

A meeting of the Borough Council of Portage was held on Monday, November 5th, 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 (arriving late), and Mayor Fox. Also present were: Robert Koban, Borough Manager; Michael Emerick, Borough Solicitor; Gary Wisor, Borough Engineer; Chief Miller, Public Safety and Donald Squillario, Public Works and Michelle Claar-Secretary.

Also in attendance were Junior Councilors; Emily Chobany and Joseph Randazzo.

RECOGNITION OF VISITORS

ON MOTION OF MAYOR FOX SECONDED BY MR. KISSELL, THE COUNCIL MOVED TO GO OUT OF ORDER TO RECOGNIZE ANY AND ALL VISITORS. MOTION CARRIED 6-0.

Ms. McCarthy acknowledged Mrs. Bonnie Fox representing the WinterFest Committee. The WinterFest is requesting to place a Christmas tree at the old Harpo's site located on Main Street. Mr. Koban advised that there is no electric at that location to light up the tree or any other decorations. Mayor Fox also questioned who would be paying for the wiring and electrical costs associated with the project. Mrs. Fox commented that at least two outlets would be needed at the location. Mrs. Fox will gather additional information on the electric, tree, and other game plans and present them at the November Committee of the Whole Meeting. Ms. McCarthy called for a motion on the request to place the Christmas tree at the old Harpo's site.

ON MOTION OF MR. SLANOC, SECONDED BY MR. YETSKO, THE COUNCIL MOVED TO APPROVE THE REQUEST FROM THE WINTERFEST COMMITTEE TO PLACE A CHRISTMAS TREE AT THE OLD HARPO'S LOT ON MAIN STREET, MOTION CARRIED 6-0.

REPORTS

- **Borough Manager's Report**

Mr. Koban presented a written report prior to the meeting. Mr. Koban provided additional information on several issues in his report. Mr. Koban elaborated on the increase of the Workers Compensation for the fiscal impact on the 2013 budget. Mr. Koban explained that the current claims and losses had a huge impact on the premiums and concern that the carrier could drop the Borough and then have to be insured with the state workers compensation. Mr. Koban advised that he met with Selective Insurance East Coast Risk Management; Mr. Rick Gutowski to go over several options that the Borough could pursue. While most of the claims and losses resulted from the injuries/compensation from the fire company, the borough's factor remained unchanged. Mr. Koban stressed that East Coast Risk Management will be providing safety videos, training materials, and guidelines to follow in the near future. Several recommendations that were also made include:

- Borough Council pre-approval of new members
- Employment, history, background, and drug screenings

➤ Physicals for active members

Mr. Koban also commented that he will be addressing the issue with the fire department in the near future to discuss the above options.

Mr. Koban provided an update to Council on the Dulancey & Main Street Intersection project. Mr. Koban met with Mr. Rice of the Portage Area Planning Commission, Penn Dot Engineers, Cambria County Planning Commission, and Amfire. Penn Dot is not able to move forward with the project until Amfire commits to the \$100,000.00 share of the funds. The Borough has already committed \$35,000.00 toward the project and Mr. Mike Stager has donated the needed land to widen the intersection and radius. Without Amfire's commitment of funds, the project would most likely be another two years for any funding rounds are available.

Mr. Koban advised that he received a donation request from the Portage Food Pantry seeking \$500.00 for 2013. The issue will be discussed at the November Committee meeting.

Mr. Koban commented that he received a letter from PennDot financial consultant; Mr. William Stull, advising that the Borough's Liquid Fuels Tax Fund maintained and followed proper procedures and continue to be in compliance.

- Solicitor's Report

Mr. Emerick provided Council with a draft complaint to be filed with the Court of Common Pleas regarding the Sekerak structure located at 811-813 Gillespie Avenue. Mr. Sekerak has made no attempt to come into compliance by making the necessary repairs or provide a written contract for the repairs or demolition.

ON MOTION OF MR. KISSELL, SECONDED BY MR. YETSKO, THE COUNCIL MOVED TO FILE THE COMPLAINT IN THE COURT OF COMMON PLEAS OF CAMBRIA COUNTY AGAINST MR. NICHOLAS SEKERAK REGARDING THE STRUCTURE LOCATED AT 811-813 GILLESPIE AVENUE, MOTION CARRIED 7-0.

Mr. Emerick provided an update on the Bookhamer structure located at 619 Main Street. Mr. Emerick advised that the bank will be signing the release of Mortgage this week. The tax exonerations from the County and the School District are in progress. Once the exonerations are finalized, the deed can be transferred. Council questioned if any legal or transfer fees can be included.

ON MOTION OF MR. SLANOC, SECONDED BY MRS, CHOBANY, THE COUNCIL UNANIMOUSLY APPROVED TO INCLUDE AN LEGAL AND FILING FEES TO BE INCLUDED IN THE TRANSFER TO MR. BOOKHAMER FOR THE 619 MAIN STREET PROPERTY. MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. KISSELL, MR. VANDZURA, MR. YETSKO, MR. SLANOC, MRS. CHOBANY, MAYOR FOX, AND MS. McCARTHY. MOTION CARRIED 7-0.

- Engineer's Report

Mr. Wisor presented a written report prior to the meeting. Mr. Wisor had nothing additional to add. Mr. Kissell questioned Mr. Wisor on the structural integrity of the Sekerak Building and if the alley could be closed due to safety concerns and legal issues. Mr. Emerick commented that the Borough is in diligence in handling the issue and that the owner is responsible.

- Chief of Police Report

Chief Miller provided a written report prior to the meeting. Chief Miller had nothing additional to report. Council commended the Public Safety Department on the recent drug related incidents and patrols.

- Director of Public Work's Report

Mr. Squillario provided a written report prior to the meeting. Mr. Squillario had nothing additional to report. Mrs. Chobany apprised Mr. Squillario of a water run-off issue at her mother's residence.

- 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 \$64,773.32. 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

The Cambria County Borough Association sent notice of an informational workshop on ACT 43; the newly revised and re-enacted Borough Code to be held on November 29th, 2012 at 6:00 p.m. in the community room of the Ebensburg Municipal Building. The new borough code is available for purchase at \$20.00 per code book. Two books will be purchased. Mr. Vandzura suggested explain the difference between the Home Rule Charter and the Borough Code to the new Junior Councilpersons. Mr. Emerick explained the difference between the two forms of government.

Basilica of St. Michael Church sent a request for a donation to the "Troop Fan Mail".

The Portage Volunteer Fire Company sent a letter advising that they will no longer be sponsoring the annual Halloween Parade in the future.

- Minutes of the Previous Meeting

Minutes of the October 1st regular meeting and October 15th committee meeting were distributed prior to the meeting. Ms. McCarthy remarked that the minutes from October 1st regular meeting did not reflect her being present. After the correction:

ON MOTION OF MRS. CHOBANY, SECONDED BY MR. YETSKO, THE COUNCIL UNANIMOUSLY APPROVED THE MINUTES OF THE OCTOBER 1ST REGULAR AND OCTOBER 15TH 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

Ms. McCarthy questioned the bill for the Portage Volunteer Fire Department in the amount of \$6,198.42. Mr. Koban explained that a grant was received from DCED in the amount of \$10,000.00 for the merger between Cassandra and Portage Fire Departments. This was the balance of the grant to be reimbursed back to the Portage Volunteer Fire Department. Mr. Koban advised that the grant was not utilized for the full \$10,000.00.

ON MOTION OF MR. SLANOC, SECONDED BY MR. KISSELL, THE COUNCIL UNANIMOUSLY APPROVED THE PAYMENT OF BILLS AND ADDITIONAL AS PRESENTED IN THE AMOUNT OF \$25,459.94. 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 September; Portage Sewer Authority for September; Portage Area Joint Recreation Commission for September; the Portage Area Ambulance from June through September; Laurel Municipal Inspections for July. The Portage Area Joint Recreation Commission also submitted the 2013 Proposed Budget. Mr. Kissell questioned the Joint Recreation Commission budget reflecting an expense of \$7,500.00 for a rails & trail plan. Mr. Koban explained that the plan is not entirely completed.

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. Koban advised that he met with the new Project Manager; Mr. Eric Lydic from Penn Dot on the Mountain Avenue Sidewalk Project regarding the Environmental Study. The PennDot kick off meeting was cancelled. Mr. Koban advised that the project is moving forward.

Mr. Koban provided an update on the Ten Year Plan previously in the meeting.

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 apprised Council that the 1021 Gillespie has been scheduled for demolition with G & R Excavation. All utilities have been notified and the demolition permit was obtained. There was no scheduled date prior to the meeting.

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

Mr. Squillario advised that he hasn't any success in contacting Mr. Duane Meadows of Norfolk Southern regarding the Lee Street Arch but will keep trying.

There was a lengthy discussion on the proposed sewer testing ordinance. Mr. Koban requested some direction from Council on how they would like him to proceed since Council is divided on the issue. Several issues of concern included:

- Infiltration issues from ground water
- Smoke test vs dye testing
- Monitor or field survey of non-compliance water run-offs and ground water
- Lateral replacements

After another lengthy discussion, Mr. Koban questioned on how to proceed.

ON MOTION OF MRS. CHOBANY, SECONDED BY MR. KISSELL, THE COUNCIL UNANIMOUSLY APPROVED TO HAVE MR. KOBAN MOVE FORWARD WITH REVIEWING THE ORDINANCE FOR SEWER TESTING ONLY ON THE TRANSFER OR SALE OF PROPERTY AND/OR NEW CONSTRUCTION. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. KISSELL, MR. YETSKO, MR. SLANOC, MRS. CHOBANY, MAYOR FOX, AND MS. McCARTHY. MOTION CARRIED 6-1 WITH MR. VANDZURA VOTING NO.

Mr. Koban informed Council that he received additional information and an agreement from the third party billing agent; PA Fire Recovery Service concerning the fees for the Portage Volunteer Fire Company. Mr. Koban advised that the borough could structure the ordinance where any resident would not be charged for any service if not covered by insurance. Council

had several concerns on the amount of fees, language, and double taxation. Mr. Koban requested Council direction.

ON MOTION OF MR. SLANOC, SECONDED BY MR. KISSELL, THE COUNCIL UNANIMOUSLY APPROVED TO HAVE MR. KOBAN MOVE FORWARD WITH PREPARING AN ORDINANCE RELATING TO THIRD PARTY BILLING FOR THE PORTAGE VOLUNTEER FIRE COMPANY FOR COUNCIL TO REVIEW AT THE COMMITTEE MEETING. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. KISSELL, MR. VANDZURA, MR. YETSKO, MR. SLANOC, MRS. CHOBANY, MAYOR FOX, AND MS. McCARTHY. MOTION CARRIED 7-0.

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

NEW BUSINESS:

VOTING ITEMS:

S & T Bank submitted documentation on updating the safety deposit boxes with a list of authorized individuals. The last update was in 2002.

ON MOTION OF MRS. CHOBANY, SECONDED BY MR. SLANOC, THE COUNCIL UNANIMOUSLY APPROVED RESOLUTION 8-2012 AUTHORIZING MAYOR FOX; MR. KOBAN, MR. SQUILLARIO, MS. MCCARTHY AND MS. CLAAR TO HAVE ACCESS TO THE SAFETY DEPOSIT BOXES MR. KOBAN MOVE FORWARD WITH PREPARING AN ORDINANCE RELATING TO THIRD PARTY BILLING FOR THE PORTAGE VOLUNTEER FIRE COMPANY FOR COUNCIL TO REVIEW AT THE COMMITTEE MEETING. 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. Richard Mitchell submitted a request to obtain a handicap parking space located at 602 Mountain Avenue.

ON MOTION OF MR. SLANOC, SECONDED BY MRS. CHOBANY, THE COUNCIL UNANIMOUSLY APPROVED THE REQUEST AND APPROVAL TO ADVERTISE THE AMENDMENT TO 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.

GOOD OF THE BOROUGH

Ms. Claar advised that letters of interest for the Portage Municipal Authority; Portage Area Planning Commission, and Joint Recreation were advertised in the Dispatch until Monday, November 19th at 3:00 p.m. Letters will be presented to Council at the November 19th committee meeting with any new candidate to attend a "meet and greet" on Monday, November 26th, at 6:30 p.m.

Ms. McCarthy reminded everyone to VOTE tomorrow.

ADJOURNMENT

**ON MOTION OF MRS. CHOBANY, SECONDED BY MR. KISSELL, THE MEETING
WAS ADJOURNED AT 8:18 P.M.**