

The regular meeting of Portage Borough Council was held on Monday, April 4th, 2016 at 6:30 p.m., in Council Chambers.

Those in attendance were:

Sharon McCarthy
George Wozniak

James Kissell
Jerome Yetsko

David Hayes
John Morgan

Todd Learn

Also present were: Robert Koban, Borough Manager; Michael Emerick, Solicitor; Gary Wisor, Engineer; Ray Bowman, Public Works; Chief Ed Miller, Public Safety and Michelle Claar, Secretary and Jr. Councilor; Alexis Wozniak.

I. CALL TO ORDER

Ms. McCarthy called the meeting to order at 6:30, which was followed by a roll call.

II. REFLECTION/PLEDGE OF ALLEGIANCE

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

III. RECOGNITION OF GUESTS

Ron Portash-Mainline Newspapers; Kelly Cernetich-Altoona Mirror; Randy Griffith-Tribune; Kelly Coldren and several reps from Skills of Central PA; Jeremy Shuniak and Patty Rousell-Portage Fire Dept.

Ms. McCarthy requested deviation from the agenda to address the discussion and motions relating to the drug and alcohol treatment facility.

ON MOTION OF MR. WOZNIAK, SECONDED BY MR. KISSELL, COUNCIL UNANIMOUSLY AGREED TO DEVIATE FROM THE AGENDA TO ADDRESS THE MOTIONS SECTION UNDER ITEM D; APPROVAL TO ADVERTISE A PUBLIC MEETING. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL, AND MS. McCARTHY. MOTION CARRIED 7-0.

ON MOTION OF MR. WOZNIAK, SECONDED BY MR. LEARN, COUNCIL UNANIMOUSLY APPROVED TO ADVERTISE A PUBLIC MEETING ON THURSDAY, APRIL 14TH AT 6:30 AT THE PORTAGE ELEMENTARY AUDITORIUM CONCERNING A DRUG & ALCOHOL TREATMENT FACILITY LOCATED AT 123 MAIN STREET IN PORTAGE BOROUGH. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL, AND MS. McCARTHY. MOTION CARRIED 7-0.

Mr. Koban questioned Council on how they want to proceed, what to present, and if there is some type of agenda they wanted to follow for the public meeting. Several suggestions were:

- place members of each (Council & Skills Reps) on stage to answer questions from the public
- Skills to present their program to the public
- Council to present their con's or pro's regarding community safety
- Positive and negative comments
- Address any medications on site
- Future intentions of the facility

Ms. Colden commented that if the public has any specific questions, they can contact her directly or they can contact the Office in Ebensburg. The staff of Skills would like to be a supporting part of the community. Mr. Hayes questioned if the Borough can even stop the facility from coming in. Mr. Emerick commented that the PA Drug and Alcohol Commission is only requesting that Skills obtain a letter on Borough letterhead that Council permits or supports the program and facility. Ms. McCarthy and Council thanked Ms. Coldren and the reps from Skills for attending.

Missy Eicher, a resident of the borough, requested to address Council regarding a handicap parking space on Sonman Avenue. Ms. Eicher resides at the Sonman Avenue Apartments. Chief Miller advised that there is already a metered handicap space located on the side of building. Ms. Eicher advised that she is on a fixed income and can't afford to put money in the meter. Parking is available across the street by 1st Summit Bank. Ms. Eicher also commented that cars are parked in the handicap space all the time with no money being registered on the meter. Council informed Ms. Eicher that there is nothing that can be done to help her situation since there is already a handicap space at that location.

Jeremy Shuniak; Portage Fire Chief and Patty Rousell; President were in attendance to observe and answer any questions from Council. Mr. Shuniak informed Council that the new rescue and tanker will be coming in mid-May/June. Mr. Shuniak reported that an Open House will be held in the near future for the public to view the equipment. This equipment replaces two for the price of one.

Mr. Koban informed Mr. Shuniak that the building committee meeting for April 14th has been rescheduled to Thursday, April 21st at 7⁰⁰ p.m. Mr. Shuniak questioned the status of the roof and if it would be under warranty. Mr. Emerick advised that a pre-default meeting with the Contractor will take place with American Roofing, Mr. Wisor, Mr. Koban, and Mr. Macharola. This would be prior to any performance bond meeting. Mr. Emerick elaborated on the procedures pertaining to the performance bond.

Another resident advised that he moved to Portage approximately 6 years ago. He works at Sheetz and informed Council that he is in support of the drug and treatment facility.

REPORTS

A. Borough Manager's Report

Ms. McCarthy thanked Mr. Koban for having his report due to his recent surgery. Mr. Koban apprised Council on the recycle program with Pro Disposal. Pro Disposal presented an informational flier for Councils review that explained the process, collection dates and times, and the instructions for the program. Each resident will receive a recycle bin and Mr. Bellvia would like to start the program on April 9th, 2016. Mr. Wozniak questioned if the recycle bins behind the Administration Building could either be eliminated or be placed in the township. Mr. Koban advised that it would be up to Cambria County Solid Waste Authority to determine. Mr. Koban cautioned that the blue recycle bins are heavily used and can still be a recycling resource for the community.

Mr. Koban commented that he received a letter from PennDot concerning the Local Bridge NBIS Safety inspections report. The report was forwarded to Mr. Wisor and to make sure the Sonman Avenue Bridge is on the twelve-year plan.

Mr. Koban advised Council that a random review was performed on the State Liquid Fuels Funds by PennDot. The proper procedures, account maintenance, balances, rules and regulations were in compliance for 2015. Mr. Koban commended Ms. Claar for all her efforts.

Mr. Wozniak questioned the cost of repairs for the pickup that was taken for a joy ride from the maintenance garage over the past weekend. There was damage to the controls for the snow

plow, no other damages were present. Mr. Wozniak also questioned if there will be some written policy to be placed in effect. Mr. Koban commented that it was a very rare incident and no written policy is being implemented. All keys are being removed and placed in the garage at the end of every day.

A. Solicitor's Report

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

Mr. Emerick asked if there were any other questions relating to the borough building roof, to which there was none from Council.

Mr. Emerick informed Council that he reviewed the Grant Writer Agreement and advised that Portage Township was in compliance by providing a thirty-day notice. The Agreement now affects only Portage and Cassandra Borough. Mr. Emerick also advised that if there were any grant submissions or grant awards affecting the Township; they would be reliable for any funds including the 1% incentive fee to Decoplan. So far to date, the only grant with the Township would be the Crichton McCormick Restroom Project. Mr. Koban advised that he has not heard from Cassandra if they were going to terminate the grant writer agreement or not. Mr. Wozniak questioned the retainer fee at \$500.00 per month and if the fee could be lowered and prorated for only two municipalities. Mr. Emerick advised that April would still have to be paid which was included in the bills to be paid. Another discussion took place on the necessity for a grant writer and how it would affect the other organizations that utilize Decoplan & Associates. Mr. Wozniak and Council agreed to contact Mr. Brant to provide how many grants were submitted, for what organizations, the grant amount, and the 1% incentive fee for a successful grant. The grant agreement has been in place for over six years. Once this information is received, Council will review it for the April Committee meeting. Another short discussion took place with questioning Mr. Wisor to determine if Stiffler & McGraw would be able to assist in grant writing services.

As it relates to Wyar Vs Portage, the case has been denied by the Commonwealth Court and he has thirty days to file a request for an appeal.

Mr. Emerick advised that the Kowalczyk vs Portage is still pending in Cambria County Court of Common Pleas.

B. Engineer's Report

Mr. Wisor provided a copy of his report prior to the meeting. Mr. Wisor informed Council that he received a letter from the Army Corps of Engineers relating to the Flood Protection Project.

C. Police Chief's Report

Chief Miller provided his report to Council prior to the meeting. Chief Miller had nothing additional to report. Mr. Hayes questioned if the police department caught the individuals that stole two quads from Mr. Hayes yard. Chief advised that one was in the woods and the other one was pulled over.

D. Director of Public Works Report

Mr. Bowman provided a copy of his report prior to the meeting. Mr. Bowman advised Council that Duane Meadows; with Norfolk Southern, was in to remove the concrete at the Lee Street Bridge. Mr. Koban commented that Irene Huschak had notified Mr. Burns Office who in turn, received a response from Norfolk Southern. Mr. Bowman also advised that a letter to Duane Meadows of Norfolk Southern could be written regarding the condition of the retaining wall along Lee Street below the Arch.

Mr. Bowman also informed Council that they have been working on the police department renovations and are almost done with the painting.

Mr. Bowman presented a map from People Natural Gas outlining the project area for a main gas line replacement on Johnson Avenue between Blair and Hammer Street. Most of the work will be within the sidewalk area.

A. CORRESPONDENCE

Ms. Claar requested that Council provide a count for the 2016 Cambria County Borough Association Spring Meeting to be held on Tuesday, April 19th, at Anthony's Restaurant in Johnstown at 5:00 p.m. Those attending the meeting are Mr. Wozniak, Ms. Wozniak, Mr. Hayes, Mr. Kissell, Ms. McCarthy, Mr. Koban, and Ms. Claar (7).

Ms. Claar advised other correspondence was listed under Good of the Borough.

B. CITIZEN'S INPUT ON NON-AGENDA ITEMS

None

C. MINUTES OF PREVIOUS MEETINGS

Ms. Claar provided a copy of the March 7th, regular and March 21st, committee meeting minutes prior to the meeting.

ON MOTION OF MR. WOZNIAK, SECONDED BY MR. LEARN COUNCIL UNANIMOUSLY APPROVED THE MINUTES FROM THE MARCH 7TH REGULAR MEETING AND THE MARCH 21ST, 2016 COMMITTEE MEETING. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL, AND MS. McCARTHY. MOTION CARRIED 7-0.

D. BILLS AND TREASURER'S REPORT

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

ON MOTION OF MR. KISSELL, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY ACCEPTED THE TREASURER'S REPORT IN THE AMOUNT OF \$78,167.09; THE BILLS AND ADDITIONAL BILLS TO BE PAID IN THE AMOUNT OF \$30,715.51. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL, AND MS. McCARTHY. MOTION CARRIED 7-0.

E. REPORTS RECEIVED

Ms. McCarthy noted the Portage Water and Sewer Authorities' minutes for February, 2016 were received; along with the minutes from the Portage Library for December & February.

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

F. UNFINISHED BUSINESS

Mr. Koban provided an update as follows:

- Item A: Borough Building Roof-discussed earlier under the Manager and Solicitor's report

Mr. Koban commented that several items on the agenda have been on for over a year and wanted direction from Council. Mr. Koban suggested that Council consider either moving forward with the items on the agenda or remove them if nothing can be done at the present time. The issue can be put back on the agenda when necessary.

- Item B: Rec Center/Hockey Rink- Mr. Koban suggested that the hockey rink can be removed but discussions can be held on the Recreation Manager. Council agreed to have the issue be removed from the agenda until further notice.
- Item C: The proposed ordinance for renting to individuals with a drug conviction. Mr. Kissell questioned Mr. Emerick if he had any news on the case that transpired with Gallitzin Borough. There issue is still pending. Council agreed to have the issue be removed from the agenda.

Buildings:

Mr. Koban also commented on the building being on the list with no updates or moving forward.

- 933 Sonman Avenue: The owner is incarcerated
- 612 Orchard Street: The owner is incarcerated
- 907 Jefferson Avenue-The Crums are slowly demolishing the structures. A short discussion took place with Mr. Emerick advising that if Council wanted to move forward, the process would have to start over by notifying the Crums and having another field survey done. The property was sold to the Crums by the First National Bank of Lilly.

Council agreed to have the above properties be removed from the agenda.

- 532 Dulancey Drive-As it relates to this property, The Gaunts have been moving forward with demolition. The structure is down to the 1st floor only and the debris has been cleaned up in the back yard. Mr. Koban commented that per the Demolition Agreement, the Gaunts were given an extension to April 1st, 2016 to have the demolition completed in its entirety. A discussion took place among Council members concerning the following: providing another extension, enforcement of the ordinance and the agreement, and penalties.

ON MOTION OF MR. KISSELL, SECONDED BY MR. MORGAN, COUNCIL APPROVED TO HAVE MR. EMERICK WRITE A LETTER ADVISING THE GAUNTS THEY HAVE 45 DAYS TO HAVE THE BUILDING COMPLETELY DEMOLISHED OR LEGAL ACTION WILL BE TAKEN. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL, AND MS. McCARTHY. MOTION CARRIED 6-1 WITH MR. LEARN VOTING NEGATIVELY.

Mr. Learn remarked that since progress is being made, the 45 days is too short.

Mr. Wozniak commented on a parcel of property on Main Street that is owned by Mr. Pat Nicholson. Mr. Wozniak questioned the health and safety of the metal panels that are buckling in the center of the structure. Mr. Kissell also commented that the fencing around the structure is not secured. Mr. Koban and Chief Miller will investigate and report back at the April Committee meeting.

Ms. McCarthy also commented on the deplorable condition and safety of the old Starlight building on North Railroad Avenue.

MOTIONS

- A. Request from Kelly Coldren; Director of Outpatient BH/Addiction Services with the Skills of Central PA, seeking a letter to permit a drug and alcohol facility at 123 Main Street. The issue was discussed at the beginning of the meeting.

ON MOTION OF MR. KISSELL, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY TABLED THE ISSUE UNTIL AFTER THE PUBLIC MEETING SCHEDULED FOR THURSDAY, APRIL 14TH, 2016 AT THE PORTAGE ELEMENTARY AUDITORIUM AT 6:30 P.M. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL, AND MS. McCARTHY. MOTION CARRIED 7-0.

- B. Accepting the termination letter of the grant writing agreement from Portage Township Supervisors. The issue was discussed earlier under the Solicitor's report and Mr. Koban commented that a motion was not required.
- C. Review/approval of 2015 Audit- The 2015 audit was presented to Council from Dennis P. Kotzan & Associates.

ON MOTION OF MR. WOZNIAK, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY APPROVED THE 2015 AUDIT AND THE ADVERTISING FOR PUBLIC INSPECTION. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL, AND MS. McCARTHY. MOTION CARRIED 7-0.

- D. Advertisement for a public meeting – Discussed at the beginning of the meeting.

NEW BUSINESS:

- A. Review/Discuss Pro Disposal Recycle program was discussed earlier under the Manager's report.

GOOD OF THE BOROUGH

The Cambria County Borough Association Dinner will be held on Tuesday, April 19th, 2016

An Awards Ceremony and luncheon will be held at the Portage Senior Center on Thursday, April 21st, 2016 at noon acknowledging Mr. Victor as the winner of the PA Dept of Aging Volunteer Spotlight award. Mr. Kissell will be attending the ceremony.

A reminder that Earth Clean-up week will be held on Friday, April 22nd, 2016.

A notice that Spring Clean-up will be held for curbside customers only on May 10th, and 11th, 2016.

B. ADJOURNMENT

THERE BEING NO FURTHER BUSINESS, ON MOTION OF MR. YETSKO, SECONDED BY MR. KISSELL, THE MEETING WAS ADJOURNED AT 8:00 P.M.