

The regular meeting of Portage Borough Council was held on Monday, August 1st, 2016 at 6:30 p.m., in Council Chambers.

Those in attendance were:

Sharon McCarthy
George Wozniak

John Morgan
Jerome Yetsko

Todd Learn
James Kissell

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. Absent was David Hayes.

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

Ms. McCarthy offered a reflection. The reflection was followed by the Pledge of Allegiance.

Ms. McCarthy went out of order to address an award presentation. Mr. Kissell presented a service award, from the PA State Association of Boroughs to former Councilwoman; Mrs. Rebecca Chobany. Mrs. Chobany served on Borough Council, Ward 3 from 2004-2015. (12 years)

Council held a meet and greet with Mr. Mark Castel; prior to the meeting, for the vacant Water Authority seat of Mr. Mark Stancovich.

ON MOTION OF MR. KISSELL, SECONDED BY MR. LEARN, COUNCIL UNANIMOUSLY APPOINTED MR. MARK CASTEL TO THE PORTAGE MUNICIPAL WATER AUTHORITY BOARD, TO FILL THE VACANCY OF MR. STANCOVICH'S EXPIRING TERM UNTIL DECEMBER 31ST, 2020. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. KISSELL, AND MS. McCARTHY. MOTION CARRIED 6-0.

Mr. Learn was excused at 6:40 p.m.

III. RECOGNITION OF GUESTS

Ron Portash-Mainline Newspapers

REPORTS

A. Borough Manager's Report

Mr. Koban provided his report prior to the meeting. Mr. Koban provided additional updates on his report. The first update related to the:

- Commonwealth Financing Authority sent notice of the grant funding for the Crichton McCormick Park advising that it was being denied. Mr. Koban commented that a letter was received advising of the denial and forwarded to Mr. Timothy Longwell; grant writer with Decoplan Associates. Mr. Longwell had followed up with CFA for additional information on the denial. The CFA simply did not have enough money. The CFA welcomed the Borough to apply for future grant funding again, which will open March 1st, 2017. Ms. McCarthy suggested that the processing for another grant application be performed prior to the opening date.

- Portage Sewer Authority Project-Mr. Koban advised that he and Mr. Bowman will be performing a field study on the project to present a punch list. Mr. Koban invited members of Council, if they wish to participate in the walk-through. Mr. Kissell questioned if there would be enough time for the residents. Mr. Koban advised that the punch list only related to the asphalt and curbing. Mr. Koban also advised that there is a sink hole at the intersection of Mountain Avenue and Branch Street. There were other sink holes within the Borough that will be placed on the punch list. Ms. McCarthy questioned the status on the paving of Main Street. Mr. Koban informed Council that PennDot will not be paving Main Street until after the Summerfest event.

B. Solicitor's Report

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

Mr. Emerick did not have an opportunity to review the draft agreement between the Borough and American Roofing for the repairs/timeline. Mr. Emerick advised that he would like to compare the new agreement between this and the original agreement. Mr. Koban commented that the building committee met and the fire company is on board with what the borough is requesting. Mr. Koban reviewed the draft agreement prior to the meeting and commented that the issue needs to keep moving forward and time is of the essence. Mr. Koban does not want the project to go into the winter months. A lengthy discussion with the following comments from Council:

- Mr. Kissell commented that he would like the time of construction to commence between the hours of 7:00 a.m. to 7:00 p.m.
- Mr. Yetsko commented that the staging area for the tear off of the roof if on the Mountain House grounds, requires permission.
- Amend agreement with the time restrictions

ON MOTION OF MR. KISSELL, SECONDED BY MR. MORGAN, COUNCIL UNANIMOUSLY ACCEPTED THE DRAFT AGREEMENT BETWEEN THE BOROUGH AND AMERICAN ROOFING WITH CHANGES TO ADD THE TIME OF CONSTRUCTION BETWEEN 7:00 A.M. TO 7:00 P.M. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. MORGAN, MR. YETSKO, MR. WOZNAK, MR. KISSELL AND MS. McCARTHY. MOTION CARRIED 5-0.

Mr. Emerick informed Council that DCED had several questions concerning the debt statement that was submitted for the loan on the Public Works Maintenance Building. There were two loans that were not accounted for by DCED and they needed clarification. Ms. Claar will review the statement and provide the necessary documents to Mr. Emerick to forward to DCED. Mr. Emerick advised that he did not have the legal notice available to advertise but will provide it when he contacts DCED. The issue will be on the agenda for the August committee meeting or the September regular meeting. Mr. Emerick commented that the Moyer's previous Attorney was Mr. McGlynn and will report back at the August Committee meeting

As it relates to the 1100 Lincoln Ave (Moyer) property; Mr. Emerick researched the records at the Cambria County Courthouse prior to the meeting. The Moyer Estate had no real estate listed when Mrs. Moyer was at Maplewinds Care Center. Mr. Emerick commented that the property is on the list for the September 12th Cambria County Upset Tax Sale. The delinquent tax amount is \$4,680.55.

Regarding the Gaunt property at 532 Dulancey Drive; Mr. Emerick advised that he usually doesn't send any second letters or notices. Mr. Emerick recommended filing at the District Magistrate office for non-compliance of the Demolition Agreement. A short discussion took place on the remaining debris, backfilling, concrete slab and foundation, legal and engineering fees.

ON MOTION OF MR. KISSELL, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY AGREED TO HAVE MR. WISOR INSPECT THE PROPERTY FOR COMPLIANCE OF THE DEMOLITION AGREEMENT; IF THE PROPERTY IS NOT IN COMPLIANCE, PROCEED WITH FILING AT THE DISTRICT MAGISTRATE. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. KISSELL AND MS. McCARTHY. MOTION CARRIED 5-0.

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

C. Engineer's Report

Mr. Wisor provided a copy of his report prior to the meeting. Mr. Wisor commented that CFA denied the grant for the Trout Run Flood Protection Project due to insufficient funds. Mr. Wisor will follow up with CFA and provide additional information at the August Committee meeting.

Mr. Kissell questioned the consistency for the Main Street Corridor Project for curb, sidewalk, and lighting improvements. There are certain areas where the concrete and bricks are in bad shape and was informed that a lady had fallen on the brick sidewalk by the Library. Mr. Koban commented that all the sidewalks will be uniform. Penelec and the Library are planning on the installation of a streetlight within that area. Mr. Kissell suggested that the Borough repair the bricks from a safety issue. Mr. Koban commented that since it is in the business district, this would set a precedence with other business owners and to look at the broader picture.

D. Police Chief's Report

Chief Miller provided his report to Council prior to the meeting. Ms. McCarthy questioned what the funds will be used for with the donation from the Portage Moose. Chief Miller advised that he is looking into upgrading the computer software. Ms. McCarthy also commented that she was told by an individual that a police officer was chasing a quad into the Township. Chief Miller will investigate the allegation.

E. Director of Public Works Report

Mr. Bowman provided a copy of his report prior to the meeting. Mr. Bowman had nothing additional to add. Ms. McCarthy advised Mr. Bowman to hold off on the pipe project at Bethany United Methodist Church until further notice. Mr. Bowman commented that several complaints were resolved in regards to sump pumps and drainage flowing into the streets and onto neighboring properties. Mr. Koban advised that this has become an issue due to the recent sewer project and heavy rains and it will definitely become a problem in the winter with ice buildup.

CORRESPONDENCE

1. Commonwealth Financing Authority sent notice that the grant funding for Trout Run Flood Protection Project was declined due to insufficient funds.

CITIZEN'S INPUT ON NON-AGENDA ITEMS

None

MINUTES OF THE PREVIOUS MEETINGS

Ms. Claar provided a copy of the July 18th, 2016 regular meeting minutes prior to the meeting.

ON MOTION OF MR. WOZNIAK, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY APPROVED THE MINUTES FROM THE JULY 18TH, 2016 REGULAR MEETING. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. KISSELL AND MS. McCARTHY. MOTION CARRIED 5-0.

A. 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. MORGAN, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY ACCEPTED THE TREASURER'S REPORT IN THE AMOUNT OF \$49,022.54; THE BILLS AND ADDITIONAL BILLS TO BE PAID IN THE AMOUNT OF \$17,632.53. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. KISSELL AND MS. McCARTHY. MOTION CARRIED 5-0.

B. REPORTS RECEIVED

Ms. McCarthy noted the Portage Water and Sewer Authorities' minutes for June, 2016 were received; along with the minutes from the Portage Joint Recreation Commission for May and June, 2016.

ON MOTION OF MR. WOZNIAK, SECONDED BY MR. KISSELL. COUNCIL UNANIMOUSLY ACCEPTED THE REPORTS RECEIVED AS NOTED ABOVE. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. KISSELL AND MS. McCARTHY. MOTION CARRIED 5-0.

C. UNFINISHED BUSINESS

Mr. Koban provided an update as follows:

- Item A: Borough Building Roof-discussed earlier under the Manager, Solicitor and Engineer's report.
- Item B: Lee Street Retainer Wall-there was no update
- Item C: Recreation Director Position-Mr. Koban advised that Portage Area Joint Recreation, Portage Area Planning Commission, Portage Township Supervisors, and Mr. Tim Longwell have been e-mailed the invitation to attend the August 15th committee meeting to discuss the issue. Mr. Wozniak was not present at the previous meeting and Mr. Koban provided an update on what has transpired thus far. Many comments have been made regarding the position, some negative and some positive. Mr. Koban questioned Council if they want anything prepared for the meeting, to let him know in advance.
- Item D: Proposed waterline by Portage Water Authority-there was no update. Mr. Wozniak questioned the issue since he was not at the previous meeting. Mr. Koban provided an overview of the project to Mr. Wozniak. Mr. Yetsko commented that he would like to see the project begin on Farren Street first; from Johnson to Mountain Avenue. Mr.

Koban suggested that the Water Authority submit the plans that meet PennDot specifications and provide an estimated project cost.

- Item E: Promoting Tourism-Mr. Kissell commented on the brochure that Lilly Historical Society has for the monuments throughout town. Ms. Claar did not have a brochure available for Council to review. Mr. Ron Portash presented a sample brochure of what he had designed for Council to look at. There were three different areas Mr. Portash focused on; residential; with subcategories of recreation and leisure, business (including LERTA) and education. Mr. Wozniak commented that a safe community atmosphere would make a big reflection on the area. Mr. Kissell commented on the football stadium and Crichton McCormick Park as an impact to the community as well. Other suggestions were attractions near the Portage area; Glendale, Blue Knob, Raystown, etc. Mr. Kissell will send back a letter to Mr. Murphy of the Johnstown Film Commission showing Portage Borough's support.

Another discussion took place when Mr. Wozniak questioned; if the permitting of alcohol within Crichton McCormick Park, was ever finalized with the research by Mr. Emerick. Mr. Emerick advised that certain areas on the property deeds reflected alcohol permitted, but only if it was NOT for sale. Mr. Emerick also advised that the Borough Ordinance prohibits alcohol in the park. Mr. Wozniak commented that he would like to have the Solicitor review the wording in the property deeds and questioned; if any of the heirs of Crichton & McCormick have ever been followed up on or notified. Several comments were made with the increase rental rates of pavilions; if, alcohol was permitted. After another short discussion on the consumption and permitting of alcohol:

ON MOTION OF MR. WOZNIAK, SECONDED BY MR. KISSELL. COUNCIL UNANIMOUSLY AGREED TO HAVE MR. EMERICK RESEARCH THE PROPERTY DEEDS FOR THE LANGUAGE USED PERTAINING TO ALCOHOL CONSUMPTION OR SALE OF. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. KISSELL AND MS. McCARTHY. MOTION CARRIED 5-0.

Buildings:

- Gaunt Property-532 Dulancey Drive- discussed earlier in the meeting.
- Nicholson Property-Main Street-Mr. Koban advised that a chain link fence has been installed on the property but the flat metal sheets are caving into the foundation. Several members commented that it is the main thoroughfare on Main Street and it is a safety hazard for anyone walking along the sidewalk.

ON MOTION OF MR. WOZNIAK, SECONDED BY MR. MORGAN. COUNCIL UNANIMOUSLY AGREED TO HAVE MR. WISOR PERFORM A FIELD SURVEY TO DETERMINE IF THE STRUCTURE MEETS THE DANGEROUS STRUCTURE ORDINANCE. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. KISSELL AND MS. McCARTHY. MOTION CARRIED 5-0.

- Moyer Property-1100 Lincoln Dr- discussed earlier in the meeting.

- As it relates to the old Starlite property on Railroad St., several complaints were received from residents concerning the following:
 - ✓ No water within the structure
 - ✓ Windows are smashed or out
 - ✓ Bulging outside walls
 - ✓ Safety of the children

Mr. Kissell commented that the electric is getting done and is being brought up to code.

NEW BUSINESS:

There was no new business

ADDITIONAL AGENDA ITEMS:

1. The Chatterbox sent in a request to close Conemaugh Ave

ON MOTION OF MR. KISSELL, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY GRANTED APPROVAL TO THE "CHATTERBOX", TO CLOSE CONEMAUGH AVENUE; FROM MAIN STREET TO REX ALLEY ON SUNDAY, AUGUST 28TH, 2016 FROM 3:00 P.M. TO 8:00 P.M. FOR THEIR 5TH YEAR ANNIVERSARY. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. KISSELL AND MS. McCARTHY. MOTION CARRIED 5-0.

2. Cambria County Tax Claim Bureau sent notice of an upcoming Upset Tax Sale to be held on September 12th, 2016 at the Cambria County Courthouse. A list was provided to Council listed the properties and the municipal tax liens on file.

GOOD OF THE BOROUGH

Summerfest will be held from Friday, August 12th – Sunday, August 14th, 2016. Summerfest is requesting volunteers.

A. ADJOURNMENT

THERE BEING NO FURTHER BUSINESS, ON MOTION OF MR. KISSELL, SECONDED BY MR. YETSKO, THE MEETING WAS ADJOURNED AT 8:02P.M.