

A meeting of Portage Borough Council was held on November 4, 2013, at 6:30 p.m., in Council Chambers.

Those in attendance were:

Sharon McCarthy, President	Martin Slanoc
Rebecca Chobany	Raymond Vandzura
Mayor Bob Fox	Jerome Yetsko
James Kissell	

Also present were: Robert Koban, Borough Manager; Michael Emerick, Solicitor; Gary Wisor, Engineer; Don Squillario, Public Works; and Sharon Squillario, Recording Secretary.

Absent/Excused: Chief Miller, Public Safety; Michelle Claar, Borough Secretary.

I. RECOGNITION OF GUESTS

Ms. McCarthy recognized the following guests: Judy Decort, Marge Eney, and Sam Gruss, Residents; Joe Randazzo and Emily Chobany, Junior Council Members; and Amanda Petrunak, Portage Dispatch.

II. CALL TO ORDER

Ms. McCarthy called the meeting to order at 6:30 p.m., which was followed by a roll call with all members being present.

III. REFLECTION/PLEDGE OF ALLEGIANCE

Mr. Kissell offered a moment of silence in memory of Joyce French, former Borough Secretary and Mayor of Portage, who passed away recently. He also offered, on behalf of Council, prayers for the health of Ms. Claar's mother. The moment of silence was followed by the Pledge of Allegiance.

IV. REPORTS

A. Borough Manager's Report

Mr. Koban commented that a copy of his report was provided to Council prior to the meeting; and for the most part all items under his report are included on the agenda for discussion at the meeting.

Mr. Koban noted that a letter was received from Sharon Squillario requesting reappointment to the Joint Recreation Commission effective January 1, 2014. He is awaiting letters of interest for the Water Authority and Planning Commission, which both have a position expiring at the end of the year.

Mr. Koban apprised Council that he and Ms. Claar continue to work on the 2014 proposed budget. Efforts will continue through November in order that the proposed budget can be submitted to Council for discussion of each line item.

Mr. Koban mentioned that one item included in his report, which will be discussed under Attorney Emerick's report, is the trailer located at 1013 Hopfer Avenue.

Mr. Koban commented that he and Chief Miller interviewed and completed the background checks on the applicants for the part-time police officer position. After conclusion of the interviews, the position was offered to and accepted by Brian Boyd. Mr. Boyd currently is employed by Saxton Borough as well. All reference checks on Mr. Boyd were very positive. Mr. Koban indicated that he did have a concern of Mr. Boyd living in Altoona; however, Mr. Boyd noted that he did not think this should be a concern in that he currently works in Saxton and travels that distance. Mr. Boyd will be completing the appropriate departmental protocol training, but he comes to the Borough with the appropriate fire training and came from a good police academy.

Mr. Koban stated that he had forwarded to Council for review the Resolution outlining and acknowledging the Contribution Agreement with Amfire. He noted that he would be requesting approval of the Resolution by Council so that we can move forward with PennDOT in providing the necessary information so that we can keep the project on track, which is slated for 2014.

Mr. Koban apprised Council that he did receive a formal letter from Don Squillario announcing his retirement effective March 28, 2014. He commented that more discussion will need to take place by Council in the near future relative to replacement of this position. Mr. Koban pointed out the time and years of service Mr. Squillario has given to the Borough is really astronomical. Mr. Squillario noted in his letter of retirement that he would work to make the transition as smooth as possible.

Mr. Koban reported that he received an invitation from the Cambria County Commissioners inviting members of Council to a municipal meeting to be held on November 12 at 5:30 p.m. in Courtroom 1 at the Courthouse. Several subjects will be discussed that could impact our municipality as well as the entire County. Mr. Koban requested that any member of Council interested in attending the meeting should contact him.

Ms. McCarthy expressed some concern relative to the recent cable outage which lasted approximately four to five hours. When Ms. McCarthy called to report the cable being unavailable, she was told that if residents called, they would receive a credit on their bill because of the outage. Then in the afternoon when the cable went out again, Ms. McCarthy commented that she was told that residents would get credit for an entire day; and others would depend on the number of cable boxes they had. Ms. McCarthy commented that she was not pleased with the person she spoke with, nor the answer she received. Ms. McCarthy emphasized that it needs to be added to the agreement that, if there is an outage, there needs to be a standard reduction in the rate for any period of time of the outage without having to call. She noted that the responsibility of Council is to protect residents; and if there is an outage, an adjustment should be given to everyone. Mr. Koban noted that this could be presented to Comcast for consideration.

Ms. McCarthy informed Mr. Koban that at a previous meeting she had provided Mr. Koban with the wrong house number on the property on Orchard Street. The correct address should be 727 Orchard Street and not 716 Orchard Street. She noted that the garage in the rear of the property at 727 Orchard Street has a hole in the middle of it; and there were weeds growing that were at least four feet high in the back yard.

B. Solicitor's Report

Attorney Emerick reported that he provided a copy of his report prior to the meeting.

As it relates to the property at 1024 Gillespie Avenue, Attorney Emerick reported that all of the notices have gone out to everyone, including the mortgage holder. There is also a PHFA loan on record relative to the named property. Attorney Emerick will forward a letter to PHFA

notifying them that the property has been abandoned and there is no one living on the property. He noted that it is his presumption that this matter will probably result in a hearing with Council next month.

Concerning the Hopper Avenue property, Attorney Emerick apprised Council that all notices have been sent out. He noted that Mr. Koban did speak with the property owners. Mr. Koban reported that he did speak with Pam Tarachko and Sally Chappell, who are the property owners but not the owners of the trailer; and both agreed they would not abate the issue. Mr. Koban informed the property owners that they would most likely be served notice along with the owner of the trailer. Attorney Emerick commented that, if we move forward, he would believe we would go after the person who owns the trailer and the property owners being that the situation needs resolved. Mr. Kissell commented that there have been reports that the ex-husband of the owner of the trailer has been entering the property and there was rumored to be a break-in at the trailer wherein the State Police were contacted. Mr. Kissell indicated that there are "keep out" signs posted on the property. Attorney Emerick pointed out that those who own the property will have to do something if the owner of the mobile home cannot because it is sitting on a piece of property that could have a commercial use. Attorney Emerick indicated that the owner of the mobile home has been removed. Mr. Koban stated that the mobile home is not worth the amount of money it would take to tear it down; and it is his understanding that the owner of the mobile home does not have the assets to cover anything. The appearance of the trailer from the outside seems satisfactory, but the inside is deplorable.

Attorney Emerick indicated that he will monitor the situation for any movement; and then his suggestion to Council next month will be to go to Common Pleas Court. Mr. Koban questioned if the notices given were ten-day notices, to which Attorney Emerick replied affirmatively. Mr. Koban questioned if it would be beneficial for Council to agree that, if Attorney Emerick does not get a response within ten days, then he should move forward, to which Attorney Emerick replied that this would be the decision of Council.

ON MOTION OF MR. VANDZURA, SECONDED BY MR. SLANOC, COUNCIL UNANIMOUSLY AGREED THAT, IF ATTORNEY EMERICK DOES NOT RECEIVE A RESPONSE TO THE TEN-DAY NOTICES WITHIN THE TIMEFRAME, HE SHOULD MOVE FORWARD WITH ACTION VIA COMMON PLEAS COURT. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MS. MCCARTHY, MRS. CHOBANY, MAYOR FOX, MR. KISSELL, MR. SLANOC, MR. VANDZURA, AND MR. YETSKO.

Attorney Emerick commented that the Sekerek collection matter is ongoing.

Attorney Emerick requested an Executive Session at the end of the meeting to discuss two matters included in his report.

C. Engineer's Report

Mr. Wisor noted that a copy of his report was provided to Council prior to the meeting. He commented that there has been no activity on the Dulancey Avenue/Main Street radius project, the 1024 Gillespie Avenue project, or the Borough Building roof project.

Ms. McCarthy questioned the status of the Mainline Pharmacy project on Main Street, to which Mr. Koban replied that the application was submitted three weeks ago. Mr. Wisor noted that the Highway Occupancy Permit has been issued by PennDOT. Mayor Fox commented that he noticed the work has started on the sidewalk. He questioned if perhaps the heads to the parking meters should be taken off now, to which Mr. Squillario replied that he would address this matter tomorrow. Mayor Fox questioned the status of the signage, to which Mr. Squillario

replied that signage was included as part of the permit. Various signage, including Do Not Enter, No Left Turn, Stop, No Parking, etc. will be required to be installed.

D. Police Chief's Report

In the absence of Chief Miller, Mr. Koban reported that a copy of the Police Chief's report was provided to Council prior to the meeting.

Mr. Koban reported that the "Crime and Total Incidents" have been extremely low. Mr. Koban noted that Chief Miller was involved in a large round-up with the County Drug Task Force this morning.

As it relates to the property located at 716 Orchard Street, as mentioned by Ms. McCarthy at the last meeting, Mr. Koban stated that the property is in a deteriorated condition but has not reached a violation point. The owner of the property is from Carrolltown. Mr. Koban did attempt to contact the property owner, but has not been successful.

Mr. Koban commented that Chief Miller did send a ten-day notice to Mark Gibson regarding the dilapidated condition of the 903 Main Street apartment, but no response has been received. Chief Miller also spoke with Lee Disposal regarding the dumpster on Conemaugh Avenue off of Main Street. Lee Disposal will ensure that the dumpster is removed prior to the first snowfall.

E. Director of Public Works Report

Mr. Squillario noted that he provided his report to Council prior to the meeting and had nothing further to report.

Ms. McCarthy commended Mr. Squillario on his work on the street paving.

Mayor Fox questioned if Mr. Squillario had noticed the area on South Railroad Street where a section is underwashing the guardrail. Mr. Squillario commented that he does know the concern exists; and he will obtain a quote to purchase some planks and then fill in the area. The area in question was once used as a walkway to get to Stager's.

Mrs. Chobany questioned if Mr. Squillario had investigated the concern she mentioned at a previous meeting in the alley behind the Thomas and Boland residences where the residents were concerned of a large pothole. Mr. Squillario replied that he did investigate the area; and the area in question is actually a storm drain and not a pothole. He indicated that the storm drain is 6" lower than it should be and will be addressed probably in the Spring.

F. Treasurer's Report

ON MOTION OF MR. SLANOC, SECONDED BY MRS. CHOBANY, COUNCIL UNANIMOUSLY ACCEPTED THE TREASURER'S REPORT IN THE AMOUNT OF \$53,697.01. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MS. MCCARTHY, MRS. CHOBANY, MAYOR FOX, MR. KISSELL, MR. SLANOC, MR. VANDZURA, AND MR. YETSKO.

V. CORRESPONDENCE

Mrs. Squillario presented the following correspondence that was received:

- As reported earlier by Mr. Koban, an invitation was received from the Cambria County Commissioners inviting members of Council to attend the County Municipal meeting on

November 12 at 5:30 p.m. in Courtroom 1 at the Courthouse. The meeting is anticipated to be one hour.

- Mr. Koban questioned if any member of Council was interested in attending. Mr. Vandzura indicated that he would attend the meeting. Mayor Fox and Ms. McCarthy noted that they were tentative attendees.
- Letter received from the Portage Area Junior-Senior High School relative to the annual Secret Santa Program. As a result of donations received last year, it helped to provide a joyful holiday for 62 children in a total of 24 families, including toys, clothing, winter coats, etc., as well as a holiday dinner. The Secret Santa Project is requesting donations again this year.
 - Discussion ensued by members of Council as to whether a donation was made last year. Mr. Koban commented that he did not believe a donation was made last year. Council agreed that this matter would be discussed at the next meeting of the Committee of the Whole to determine if a donation should be made.
- Letter received from Comcast noting that, effective November 1, 2013, due to increases in operating costs, there will be pricing changes (late fee will increase from \$7.95 to \$9.50; and the reactivation fee for video service will increase from \$5.00 to \$6.00). Customers will be notified of these changes via a bill message.
- Letter received from the Home Nursing Agency requesting that Portage Borough consider a contribution of \$500 in their 2014 budget to support Home Nursing Agency's programs and services.
- Letter received from the Altar/Rosary Society of the Basilica of St. Michael the Archangel relative to their "Troop Fan Mail" project. The letter requested support via cash donations to help with postage; blank cards that they can hand out to school children for their signatures; or signed cards with an individual's personal signature, address and message. A response was requested by November 1 with a donation of blank cards, or donations of cash or signed cards by November 25.
 - Following discussion, Council agreed that donations to this cause could be done on an individual basis if any member of Council was interested in doing so.
- Letter received from Sharon Squillario requesting to be reappointed to the Joint Recreation Commission effective January 1, 2014.
- Ms. McCarthy noted that a letter was received from the Winterfest Committee relative to the annual event to be held December 13-15, 2013. The Committee is requesting to use the Harpo's lot for placement of the Christmas tree as well as using electricity in that area. The Committee is also requesting blocking off Main Street from 6:00 – 9:00 p.m. from the Dollar Store to the former Chobany's Store so that there is safe pedestrian use of the area.

ON MOTION OF MRS CHOBANY, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY APPROVED THE REQUESTS AS RECEIVED FROM THE WINTERFEST COMMITTEE. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MS. McCARTHY,

MRS. CHOBANY, MAYOR FOX, MR. KISSELL, MR. SLANOC, MR. VANDZURA, AND MR. YETSKO.

VI. CITIZEN'S INPUT ON AGENDA ITEMS

No residents present requested time to address Council.

VII. MINUTES OF PREVIOUS MEETINGS

ON MOTION OF MR. YETSKO, SECONDED BY MR. KISSELL, COUNCIL UNANIMOUSLY APPROVED THE MINUTES OF THE OCTOBER 7, 2013 MEETING AND THE OCTOBER 21, 2013 COMMITTEE MEETING AS PRESENTED. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MS. McCARTHY, MRS. CHOBANY, MAYOR FOX, MR. KISSELL, MR. SLANOC, MR. VANDZURA, AND MR. YETSKO.

VIII. BILLS AND TREASURER'S REPORT

Ms. McCarthy noted that copies of the bills and Treasurer's report were distributed for review by Council members prior to the meeting.

ON MOTION OF MRS. CHOBANY, SECONDED BY MR. KISSELL, COUNCIL UNANIMOUSLY ACCEPTED THE TREASURER'S REPORT AND AGREED THAT THE BILLS AND ADDITIONAL BILLS BE PAID AS PRESENTED IN WRITTEN FORM. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MS. McCARTHY, MRS. CHOBANY, MAYOR FOX, MR. KISSELL, MR. SLANOC, MR. VANDZURA, AND MR. YETSKO.

IX. REPORTS RECEIVED

Ms. McCarthy noted that minutes of the September meetings of the Portage Water Authority and Portage Sewer Authority were received for review by Council prior to the meeting.

ON MOTION OF MRS. CHOBANY, SECONDED BY MR. SLANOC, COUNCIL UNANIMOUSLY ACCEPTED THE REPORTS RECEIVED FROM THE PORTAGE WATER AUTHORITY AND PORTAGE SEWER AUTHORITY. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MS. McCARTHY, MRS. CHOBANY, MAYOR FOX, MR. KISSELL, MR. SLANOC, MR. VANDZURA, AND MR. YETSKO.

X. UNFINISHED BUSINESS

Mr. Koban provided an update as follows:

- Item A: Mountain Avenue Streetscape Project – update provided in Attorney Emerick's report.
- Items B, C, D: Ten Year Comprehensive Plan, Open Space and Recreation Plan, and Trail Feasibility Plan – 20 CDs containing this information were delivered to the Borough recently. Mr. Koban noted that, once the budget has been addressed, it would be his plan to schedule a workshop to review all of the information contained on the CD.

- Item E: Dulancey Drive Intersection Project – a motion is on the table for consideration by Council at this meeting to approve the agreement between Amfire and the Borough. The agreement outlines the funding between Amfire and the Borough. Mr. Koban reminded Council that last month Council approved the agreement between the Borough and PennDOT; however, PennDOT needs the agreement between Amfire and the Borough in order to move forward with the project. The project is slated to begin in 2014. Mr. Kissell questioned if there would be any chance of Amfire reneging on the agreement and, if so, would the cost fall back on the Borough, to which Mr. Koban replied that the agreement states that it is secured funds on Amfire's side so they would pay under any circumstances.
- Item F: Mainline Pharmacy Parking Meters - discussed earlier in the meeting.
- Item G: Sekerak legal fees - will be discussed under Executive Session.
- Item H: Comcast Cable Agreement - will be reviewed by Attorney Emerick. Mr. Vandzura questioned what the expiration date is of the current contract, to which Attorney Emerick replied that the expiration is next year. Mr. Koban commented that we are in the negotiation period now.
- Item I: Lee Street Arch/Norfolk Southern - awaiting a response to an email sent; there are issues that will need to be discussed.
- Item J: Caldwell Avenue flood wall replacement project – Mr. Squillario noted that estimates have been requested and will be received within the next few days.
- Item K: 1024 Gillespie Avenue – discussed earlier in the meeting.
- Item L: 716 Orchard Street – discussed earlier in the meeting.
- Item M: 1013 Hopfer Avenue – addressed under Attorney Emerick's report.
- Item N: 835 Main Street – ten-day notices have been sent.
- Item O: Administration building roof – Mr. Wisor has provided information and it is up to Council whether to proceed or not. Once all of the information is received relative to the options, Mr. Koban will forward the information to the Fire Company for consideration and discussion.

XI. MOTIONS

- Local Economic Revitalization Tax Assistance Act (LERTA)

Mr. Koban requested that action relative to LERTA be tabled for the current time and be continued under Unfinished Business. He explained that he spoke to Mr. Kunko relative to providing a history of LERTA and how it was voted upon by the School District, County and Borough in the past. Mr. Kunko provided information that indicated that four businesses took advantage of LERTA in the past (Maple Winds, McDonald's, Dominic's and the Dare Building). It was agreed that this matter would be continued under Unfinished Business until Mr. Koban has a chance to review the information in more depth as provided by Mr. Kunko.

- Contribution Agreement – Amfire and Portage Borough

ON MOTION OF MR. SLANOC, SECONDED BY MR. KISSELL, COUNCIL UNANIMOUSLY APPROVED RESOLUTION 15-2013 RELATIVE TO THE CONTRIBUTION AGREEMENT IN THE AMOUNT OF \$105,000 FOR THE INTERSECTION IMPROVEMENTS ON SR 164 AND DULANCEY AVENUE AS PRESENTED. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MS. McCARTHY, MRS. CHOBANY, MAYOR FOX, MR. KISSELL, MR. SLANOC, MR. VANDZURA, AND MR. YETSKO.

XII. NEW BUSINESS

- Pro Disposal Agreement

ON MOTION OF MRS. CHOBANY, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY APPROVED THE RENEWAL OF THE GARBAGE CONTRACT FOR AN ADDITIONAL TWELVE MONTHS WITH PRO DISPOSAL AND PORTAGE BOROUGH, EFFECTIVE JANUARY 1, 2014, AT THE 2013 RATES AND PROVIDING FOR TWO HAZARDOUS WASTE COLLECTIONS IN 2014 AT NO ADDITIONAL COST TO THE BOROUGH. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MS. McCARTHY, MRS. CHOBANY, MAYOR FOX, MR. KISSELL, MR. SLANOC, MR. VANDZURA, AND MR. YETSKO.

XIII. GOOD OF THE BOROUGH

- Passing of Joyce French

Ms. McCarthy apprised Council of the passing of Joyce French, former Borough Secretary and Mayor of Portage. She requested of the representative from the Dispatch to ensure that the obituary of Ms. French appear in the Dispatch so that the community is aware of Ms. French's passing.

- Letters of Interest for Various Board Vacancies

Mr. Koban noted that letters of interest are due by 3:00 p.m. on Monday, November 18, 2013. The only letter received to date was that of Mrs. Squillario for the Joint Recreation Commission. Letters of interest are needed for the Water Authority Board for a five year term (2014-2018) and the Planning Commission for a five year term (2014-2018).

- Recognition

Ms. McCarthy congratulated Mr. Randazzo and the high school football team for an exemplary season.

XIV. ADJOURNMENT/EXECUTIVE SESSION

There being no further business, the meeting was adjourned and Council went into Executive Session at 7:30 p.m. to discuss items as noted under Attorney Emerick's report.

Respectfully submitted,

Sharon Squillario
Secretary