

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

Those in attendance were:

Mayor James Kissell
Todd Learn
David Hayes

John Morgan, Vice President
Jerome Yetsko

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. Absent were George Wozniak, Sharon McCarthy and Jr. Councilor; Alexis Wozniak.

I. CALL TO ORDER

Mr. Morgan 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

Mr. Morgan recognized the following guests: Mr. Ron Portash-Mainline Newspapers; Kelly Cernetich, Altoona Mirror; Mr. Randy Griffith with the Tribune. Also present were Raymond Vandzura and Thomas Hodgkinson representing the Portage High School Class of 1965.

Mr. Vandzura and Mr. Hodgkinson presented a donation of \$800.00 from the PHS Class of 1965 to Portage Borough. Mr. Vandzura and Mr. Hodgkinson informed Council that the donation is to be used for any capital improvements at Crichton McCormick Park. Mr. Hodgkinson commented that the donation could also be used for a match on the grant funding opportunity for the restroom project or a hockey rink at the Park. The donation was collected by class members during the 50th class reunion held this past year. Mr. Koban and Council commended, recognized, and thanked the PHS Class of 1965 for the donation.

IV. REPORTS

A. Borough Manager's Report

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

Mr. Koban suggested that a meeting be held to continue discussions on the hockey rink grant funding through DCNR at the February Committee meeting on Monday, February 16th, 2016 at 6:30 p.m. Mr. Koban also commented that an invitation will be extended to the Portage Township Supervisors, Portage Area Joint Recreation Commission, Portage Area Planning Commission, and the Portage Area Youth Hockey Association. Mr. Kissell questioned if there was any update on the Park Manager position by contacting other organizations. Mr. Koban advised that he contacted the Windber Park Manager and he is willing to come out sometime in March to elaborate on the duties and responsibilities of the position. Council advised Mr. Koban to invite him to the March committee meeting.

As it relates to the Portage Area Sewer Authority project; Mr. Koban advised Council that he attended another meeting with the Municipal Authority concerning the complaints and problems with the contractor; Kukurin Construction. Mr. Koban advised that it is effecting the entire

Borough; especially Ward 3 residents. Several issues discussed were: poor repaving in certain area streets, broken water and sewer lines, winter maintenance, and road conditions. Mr. Koban advised that he has been in contact with Mr. Fritz; with the Eads Group during the entire project. Mr. Koban also commented that Kukurin has been fast in responding and acknowledging all the issues and concerns. The latest incident happened during the recent snow storm where the public works truck plow was damaged due to a manhole in the project area. The cost estimate of repairing was \$3,260.00 and Kukurin is in the process of turning it into their insurance carrier. Mr. Learn suggested that a punch list be prepared and presented at their next meeting.

B. Solicitor's Report

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

As it relates to the storm pipe issue from Mr. Pat Nicholson; Mr. Emerick presented court documents from the Cambria County Recorder of Deeds Office. The documents presented were of the Eminent Domain Proceedings between the Borough of Portage and James J. Nicholson, dated January 6th, 1997 (Case 1997-58 and Ordinance 4-1996) regarding condemnation by the Borough of Portage for a permanent easement for storm sewer purposes. The documents are on file in the Secretaries office.

Mr. Emerick advised that the litigation with Wyar and Kowalczyk are still pending.

Mr. Kissell questioned Mr. Emerick if had any additional information on a proposed ordinance regulating the renting to drug convicted individuals. Gallitzin Borough had adopted the Ordinance in 2015 prohibiting the renting to individuals convicted of certain offenses under the Controlled Substance, Drug, Device and Cosmetic Act. Mr. Emerick advised that there was no update. At the January Committee meeting, Council decided to keep the issue on the agenda to see if anything develops in any case law for a few months. Mr. Hayes commented that the Housing Authority does perform background checks on their tenants prior to renting.

C. Engineer's Report

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

The Trout Run decision is still on hold until the Commonwealth passes the budget.

As it relates to the Sonman Avenue Bridge on the PennDot 12-year plan, it does not appear that funds will be allocated within the next two years due to the T.I.P. not being finalized.

The Main Street Corridor Project and the Trout Run project are still on hold until passage of the state budget.

D. Police Chief's Report

Chief Miller provided his report to Council prior to the meeting. Chief Miller had nothing additional to report.

E. Director of Public Works Report

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

Mr. Bowman informed Council that during the recent snow storm clean up on Main Street; the skid steer damaged the stucco structure of the Olde Kegg. Mr. Kissell commended the Public Works Department for all their efforts during the recent snowstorm maintenance and cleanup.

V. CORRESPONDENCE

Ms. Claar advised that several documents were included in Council packets to review:

- Mr. Gary Vaughn seeking a refund for his donation of \$2,000.00 for the Hockey Rink that has not been moving forward. Mr. Koban commented that the request should be addressed to the Portage Youth Hockey Association and not the Borough.
- The PA State Association of Borough publication in the December Borough News acknowledged Jr. Councilor; Alexis Wozniak.
- The Winterfest Committee sent a thank you for all the on-going support of the Borough.
- Mr. Koban elaborated on the article in the Borough News that was provided to Council concerning the Adoption of Property Maintenance Codes and Enforcement. Mr. Koban requested that Council review and present their opinions to determine if they want to move forward with adoption. Mr. Koban commented that with several buildings on the agenda each month; this could resolve many issues in the future. A short discussion took place on the borough having no zoning and placing too many restrictions on the residents. Laurel Municipal Inspections does have a property maintenance program already in place at several municipalities.

VI. CITIZEN'S INPUT ON NON-AGENDA ITEMS

None

VII. MINUTES OF PREVIOUS MEETINGS

Ms. Claar provided a copy of the January 4th regular and re-organization meeting and the January 18th committee meetings prior to the meeting. Mr. Yetsko advised that a correction needs made on the January 4th re-organization with replacing Mrs. Chobany on the adjournment.

ON MOTION OF MR. LEARN, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY APPROVED THE MINUTES OF THE JANUARY 4TH REGULAR AND RE-ORGANIZATION (WITH THE ABOVE CORRECTION) AND THE JANUARY 18TH, 2016 COMMITTEE MEETING MINUTES. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. HAYES, AND MR. KISSELL. MOTION CARRIED 5-0.

VIII. BILLS AND TREASURER'S REPORT

Mr. Morgan 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. LEARN, COUNCIL UNANIMOUSLY ACCEPTED THE TREASURER'S REPORT IN THE AMOUNT OF \$48,969.77; THE BILLS AND ADDITIONAL BILLS TO BE PAID IN THE AMOUNT OF \$ 21,758.09. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. HAYES, AND MR. KISSELL. MOTION CARRIED 5-0.

IX. REPORTS RECEIVED

Mr. Morgan noted that the Water and Sewer Authorities' reports for December, 2015 were received: along with the minutes from the PAJRC from Nov-December and a 2015 Actual Vs Budget; and Portage Ambulance from October-December.

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

X. UNFINISHED BUSINESS

Mr. Koban provided an update as follows:

- Item A: Comcast Cable Agreement – Mr. Koban indicated that a meeting is scheduled for Thursday, February 18th, 2016 at 6:30 with Mrs. McCabe and invited members of Council to attend.
- Item B: Storm pipe request from Pat Nicholson was discussed earlier in the meeting under the Solicitor's report.
- Item C: Borough Building Roof: Dave Marachola with Stiffler & McGraw is still waiting on a response from R.L. Abatement (subcontractor for American Roofing) Surety Company; York Risk Services. Several contract documents were submitted for their review as well as phone calls that have not yet been returned. This issue will also be discussed at the Building Committee meeting on February 11th, 2016.
- Item D: Park Manager was discussed earlier in the meeting under the Borough Manager's report.
- Item E: The proposed ordinance for renting to individuals with a drug conviction was discussed earlier in the meeting under the Solicitor's report. The issue will remain on the agenda until Council decides to remove it.

Buildings:

- 933 Sonman Avenue: no update
- 612 Orchard Street: no update
- 532 Dulancey Drive: Council approved to extend until April 1st, 2016.
- 907 Jefferson Avenue-The Crums are moving forward with demolition. A short discussion took place on the inspection process and if the Engineer or LMIA would perform the final inspection.

XI. NEW BUSINESS

A. Police Policy and Procedures

Chief Miller provided Council with an amendment to the Police Policy and Procedures Manual concerning Section 4.05 Grooming Standards for males. Chief Miller amended the sections (Mustaches are permitted) but not extending more than one inch outside the corners of the mouth' and to permit (facial hair) but no longer than one inch from the surface of the chin. After a short discussion:

ON MOTION OF MR. KISSELL SECONDED BY MR. HAYES; COUNCIL APPROVED THE POLICE POLICY AND PROCEDURES MANUAL BY AMENDING SECTION 4.05 CONCERNING GROOMING STANDARDS FOR MALES. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. HAYES, AND MR. KISSELL. MOTION CARRIED 4-1 WITH MR. YETSKO VOTING NO.

B. Portage Borough Emergency Operation Plans

Ms. Claar provided a revised Emergency Operations Plan for Council to review. Changes included up to date Council members, resource listings, and the promulgation.

ON MOTION OF MR. YETSKO, SECONDED BY MR. KISSELL, COUNCIL UNANIMOUSLY APPROVED RESOLUTION 1-2016 BY AMENDING THE PORTAGE BOROUGH EMERGENCY OPERATIONS PLAN FOR 2016. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR.

MORGAN, MR. YETSKO, MR. HAYES, AND MR. KISSELL. MOTION CARRIED 5-0.

C. Portage Fire Dept various reports and lists.

The Portage Fire Dept submitted the 2016 list of activities, list of drivers, list of officers, and boards members. Ms. Claar advised that a list of Junior Council and up to date roster is forthcoming.

ON MOTION OF MR. KISSELL SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY APPROVED THE PORTAGE FIRE DEPT 2016 LIST OF ACTIVITIES, DRIVERS, BOARD MEMBERS AND OFFICERS. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. HAYES, AND MR. KISSELL. MOTION CARRIED 5-0.

A. **GOOD OF THE BOROUGH**

Mr. Kissell questioned if all the Crime Watch Signs were up. Mr. Bowman affirmed that all twelve signs are out in the public.

B. **ADJOURNMENT**

THERE BEING NO FURTHER BUSINESS, ON MOTION OF MR. KISSELL, SECONDED BY MR. YETSKO, THE MEETING WAS ADJOURNED AT 7:12 P.M.