

Call to Order:

The regular scheduled meeting of Tuesday, September 3rd, was called to order by Ms. McCarthy at 6:31 p.m. Members present were: Mr. Kissell, Mr. Vandzura, Mr. Yetzko, Mr. Slanoc, and Mrs. Chobany. Also present were Robert Koban-Borough Manager; Mr. Emerick-Solicitor, Mr. Wisor-Borough Engineer; Chief Miller-Public Safety, Michelle Claar-Borough Secretary. Jr. Council members Emily Chobany and Joseph Randazzo were also present. Mayor Fox and Mr. Squillario were absent.

VISITORS:

Jean Kinley, Mark Chobany, Nichole Boland representing the Dispatch, and Kelly Cernetich representing the Altoona Mirror.

Reports:**Managers Report:**

Mr. Koban furnished a written report prior to the meeting. Mr. Koban elaborated on the workers compensation premiums for the upcoming renewal. Selective did not renew the workers compensation package due in part to the losses and claims resulting from the fire company. Ebensburg Insurance representative; Carol Myers has been diligently working with underwriters and the State to bind the workers compensation package. The premium comparison presented by Ms. Myers reflected the workers compensation for the fire department only through the State Workers Insurance Fund in the amount of \$39,949 and the borough workers compensation through Harie at \$25,423.00. The renewal policy for commercial and liability premium for 2013-2014 was \$22,659.00. Mr. Koban explained the workers compensation experience MOD at 1.864 which is a high risk number and a debit of 25%, could possibly be assessed during the upcoming policy year. The total insurance package including workers compensation could result at a maximum of \$91,768.00, if the 25% is added. Mr. Koban also commented that with the new legislation concerning cancer for firefighters; the insurance companies are hesitant to underwrite workers compensation policies for volunteer fire fighters. Ms. McCarthy questioned if the fire department has responded to any of the issues concerning the safety and the insurance. Mr. Koban advised that he has not been approached as of yet. Mr. Vandzura questioned if the budget for 2013 can cover the increase. Mr. Koban informed Council that the insurance is calculated at a 5% increase from expiring to renewal into the following year. Ms. McCarthy commented that the fire department had received a check from Portage Township for the Highland Sewer and Water fire hydrant that was placed on Main Street. The check should be turned over to the Borough.

Mr. Koban elaborated on the meeting he had with Mr. Squillario, Mr. Moschgat and PennDot officials concerning the sidewalks at the Mainline Pharmacy, a sign, a drive through window, and the removal of parking meters. The curb does not have to be removed in front of Mainline Pharmacy and they can saw cut to PennDot specifications.

Mr. Koban advised that in the future, any sidewalks on Main Street must obtain a highway occupancy permit from PennDot for any repairs. PennDot will also assist in the paperwork for any highway occupancy permits. A discussion was also held on the sight distance for entering onto Main Street and the parking meters. There will be 4-5 meters on Main Street that must be removed. The meter in front of Treasurer Seekers will remain. Mr. Koban asked Council to review and discuss but Council had no more questions or concerns.

ON MOTION OF MR. SLANOC, SECONDED BY MR. VANDZURA, COUNCIL UNANIMOUSLY APPROVED THE REMOVAL OF THE PARKING METERS ON MAIN STREET IN FRONT OF THE MAINLINE PHARMACY. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. KISSELL, MR. VANDZURA, MR. YETSKO, MR. SLANOC, MRS. CHOBANY, AND MS. McCARTHY. MOTION CARRIED 6-0.

Mr. Koban also commented on the elimination of the handicap access ramps that were addressed by PennDot representatives for Matt Decort's sidewalk replacement project. Mr. Koban requested Council approval to be reflected by resolution.

ON MOTION OF MRS. CHOBANY, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY APPROVED RESOLUTION 9-2013 TO ELIMINATE TWO HANDICAP ACCESS RAMPS ON THE WEST SIDE OF MAIN STREET AT THE MATTHEW R. DECORT FUNERAL HOME AND CREMATION SERVICES LOCATED AT 532 MAIN STREET. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. KISSELL, MR. VANDZURA, MR. YETSKO, MR. SLANOC, MRS. CHOBANY, AND MS. McCARTHY. MOTION CARRIED 6-0.

Solicitor's Report:

Mr. Emerick furnished a written report prior to the meeting. Mr. Emerick recapped the report he received from Mr. Tim Campbell regarding the property located at 1024 Gillespie Avenue. The property has been posted and notices were sent out to the property owner. Mr. Koban commented that he had an individual that may be interested in the property.

Mr. Emerick advised that the collection of fees for Mr. Sekerak is moving forward. Mr. Vandzura questioned the amount of the fees; to which Mr. Emerick advised approximately \$3,000.00.

Mr. Emerick presented the Quitclaim Deed for Mr. David Burkett on the sale and transfer of the 1021 Caldwell Avenue property. Mr. Burkett was the successful bidder in the amount of \$5,151.00. Mr. Emerick advised that \$158.02 will be the transfer tax and filing of the deed. Mr. Emerick suggested that a cashier's check or money order should be received from Mr. Burkett in the amount of \$4,992.98. Mr. Emerick requested a motion to have the Council President and Secretary sign off on the deed.

ON MOTION OF MRS. CHOBANY, SECONDED BY MR. KISSELL, COUNCIL UNANIMOUSLY AGREED TO HAVE MS. McCARTHY (COUNCIL PRESIDENT) AND Ms. CLAR (BOROUGH SECRETARY) SIGN THE QUITCLAIM DEED OVER TO MR. DAVID BURKETT FOR THE PROPERTY AT 1021 CALDWELL AVENUE. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. KISSELL, MR. VANDZURA, MR. YETSKO, MR. SLANOC, MRS. CHOBANY, 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 presented the field survey report performed by Mr. Tim Campbell for the 1024 Gillespie Avenue property. The report is on file with the Secretary and council also received a copy.

Mr. Wisor advised Council that he has had no response from PennDot concerning the widening on Mountain Avenue for the Mountain Avenue Sidewalk Replacement Project.

Mr. Koban advised Council of another matter pertaining to the condition of the fire company portion of the roof. The roof needs replaced in the near future. A discussion was held on what type of roof, if the project needs to be bid, and a design.

ON MOTION OF MR. YETSKO, SECONDED BY MR. VANDZURA, COUNCIL UNANIMOUSLY AGREED TO MOVE FORWARD WITH THE ROOF DESIGN ON THE ADMINISTRATION BUILDING. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. KISSELL, MR. VANDZURA, MR. YETSKO, MR. SLANOC, MRS. CHOBANY, AND MS. McCARTHY. MOTION CARRIED 6-0.

ON MOTION OF MRS. CHOBANY, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY AGREED TO HAVE MR. WISOR PERFORM THE DESIGN FOR THE MAINLINE PHARMACY. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. KISSELL, MR. VANDZURA, MR. YETSKO, MR. SLANOC, MRS. CHOBANY, AND MS. McCARTHY. MOTION CARRIED 6-0.

Police Report:

Chief Miller furnished a written report prior to the meeting. Chief Miller had nothing additional to add to his report. There were no applications received for the part time officer position and nothing has been received from the posting on the PA Career Link website.

Public Works Report:

Mr. Squillario was absent but furnished a written report prior to the meeting.

Treasurer's Report:

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

ON MOTION OF MRS. CHOBANY, SECONDED BY MR. KISSELL, COUNCIL UNANIMOUSLY APPROVED THE TREASURER'S REPORT IN THE AMOUNT OF \$44,500.78. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. KISSELL, MR. VANDZURA, MR. YETSKO, MR. SLANOC, MRS. CHOBANY, AND MS. McCARTHY. MOTION CARRIED 6-0.

Correspondence:

PSAB sent notice of the Fall Leadership Conference to be held from October 18-20, 2013 at the Sheraton Station Square in Pittsburgh.

Comcast sent notice that they will begin encrypting limited basic service effective October 29th, 2013. Customers on limited basic service on any TV without equipment by Comcast will lose the ability to view any channels on that TV.

Minutes of the Previous Meeting:

The minutes from the July 15 committee meeting, August 5th regular meeting and the August 15th committee meeting were distributed prior to the meeting. Ms. McCarthy advised that Mrs. Chobany's name was listed twice on the motion for moving forward with the proposed sewer testing ordinance for sale/transfer and sixty days for repair. Ms. Claar will correct the minutes.

ON MOTION OF MR. KISSELL, SECONDED BY MR. SLANOC, THE COUNCIL UNANIMOUSLY APPROVED THE MINUTES FROM THE JULY 15TH COMMITTEE MEETING, AUGUST 5TH REGULAR AND AUGUST 15TH COMMITTEE MEETING. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. KISSELL, MR. VANDZURA, MR. YETSKO, MR. SLANOC, MRS. CHOBANY, AND MS. McCARTHY. MOTION CARRIED 6-0.

Paying of Bills:

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

ON MOTION OF MR. YETSKO, SECONDED BY MR. KISSELL, THE COUNCIL UNANIMOUSLY APPROVED PAYING THE BILLS AND THE ADDITIONAL IN THE AMOUNT OF \$49,458.73. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. KISSELL, MR. VANDZURA, MR. YETSKO, MR. SLANOC, MRS. CHOBANY, AND MS. McCARTHY. MOTION CARRIED 6-0.

Reports

Reports were received from the Portage Water Authority and the Portage Sewer Authority for July.

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. KISSELL, MR. VANDZURA, MR. YETSKO, MR. SLANOC, MRS. CHOBANY, AND MS. MCCARTHY. MOTION CARRIED 6-0.

Unfinished Business:

Mr. Wisor commented that he hasn't received any information on the widening of Mountain Avenue for the Mountain Avenue Sidewalk replacement project.

Mr. Koban informed Council that PennDot has been moving forward with the Dulancey Intersection project. The agreement and commitment of funds between Amfire and Portage Borough is ongoing.

The Sekerak property located at Gillespie Avenue was discussed under the Solicitor's report. Item to remain on agenda until legal fees are paid by Mr. Sekerak.

Mr. Koban advised Council that Comcast submitted the renewal agreement but has not had an opportunity to review it. A copy of the Portage Township agreement is also on file. Mr. Koban will review and compare the two agreements and a copy will be sent to Mr. Emerick for his review. The issue will be placed on the agenda for the September committee meeting.

Mr. Koban informed Council that the Caldwell retainer wall is on the board for repairs. A discussion was held on what type of repairs will be made; either by guide rail, concrete, or jersey barriers.

Mr. Koban commented on the proposed LERTA ordinance. Mr. Koban advised that he will approach the Portage Area School District and the Cambria County Commissioners concerning the LERTA.

Old Business

The proposed sewer ordinance was properly advertised in the Dispatch for adoption. Ms. McCarthy called for motions to adopt. Mrs. Chobany made a motion and Mr. Slanoc seconded. Mr. Vandzura remarked at this point that he would like a discussion at a committee meeting to discuss several issues. Ms. McCarthy requested a roll call on the motion on the floor.

ON MOTION OF MRS. CHOBANY, SECONDED BY MR. SLANOC TO APPROVE ORDINANCE 1-2013 BY ADOPTING A SEWER USE ORDINANCE REQUIRING TESTING ON ALL REAL PROEPRTY UPON THE SELL OR TRANSFER OF PROPERTY. COUNCIL MEMBERS VOTING NO WERE MR. KISSELL, MR. VANDZURA, AND MS. MCCARTHY. COUNCIL MEMBERS VOTING AFFIRMATIVELY WERE MRS. CHOBANY, MR. SLANOC, AND MR. YETSKO. MOTION FAILED 3-3.

Ms. McCarthy questioned whether the vote could be re-casted. Mr. Emerick replied that the motion that fails for adoption cannot be re-casted. Mr. Emerick advised that Council would have to make another to motion to advertise if they wanted to move forward with the Ordinance and adopt at the October Regular meeting.

ON MOTION OF MRS. CHOBANY, SECONDED BY MR. SLANOC COUNCIL UNANIMOUSLY APPROVED TO RE-ADVERTISE THE ORDINANCE WITH NO CHANGES FOR THE SEWER TESTING ON REAL PROPERTY UPON THE SELL OR TRANSFER OF PROPERTY. COUNCIL MEMBERS VOTING AFFIRMATELY WERE MR. VANDZURA, MR. YETSKO, MR. SLANOC, MRS. CHOBANY, AND MS. MCCARTHY. MEMBERS VOTING NEGATIVELY WERE MR. KISSELL. MOTION CARRIED 5-1.

Mr. Vandzura suggested that the issue can be further discussed and placed on the September committee of the whole agenda. Mr. Chobany questioned Mr. Vandzura asking what changed his opinion; Mr. Vandzura replied "no comment at this time". A discussion took place on what would transpire. Mr. Koban also commented that nothing has changed within the ordinance if they are motioning to advertise for adoption at the October regular meeting. The issue will be placed on the agenda for discussion.

The proposed LERTA ordinance was properly advertised in the Dispatch. Mr. Koban advised Council that the Portage Area School District and the Commissioners have not had a chance to review the proposed ordinance. Mr. Koban will be attending each meeting later in the month.

ON MOTION OF MR. YETSKO, SECONDED BY MR. SLANOC COUNCIL UNANIMOUSLY AGREED TO TABLE THE ADOPTION OF THE LERTA UNTIL THE PORTAGE AREA SCHOOL DISTRICT AND CAMBRIA COUNTY COMMISSIONERS HAVE AN OPPORTUNITY TO REVIEW THE ORDINANCE AND ADOPT AT THE OCTOBER REGULAR MEETING. COUNCIL MEMBERS VOTING AFFIRMATELY WERE MR. KISSELL, MR. VANDZURA, MR. YETSKO, MR. SLANOC, MRS. CHOBANY, AND MS. MCCARTHY. MOTION CARRIED 6-0.

New Business:

Mr. Koban advised Council that the garbage contract with Pro Disposal will be expiring on December 31, 2013. The contract was renewed with Pro Disposal last year at the same unit prices as the 2009 contract. Council questioned if we could renew for another year under the same rates. Mr. Koban suggested having Mr. Emerick review the contract agreement to determine if the borough can renew for another year or if the garbage will have to be advertised for bids. Mr. Emerick will research and report back and let Mr. Koban know. Mr. Vandzura commented that he would like to see hazardous materials picked up twice a year at no cost to the borough and coordinated by Pro Disposal, if we agree to extend.

Mr. Steve Feaster with Feaster Pension Consulting presented the 2014 Police Pension Municipal Minimum Obligation for Council's review. The Police Pension Plan is currently overfunded resulting in \$0.00 MMO for 2014.

ON MOTION OF MR. SLANOC, SECONDED BY MRS. CHOBANY, COUNCIL UNANIMOUSLY APPROVED THE 2014 MMO FOR THE POLICE PENSION PLAN IN THE AMOUNT OF \$0.00 DUE TO BEING OVERFUNDED. COUNCIL MEMBERS VOTING AFFIRMATELY WERE MR. KISSELL, MR. VANDZURA, MR. YETSKO, MR. SLANOC, MRS. CHOBANY, AND MS. MCCARTHY. MOTION CARRIED 6-0.

Ms. Claar presented the 2014 Non-uniform municipal minimum obligation (MMO) worksheets for council to approve and submit to P.M.R.S. The 2014 calculations for non-uniform pension plan is \$11,823.00.

ON MOTION OF MR. KISSELL, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY APPROVED THE 2014 MMO FOR NON-UNIFORM PENSION PLAN IN THE AMOUNT OF \$11,823.00. COUNCIL MEMBERS VOTING AFFIRMATELY WERE MR. KISSELL, MR. VANDZURA, MR. YETSKO, MR. SLANOC, MRS. CHOBANY, AND MS. MCCARTHY. MOTION CARRIED 6-0.

The Harvest Fest Committee sent notice of the event to be held on Sunday, October 20th, 2013 at 10:30 am and closing of one half of Branch Street. They also submitted a request for a donation that was provided for in the 2013 approved budget in the amount of \$100.00 which was included in the list of bills to be paid.

ON MOTION OF MR. KISSELL, SECONDED BY MRS. CHOBANY, COUNCIL UNANIMOUSLY APPROVED TO CLOSE HALF OF BRANCH STREET FOR THE COMMUNITY HARVEST FEST EVENT ON SUNDAY, OCTOBER 20TH, 2013. COUNCIL MEMBERS VOTING AFFIRMATELY WERE MR. KISSELL, MR.

VANDZURA, MR. YETSKO, MR. SLANOC, MRS. CHOBANY, AND MS. MCCARTHY.
MOTION CARRIED 6-0.

The Portage Rotary Club sent notice of the 2013 annual Christmas Parade to be held on Saturday, December 14th, 2013 at 2:00 p.m. Cars will be provided for members of Council wishing to participate in the parade. The Rotary is also requesting permission to temporarily block off a portion of Main Street.

ON MOTION OF MRS. CHOBANY, SECONDED BY MR. KISSELL, COUNCIL UNANIMOUSLY APPROVED TO TEMPORARILY BLOCK OFF A PORTION OF MAIN STREET FOR THE ANNUAL CHRISTMAS PARADE TO BE HELD ON SATURDAY, DECEMBER 14TH, 2013. COUNCIL MEMBERS VOTING AFFIRMATELY WERE MR. KISSELL, MR. VANDZURA, MR. YETSKO, MR. SLANOC, MRS. CHOBANY, AND MS. MCCARTHY. MOTION CARRIED 6-0.

Good of the Borough:

Ms. Claar informed Council that there were no sponsors for the Halloween parade.

Adjournment:

ON MOTION OF MRS. CHOBANY, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY ADJOURNED THE MEETING AT 7:39 P.M.