

**Call to Order:**

The regular scheduled meeting of April 5<sup>th</sup>, 2010 was called to order by Ms. McCarthy at 6:30 p.m.

Members present were: Mr. Vandzura, Mr. Slanoc, Mrs. Chobany, 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; and Jr. Council Mr. Leydig. Absent were Mr. Kissell, Mr. Wozniak, and Jr. Council member Ms. Cadwallader.

Mayor Fox motioned, seconded by Mr. Vandzura to go out of order on the agenda to recognize the visitors, motion carried 5-0.

**VISITORS:**

Visitors were Mr. and Mrs. Viscusi, Mrs. Bonnie Fox, and Mr. Jeremy Portash from the Dispatch.

Mrs. Tina Viscusi informed Council she faxed a complaint earlier in the day to the office. The complaint covered two issues; a bush to be cut back on Mr. Slanoc's property that is overhanging in the alley and secondly, a phone call back from the Borough regarding the issue. Mrs. Viscusi advised that she spoke with Mr. Slanoc on several occasions to trim the bush since October of 2009. To date, Mr. Slanoc has not trimmed the bush. Mrs. Viscusi contacted Mr. Koban regarding the issue and she hasn't received a response back. Mr. Koban informed Mrs. Viscusi that he did inspect the area and conversed with Mr. Slanoc to trim the bush. Mr. Slanoc advised Council and Mrs. Viscusi that he would have the bushes trimmed back as soon possible. Mrs. Viscusi also commented on the pile of stones in the alley from the snow being piled up from the snow storms. Mr. Viscusi advised Council that he is in the process of ordering a shed to be placed on his property and inquired on the permit process and the restrictions concerning the property lines within the alley right of way. Mr. Viscusi requested a timeframe to have the bushes trimmed. Mayor Fox commented he could not give Mr. Viscusi a timeframe since this is the first he has heard of the situation. Mayor Fox informed the Viscusi's that in the future; complete the complaint form as soon as possible to the office, not prior to a meeting.

**Reports:**

**Managers Report:**

Mr. Koban furnished a written report prior to the meeting. Mr. Koban informed Council that he, Mr. Vandzura, Mayor Fox, and Mr. Squillario inspected the Harpo's and Stop N Go buildings along with the representatives from the Cambria County Redevelopment Authority. An asbestos study was performed but no results were submitted. The study is required for any grant application for DCED funding.

Mr. Koban informed Council that a technology grant was submitted to PA Commission on Crimes and Delinquency in the amount of \$10,000.00 with no matching costs. The grant

would enable the police department to purchase 2 laptop computers and a camera system. Mr. Koban, Mr. Brant, Chief Miller, and Ms. Claar were acknowledged for their efforts in submitting the grant.

Mrs. Chobany questioned the reimbursement costs for the snow storm. Mr. Koban advised that the reimbursement would only cover one storm. The first storm reflected the most cost with overtime and equipment. There was no update on how much will be reimbursed. Mr. Koban advised Council that he met with Portage Township and Cassandra Borough to discuss the possibility of shared police services. The group is exploring the best options and what would be beneficial to the community and the residents. Other factors being considered is the impact on the Borough regarding the police pension fund and costs. Mr. Koban commented that he will provide updates to Council at the April committee meeting. Ms. McCarthy questioned the 2009 audit report concerning the Management's Discussion and Analysis supplement. Mr. Koban informed Ms. McCarthy that he has not had the opportunity to review the audit and will report back at the committee of the whole meeting.

**Solicitor's Report:**

Mr. Emerick furnished a written report prior to the meeting. Mr. Emerick commented that he will discuss the shared services agreement by following the agenda under new business.

**Engineers Report:**

Mr. Wisor advised that he e-mailed his report but it was not received by the Secretary. Mr. Wisor advised that there was no update on the Dulancey/Main Street Intersection, Main Street Streetscape project and the Gillespie Avenue Bridge. Mr. Wisor commented that the Sheetz request for a reduction on the letter of credit was reviewed and completed.

**Police Report:**

Chief Miller furnished a written report prior to the meeting. Chief Miller advised Council that he received a grant award notification from Mountaintop Technologies in the amount of \$ 1,406.45. The funds will be used toward the purchase of a taser and a mobile radio for the unmarked cruiser. Chief Miller advised Council that a truck driver hit the signal light at the intersection of Main Street and Dulancey and drove off. Chief Miller informed Council they did find out who the truck driver was and is on file with the Secretary. Chief Miller commented that Officer King is enforcing the nuisance ordinances and issuing ten day notices.

**Public Works Report:**

Mr. Squillario furnished a written report prior to the meeting. Ms. McCarthy commended the department for the street sweeping. Mr. Squillario and Mr. Koban acknowledged and commended the efforts of Mr. Fran Steberger. Ms. McCarthy questioned the Sewer

Authority minutes regarding the meeting pay of two employees. Mr. Squillario advised that the employees were requested to attend the meeting and were provided meeting pay for their attendance. A discussion was held on reports by the various boards and commissions. Council agreed to have each organization be reflected on the agenda with which months minutes are being received.

**Treasurer's Report:**

Ms. Claar furnished a written report prior to the meeting. Mr. Slanoc motioned, seconded by Mr. Vandzura to approve the Treasurer's report, motion carried 5-0.

**Correspondence:**

Mr. Dennis Beck; representing the Trout Run Watershed will be sponsoring a Community Clean-up Day on Friday, April 23, 2010 between 12:00 - 2:00 p.m. They are requesting assistance from the Public Works Department to pick up garbage and deliver to Pro Disposal along with a request for police protection at some cleanup sites, if at all possible.

Ms. Bern Sigado sent a thank you card acknowledging the Public Works Department for their dedicated service.

PA State Association of Boroughs sent final notice of the 99<sup>th</sup> Annual Conference to be held in Pittsburgh from April 25-28<sup>th</sup>, 2010.

The Portage Area Sewer and Water Authority submitted their 2009 audit. It is available and on file in the Secretaries office for any member of Council to review.

Comcast sent notice effective March 29, 2010; the Fox Broadcasting will discontinue the Fox Reality Channel. National Geographic Wild will replace the Fox Reality Channel.

Cambria County Borough's Association sent notice of the 2010 Spring Dinner Meeting which will be held on Thursday, April 22, 2010 at the Imperial Room in Ebensburg beginning at 5:30 p.m. The event is being sponsored by Hastings Borough. All reservations must be received by Thursday, April 15<sup>th</sup>. Ms. Claar will contact Mr. Kissell and Mr. Wozniak of their intentions.

**Minutes of the Previous Meeting:**

The minutes from March 1<sup>st</sup> and 15<sup>th</sup> meetings were distributed prior to the meeting. Mr. Slanoc motioned, seconded by Mayor Fox to approve the minutes from the March 1<sup>st</sup> regular meeting and March 15<sup>th</sup> committee meeting, motion carried 5-0.

**Paying of Bills:**

The bills were distributed prior to the meeting. Additional bills were also presented for payment. Ms. Claar advised that the invoice from Associated Office was booked in error for the 2010 maintenance of the copier. The bills listed totaled \$25,137.44. Mrs. Chobany motioned, seconded by Mr. Slanoc to approve paying the bills plus the additional bills, motion carried 5-0.

### **Other Reports**

Monthly reports were received from the Water & Sewer Authority and the Planning Commission from February. Mr. Slanoc motioned, seconded by Mrs. Chobany to approve the monthly reports from the Water & Sewer Authority & Planning Commission for February, motion carried 5-0. Mr. Vandzura remarked that each organization that receives donations should be providing minutes/monthly reports, as discussed earlier in the meeting.

### **Unfinished Business:**

Mr. Slanoc advised that the Welcome to Portage Sign is almost complete. The student is waiting on weatherproof sealant for the sign. Mr. Vandzura volunteered to pick up the waterproof sealant.

Mr. Koban advised that there was no update on the 501C-3 status for the Mainline Heritage Association.

The list of goals for the grant writer will be discussed at the April committee meeting.

Council was provided copies of a letter of interest received from Mr. Dennis Beck seeking appointment to the Sewer Authority. A discussion was held on the residency of Mr. Beck residing in the Township but having property within the Borough. Mr. Squillario advised that three (3) members are appointed from the borough and three (3) members from the Township. The issue will be discussed at the April committee meeting.

The emergency operations plan to be discussed at the committee meeting.

Update on the grant funding for Gillespie Avenue is still being researched.

### **New Business:**

A discussion on the Rails to Trails was discussed later in the meeting. The request from the Portage Area Planning Commission to add Cassandra Borough to the board will be on the agenda for the April committee meeting.

The 2009 audit was completed by Dennis P. Kotzan and presented to Council for approval to advertise. Mr. Slanoc motioned, seconded by Mrs. Chobany to approve the advertising of the 2009 audited financial statements. Ms. McCarthy polled each member, motion carried 5-0.

Mr. Squillario advised that he met with Penn Dot to schedule the 2010 resurfacing program and is seeking approval from Council to advertise for bids. Mr. Slanoc motioned, seconded by Mrs. Chobany to approve the advertising of bids for the 2010 resurfacing program in the Dispatch on April 15<sup>th</sup> and again on April 22<sup>nd</sup>. Ms. McCarthy polled each member, motion carried 5-0. Bids will be opened and read at the May 3<sup>rd</sup> regular meeting of Council.

Mr. Vandzura approached Council at the March meeting to increase the monthly meeting pay for Water Authority board members from \$25.00 to \$50.00 effective in 2011. Mr. Slanoc motioned, seconded by Mrs. Chobany to approve the monthly pay increase for 1

regular business meeting per month from \$25.00 per month to \$50.00 per month. Ms. McCarthy polled and motion carried 4-0-1 with Mr. Vandzura abstaining.

Mr. Koban provided information on the Rails to Trails project. Several meetings were held with representatives from Allegheny Ridge Corporation, Department of Conservation and Natural Resources, Portage Municipal Water & Sewer Authority, Portage Area Planning Commission, Portage and Cassandra Borough, and Portage Township Supervisors. Mr. Koban advised that the participation and support from the organizations to move forward has been greatly received. Mr. Koban explained that the grant application to DCNR will be divided into two (2) parts; the Planning Commission Long Range Plan and a Comprehensive Recreation Plan that includes the Rails to Trails. The Rails to Trails phase consist of the completion of the trails from Cresson to Ehrenfeld with spurs bearing through the Borough to Crichton McCormick Park in the Township. Mr. Koban explained that financial support and commitment to the plan is a requirement of the grant application. A feasibility study is also required with associated costs of fifty percent to be split with the Boroughs and Township over a two year period. Mr. Koban informed Council that the split would be \$7,500.00. A commitment letter to the project would have to be submitted with the grant application. Mr. Vandzura also commented on the feedback from DCNR and the community support. Ms. McCarthy commented that the website could also serve as a resource tool for the project. Mrs. Chobany motioned, seconded by Mr. Slanoc to approve the monetary support of \$7,500.00 for the Rails to Trails feasibility study, motion carried 5-0.

Mr. Bowser submitted the County Aid Liquid Fuels application form for 2010. Mayor Fox motioned, seconded by Mr. Slanoc to approve Resolution 2-2010 making application for County Aid in the amount of \$12,000.00 with Cambria County, motion carried 5-0.

Mr. Koban presented Council with a draft for an amended shared services and equipment agreement between the Borough and the Township. The current agreement in effect is dated February 6<sup>th</sup>, 1995. Mr. Koban requested Mr. Emerick to review the agreement prior to the meeting and present any concerns to Council. Mr. Emerick reviewed the agreement and focused on several sections. Section 1B from the draft agreement had additional language concerning the equipment with an operator and equal benefits from the relationship. Mr. Emerick commented that this was very vague and brought it to Council's attention. Mr. Vandzura commented that an equipment log should be kept with each municipality and the hours of usage for equal benefits. Section 2 concerns the responsibility for any physical damage/loss to the equipment. Mr. Emerick recommended contacting CBIZ to verify if the insurance covers other operators of its equipment. Section 3-seconded paragraph concerns the waiver of the insurance companies right of subrogation. The acknowledgement should be in writing from CBIZ. The third paragraph refers to the payment of the deductible by the damaging party. Mr. Emerick recommended language that the damaging party should always pay the deductible. The final concern was section 7 relating to the term of the agreement. A discussion was held on the terms to be a month to month basis. Mr. Emerick will contact Solicitor Webb regarding the sections of legality and Mr. Koban will contact CBIZ regarding the insurance

issues. Mr. Koban advised that Portage Township will be reviewing the draft agreement on Wednesday and a copy of the draft will be provided to Cassandra Borough for the Solicitor to review. The draft will be presented to Council for review again at the April committee meeting.

Mr. Koban commented on the Ordinance for Crichton McCormick Park concerning firearms. Mr. Koban and Council agreed that the ordinance should be amended. Mayor Fox motioned, seconded by Mr. Vandzura to advertise an amendment to Ordinance 3-1999 Chapter 16, Part one Section 101 subsection I by eliminating the subsection. Ms. McCarthy polled and motion carried 5-0.

**Good of the Borough:**

Ms. Claar presented the Farmers Market Packet to Council. The packet includes the dates for 2010 with the event starting on Saturday, July 3<sup>rd</sup> followed by ten additional weeks on each Saturday of the month with the final date on Saturday, September 11<sup>th</sup>. Ms. Claar informed Council that Mainline Newspapers is in the process of designing an ad for exposure of the event. Mrs. Chobany motioned, seconded by Mr. Slanoc to approve the advertising of the Farmers Market for 2010, motion carried 5-0.

**Adjournment:**

Mrs. Chobany motioned, seconded by Mr. Slanoc to adjourn, motion carried 5-0. The meeting adjourned at 7:53 p.m.