

### **Call to Order:**

The regular scheduled meeting of September 8<sup>th</sup> had no President or Vice President to call the meeting to order. Mr. Emerick questioned if Council has ever appointed a president pro tem and one was not appointed. Mr. Emerick advised that one would need to be appointed to call the meeting to order. Mr. Slanoc motioned, seconded by Mayor Fox to appoint Mrs. Chobany as president pro tem, motion carried 4-0-1 with Mrs. Chobany abstaining. Mrs. Chobany called the meeting to order at 6:42 p.m. Members present were: Mr. Kissell, Mr. Vandzura, Mr. Slanoc, Mayor Fox, and Mrs. Chobany. Ms. McCarthy arrived late and Mr. Wozniak was absent. 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. Jr. Council Mr. Leydig and Ms. Cadwallader were absent.

Mr. Vandzura motioned, seconded by Mr. Slanoc to go out of order on the agenda to recognize the visitors, motion carried 5-0. Ms. McCarthy arrived and commenced with the meeting by requesting that Mr. Kissell deliver the prayer for the safe return of the 56 Stryker Brigade. Mr. Koban introduced the first visitor as Mr. Richard Thompson with Americorp's. Mr. Thompson was hired as the Community Planner for the Borough and the Township. Mr. Thompson informed Council that he will be working on the emergency evacuation and operation plans, park procedures, and GIS with the County. Council welcomed Mr. Thompson aboard.

Mr. Michael Krug and Mr. Bruce Cadwallader were in attendance representing the Portage Volunteer Fire Department. Mr. Krug is requesting Council permission for the Portage Volunteer Fire Department to host the 2011 Cambria County Fireman's Convention. This is the beginning of the planning stages for hosting the convention. Mr. Krug advised that the Association will have to vote prior to naming the host for the 2011 convention. Mayor Fox questioned where, when, and what will be scheduled. Mr. Krug advised that the convention will be held for four days behind and in front of the fire department with a battle of the barrel contest. Mayor Fox also questioned crowd control and noise issues. Mr. Krug and Mr. Cadwallader advised they will provide additional information; if, Portage is approved to host the convention. Mr. Vandzura motioned, seconded by Mrs. Chobany to approve the Portage Volunteer Fire Department as a host to the 2011 Cambria County Fireman's Convention, motion carried 6-0. Mr. Cadwallader also advised Council that the last time Portage hosted the Cambria County convention was in 1964 and Mr. Krug is also the vice president of the Cambria County Fireman's Association.

### **Reports:**

#### **Managers Report:**

Mr. Koban furnished a written report prior to the meeting. Mr. Koban had nothing additional to report and welcomed questions from Council. Mrs. Chobany questioned the dumping at the park. Mr. Koban advised that no dumping of any kind is permitted at the park and to notify the police department of the illegal dumping. Ms. McCarthy questioned

the pre-paid bag customers that were sent letters and their status. Mr. Koban advised most are in compliance. Ms. McCarthy questioned the status of the part time officer. Mr. Koban advised that an individual had accepted the position and is awaiting the necessary paperwork. Mrs. Chobany questioned if the chicken and rooster complaints on Conemaugh Avenue were addressed. Chief Miller advised that the rooster has been removed and the chickens are being taken care of.

**Solicitor's Report:**

Mr. Emerick advised Council that the Americorp agreement and ordinance are acceptable for adoption later in the meeting.

Mr. Emerick informed Council that an e-mail was forwarded to him by the Secretary that she received from a resident concerning the prohibition of fire arms posted at the entrance of the park rules at Crichton McCormick Park and in Chapter 16 the Borough Ordinance Park rules and regulations. Mr. Emerick researched the PA Uniform Firearms Act and advised that the borough is precluded from enacting legislation which would regulate in any way, the possession of firearms. Mr. Emerick also advised that the rule was unenforceable. A lengthy discussion was held on whether to amend the ordinance or leave "as is". Mr. Koban commented that the ordinances are scheduled to be codified in 2010 and if there is an amendment, it should be included so all ordinances are current and up to date. Another discussion took place on whether or not an individual could be escorted from the Park if in the possession of a firearm. Mayor Fox and Mr. Kissell were in disagreement with amending the ordinance. Ms. McCarthy and Council agreed to discuss the issue further at the September 21st committee of the whole meeting.

Mr. Emerick presented the lease agreement with Mainline National Bank for the mini-park. Mainline requested that they be named as an additional insured on the borough's policy which there will be no increase in premiums. Mr. Vandzura motioned, seconded by Mr. Slanoc to authorize Ms. McCarthy to sign the lease agreement with Mainline National Bank for the purchase of the mini-park, motion carried 6-0. Mr. Kissell commented on the letter that was received from an adjacent property owner concerning liability issues on a portion of the property that they own. Ms. McCarthy commented that the issues will be discussed at the September 21<sup>st</sup>, committee of the whole meeting.

Mr. Emerick questioned the status of the title transfer from Mr. Joel Bobolsky to the Borough for the former fire damaged Harpo's building. Mr. Bobolsky received a copy of the deed transfer but has not returned it with any signatures.

**Engineers Report:**

Mr. Wisor furnished a written report prior to the meeting. Mr. Wisor advised Council that the energy grant was successfully completed and sent to PA DEP Conservation Works. The grant award will be announced in mid October.

### **Police Report:**

Chief Miller furnished a written report prior to the meeting. Chief Miller advised there were no incidents during the Summerfest weekend and the complaint he received about the rooster was completed. Chief Miller also advised that Randy Stager had dismantled the trailer on Blair Street and the frame will be removed within the next ten days. Ms. McCarthy questioned the number of assists from the Borough to other departments. Chief Miller advised that there are more assists to the Borough than assists going out to the other departments. Mrs. Chobany advised that she received a complaint from a resident regarding the loud noise of a motorcycle on Jefferson Avenue during the late evening and early morning hours.

### **Public Works Report:**

Mr. Squillario furnished a written report prior to the meeting. Mr. Squillario had nothing additional to report. Council questioned if the Eagle Scout project was completed by Mr. Vickroy. Mr. Squillario advised that the brick has been laid around the welcome sign with flowers planted on the inside.

### **Treasurer's Report:**

Ms. Claar furnished a written report prior to the meeting. Ms. McCarthy commented on a deposit that was recorded as prisoner transport fees. Ms. Claar and Chief Miller informed Council that the Borough receives funds for each prisoner they transport to the County Jail. Ms. McCarthy also advised Ms. Claar the sweep account control sheet reflected a transposition between the interest and the service charge for July. Mrs. Chobany motioned, seconded by Mr. Slanoc to approve the Treasurer's Report with the above amendments to the service charge and interest reflected on the sweep account control sheet, motion carried 6-0.

### **Correspondence:**

The Cambria County Board of Assessment Appeals sent notice the Portage Public Library will be appealing the real estate assessment on Tuesday, September 15<sup>th</sup> at 10:00 a.m.

The Portage Volunteer Fire Company sent a thank you on behalf of the junior firefighters to Ms. McCarthy and her granddaughters, Chief Miller, Officer Wyar, Mr. Slanoc, and Mr. Squillario for their participating in the dunking booth fundraiser.

Comcast sent notice effective on or after September 18<sup>th</sup>, 2009 a digital economy video package will be available at a price of \$39.99 per month. They will also be adding the NFL Red Zone Channel to 278 on the Sports Entertainment Package on September 13, 2009.

The Knights of Columbus submitted a request for Mr. Victor Miller to solicit funds for the Halloween Parade. Mr. Kissell motioned, seconded by Mr. Slanoc to approve Mr. Vic Miller to solicit funds for the Halloween parade, motion carried 6-0.

### **Minutes of the Previous Meeting:**

The minutes of the August 3<sup>rd</sup> regular meeting was distributed prior to the meeting. Ms. McCarthy advised that the minutes reflected Mrs. Chobany motioned to approve the treasurer's report and should read Mr. Vandzura motioned, seconded by Mr. Wozniak. Mrs. Chobany motioned, seconded by Mayor Fox to approve the August 3<sup>rd</sup> regular meeting minutes with the above corrections, motion carried 6-0.

### **Paying of Bills:**

The bills were distributed prior to the meeting. Additional bills were also presented for payment. Mrs. Chobany motioned, seconded by Mr. Fox to approve paying the bills plus the additional bills, motion carried 6-0. The bills listed totaled \$39,304.49.

### **Other Reports**

Monthly reports were received from the Water & Sewer Authority, and the Joint Recreation Commission. Ms. McCarthy questioned the monthly meeting pay for the Secretary-Treasurer at \$35.00. Mr. Squillario advised that the Secretary and Treasurer receive \$35.00. Ms. McCarthy questioned if rates are established by Council. Mr. Vandzura will investigate the rates for the board members. Mr. Slanoc motioned, seconded by Mrs. Chobany to approve reports from the Water & Sewer Authority, and the Joint Recreation Commission, motion carried 6-0.

### **Unfinished Business:**

The Main Street Streetscape project will be discussed at the September committee meeting.

Mr. Slanoc advised Council that the high school students will create the welcome to Portage sign but requested the picture be e-mailed to him by Mr. Koban.

The Property Maintenance Codes will be addressed at the September committee meeting.

Mr. Koban informed Council that the Patney's have demolished two structures and are in the process of selling the house "as is". A discussion was held on the timeframe and Mr. Koban commented that the Patney's have been updating him on the progress. Ms. McCarthy suggested not taking any action at this time and to keep an eye on the progress. Mr. Koban advised that Portage Township, Cassandra, and the Borough are moving forward with another date for interviewing and appointing a grant writer.

The non-profit organization and 501-C3 status will be placed on the committee agenda.

Per Borough Council, the silk mill property can be removed from the agenda.

Mr. Emerick advised that he has not received any communications from APS regarding the letter he submitted regarding the municipal building roof. Mr. Koban questioned if Mr. Emerick sent the letter certified mail. Mr. Emerick responded that he did not. Mr. Emerick advised that APS is listed with the State businesses but is nowhere to be found. Mr. Emerick requested Council direction on how to proceed. A discussion was held on if; APS has filed for bankruptcy then there would be no one to hold liable. Legal fees and the cost to research where also discussed as well as the condition of the roof. Mr. Koban

explained that Mr. Terry Knopp had provided a detailed list of the problems associated with roof and that the leaks are now repaired. Mr. Kissell motioned to proceed with legal action against APS. Ms. McCarthy called for a second two times. The motion died due to the lack of second. Council agreed to remove the issue from the agenda.

The police procedures and policies will be on the agenda for the September 21<sup>st</sup> committee meeting for an approval to advertise at the October regular meeting of Council.

**New Business:**

The proposed ordinance for intergovernmental cooperation for an Americorp position with Portage Township was reviewed earlier in the meeting. Mrs. Chobany motioned, seconded by Mr. Slanoc to approve Ordinance 6-2009 adopting an Intergovernmental Cooperation Law with Portage Township for an Americorp position. Ms. McCarthy polled and motion carried 6-0.

The deed transfer from Joel Bobolsky for the burned out Harpo's Building was discussed. Mrs. Chobany motioned, seconded by Mr. Slanoc to accept and approve the deed transfer from Mr. Joel Bobolsky to Portage Borough, motion carried 6-0.

The Act 32 earned income tax legislation was reviewed. Council is required to pass a resolution to appoint a voting delegate and naming an alternate(s) to the Tax Collection Committee. Mrs. Chobany motioned, seconded by Mr. Slanoc to approve Resolution 5-2009 appointing Michael Kunko as the voting delegate and Mr. Richard Bernazolli and/or Sylvia Mandichak as alternates to the Cambria County Tax Collection Committee for Portage Borough, motion carried 6-0.

Ms. Claar presented the 2010 Minimum Municipal Obligation for the non-uniform pension plan and Mr. Steve Feaster provided the uniform pension plan. Mrs. Chobany motioned, seconded by Mr. Slanoc to approve both the non-uniform pension plan MMO for 2010 in the amount of \$14,660.00 and the uniform pension plan in the amount of \$0.00, motion carried 6-0.

The 2001 Chevy Impala was advertised for bids to be opened on September 8<sup>th</sup>, 2009. One bid was received from Chicago Motors, Inc., in the amount of \$1,101.00. Mr. Slanoc motioned, seconded by Mrs. Chobany to accept and award the 2001 Chevy Impala to Chicago Motors, Inc., in the amount of \$1,101.00, motion carried 6-0.

Mr. Koban advised Council that the garbage collection three (3) year contract with Pro Disposal is due to expire on December 31, 2009. Mayor Fox questioned if the new contract could consist of having two spring clean-ups a year instead of one. A discussion was also held on the timing of the spring clean up being later in the year. Mr. Koban advised that the timing of the spring clean-up is at the discretion of the Borough and can be changed. Mr. Vandzura motioned, seconded by Mr. Slanoc to approve the advertising for bids on a three year contract for garbage collection services from January 1, 2010 through December 31, 2012, motion carried 6-0.

**Good of the Borough:**

Council commented on a good football game for the Portage Area Mustangs.

Mayor Fox urged the public to show their support at the Fire Company Spaghetti dinner on Sunday, September 13<sup>th</sup> from 11:00 a.m.-2:00 p.m.

**Adjournment:**

Mrs. Chobany motioned, seconded by Mr. Slanoc to adjourn, motion carried 6-0. The meeting adjourned at 7:48 p.m.