

The regular meeting of Portage Borough Council was held on Monday, January 4th, 2016 at 6:53 p.m., in Council Chambers.

Those in attendance were:

Sharon McCarthy, President
Mayor James Kissell
Todd Learn

John Morgan, Vice President
Jerome Yetsko
Mr. Hayes

Also present were: Robert Koban, Borough Manager; Michael Emerick, Solicitor; Ray Bowman, Public Works; Officer Leyo, Public Safety and Michelle Claar, Secretary. Absent were Mr. Wozniak, Mr. Wisor, Borough Engineer, and Jr. Councilor; Alexis Wozniak.

I. CALL TO ORDER

Ms. McCarthy called the meeting to order at 6:53, 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

Ms. McCarthy recognized the following guests: Mr. Ron Portash-Mainline Newspapers; and Mr. Steven Lane-observing. Mr. Jeremy Shuniak representing the Portage Vol Fire Dept was also in attendance.

IV. REPORTS

A. Borough Manager's Report

Mr. Koban provided his report to Council prior to the meeting. Mr. Koban informed Council that he spoke with Mr. Scott Morris regarding the Sacred Heart School building. Mr. Morris will contact Mr. Koban when he is advised by the Diocese and their decision on selling the property.

Mr. Koban commented on the DCNR grant funding for a Hockey Rink and advised that there are funds available for this type of project. Mr. Learn inquired on the status and suggested that an application should be submitted. Mr. Koban commented that the project would be a lengthy process with communicating with other organizations and to do it right the first time around.

Mr. Koban informed Council that Mr. Macharola with Stiffler & McGraw sent another letter to American Roofing and their insurance carrier requesting the roof be re-done. The undercutting portion of the roof that is damaged was performed by the subcontractor; R.L.Abatement.

Mr. Koban advised Council that the 532 Dulancey Drive structure fire injury to Mr. Leonard will be paid by the Portage Volunteer Fire Dept. Ms. McCarthy commented that a list of members, activities report, Junior firefighters, and line officers should be provided to Council for approval and review. Ms. McCarthy also requested that any organization receiving funds from the Borough will be asked to provide monthly meeting minutes and a copy of their budgets.

Mr. Learn and Mr. Hayes expressed their concerns on the paving work done by the Contractor for the sewer project in Ward 3. Mr. Koban advised that any concerns or questions can be referred to Kyle Fritz with the Eads Group. Mr. Koban advised that the project has a \$100,000.00 retainer held until the project is completed and approved the Portage Area Sewer Authority, the borough, and the Eads Group. Mr. Hayes commented on the sewer testing and

view port location and had advised that he was given three different answers to his questions. A small discussion took place on the view ports, locations, and testing.

Mr. Learn commented on a rumor he heard at the Crime Watch meeting concerning natural gas following the sewer replacement project.

B. Solicitor's Report

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

Mr. Emerick presented two "Findings in Fact" for the 907 Jefferson Avenue public hearing for council approval and signature.

On motion of Mr. Learn, seconded by Mr. Hayes, Council unanimously approved to have Ms. McCarthy sign on the Borough's behalf to approve and submit the "Findings in Fact" for the 907 Jefferson Avenue Public Hearing. Council members voting affirmatively included Mr. Learn, Mr. Morgan, Mr. Yetsko, Mr. Hayes, Mayor Kissell, and Ms. McCarthy. Ms. McCarthy polled and motion carried 6-0.

Mr. Emerick requested that Chief Miller serve the Lilly First National Bank and the Crum's. Mr. Emerick also commented that a demolition permit was secured by the Crum's. Mr. Koban commented that he received a call from Mrs. Chobany concerning the burning of materials from the structure and requested that residents contact him directly and not Council.

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

Mr. Kissell commented that he read an article where Gallitzin Borough had adopted an ordinance concerning landlords renting to individuals who are convicted of certain offenses under the controlled substance, drug, device and cosmetic act. Mr. Kissell questioned Mr. Emerick if he knew of any case law to which Mr. Emerick responded that it is very difficult to enforce. Northern Cambria has also adopted a similar ordinance. Mr. Koban suggested that if Council would like to pursue further discussion, the issue will be placed on the January 18th committee meeting agenda.

Mr. Yetsko questioned the status of the Gaunts demolition progress at 532 Dulancey Drive. The structure was to be taken down to the first floor and noted that Council extended the deadline to December 31st, 2015 at the December 2nd, 2015 regular meeting. A discussion took place and Council agreed to have a letter sent to the Gaunts requesting a progress update and timeframe. The complete demolition and removal of the structure is April 30th, 2016.

C. Engineer's Report

Mr. Wisor provided a copy of his report prior to the meeting but was excused from the meeting. From Mr. Wisor's report, the multi-modal grant application was completed and submitted for curb, sidewalk, and lighting improvements. The aesthetics of the project can be discussed and reviewed at a later date.

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

D. Police Chief's Report

Chief Miller provided his report to Council prior to the meeting. Chief Miller had nothing additional to add. Council congratulated Chief Miller on his daughter's wedding.

E. Director of Public Works Report

Mr. Bowman reported that he provided a copy of his report prior to the meeting. Mr. Bowman advised Council that was approached by Pat Nicholson of a storm pipe that was installed through his property which is obstructing his proposed use of the property. Mr. Nicholson is also claiming that the Borough has no right of way or easement to have the pipe there. Mr. Bowman presented Council with a detailed background, maps, and deed information. Mr. Koban suggested that Council investigate the area in question for clarification of the issue at hand. After a lengthy discussion, council agreed to have Mr. Emerick review the deed information provided by Mr. Bowman or research at Cambria County. The issue will remain on the agenda for the January 18th, 2016 committee meeting.

V. CORRESPONDENCE

Ms. Claar brought to Council attention that the vacant position for the Portage Area Joint Recreation was properly advertised in the Dispatch. Ms. Mary Ann George had submitted an e-mail seeking interest in the position and had met with Council prior to the meeting.

ON MOTION OF MAYOR KISSELL, SECONDED BY MR. MORGAN, COUNCIL UNANIMOUSLY APPOINTED MS. MARY ANN GEORGE TO SERVE ON THE PORTAGE AREA JOINT RECREATION COMMISSION FOR A THREE YEAR TERM COMMENCING JANUARY 1ST, 2016 THROUGH DECEMBER 31ST, 2018. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. HAYES, MAYOR KISSELL, AND MS. McCARTHY. MOTION CARRIED 6-0.

The Portage Women's Club submitted a request for Mr. Victor Miller to solicit donations for the Annual Easter Egg Hunt.

ON MOTION OF MR. YETSKO, SECONDED BY MAYOR KISSELL, COUNCIL UNANIMOUSLY APPROVED THE PORTAGE WOMEN'S CLUB REQUEST FOR MR. VIC MILLER TO SOLICIT FOR DONATIONS FOR THE ANNUAL EASTER EGG HUNT. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. HAYES, MAYOR KISSELL, AND MS. McCARTHY. MOTION CARRIED 6-0.

Ms. Claar had listed some of the correspondence under new business.

VI. CITIZEN'S INPUT ON NON-AGENDA ITEMS

Portage Fire Chief; Jeremy Shuniak, was in attendance to introduce himself to Council and to enhance the communications between the organizations. Mr. Shuniak also commented that he will be attending meetings in the future and is looking forward to working together with the Borough. Ms. Claar advised Mr. Shuniak that she spoke with Erin Shuniak and Denys Theys advising them of the reports, listings, and other information required on a yearly basis. Ms. Claar also explained the Worker's Compensation process and reporting any injuries in a timely manner. Mr. Shuniak advised that he will provide the necessary paperwork and listings.

VII. MINUTES OF PREVIOUS MEETINGS

Ms. Claar provided a copy of the December 7th regular meeting and the December 18th special meeting prior to the meeting. Mr. Morgan advised that a correction is needed on the December 7th regular meeting concerning the motion reflecting an incorrect date. The motion reflects December 31st, 2016 and should be amended to December 31st, 2015, on the timeframe extension date for the Gaunt's 532 Dulancey Drive property demolition to the first floor.

ON MOTION OF MR. YETSKO, SECONDED BY MR. LEARN, COUNCIL UNANIMOUSLY APPROVED THE MINUTES OF THE REGULAR DECEMBER 7TH, 2015 REGULAR MEETING AFTER AMENDING THE MOTION DATE FROM DECEMBER 31ST, 2016 TO DECEMBER 31ST, 2015 FOR THE FIRST FLOOR TIMEFRAME EXTENSION ON THE GAUNT PROPERTY. THE DECEMBER 18TH SPECIAL MEETINGS WERE ALSO MOTIONED TO BE APPROVED AS PRESENTED. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR LEARN, MR. MORGAN, MR. YETSKO, MR. HAYES, MAYOR KISSELL, AND MS. McCARTHY. MOTION CARRIED 6-0.

VIII. 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 \$48,969.77. ON MOTION OF MR. MORGAN, SECONDED BY MR. LEARN, COUNCIL APPROVED THAT THE BILLS AND ADDITIONAL BILLS BE PAID AS PRESENTED IN WRITTEN FORM IN THE AMOUNT OF \$26,958.88. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. HAYES, MAYOR KISSELL, AND MS. McCARTHY. MOTION CARRIED 6-0.

IX. REPORTS RECEIVED

Ms. McCarthy noted that the Water and Sewer Authorities' reports for November, 2015 were received, along with the Portage Library Board from May-October, 2015 and Laurel Municipal Inspection Agency for December, 2015.

ON MOTION OF MR. MORGAN, 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, MAYOR KISSELL, AND MS. McCARTHY. MOTION CARRIED 6-0.

Ms. McCarthy departed the meeting at this time-7:45 p.m. Mr. Morgan ran the remainder of the meeting.

X. UNFINISHED BUSINESS

Mr. Koban provided an update as follows:

- Item A: Comcast Cable Agreement – Mr. Koban indicated that he received one date from Cheryl McCabe and will get back to him at the beginning of the year.
- Item B: Snow and Ice Emergency-Mayor Kissell advised there was no update but will be utilizing Accu-Weather by their reports.

Buildings:

- 933 Sonman Avenue: no update
- 612 Orchard Street: no update
- 532 Dulancey Drive-discussed earlier in the meeting.
- 907 Jefferson Avenue-given to John Crum and discussed earlier in the meeting.

XI. NEW BUSINESS**A. Recognition of \$800.00 donation**

Mr. Koban informed Council that a donation was received from the Portage Area Class of 1965 to be deposited into the Capital Improvements Fund for any future Park Projects. Mr. Koban suggested having Mr. Raymond Vandzura from the PA Class of 1965 attend the February meeting for recognition of their donation.

B. Discussion on a storm pipe issue from Pat Nicholson was discussed earlier in the meeting.**C. Discussion on PSAB Award Application**

Mayor Kissell presented an awards application that submitted by the PA State Association of Boroughs and suggested that a plaque or award be applied for reflecting Mrs. Chobany twelve (12) years of service on Borough Council. Ms. Claar will complete and submit the application. Mr. Koban also suggested that this continue into the future.

ON MOTION OF MAYOR KISSELL, SECONDED BY MR. LEARN, COUNCIL UNANIMOUSLY AGREED TO MAKE APPLICATION TO THE PA STATE ASSOCIATION OF BOROUGH RECOGNIZING THE TWELVE YEARS OF DEDICATED SERVICE TO MRS. CHOBANY. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. HAYES, AND MAYOR KISSELL. MOTION CARRIED 5-0.

D. Building Committee meeting

The Portage Volunteer Fire Department sent a request to schedule a future meeting date for the building committee members. Mr. Koban will advise Mr. Wozniak and Mayor Kissell of the dates.

XII. GOOD OF THE BOROUGH

Mr. Kissell questioned when the Christmas Lights would be turned off. Mr. Bowman advised that it has been practice to wait until after Russian Orthodox Christmas on or about the 10 or 11th of January.

Mr. Hayes questioned the process for alleys that are left open.

Mayor Kissell questioned the progress of locating any members of the Crichton Family to discuss the deed restrictions regarding alcohol being permitting in certain section of the Park. Mr. Morgan commented that this was discussed at an earlier meeting in November.

Mayor Kissell questioned the status of the proposed Park Manager position. Mr. Koban advised that Council needs to decide if they want to move forward; with or without the Township and place on the agenda. Council agreed to place the issue on the January 18th committee meeting agenda.

Mr. Learn questioned the Christmas at the old Harpo's location. Mr. Koban informed Mr. Learn that the tree was purchased and planted on the property.

XIII. ADJOURNMENT

THERE BEING NO FURTHER BUSINESS, ON MOTION OF MR. LEARN, SECONDED BY MAYOR KISSELL, THE MEETING WAS ADJOURNED AT 8:06 P.M.