

A meeting of the Borough Council of Portage was held on Monday, August 6, 2012, at 6:30 p.m., in Council Chambers.

Council Members in attendance were:

Sharon McCarthy, Council President
Rebecca Chobany
Bob Fox, Mayor
Martin Slanoc
Jerome Yetsko

Absent Members included: James Kissell and Raymond Vandzura.

Also present were: Robert Koban, Borough Manager; Michael Emerick, Solicitor; Gary Wisor, Borough Engineer; Chief Miller, Public Safety; Donald Squillario, Public Works; and Sharon Squillario, Recording Secretary.

I. CALL TO ORDER

The meeting was called to order by Ms. McCarthy at 6:35 p.m., which was followed by the reflection and Pledge of Allegiance.

II. RECOGNITION OF VISITORS

ON MOTION OF MR. FOX, SECONDED BY MR. SLANOC, THE COUNCIL MOVED TO GO OUT OF ORDER TO RECOGNIZE ANY AND ALL VISITORS.

Ms. McCarthy recognized Sara Wolford, Mainline Newspapers. She also recognized the Altoona Mirror reporter, as well as Sam Gruss, who indicated he was present at the meeting to observe the actions of Borough Council for educational purposes.

III. EXECUTIVE SESSION

ON MOTION OF MR. FOX, SECONDED BY MR. YETSKO, THE BOARD WENT INTO EXECUTIVE SESSION 6:38 P.M. TO DISCUSS PERSONNEL MATTERS.

IV. RECONVENE OF REGULAR SESSION

ON MOTION OF MR. FOX, SECONDED BY MR. YETSKO, THE BOARD RECONVENED INTO REGULAR SESSION AT 7:09 P.M.

V. REPORTS

- Borough Manager's Report

Mr. Koban noted that a copy of his report was provided to the Council prior to the meeting.

Mr. Koban apprised the members that he received a letter from the PAJRC requesting his assistance in determining if there are any EMS requirements that would prevent PAJRC from making the back road to the Park one way. Mr. Koban noted that he will make some contacts to the Fire Company and the Ambulance Association to obtain their input; however, the question would be whether the back road should be one way into the Park or one way out of the Park. Mr. Fox commented that another question would be whether the Borough received liquid fuels funding for the area, to which Mr. Squillario replied that we do not receive liquid fuels funds for the road. However, Mr. Squillario commented, the Borough, being the owner of the Park, would need to make any change via an

ordinance. He noted that he would think if any change is made, that we would want the road to be one way out of the Park. Mr. Koban questioned if the request from PAJRC came as a result of a number of residents requesting that a change be made, or whether it was one resident that expressed a concern. He noted that, if we find there are no EMS requirements, he does not feel a change should be made unless a substantial concern exists. Mr. Koban questioned Mrs. Squillario on the history of the request, to which she replied that it was one resident that approached PAJRC with the request for the back road to be one way due to the children in the area near the Little League fields. Mr. Koban commented that, when driving on the back road, if you encounter another vehicle, you merely need to move to the side of the road to allow the other vehicle to get through.

Mr. Slanoc noted that we do make the back road one way during Summerfest weekend. He also commented that the main entrance to the Park should also be made one way during Summerfest because it sometimes is dangerous for pedestrians walking into the Park and then having cars entering and exiting the Park at the same time. Mr. Squillario apprised Council that he did contact Mr. Bowser and confirmed that the request has nothing to do with liquid fuels; therefore, it would be up to Borough Council to make a decision. He pointed out that during Summerfest he does install signage making the back road one way exiting the Park. Mr. Slanoc agreed that Borough Council should not make a decision based on the request of only one resident. Mr. Koban commented that he would talk with the Fire Company and Ambulance Association prior to responding to the request of PAJRC.

As it relates to the information in Mr. Koban's report relative to the quotation from Groff Tractor and Equipment for a new Case 621 wheel loader, he noted that he was merely passing this information on to the Council members and is not suggesting that Council should act on the information. Mr. Koban noted that Mr. Darrell Jones of Groff Tractor and Equipment approached him about a month ago with this offer. He pointed out that the current loader is a 1988 Case in good operating condition and has approximately 2,600 – 2,700 hours. The loader was used quite heavily until the new truck was purchased. Mr. Koban commented that, from a personal perspective at work, they are going through numerous Federal emissions laws. From three years ago to today, they are experiencing \$14,000-\$17,000 more just for the emissions requirements on the buses. There is also an additive you have to keep in stock that is used to burn the emissions off. Mr. Koban pointed out that the particular loader being discussed does not have the current emissions standards on it; therefore, there would be an additional \$17,000 - \$20,000 for the emissions requirements compared to the same vehicle out the following model year. In other words, if we wait three years, the Borough would be paying a lot more for the exact same vehicle.

Mr. Koban stated that he merely wanted to bring this matter before Council; and he can do more research and bring it back to Council at the next meeting. As it relates to the financing of the loader in question, Mr. Koban commented that the financing is being offered through Niagara Bank at 2.5% for five years (annual payment of \$21,028.28); and we will probably not see interest rates as low as this in the future. Ms. McCarthy questioned if the current loader does not have the emissions standards either, to which Mr. Squillario replied negatively. He noted that next year's loaders will have the correct emissions standards.

Mr. Fox noted that it is getting closer to budget negotiations and he would not consider a purchase at this time. Mr. Koban noted that the current loader is running good and is not a heavily used piece of equipment currently. He commented that we will definitely need a dump truck in the near future; and we will be paying some things off soon. Ms. McCarthy questioned what will be paid off this year, to which Mr. Koban replied the cruiser and the Public Works building. As it relates to the budget, Mr. Fox emphasized that it really comes down to the particular department's needs. Mr. Koban agreed indicating that he basically asked the same question as to whether this piece of equipment is what the Public Works Department would want to spend \$100,000 on and it really was not.

Ms. McCarthy asked that this item be placed in Unfinished Business until Council sees what transpires with the budget.

- Solicitor's Report

Attorney Emerick apprised Council that he provided a written report prior to the meeting.

Attorney Emerick presented the Findings of Fact and Order as it relates to the Sekerak property. Repairs are to be completed in 30 days. He presented Ordinance 3-1981 for approval by Council.

ON MOTION OF MRS. CHOBANY, SECONDED BY MR. SLANOC, THE COUNCIL UNANIMOUSLY APPROVED ORDINANCE 3-1981 AS PRESENTED. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MS. McCARTHY, MRS. CHOBANY, MR. FOX, MR. SLANOC, AND MR. YETSKO.

As it relates to litigation, Attorney Emerick noted that the hearing to determine the fines relative to the Bookhamer property is scheduled for August 13, 2012 at 11:00 a.m. at the Cambria County Courthouse. Attorney Emerick did meet with Mr. Wisor to review his testimony. Mr. Wisor will be at the hearing, along with the Chief of Police and the Borough Manager. Mr. Koban commented that he will be out of town and will not be able to attend the hearing. Mr. Fox questioned if members of Council will be notified if there is a change in the hearing date, to which Mr. Koban replied affirmatively.

Attorney Emerick apprised Council that the Kowalczyk case is now in the pretrial/discovery stage; and all documents have been executed relative to the Plummer case. Mr. Fox questioned if the Plummer property now belongs to the Borough, to which Attorney Emerick commented that it does now that the deed is signed. Mr. Fox requested that this be placed on the agenda for the next Committee of the Whole meeting in order to determine the next steps.

- Engineer's Report

Mr. Wisor noted that he provided a written report prior to the meeting and had nothing to add to his report. He commented that he did meet with Attorney Emerick relative to the Bookhamer case.

- Chief of Police's Report

Chief Miller indicated that he did provide a written report prior to the meeting. He pointed out that there was one additional accident in July, so the total vehicle accidents should read three. Ms. McCarthy commented that she did notice in the report that our officers were assisted by Summerhill Township on seven occasions, to which Chief Miller replied that that was correct.

- Director of Public Work's Report

Mr. Squillario commented that he did provide a written report prior to the meeting and had nothing to add to his report. Ms. McCarthy questioned if the Public Works Department has been assisting in preparation for Summerfest, to which Mr. Squillario replied that the Department does assist when requested. He pointed out that the Department did assist in the replacement of the bridge leading into the Park from the parking area on Johnson Avenue. The Department also did some repairs to the back road in preparation for the 5k run. Mr. Squillario noted that the pipe under the bridge on the back road was blocked recently due to the heavy rains, but the Park employees did clean it out.

- Treasurer's Report

Ms. Claar did provide the Treasurer's Report for review prior to the meeting.

ON MOTION OF MR. SLANOC, SECONDED BY MRS. CHOBANY, THE COUNCIL UNANIMOUSLY APPROVED THE TREASURER'S REPORT IN THE AMOUNT OF

\$78,739.11. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MS. McCARTHY, MRS. CHOBANY, MR. FOX, MR. SLANOC, AND MR. YETSKO.

Ms. McCarthy questioned why we received a refund on the audit, to which Mr. Koban replied that he would check with Ms. Claar on this matter.

- Correspondence

There was no correspondence received.

- Minutes of the Previous Meeting

Minutes of the July 16, 2012 regular meeting were distributed prior to the meeting.

ON MOTION OF MR. FOX, SECONDED BY MR. SLANOC, THE COUNCIL UNANIMOUSLY APPROVED THE MINUTES OF THE JULY 16, 2012 MEETING AS PRESENTED. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MS. McCARTHY, MRS. CHOBANY, MR. FOX, MR. SLANOC, AND MR. YETSKO.

- Payment of Bills

ON MOTION OF MR. FOX, SECONDED BY MR. SLANOC, THE COUNCIL UNANIMOUSLY APPROVED THE PAYMENT OF BILLS AS PRESENTED. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MS. McCARTHY, MRS. CHOBANY, MR. FOX, MR. SLANOC, AND MR. YETSKO.

- Reports from Organizations

Ms. McCarthy noted that reports were received from the Portage Water Authority (June), the Portage Sewer Authority (June) and Laurel Municipal Inspections (April).

ON MOTION OF MRS. CHOBANY, SECONDED BY MR. SLANOC, THE COUNCIL UNANIMOUSLY APPROVED THE ABOVE REPORTS AS PRESENTED. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MS. McCARTHY, MRS. CHOBANY, MR. FOX, MR. SLANOC, AND MR. YETSKO.

VI. UNFINISHED BUSINESS

Mr. Koban noted that the grant has been submitted for the Main Street Streetscape project. A presentation will be made in September and he will report back to Council at that time.

Mr. Koban apprised Council that at the next Planning Commission meeting there will be a presentation made relative to the status of the economy. This presentation ties hand-in-hand with the ten year comprehensive plan, the open space and recreation plan and the trail feasibility plan.

Mr. Koban indicated that the Bookhamer and Plummer properties were discussed under the Solicitor's report.

Mr. Koban requested that the Comcast Cable Agreement be continued under Unfinished Business until a copy of the agreement is obtained.

As it relates to the Lee Street arch/Norfolk Southern, Mr. Squillario apprised Council that he contacted Mr. Meadows but did not receive a return call. He noted that he does believe that it would be beneficial if Mr. Meadows would come in to look at the arch.

Mr. Koban stated that the sewer testing ordinance as well as the canine matter will be discussed at the August Committee of the Whole meeting.

VII. NEW BUSINESS

- Grant Funding Reimbursement from DCED LUPTAP

Presented for approval was the grant funding reimbursement from DCED LUPTAP Invoice #1.

ON MOTION OF MR. FOX, SECONDED BY MR. SLANOC, THE COUNCIL UNANIMOUSLY APPROVED REIMBURSEMENT INVOICE #1 FROM DCED LUPTAP GRANT IN THE AMOUNT OF \$15,410.00 FOR THE PORTAGE AREA COMPREHENSIVE PLAN, RECREATION AND TRAIL PLAN. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MS. McCARTHY, MRS. CHOBANY, MR. FOX, MR. SLANOC, AND MR. YETSKO.

- Grant Funding Reimbursement from DCNR

Presented for approval was the grant funding reimbursement from DCNR Invoice #2.

ON MOTION OF MR. SLANOC, SECONDED BY MRS. CHOBANY, THE COUNCIL UNANIMOUSLY APPROVED REIMBURSEMENT INVOICE #2 FROM THE DCNR GRANT IN THE AMOUNT OF \$12,135.00. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MS. McCARTHY, MRS. CHOBANY, MR. FOX, MR. SLANOC, AND MR. YETSKO.

- Opening of Interest Bearing Savings Account

Presented for approval was the opening of an interest bearing savings account for the Earned Income Tax. Mr. Koban explained that, since we raised the income tax, Council had previously indicated that we would separate everything above and beyond the old rate versus the new rate. The savings account would be the vehicle used to house these monies until such time Council determines what capital improvement project the monies will be used for. Mr. Koban noted that in his report, he did state that he had asked Ms. Claar to provide a report showing year to date Earned Income Tax revenue comparisons for January to July 2011 and January to July 2012 (2011: \$97,602.71; 2012: \$136,573.71).

ON MOTION OF MR. FOX, SECONDED BY MR. YETSKO, THE COUNCIL UNANIMOUSLY APPROVED THE OPENING OF AN INTEREST BEARING SAVINGS ACCOUNT, NAMED THE CAPITAL IMPROVEMENTS ACCOUNT, FROM THE EARNED INCOME TAXES. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MS. McCARTHY, MRS. CHOBANY, MR. FOX, MR. SLANOC, AND MR. YETSKO.

VIII. GOOD OF THE BOROUGH

- Expression of Sympathy

On behalf of Borough Council, Ms. McCarthy expressed sympathy and condolences to Mr. Kissell on the recent loss of his mother.

- Summerfest

Ms. McCarthy reminded Council of Summerfest weekend, August 10-12, 2012. Discussion took place relative to those Council members who will be participating in the Summerfest parade. Ms. McCarthy, on behalf of Council, expressed thanks for the hard work of the Summerfest Committee and PAJRC in preparation for Summerfest.

- Letter from Resident

Mr. Fox apprised Council that when he came into the meeting this evening, he was in receipt of a letter from a resident, Mr. Kinsey of Caldwell Avenue, expressing his concerns relative to the dust coming from the alley near his home as well as water concerns during heavy rain storms. Discussion ensued relative to other encounters and requests of Mr. Kinsey in the past. Mr. Fox noted that Mr. Kinsey did submit his concerns on an incorrect complaint form; and Mr. Fox would rather have residents come before Council at a meeting to express these concerns.

IX. ADJOURNMENT

ON MOTION OF MRS. CHOBANY, SECONDED BY MR. YETSKO, THE MEETING WAS ADJOURNED AT 7:40 P.M.