

Call to Order:

The regular scheduled meeting of Monday, July 1st, 2013 was called to order by Ms. McCarthy at 6:30 p.m. Members present were: Mr. Kissell, Mr. Vandzura, Mr. Yetsko, Mr. Slanoc, Mrs. Chobany, and Mayor Fox. Also present were Robert Koban-Borough Manager; Mr. Emerick-Solicitor, Mr. Wisor-Borough Engineer; Chief Miller-Public Safety, Mr. Squillario-Public Works Director and Michelle Claar-Borough Secretary.

VISITORS:

Present were Sarah Wolford with the Dispatch, Jean Kinley, and Zack Geiger with the Altoona Mirror. Also present were Mr. David Hayes and Mr. Frank Kalososky.

ON MOTION OF MAYOR FOX, SECONDED BY MRS. CHOBANY, THE COUNCIL UNANIMOUSLY APPROVED TO GO OUT OF ORDER TO RECOGNIZE THE VISITORS. 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. David Hayes, residing at 929 Gillespie Avenue, inquired for permission to build a small garage on the right of way between his two properties. Mr. Hayes commented that the right of way is only a small grass area and has not been maintained by the Borough. Mr. Hayes has requested to purchase the right of the way in the past. Mr. Emerick advised Mr. Hayes that the Borough's policy is not to sell any right of ways and that the alley would have to be abandoned by the Borough or remain on the books. Mr. Hayes commented that he has been maintaining the area by snow plowing and cutting the grass over the last couple of years. He also inquired on where to send the bill for the maintenance he has done.

Mr. Frank Kalososky advised Council he had several issues he would like to have addressed. The first issue was regarding the sewer line replacement on Johnson Avenue within the sidewalk. He advised that the replacement was suppose to be equal or better than what was previously laid. Mr. Squillario advised Mr. Kalososky he will inspect the area in question for a resolution. The second issue pertained to a drain pipe that was covered over on the St. John Church during the sewer replacement project. The church is now getting water on the property and floods. Mr. Squillario will investigate the area in question. The third issue concerns the gravel he is putting into the alley that washes out after a storm and the resident that parks within the alley. Mr. Koban advised that after rain storms, the Borough Public Works Department cleans up any and all debris. Mr. Squillario advised that the alley in question is in the Township. Mr. Squillario advised that he will contact the Township to see if they can assist with the issue. Mr. Kalososky also informed Council of the parking problem at the Tire Shop and in front of the Church. Chief Miller advised Mr. Kalososky to call the police when an individual is parked in the no parking area.

Reports:

Managers Report:

Mr. Koban furnished a written report prior to the meeting. Mr. Koban informed Council of another property located at 1024 Gillespie Avenue has been abandoned. Chief Miller advised that he has been researching the ownership of the property. Chief Miller sent a notice to the previous owner and was advised that the property is in foreclosure. The property is rapidly deteriorating, high grass, and the fence is broken. Mr. Koban requested Council direction on how to proceed.

ON MOTION OF MR. SLANOC, SECONDED BY MR. VANDZURA, COUNCIL UNANIMOUSLY APPROVED MR. EMERICK TO INVESTIGATE WITH A TITLE SEARCH TO DETERMINE THE OWNER AND/OR RESPONSIBLE OWNER THEN PROCEED WITH LEGAL ACTION. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. KISSELL, MR. VANDZURA, MR. YETSKO, MR. SLANOC, MRS. CHOBANY, MAYOR FOX, AND MS. McCARTHY. MOTION CARRIED 7-0

Ms. McCarthy questioned the status of 732 Prospect Street. The structure is in the process of demolition and should be completed by the end of the week.

Mayor Fox questioned the status of the hiring of a part time maintenance worker. Mr. Koban advised that several applications were received but the applicants either didn't have drivers license or did not meet the criteria.

Solicitor's Report:

Mr. Emerick furnished a written report prior to the meeting. Mr. Emerick advised that the 723 Prospect is almost completed and requested the item be removed from the agenda.

Mr. Emerick informed Council that Mr. Sekerak failed to appear at the June 21st, 2013 hearing before Judge Krumenacker. The Judge issued a bench warrant for his arrest over the weekend. Mr. Sekerak was apprehended and taken to the Cambria County Prison. A contempt hearing has been scheduled for July 3rd, 2013 at 10:00 a.m. Mr. Emerick also advised that he is seeking to recover legal fees from Mr. Sekerak.

The Kowalczyk litigation is still pending; no update.

Engineers Report:

Mr. Wisor furnished a written report to Council. Mr. Wisor advised that PennDot has a preliminary design for the Mountain Avenue Sidewalk Project and will share it with Council at the July 15th, committee of the whole meeting.

Police Report:

Chief Miller furnished a written report prior to the meeting. Chief Miller had nothing additional to add to his report. Ms. McCarthy requested Chief Miller to investigate the property behind the Legion for high grass. Mrs. Chobany also requested Chief Miller to investigate a property on Jefferson Avenue.

Public Works Report:

Mr. Squillario furnished a written report prior to the meeting. Mr. Squillario had nothing additional to report. Ms. McCarthy thanked Mr. Squillario for filling in the potholes at Webster and Lee Street. Mr. Kissell commented on the vacant lot (old Harpo's Bldg) that the hole needs to be filled where the Christmas tree was placed for the Winterfest. Mr. Squillario advised that he is looking into obtaining bracket to place over the hole so it can be utilized again during the Winterfest.

The No Parking Signs have been ordered and will be installed on Main Street, on the even side, after the Public Works Department is back from vacation next week. The crosswalks and pedestrian signs will also be placed once the department is back from vacation.

Treasurer's Report:

Ms. Claar furnished a written report prior to the meeting.

ON MOTION OF MR. SLANOC, SECONDED BY MRS. CHOBANY, COUNCIL UNANIMOUSLY APPROVED THE TREASURER'S REPORT IN THE AMOUNT OF \$57,099.92. 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:

Comcast submitted several notices advising of channel additions to the line-ups for limited basic level of service. The notices will be sent to the residents via their monthly bill and on file in the Secretary's office.

The Portage Area Youth Association submitted a request for donations to make various repairs within the Park.

Minutes of the Previous Meeting:

The minutes from the June 3rd, regular meeting and the June 17th, committee meeting were distributed prior to the meeting. Ms. McCarthy advised that the Committee meeting minutes of June 17th, has an incorrect date for the special meeting being scheduled for July 17th, not the 15th. Ms. Claar will correct the minutes to reflect the correct date of July 15th, 2013.

ON MOTION OF MR. SLANOC, SECONDED BY MRS. CHOBANY, THE COUNCIL UNANIMOUSLY APPROVED THE MINUTES FROM THE JUNE 3RD, REGULAR AND THE JUNE 17TH COMMITTEE MEETING FOLLOWING THE CORRECTION OF THE DATE FOR THE JULY 15TH 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.

Paying of Bills:

The list of bills and additional bills were distributed prior to the meeting.

ON MOTION OF MRS. CHOBANY, SECONDED BY MR. SLANOC, THE COUNCIL UNANIMOUSLY APPROVED THE PAYING OF ALL BILLS IN THE AMOUNT OF \$25,646.03. 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

Reports were received from the Portage Water Authority for May; Sewer Authority for May; Portage Library for April, Portage Planning Commission for January and the Portage Joint Recreation for May 6th, and May 20th.

ON MOTION OF MRS. CHOBANY, SECONDED BY MAYOR FOX, THE COUNCIL UNANIMOUSLY APPROVED THE REPORTS FROM THE VARIOUS BOARDS AND COMMISSIONS. 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:

The Mountain Avenue Sidewalk is moving forward with the Engineers in the draft phases of the design. Mr. Wisor advised that once the draft is complete, he will present it to Council.

The Ten Year Comprehensive Plan; Open Space and Recreation, and trail plan is moving forward. The next phase of the project is for the Portage Area Planning Commission to approve the plan and recommended the plan to the Borough for approval.

Mr. Koban informed Council that PennDot has been moving forward with the Dulancey Intersection project. An agreement between Amfire and Portage Borough is still moving forward.

The Moschgat property located at 619 Main Street is in the final stages of demolition with backfilling and leveling out the area. Mr. Moschgat was on vacation during the past week. Council unanimously agreed to remove the 619 Main Street property from the agenda.

Mr. Koban and Ms. Claar advised that the 1021 Caldwell Avenue has been properly advertised for bids in the Dispatch. The bid opening will be held on July 15th, 2013 at the Special meeting of Council at 6:30 p.m.

The Sekerak property located at Gillespie Avenue was discussed under the Solicitor's report.

There was no update on the Comcast Cable agreement.

Mr. Koban informed Council that he sent the letter to the Army Corps of Engineers concerning the Caldwell Avenue flood wall project. The letter was faxed by Ms. Claar to Mr. Pat Golden at the Army Corps of Engineers and the original was also mailed.

Mr. Koban informed Council that the public hearing for the LERTA (Local Economic Revitalization Tax Assistance Act) was advertised in the Dispatch for Monday, July 15th, 2013 at 6:30 p.m. for public comment. Once the public hearing is held, Mr. Koban will present it to the Portage Area School District and Cambria County Commissioners for their support and approval.

The Good property was discussed under the Solicitor's report and will remain on the agenda till the August 5th, 2013 regular meeting. Mayor Fox questioned if the property will be maintained by Distinctive Human Services. Mr. Koban advised that the property will be maintained by DHS.

Mr. Koban opened for a discussion on the proposed sewer ordinance draft that was amended from the Sewer Authority's engineer dated June 17, 2013. Mrs. Chobany started the discussion with disapproval of the timeline of sixty (60) days for any repairs and should only be required for sale or transfer of property only. Mayor Fox also expressed his disapproval of the timeline for repairs and agreed on only the sale or transfer of property. Mr. Koban explained that the very first draft of the proposed sewer testing

ordinance pertained only to the sale and transfer of property. Now that the Sewer Authority is seeking grant funding for a new sewer improvement project for Ward 3, the proposed ordinance now encompasses testing and replacement of laterals for the project. Mr. Squillario commented on the infiltration coming in the system with a major portion coming from Ward 3. If the Sewer Authority is going to commit to a \$3.4 million dollar project, the laterals and testing must also be implemented. Council was divided on moving forward without further research and discussion. Mayor Fox and Mrs. Chobany both elaborated on the following concerns:

- Only on the sale or transfer of property
- Timeline of sixty (60) days for any repairs for the sewer project
- Financial burden on residents of the community, elderly, and limited incomes
- Mandating the repairs
- Engineer's recommendation

After a little discussion, Mr. Kissell motioned to move forward with the draft ordinance as presented with the air testing and also with the timeline of sixty day for any repairs on the sewer project. Ms. McCarthy called for a seconded. The motion died for the lack of second. Mr. Kissell commented that the project needs to be done now with the above restrictions. Mr. Slanoc also commented that a decision has to be made. This problem was inherited and it needs fixed. Mr. Slanoc advised that he lives in Ward 3 and understands both sides of the issue. We need to make a decision based on what is best for the community as a whole and you can't just put a band-aid over the problem. Mrs. Chobany commented that the residents would be supportive of the ordinance if only for the sale or transfer of property. The residents have been hit with higher sewer rates and increased income tax over the past years and this would be another increase they can't afford.

MRS. CHOBANY MOTIONED, SECONDED BY MAYOR FOX, TO MOVE FORWARD WITH THE ORDINANCE REQUIRING TESTING ONLY WHEN THE PROPERTY IS SOLD OR TRANSFERRED. MEMBERS VOTING NEGATIVELY WERE MR. KISSELL, MR. YETSKO, MR. VANDZURA, AND MS. MCCARTHY. VOTING AFFIRMATIVELY WERE MRS. CHOBANY AND MAYOR FOX. MOTION FAILED 5-2.

Another discussion took place with Mr. Squillario commenting that Council has already given a letter of support to move forward with the sewer improvement project for funding sources and has increased the project to include additional footage of pipe. Mr. Koban questioned Mr. Wisor that if the ordinance was not passed, would this hinder the possibility of grant funding to which Mr. Wisor said it could. A discussion also took place on the rates between the township residents versus the borough and if testing would be required for the township. Comments were also made for the Sewer Authority and their Engineers to attend the next meeting. Mr. Vandzura commented on the view ports and if the Sewer Authority would be covering the costs.

ON MOTION OF MR. KISSELL, SECONDED BY MR. SLANOC, THE COUNCIL UNANIMOUSLY APPROVED TO MOVE FORWARD WITH THE PROPOSED ORDINANCE FOR TESTING WHEN A PROPERTY IS SOLD OR TRANSFERRED AND WITHIN 60 DAYS FOR SEWER REPAIRS. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. KISSELL, MR. VANDZURA, AND MR. SLANOC. VOTING NEGATIVELY WERE MRS. CHOBANY, MAYOR FOX, AND MR. YETKSO. MOTION CARRIED 4-3.

New Business:

Mr. Steven Lane submitted a letter of interest for the vacant position on the Portage Area Planning Commission and met with Council at the June committee meeting.

ON MOTION OF MR. SLANOC, SECONDED BY MRS. CHOBANY,, THE COUNCIL UNANIMOUSLY APPROVED TO APPOINT MR. STEVEN LANE TO THE VACANT SEAT OF THE PORTAGE AREA PLANNING COMMISSION FOR THE TERM ENDING DECEMBER 31, 2013. 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 PA Auditor General Office was auditing the Portage Borough Pension Plan on Monday, June 24th, 2013. The auditor recommended policy and procedures for the Act 44 disclosures.

ON MOTION OF MR. VANDZURA, SECONDED BY MR. KISSELL, THE COUNCIL UNANIMOUSLY APPROVED RESOLUTION 5-2013 BY SETTING POLICY AND PROCEDURE GUIDELINES FOR THE ACT 44 DISCLOSURES FOR PROFESSIONAL SERVICES RELATING TO THE PORTAGE BOROUGH PENSION PLAN ACCOUNTS. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. KISSELL, MR. VANDZURA, MR. YETSKO, MR. SLANOC, MRS. CHOBANY, MAYOR FOX, AND MS. McCARTHY. MOTION CARRIED 7-0.

Chief Miller presented Council with additional and amended changes to the Portage Borough Police Department policy and procedures manual. The additional procedures were care of departmental vehicles; idling of department vehicles, and an amendment to the chain of command.

ON MOTION OF MR. KISSELL, SECONDED BY MR. YETSKO, THE COUNCIL UNANIMOUSLY APPROVED THE ADDITION AND AMENDED CHANGES TO THE PORTAGE BOROUGH POLICE DEPARTMENT POLICY AND PROCEDURES MANUAL AS PRESENTED BY CHIEF MILLER. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. KISSELL, MR. VANDZURA, MR. YETSKO, MR. SLANOC, MRS. CHOBANY, MAYOR FOX, AND MS. McCARTHY. MOTION CARRIED 7-0.

A discussion was held on trimming several pears trees within the borough. Mr. Rocker; owner of the Rocker Building located at 1001-1003 Main Street, had contacted the Secretary regarding the tree growing into the balcony of his building. Mr. Koban advised that the trees are in need of trimming and requested direction from Council on how to proceed.

ON MOTION OF MR. SLANOC, SECONDED BY MRS. CHOBANY, THE COUNCIL UNANIMOUSLY APPROVED TO HAVE MR. KOBAN CONTACT A NURSERY OR FORESTER FOR DETERMINING THE BEST TIME TO TRIM THE TREES 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.

Good of the Borough:

The Public Works Department will be on vacation July 1st through the 9th. Mayor Fox commented on the Endowment Fund Organization.

Adjournment:

ON MOTION OF MR. YETSKO, SECONDED BY MR.VANDZURA, COUNCIL UNANIMOUSLY ADJOURNED THE MEETING AT 8:43 P.M.