

A meeting of Portage Borough Council was held on November 3, 2014, at 6:30 p.m., in Council Chambers.

Those in attendance were:

Sharon McCarthy, President
Rebecca Chobany
Mayor James Kissell
Todd Learn

John Morgan
George Wozniak
Jerome Yetsko

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

Absent/Excused: Michelle Claar, Borough Secretary.

I. 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.

II. REFLECTION/PLEDGE OF ALLEGIANCE

Mr. Kissell offered a reflection. The reflection was followed by the Pledge of Allegiance.

III. RECOGNITION OF GUESTS

Ms. McCarthy asked for a motion to go out of order of the agenda to recognize the guests present.

ON MOTION OF MR. YETSKO, SECONDED BY MR. KISSELL, THE COUNCIL AGREED TO GO OUT OF ORDER OF THE AGENDA TO RECOGNIZE THE GUESTS PRESENT.

Ms. McCarthy recognized the following guests: Terry Sloan; Bonnie and Bob Fox; Amanda Petrunak, Mainline Newspapers; Kelly Cernetich, Altoona Mirror.

Mr. Sloan introduced himself as the part-time Operations Manager of the Portage Area Ambulance Association. He noted that he wanted to attend the meeting of Council to introduce himself since he is new to the Ambulance Association. Mr. Sloan commented that, if members of Council would like him to attend future meetings to provide an update, he would be willing to do so. He noted that he would like to keep the Council updated on what the Ambulance Association does, future plans, etc. Mr. Sloan stated that the Ambulance Association has grown significantly, now having four units with only room for two of the units inside the building.

Ms. McCarthy questioned when the meetings of the Ambulance Association Board are held, to which Mr. Sloan replied that the meetings are held the second Monday of each month at the Ambulance Association building. Ms. McCarthy informed Mr. Sloan that Council member Mr. Wozniak is the EMA Director for Portage; and he has been doing a good job in getting involved in different activities to prepare the community for any type of incident.

Mr. Koban pointed out that Mr. Sloan came to see him a few weeks ago; and he suggested to Mr. Sloan at that time that it might be beneficial for him to attend a Council meeting to introduce himself. Mr. Koban commented that sometimes there is a lot of disconnect between Council

and various organizations in the community; and it may be beneficial if organizations, such as the Ambulance Association, address Council from time to time. Mr. Koban commented that perhaps Mr. Sloan could come to the Council meeting every six months or so to keep the Council updated. Mr. Sloan informed Council that he retired recently; and he was the former Assistant Director at HealthRide. Because he had a background in management, Mr. Rimini had contacted him to see if he was interested in the position with the Ambulance Association. Mr. Sloan noted that there were some internal problems at the Ambulance Association; however, with the new personnel that the Association added recently, he believes the Ambulance Association will serve the community well. Ms. McCarthy asked if the Association now has a full complement of personnel, to which Mr. Sloan replied affirmatively. Mr. Sloan emphasized that the Association has a very good crew at the current time. Ms. McCarthy thanked Mr. Sloan for addressing Council.

Mrs. Fox addressed Council noting that she was present at the meeting representing the Winterfest Committee. Mrs. Fox noted that at the last meeting of the Winterfest Committee, they discussed signage for Winterfest; and it was suggested that perhaps a banner could be placed across Main Street. However, Mrs. Fox commented, we could not place the banner where a banner would usually be placed because we no longer have the Washko building. Mrs. Fox indicated that, as the Fox's own two buildings across from each other, the banner could be placed in that location. Attorney Emerick indicated that this request is not a decision of Council and that the Winterfest Committee would have to approach PennDOT for approval of the request. Mr. Koban informed Council that the Winterfest Committee would not be in need of any assistance from the Borough in this regard. Mr. Fox indicated that there may be a short period of time where Main Street would need to be closed to allow the bucket truck to install the banner; and this is the only assistance they would need from the Borough staff.

ON MOTION OF MRS. CHOBANY, SECONDED BY MR. LEARN, COUNCIL UNANIMOUSLY APPROVED THE REQUEST OF THE WINTERFEST COMMITTEE TO INSTALL A BANNER AROSS MAIN STREET IN THE LOCATION DESCRIBED ABOVE, CONTINGENT UPON APPROVAL OF PENNDOT. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MS. MCCARTHY, MRS. CHOBANY, MAYOR KISSELL, MR. LEARN, MR. MORGAN, MR. WOZNIAK, AND MR. YETSKO.

Mrs. Fox questioned if there was a contact number for PennDOT that she should use, to which Mr. Koban replied that he would supply same to Mrs. Fox. Mr. Fox reminded Mr. Koban regarding the need for the electricity at Harpo's for the Christmas tree. Mr. Kissell questioned if there is an agenda yet for Winterfest, to which Mrs. Fox replied that Winterfest will be held December 12, 13, 14, 2014. The Committee believes that the Chili Cook Off will be held at the Olde Keg. Sleigh rides will be provided Friday evening, December 12; and the parade will be held on Saturday, December 13 at 2:00 p.m. Entertainment will be provided; and the churches, as well as the Fire Department, will be serving food. Mrs. Fox commented that the craft show will also be held as in previous years. Mrs. Fox indicated that the agenda is not yet finalized. Mr. Kissell questioned if it is planned to block off streets as in the past, to which Mrs. Fox replied that Mrs. Vandzura usually handles that but she was not at the last meeting. Mrs. Fox informed Council that the Art Department at the school will be developing the posters to be hung in the various businesses. The PTO will be copying the schedule and sending it home with the children as well.

Discussion took place relative to when the Christmas lights on Main Street would be turned on. Mr. Koban commented that turning the lights on for Winterfest would bring everything to the forefront. Ms. McCarthy noted that Ebensburg's lighting is the first weekend in December, to which Mr. Kissell stated that he would like to see the same done in Portage. Mr. Koban indicated that it would be the start of the season if the lights were turned on for Winterfest. Ms.

McCarthy questioned if the Council members were agreeable to not turning the lights on until Winterfest weekend. There were no objections by Council.

Mr. Fox informed Council that the Planning Commission will be having the safety deposit box drilled. Mr. Koban explained that at one time there was a set of signature cards for the safety deposit box at Mainline. After Mr. Rice's passing, the Borough had changed the signature cards for the safety deposit box. Somehow the signature cards got duplicated. The Planning Commission had one signature card they were using for the safety deposit box using the Borough's EIN number; and the Planning Commission has been paying the charges for the box. Mr. Koban commented that the Planning Commission wanted to find out what was in the safety deposit box. Because of the confusion at the bank, in order to open the box, you need two people present whose names are on the signature card. Mr. Koban noted that Ms. Claar's name and Mr. Fox's name are on the signature card; and he suggested that Mr. Fox coordinate a time that he and Ms. Claar can view the contents of the box. Mr. Fox indicated that it would take about 15 minutes to drill the box. He pointed out that no one knows what is in the box; and the Planning Commission wants to find out because they no longer want to pay the fee for the box. Mr. Fox commented that the reason the box needs drilled is that no one knows the location of the keys for the box. He stated that he and Ms. Claar will inventory what is in the box when it is opened.

IV. REPORTS

A. Borough Manager's Report

Mr. Koban commented that a copy of his report was provided to Council prior to the meeting.

Mr. Koban indicated that there is one item in his report that he would like to have discussed by Council in Executive Session at the end of the meeting.

Mr. Koban noted that a meeting with the PAJRC was held on October 30; and several Council members attended that meeting along with himself. Mr. Koban commented that the PAJRC gave a "state of the union." He indicated that there are definitely issues from a financial standpoint; and Council needs to look at, moving forward, how the current agreement is structured. Mr. Koban stated that he took a lot of notes at the meeting; and he does have some thoughts and ideas for moving forward. He pointed out that many ideas put forth at the meeting are not solutions to the problem. Mr. Koban commented that increasing the prices of iced tea and charging more at the pool may be a short-term patch, but it would not solve the overall concerns.

Mr. Koban apprised Council that what he would ultimately want to do is schedule a separate meeting of Council in the near future, sometime after the first of the year, and dedicate the meeting to discussion of the Park in general. He noted that Mr. Zelanko, School Superintendent, agreed to write some letters and make other contacts, but this will not solve the problem either. Mr. Koban pointed out that we have a responsibility for recreation in the community, as well as the Township. He noted that he believes we need to get focused and come up with a game plan since the Park is owned by the Borough.

Mr. Kissell questioned if the Township and School District should be invited to the meeting also, to which Mr. Koban replied not at this time. Mr. Koban stated that Council needs to really look at the situation as it is and look at the ideas that were brought up at the meeting. Mr. Koban pointed out that it is going to go back to changing the agreement somehow; and the last time the agreement was changed it was very difficult and there were a lot of concerns.

Ms. McCarthy asked that the minutes reflect that the Meeting of the Whole in January will be dedicated to discussion of the Park. She also asked that Mrs. Squillario inform the PAJRC Board of this meeting.

As it relates to the variance for the Fire Department, Mr. Koban stated that this is a fairly simple item. He indicated that at a recent Crime Watch meeting, a 4x8 sign was noticed. Mr. Koban informed one of the firemen that the sign did not adhere to the standards of the Ordinance relative to billboards. A time later, the Fire Department approached Mr. Koban and indicated that they were not aware that the sign did not meet the requirements, and that they were glad they were informed of this fact now. The Fire Department indicated that they would have another sign made; however, Mr. Koban informed them that there is a caveat in the Ordinance that a variance could be provided by Council. Mr. Koban explained that the sign would be hung on the outside of the building beside the main door. The sign is a tin sign and merely advertises the availability of the Fire Hall for rentals for weddings, parties, business meetings, fundraisers, and reunions. Mr. Koban questioned Council relative to their desire on granting of a variance to the Fire Department.

ON MOTION OF MRS. CHOBANY, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY AGREED TO GRANT A VARIANCE TO THE ORDINANCE TO THE FIRE DEPARTMENT AS DESCRIBED ABOVE. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MS. McCARTHY, MRS. CHOBANY, MAYOR KISSELL, MR. LEARN, MR. MORGAN, MR. WOZNIAK, AND MR. YETSKO.

As it relates to the Bakery, Ms. McCarthy commented that the building has been razed. Mr. Koban noted that as soon as the Borough is notified by the property owner or Laurel, the catastrophic funds can be released.

As it relates to the Crime Watch Program, Mr. Kissell commented regarding the crime watch signs. He thanked the Dispatch for their recent article. Mr. Kissell questioned if we could obtain a grant to get more signs, to which Mr. Koban replied that he would think so.

B. Solicitor's Report

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

Concerning *Kowalczyk v. Portage*, Attorney Emerick reported that he and Mr. Koban will be meeting tomorrow regarding this matter.

C. Engineer's Report

Mr. Wisor stated that he did provide a copy of his report prior to the meeting.

Mr. Wisor noted that he had nothing to add to his report; however, there are two items under Unfinished Business that would need discussion; i.e., Trout Run repairs and 933 Sonman Avenue. Ms. McCarthy asked that those items be addressed at this time.

Mr. Wisor informed Council that he and Mr. Bowman reviewed both locations prior to this evening's meeting. He pointed out that there will be a lot of foot work on the repairs to the flood protection wall. Mr. Wisor indicated that he would prepare and present to Council a proposal regarding the permits. Mr. Bowman explained that a permit would be required to enter the stream. Mr. Wisor stated that he did place a call to DEP questioning the type of permit that would be needed; and he will prepare a proposal for Council's review. Ms. McCarthy

questioned if she was correct that this project would not be started until next Spring, to which Mr. Bowman replied affirmatively.

Mr. Kissell questioned if we would be going clear down to the line, to which Mr. Koban replied that the permit application would include all of that area. Mr. Kissell questioned how long the permit would be good for, to which Mr. Bowman replied that he would like to have a five-year plan. Mr. Bowman explained that, even though we will have a permit in place, we have to file an intention to what work we will do each year. DEP can, however, amend the plan to tell us that we cannot enter the stream at certain times. Mr. Bowman noted that, with three employees, if we were to do the entire project, it would take four months; and the employees would have to dedicate all of their time only to this project. Mr. Kissell questioned if we could perhaps get part-time help to assist, to which Mr. Koban replied that we cannot hire three part-time employees to do it. There are a lot of expectations that things need to get done that part-time employees could do on specific projects, so we need to find a balance. The reality is, Mr. Koban stated, for only three employees there is only so much time, so we need to find a balance on where to subcontract certain projects and keep the in-house employees doing other projects. Mr. Kissell indicated that Council had discussed last year the possibility of hiring part-time employees to help out with grass-cutting, etc. Mr. Bowman noted that grass-cutting does take up a lot of the employees' time but they do not mind doing it. He commented that he put together an idea for the 150 foot wall repair and it will take five weeks of work. Mr. Koban indicated that this is not a project that you can just start and stop for something else; it will have to be done all at one time.

As it relates to 933 Sonman Avenue, Mr. Wisor informed Council that he does not feel that the structure meets the dangerous structure provisions in the Ordinance. He indicated that there are not any structural issues that it could possibly fall or fail. Mr. Bowman noted that there are some upstairs windows missing; and there were some other windows that were just left open. Mr. Wisor commented that removal of some of the siding left some holes in the structure. Mr. Bowman stated that the electricity is still on in the structure. Mr. Koban commented that all of the copper pipe has been removed in the structure by the resident. Ms. McCarthy questioned if the owner is paying the fines, to which Chief Miller replied that the owner is paying on them, and the payoff will probably not be until 2021.

Mr. Learn questioned if the owner would be required to board off the windows, to which Mr. Wisor replied that this would be his recommendation. Ms. McCarthy questioned the Nuisance Ordinance provisions in this situation, to which Attorney Emerick replied that this is what Chief Miller was using for the citations. Ms. McCarthy commented that Council is basically at a standstill regarding this property at the current time. Mr. Koban indicated that we would keep this matter on the agenda and await the report from Mr. Wisor.

D. Police Chief's Report

Chief Miller reported that a copy of his report was provided to Council prior to the meeting.

Concerning 612 Orchard Street, this is an abandoned property; and there was an arson at this property about five years ago. There is a concern on the property regarding high grass and garbage. Three citations have already been issued regarding the high grass. The garage in the back of the property borders Apple Alley. The garage roof is collapsing; and the foundation is cracked. Chief Miller noted that he keeps proceeding with the Nuisance Ordinance relative to this property. Ms. McCarthy questioned if the owner has been paying on the fines, to which Chief Miller replied that the resident was found guilty on the first citation; the second citation was paid; and payments are being made on the third citation. He noted that these citations are only for the high grass. Chief Miller indicated that a ten-day notice was issued on the high grass; and the owner has been cutting the grass. Ms. McCarthy questioned if anything can be done on the condition of the garage, to which Chief Miller replied that that would be up to Council to

determine if it is a dangerous structure or not. Ms. McCarthy indicated that, at this point, we can just monitor the structure and stay on top of it.

Mr. Learn stated that he has received a complaint relative to the Mustang Corral concerning the noise level, cigarette butts being left in the area, parking, etc. Chief Miller indicated that the PLCB did appear at the location on two separate weekends; and there were no citations. Chief Miller indicated that his staff has also been reprimanding the owner and patrons for parking on the bridge. Mr. Learn questioned if a sign could be placed noting that no parking is allowed on the bridge, to which Chief Miller replied that a lot of people are unclear that this is a State law that you are not allowed to park on the bridge. He pointed out that his staff has issued various parking citations in this regard. Mr. Learn commented that he was told that a No Parking sign was to be installed, to which Chief Miller replied that a sign may alleviate the problem. Mr. Learn stated that there is really nothing we can do regarding the cigarette butts, to which Chief Miller replied that we could probably only take action if someone saw someone throwing a cigarette butt into the trash.

Mrs. Chobany commented that the residents in that area are not happy, to which Chief Miller replied that he would definitely understand that. He noted that there is definitely a difference in what the owner has been doing to control the situation and what she is unable to control. Chief Miller emphasized that the owner is doing everything she can do to control the situation and make it better. Ms. McCarthy agreed stating that we are doing everything we can legally do at this point. Chief Miller indicated that if we can install a "No Parking" sign, that would alleviate that concern. Mr. Kissell stated that the Chappell residence is up for sale currently; and that would make a convenient parking area for the Mustang Corral.

Ms. McCarthy mentioned the donations as stated in Chief Miller's report. Mr. Koban questioned if the one donor was agreeable to a public acknowledgment, to which Chief Miller replied that the donor was not sure yet. Mr. Koban stated that he wanted to ensure that the Borough made a proper acknowledgment of the donation.

E. Director of Public Works Report

Mr. Bowman reported that he provided a copy of his report prior to the meeting.

Mr. Bowman mentioned that one item he wanted to comment on that was included in his report was the Legion storage lot. He apprised the group that he received a call last week regarding a tree being down in that area. One tree had fallen away from the structure; and there were several other dangerous ones. Mr. Bowman pointed out that, when taking care of the trees, the Borough staff also addressed the refuse, cleaned it up, and got most of it in the hole.

Mr. Bowman noted that when we are going to have Shaffer top the trees in this area because of the potential hazard to some of the homes in the area. Mr. Koban noted that the cost quoted by Shaffer was \$350. He commented that, from a liability standpoint, he did not want the Borough staff to have to do this work because of the proximity of the trees to the houses.

Mr. Bowman informed Council that, in preparing for the Winter season, we do have one plow that should be replaced. The plow is currently 13 years old; and the actual lifespan of the plow is 10 years. Mr. Koban reminded members of Council that the plow mentioned was purchased when we purchased the truck when Ron Rogers had his car dealership. The plow is past its useful life. Mr. Koban commented that this purchase was not brought forth at the time of the preparation of the budget and, therefore, was not included in the budget. We can, however, move monies from some areas of the budget that were not spent and do some budget transfers in order to cover this expenditure. Mr. Bowman noted that the cost of the plow is \$5,500; and we will also need to change the wiring harness.

ON MOTION OF MR. KISSELL, SECONDED BY MRS. CHOBANY, COUNCIL UNANIMOUSLY APPROVED THE PURCHASE OF THE PLOW AS DESCRIBED ABOVE. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MS. McCARTHY, MRS. CHOBANY, MAYOR KISSELL, MR. LEARN, MR. MORGAN, MR. WOZNIAK, AND MR. YETSKO.

Ms. McCarthy questioned if Amfire has paid all of their bill, to which Mr. Koban replied affirmatively. Mr. Koban mentioned that Amfire was sold last week to Rosebud. He noted that Rosebud will be a welcome addition in the community; and he believes we will be able to work well with them on some of the issues that we have.

V. CORRESPONDENCE

No correspondence to be presented.

VI. CITIZEN'S INPUT ON AGENDA ITEMS

Residents present addressed Council earlier in the meeting.

VII. MINUTES OF PREVIOUS MEETINGS

ON MOTION OF MRS. CHOBANY, SECONDED BY MR. MORGAN, COUNCIL UNANIMOUSLY APPROVED THE MINUTES OF THE REGULAR OCTOBER 6, 2014 MEETING AND OCTOBER 20, 2014 COMMITTEE MEETING AS PRESENTED. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MS. McCARTHY, MRS. CHOBANY, MAYOR KISSELL, MR. LEARN, MR. MORGAN, MR. WOZNIAK, 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. WOZNIAK, 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 KISSELL, MR. LEARN, MR. MORGAN, MR. WOZNIAK, AND MR. YETSKO.

IX. REPORTS RECEIVED

Ms. McCarthy noted that the Water and Sewer Authorities' reports for September 2014 were received, along with the LMIA report for October.

ON MOTION OF MRS. CHOBANY, SECONDED BY MR. KISSELL, COUNCIL UNANIMOUSLY ACCEPTED THE REPORTS RECEIVED AS NOTED ABOVE. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MS. McCARTHY, MRS. CHOBANY, MAYOR KISSELL, MR. LEARN, MR. MORGAN, MR. WOZNIAK, AND MR. YETSKO.

X. UNFINISHED BUSINESS

Mr. Koban noted that we do need to set up a date for the next meeting with the Water Authority.

Mr. Koban provided an update as follows:

- Item A: Short and Long Range Goals Based on Long Range Plan – Mr. Koban commented that as part of the meeting with PAJRC, we will need to pull out the long-range plan and look at some of the recommendations in the plan for recreation. He noted that this is where we will start to cover some of the issues. Mr. Koban noted that he is pretty sure that the plan references suggestions on structures, etc.
- Item B: Dulancey Drive Intersection Project – ongoing. Mr. Bowman commented that they are waiting for the strength breaks on the concrete to determine if they can mount the traffic lights.
- Item C: Comcast Cable Agreement – Mr. Koban indicated that he will be looking at this matter shortly.
- Item D: LERTA – Mr. Koban reported that he will be attending the School Board meeting on November 12 at 7:00 p.m. to discuss this matter; and he invited any member of Council that is available to attend the meeting as well. He pointed out that he will be attending the meeting with the School Board with the approach that this has been adopted once already.
- Item E: Request from Mr. Phil Stager to relocate the Stager sign back to the wagon area at Arch – additional questions remain and Mr. Stager will be invited back to a future meeting to discuss same.
- Item F: Update on Trout Run repairs – discussed earlier in the meeting.

Buildings:

- 907 Jefferson Avenue: no update; in the property transfer stage.
- 933 Sonman Avenue: discussed earlier in the meeting.
- 612 Orchard Street: discussed earlier in the meeting.

XI. NEW BUSINESS

- Portage Area Planning Commission Safety Deposit Box

Discussed earlier in the meeting.

- Portage Fire Department Signage/Sign Ordinance

Discussed earlier in the meeting.

XII. GOOD OF THE BOROUGH

- Crime Watch Project

Mr. Kissell noted that the next meeting will be held on November 12 at 7:00 p.m.

- Condolences

Council offered its condolences to Mr. Yetsko on the recent loss of his sister.

- Winterfest

Discussed earlier in the meeting.

XIII. ADJOURNMENT/EXECUTIVE SESSION

THERE BEING NO FURTHER BUSINESS, ON MOTION OF MRS. CHOBANY, SECONDED BY MR. KISSELL, THE MEETING WAS ADJOURNED AT 7:35 P.M. COUNCIL WENT INTO EXECUTIVE SESSION TO DISCUSS PERSONNEL MATTERS.

Respectfully submitted,

Sharon Squillario
Recording Secretary