

A meeting of Portage Borough Council was held on February 2<sup>nd</sup>, 2015 at 6:30 p.m., in Council Chambers.

Those in attendance were: Mr. Learn, Mr. Morgan, Mr. Yetsko, Mr. Wozniak, Mrs. Chobany, Mayor Kissell, and Ms. McCarthy. Also present were: Robert Koban, Borough Manager; Michael Emerick, Solicitor; Gary Wisor, Engineer; Ray Bowman, Public Works; Chief Miller, Public Safety and Michelle Claar, 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.

### **REFLECTION/PLEDGE OF ALLEGIANCE**

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

### **RECOGNITION OF GUESTS**

Ms. McCarthy recognized the following guests: Amanda Petrunak, Mainline Newspapers; Kelly Cernetich-Altoona Mirror; Mr. Matt McCoy, Mr. Ron McCoy and Patricia Rousell; representing the Portage Volunteer Fire Department, Jean Kinley-Portage Joint Recreation Commission.

Portage Volunteer Fire Company Chief Mr. Ron McCoy; along with Matt McCoy, presented Council with a report on the various calls in 2014. The report also reflected a breakdown of the number of calls for the Portage and Cassandra Boroughs, Portage Township, and mutual assists in 9 different categories. Chief McCoy provided lengthy and detailed information on various issues:

- Training and fundraising hours for volunteers
- Update on the Wilmore Fire Company disbandment and acquired equipment
  - ✓ Liquidation of duplicated equipment and the process through FEMA
  - ✓ Grant funding for equipment from Wilmore
  - ✓ Wilmore Borough has not consulted with Portage VFC for fire protection services
- Update on QRS/BLS/ALS calls to assist with Portage Ambulance
- Communication improvements with Portage Borough, Portage Township, Cassandra Borough, Portage Ambulance, and the Portage Water Authority.

Council commended Mr. McCoy for all the information he provided and the great communication efforts. Mr. McCoy also advised that they will attend and provide updates every quarter. Mr. Koban questioned Mr. McCoy if they are in a financial position to assist in the funding of the Borough Building roof repair project. Mr. McCoy advised that they are financially stable and the roof project can be re-bid.

Ms. Jean Kinley; representing the Portage Area Joint Recreation Commission was in attendance to discuss the donation letter for the mailing campaign. Mr. Koban commented that he received via e-mail; the donation letter from Mrs. Sharon Squillario for Council to review. Mr. Kissell was the first to comment that the letter reflected some negativity, tax deductible contribution issues, and keeping the letter simple. Various other suggestions were made including:

- Discussion on the non-profit 501 C-3 status for the organization
- Fund raising efforts for the cause of the donation
- Discussion on the donations received to the Portage Endowment Fund and the Park and separate accounts

- Current goals-short and long term
- The operation and operating costs
- Capital Improvements
- Commission members performing the work or making repairs, maintenance
- Brochures or pictures within the Park showing shelters, pool, courts, etc.
- Contact with the professional mailing vendor and providing details and costs
- Meeting with DCNR representative on Tuesday, February 10<sup>th</sup> at 6:00 p.m.

Ms. Kinley advised that they were unsure of what Council was requesting for the contents of the letter and they did the best they could. She also commented that it is already February and the donation letter should be sent out as soon as possible. Council agreed to meet again within the next week to revise the letter. Once the letter is approved, it will be sent to the mailing company to obtain the associated costs for printing and mailing.

## **2. REPORTS**

### **A. Borough Manager's Report**

Mr. Koban provided his report to Council prior to the meeting. Mr. Koban commented on several issues within his report. E-mails were received from Mr. Dunlop's Office concerning litigation and requested an executive session after the meeting. Mr. Koban also commented that he received a few complaints and they have been resolved. Mr. Koban advised that Council does not receive every complaint, just the ones that are pertinent to ongoing matters.

### **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 advised that he would like to submit a letter to legal counsel for the pre-trial discovery. Mr. Koban suggested discussing the issue in executive session.

### **C. Engineer's Report**

Mr. Wisor stated that he provided a copy of his report prior to the meeting. Mr. Wisor had nothing additional to add. Mr. Koban advised Council that if the Portage Volunteer Fire Company approved to move forward with bidding the roof project, a motion to have Mr. Wisor advertise for bids would be required.

ON MOTION OF MR. WOZNIAK, SECONDED BY MRS. CHOBANY, COUNCIL UNANIMOUSLY APPROVED TO HAVE STIFFLER, MCGRAW & ASSOCIATES ADVERTISE FOR BIDS ON THE BOROUGH BUILDING ROOF PROJECT. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MRS. CHOBANY, MR. KISSELL, AND MS. McCARTHY MOTION CARRIED 7-0.

### **D. Police Chief's Report**

Chief Miller provided his report to Council prior to the meeting. Chief Miller had nothing additional to report. Mrs. Chobany informed Chief Miller of a residential complaint regarding a parking ticket they received on Maken Street. Chief Miller advised that if residents move their vehicles once that side has been plowed, they won't receive a ticket. Mr. Koban commented that the police department is very lenient with issuing parking tickets to residents and even to new residents moving into the Borough. Mrs. Chobany suggested reviewing or amending the snow parking ordinance. Mr. Koban commented that the ordinance has been revised several

times within the past years. Mr. Kissell also mentioned that the Snow Emergency Ordinance should also be reviewed. Mr. Koban informed Mr. Kissell that he thought it would be on the agenda. Ms. Claar commented that she had it on the February committee meeting for discussion and apologized for the oversight. The issue will be on the agenda for the committee meeting.

#### E. Director of Public Works Report

Mr. Bowman reported that he provided a copy of his report prior to the meeting. Mr. Bowman advised that the Public Works crew have been keeping up with the plowing and the process remains the same as in prior years. Mr. Bowman also informed Council that they can contact him and the crew if they feel they should be called out. Mr. Kissell suggested scattering the trucks throughout the day and night if the weather becomes too unstable. Mr. Koban commented that the forecast has been unreliable as well. Overall, Council commended the crew for keeping up with the snowplowing and road conditions.

### 3. CORRESPONDENCE

A thank you card was sent from the WinterFest Committee for the donation and support during WinterFest 2014.

Cambria County Commissioner; Mr. Chernisky, sent an e-mail advising of a contest to write an essay on "What makes Johnstown so passionate about hockey." The winning community would receive \$150,000.00 in rink upgrades and a chance to host an NHL pre-season game. Contest begins April 14, 2015.

### 4. CITIZEN'S INPUT ON AGENDA ITEMS

None

### 5. MINUTES OF PREVIOUS MEETINGS

The minutes from the January 5<sup>th</sup> regular meeting and the January 19<sup>th</sup> committee meeting were presented to Council prior to the meeting.

ON MOTION OF MRS. CHOBANY, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY APPROVED THE MINUTES OF THE REGULAR DECEMBER 1<sup>ST</sup>, 2014 MEETING AND THE DECEMBER 19<sup>TH</sup>, 2014 SPECIAL MEETING. MEETING AS PRESENTED. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MS. McCARTHY, MRS. CHOBANY, MAYOR KISSELL, MR. LEARN, MR. MORGAN, AND MR. YETSKO. MOTION CARRIED 7-0.

### 6. BILLS AND TREASURER'S REPORT

Ms. McCarthy noted that copies of the bills, additional bills and the 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 IN THE AMOUNT OF \$50,164.08. ON MOTION OF MR. KISSELL, SECONDED BY MR. WOZNIAK, COUNCIL APPROVED THE BILLS AND ADDITIONAL BILLS BE PAID AS PRESENTED IN WRITTEN FORM IN THE AMOUNT OF \$24,735.40. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MRS. CHOBANY, MR. KISSELL, AND MS. MCCARTHY. MOTION CARRIED 7-0.

## **7. REPORTS RECEIVED**

Ms. McCarthy noted that the Water Authority reports for October and December, the Sewer Authority report for December, 2014 were received, along with the Portage Joint Recreation Commission for October and November, 2014.

ON MOTION OF MRS. CHOBANY, SECONDED BY MR. LEARN, COUNCIL UNANIMOUSLY ACCEPTED THE REPORTS RECEIVED AS NOTED ABOVE. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MRS. CHOBANY, MR. KISSELL, AND MS. MCCARTHY. MOTION CARRIED 7-0.

## **8. UNFINISHED BUSINESS**

Mr. Koban provided an update as follows:

- Item A: The March Committee meeting will be dedicated to the Crichton McCormick Park issues relating to the short and long term goals, review of the JRC agreement, and discussions on operations and a recreation manager.
- Item B: Comcast Cable Agreement – Mr. Koban indicated that he received an e-mail from Cheryl McCabe with Comcast and will be setting up a conference call with him, Mrs. McCabe, and Attorney Emerick to review the current contract and commence with negotiations.
- Item C: LERTA – Mr. Koban reported that he drafted a letter to the Cambria County Commissioners and has the support of Commissioner Chernisky. The Portage Area School Board has already approved the draft ordinance.
- Item D: Update on proposal submitted by Stiffler, McGraw & Associates concerning the NPDES permit fees for the Trout Run Crib Wall Project was discussed with focus on grant funding for the permit fees and work.

## **MOTIONS:**

- A. The proposed ordinance for a general note obligation with First Summit Bank for the purchase of a Public Works truck and equipment was properly advertised in the Dispatch.

ON MOTION OF MR. KISSELL, SECONDED BY MR. MORGAN, COUNCIL UNANIMOUSLY APPROVED ORDINANCE 1-2015 BY APPROVING A GENERAL NOTE LOAN OBLIGATION WITH 1<sup>ST</sup> SUMMIT BANK FOR THE PURCHASE OF A TRUCK AND EQUIPMENT IN THE AMOUNT OF \$81,500.00. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MRS. CHOBANY, MR. KISSELL, AND MS. MCCARTHY. MOTION CARRIED 7-0.

- B. The Portage Area Joint Recreation Commission submitted the donation request letter for Council to review and approve that was discussed earlier in the meeting. The letter submitted will be revised by members of Council and the associated costs and postage were not available prior to the meeting.

ON MOTION OF MR. WOZNAK, SECONDED BY MR. KISSELL, COUNCIL UNANIMOUSLY APPROVED TO TABLE THE DONATION LETTER AND ASSOCIATED COSTS FOR THE PORTAGE AREA JOINT RECREATION COMMISSION. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNAK, MRS. CHOBANY, MR. KISSELL, AND MS. MCCARTHY. MOTION CARRIED 7-0.

## 9. **Buildings:**

- 907 Jefferson Avenue: Mr. Learn commented that it is only a matter of time before the structure collapses. Chief Miller advised that he will follow up with Lilly First National Bank.
- 933 Sonman Avenue: Chief Miller advised that he issued another citation to the owner.
- 612 Orchard Street: Chief Miller advised that the owner has moved back into the residence. The garage roof is still in deplorable condition. A discussion was held on whether to move forward with a field survey by Stiffler, McGraw & Associates.

MRS. CHOBANY MADE A MOTION, SECONDED BY MR. KISSELL TO HAVE STIFFLER; MCGRAW & ASSOCIATES PERFORM A FIELD SURVEY ON THE STRUCTURE. A DISCUSSION WAS HELD ON WHETHER THE STRUCTURE WOULD MEET THE CRITERIA FOR A DANGEROUS STRUCTURE AND RECOMMENDED HAVING ATTORNEY EMERICK SEND A LETTER TO THE HOME OWNER. MRS. CHOBANY AND MR. KISSELL RESCINDED THEIR MOTION.

After another discussion on having Attorney Emerick send a letter to the resident, Council recommended having Mr. Koban send a letter.

- 828 North Railroad Street; the old starlight building-Council agreed to wait until the weather breaks in the spring.

## 10. **NEW BUSINESS**

A. Portage Volunteer Fire Company Chief; Mr. Ron McCoy presented Council with a list of activities and line officers to be approved for 2015.

ON MOTION OF MR. KISSELL, SECONDED BY MR. MORGAN, COUNCIL UNANIMOUSLY APPROVED THE LIST OF ACTIVITIES FOR 2015. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNAK, MRS. CHOBANY, MR. KISSELL, AND MS. MCCARTHY. MOTION CARRIED 7-0.

B. As it relates to the Personnel Policy for uniform and non-uniform employees; council was provided with several changes that were already approved in prior year budget adoptions however; the changes and/or additions were not incorporated into the Personnel Policy as an amendment to Ordinance 3-1996 for codification purposes. Among the amendments/additions were:

- ❖ Part 1H Section 155-F: Full time officers entitled to twelve (12) paid personal days per year instead of ten
- ❖ Part 1H Section 156-G: Full time officers uniform allowance increased from \$300.00 to \$500.00/yr; this was approved in the 2010 Operating Budget in the salary projections. 12/18/09

- ❖ Part 1H Section 161-3: Part time officers uniform allowance increased from \$100.00 to \$200.00/yr; this was approved in the 2010 Operating Budget in the salary projections. 12/18/09
- ❖ Part 2 I, Section 160-2 Part time officers were offered a borough paid life insurance policy in the amount of \$25,000.00 with American General Life Insurance. Each part time officer is required to work a minimum of 40 hours per month in order to be entitled to the insurance. This was approved in the 2011 Operating budget. 12/17/10.

ON MOTION OF MR. KISSELL, SECONDED BY MRS. CHOBANY, COUNCIL UNANIMOUSLY APPROVED THE ADVERTISING OF AMENDING ORDINANCE 3-1996, PART 1H OF THE PERSONNEL POLICY FOR UNIFORM AND NON-UNIFORM EMPLOYEES AND PART 2 POLICE DEPARTMENT BENEFITS FOR PART TIME OFFICERS . COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNAK, MRS. CHOBANY, MR. KISSELL, AND MS. MCCARTHY. MOTION CARRIED 7-0.

- C. The Portage Women's Club submitted a request for council approval to have Mr. Vic Miller solicit donations for the annual East Egg Hunt.

ON MOTION OF MR. YETSKO, SECONDED BY MR. MORGAN, COUNCIL UNANIMOUSLY APPROVED THE PORTAGE WOMEN'S CLUB TO HAVE MR. VIC MILLER SOLICIT DONATIONS FOR THE ANNUAL EASTER EGG HUNT. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNAK, MRS. CHOBANY, MR. KISSELL, AND MS. MCCARTHY. MOTION CARRIED 7-0.

- D. Chief Miller provided Council with a request to approve an addition to the Police Policy and Procedures Manual concerning the Drug and DUI Task Force for part time officers:

*5.04 Part Time Officers*

*A. Members employed part time shall be compensated at their straight time hourly rate for any hours worked beyond their regularly scheduled shift until forty (40) hours are reached. Any time beyond forty (40) hours shall be paid at time and a half of their hourly rate.*

*B. Part time officers may be authorized by the Chief to join and work the Cambria County Drug Task Force and Cambria County DUI Task Force. This authorization may be rescinded at any time with or without cause at the Borough Manager or Chiefs discretion. If, during any one month period, the number of hours submitted for work for either Task Force exceeds fifty (50) per cent of the number of hours worked for employment within the Borough, authorization to work either or both Task Forces will be rescinded. (Ex: 48 hours worked for Portage Borough during any given month provides for a maximum of 24 hours being turned for either Drug Task Force or Cambria County DUI Task Force time.)*

ON MOTION OF MR. KISSELL, SECONDED BY MRS. CHOBANY, COUNCIL UNANIMOUSLY APPROVED THE ADDITION TO THE POLICE POLICY AND PROCEDURES MANUAL CONCERNING PART TIME PATROL OFFICERS REGARDING DRUG AND DUI TASK FORCE WORK. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR.

YETSKO, MR. WOZNIAK, MRS. CHOBANY, MR. KISSELL, AND MS. MCCARTHY. MOTION CARRIED 7-0.

E. Mr. Koban requested Council approval to amend the Public Works Laborer position from a Level 1, Grade 8 (\$11.80) to a Level 1 Grade 14 (\$13.33) on the approved Compensation Plan. The agenda reflected \$13.33 per hour.

THERE WAS A MOTION MADE BY MR. LEARN, SECONDED BY MR. MORGAN, TO APPROVE THE RATE; HOWEVER; MR. KOBAN COMMENTED THAT THE RATE WAS INCORRECT. MR. LEARN AND MR. MORGAN RESCINDED THEIR MOTION.

Mr. Koban advised that the hourly rate should have been \$13.00 per hour. Ms. Claar advised that \$13.00/hr was not on the 2015 approved compensation plan. The closest Level and Grade in the compensation plan was Level 1, Grade 13 at a rate of \$13.06 per hour.

ON MOTION OF MR. LEARN, SECONDED BY MR. MORGAN, COUNCIL UNANIMOUSLY APPROVED AMENDING THE PUBLIC WORKS LABORER POSITION FROM A LEVEL 1 GRADE 8 TO A LEVEL 1 GRADE 13 AT A RATE OF \$13.06 PER HOUR. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MRS. CHOBANY, MR. KISSELL, AND MS. MCCARTHY. MOTION CARRIED 7-0.

## **11. GOOD OF THE BOROUGH**

Mr. Kissell made a suggestion for Council to consider naming various streets and/or areas within the Park after veterans that were killed in action. A discussion took place on the topic and the only issue would be amending the Ordinance for Streets and Sidewalks and contacting the County Cambria 9-1-1 Center.

ON MOTION OF MRS. CHOBANY, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY APPROVED TO GO INTO EXECUTIVE SESSION FOR LITIGATION PURPOSES. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MRS. CHOBANY, MR. KISSELL, AND MS. MCCARTHY. MOTION CARRIED 7-0.

## **12. ADJOURNMENT**

ON MOTION OF MR. KISSELL, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY APPROVED TO GO OUT OF EXECUTIVE SESSION. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MRS. CHOBANY, MR. KISSELL, AND MS. MCCARTHY. MOTION CARRIED 7-0.

ON MOTION OF MRS. CHOBANY, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY APPROVED TO GO INTO THE REGULAR MEETING. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MRS. CHOBANY, MR. KISSELL, AND MS. MCCARTHY. MOTION CARRIED 7-0.

THERE BEING NO FURTHER BUSINESS, ON MOTION OF MRS. CHOBANY, SECONDED BY MR. KISSELL, THE MEETING WAS ADJOURNED AT 8:47 P.M.