

Call to Order:

The regular scheduled meeting of Monday, March 3rd, 2014 was called to order by Ms. McCarthy at 6:30 p.m. Members present were: Mr. Wozniak, Mr. Morgan, Mr. Yetsko, Mrs. Chobany (arriving late), 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. Absent was Mr. Slanoc.

ON MOTION OF MAYOR KISELL, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY AGREED TO GO OUT OF ORDER ON THE AGENDA TO RECOGNIZE THE VISITORS: COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. WOZNIAK, MR. MORGRAN, MR. YETSKO, MAYOR KISELL, AND MS. MCCARTHY. MOTION CARRIED 5-0.

VISITORS:

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

Mr. Robert Hazlett; representing the Portage Area Sewer Authority, was present to discuss the resolution for the Portage Area Sewer Authority employees to be designated as the Ordinance Compliance Officer for requiring homeowners to pressure test their sewer laterals prior to connecting to the new sewer system. Mr. Hazlett commented that if the pressure testing is not performed, then the project can be held off. The Sewer Authority will be meeting on Tuesday to discuss the issue further. Mrs. Chobany argued that the pressure testing in accordance with Ordinance 2-2013 was for the sale and/or transfer of property only. Mrs. Chobany continued that she was under the impression the testing was only on the laterals and not going inside the structure. Mr. Squillario commented that when he attended the previous meetings to consider the adoption of Ordinance 2-2013, he advised that the Sewer Authority would not invest \$3 million dollars into a sewage system that would affect the inflow/infiltration back into the new system. This started another debate among the members of Council. Mr. Koban commented that he didn't know why the Sewer Authority would even be bringing up this issue now since the Ordinance was already passed and advised that this should not even be an issue. Mr. Koban recommended waiting until after the Sewer Authority Board meets on Tuesday and then meet with them to discuss the issue in further detail. The issue can then be addressed at the March committee meeting.

Reports:

Managers Report:

Mr. Koban furnished a report prior to the meeting. Mr. Koban elaborated on sections of his report. A letter was sent out to Mr. Chris Plummer regarding the trees on Mountain

Avenue. The trees will be removed for the Mountain Avenue Sidewalk Project and Shaffer Tree Service is ready to commence.

Mr. Koban commended the Altoona Mirror for the article they presented in reference to the LERTA with the Portage Area School District.

Mr. Koban advised that the Summerfest Committee requested to close out the checking account at S&T Bank and it required a member of Council to approve. Mr. Koban advised Council that in prior audit report by Dennis Kotzan's office; it was noted that the Borough should not provide their federal ID number to any organization which the Borough does not have any control or direct relationship over. Dennis Kotzan also provided other avenue that the Summerfest and Joint Recreation Commission could pursue and also advised that he will assist in any paperwork to establish a 501C-3 status.

Mr. Koban informed Council that Norfolk Southern representative; Edward Klapaniak will be here on Tuesday, March 11th to review the Main and Lee Street Arch.

Solicitor's Report:

Mr. Emerick furnished a written report prior to the meeting. Mr. Emerick advised that he was provided with another address for the owner of the 1024 Gillespie Avenue and requested if Council would like him to pursue with legal documentation.

ON MOTION OF MAYOR KISSELL, SECONDED BY MRS. CHOBANY, COUNCIL UNANIMOUSLY AGREED TO HAVE MR. EMERICK FOLLOW UP WITH THE LEGAL CORRESPONDENCE TO THE NEW ADDRESS HE WAS FURNISHED WITH. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. WOZNIAK, MR. MORGRAN, MR. YETSKO, MRS. CHOBANY, MAYOR KISSELL, AND MS. McCARTHY. MOTION CARRIED 6-0.

Mr. Emerick updated Council on the 1013 Hopfer Avenue property by advising that half of the trailer was been disassembled and removed due to the inclement weather. The trailer should be removed in its entirety by the next meeting.

Mr. Emerick advised that there was no estate opened for Mr. Ed Gibson concerning the 835 Main Street property. Mr. Emerick will remove the item from off of his agenda.

Mr. Emerick informed Council that he received documentation from the Portage Municipal Water Authority regarding a Water Revenue Bond Issue for the borrowing of \$4,878,500.00. Although the Borough is not the primary borrower; Council must obtain formal approval from PADCED to guaranty payments in case the Municipal Authority is unable to. Mr. Emerick will prepare the necessary bond documents and present it at the March Committee meeting for Council to review.

Mr. Emerick provided information from the Federal Highway Administration concerning the new traffic sign requirements and how the borough will have to indicate how and when they will be replaced. A discussion took place on the signs and Mr. Koban recommended that a true inventory be performed. Mr. Wisor also advised that the Cambria County GIS department could assist in this task.

Mr. Emerick also provided new bidding requirements and thresholds. The Borough's Charter also addresses the bidding requirements. Mr. Emerick recommended a resolution to comply with the Commonwealths thresholds on a yearly basis.

ON MOTION OF MAYOR KISSELL, SECONDED BY MRS. CHOBANY, COUNCIL UNANIMOUSLY AGREED TO HAVE MR. EMERICK PREPARE A DRAFT RESOLUTION FOR AMENDING THE BIDDING REQUIREMENTS TO THE BOROUGH'S CHARTER. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. WOZNIAK, MR. MORGRAN, MR. YETSKO, MRS. CHOBANY, MAYOR KISSELL, AND MS. McCARTHY. MOTION CARRIED 6-0.

Mr. Emerick advised Council that he researched the personal property of Nicholas Sekerak and found several that could be sought for the legal fees. Mr. Emerick requested Council direction on how to proceed.

ON MOTION OF MR. KISSELL, SECONDED BY MRS. CHOBANY, COUNCIL AGREED TO HAVE MR. EMERICK MOVE FORWARD WITH THE FILING FEES OF \$200.00 TO PURSUE THE PERSONAL ITEMS OF MR. SEKERAK FOR THE PENDING LITIGATION. MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. MORGRAN, MR. YETSKO, MR. SLANOC, MRS. CHOBANY, MAYOR KISSELL, AND MS. McCARTHY. MOTION CARRIED 6-0.

The Comcast Cable Franchise Agreement will be discussed 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 the gas location on Mountain Avenue is moving forward.

Mr. Wisor questioned Council if they want him to address the Main Street Streetscape Project now or wait until further in the meeting under New Business; to which they agreed to discuss under his report. Mr. Wisor presented another set of plans and specifications on the Main Street Streetscape Project that was submitted several years ago. The plans reflected a breakdown of where the project began and started and the phases for each. A projected cost estimate was also provided to Council reflecting the locations and phases:

- Mountain Avenue South Side \$213,850.00
- Mountain Avenue (East Side) to Crichton McCormick Park \$253,330.00
- Mountain Avenue (North Side) to Crichton McCormick Park \$598,780.00
- Mountain Avenue (East Side) to State Route 53 \$983,710.00

Council reviewed and discussed each of the phases and Mr. Koban requested direction on how to proceed for the grant application.

ON MOTION OF MRS. CHOBANY, SECONDED BY MR. MORGAN, COUNCIL AGREED TO MOVE FORWARD WITH THE MOUNTAIN AVENUE (MAIN STREET EAST SIDE) TO CRICHTON MCCORMICK PARK IN THE AMOUNT OF \$253,330.00. MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. WOZNIAK, MR. MORGRAN, MR. YETSKO, MRS. CHOBANY, MAYOR KISSELL, 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.

Public Works Report:

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

Treasurer's Report:

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

ON MOTION OF MR. YETSKO, SECONDED BY MRS. CHOBANY, THE COUNCIL UNANIMOUSLY APPROVED THE TREASURER'S REPORT IN THE AMOUNT OF \$68,520.64. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. WOZNIAK, MR. MORGAN, MR. YETSKO, MRS. CHOBANY, MAYOR KISSELL, AND MS. McCARTHY. MOTION CARRIED 6-0.

Correspondence:

PennDot sent notice of the Transportation Outreach 2014 for Cambria County to be held on April 9th, 2014 at the Ebensburg Center from 1:30 p.m. to 3:00 p.m.

Minutes of the Previous Meeting:

The minutes from the February 3rd regular and the February 18th committee meeting were distributed prior to the meeting.

ON MOTION OF MR. KISSELL, SECONDED BY MRS. CHOBANY, THE COUNCIL UNANIMOUSLY APPROVED THE MINUTES FROM THE FEBRUARY 3RD, REGULAR MEETING AND THE FEBRUARY 18TH. 2014, COMMITTEE MEETING. THE COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. WOZNIAK, MR.

**MORGAN, MR. YETSKO, MRS. CHOBANY, MAYOR KISSELL, AND MS. McCARTHY.
MOTION CARRIED 6-0.**

Ms. Claar advised Council that there was an omission from the January 20th, 2014 committee meeting that was not recorded in the minutes concerning the Police Services Agreement between Portage Borough and the Portage Municipal Water Authority.

ON MOTION OF MRS. CHOBANY, SECONDED BY MR. MORGAN, THE COUNCIL UNANIMOUSLY APPROVED THE REVISED MINUTES FROM THE JANUARY 20TH, 2014, COMMITTEE MEETING TO INCLUDE THE APPROVAL OF THE POLICE SERVICES AGREEMENT BETWEEN PORTAGE BOROUGH AND THE PORTAGE MUNICIPAL WATER AUTHORITY. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. WOZNIAK, MR. MORGAN, MR. YETSKO, MRS. CHOBANY, MAYOR KISSELL, 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 MRS. CHOBANY, SECONDED BY MAYOR KISSELL, THE COUNCIL UNANIMOUSLY APPROVED THE PAYING OF ALL BILLS; INCLUDING THE ADDITIONAL, IN THE AMOUNT OF \$27,656.82. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. WOZNIAK, MR. MORGAN, MR. YETSKO, MRS. CHOBANY, MAYOR KISSELL, AND MS. McCARTHY. MOTION CARRIED 6-0.

Reports

Reports were received from the Portage Area Sewer Authority and Water Authority for the month of 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 JANUARY, 2014. AS PRESENTED. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. WOZNIAK, MR. MORGAN, MR. YETSKO, MRS. CHOBANY, MAYOR KISSELL, AND MS. McCARTHY. MOTION CARRIED 6-0.

Unfinished Business:

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

Mr. Koban suggested combining the Ten Year Comprehensive Plan, the Open Space and Recreation Plan, and the Trail Feasibility Plan into one agenda item. Mr. Koban will create a title for the three phases.

The Dulancey Drive Intersection Project is moving forward.

The Sekerak litigation was discussed under the Solicitors report.

The Comcast Cable Agreement will be discussed at the April committee meeting.

Mr. Edward Kaplaniak with Norfolk Southern will be here on Tuesday, March 11th to investigate the Lee Street Bridge and review the lease agreement with the Main Street Arch.

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.

The 716 Orchard Street property was discussed. The owner is incarcerated and there is nothing that can be done regarding the structure unless it is deemed as a dangerous structure; requiring an inspection by the Borough Engineer. Council agreed to remove the item from the agenda.

The 835 Main Street property was discussed earlier in the meeting under the Solicitor's report.

The 1013 Hopper Avenue property was discussed earlier in the meeting under the Solicitor's report.

Mr. Koban advised Council that he will be attending the next Portage Area School Board meeting on March 11th to discuss the LERTA. Mr. Koban will also be attending future Cambria County Commissioners meeting and then report back to Council.

NEW BUSINESS:

The Main Street Streetscape project was discussed earlier in the meeting under the Engineer's report.

Penn Dot submitted a request to approve an Application for Traffic Signal Approval for the Dulancey Drive Intersection Project.

ON MOTION OF MRS. CHOBANY, SECONDED BY MR. YETSKO, THE COUNCIL UNANIMOUSLY APPROVED RESOLUTION 3-2014 BY AUTHORIZING AND SUBMITTING A TRAFFIC SIGNAL APPLICATION FOR THE DULANCEY DRIVE INTERSECTION PROJECT TO PENNDOT. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. WOZNIAK, MR. MORGAN, MR. YETSKO, MRS. CHOBANY, MAYOR KISSELL, AND MS. McCARTHY. MOTION CARRIED 6-0.

Stiffler, McGraw & Associates presented the Engineering Agreement for Construction Administration and Construction Inspection Services for the Mountain Avenue Sidewalk Project in the amount of \$36,063.11 for Council to approve.

ON MOTION OF MR. KISSELL, SECONDED BY MRS. CHOBANY, THE COUNCIL UNANIMOUSLY APPROVED RESOLUTION 4-2014 BY ENTERING INTO AN AGREEMENT WITH STIFFLER, McGRAW & ASSOCIATES FOR THE CONSTRUCTION ADMINISTRATION AND CONSTRUCTION INSPECTION SERVICES FOR THE MOUNTAIN AVENUE ENHANCEMENT PROJECT IN THE AMOUNT OF \$36,063.11. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. WOZNIAK, MR. MORGAN, MR. YETSKO, MRS. CHOBANY, MAYOR KISSELL, AND MS. McCARTHY. MOTION CARRIED 6-0.

PennDot submitted a commitment letter request for any unfunded costs that would incur for the construction and construction inspection beyond the available approved Transportation Alternative Program for the Mountain Avenue Sidewalk Project in the amount of \$34,766.11.

ON MOTION OF MRS. CHOBANY, SECONDED BY MR. WOZNIAK, THE COUNCIL UNANIMOUSLY APPROVED THE COMMITMENT LETTER TO PENNDOT FOR THE UNFUNDED COSTS THAT WOULD INCUR FOR THE CONSTRUCTION ADMINISTRATION AND CONSTRUCTION INSPECTION SERVICES BEYOND THE AVAILABLE APPROVED TRANSPORTATION ALTERNATIVE PROGRAM FOR THE MOUNTAIN AVENUE SIDEWALK PROJECT IN THE AMOUNT OF \$34,766.11. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. WOZNIAK, MR. MORGAN, MR. YETSKO, MRS. CHOBANY, MAYOR KISSELL, AND MS. McCARTHY. MOTION CARRIED 6-0.

Mr. Koban informed Council that the Public Works Director position did not have a good response of applicants that was advertised in the Dispatch, on the Portage Borough Website and PA Career link. Mr. Koban is requesting approval to advertise the position in the Tribune Democrat.

ON MOTION OF MRS. CHOBANY, SECONDED BY MR. MORGAN, THE COUNCIL UNANIMOUSLY APPROVED THE ADVERTISING OF THE PUBLIC WORKS DIRECTOR POSITION IN THE TRIBUNE DEMORAT. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. WOZNIAK, MR. MORGAN, MR. YETSKO, MRS. CHOBANY, MAYOR KISSELL, AND MS. McCARTHY. MOTION CARRIED 6-0.

Additional Agenda Items:

Mr. Martin Slanoc submitted a letter of resignation from Council in Ward 3 due to moving into the Township.

ON MOTION OF MR. WOZNIAK, SECONDED BY MR. MORGAN, THE COUNCIL APPROVED RESOLUTION 4-2014 BY ACCEPTING THE RESIGNATION OF MR. MARTIN SLANOC OF WARD 3 FROM BOROUGH COUNCIL. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. WOZNIAK, MR. MORGAN, MR. YETSKO, MAYOR KISSELL, AND MS. McCARTHY. MOTION CARRIED 5-0-1 WITH MRS. CHOBANY VOTING NEGATIVELY.

Mr. Koban advised that the vacant Council position will have to be advertised.

ON MOTION OF MR. KISSELL, SECONDED BY MR. YETSKO, THE COUNCIL UNANIMOUSLY APPROVED THE ADVERTISING OF THE VACANT COUNCIL POSITION IN WARD 3 FOR A TWO YEAR TERM IN THE PORTAGE DISPATCH. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. WOZNIAK, MR. MORGAN, MR. YETSKO, MRS. CHOBANY, MAYOR KISSELL, AND MS. McCARTHY. MOTION CARRIED 6-0.

Good of the Borough:

Ms. McCarthy commended the Lady Mustangs on the great season they are having in basketball and requested the police department to participate in an escort through town for the playoffs.

Mr. Kissell is requesting leniency on the parking meters around the Food Pantry during their monthly distribution. Mr. Koban commented that the meters are only ten cents and Chief Miller advised that the participants are parking illegally on Main Street. Council agreed to not extend any leniency on the parking meters or parking at the Food Pantry during food distribution.

Adjournment:

ON MOTION OF MRS. CHOBANY, SECONDED BY MR. KISSELL, THE MEETING WAS ADJOURNED AT 8:21 P.M. MOTION CARRIED 6-0.