussed at the January committee meeting.

Mr. Koban informed Council that he spoke with Mr. Roy Bookhammer regarding the condition of the building located at 619 Main Street. Mr. Koban requested that Mr. Bookhammer present some certification that the building is structurally sound but Mr. Bookhammer refused and stated "if the Borough wanted the building, they could have it after the first of the year." Mr. Koban requested direction from Council on how to proceed. Mrs. Chobany motioned, seconded by Mr. Slanoc to have Mr. Emerick submit a letter to Mr. Bookhammer requesting an engineering study by Stiffler, McGraw & Associates, motion carried 7-0.

There was no update on the transfer of property from Mainline National Bank to the Portage Fire Department. The paperwork is between the two attorneys.

Mr. Koban informed Council that additional information is being gathered for the third party administration of the uniform construction codes enforcement. Information has been received from Cambria County Building Codes Enforcement Agency and the Cambria Somerset COGS. Mr. Koban will present to Council at the January committee of the whole meeting.

New Business:

Mr. Koban informed Council that he received information from Cambria County Codes Enforcement Agency and the COGS for third party administrators for the uniform construction codes enforcement. Mr. Koban advised that he will present additional information to Council once he reviews all the services available between the two agencies. The issue will be placed on the committee meeting agenda for further discussion.

Appointments to the various boards were discussed. Mrs. Chobany motioned, seconded by Mayor Fox to table the appointment to the Water Authority Board until the January committee meeting for further discussion. Ms. McCarthy polled and motion carried 7-0.

Mr. Fox motioned, seconded by Mr. Wozniak to re-appoint Mrs. Sharon Squillario to the Portage Joint Recreation Commission for a three (3) year term from January 1st, 2011 through December 31, 2013. Ms. McCarthy polled and motion carried 7-0.

Mrs. Chobany motioned, seconded by Mr. Wozniak to re-appoint Mrs. Eunice Dobrowolsky to the Portage Planning Commission for a five (5) year term from January 1st, 2011 through December 31st, 2015. Ms. McCarthy polled and motion carried 7-0.

Mrs. Chobany motioned, seconded by Mr. Slanoc to re-appoint Mr. Donald Squillario to the Portage Area Sewer Authority for a five (5) year term from January 1st, 2011 through December 31st, 2015. Ms. McCarthy polled and motion carried 7-0.

Good of the Borough:

Mr. Koban thanked Mayor Fox for his efforts in being Santa on Christmas Eve.

Mayor Fox informed Council that a Marcellus Shale Gas Drilling conference will be held on January 13th and the Cambria County Courthouse from 6:00 - 8:00 p.m.

Mr. Kissell commented on the number of issues that are remaining on the unfinished business agenda. Mr. Kissell also commented on the number of empty storefronts on Main Street and stressed the support and initiatives of the community.

Mrs. Chobany informed Council that the previous Chobany's Market was purchased by Mr. Don Della from Cresson.

Council commended Mr. Robert & Bonnie Fox for all their efforts on their storefront.

The "Our Town" series was also a great success.

Adjournment:

Mayor Fox motioned, seconded by Mr. Slanoc to adjourn, motion carried 7-0. The meeting adjourned at 7:45 p.m.