

A meeting of the Borough Council of Portage was held on Monday, December 3rd, 2012 at 6:30 p.m., in Council Chambers. Council Members in attendance were: Ms. McCarthy, Mr. Kissell, Mr. Vandzura, Mr. Yetsko, Mr. Slanoc, Mrs. Chobany, and Mayor Fox. Also present were: Robert Koban, Borough Manager; Michael Emerick, Borough Solicitor; Chief Miller, Public Safety, Donald Squillario, Public Works and Michelle Claar-Secretary. Also in attendance were Junior Councilors; Emily Chobany and Joseph Randazzo. Gary Wisor, Borough Engineer was absent.

RECOGNITION OF VISITORS

ON MOTION OF MAYOR FOX SECONDED BY MRS. CHOBANY, THE COUNCIL MOVED TO GO OUT OF ORDER TO RECOGNIZE ANY AND ALL VISITORS, MOTION CARRIED 7-0.

Visitors present included: Sarah Wolford with the Dispatch; Samson Gruss, Tom Hodgkinson, and Jean Kinley were in attendance to observe.

MAYOR FOX MOTIONED, SECONDED BY MR. KISSELL TO GO OUT OF ORDER TO THE APPOINTMENTS OF THE VARIOUS BOARDS AND COMMISSIONS, MOTION CARRIED 7-0.

Nominations for Portage Municipal Water Authority

MRS. CHOBANY NOMINATED MR. JEROME YETSKO TO THE WATER AUTHORITY BOARD WITH A SECOND BY MR. KISSELL.

Ms. McCarthy called for the closing of nominations with Mr. Vandzura requesting permission to address the Council. Mr. Vandzura approached the podium to address the Council on the seriousness of the appointment to the Water Authority Board. Mr. Vandzura elaborated that the current board with its current members are working well together and they are currently in the process of a \$4.9 million dollar project and also moving forward with another project in the amount of \$500,000.00. Mr. Vandzura also stated that the Water Authority's 2013 budget included a pay raise for all employees and one retiree. Mr. Vandzura was concerned that the appointment of a new member would flow over onto the Water Authority Board due to the recent discussions and animosity of the Council.

At this point, Mr. Yetsko motioned, seconded by Mayor Fox to go into executive session for personnel issues. Mr. Emerick cautioned Mr. Yetsko that the executive session cannot relate to any appointment process of the boards or commissions, motion carried 7-0. Mrs. Chobany motioned, seconded by Mayor Fox to go out of executive session and into the regular meeting, motion carried 7-0.

Ms. McCarthy called for questions or remarks and polled each member. Voting yes were Mr. Kissell, Mrs. Chobany, Mayor Fox, and Ms. McCarthy. Voting no were Mr. Vandzura and Mr. Slanoc. Motion carried 4-2-1 with Mr. Yetsko abstaining.

Mr. Vandzura welcomed Mr. Yetsko to the Water Authority Board and looked forward to working together.

Nominations for Portage Area Joint Recreation Commission

ON MOTION OF MAYOR FOX SECONDED BY MRS. CHOBANY, THE COUNCIL UNANIMOUSLY RE-APPOINTED MS. KINLEY TO A THREE YEAR TERM ON THE JOINT RECREATION COMMISSION COMMENCING JANUARY 1, 2013 THROUGH DECEMBER 31, 2015. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. KISSELL, MR. YETSKO, MR. SLANOC, MRS. CHOBANY, MAYOR FOX, AND MS. McCARTHY. VOTING NO WAS MR. VANDZURA, MOTION CARRIED 6-1.

Ms. McCarthy called for nominations for the seconded member of the Joint Recreation Commission. Mr. Kissell nominated Mr. Matt Decort but motion died for lack of a second. Ms. McCarthy called again for nominations. Mrs. Chobany nominated Mr. Jeremy Burkett, nominations closed.

ON MOTION OF MRS. CHOBANY, SECONDED BY MAYOR FOX, COUNCIL UNANIMOUSLY APPOINTED MR. JEREMY BURKETT TO A THREE YEAR TERM ON THE JOINT RECREATION COMMISSION COMMENCING JANUARY 1, 2013 THROUGH DECEMBER 31, 2015. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. KISSELL, MR. VANDZURA, MR. YETSKO, MR. SLANOC, MRS. CHOBANY, MAYOR FOX, AND MS. McCARTHY. MOTION CARRIED 7-0.

There were no letters of interest received for the Portage Area Planning Commission for the five year term.

ON MOTION OF MR. KISSELL, SECONDED BY MR. YETSKO, COUNCIL MOTIONED TO RE-ADVERTISE FOR THE VACANT FIVE YEAR TERM ON THE PLANNING COMMISSION. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. KISSELL, MR. VANDZURA, MR. YETSKO, MR. SLANOC, MRS. CHOBANY, MAYOR FOX, AND MS. McCARTHY. MOTION CARRIED 7-0

Free parking on Main Street was on the additional agenda items.

ON MOTION OF MAYOR FOX, SECONDED BY MRS. CHOBANY COUNCIL MOTIONED TO AUTHORIZE FREE PARKING ON MAIN STREET. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. KISSELL, MR. VANDZURA, MR. YETSKO, MR. SLANOC, MRS. CHOBANY, MAYOR FOX, AND MS. McCARTHY. MOTION CARRIED 7-0

REPORTS

- Borough Manager's Report

Mr. Koban provided a written report prior to the meeting. Mr. Koban commented that his report was scarce due to the budget process and commented that there were only items that would change for the 2013 proposed budget. There was an increase in a donation request for \$500.00 and a summer helper for the Public Works Department. Mr. Koban provided a salary projection for a summer helper based on 32 hours per week for 4/5 months with a rate of \$7.25 and \$8.00 per hour. A discussion was held on the number of hours per week; hourly rate, high school or college student, contacting Career Link, and/or a lump sum amount.

ON MOTION OF MR. KISSELL, SECONDED BY MAYOR FOX COUNCIL MOTIONED TO ALLOCATE A LUMP SUM OF \$5,500.00 FOR A SUMMER HELPER IN THE PUBLIC WORKS DEPARTMENT TO BE USED ON AN AS-NEEDED BASIS AT \$8.00 PER HOUR. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. KISSELL, MR. VANDZURA, MR. YETSKO, MR. SLANOC, MRS. CHOBANY, MAYOR FOX, AND MS. McCARTHY. MOTION CARRIED 7-0

Mr. Koban advised Council that G&R has been working on the demolition of 1021 Caldwell Avenue. Mr. Koban questioned Mr. Emerick on the Plummer's legal fees and invoice. Mr. Emerick commented that the papers are filed with the Cambria County Courts and the Borough would be covered if there were any other legal issues. Ms. McCarthy questioned the Chappell notice that was advertised in the Dispatch. Mr. Emerick advised that the borough has one year to prepare any paperwork for notifying the courts and/or executors. The Borough would already be included in any legal action. Mr. Vandzura questioned the process of tracking municipal liens. All municipal liens are documented in the municipal lien book. Mr. Vandzura commented on the 43 delinquent garbage letters that were sent to residents for non-payment of the prepaid bags that are required to be purchased annually. Mr. Vandzura suggested that the Municipal Authority could charge the resident \$30.00 on their next monthly bill for those that are in non-compliance.

- Solicitor's Report

Mr. Emerick provided a written report prior to the meeting. Mr. Emerick advised that he is waiting for a response for the complaint pending in Cambria County Court of Common Pleas regarding Mr. Sekerak's property on Gillespie Avenue.

Mr. Emerick advised Council that First Commonwealth and released the mortgage on the Bookhamer property and that the school has exonerated the taxes. The school district will be sending written verification. Cambria County has tabled the exonerated of taxes until their December 13th, 2012 meeting.

The Kowalczyk litigation is the pretrial/discovery stage.

- Engineer's Report

Mr. Wisor was absent but presented a written report prior to the meeting. Mr. Koban informed Council that Tim Campbell had submitted photos of the progressing deterioration of the Sekerak building since last visited on January 17, 2012. Mr. Koban also commented that based on the recommendation of Mr. Wisor; the alley should be blocked off to vehicle and pedestrian traffic. A lengthy discussion took place on the locations of blocking off the alley, entrances for delivery trucks at Dollar General and other businesses, and also parking for the Library. Mayor Fox questioned the snow plow operations of the alley. After the discussion;

ON MOTION OF MR. SLANOC, SECONDED BY MR. VANDZURA COUNCIL MOTIONED TO BLOCK OFF THE ALLEY FROM GILLESPIE AVENUE TO FACTORY ALLEY. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. KISSELL, MR. VANDZURA, MR. YETSKO, MR. SLANOC, MRS. CHOBANY, MAYOR FOX, AND MS. McCARTHY. MOTION CARRIED 7-0. MRS. CHOBANY REMARKED ON THE LENGTH OF TIME FOR THE CLOSURE OF THE ALLEY AND IT WILL BE REVISITED IN THE SPRING.

- Chief of Police Report

Chief Miller provided a written report prior to the meeting. Chief Miller had nothing additional to report.

- Director of Public Work's Report

Mr. Squillario provided a written report prior to the meeting. Mr. Squillario had nothing additional to report. Mayor Fox commended the Public Works Department on all their efforts in assisting with the Winterfest festivities. Ms. McCarthy advised that she attended the Portage Volunteer Fire Company's 2012 Banquet and commended the Public Works and Public Safety department on the plaques they received.

- 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 \$74,778.43. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. KISSELL, MR. VANDZURA, MR. YETSKO, MR. SLANOC, MRS. CHOBANY, MAYOR FOX, AND MS. McCARTHY. MOTION CARRIED 7-0.

- Correspondence

Laurel Municipal Inspection Agency sent an invitation to attend a Holiday Mixer on Thursday, December 20th, 2012 at 6:00 p.m. at Yesterday's Party in Ebensburg.

Cambria-Somerset Council of Governments sent notice of a COG-Code meeting to be held on Tuesday, December 11, 2012 at the Johnstown Cambria County Airport Community Room beginning at 6:00 p.m.

PA State Association of Boroughs sent the Borough News subscription renewal for 2013.

Mr. Koban informed Council that a meeting will be held at the Crimson Room on Tuesday regarding the Martindale Project.

- Minutes of the Previous Meeting

Minutes of the November 5th regular meeting and November 19th committee meeting were distributed prior to the meeting.

ON MOTION OF MR. KISSELL, SECONDED BY MRS. CHOBANY, THE COUNCIL UNANIMOUSLY APPROVED THE MINUTES OF THE NOVEMBER 5TH REGULAR AND NOVEMBER 19TH COMMITTEE MEETING AS PRESENTED. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. KISSELL, MR. VANDZURA, MR. YETSKO, MR. SLANOC, MRS. CHOBANY, MAYOR FOX, AND MS. McCARTHY. MOTION CARRIED 7-0.

- Payment of Bills

ON MOTION OF MR. KISELL, SECONDED BY MR. SLANOC, THE COUNCIL UNANIMOUSLY APPROVED THE PAYMENT OF BILLS AND ADDITIONAL AS PRESENTED IN THE AMOUNT OF \$20,324.21. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. KISSELL, MR. VANDZURA, MR. YETSKO, MR. SLANOC, MRS. CHOBANY, MAYOR FOX, AND MS. McCARTHY. MOTION CARRIED 7-0.

- Reports from Organizations

Reports were received from the Portage Municipal Water Authority for October; Portage Sewer Authority for October.

ON MOTION OF MRS. CHOBANY, SECONDED BY MR. KISSELL, THE COUNCIL UNANIMOUSLY APPROVED THE ABOVE REPORTS AS PRESENTED. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. KISSELL, MR. VANDZURA, MR. YETSKO, MR. SLANOC, MRS. CHOBANY, MAYOR FOX, AND MS. McCARTHY. MOTION CARRIED 7-0.

UNFINISHED BUSINESS

There was no update on the Streetscape Project. Mr. Vandzura commented on the lack of storm drains on Main Street. Mr. Koban suggested researching the storm drain issue during the Mountain Avenue Sidewalk project.

There was no update on the ten year comprehensive plan but Mr. Koban informed Council that Mr. Joe Beyers will be spearheading the project due to the recent passing of Mr. Rice. Mr. Vandzura questioned who would be doing the paperwork. Eads is billing the Borough and Ms. Claar is performing the bookkeeping on the project.

There was no update on the Open Space and Trail feasibility Plan.

The Bookhamer and Sekerak properties were discussed earlier under the Solicitors report.

Mr. Koban requested that the Comcast Cable Agreement be continued under Unfinished Business until the agreement can be reviewed.

Mr. Squillario advised that he has not had any communication from Mr. Meadows of Norfolk Southern regarding the Lee Street Bridge.

Mr. Koban advised that he has not had an opportunity to work on the sewer testing ordinance language due to the budget preparations. The issue will be placed on the agenda for the January committee of the whole meeting.

Mr. Koban informed Council that he would like to speak with the PVFC regarding the third party billing before removing the issue from the agenda.

The property maintenance codes for commercial/residential buildings will be discussed at the Committee meeting.

Mr. Koban provided Council with an updated Policy for the procedures on filling vacancies for Council, Commissions, Boards, and Authorities. Mr. Koban requested Council to review the policy and motion from the October 1st regular meeting and discuss at the next committee meeting.

Mr. Yetsko questioned if there was any update on installing a streetlight at the recycle bins. Mr. Koban informed Mr. Yetsko that the cost would be approximately \$10.00 per month and there is a drop on either pole to wire the light. After a discussion;

ON MOTION OF MR. KISSELL, SECONDED BY MAYOR FOX, THE COUNCIL UNANIMOUSLY APPROVED A STREETLIGHT TO BE INSTALLED AT THE RECYCLE BINS. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. KISSELL, MR. VANDZURA, MR. YETSKO, MR. SLANOC, MRS. CHOBANY, MAYOR FOX, AND MS. McCARTHY. MOTION CARRIED 7-0.

VOTING ITEMS:

1. Approval of Ordinance 3-2012 concerning handicap parking that was properly advertised.

ON MOTION OF MAYOR FOX, SECONDED BY MR. SLANOC, THE COUNCIL UNANIMOUSLY APPROVED ORDINANCE 3-2012 BY AMENDING CHAPTER 15; SECTION 406 SPECIAL PURPOSE HANDICAP PARKING BY ADDING MR. RICHARD MITCHELL OF 602 MOUNTAIN AVENUE COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. KISSELL, MR. VANDZURA, MR. YETSKO, MR. SLANOC, MRS. CHOBANY, MAYOR FOX, AND MS. McCARTHY. MOTION CARRIED 7-0.

NEW BUSINESS:

Mr. Koban presented the 2013 proposed budget for the General Fund and State Liquid Fuels Funds with updated year to date figures for revenue and expenditures through November 26th, 2012. Mr. Koban also provided a salary projection worksheet for a summer helper with the Public Works Department. The projection included a total comp package based on 32 hours for 4 and 5 months at minimum wage and 32 hours at \$8.00 for 4 and 5 months. After a discussion on various scenarios:

ON MOTION OF MAYOR FOX, SECONDED BY MR. KISSELL, THE COUNCIL UNANIMOUSLY APPROVED A SUMMERHELPER FOR THE PUBLIC WORKS DEPARTMENT IN THE AMOUNT OF \$5,500.00 ON AN AS-NEEDED BASIS AT AN HOURLY RATE OF \$8.00/HOUR. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. KISSELL, MR. VANDZURA, MR. YETSKO, MR. SLANOC, MRS. CHOBANY, MAYOR FOX, AND MS. McCARTHY. MOTION CARRIED 7-0.

Approval to advertise the 2013 proposed budget for public inspection with adoption at the December 21st special meeting.

ON MOTION OF MR. KISSELL, SECONDED BY MR. YETSKO, THE COUNCIL UNANIMOUSLY APPROVED THE ADVERTISING OF THE 2013 PROPOSED BUDGET FOR PUBLIC INSPECTION FOR THE GENERAL FUND AND STATE LIQUID FUELS FUNDS WITH BUDGET ADOPTION AT A SPECIAL MEETING ON FRIDAY, DECEMBER 21ST AT 6:00 P.M. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. KISSELL, MR. VANDZURA, MR. YETSKO, MR. SLANOC, MRS. CHOBANY, MAYOR FOX, AND MS. McCARTHY. MOTION CARRIED 7-0.

GOOD OF THE BOROUGH

Ms. McCarthy commended the Woman's Club for all their efforts and support on the Christmas decorations around town.

Mr. Vandzura questioned Council on how many will be participating in the Christmas parade so he can provide the number to Mr. Scarton.

Mayor Fox commented on a memorial donation for Mr. Richard Rice. Council agreed to provide a \$30.00 memorial donation to the Portage Endowment Fund.

Mayor Fox commented that the Winterfest festivities begin on Friday, December 7th through Sunday, December 9th.

ADJOURNMENT

**ON MOTION OF MRS. CHOBANY, SECONDED BY MR. YETSKO, THE MEETING
WAS ADJOURNED AT 7:57 P.M.**