

**Call to Order:**

The regular scheduled meeting of Monday, October 3<sup>rd</sup>, 2011 was rescheduled for October 17<sup>th</sup>, 2011 due to the lack of a quorum. The meeting was called to order by Ms. McCarthy at 6:30 p.m. Members present were: Mr. Vandzura, Mr. Slanoc, Mrs. Chobany, Mr. Wozniak, and Mayor Fox. Also present were Robert Koban-Borough Manager; Mr. Wisor-Engineer, Mr. Emerick-Solicitor, Chief Miller-Public Safety, and Michelle Claar-Secretary. Absent were Mr. Kissell and Mr. Squillario-Public Works.

**VISITORS:**

Present was: Jerome Yetsko, Kathy Mellott with the Tribune, Ashley Flynn with Mainline Newspapers, and David Burkett.

Mr. Wozniak motioned, seconded by Mr. Vandzura to deviate from the agenda to acknowledge the visitors, motion carried 6-0. Mr. Yetsko didn't have anything to add. Mr. David Burkett informed Council that the condition and safety issues at the 1021 Caldwell Avenue property have gotten worse. High grass and rats are still an issue. The basement is flooded and the chimney is pulling away from the home. Juveniles have also been seen going in and out of the building. Mr. Burkett questioned if Council has come to a resolution on demolishing the structure. Ms. McCarthy advised that the issue will be discussed later in the meeting under the Solicitors report.

**Reports:**

**Managers Report:**

Mr. Koban furnished a written report prior to the meeting. Mr. Koban elaborated on several issues in his report. Mr. Koban provided additional information on the status of the Workers Compensation renewal package with Selective Insurance. The premium increased by 33.9% from 2011. The premium increased from \$29,972.00 in 2011 to \$40,142.00 in 2012. Mr. Koban commented that the drastic loss runs reflected several long term injuries and compensation. Marketing for workers compensation was also quoted by the PA State Workers Compensation Fund at a cost of \$49,413.00. Mr. Koban reminded Council that Cassandra Borough and Portage Township also pay a portion of the Workers Compensation for the fire department.

Mr. Koban advised Council that the Eads contract for the Ten Year Comprehensive, Rec and Open Space, Trail Feasibility Plan has been received and executed. Rick Truscello; with the Eads Group, advised Mr. Koban via e-mail that a workshop is being scheduled for November 15<sup>th</sup> at the Portage Elementary School for the Borough. Cassandra is scheduled to meet on November 14<sup>th</sup>, and Portage Township on November 17<sup>th</sup>, all at 7:00 p.m.

Ms. McCarthy questioned the status of the steps and handrail project for the fire department and the transfer of property from Mainline National Bank. Mr. Koban advised

that he met with Chief Lee and they are waiting to receive confirmation on the property transfer before starting the project. Mr. Koban also advised Council that Ms. Claar contacted the Recorder of Deeds Office and they have no record of the transfer. Ms. Claar informed Mr. Koban prior to the meeting that she located the Realty Transfer information from the County reflecting the Mainline National Bank transfer to the Portage Vol Fire Company Station 1. Ms. Claar will contact the County to verify if it is the strip of property next to the fire company. Ms. McCarthy also questioned if there would be any issues with the mini-park lease due to the S&T take over with Mainline National Bank. Mr. Koban advised that there should be no issues.

Mr. Koban updated Council on a meeting he had with Amfire Mining Company along with Mr. Rice of the Planning Commission, Mike Stager, representatives from Penn Dot, and Cambria County Planning Commission. Amfire has purchased a street sweeper to clean up the coal from the plant on Dulancey through the intersection and down to State Route 53. Several discussions were held: re-routing the trucks out of the borough, Stagers donating property at the intersection, Jamestown Road in Portage Township, and Portage Power Wash for installation of a truck wash. Mr. Koban commented that Amfire is willing to keep the lines of communication open and work together.

#### **Solicitor's Report:**

Mr. Emerick furnished a written report prior to the meeting. Mr. Emerick presented the paperwork for the Common Pleas Court to file for the 619 Main Street property (Bookhamer). Mr. Slanoc motioned, seconded by Mayor Fox to authorize Ms. McCarthy to sign the Complaint to be filed with the Cambria County Common Pleas Court for the Bookhamer property located at 619 Main Street, including the payment of filing fees in the amount of \$379.00. Ms. McCarthy polled and motion carried 6-0.

The Plummer property located at 1021 Caldwell Avenue was discussed at great length to determine the best options for the Borough. Mr. Koban advised that Cambria Thrift was willing to forgive the mortgage and work with the Borough to resolve the issue. The taxes can also be requested to be exonerated. Members of Council had several suggestions on how to proceed and discussions took place on legal fees and demolition costs. Mr. Koban also advised that he contacted Mr. Brant and there is currently no grant funding available. Mr. Koban commented that this structure would not require an asbestos study or abatement process. Council was concerned whether the structure would last throughout the winter. Mayor Fox also questioned if the demolition would have to be put out for bids. Mayor Fox motioned, seconded by Mrs. Chobany to have Cambria Thrift remove any liens, have the taxes exonerated and forgiven on the property, take ownership of the property, have the property removed at the cheapest cost to the borough, have the property appraised and set up for sale; along with any sales costs and appraisal fees to any available purchaser or buyer. The buyer pays for all transfer fees and appraisal costs. Ms. McCarthy polled and motion carried 4-2 with Mr. Wozniak and Ms. McCarthy voting no.

Mr. Emerick updated Council on the Regional Planning Commission general rules versus the Municipal Planning Commission rules. With a Regional Planning Commission, the rule requires elected officials to participate on the board. Mr. Emerick read from the Regional Planning Law section 53, Section 2341-2344A. Ms. Claar will scan a copy of the law and e-mail to Council. Mayor Fox had several suggestions between the Regional and Municipal Planning Commission guidelines. Council decided to table the issue until additional resources are obtained.

**Engineers Report:**

Mr. Wisor furnished a written report to Council. Mr. Wisor had nothing additional to add. Mr. Wisor did however present an agreement for the 2012-2013 engineering services for the 2012 proposed budget and for re-organization at the beginning of the year.

**Police Report:**

Chief Miller furnished a written report prior to the meeting. Mrs. Chobany commented on the number of incidents during the month. Ms. McCarthy also commented on the burglaries and sentencing of the subjects.

**Public Works Report:**

Mr. Squillario was absent but furnished a written report prior to the meeting. Ms. McCarthy commended the Public Works Department for the paving and drainage work that was done at the Lee Street Arch. Ms. McCarthy informed Mr. Koban that she received a complaint from a resident concerning two junk vehicles by the Portage Beverage that are on borough property. Chief Miller will investigate and report back.

**Treasurer's Report:**

Ms. Claar furnished a written report prior to the meeting. Mr. Slanoc motioned, seconded by Mrs. Chobany to approve the Treasurer's report in the amount of \$50,517.69. Ms. McCarthy polled and motion carried 6-0.

**Correspondence:**

Basilica of St. Michael submitted a request to participate in the 2011 Military mail fund. The Portage Public Library sent in a donation request that will be reflected in the 2012 budget process.

Ms. Claar advised she will need the reservations for the Fall Cambria County Borough Association Dinner at Amici's Restaurant in Ebensburg on Tuesday, October 25th, beginning at 5:30 p.m. Five reservations will be submitted.

The Rotary Club of Portage submitted a request to temporarily block off a portion of Main Street for the annual Christmas Parade on Saturday, December 10<sup>th</sup>, 2011. The parade

begins at 2:00 p.m. on Caldwell Avenue. They also submitted an invitation to the Mayor and Council to participate in the 2011 annual Christmas Parade with cars being provided. Mayor Fox motioned, seconded by Mr. Slanoc to approve the blocking off of Main Street on Saturday, December 10<sup>th</sup>, 2011 at 2:00 p.m. for the annual Christmas Parade. Ms. McCarthy polled and motion carried 6-0. Ms. Claar advised that she will update the borough and township website with the event.

**Minutes of the Previous Meeting:**

The minutes from the September 6<sup>th</sup> regular meeting and September 19<sup>th</sup> committee meeting were distributed prior to the meeting. Mrs. Chobany motioned, seconded by Mr. Wozniak to approve the September 6<sup>th</sup> regular meeting and September 19<sup>th</sup> committee meeting minutes, motion carried 6-0.

**Paying of Bills:**

The bills were distributed prior to the meeting. Mr. Vandzura motioned, seconded by Mayor Fox to approve paying the bills, including the additional bills in the amount of \$70,417.96 motion carried 6-0.

**Reports**

Reports were received from the Municipal Water Authority and the Sewer Authority for August, the Joint Recreation Commission and Planning Commission for August. Laurel Management Inspection Agency also submitted minutes for August & September. Mr. Vandzura motioned, seconded by Mrs. Chobany to approve the monthly reports as presented, motion carried 6-0.

**Unfinished Business:**

There was no update on the Main Street Streetscape project.

The ten year comprehensive, open and recreation plan, trail feasibility project was discussed earlier in the meeting. The project is moving forward.

The property transfer from Mainline National Bank to the Portage Vol Fire Company was discussed earlier in the meeting. Mr. Koban will also meet with Chief Lee to discuss the start of the handrail and steps project.

The 619 Main Street Property was discussed earlier in the meeting under the Solicitor.

The 1021 Caldwell Avenue Property was discussed earlier in the meeting under the Solicitor.

The additional seat for the Portage Area Planning Commission was tabled until additional information is available.

### New Business

Mr. Koban advised Council the he spoke with Mr. Springer of the Cambria County Emergency Management Agency regarding the training and qualifications for the Emergency Management Director position. Mr. Springer will be sending the information for Mr. Koban to review and present to Council. Mayor Fox questioned if the portable radio was recovered. Mr. Koban advised that the portable radio was jointly purchased between the Borough and Township. Portage Township still retains Mr. Pavlosky as the EMA director.

Ms. Jean Kinley with the Portage Area Joint Recreation Commission submitted a donation request for the 2012 contribution to remain the same as in 2011 (\$7,022). The 2010 census (2,638) reflected a decrease of 199 from the 2000 census (2,837). The current agreement stipulates \$2.75 per capita contribution. A discussion was held on the current agreement and if there would have to be an amendment to the Ordinance No. 3-2009. The difference in monetary value between the 2011 contribution and 2012 contribution is \$547.25. Mrs. Chobany motioned, seconded by Mr. Wozniak to have the 2012 contribution remain the same at \$7,022.00. Mayor Fox questioned if the ordinance would have to be amended. Mr. Koban explained that the ordinance and agreement would require an amendment since the Portage School District and Portage Township are included in the agreement. After a discussion, Mrs. Chobany motioned, seconded by Mr. Wozniak to rescind their motion. Mrs. Chobany motioned, seconded by Mr. Wozniak to contribute the specified amount in the ordinance and agreement at \$2.75 per capita for the 2012 budget amount and provide an additional donation in the amount of \$547.25 for the year. Ms. McCarthy polled and motion carried 6-0.

Matt Decort Funeral Home submitted a request to have a dead tree removed from the sidewalk in front of his business. Mr. Decort is also requesting that a tree not be replaced within the sidewalk since he is considering new sidewalks within the near future. A discussion was held on the replacement of the tree, expense, type, and the Main Street Streetscape Improvement plan. Mr. Wozniak motioned, seconded by Mrs. Chobany to remove the dead tree and replace it with the same type. Ms. McCarthy polled and motion carried 6-0.

Berkheimer Tax Agency submitted a request to appoint a liaison for the purpose of sharing confidential tax information with the Borough. Berkheimer is the duly appointed collector of the earned income tax for the Cambria County Tax Collection Committee. Mr. Vandzura motioned, seconded by Mr. Wozniak to approve Resolution 7-2011 by appointing Robert Koban as the authorized representative and liaison between Portage Borough and Berkheimer Tax Agency for the purpose of tax collection. Ms. McCarthy polled and motion carried 6-0.

Berkheimer Tax Agency also submitted a fee schedule for Council to approve on the imposition of costs of collection on delinquent taxes. Mr. Vandzura motioned, seconded by Mr. Wozniak to approve Resolution 8-2011 by authorizing and empowering Berkheimer Tax Agency to impose and retain costs of collection on delinquent taxes. Ms. McCarthy polled and motion carried 6-0.

Bethany United Methodist Church submitted a donation request in the amount of \$100.00 for the HarvestFest to be held on Sunday, October 23<sup>rd</sup>, 2011 and permission to block off one half of Branch Street from 10:30 a.m. to 5:00 p.m. Mrs. Chobany motioned, seconded by Mr. Wozniak to approve the donation in the amount of \$100.00 and grant permission to block off one half of Branch Street to Bethany United Methodist Church for the HarvestFest. Ms. McCarthy polled and motion carried 6-0.

Mr. Vic Miller submitted a donation request for the Halloween Parade in the amount of \$100.00 to be held on Sunday, October 23<sup>rd</sup>, 2011. Mr. Vandzura motioned, seconded by Mr. Wozniak to approve the donation in the amount of \$100.00 to the Portage Volunteer Fire Company for the annual Halloween Parade. Ms. McCarthy polled and motion carried 6-0.

Ms. Claar presented the draft advertisement for the various boards, commissions, and administrative positions due to expire at the end of the year. Mr. Slanoc motioned, seconded by Mrs. Chobany to approve the advertising for letters of interest for the following: Water and Sewer Authority for a five year term from 2012-2016; Portage Area Joint Recreation Commission for a three year term 2012-2014, Emergency Management Director, Solicitor and Engineer for a two year term 2012-2013, motion carried 6-0. Letters of interest will be received until November 18<sup>th</sup>, 2011 at 3:00 p.m.

Ms. Claar advised that the 2011 Pension State Aid was received from the Commonwealth of PA in the amount of \$13,903.91. The non-uniform minimum municipal obligation is \$14,117.00. Mr. Vandzura motioned, seconded by Mr. Wozniak to deposit the 2011 State Aid in the non-uniform pension plan to the PA Municipal Retirement System in the amount of \$13,903.91 with the remaining balance of \$213.09 to be paid from the General Fund. Ms. McCarthy polled and motion carried 6-0.

Mr. Dennis P. Kotzan submitted a proposal for a three year agreement to audit the borough financial records at a cost of \$4,400.00/year with no cost increases over the next three years. Mr. Vandzura motioned, seconded by Mr. Slanoc to enter into an agreement with Kotzan & Associates for a three year period from 2012-2014, in the amount of \$4,400.00 per year. Ms. McCarthy polled and motion carried 6-0.

Ms. Claar presented a draft resolution to the fee schedule for the building/compliance permit for council to review. The fee remains the same at \$30.00 for building/compliance

permits. The description on the filing fee was removed and replaced with permit fee for a total cost reflecting \$30.00. The item will be placed on the November agenda for approval.

**Good of the Borough:**

Mayor Fox questioned the structural condition of the Kline Amusement building on Gillespie Avenue. Chief Miller advised that he spoke with Mr. Sekerak regarding the condition of the building. Mr. Sekerak contacted a contractor to make the repairs but the contractor cancelled. A discussion was held on how to proceed. Mayor Fox motioned, seconded by Mr. Wozniak to start the process in accordance with the Dangerous Building Nuisance Ordinance 3-1981 authorizing the structural investigation by the Borough Engineer; Mr. Wisor. Ms. McCarthy polled and motion carried 6-0.

**Adjournment:**

Mrs. Chobany motioned, seconded by Mr. Wozniak to go into executive session for personnel issues, motion carried 6-0. Mayor Fox motioned, seconded by Mr. Wozniak to go out of executive session, motion carried. Mr. Wozniak motioned, seconded by Mayor Fox to go into the regular meeting, motion carried 6-0. Mrs. Chobany motioned, seconded by Mr. Slanoc to adjourn, motion carried 6-0. The meeting adjourned at 9:05 p.m.