

**Call to Order:**

The regular scheduled meeting of Monday, May 6<sup>th</sup>, 2013 was called to order by Ms. McCarthy at 6:32 p.m. Members present were: Mr. Vandzura, Mr. Yetsko, Mr. Slanoc (arriving late), Mrs. Chobany (arriving late), 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 (arriving late), and Michelle Claar-Borough Secretary. Absent were Mr. Kissell and Junior Councilors; Emily Chobany and Joseph Randazzo.

**VISITORS:**

Present were Sarah Wolford with the Dispatch. Mr. Kevin Zock; owner of the Olde Kegg was in attendance to update council on the renovations of his building. Mr. Zock presented Council with a site drawing and elaborated on the aesthetics in both the front and back of the building. Mr. Zock is expanding his building to include an outdoor lounge area leading onto Main Street. Mr. Zock informed Council that he will be replacing the sidewalk and requested Councils approval to remove the tree in front of his business sign. Mayor Fox commented that several trees on Main Street are blocking the sight of businesses and signs.

ON MOTION OF MRS. CHOBANY, SECONDED BY MR. SLANOC, THE COUNCIL UNANIMOUSLY GRANTED APPROVAL FOR MR. ZOCK TO REMOVE THE TREE IN FRONT OF HIS BUSINESS ON MAIN STREET. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. VANDZURA, MR. YETSKO, MR. SLANOC, MRS. CHOBANY, MAYOR FOX, AND MS. MCCARTHY. MOTION CARRIED 6-0.

**Reports:**

**Managers Report:**

Mr. Koban furnished a written report prior to the meeting. Mr. Koban advised that a meeting with the Portage Volunteer Fire Company will be held on Thursday, May 9<sup>th</sup>, 2013 at 7:00 p.m. Ms. McCarthy questioned the status of the Good property located at 732 Prospect Street. Mr. Koban advised that he received a call from Distinctive Human Services but did not connect with the party. Mayor Fox commented that he saw trash dumpsters in front of the property. DHS is proceeding with legal action to expend the funds from Mr. Good's estate to demolish the structure.

**Solicitor's Report:**

Mr. Emerick furnished a written report prior to the meeting. Mr. Emerick advised Council of the court hearing on April 23<sup>rd</sup>, 2013, with Mr. Sekerak. Mr. Sekerak had presented the court with a contract for demolition of the structure located at 817 Gillespie Avenue. The demolition must begin within a week and completed within two weeks. Mr. Emerick also submitted the legal fees to the court for final judgment. A discussion was held on the

required permits, safety issues, and if the road would need to be closed off. If Mr. Sekerak does not complete the demolition within the timeframe, Council could file for contempt charges and he could face incarceration.

The Moschgat structure at 619 Main Street is moving forward with the demolition process. The notice to DEP has been given and the necessary permits have been applied for. The utilities have also been notified.

The Kowalczyk litigation is still pending; no update.

**Engineers Report:**

Mr. Wisor was excused from the meeting but furnished a written report to Council. Mr. Wisor advised that the survey work has been completed on the Mountain Avenue Sidewalk Project and design is underway. A draft of the design will be presented to Council for their review when completed.

**Police Report:**

Chief Miller furnished a written report prior to the meeting. Chief Miller had nothing additional to report. Ms. McCarthy questioned the status of Mr. Turchak concerning the incident of cats at 732 Prospect. Chief Miller advised that Mr. Turchak was cited for cruelty to animals and an ordinance violation. Mr. Turchak will also be paying for the removal of the cats through PA Central Humane Society.

Ms. McCarthy commented that she had several complaints regarding the condition of 1007 Conemaugh Avenue. Shingles are coming off the roof; garbage and junk, and the grass is high.

Mrs. Chobany informed Chief Miller that cars have been parked throughout the park within the morning hours and older kids have been hanging around the kids play area. Chief Miller advised that he will increase the patrol hours at the Park.

**Public Works Report:**

Mr. Squillario furnished a written report prior to the meeting. Mr. Squillario had nothing additional to report. Ms. McCarthy commended the Public Works employees for the efforts in sweeping the streets. Ms. McCarthy also brought to Mr. Squillario's attention that there is shell and stone at the Lee Street Arch and Washington Avenue. The concrete walls are crumbling and cinders are falling on the sidewalk. Mr. Koban commented that the condition of the arch itself is a concern. Mr. Squillario commented that he has tried to contact Norfolk Southern several times and there has been no returned call.

Mayor Fox questioned the public works report for the materials picked up for the Gillespie Avenue curb project.

Mr. Koban informed Council that the street sweeper was down for repairs for a few days. The Public Works employees repaired the street sweeper and Mr. Koban commended them for their efforts and saving the borough labor costs since it was performed in house.

**Treasurer's Report:**

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

ON MOTION OF MRS. CHOBANY, SECONDED BY MR. SLANOC, THE COUNCIL UNANIMOUSLY APPROVED THE TREASURER'S REPORT IN THE AMOUNT OF \$94,054.05. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. VANDZURA, MR. YETSKO, MRS. CHOBANY, MAYOR FOX, AND MS. McCARTHY. MOTION CARRIED 5-0.

**Correspondence:**

The Trout Run Watershed Association sent a thank you letter on the successful Earth Week Clean-up that was held on April 26<sup>th</sup>, 2013.

The Summerfest Committee sent notice of the first annual firecracker 5K race to be held on Saturday, June 29<sup>th</sup>, 2013 to benefit the 2013 Summerfest fireworks display. The race will start at 9:00 a.m. and they will not be utilizing Main Street. The event will also be placed on the borough website.

The Cambria County Building Code Enforcement Agency (LMIA) sent a copy of the bylaws and will be filed in the Secretary's office for any member of Council to review.

The Portage Municipal Water Authority sent a copy of the 2012 audit and is available in the Secretary's office for any member of Council wishing to review.

The Portage Area Sewer Authority also submitted a copy of the 2012 audit and is available in the Secretary's office for any member of Council wishing to review.

**Minutes of the Previous Meeting:**

The minutes from the April 1<sup>st</sup> regular meeting and the April 15<sup>th</sup> committee meeting were distributed prior to the meeting.

ON MOTION OF MR. VANDZURA, SECONDED BY MRS. CHOBANY, THE COUNCIL UNANIMOUSLY APPROVED THE MINUTES FROM THE APRIL 1<sup>ST</sup> REGULAR AND THE APRIL 15<sup>TH</sup> COMMITTEE MEETING. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. VANDZURA, MR. YETSKO, MRS. CHOBANY, MAYOR FOX, AND MS. McCARTHY. MOTION CARRIED 5-0.

**Paying of Bills:**

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

ON MOTION OF MR. VANDZURA, SECONDED BY MRS. CHOBANY, THE COUNCIL UNANIMOUSLY APPROVED THE PAYING OF ALL BILLS IN THE AMOUNT OF \$29,262.79. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. VANDZURA, MR. YETSKO, MRS. CHOBANY, MAYOR FOX, AND MS. McCARTHY. MOTION CARRIED 5-0.

### Reports

Reports were received from the Portage Water Authority for March; Sewer Authority for March; LMIA for April and the Joint Recreation for March.

ON MOTION OF MRS. CHOBANY, SECONDED BY MR. YETSKO, THE COUNCIL UNANIMOUSLY APPROVED THE REPORTS FROM THE VARIOUS BOARDS AND COMMISSIONS. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. VANDZURA, MR. YETSKO, MRS. CHOBANY, MAYOR FOX, AND MS. McCARTHY. MOTION CARRIED 5-0.

### Unfinished Business:

The Mountain Avenue Sidewalk project was discussed under the Engineers report and is moving forward.

Mr. Koban advised that one more public meeting will be held on the Comprehensive Plan and will advise of the date when it becomes available from the Eads Group.

There was no update on the open space and recreation plan.

Mr. Koban informed Council that PennDot has been moving forward with the Dulancey Intersection project. PennDot is requesting a copy of the lease between Portage Borough and Norfolk Southern. The lease agreement will be supplied to PennDot. The next step in the process is an agreement between Amfire and Portage Borough for the funds. Mr. Koban is researching what Attorney will draw up the agreement and report back to Council.

The Moschgat property located at 619 Main Street was discussed earlier in the meeting under the Solicitor.

Mr. Koban advised that the property still needs backfilled and seeded prior to putting the property up for sale and advertising 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. Koban advised Council that he is waiting on the Sewer Authority Engineer to review the proposed sewer testing ordinance that was presented last month. Ms. Claar advised that a fax was sent over just prior to the meeting with several corrections. Mr. Koban did not have a chance to review those changes. Council was presented with Portage Townships' sewer testing ordinance for their review. Mr. Koban will present the changes to Council at the May Committee meeting.

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

Council questioned the condition and safety of the Nicholson property on Main Street. The fence is lying on the ground, bricks are falling in the back, and the metal is not secure on the top. Chief Miller will investigate and report back.

Mr. Koban will provide additional information on the LERTA (Local Economic Revitalization Tax Assistance Act) at the May committee of the whole meeting.

**New Business:**

Cambria County Commissioners submitted the request form for the 2013 County Liquid Fuels Allocation.

**ON MOTION OF MR. YETSKO, SECONDED BY MR. SLANOC, THE COUNCIL UNANIMOUSLY APPROVED THE 2013 COUNTY LIQUID FUELS ALLOCATION IN THE AMOUNT OF \$12,000.00 FOR RESURFACING OF VARIOUS STREETS. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. VANDZURA, MR. YETSKO, MR. SLANOC, MRS. CHOBANY, MAYOR FOX, AND MS. McCARTHY. MOTION CARRIED 6-0.**

Portage Rotary Club sent notice of the 2013 Summerfest parade and a request for Council participation and temporarily blocking off a portion of Main Street. Three members of Council committed to the parade.

**ON MOTION OF MAYOR FOX, SECONDED BY MR. SLANOC, THE COUNCIL UNANIMOUSLY APPROVED TEMPORARILY BLOCKING OFF A PORTION OF MAIN STREET FOR THE 2013 SUMMERFEST PARADE ON AUGUST 10<sup>TH</sup>, AT 2:00 P.M. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. VANDZURA, MR. YETSKO, MR. SLANOC, MRS. CHOBANY, MAYOR FOX, AND MS. McCARTHY. MOTION CARRIED 6-0.**

The Portage Area Sewer Authority sent a request for a letter of support to apply for grant funding through the DCED Penn Works Program for sanitary sewer system improvements.

ON MOTION OF MR. YETSKO, SECONDED BY MR. SLANOC, THE COUNCIL UNANIMOUSLY APPROVED TO SEND A LETTER OF SUPPORT TO THE PORTAGE AREA SEWER AUTHORITY FOR GRANT FUNDING THROUGH THE DCED PENN WORKS PROGRAM FOR SANITARY SEWER SYSTEM IMPROVEMENTS. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. VANDZURA, MR. YETSKO, MR. SLANOC, MRS. CHOBANY, MAYOR FOX, AND MS. McCARTHY. MOTION CARRIED 6-0.

Mr. Koban apprised Council of an issue regarding the bonding of borough streets and bridges. The Eads Group was questioning the weight limits and if bonding was required. There was also a lengthy discussion on an excess maintenance agreement for the protection of borough roads, posting weight limits, enforcement, and construction. Mr. Wisor commented that Stiffler and McGraw would be able to perform the study, if necessary.

**Good of the Borough:**

Ms. Claar informed Council that a vacancy still remains on the Portage Area Planning Commission board for the term ending in 2014. Ms. McCarthy suggested placing the vacant position on the website.

Spring Clean-up will be held on Tuesday and Wednesday, May 7<sup>th</sup> and May 8<sup>th</sup> for all curb side service customers within the Borough.

Ms. McCarthy requested prayers for Mr. Joseph Leydig's wife who has been diagnosed with pancreatic cancer.

**Adjournment:**

ON MOTION OF MR. SLANOC, SECONDED BY MRS. CHOBANY, COUNCIL UNANIMOUSLY ADJOURNED THE MEETING AT 7:42 P.M.