

The regular meeting of Portage Borough Council was held on Monday, March 7th, 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-Skills of Central PA; Pat Nicholson, Jeremy Shuniak and Patty Rousell-Portage Fire Dept.

Ms. McCarthy advised that Mr. Wozniak would only be available for a short time and requested that the Borough Manager proceed first. Mr. Koban just presented his report prior to the meeting before Council had an opportunity to review it. Ms. McCarthy then requested to move to New Business Item D concerning a request from Skills of Central PA. Mr. Koban informed Council that he received an e-mail in November, 2015; from Skills of Central PA; Kelly Coldren, requesting a letter that the Borough has no Zoning Ordinances. The letter was sent on December 2<sup>nd</sup>, 2015 to Skills of Central PA stating that the borough has no zoning restrictions and welcomes new business into the Borough; except for any obscene materials or explicit business per Ordinance 5-1994. Mr. Koban then received another e-mail on March 4<sup>th</sup> from Ms. Coldren requesting that the Borough permits Skills of Central PA to provide drug and alcohol services from the facility located at 123 Main Street (the Former District Magistrate Building). Mr. Koban replied back to Ms. Coldren that the issue would need to be placed on the agenda for Council approval before he could state that in a letter. Council questioned the timeframe and chain of events as to why they are just now getting this information. Mr. Koban advised that Ms. Coldren was invited to the meeting to provide the information and to elaborate on the program. In summary, Ms. Coldren elaborated on the following:

- The history, function, and scope of Skills of Central PA for the disabled
- Establishment of a new program in mental health, drug and alcohol outpatient services
- Three areas were recommended for locations; Northern Cambria, Cresson and Portage.
- Data provided by Behavioral Health of Cambria County and Dept of Public Welfare.
- Creation of several jobs within the Borough
- Planned hours of operation; 9-5 three days a week, noon-8 two days a week; later in the future, possible weekend hours.
- Group therapy of 20 clients in a group in as much as 120 total.

- Certifications and licenses of therapists
- No drugs to be at the facility.

Council members had their questions/concerns as stated:

- Why Portage Borough
- Additional drug and alcohol users coming into the area
- No Methadone clinic and/or suboxone being dispensed
- Additional crime, skeptical issues
- Inpatient facility and recovery vs outpatient
- Health, safety, and obligation to the residents of the community.
- Enforcement of problematic users
- Additional drug connections
- Pros and/or cons
- Parking and traffic issues

Ms. McCarthy and Council advised Ms. Colden that the issue brings up a red flag and that this Council has an obligation to the residents of Portage Borough to keep them safe and do what's best for the community as a whole. Another discussion took place on whether there should be a public meeting gathering all the residents for their input. After the lengthy discussion between Council and Ms. Coldren; Council agreed to discuss the issue in further detail at the March 21<sup>st</sup> committee meeting.

Mr. Pat Nicholson was in attendance to discuss a right to know request and the status of the drain pipe that was installed back in 1997. Mr. Nicholson advised Council that he obtained various paperwork from the Cambria County Recorder of Deeds Office and the Eminent Domain Proceedings. Mr. Nicholson filed a right to know request seeking copies of the plans, plan ledgers, time and date of construction, copies of all documentation regarding Case #1997-00058 (Notice of filing of declaration of taking). Ms. Claar responded by providing Mr. Nicholson with a response letter on February 19<sup>th</sup>. Attached to the letter were copies of the Case 1997-00058, Ordinance 4-1996, November 1996 meeting minutes and notification that this was the only documentation that was located. Mr. Nicholson is requesting another letter be written stating there is no other documentation on file. Mr. Nicholson also advised that he was never served any court papers for the eminent domain proceedings or certified receipts. Mr. Nicholson is requesting any information/paperwork from the Army Corp of Engineers, the DEP, pressure rating depths and right of way information. Mr. Emerick informed Mr. Nicholson that the February 19<sup>th</sup>, 2016 letter and copies of documentation he received were acceptable and if he wanted, he could file an appeal to the Right-To-Know in Harrisburg. Ms. Claar will provide the information to Mr. Nicholson.

Jeremy Shuniak; Portage Fire Chief and Patty Rousell; President were in attendance to discuss several issues. Mr. Shuniak advised Council that there was an incident of a stabbing in Portage Township and the Cambria County dispatcher advised that the State Police would not be there for a least 20 minutes. Mr. Shuniak questioned why the Portage police department could not respond to secure the scene. Council advised Mr. Shuniak that Portage Township does not want any police services from the Borough and he would need to direct those questions to the Supervisors.

Mr. Shuniak's next issue is a request to increase the borough contribution from a half (1/2) mill to 1 mill of taxes. Mr. Shuniak explained that over the past ten years, equipment has doubled in price and they have several fund raisers each year to raise additional revenue. Mr. Koban commented that the 2016 budget is already approved and the request can me put in for the 2017 budget. Mr. Shuniak also advised that he will be requesting the additional mills from Portage

Township and Cassandra Borough. He also stated that he would request a levy on the ballot if need be.

As it relates to the roof on the fire dept side, Mr. Koban advised that he has the breakdown of costs from Gary Wisor to present to the building committee at their next meeting. There was a short discussion on the loan agreement (not approved yet) and the current agreement that is currently in place with the costs being shared between the borough and the fire dept.

#### **IV. REPORTS**

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

Ms. McCarthy informed all the staff that monthly reports are to be received in their entirety by Friday so they are included in Council packets prior to the meeting. Mr. Koban apologized for his late report.

Ms. McCarthy commended Council for their questions and opinions concerning the mental health, drug and alcohol center. Mr. Koban elaborated again on the timeline and chain of events that took place regarding the building and the zoning letter. Ms. McCarthy questioned what the other side of building was going to be used for. She heard it was going to be some type of church. Mr. Koban advised the he has inquired on several occasions but was unsuccessful in having an answer. A discussion took place on whether the building will be exempt for taxes or if it was taxable on the tax rolls. Mr. Koban will research and provide answers at the March Committee meeting.

Mr. Koban advised Council that a letter was sent to Mr. Gary Vaughn concerning the refund of a donation he made to the Portage Area Hockey Association. Mr. Vaughn was advised to contact the PAHA requesting any reimbursement.

Ms. McCarthy questioned if all the organizations that the Borough provides a donation to, have submitted their annual budgets, minutes or reports. Portage Township minutes from November were also included in the packet reflecting an increase in 2016 for the Park contribution from \$2.50 to \$3.25. Ms. Claar advised Council that the Township minutes are also posted on their website.

Mr. Koban informed Council that the municipality has immunity from damages to the Olde Keggs but will be responsible for any deductible. Mr. Zock advised Mr. Koban that his deductible was \$1,000.00. M.W. Petryshak provided a cost estimate of \$505.00 for the repairs and was included on the list of bills to be paid and approved by Borough Council.

Mr. Koban commented on the letter that was faxed from the Portage Township Supervisors regarding a thirty-day (30) written notice of termination for grant writing services agreement. The issue was discussed later in the meeting

Ms. McCarthy questioned the injury from a firefighter. Mr. Koban advised Council that the claim was submitted to Workers Comp

##### **A. Solicitor's Report**

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

As it relates to the Estep (Baum) vs Portage-the case has been settled and if Council wishes, Mr. Emerick will address in an executive session.

Mr. Emerick informed Council that he reviewed the legal aspects of the performance bond for American Roofing and advised that it is a lengthy process to cancel a contract bond and the

bondholder for the roof project. A lengthy discussion took place on how to proceed with the following issues:

- Deck pans to be either replaced or repaired
- Provide a drop dead letter of thirty days for a resolution
- American Roofing to provide a game plan and the timeframe
- Request an entirely new roof
- Contract versus the scope of the work that was insufficient
- Advise them of what we want to happen
- Move forward with performance bonding procedures
- Borough Engineer to approve any recommendations
- Repair slices in the roof

After another short discussion,

ON MOTION OF MR. LEARN, SECONDED BY MR. HAYES, COUNCIL UNANIMOUSLY APPROVED TO HAVE MR. EMERICK WRITE A LETTER TO AMERICAN ROOFING TO REPLACE THE ENTIRE ROOF AND DECK PANS. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. HAYES, MR. KISSELL, AND MS. McCARTHY. MOTION CARRIED 6-0.

As it relates to Wyar Vs Portage, the case is still pending in Commonwealth Court.

Mr. Emerick advised that the Kowalczyk vs Portage is still pending in Cambria County Court of Common Pleas. Mr. Emerick also advised the Kowalczyks' filed another Right to Know request has been completed and filed from 1997 through 2001. The investigative notes were exempt from disclosure.

Mr. Emerick provided an overview of what transpired on the negotiations for the Comcast Cable Agreement. Mr. Emerick commended Mr. Koban for representing the Borough during the negotiations. Mr. Koban also provided a copy of the proposed agreement, breakdown of detailed revenue sources, and commented on several changes. Mr. Koban requested that Council review the Comcast Cable Agreement for the March 21<sup>st</sup> Committee for consideration of adoption. Some notable changes included:

- Public access channels'
- Possible TV and media taping of Council meetings.
- 1 internet side letter for one level of internet service
- Franchise fee comparisons resulting in approximately \$5,000.00 annually

Mr. Koban also commented that the revenue could be increased or decreased depending upon the number of subscribers. This agreement is for a ten (10) year term and will be on the agenda for the March 21<sup>st</sup> committee meeting.

#### B. Engineer's Report

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

Mr. Learn questioned the status of the sign inventory item and if we are in compliance. Mr. Wisor advised that some of the signs have been replaced and we are in compliance. Mr. Emerick cautioned from a legal issue, if there was an accident, the borough would be liable.

#### Police Chief's Report

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

**C. Director of Public Works Report**

Mr. Bowman provided a copy of his report prior to the meeting. Mr. Bowman had nothing additional to report.

Mr. Kissell questioned if the streets would be cleaned before Easter. Mr. Bowman advised that repairs are being made to the sweeper and should have a schedule by the end of the week.

Mr. Kissell questioned if all the Crime Watch signs were posted. He couldn't locate where they were all posted. Mr. Bowman advised that all twelve signs are posted at the entrances into the Borough.

**A. CORRESPONDENCE**

Ms. Claar advised that several documents were included in Council packets to review. Cambria County Commissioner; Mr. Thomas Chernisky sent notice of the third annual Key Leader/Community update meeting by the Cambria County Prevention Coalition will be held on Tuesday, March 8<sup>th</sup> from 8:00 a.m. – 10:00 a.m. at Central Cambria High School.

Commissioner Chernisky also sent notice of the Cambria County Job Fair on May 3<sup>rd</sup>, 2016 from 1:00 – 5:00 p.m. at the Frank Pasquerilla Conference Center in Johnstown.

Comcast sent notice starting March 7, 2016, the professional installation charges will be \$79.99.

**B. CITIZEN'S INPUT ON NON-AGENDA ITEMS**

None

**C. MINUTES OF PREVIOUS MEETINGS**

Ms. Claar provided a copy of the February 1st regular and February 15<sup>th</sup> committee meeting minutes prior to the meeting.

ON MOTION OF MR. KISSELL, SECONDED BY MR. LEARN COUNCIL UNANIMOUSLY APPROVED THE MINUTES FROM THE FEBRUARY 1<sup>ST</sup> REGULAR MEETING AND THE FEBRUARY 15<sup>TH</sup>, 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. LEARN, COUNCIL UNANIMOUSLY ACCEPTED THE TREASURER'S REPORT IN THE AMOUNT OF \$83,018.24; THE BILLS AND ADDITIONAL BILLS TO BE PAID IN THE AMOUNT OF \$27,321.27. 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 January, 2016 were received; along with the minutes from the PAJRC for Jan 18<sup>th</sup>, Portage Ambulance for January and LMIA for January.

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

**F. UNFINISHED BUSINESS**

Mr. Koban provided an update as follows:

- Item A: Comcast Cable Agreement – Discussed under the Solicitor and will be on the agenda for Council approval at the March 21<sup>st</sup> committee meeting.
- Item B: Borough Building Roof-discussed earlier under the Solicitor's report
- Item C: Rec Center/Hockey Rink- On the agenda for the March Committee meeting
- Item D: The proposed ordinance for renting to individuals with a drug conviction still to remain on the agenda. Mr. Koban and Mr. Emerick were both contacted by a TV Station and a reporter from Harrisburg for an interview concerning the ordinance.

**Buildings:**

- 933 Sonman Avenue: no update
- 612 Orchard Street: no update
- 532 Dulancey Drive: Extension date of April 1<sup>st</sup>, 2016 and the Gaunt are moving forward with demolition
- 907 Jefferson Avenue-The Crums are moving forward with demolition

**G. NEW BUSINESS**

- A. Request from Marty Slanoc to shut down various streets for the Bunny Dash 5k.

ON MOTION OF MR. MORGAN, SECONDED BY MR. KISSELL, COUNCIL UNANIMOUSLY APPROVED TO SHUT DOWN VARIOUS STREETS FOR THE ANNUAL BUNNY DASH 5K ON SATURDAY, MARCH 26<sup>TH</sup>, FROM 9:00 A.M. TO 11:00 A.M. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. HAYES, MR. KISSELL, AND MS. McCARTHY. MOTION CARRIED 6-0.

- B. Termination of grant writing agreement from Portage Township Supervisors

Mr. Koban informed Council that a fax was received on March 3<sup>rd</sup> from the Portage Township Supervisors providing a thirty day (30) written notice of intent to terminate the Intergovernmental Cooperation Agreement for grant writer services, effective April 3<sup>rd</sup>, 2016. A discussion took place on whether or not there were any financial responsibilities and concerns with the grant that has already been submitted for the Park Restroom project and the matching local shares. Mr. Koban commented that Portage Township has already committed, supported, and have minutes reflecting the restroom project grant funding. Mr. Koban advised that there are two separate agreements; the intergovernmental agreement between Portage Borough, the Township, and Cassandra Borough; the other agreement is between the grant writer Decoplan and Associates and the Portage Alliance. The monthly retainer fee to Decoplan is \$500.00 that is prorated between the three municipalities. Council requested Mr. Emerick to review the two agreements for any financial responsibilities or legalities. Council tabled the issue until the March committee meeting.

- C. Request from the PAJRC to split postage costs between the borough and the township for the 2016 mailing campaign.

Ms. Claar provided Mr. Koban with the mailing costs from Public Safety Marketing from last year. The postage for 7,987 mailers totaled \$2,079.77. The Borough and the Township equally shared in the cost from last year. Mrs. Squillario noted in the request that it will not be as large of a distribution for this year. After a short discussion on a proposed amount;

ON MOTION OF MR. MORGAN, SECONDED BY MR. LEARN COUNCIL UNANIMOUSLY APPROVED THE PORTAGE AREA JOINT RECREATION COMMISSION REQUEST TO PAY HALF (½) THE POSTAGE COSTS FOR THE 2016 MAILING CAMPAIGN FOR THE PARK; IN AN AMOUNT NOT TO EXCEED \$1,200.00. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. HAYES, MR. KISSELL, AND MS. McCARTHY. MOTION CARRIED 6-0.

- D. Request from Kelly Coldren; Director of Outpatient BH/Addiction Services with the Skills of Central PA to permit a drug and alcohol facility at 123 Main Street was discussed earlier in the meeting. It was motioned by Mr. Learn, seconded by Mr. Hayes to table the request until further discussion at the March 21<sup>st</sup> committee meeting.

**A. GOOD OF THE BOROUGH**

The Women's Club will be sponsoring the Easter Egg Hunt on Saturday, March 26<sup>th</sup>, at noon.

Mr. Koban reminded Council that Jay Schreibman with DCNR will be here on Tuesday, March 15<sup>th</sup>, at 4:30 p.m.

Mr. Koban advised Council that he is requesting an executive session

**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.