

A meeting of Portage Borough Council was held on June 1<sup>st</sup>, 2015 at 6:30 p.m., in Council Chambers.

Those in attendance were:

Sharon McCarthy, President  
Mayor James Kissell  
Todd Learn

John Morgan  
Jerome Yetsko  
George Wozniak  
Becky Chobany

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.

### **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 called for recognition of guests. Present were: Mrs. Josie Kostan-Portage Women's Club; Mr. Robert Fox, Kelly Cernetich-Altoona Mirror; and Randy Griffith-Tribune Democrat.

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

Mrs. Kostan presented several samples of the seasonal flags for Council to review. The vinyl flags were \$35.00 and the cloth flags were \$110.00 each. Council considered at least one flag with either a Mustang or the letter "P"; or Portage for in the fall months. Council waited until unfinished business to take official action.

Mr. Robert Fox advised Council that a set of tires were chained to a meter pole on the sidewalk located at Sonman Avenue across from 1<sup>st</sup> Summit Bank and requested them to be removed. Chief Miller advised that he will investigate and inform the individuals to remove them from the sidewalk.

Mr. Fox advised that he attended a Portage Area Sewer Authority meeting concerning the upcoming sewer project in regards to his building. The current storm drain is underneath the road and Mr. Fox is requesting that he use this line to tap into the borough's storm drain. The Portage Area Sewer Authority advised they will accommodate Mr. Fox when the project commences in that section. Mr. Fox would also like to have a verbal commitment and have the issue reflected in the minutes. Mr. Koban advised that he will contact Mr. Fritz and Mr. Squillario to permit Mr. Fox to tie into the boroughs old storm drain and have it reflected in the minutes.

### **REPORTS**

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

Mr. Koban provided his report to Council prior to the meeting.

- Mr. Koban advised that he received a text from Commissioner Chernisky regarding LERTA. The County Solicitor is in the process of reviewing the proposed resolution to be adopted by the Commissioners. Mr. Koban will provide an update at the June Committee meeting.

- As it relates to Mr. Donald Wyar concerning litigation; Mr. Koban advised that he can provide additional information in executive session. Mr. Emerick commented that he filed the necessary paperwork.
- Mr. Koban advised that Mr. Longwill is in the process of pursuing a mini-grant through the National Road Heritage Office to supplement the bathroom project at the Park. If successful, this grant amount would be between \$5,000-10,000.00 and used as matching funds for the DCED Greenways grant application for the restrooms.
- Mr. Koban informed Council that the Portage Volunteer Fire Dept designated three members to serve on the building committee and asked for three members of Council. Mr. Wozniak and Mayor Kissell volunteered to serve along with Mr. Koban as the Borough representatives. A meeting is scheduled for Tuesday, June 2<sup>nd</sup> at 7:30 to discuss the building and the roof replacement project. Mr. Koban also requested to appoint members at the beginning of each year.
- Mr. Koban advised Council that two properties will be scheduled for a judicial sale in September; 1024 Gillespie Avenue and 727 Orchard Street. A hearing for Petition for Rule to Sell Property at a Judicial Sale is scheduled for August 21<sup>st</sup>, 2015 at 10:00 a.m. in Court Room No. 5 at the Cambria County Courthouse.
- Ms. McCarthy commented on several properties that have high weeds on Webster, Sonman, and Jefferson. Chief Miller advised that he has been issuing citations to various property owners. Ms. McCarthy also commented that there may be some interest of someone purchasing the property at 813 Gillespie and that the 815 Gillespie property will soon be on the list for a public nuisance with all the open windows and pigeons.
- Mr. Yetsko questioned the status of the piled up shale being raked around at the recycle bins. Mr. Koban advised that it is on the schedule for the Public Works Department.
- The remaining issues were addressed later under unfinished and new business.

#### B. Solicitor's Report

Attorney Emerick provided a copy of his report prior to the meeting.

- Mr. Emerick informed Council that his issues are still pending litigation:  
Kowalczyk vs Portage – Appeal paperwork filed  
Wyar Vs Portage-Paperwork filed
- As it relates to 933 Sonman Avenue-Greenawalt property; Mr. Emerick advised that the property was transferred in 2007. The property currently has outstanding judgments and back taxes and is scheduled for the sale in September. A lengthy discussion took place on the legal process; the sale procedures; and Mr. Morgan debated over the length of time the issue has been on the agenda. Mr. Koban suggested attending the tax sale in September. Mr. Morgan commented that the issue has been on the agenda for over a year now and to wait until after the Judicial Sale. Ms. McCarthy called for council action.

ON MOTION OF MRS. CHOBANY, SECONDED BY MR. YETSKO, TO HAVE COUNCIL ATTEND THE NEXT JUDICIAL TAX SALE IN SEPTEMBER. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MRS. CHOBANY AND MR. YETSKO. VOTING NEGATIVELY WERE: MR. LEARN, MR. MORGAN, MR. WOZNIAK, MAYOR KISSELL, AND MS. McCARTHY, MOTION FAILED 5-2.

- Mr. Emerick advised that Attorney Soissong was in the process of reviewing the past agreements and deeds to the borough building with the Portage Volunteer Fire Dept. According to an agreement in 1971; the building should have been titled in both entities names; the Portage Volunteer Fire Dept and Portage Borough. Mr. Soissong will be sending title revisions for Mr. Emerick to review and then present to Council for approval.

#### C. Engineer's Report

Mr. Wisor provided a copy of his report prior to the meeting.

- Mr. Wisor provided an update on the Trout Run rehabilitation project including the crib walls; grant application documentation; scope of work; and determining the amount for the grant request. Mr. Wisor noted other failing areas that could be included within the scope of the project which included wall reconstruction and the foundation deterioration. Duro-block was also mentioned and Mr. Bowman commented that the previous estimate was close to \$38,000.00. Mr. Wisor was requesting council direction on how to proceed with the estimate for the grant application; including all phases of the project or only certain portions. A project estimate was close to \$290,000.00. Mr. Wisor also advised that if we apply for a higher grant, we would still need to match the 15% of what is being applied for. Mr. Learn suggested including the repairs as the scope to the project and apply for \$250,000.00.

ON MOTION OF MRS. CHOBANY, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY APPROVED RESOLUTION 9-2015 HEREBY REQUESTING A FLOOD MITIGATION GRANT OF \$250,000.00 FROM THE COMMONWEALTH FINANCING AUTHORITY TO BE USED FOR TROUT RUN FLOOD PROTECTION 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. Chief of Police Report

Chief Miller provided his report to Council prior to the meeting.

- Chief Miller had nothing additional to add. Ms. McCarthy questioned the incident that took place in Cambria Township. Mrs. Chobany questioned if the police department does periodical checks in the back of park; noting a lot of activity. Chief Miller advised the police are consistent with the park patrols. Mr. Morgan commented that he was approached by a resident that the police were at the ball field for about twenty minutes. Mr. Morgan commended the Police Department and applauded that it was a safe feeling to have the police presence.

#### E. Director of Public Works Report

Mr. Bowman provided a copy of his report prior to the meeting.

- Mr. Bowman updated Council that the old Public Works building on Maken Street is 70% completed with demolition.
- Mr. Wozniak questioned the time frame for the new building and Mr. Koban advised that the building is included in the 2015 approved budget.
- Mr. Learn questioned the reliability of the speed machine data and the battery.
- Mr. Kissell questioned if a part time summer helper was hired to assist the public works crew in cutting grass and weeds. There are several borough owned properties that also need grass and weed maintenance.

#### F. Treasurer's Report

Ms. Claar provided the Treasurer's report prior to the meeting.

ON MOTION OF MRS. CHOBANY, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY APPROVED THE TREASURER'S REPORT IN THE AMOUNT OF \$82,134.82. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MRS. CHOBANY, MR. KISSELL, AND MS. McCARTHY, MOTION CARRIED 7-0.

### **CORRESPONDENCE**

A thank you letter was submitted by Mr. Dennis Beck; representing the Trout Run Watershed Association for the participation in the Community Cleanup in May.

### **CITIZEN'S INPUT ON AGENDA ITEMS**

There was no public input on agenda items.

### **MINUTES OF PREVIOUS MEETINGS**

The minutes from the May 4<sup>th</sup>, 2015 regular and May 18<sup>th</sup>, 2015 committee meetings were presented prior to the meeting.

ON MOTION OF MR. WOZNIAK, SECONDED BY MR. KISSELL, COUNCIL UNANIMOUSLY APPROVED THE MINUTES OF MAY 4<sup>TH</sup> REGULAR AND THE MAY 18<sup>TH</sup>, 2015 COMMITTEE 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.

### **BILLS AND TREASURER'S REPORT**

Ms. McCarthy noted that copies of the bills and additional bills were distributed for review by Council members prior to the meeting.

ON MOTION OF MR. MORGAN, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY APPROVED PAYING THE BILLS AND ADDITIONAL BILLS AS PRESENTED IN THE AMOUNT OF \$33,641.69. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MRS. CHOBANY, MR. KISSELL, AND MS. McCARTHY, MOTION CARRIED 7-0.

### **REPORTS RECEIVED**

Ms. McCarthy noted that the Water and Sewer Authorities' reports for April, 2015 were received; along with the LMIA for April.

ON MOTION OF MRS. CHOBANY, SECONDED BY MR. KISSELL, COUNCIL UNANIMOUSLY APPROVED THE REPORTS FROM THE VARIOUS BOARDS AS PRESENTED 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.

### **UNFINISHED BUSINESS**

Mr. Koban provided an update as follows:

- Item A: Short and Long Range Goals Based on Long Range Plan – to be discussed at the June committee meeting.
- Item B: Comcast Cable Agreement –a new agreement is being prepared and will be presented to Council once reviewed by the Manager and the Solicitor.
- Item C: LERTA –The Cambria County Commissioners Attorney is in the process of reviewing the proposed Resolution. Mr. Koban will provide an update at the June Committee meeting.
- Item D: Trout Run Crib wall project was discussed under the Engineers report.
- Item E: DCED Grant funding for Crichton McCormick Park-discussed earlier in the meeting.
- Item F: Plans on the 125<sup>th</sup> Anniversary-Mr. Kissell commented on that possibly the season banners could reflect something in lines with the 125 anniversary. Fireworks were also suggested at the

Summerfest Firework night. Ms. McCarthy volunteered to talk to Mr. Tom Cordwell to obtain additional information on a firework display.

ON MOTION OF MR. KISSELL, SECONDED BY MRS. CHOBANY, COUNCIL UNANIMOUSLY APPROVED TO MOVE FORWARD WITH OBTAINING INFORMATION AND PRICE QUOTES FOR FIREWORKS COMMENDING THE 125<sup>TH</sup> YEAR ANNIVERSARY OF PORTAGE BOROUGH. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MRS. CHOBANY, MR. KISSELL, AND MS. McCARTHY, MOTION CARRIED 7-0.

### **BUILDINGS:**

- Chief Miller advised that he sent a letter and there has been no response from the property owner at 907 Jefferson Avenue (Lilly National Bank).
- 933 Sonman Avenue-The property owner is incarcerated and sent a letter to the County seeking arrangements for payment of taxes.
- 612 Orchard Street: No response back from the property owner but the garage is the only issue.
- 828 North Railroad Street-the owners have moved back into the property along with the garbage being paid in both places.

A lengthy discussion took place on the blight and what direction Council can proceed to tackle the property maintenance issues. Mr. Koban advised Council that the ½% increase in the earned income tax encompasses blighted properties and could be utilized for such projects. Most of the properties structures do not meet the criteria within the Borough Ordinance for a dilapidated or dangerous structure; most are blighted properties. Mr. Koban commented that for several years; the property maintenance codes were discussed and information obtained from the COGS and Laurel Municipal Inspections. Mr. Kissell suggested applying pressure to the property owners to bring their properties into compliance.

Mrs. Chobany commented that several residents are upset that we don't take charge of the issues and the same properties are on the agenda month after month.

ON MOTION OF MR. KISSELL, SECONDED BY MR. WOZNIAK, COUNCIL APPROVED TO MOVE FORWARD WITH MR. EMERICK SEARCHING FOR LIENS ON 907 JEFFERSON AVENUE AND 612 ORCHARD STREET AND THEN ADVISE MR. WISOR FOR A STRUCTURAL FIELD SURVEY. THE COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED, MR. YETSKO, MR. WOZNIAK, MRS. CHOBANY, MR. KISSELL, AND MS. McCARTHY. VOTING NEGATIVELY WERE MR. LEARN AND MR. MORGAN, MOTION CARRIED 5-2.

### **MOTIONS:**

#### **A. Borough Roof Replacement Project**

Mr. Koban informed Council that the Portage Volunteer Fire Department

Council agreed to table the Roof Replacement Project until the June committee meeting.

#### **B. Seasonal Banners**

The banners were discussed earlier in the meeting.

ON MOTION OF MR. YETSKO, SECONDED BY MAYOR KISSELL, COUNCIL UNANIMOUSLY APPROVED THE WOMEN'S CLUB REQUEST TO PURCHASE FOUR (4) SETS OF SEASONAL BANNERS FROM RILEIGHS OUTDOOR DÉCOR; NOT TO EXCEED \$3,600.00 WITH THE WOMEN'S CLUB PURCHASING ONE (1) SET AND THE BOROUGH PURCHASING THREE (3) SETS. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MRS. CHOBANY, MR. KISSELL, AND MS. McCARTHY, MOTION CARRIED 7-0.

## **NEW BUSINESS**

**A.** The Rotary Club submitted a request to utilize borough streets during the Summerfest 5k race.

ON MOTION OF MAYOR KISSELL, SECONDED BY MR. LEARN, COUNCIL UNANIMOUSLY GRANTED PERMISSION TO THE ROTARY CLUB TO UTILIZE BOROUGH STREETS DURING THE SUMMERFEST 5K RACE ON SATURDAY, AUGUST 8<sup>TH</sup>, 2015 AT 8:30 A.M. 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 Senior Activity Center submitted a request for a monetary donation for operating expenses. A short discussion took place on the amount of the donation and the process for organizations requesting donations. Mr. Wozniak questioned if the donation would benefit other senior centers as well to which Mr. Koban replied that it would only benefit the Portage Center. Mr. Kissell motioned to donate \$500.00. The motion died with a lack of a second. Mr. Koban suggested contacting the Portage Senior Activity Center to complete a donation application form and to inform them to submit the request prior to each budget year in September, so it can be included in following years' budget

COUNCIL UNANIMOUSLY TABLED THE REQUEST AND HAVE THE PORTAGE SENIOR ACTIVITY SUBMIT A DONATION APPLICATION FORM AND REVIEW DURING THE UPCOMING 2016 PROPOSED BUDGET. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MRS. CHOBANY, MR. KISSELL, AND MS. McCARTHY, MOTION CARRIED 7-0.

**C.** A donation/sponsor request was submitted by Irene Huschak for family season passes at the Park. The passes would be presented to students who collect the most money during the Student Council walk-a-thon on June 2<sup>nd</sup>, 2015. The walk-a-thon proceeds would benefit Crichton McCormick Park operating expenditures. Ms. Claar informed Council that she spoke with Mrs. Huschak advising that the Borough has already contributed, donated, and supported Crichton McCormick Park over the last several months. Mr. Koban also suggested discussing the issue with Mrs. Huschak.

COUNCIL UNANIMOUSLY TABLED THE REQUEST FROM MRS. HUSCHAK TO SPONSOR/DONATE SEASON PASSES FOR THE STUDENT COUNCIL WALK-A-THON. 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.** As it relates to the Crichton McCormick Park grant application to DCED, a discussion took place on the project scope to include only one bathroom or apply for two bathrooms.

ON MOTION OF MAYOR KISSELL, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY APPROVED TO SUBMIT A GRANT APPLICATION TO D.C.E.D. FOR A PROJECT SCOPE OF TWO BATHROOMS FOR CRICHTON MCCORMICK PARK. 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.** A proposed resolution was discussed for the DCED grant application amount with the updated scope from one to two restrooms. A discussion took place on the new scope and projected costs estimates would have to be determined prior to adopting the resolution.

COUNCIL TABLED THE PROPOSED RESOLUTION FOR DCED GRANT FUNDING AMOUNT FOR THE CRICHTON MCCORMICK PARK RESTROOM PROJECT UNTIL THE JUNE COMMITTEE MEETING. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR.

MORGAN, MR. YETSKO, MR. WOZNAK, MRS. CHOBANY, MR. KISSELL, AND MS. McCARTHY,  
MOTION CARRIED 7-0.

**Additional Agenda Item:**

A. The Trout Run Flood Protection Project was discussed earlier in the meeting under the Engineer's report and Council approved Resolution 9-2015 for a grant application in the amount of \$250,000.00 with the Commonwealth Financing Authority.

**GOOD OF THE BOROUGH**

- The Great Portage Yard Sale will be held on Saturday, June 13<sup>th</sup>, 2015. Maps can be purchased at the Portage Historical Society.

**ADJOURNMENT**

THERE BEING NO FURTHER BUSINESS, ON MOTION OF MR. YETSKO, SECONDED BY MR. KISSELL, THE MEETING WAS ADJOURNED AT 8:35 P.M.