

### **Call to Order:**

The regular scheduled meeting of May 4<sup>th</sup>, 2009 was called to order by Council President Ms. McCarthy at 6:33p.m. Members present were: Mr. Kissell, Mr. Vandzura, Mr. Slanoc, Mr. Wozniak, and Mayor Fox. Also present were Robert Koban-Borough Manager; Mr. Emerick-Borough Solicitor; Mr. Wisor-Engineer; Don Squillario-Public Works; Chief Miller-Public Safety; and Michelle Claar-Secretary. Absent was Mrs. Chobany.

Mr. Kissell motioned, seconded by Mr. Wozniak to go out of order on the agenda to recognize the visitors, motion carried 6-0. The visitors were David Hurst from the Altoona Mirror and Jeremy Portash with the Dispatch. Also in attendance were two students seeking the Junior Councilperson positions; Scott Leydig and Ericca Cadwallader. Mr. Kissell motioned, seconded by Mr. Slanoc to appoint both students as Junior Councilpersons, motion carried 6-0. Mayor Fox gave the oath of office to each and Ms. McCarthy provided introductions of Borough officials.

### **Reports:**

#### **Managers Report:**

Mr. Koban furnished a written report prior to the meeting. Mr. Koban recapped several issues in his report. Mr. Koban informed Council that three issues were resolved with the 2008 audit findings presented by Mr. Kotzan; real estate taxes, Summerfest Accounts under the Borough ID number, and the millage breakdowns. Ms. McCarthy questioned the non-profit status (501C-3) of organizations as parent sponsors. Mr. Emerick cautioned Council that if an organization utilizes the Boroughs federal id number for grant purposes, the Borough can be held responsible for any incorrect information. Mr. Vandzura suggested placing the issue on the agenda for the committee of the whole meeting for discussion.

Mr. Koban informed Council that the grant application for additional police officers is for full time only, not part time. We will monitor for any part time grants that might become available. Mr. Koban thanked Council, the Public Works Department, and the Secretary for all their efforts in planning and setting up the Cambria County Borough Association Spring meeting. Mr. Koban received positive comments on the event. Thank you letters will be sent out by the Secretary to all the sponsors and those who donated to the event.

Mr. Koban updated Council on the purchasing of the Stop N Go Property at the judicial sale. The building is in very bad shape and the accumulation of junk needs to be separated. A trash dumpster will be delivered to clean up the outside of the property. Mr. Koban advised Council that the Borough will have to wait 120 days before any demolition can begin since there is a federal lien on the property. Two vehicles were removed by Mr. Miller. The issue will be placed on the committee of the whole agenda to discuss further action of the property.

Ms. McCarthy was approached by residents requesting if the Borough could provide for two spring clean-ups a year. Mr. Koban commented that the three year contract did not reflect two clean-ups but the residents can call Pro Disposal if they wanted to pay direct. Mr. Koban informed Council that he drafted a letter to Mr. Rice concerning the long range plan and there was a misunderstanding in communications between the Planning Commission and the Borough.

**Solicitor's Report:**

Mr. Emerick furnished a written report prior to the meeting. Mr. Emerick commented on the Portage/Cassandra Fire Department merger regarding the certification letter for financial reviews. The issue concluded in unfinished business.

Mr. Emerick provided a copy of a deed from 1945 for the Patney property, located at 1317 Gillespie Avenue that was obtained during his research at the Cambria County Recorder of Deeds office. The property was not probated nor was there any will recorded or filed with the courts. Ms. Claar provided Mr. Emerick with two individuals to contact; Ms. Resconich and Mr. Szoke, to obtain additional information regarding the property. Mr. Emerick advised Council that in his findings, an heir to Joseph Patney was a daughter Anna and her three children who reside on Jefferson Avenue. They will have to be made aware of the circumstances and advised that they are the legal owners of the property. A discussion was held and Mr. Wozniak motioned, seconded by Mr. Slanoc to have Mr. Koban write a letter to Anna advising her of the findings and to seek what her intentions would be to remedy the situation, motion carried 6-0.

Mr. Emerick questioned the Bobolsky property located on Main Street that was donated to the Borough. Mr. Koban advised that grant funding will not be available until next year for demolition. Mr. Kissell commented on the liability issues, costs, and transfer fees. Mr. Kissell motioned, seconded by Mr. Slanoc to authorize Mr. Emerick proceed with a title search, motion carried 6-0,

Mr. Emerick provided information on new state law concerning the licensing and registering of Home Contractors. The Home Improvement Consumer Protection Act 132 takes effect on July 1, 2009. According to the Act, the local municipalities can't impose a fee or require registration of contractors, rendering the Borough's contractor license ordinance a void. Mayor Fox questioned the \$100.00 license fee for the contractors. Mr. Koban explained the intent of the ordinance to Mayor Fox. With the new law, the contractors will pay a \$50.00 fee for two year license and have proof of liability insurance in the amount of \$50,000.00. A lengthy discussion was held on the liability insurance and the ordinance. Mr. Kissell suggested tabling the Contractor Ordinance until additional information is obtained.

**Engineers Report:**

Mr. Wisor furnished a written report prior to the meeting. A discussion was held on the twelve year bridge program for Sonman and Gillespie Avenue. Mr. Koban advised that Sonman Avenue Bridge was not included in the paperwork received from the County. Mr.

Wisor will complete the necessary paperwork and submit back to the County. A discussion took place on the Main Street Streetscape project regarding grant funding and resources. Mr. Wisor confirmed that he will attend the May committee meeting to discuss funding options that may be available to the Borough along with a representative from PennDot.

**Police Report:**

Chief Miller furnished a written report prior to the meeting. Ms. McCarthy questioned if any complaints were received with the written warnings concerning the aggressive driving enforcement program. Chief Miller commented on the grant and also commented that drug activity has slowed down a little. The department is participating with the Cambria County Drug Task Force.

**Public Works Report:**

Mr. Squillario furnished a written report prior to the meeting. Mr. Squillario advised Council that he was questioned by a resident on Conemaugh Avenue concerning a fence being installed on the flood walls to restrain children from falling into the creek. A discussion was held on liability issues and setting a precedence. Mr. Squillario commented that the Borough hasn't installed any fences within the right of ways in the past.

**Treasurer's Report:**

Ms. Claar furnished a written report prior to the meeting. Mr. Wozniak motioned, seconded by Mrs. Chobany to approve the Treasurer's Report, motion carried 7-0.

**Correspondence:**

The Portage Area Ambulance Association submitted a request for the release of the 2009 donation that was budgeted. The donation was included in the bills to be paid in the amount of \$2,837.00.

The Portage Area Joint Recreation submitted a request for a contribution from the Borough to purchase a security system for Crichton McCormick Park at a price tag of \$6,000.00. The Portage Rotary has committed \$1,000.00 and will be seeking contributions from Portage Township and local businesses. A discussion was held on the type of system being considered for purchase. Council requested Ms. Kinley to have Chief Miller review the system. Mr. Koban commented that the Cambria County Community Initiative Grant for 2009 is not available, but will possibly be offered in 2010. Mr. Slanoc will also research the security system in place at the Portage Area Schools and report back. Council agreed to place the issue on the Committee of the Whole agenda for discussion at the May 18<sup>th</sup> meeting.

**Minutes of the Previous Meeting:**

The minutes of the April 6<sup>th</sup> regular meeting and April 20<sup>th</sup> committee meeting were distributed prior to the meeting. Mr. Wozniak motioned, seconded by Mr. Slanoc to approve the April 6<sup>th</sup> regular meeting and April 20<sup>th</sup> committee meeting minutes, motion carried 6-0.

**Paying of Bills:**

The bills were distributed prior to the meeting. Additional bills were also presented for payment. Mayor Fox motioned, seconded by Mr. Wozniak to approve paying the bills plus the additional bills, motion carried 6-0. The bills listed totaled \$27,760.68.

**Other Reports**

Monthly reports for were received from the Water & Sewer Authority, the Portage Area Planning Commission, Portage Public Library, and the Joint Recreation Commission. Mr. Wozniak motioned, seconded by Mr. Slanoc to approve reports from the Water & Sewer Authority, the Portage Planning Commission, and the Joint Recreation Commission, motion carried 6-0. Mr. Kissell commented on the timeframe of the Planning Commission minutes and Mr. Koban advised that the minutes from the previous month are not presented to Council until approved at their regular meeting.

**Unfinished Business:**

Mr. Koban elaborated on the purchase of the Stop N Go Property and questioned the intentions of what to do with the building. A roll off dumpster will be delivered for the Public Works Department to clean up the outside of the building and separate anything that is salvageable. Mr. Koban commented that the inside of the building is in deplorable condition. No major improvements can be done on the inside until after 120 days from the sale due to federal liens on the property. Mr. Squillario advised that two vehicles were removed from the property earlier in the day and were parked on private property on Grant Street with no plates, tags, or inspection stickers.

Mayor Fox advised that he was unsuccessful in contacting Mr. Nicholson concerning the Main Street property. A discussion was held on the condition of the site. Mayor Fox motioned, seconded by Mr. Slanoc to remove the issue from the agenda since the property maintenance codes are being researched, motion carried 6-0.

The Farmers Market packet was presented to Council for review. The packet included the guidelines, regulations, operations, and an application to register with the Borough. Mr. Kissell volunteered to be the market master. The event was published in the five publications of the Mainline Newspapers.

There was no additional information on the property that was donated by Mr. Bobolsky. A discussion was held on the welcome to Portage sign. Mr. Kissell commented that public input and a prize could be offered as an incentive to the contest. The issue will be discussed further at the May committee of the whole meeting.

Mr. Koban commented that another meeting is scheduled for the property maintenance codes and how to enforce the issues.

Several voting items were reviewed and acted upon. Mayor Fox motioned, seconded by Mr. Slanoc to authorize the Portage Area Ambulance Association to make the necessary alarm card changes with Cambria County Emergency Management, motion carried 6-0.

Mr. Vandzura motioned, seconded by Mr. Wozniak to approve the procedures policy for interviews and appointment to the various boards and council positions, motion carried 6-0.

Mr. Slanoc motioned, seconded by Mr. Vandzura to approve the acknowledgement of the merger between Portage and Cassandra Fire Departments after submitting a certified letter acknowledging the financial conditions, motion carried 6-0.

A discussion was held on the cost estimates for Stiffler, McGraw & Associates to proceed with the design phase of the Main Streetscape Project. Mr. Vandzura motioned, seconded by Mr. Slanoc to authorize Stiffler, McGraw & Associates to proceed with cost estimates for the Main Street project on the design phase, at no cost to the borough, motion carried 6-0. The issue will be on the agenda at the committee meeting in May.

Mr. Koban informed Council that Mainline National Bank is considering the option of leasing the Mini-park on a yearly basis. A discussion was held concerning the waterlines, electric service, and maintenance. Mr. Slanoc motioned, seconded by Mr. Kissell to approve the lease option of the mini-park being offered by Mainline National Bank, motion carried 6-0.

Mayor Fox commented on 4X4 posts that were concreted into the ground at the Gaunt property across from Sheetz for a billboard sign. The proposed sign and billboard ordinance was presented by Mr. Koban. Mr. Emerick reviewed the proposed ordinance and noted several recommendations:

- The square footage change of sixteen to twenty six
- Definitions
- Exemptions to the ordinance
- Variances

Mr. Emerick also presented case law concerning other billboards and sign ordinances and appeals. After further discussion, Mr. Wozniak motioned, seconded by Mr. Kissell to advertise the sign and billboard proposed ordinance with the recommendations provided by Mr. Emerick, motion carried 6-0. The proposed ordinance will be advertised for adoption at the Committee of the whole meeting on May 18<sup>th</sup>, 2009.

### **New Business:**

Ms. Tania Garrett contacted the Borough Secretary to inquire on renting parking spaces on Jefferson Avenue by Cambria Thrift. Ms. Claar advised Ms. Garrett that she would place the issue on the agenda but in the past, the requests have been denied. Ms. Garrett was not in attendance to address the issue. Mr. Squillario and Mr. Koban commented that previous requests have been made and denied by Council due to Main Street congestion. Mayor Fox commented that Ms. Garrett should have been in attendance to address the issue. Ms. Claar informed Mayor Fox that she advised Ms. Garrett that she did not have

to attend the meeting, that it would be placed on the agenda due to past practice. Ms. Claar apologized to Council for the oversight.

Cassandra Borough submitted a request to utilize the street sweeper for one day in May. Mr. Koban and Mr. Squillario informed Council that approximately two miles will be swept. A discussion was held with the hourly rate and costs. Mr. Kissell motioned, seconded by Mayor Fox to approve the request from Cassandra Borough to rent the street sweeper with an operator at a cost to be determined by the Borough Manager for one day in May, motion carried 6-0.

**Good of the Borough:**

Ms. Kinley came in at the end of meeting to seek if Council had approved a request for the security cameras. Council advised that the issue was placed on the agenda for the committee meeting on the 18<sup>th</sup>.

Ms. McCarthy commented on she received complaints from Bethany Church regarding the fire trucks being parked in their parking lot. Mr. Koban advised that the trucks are parked there for a few hours due to the inmates painting and working inside the fire department. Mr. Koban will inform the fire department to move the trucks.

**Adjournment:**

Mr. Wozniak motioned, seconded by Mr. Slanoc to adjourn, motion carried 6-0. The meeting adjourned at 8:21 p.m.