

### **Call to Order:**

The regular scheduled meeting of Monday, June 3<sup>rd</sup>, 2013 was called to order by Ms. McCarthy at 6:31 p.m. Members present were: Mr. Kissell, Mr. Vandzura, Mr. Yetsko, Mr. Slanoc (arriving late), 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 representing the PAJRC also arrived later in the meeting.

### **Reports:**

#### **Managers Report:**

Mr. Koban furnished a written report prior to the meeting. Mr. Koban elaborated on several issues in his report.

- Mr. Koban contacted Mr. Emerick to advise him that Council had motioned at the May 20<sup>th</sup> committee meeting to follow up on the contempt of court order against Nicholas Sekerak concerning the demolition of the building at 817 Gillespie Avenue.
- Two letters of interest were received for the vacant Planning Commission seat. Council agreed to hold a meet and greet on Monday, June 17<sup>th</sup> at 6:30 p.m. with Mr. Stephen Lane and Joseph Maurer for the vacant Planning Commission seat. Ms. Claar will schedule the applicants for the Committee meeting.
- A claim was filed with Selective Insurance for the lightning damage and power surge to the signal light at Mountain Avenue and Main Street. A quote for a new controller was obtained from Tel-Power and the borough's deductible is \$500.00.
- No Parking signs were ordered for Main Street-2 signs per block.

Mr. Koban informed Council that an e-mail was received from Mr. Matt Decort regarding the pear tree in the sidewalk at his business and is requesting that the tree be removed and not replaced. The e-mail was not included in Council packets but was read as correspondence by Mr. Koban. A discussion took place on various other trees within the business district and those in front of businesses that block the name of the business. Mr. Decort had also referenced a letter he submitted back in 2011 and questioned why Council had given approval for Mr. Zock to have the tree in front of his business removed. Council agreed to discuss the issue further at the June committee of the whole meeting and provide a written response back to Mr. Decort. (The e-mails are on file in the Secretary's office).

Mr. Koban informed Council that the demolition process for the 619 Main Street property should begin sometime this week and is requesting approval from Council to block the alley.

ON MOTION OF MRS. CHOBANY, SECONDED BY MR. YETSKO, THE COUNCIL UNANIMOUSLY APPROVED BLOCKING CENTRAL ALLEY FOR THE DEMOLITION OF THE 619 MAIN STREET PROPERTY BELONGING TO MR. MOSCHGAT. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. KISSELL, MR. VANDZURA, MR. YETSKO, MRS. CHOBANY, MAYOR FOX, AND MS. MCCARTHY. MOTION CARRIED 6-0.

**Solicitor's Report:**

Mr. Emerick furnished a written report prior to the meeting. Mr. Emerick presented an order from the Cambria County Courts regarding Distinctive Human Services authorization to invade the assets from Mr. John Goods estate for the demolition of the structure located at 732 Prospect Street. (The order is on file). Ms. Claar advised that a permit has not yet been applied for.

Mr. Emerick presented the petition for adjudication of contempt of court for Ms. McCarthy to sign off in order to proceed with Mr. Nicholas Sekerak's failure to have the structure demolished. Mr. Emerick will advise Council of the next hearing date at the Cambria County Court of Common Pleas.

ON MOTION OF MR. KISSELL, SECONDED BY MRS. CHOBANY, THE COUNCIL UNANIMOUSLY APPROVED MS. MCCARTHY TO SIGN OFF ON THE PETITION FOR ADJUDICATION OF CONTEMPT OF COURT FOR MR. NICHOLAS SEKERAK FOR FAILURE TO DEMOLISH THE STRUCTURE LOCATED AT 817 GILLESPIE AVENUE. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. KISSELL, MR. VANDZURA, MR. YETSKO, MRS. CHOBANY, MAYOR FOX, AND MS. MCCARTHY. MOTION CARRIED 6-0.

The Kowalczyk litigation is still pending; no update.

**Engineers Report:**

Mr. Wisor furnished a written report to Council. Mr. Wisor had nothing additional to add to his report.

**Police Report:**

Chief Miller furnished a written report prior to the meeting. Chief Miller had nothing additional to add to his report. Council commented on several properties that have high grass and weeds. Chief Miller commented that he has contacted several banks and mortgage companies on the properties that are vacant or are in foreclosure. Chief Miller also added that several ten day notices were issued and residents are in compliance with the public nuisance ordinances. Also discussed was a residential complaint of a groundhog and raccoon problem.

Mrs. Chobany questioned the letter from Mr. Chief Miller regarding complaints at Crichton McCormick Park of a few individuals using foul language and being defiant around the Kid's Play area. A lengthy discussion was held on how to handle the individuals and what processes could be used. Council suggested having Chief Miller contact the JRC to obtain names, addresses, numbers, and parents of those individuals to have them either be removed from the Park or place them on a no trespassing list. At this point, Ms. Kinley entered the meeting and was advised on the procedures.

**Public Works Report:**

Mr. Squillario furnished a written report prior to the meeting. Mr. Squillario had nothing additional to report. Ms. McCarthy questioned the summer help part-time position. The position was advertised in the Dispatch with 5 applicants thus far. Mr. Koban advised Council that Officer Wyar was also interested in the part time position but has to research with the Department of Labor and Industry to see if the additional hours would have to be paid at an overtime rate. Mr. Koban questioned if Council had any reservations if Officer Wyar would take the position to which Council had none.

Mr. Tom Cordwell entered the meeting at this time and requested if the Summerfest could utilize the Borough's federal identification number for tax exempt purchases. Mr. Emerick advised that it unlawful to use another entities identification number and that the Summerfest should contact an attorney or tax consultant to obtain their own number.

**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 \$154,523.65. 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:**

As stated in the Borough Managers report, the e-mails from Mr. Matt Decort were read.

**Minutes of the Previous Meeting:**

The minutes from the May 6<sup>th</sup> regular meeting and the May 20<sup>th</sup> committee meeting were distributed prior to the meeting.

ON MOTION OF MR. SLANOC, SECONDED BY MRS. CHOBANY, THE COUNCIL UNANIMOUSLY APPROVED THE MINUTES FROM THE MAY 6TH REGULAR AND THE MAY 20<sup>TH</sup> 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.

### Paying of Bills:

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

ON MOTION OF MAYOR FOX, SECONDED BY MR. SLANOC, THE COUNCIL UNANIMOUSLY APPROVED THE PAYING OF ALL BILLS IN THE AMOUNT OF \$41,615.40. 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 April; Sewer Authority for March; LMIA for May, and the Portage Ambulance for January through March. The agenda reflected the Joint Recreation Commission but there was none.

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:

There was no update on the Mountain Avenue Sidewalk project.

Mr. Koban advised that a public meeting will be held on the Comprehensive Plan moving forward at the Portage Elementary Auditorium on Monday, June 10<sup>th</sup>, at 7:00 p.m. The meeting was also advertised in the Dispatch and on the websites.

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 was discussed earlier in the meeting under the Solicitor.

Mr. Koban advised that he will contact G&R Demolition to backfill and seed the 1021 Caldwell Avenue property before placing an advertisement for bids.

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

There was no update on the Comcast Cable agreement.

Mr. Kissell commented on all the attempts being made to contact Norfolk Southern regarding the condition of the Lee Street Arch. A discussion was held on a shock treatment, sandblasting, and obtaining grant funding for the project. Ms. McCarthy requested Mr. Kissell to research any contacts he has and present at the June committee meeting.

Mr. Squillario informed Council that he is still waiting on a letter from the Army Corps of Engineers regarding the Caldwell Avenue flood wall project.

Mr. Koban will provide an updated copy of the proposed sewer testing ordinance for the June committee meeting.

Mr. Koban will provide additional information on the LERTA (Local Economic Revitalization Tax Assistance Act) at the June committee of the whole meeting. There is a roadblock on commercial versus residential.

The Good property was discussed under the Solicitor's report.

**New Business:**

Mr. Koban informed Council that he received an e-mail from Mr. Steve Feaster regarding the pension plan assets of former invested officer; Mr. Robert Furlong. Mr. Feaster is recommending the assets be transferred from the Borough to Mr. Furlong since he is totally invested and it will close out the pension plan. Mr. Koban provided a history of the account to Council.

ON MOTION OF MRS. CHOBANY, SECONDED BY MR. SLANOC, THE COUNCIL UNANIMOUSLY APPROVED THE TRANSFER OF PENSION PLAN ASSETS FROM THE BOROUGH OF PORTAGE POLICE PENSION PLAN TO MR. ROBERT FURLONG. 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:**

Mr. Koban updated Council on the Portage Elementary 2<sup>nd</sup> graders tour of the borough building and businesses. The second graders tour the police department, administration, fire department, and the area businesses each year. Mr. Koban thanked Ms. Claar, Chief Miller, and fire department for all their efforts.

The Portage Area Yard Sale will be held on Saturday, June 8<sup>th</sup>, 2013.

Ms. McCarthy commended the Portage Woman's Club for all the decorating and flowers on Main Street and the Arch.

Mayor Fox informed Council that the Art Department of the Portage Area School District will be displaying the ten piece of Art at the Chatterbox till Saturday. The pieces of Art will be available for sale and benefit the art department for next year.

**Adjournment:**

**ON MOTION OF MAYOR FOX, SECONDED BY MRS. CHOBANY, COUNCIL  
UNANIMOUSLY ADJOURNED THE MEETING AT 8:04 P.M.**