

**Call to Order:**

The regular scheduled meeting of Monday, February 3<sup>rd</sup>, 2014, was called to order by Ms. McCarthy at 6:30 p.m. Members present were: Mr. Morgan, Mr. Yetsko, Mr. Slanoc, Mrs. Chobany, and Mayor Kissell. . Also present were Robert Koban-Borough Manager; Mr. Wisor-Engineer, Emerick-Solicitor, Chief Miller-Public Safety, Mr. Squillario-Public Works, and Michelle Claar-Borough Secretary.

**ON MOTION OF MRS. CHOBANY, SECONDED BY MR. SLANOC, COUNCIL UNANIMOUSLY AGREED TO GO OUT OF ORDER ON THE AGENDA TO NEW BUSINESS FOR THE APPOINTMENT OF THE VACANT SEAT IN WARD 2. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. MORGRAN, MR. YETSKO, MR. SLANOC, MRS. CHOBANY, MAYOR KISSELL, AND MS. MCCARTHY. MOTION CARRIED 6-0.**

Council received one letter of interest in their packets prior to the meeting.

**MAYOR KISSELL NOMINATED MR. GEORGE WOZNIAK, SECONDED BY MR. YETSKO. NOMINATIONS CLOSED. ON MOTION OF MAYOR KISSELL, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY APPOINTED MR. WOZNIAK TO THE VACANT SEAT IN WARD 2 (TWO YEAR TERM) FROM FEBRUARY 4<sup>TH</sup>, 2014 THROUGH DECEMBER 31, 2015. MS. MCCARTHY COMMENTED THAT THE AGENDA HAD REFLECTED THE INCORRECT DATE OF FEBRUARY 4<sup>TH</sup>, 2014 AND SHOULD BE FEBRUARY 3<sup>RD</sup>, 2014. MAYOR KISSELL RESCINDED HIS MOTION TO REFLECT THE DATE CHANGE.**

**ON MOTION OF MR. SLANOC, SECONDED BY MRS. CHOBANY, COUNCIL UNANIMOUSLY AGREED TO APPOINT MR. GEORGE WOZNIAK TO THE VACANT SEAT IN WARD 2 (TWO YEAR TERM) FROM FEBRUARY 3<sup>RD</sup>, 2014 THROUGH DECEMBER 31<sup>ST</sup>, 2015. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. MORGRAN, MR. YETSKO, MR. SLANOC, MRS. CHOBANY, MAYOR KISSELL, AND MS. MCCARTHY. MOTION CARRIED 6-0.**

Council welcomed Mr. Wozniak to the board. Mr. Yetsko commented that the minutes should reflect that only one (1) letter of interest was received for the vacant seat in Ward 2.

Ms. Claar informed Council that the Emergency Management Director was not included at the re-organization meeting on January 6<sup>th</sup>, 2014.

**MR. CHOBANY NOMINATED TO RETAIN MR. GEORGE WOZNIAK AS THE EMERGENCY MANAGEMENT DIRECTOR POSITION. NOMINATIONS CLOSED. ON MOTION OF MRS. CHOBANY, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY APPOINTED MR. WOZNIAK AS THE EMERGENCY MANAGEMENT DIRECTOR TO SERVE THE TWO YEAR TERM FROM FEBRUARY 3<sup>RD</sup>, 2014 THROUGH**

DECEMBER 31<sup>ST</sup>, 2015. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. MORGRAN, MR. YETSKO, MR. SLANOC, MRS. CHOBANY, MAYOR KISSELL, AND MS. McCARTHY. MOTION CARRIED 6-0-1 WITH MR. WOZNIAK ABSTAINING.

**VISITORS:**

Kelly Cernetich from the Altoona Mirror and Amanda Petrunak from the Mainliner were also present for the meeting.

**Reports:**

**Managers Report:**

Mr. Koban furnished a written report prior to the meeting. Mr. Koban apprised Council that he has spent most of his time during the month of January on the Dulancey Intersection Project and the Mountain Avenue Sidewalk Project by attending utility meetings and conversing with various organizations to keep the projects moving forward. Mr. Koban commented that he will address other issues later in the meeting under unfinished business. Mayor Kissell commented on the Dulancey Drive Intersection project and questioned the maintenance of traffic control. Mr. Koban informed Council that PennDot will be responsible for maintaining traffic at the intersection during the entire project. Ms. McCarthy questioned the start date to which Mr. Koban replied that he will have to contact PennDot for the exact date and report back to Council.

**Solicitor's Report:**

Mr. Emerick furnished a written report prior to the meeting. Mr. Emerick advised that the 1024 Gillespie Avenue property has been properly posted and requested Council direction on how they want to proceed. Council has three options:

- Make the repairs to the residence to include the removal or reattachment of the gutters; repair the roof of the garage with new sheathing or shingles; remove the refuse from the fence to prevent from leaning on the adjacent property.
- Place the property on the next Judicial Sale; if there is a potential buyer.
- Table and leave the issue on the agenda for further investigation or potential buyer.

A lengthy discussion took place on the necessary repairs; removal of liens from any financial institutions; potential buyers for the property; borough to purchase and then sell; and the judicial sale process with Cambria County. Mr. Emerick commented that the County has many properties that municipalities want to place on a Judicial Sale but is very costly due to advertisements and processes.

ON MOTION OF MAYOR KISSELL, SECONDED BY MRS. CHOBANY, COUNCIL UNANIMOUSLY AGREED TO TABLE THE ISSUE FURTHER NOTICE AND INVESTIGATION AND HAVE IT REMAIN ON THE AGENDA. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. WOZNIAK, MR. MORGRAN, MR. YETSKO,

**MR. SLANOC, MRS. CHOBANY, MAYOR KISSELL, AND MS. McCARTHY. MOTION CARRIED 7-0.**

Mr. Emerick updated Council on the 1013 Hopfer Avenue property by advising that he spoke with their Attorney. The interior of the trailer has been completely cleaned out; half of it has been disassembled; and the bottom half will be ready for removal. Mr. Emerick also commented they advised the trailer will be removed before March. Ms. Claar and Mr. Squillario also commented that a permit will be required before the removal of the trailer.

Mr. Emerick advised Council that the Nicholas Sekerak litigation is in the collection process. A lengthy discussion took place on other properties Mr. Sekerak has within the Borough and if they can be considered for the Writ of Order. Mr. Emerick also advised that interest can accrue at a rate of 6% per annum. Mayor Kissell questioned the amount to date to which Mr. Emerick responded that he didn't have that figure available. Mr. Emerick requested Council direction on how to proceed.

**ON MOTION OF MRS. CHOBANY, SECONDED BY MR. SLANOC, COUNCIL AGREED TO MOVE FORWARD WITH MR. EMERICK RESEARCHING OTHER PROPERTIES OF MR. SEKERAKS FOR ANY LIENS AND FOLLOW UP WITH THE LEGAL WRIT PROCESS. MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. MORGRAN, MR. YETSKO, MR. SLANOC, MRS. CHOBANY, MAYOR KISSELL, AND MS. McCARTHY. MOTION CARRIED 6-0-1 WITH MR. WOZNIAK ABSTAINING DUE TO KNOWLEDGE OF THE LITIGATION.**

Mr. Emerick was prepared to discuss the Comcast Cable Franchise Agreement. Mr. Koban and Council agreed to discuss the Comcast Cable agreement at a future committee meeting.

The Kowalczyk litigation is still pending; no update.

**Engineers Report:**

Mr. Wisor furnished a written report to Council. Mr. Wisor informed Council that all the necessary paperwork and documentation has been submitted to PennDot on the Mountain Avenue Sidewalk Project and is moving forward for preparing of the bid package. Mr. Wisor commented that People Natural Gas was contacted again regarding locating their own lines and declined to assist. Three companies were contacted to provide a quote on the vacuum excavation services. Trafford Corporation was selected to perform the vacuum services.

**Police Reort:**

Chief Miller furnished a written report prior to the meeting. Chief Miller advised Council that the incident report reflected Officer Russell twice. Officer Vranich should be reflected under the 3 incidents in the report. Chief Miller also informed Council that Officer Vranich will be off several months for shoulder surgery. Ms. McCarthy commented on the \$1,000.00 donation from the Portage Moose. Mr. Koban and Chief Miller advised that the donation will be used to purchase a video surveillance security system for the administration building and will also camera Main Street; quotes are being obtained at this time. Ms. McCarthy requested a thank you to the Portage Moose in the Dispatch. Mayor Kissell questioned Chief Miller if there were any issues with Magistrate Decorts moving to Cresson Township. Chief Miller advised Council that there were several hearings scheduled at different times within the day and that future hearings will be scheduled for Tuesdays due to the case load. Mayor Kissell questioned if there is anything that can be done from a Council position to assist it any restructuring.

**Public Works Report:**

Mr. Squillario furnished a written report prior to the meeting. Mr. Squillario had nothing additional to add. Ms. McCarthy commended the Public Works Department for their snowplowing efforts and commented on the condition of the streets.

Mr. Koban also commented on the frigid temps and the implementation of an emergency shelter at the administration office. Mr. Koban commended Mayor Kissell for the idea and Mr. Wozniak and the Fire Department for the efforts in organizing with Cambria County 9-1-1 Center. Mr. Koban commended the communication efforts between the Mayor, EMA Director, Fire Department, Portage Area Ambulance, Public Works Department, Public Safety, Borough Secretary, Cambria County 9-1-1, and WJAC news.

**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 \$48,376.49. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. WOZNIAK, MR. MORGAN, MR. YETSKO, MR. SLANOC, MRS. CHOBANY, MAYOR KISSELL, AND MS. McCARTHY. MOTION CARRIED 7-0.

**Correspondence:**

There was no correspondence to read but the 2014 Pro Disposal 2014 garbage collection schedule was given to Council and placed on the Borough website.

**Minutes of the Previous Meeting:**

The minutes from the January 3<sup>rd</sup>, 2014 regular and re-organization meeting and the January 20<sup>th</sup>, 2014 committee meeting were distributed prior to the meeting. Ms.

McCarthy informed the Secretary that the minutes from the re-organization meeting required a correction on the appointment of delegate to the Cambria County Council of Governments with Mrs. Chobany abstaining; not Mr. Kissell.

ON MOTION OF MRS. CHOBANY, SECONDED BY MR. YETSKO, THE COUNCIL UNANIMOUSLY APPROVED THE MINUTES FROM THE JANUARY 6<sup>TH</sup> REGULAR MEETING, (CORRECTED RE-ORGANIZATION MEETING MINUTES) AND THE JANUARY 20<sup>TH</sup>, 2014, COMMITTEE MEETING. THE COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. WOZNIAK, MR. MORGAN, MR. YETSKO, MR. SLANOC, MRS. CHOBANY, MAYOR KISSELL, 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 MAYOR KISSELL, THE COUNCIL UNANIMOUSLY APPROVED THE PAYING OF ALL BILLS; INCLUDING THE ADDITIONAL, IN THE AMOUNT OF \$30,306.40. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. WOZNIAK, MR. MORGAN, MR. YETSKO, MR. SLANOC, MRS. CHOBANY, MAYOR KISSELL, AND MS. McCARTHY. MOTION CARRIED 7-0.

#### Reports

Reports were received from the Portage Area Sewer Authority and Water Authority for December and the Portage Public Library for December. Laurel Municipal Inspection Agency for January, 2014.

ON MOTION OF MR. KISSELL, SECONDED BY MR. SLANOC, THE COUNCIL UNANIMOUSLY APPROVED THE REPORTS FROM THE PORTAGE SEWER AND WATER AUTHORITY FOR DECEMBER, 2013; THE PORTAGE PUBLIC LIBRARY FOR DECEMBER, 2013; AND LAUREL MUNICIPAL INSPECTION FOR JANUARY, 2014 AS PRESENTED. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. WOZNIAK, MR. MORGAN, MR. YETSKO, MR. SLANOC, MRS. CHOBANY, MAYOR KISSELL, AND MS. McCARTHY. MOTION CARRIED 7-0.

#### Unfinished Business:

The Mountain Avenue Sidewalk Project was discussed earlier in the meeting and moving forward.

Mr. Koban advised Council that the comprehensive plan and the background conditions will be discussed in greater length at the February 18<sup>th</sup> committee meeting prior to inviting any other organizations. Mr. Koban also commented that the Portage Area Planning Commission will be at the March committee meeting to review the plan with Council. Mr. Yetzko also commented that if other organizations are being invited; have only the officers attend the meeting.

Mr. Koban attended a utility meeting with PennDot representatives for the Dulancey Intersection Improvement Project and was discussed earlier in the meeting.

The Sekerak litigation was discussed under the Solicitors report.

The Comcast Cable Agreement will be discussed at a future committee meeting.

Ms. Claar contacted two other representatives from Norfolk Southern regarding the lease agreement at the Main Street. E-mails to the representatives were also sent requesting a new agreement and contact information. The e-mail and contact information is on file in the Secretary's office.

The Caldwell Avenue flood wall replacement project will be done in the Spring.

The 1024 Gillespie Avenue property was discussed under the Solicitor's report.

There was no updated on the 716 Orchard Street property. The owner lives in another state; in prison, and has millions of dollars in restitution fees for illegal activity.

The 835 Main Street has the porch roof removed and moving forward with the necessary repairs. Mr. Emerick will research if there is an estate for Mr. Edward Gibson and report back at the next meeting.

A lengthy discussion was held on the LERTA with respect to the Portage Area School District. The Dispatch had an article where the board had rejected the LERTA and another article where it was tabled. Mr. Koban informed Council that he and Mr. Joseph Byers; with the Portage Area Planning Commission, will be attending the next school board meeting on Wednesday, February 12<sup>th</sup>, 2014 to discuss the LERTA in greater detail.

**Good of the Borough:**

None

**Adjournment:**

**ON MOTION OF MR. YETSKO, SECONDED BY MRS. CHOBANY, THE MEETING WAS ADJOURNED AT 7:28 P.M. MOTION CARRIED 7-0.**