

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

Those in attendance were:

Sharon McCarthy, President  
Mayor James Kissell  
John Morgan

George Wozniak  
Jerome Yetsko  
Todd Learn

Rebecca Chobany (late)

Also present were: Robert Koban, Borough Manager; Michael Emerick, Solicitor; Gary Wisor, Engineer; Ray Bowman, Public Works; Aaron Leyo, Public Safety; Ms. Claar-Secretary, and Ms. Alexis Wozniak; Jr. Council. Absent was Chief Ed Miller.

### **CALL TO ORDER**

Ms. McCarthy called the meeting to order at 6:30 p.m., which was followed by a roll call with a quorum being present.

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

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

### **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. KISSELL, SECONDED BY MR. WOZNIAK, THE COUNCIL AGREED TO GO OUT OF ORDER OF THE AGENDA TO RECOGNIZE THE GUESTS PRESENT. MOTION CARRIED 6-0.

### **Visitors:**

Visitors included: Ron Portash-Mainline Newspapers; Kelly Cernetich-Altoona Mirror; Randy Griffith-Tribune Democrat; and Mr. Michael Bellvia with Pro Disposal.

Mr. Bellvia provided a proposal for Council to review regarding the garbage contract expiring on December 31<sup>st</sup>, 2015. Mr. Bellvia has proposed a three (3) year contract period from January 1<sup>st</sup>, 2016 through December 31<sup>st</sup>, 2018 with no increase in garbage collection fees. Mr. Bellvia proposed the following for the three year contract:

- The rate will remain the same as in 2015 at \$10.52 per month per resident.
- The bag rate will also remain the same at \$27.50 per package of ten (10).
- Offering curb-side recycling for each resident every other week at no charge
- Recycle bins for each resident at no additional cost to the resident or borough
- Additional bins can be obtained at Pro Disposal
- All recyclables can be put placed in one bin, Pro Disposal will separate at their site
- One (1) Spring Clean-up at no additional charge
- Offering a hazardous waste collection

Mr. Bellvia commented that the hazardous materials/waste collection received great participation from area residents. Mr. Bellvia also commented on the E-Waste Collection but advised Council that is very costly for Pro Disposal. Mr. Bellvia elaborated that the PA DEP is now requiring that collection sites obtain a permit and the window is at least four (4) months prior to collection. Mr. Yetsko questioned if the recycle bins currently behind the borough building would still remain. Mr. Bellvia commented that Cambria County Solid Waste Authority

manages the bins and advised they are heavily used by area residents. Mr. Koban suggested having Council review the proposal and be prepared to discuss the issue at the November Committee Meeting. Mr. Koban and Council thanked Mr. Bellvia for attending the meeting and presenting the proposal for Council's review.

## **REPORTS**

### **A. Borough Manager**

Mr. Koban advised Council that he had e-mailed his report prior to the meeting and a copy was presented. Ms. McCarthy questioned Mr. Wisor on the status of the Borough Roof project. Mr. Koban informed Council that he spoke with Stiffler McGraw's; David Macharola and provided the update:

- The roof is completed but still has some material remaining on the roof.
- Waiting on American Roofing to contact us for final inspection
- Follow up with American Roofing on the five (5) year warranty

Mr. Learn questioned who was responsible for the sidewalk replacement from the Sewer Authority project. Mr. Learn commented that he has removed his own sidewalk and also questioned if it would be replaced by the Contractor. Mr. Koban commented that he can contact Mr. Kyle Fritz with the Eads Group to clarify who would be responsible for the repairs. Mr. Koban also advised that there were certain areas within the agreement pertaining to the replacement of concrete, brick, and asphalt sidewalks on an as needed basis.

Ms. McCarthy questioned the process and responsibility of connection into the new sewer system. Mr. Koban advised that the Sewer Authority is responsible for connection from the Main to the curb. The property owner is responsible from the view port to the foundation. Mr. Koban also advised that the ordinance concerning the project and testing are available in the Secretary's office, Municipal Authority, and the borough website. The owner has one year from the date of completion of the project to connect to the new system.

### **B. Solicitor**

Attorney Emerick noted that his report was provided to Council prior to the meeting.

As it relates to Crichton McCormick Park-Mr. Emerick questioned Council if they needed any additional information or discussion on the selling of alcohol or other restrictions within the Park regarding the property deeds. Ms. McCarthy questioned certain areas on the map that could be possible to permit alcoholic beverages. In reference to the map, areas 1, 2A & 2B; Mr. Emerick confirmed that the only restrictions are: the premises shall be used for park and recreational purposes only; if not, the property would revert back to its successor's, heirs, and assigns. (Mrs. Chobany arrived at this time). Mr. Koban questioned if Mrs. Crichton is still living in the area. Council suggested contacting Mrs. Crichton to discuss the issues before pursuing any additional action. It was further discussed to research the heirs of Mr. McCormick as well. A discussion was also held on the borough owned property and permitting alcoholic beverages within certain areas and not the selling of beverages. Mr. Emerick also commented that a survey could be performed by Stiffler, McGraw to determine the exact areas, if council is considering moving in this direction. Mr. Emerick also advised that the restrictions on the deeds within certain areas; 5 & 6, prohibit the sale of intoxicating liquors, used free of charge to the residents, no circus or street carnivals, no entertainment for profit, and gambling. If there is any breach, the property reverts back to the property owner, their heirs and assigns. After the discussion; Council agreed to have Mr. Koban try to make contact with Mrs. Crichton to discuss the restrictions and then relay the information to Mr. Emerick.

907 Jefferson Avenue property-Mr. Emerick advised that he contacted Mr. Leahey with First National Bank of Lilly regarding the property. Mr. Leahey informed Mr. Emerick that the proposed buyer had backed out of purchasing the property. Mr. Emerick advised that the notice was sent to Mr. Leahey and he has ten days to make the necessary repairs. If no repairs are made then a public hearing will need to be held in December.

Mr. Emerick provided a recap of the timeline on the research for the borough/fire dept title search and verification from last months' meeting. Three of the deeds needed clarification on the 50/50 ownership between the borough and the fire department. Mr. Emerick commented that everything looks good to complete the corrected deed. Mr. Emerick recommended having Ms. McCarthy sign off on the corrected deed and file with the Recorder of Deeds Office. Ms. McCarthy also questioned the legal fees between both parties. Another discussion took place on the length of time.

ON MOTION OF MR. KISSELL, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY APPROVED TO HAVE MS. McCARTHY SIGN OFF ON THE NEW CORRECTED DEED BETWEEN THE BOROUGH AND THE PORTAGE VOLUNTEER FIRE DEPT AND FILE WITH THE CAMBRIA COUNTY RECORDER OF DEEDS OFFICE. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MRS. CHOBANY, MAYOR KISSELL, AND MS. McCARTHY, MOTION CARRIED 7-0.

As it relates to litigation regarding Wyar v. Portage and Kowalczyk v. Portage, Attorney Emerick informed Council that both matters are still pending.

#### C. Engineer

Mr. Wisor presented his report just prior to the meeting for Council to review. Mr. Wisor informed Council that the Public Works Maintenance Building Addition agreement with Triple B Services, LLC was signed, the Notice to Proceed was issued, and the application for payment #1 was submitted for stored materials in the amount of \$ 7,046.84. Mr. Macharola with Stiffler & McGraw, signed off on the application for payment. The bill was listed on the additional bills to be paid.

#### D. Chief of Police

Chief Miller was absent but forwarded a copy of his report to Council prior to the meeting. Officer Aaron Leyo was in attendance for the Police Department. Officer Leyo advised Council that a citation was issued to Mr. Sekerak regarding the pigeons and is in District Magistrate Decorts possession.

Mr. Wozniak commented on the police coverage for the Portage Area Girl's Basketball games and the traffic on Mountain and Johnson Avenues.

#### E. Director of Public Works

Mr. Bowman noted that a copy of his report was provided to Council prior to the meeting. Mr. Bowman advised that they have been working on the new maintenance building preparing the lot. Triple B Services moved in equipment and materials.

### **CORRESPONDENCE:**

The HarvestFest Committee sent a thank you for the donation for the 2015 event.

State Representative Frank Burns Office sent out a notice that Cambria County Office of Veteran's Affairs is now providing veterans with ID cards to receive discounts at participating area businesses.

The Portage Area Sewer Authority sent notices to area property owners on the requirements each resident must meet after completion of the sanitary sewer construction in the fall of 2016. All private property laterals must be in compliance within one (1) year from the completion of construction, tentatively scheduled for October 2017. The requirements are available at the Municipal Secretary Office, or on-line at [www.portageboro.com](http://www.portageboro.com). The Borough Ordinance is 4-2014.

Home Nursing Agency sent a request for financial support of \$100.00 for the 2016 operating budget.

Comcast sent notice that CMT and CMT-HD will move from Digital Preferred to the Sports Entertainment Package; Spike TV and Spike-TVHD from Digital Starter to Digital Preferred; and POP from Digital Starter to Digital Preferred.

### **MINUTES OF PREVIOUS MEETING**

Ms. Claar advised that the minutes were not provided in Council packets on Friday, but presented the minutes prior to the meeting from the October 5<sup>th</sup>, 2015 regular; the October 19<sup>th</sup> committee meeting, and the October 19<sup>th</sup> planning meeting. Mr. Koban commented that if Council wanted to table until they had an opportunity to review them, they could table the minutes. After a discussion;

ON MOTION OF MR. KISSELL, SECONDED BY MR.YETSKO, COUNCIL UNANIMOUSLY APPROVED THE MINUTES FROM THE OCTOBER 5<sup>TH</sup> REGULAR MEETING, OCTOBER19TH COMMITTEE, AND OCTOBER 19<sup>TH</sup> PLANNING MEETING, CONTINGENT THAT THERE ARE NO CORRECTIONS. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MRS. CHOBANY, MAYOR KISSELL, AND MS. McCARTHY, MOTION CARRIED 7-0.

### **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. Additional bills were also presented 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 IN THE AMOUNT OF \$36,786.39 AS PRESENTED IN WRITTEN FORM. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MRS. CHOBANY, MAYOR KISSELL, AND MS. McCARTHY, MOTION CARRIED 7-0.

### **REPORTS RECEIVED**

Ms. McCarthy noted that reports were received from the Portage Water Authority (Sept); Portage Sewer Authority (Sept); LMIA (Sept)

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

## **UNFINISHED BUSINESS**

Mr. Koban provided an update as follows:

- Item A: Comcast Cable Agreement-Mr. Koban advised that he will be scheduling a meeting with three different dates with Cheryl McCabe and Attorney Emerick and report back when confirmed.
- Item B: LERTA-Marketing ideas and area churches up for sale.
- Item C: Main Street Sidewalk Project-Mr. Koban advised that he will be meeting with Mr. Wisor after Senator Wozniak's tour to discuss the options.
- Item D: Snow and Ice Emergency- no update; discuss at the next committee meeting
- Item E: Planning Meeting-another meeting will be held on Tuesday, December 1<sup>st</sup> at 6:30 p.m. in Council Chambers. Mr. Koban requested Council to bring ideas to the meeting.

## **BUILDINGS**

- 907 Jefferson Avenue –the issue was discussed earlier in the meeting.
- 933 Sonman Avenue-Mr. Koban advised Council that the letter and pictures were sent to Mr. Greenawalt at the prison informing him of the condition of the home and to determine some type of resolution to repair/demolish the structure.
- 612 Orchard Street – no update.
- 532 Dulancey Drive-The Gaunts are moving forward with demolition
- 815 Gillespie Avenue-Mr. Sekerak was given notice of the pigeons and to make the necessary repairs to the structure.

## **NEW BUSINESS**

1. Mr. Koban informed Council that an e-mail was received from Senator Wozniak's staff that they would like to set up a mobile office and walk through tour of Portage on Friday, November 6<sup>th</sup>, 2015 from 2:00 p.m. to 4:00 p.m. Mr. Koban commented that this would be a great opportunity for Portage. Mr. Koban provided Council with some ideas of where they would tour and discuss; Main Street, Mountain House Grounds, the water and sewer infrastructure projects, LERTA, Dulancey Drive Intersection project, etc. Mr. Koban welcomed all members of Council to attend the tour and greet Senator Wozniak. Senator Wozniak's staff will be in borough council chambers to address and residents with their concerns and questions.

## **MOTIONS:**

1. Fire Company corrected deed was discussed and approved under the Solicitor's report.
2. The Rotary Club of Portage submitted notification they will be sponsoring the 2015 annual Christmas Parade on December 12<sup>th</sup>, 2015 and blocking of Main Street.

ON MOTION OF MRS. CHOBANY, SECONDED BY MR. KISSELL, COUNCIL UNANIMOUSLY APPROVED THE REQUEST FROM THE ROTARY CLUB OF

PORTAGE TO TEMPORARILY BLOCK OFF MAIN STREET FOR THE ANNUAL CHRISTMAS PARADE ON DECEMBER 12<sup>TH</sup>, 2015 FROM 1:00 TO 3:00 P.M. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MRS. CHOBANY, MAYOR KISSELL, AND MS. McCARTHY, MOTION CARRIED 7-0.

### **GOOD OF THE BOROUGH**

The Cambria County Borough Association Dinner was held on Tuesday, October 27<sup>th</sup> at Hoss's in Ebensburg. Mayor Kissell and Mr. Koban accepted a plaque from PA State Association of Boroughs and a certificate from State Representative Frank Burns for the 125<sup>th</sup> anniversary of Portage Borough.

The WinterFest Committee sent notice that WinterFest has been set from December 11<sup>th</sup> through December 13<sup>th</sup>, 2015. Mr. Kissell questioned if they submitted a request for blocking off Main Street. Ms. Claar advised that it is forthcoming.

Mr. Kissell advised that State College Borough is in the process of petitioning for gun control laws on the local level. Mr. Koban questioned if Mr. Kissell is suggesting that Council consider supporting the gun control laws. Ms. McCarthy commented that the issue can be placed on the agenda for future discussion.

Ms. McCarthy commended Mr. Koban for all his efforts, time, and research he spent on the Recreation Director/Manager position. Ms. McCarthy further commented that Mr. Koban is very pro-active in the community and does a great job.

### **ADJOURNMENT**

THERE BEING NO FURTHER BUSINESS, ON MOTION OF MRS. CHOBANY, SECONDED BY MAYOR KISSELL, THE MEETING WAS ADJOURNED AT 7:53 P.M.