

Call to Order:

The regular scheduled meeting of Monday, March 4th, 2013 was called to order by Ms. McCarthy at 6:30 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. Wisor-Engineer, Mr. Emerick-Solicitor, Chief Miller-Public Safety, Mr. Squillario-Public Works Director, Michelle Claar-Borough Secretary, Junior Councilors; Emily Chobany and Joseph Randazzo.

Appointments to the Portage Water Authority Board and the Portage Area Planning Commission.

Ms. McCarthy commenced with nominations to the Water Authority Board. Mr. Kissell nominated Mr. Raymond Bowman, seconded by Mayor Fox. There were no other nominations. Mayor Fox motioned, seconded by Mr. Kissell to close nominations.

ON MOTION OF MR. KISSELL, SECONDED BY MAYOR FOX, COUNCIL UNANIMOUSLY APPOINTED MR. RAYMOND BOWMAN TO FILL THE VACANT POSITION ON THE PORTAGE MUNICIPAL WATER AUTHORITY BOARD UNTIL DECEMBER 31, 2013. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. KISSELL, MR. YETSKO, MRS. CHOBANY, MAYOR FOX, AND MS. McCARTHY. MOTION CARRIED 5-1 WITH MR. VANDZURA VOTING NO.

Ms. McCarthy commenced with nominations to the Portage Area Planning Commission. Mayor Fox nominated Mr. Ron Cadwallader, seconded by Mr. Yetsko. There were no other nominations. Mayor Fox motioned, seconded by Mr. Kissell to close nominations. Mr. Vandzura remarked that borough residents should serve on the Water Authority Board.

ON MOTION OF MAYOR FOX, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY APPOINTED MR. RON CADWALLADER TO FILL THE VACANT POSITION ON THE PORTAGE AREA PLANNING COMMISSION UNTIL DECEMBER 31, 2017. 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 received and read the letter of resignation to Council from Mrs. Diane Batche with the Portage Area Planning Commission. Mrs. Batche's term expires on December 31, 2014.

ON MOTION OF MR. YETSKO, SECONDED BY MR. KISSELL, COUNCIL UNANIMOUSLY ACCEPTED THE RESIGNATION OF MRS. DIANE BATCHE WITH THE PORTAGE AREA 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.

ON MOTION OF MAYOR FOX, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY APPROVED THE ADVERTISING OF THE VACANT POSITION ON THE PORTAGE PLANNING COMMISSION TO FILL THE TERM UNTIL DECEMBER 31, 2014. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. KISSELL, MR. VANDZURA, MR. YETSKO, MR. SLANOC, MRS. CHOBANY, MAYOR FOX, AND MS. McCARTHY. MOTION CARRIED 7-0.

RECOGNITION OF VISITORS

ON MOTION OF MR. KISSELL, SECONDED BY MAYOR FOX, THE COUNCIL MOVED TO GO OUT OF ORDER TO RECOGNIZE ANY AND ALL VISITORS, MOTION CARRIED 7-0. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. KISSELL, MR. VANDZURA, MR. YETSKO, MR. SLANOC, MRS. CHOBANY, MAYOR FOX, AND MS. McCARTHY. MOTION CARRIED 7-0.

VISITORS:

Present were Sarah Wolford with the Dispatch; Mrs. Bonnie Fox with the Portage Area Planning Commission, and Dennis Justin with the Tribune Democrat and Cambria County Commissioner; Mr. Thomas Chernisky.

Ms. McCarthy first commended Junior Councilmember; Emily Chobany and the Portage Lady Mustangs on their victory as the West-Pac Champions and wish them will in the District VI playoffs.

Commissioner Chernisky introduced himself and thanked Council for letting him address the board. Mr. Chernisky informed Council that the Commissioners are there to assist in any means possible for applying for grant funding and announced that Mr. John Dubansky is the Cambria County Grant Writer. Mr. Chernisky commented on several issues including regionalization, grant writing, property issues, LERTA, and working together as a team. Council also commented on several issues.

Mrs. Bonnie Fox was in attendance representing the Portage Area Planning Commission to observe.

Reports:

Managers Report:

Mr. Koban furnished a written report prior to the meeting. Mr. Koban had nothing additional to add to his report. Most of the items are under old and new business. Mayor

Fox questioned the time of the hearing for Mr. Sekerak. Mr. Koban advised that the Sekerak hearing was re-scheduled for March 27th, 2013 at 9:00 a.m. in Ebensburg.

Solicitor's Report:

Mr. Emerick furnished a written report prior to the meeting. Mr. Emerick informed Council that the court hearing for Mr. Sekerak has been rescheduled until March 27th, 2013 and requested Council participation at the hearing.

Mr. Emerick informed Council that both attorneys for Mr. Moschgat and Mr. Bookhamers prepared a settlement agreement and release for Council to approve. Mr. Emerick informed Council that he removed section 3 of the agreement: where the borough agrees to discharge and release Bookhamer and Mainline Properties from any or all causes of actions, claims, and demands, of whatsoever kind, on account of all know and unknown injuries, losses, and damages, that have or may have been sustained by the Borough, along with any fines, penalties, costs or other charges, as a result of arising from or in any connected with the property, or Bookhamer's ownership.

ON MOTION OF MR. KISSELL, SECONDED BY MR. SLANOC, COUNCIL UNANIMOUSLY APPROVED THE SETTLEMENT AGREEMENT AND RELEASE WITH PORTAGE BOROUGH, MR. ROY BOOKHAMER, AND MAINLINE PROPERTIES, LLC., WITH THE ABOVE CORRECTIONS. 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 commended Mr. Moschgat for all his efforts in resolving this issue.

The Kowalczyk litigation is still pending; no update.

Engineers Report:

Mr. Wisor furnished a written report to Council. Mr. Wisor apprised Council on the survey work beginning on the Mountain Avenue Sidewalk Project. Weather has been a factor and will resume once the weather breaks. Mr. Kissell questioned the start date of the project. Mr. Koban and Mr. Wisor advised Council that the project has many phases prior to the start of construction. The project requires advertising for bids, bid award, right of way, and Penn Dot acknowledgements. Mr. Wisor commented that it would probably not be until late summer before the construction begins.

Police Report:

Chief Miller furnished a written report prior to the meeting. Chief Miller had nothing additional to report. Chief Miller advised that Officer Bob Miller will be out 6-8 weeks due to surgery. Officer Vranich has been working the shifts.

Public Works Report:

Mr. Squillario furnished a written report prior to the meeting. Mr. Squillario had nothing additional to report.

Treasurer's Report:

Ms. Claar furnished a written report 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 \$55,670.62. 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:

Mrs. Bertha Markovich submitted a thank you for the \$500.00 donation on behalf of the Portage Area Food Pantry.

Minutes of the Previous Meeting:

The minutes from the February 4th regular meeting and the February 19th committee meeting were distributed prior to the meeting. Ms. McCarthy commented that the minutes need two corrections; Mr. Beck was not in attendance and start time should be changed to 7:15 p.m.

ON MOTION OF MRS. CHOBANY, SECONDED BY MR. YETSKO, THE COUNCIL UNANIMOUSLY APPROVED THE MINUTES FROM THE FEBRUARY 4TH REGULAR AND THE CORRECTIONS TO THE FEBRUARY 19TH COMMITTEE MEETING. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. KISSELL, MR. VANDZURA, 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 \$35,230.53. 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 January; Sewer Authority for January; Laurel Municipal Inspections for December.

ON MOTION OF MRS. CHOBANY, SECONDED BY MR. KISSELL, 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:

Mr. Koban informed Council that he is working with PennDot and Gary Wisor on the advertising of the inspection services for the Mountain Avenue Sidewalk project. The field survey is also being performed but came to a halt with the weather conditions.

Mr. Koban informed Council that he received notification from the Eads Group of the community workshop meeting for the Portage Area Regional Comprehensive Plan and the Trail Feasibility Study that will be held at the Portage Elementary School Auditorium on Monday, March 11, 2013 at 7:00 p.m. Mr. Rick Truscello had also dropped off a cd of the plan and it is placed on the borough and townships website.

The 619 Main Street Property was discussed earlier in the meeting under the Solicitor.

Mr. Koban advised that the 1021 Caldwell Avenue property will need to be discussed at the committee meeting for advertising for bids in the Spring.

The Sekerak property located at 816 Gillespie Avenue was discussed under the Solicitor's report.

There was no update on the Comcast Cable agreement.

There was no update on the Lee Street Arch. Ms. McCarthy commented that large icicles are forming underneath the Lee Street Arch.

Mr. Koban informed Council that he has not finalized the sewer testing ordinance. Mr. Kissell commented on the testing of all sewer laterals, not only the transfer and sale of properties.

The third party billing request from the PVFD will remain on the agenda until we receive notification to remove it.

Mr. Squillario advised that he has not received any communications from Norfolk Southern regarding the Lee Street Arch but continues to leave messages.

Mr. Koban advised that he is waiting to hear from Mr. McCoy on the maps and if there was any update from the Portage Township towards the participation of installing a fire hydrant on Main Street.

Mr. Koban and Mr. Squillario advised Council that the floodplain maps will need to be reviewed by the Army Corp of Engineers to determine the elevations of the wall. Mr. Squillario will report back once he is contacted by the Army Corps of Engineers.

Mr. Koban advised that the borough building roof can be removed from the agenda.

New Business:

Chief Miller presented Council with amendments to the Police Policy and Procedures manual that are mandated by the State. Chief Miller provided a summary of the amendments.

ON MOTION OF MR. SLANOC, SECONDED BY MR. KISSELL, THE COUNCIL UNANIMOUSLY APPROVED THE POLICE POLICY AND PROCEDURES MANUAL. 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 briefly discussed the LERTA (Local Economic Revitalization Tax Assistance Act) and will provide further information at the March Committee of the Whole Meeting.

Good of the Borough:

Mr. Slanoc commented that the Bunny Dash will be begin with registration at 8:00 a.m. on Saturday, March 30th, 2013. Mr. Slanoc also questioned Main Street being blocked off during the event.

ON MOTION OF MR. KISSELL, SECONDED BY MR. YETSKO, THE COUNCIL UNANIMOUSLY APPROVED BLOCKING OFF MAIN STREET FOR THE BUNNY DASH ON SATURDAY, MARCH 30TH, 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.

Adjournment:

ON MOTION OF MR. YETSKO, SECONDED BY MR. SLANOC, COUNCIL UNANIMOUSLY ADJOURNED THE MEETING AT 8:03 P.M.