

A meeting of Portage Borough Council was held on Monday, August 7th, 2017, at 6:30 p.m., in Council Chambers.

Those in attendance were:

Sharon McCarthy
George Wozniak

James Kissell
John Morgan

David Hayes
Jerome Yetsko

Todd Learn

Also present were: Robert Koban, Borough Manager; Michael Emerick, Solicitor; Gary Wisor, Engineer; Chief Edward Miller, Public Safety; Fran Steberger; Public Works, and Michelle Claar, Secretary. Absent was Ray Bowman, Public Works Director.

I. CALL TO ORDER

Ms. McCarthy called the meeting to order at 6:30 p.m., which was followed by a roll call with a quorum being present.

II. REFLECTION/PLEDGE OF ALLEGIANCE

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

III. RECOGNITION OF GUESTS

Ron Portash, Mainline Publications; borough residents; Jean Kinley, Dan Pfeilstucker, and Mark Pesto with the Tribune Democrat; Steve Nagy-Portage Planning Commission, arriving later in the meeting.

Ms. Jean Kinley observed the meeting.

Mr. Pfeilstucker inquired if the Borough has an emergency operations plan in effect; if there would be any type of train derailment as there was in Somerset County. Mr. Wozniak advised that there is an emergency operations plan for the Borough and the Cambria County EMA, if there would be any type of derailment, hazards spills, etc. Mr. Kissell commented on the three (3) different warning sirens for any emergency and questioned if the public was aware of the sounds. Mr. Portash was going to write something in the paper advising the three different warning sirens in Portage.

IV. REPORTS

A. Borough Manager

Mr. Koban provided his report to Council prior to the meeting. Mr. Koban elaborated on several sections of his report:

Ms. McCarthy questioned the status of the Greenawalt property. Mr. Koban elaborated that Mr. Greenawalt was still incarcerated but the County has not made the corrections to the bills to reflect the prison address that Mr. Greenawalt had requested.

Mr. Wozniak questioned the Nicholson property on Main Street. Mr. Koban advised that Pat Nicholson has started to remove some of the debris within the building in the back but hasn't seen any additional work being done this past week. Progress has not been at a steady pace.

B. Solicitor

Attorney Emerick provided a report to Council in written form prior to the meeting. Concerning, the borough building roof; Mr. Emerick advised that an estimate should be forthcoming from Blair Roofing.

Mr. Emerick informed Council that the Sacred Heart churches and properties will be placed back into taxation in 2018.

As directed by Council, Mr. Emerick informed Council that he researched the Borough's map of streets that were on record at the Cambria County Recorder's Office. A majority of the (Factory) alley for a drainage project is located within the Township. There are seven (7) properties that border the alley in the Borough and a small portion of one. There are ten (10) properties bordering the alley that are located within the Township. Due to the Stormwater water run-off and problems from sump pumps, the property of the Smiths has developed flooding and icing. A lengthy discussion took place on how to resolve with water drainage issues with looking into old maps of existing catch basins and storm sewers. In the meantime, Mr. Emerick advised that he is waiting on a return call from the Township Solicitor; Mr. C.J. Webb.

Mr. Emerick informed Council that the Civil complaints with the Nicholson Estates had two other brothers signing off on having no interest in the property. After the twenty (20) days have passed, Mr. Nicholson will have ten (10) day notice of a default judgement.

As it relates to the 1315 Jefferson Ave property (Kissell); Mr. Emerick advised that he has two more weeks to complete the work or demolish the structure. Mr. Emerick questioned Council on how they would want to proceed if there is no progress.

ON MOTION OF MR. KISSELL, SECONDED BY MR. LEARN, COUNCIL UNANIMOUSLY APPROVED TO HAVE MR. EMERICK MOVE FORWARD WITH LITIGATION IF NOTHING HAS BEEN DONE TO THE 1315 JEFFERSON AVENUE (KISSELL) PROPERTY. 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. Emerick advised that he has not received any response from Ms. Alexander relating to the 616 Dulancey Drive (Adams) property.

ON MOTION OF MR. MORGAN, SECONDED BY MR. KISSELL, COUNCIL UNANIMOUSLY APPROVED TO HAVE MR. EMERICK MOVE FORWARD WITH LITIGATION IF NO RESPONSE IS RECEIVED BACK REGARDING THE 616 DULANCEY DRIVE (ADAMS) PROPERTY. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL, AND MS. McCARTHY, MOTION CARRIED 7-0.

As it relates to the 907 Jefferson Avenue Property (Crum), Mr. Emerick advised that the time is up for any corrective repairs or demolition of the structure.

ON MOTION OF MR. KISSELL, SECONDED BY MR. LEARN, COUNCIL UNANIMOUSLY APPROVED TO HAVE MR. EMERICK MOVE FORWARD WITH LITIGATION ON THE 907 JEFFERSON AVENUE (CRUM) PROPERTY. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL, AND MS. McCARTHY, MOTION CARRIED 7-0.

Ms. McCarthy questioned the status of the bathroom project at the park and if it would have to be let for bid. Several suggestions were made by Council on moving forward if there is no grant funding available or if the PAJRC could receive a donation for the project. Mr. Emerick advised that the borough will have to follow the Home Rule Charter regarding the project cost and the bidding thresholds. Mr. Koban commented that the project should be let out for bid, just as Mr. Emerick had stated. Mr. Learn questioned what transpired with the previous grant and if the Township was going to partially fund the project. After a lengthy discussion among council members,

ON MOTION OF MR. KISSELL, SECONDED BY MR. LEARN, COUNCIL UNANIMOUSLY APPROVED TO MOVE FORWARD ON THE BATHROOM PROJECT AT CRICHTON McCORMICK PARK BY PUTTING THE PROJECT OUT FOR PUBLIC BIDS. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL, AND MS. McCARTHY, MOTION CARRIED 7-0.

C. Engineer

Mr. Wisor furnished a copy of his written report to Council prior to the meeting.

Relating to the borough roof, this was discussed under the Solicitor's report.

Mr. Wisor advised that he submitted the DCED grant application for the Main Street Sidewalk Project on July 20th. He also received a call from DCED during their review of the application and noticed that there was a discrepancy in the project cost and the borough share of the commitment of funds. The previous borough commitment of funds was estimated at \$132,300.00 for a project cost based on \$308,700.00. The new revised estimate of total project costs is \$401,244.00 with the borough's 30% percent match at \$171,961.00. This is a difference of \$39,661.00. After a discussion;

ON MOTION OF MR. LEARN, SECONDED BY MR. KISSELL, COUNCIL UNANIMOUSLY APPROVED RESOLUTION 6-2017 BY REQUESTING A PENNDOT MULTIMODAL GRANT APPLICATION FROM COMMONWEALTH FINANCING AUTHORITY; TO BE USED FOR THE (30%) THIRTY PERCENT MATCH FOR THE SIDEWALK IMPROVEMENT PROJECT PHASE 2 ON MAIN STREET, IN THE AMOUNT OF \$171,961.00, FROM THE CAPITAL IMPROVEMENT FUND. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL, AND MS. McCARTHY, MOTION CARRIED 7-0.

As it relates to the intermunicipal PennDot project on Main Street, the project is moving forward.

Mr. Kissell questioned that status of Trout Run wall; that is due for inspection in 2018, but the repairs have not yet been completed. Mr. Koban commented that grant funding for these type of projects is very limited. Mr. Wisor commented that the funding is also prioritized by project and condition.

D. Chief of Police

Chief Miller provided a copy of his written report to Council prior to the meeting. Chief Miller had nothing additional to add to his report except for a typographical error. Ms. McCarthy commended the Police Dept for their efforts during the Firemen's Convention.

E. Director of Public Works

Mr. Bowman was absent. Mr. Fran Steberger represented the Public Works Department and provided a written report to Council prior to the meeting.

Ms. McCarty commended the Public Works Crew for all their efforts in providing assistance for the Firemen's Convention by filling in potholes, street sweeping, removal of signs and posts, and barricades.

Ms. McCarthy questioned several vacant properties within the borough that have not had their yards cut or have high weeds. Mr. Emerick confirmed to Ms. McCarthy that the properties can be cut by the borough and a municipal lien can be filed on property.

V. CORRESPONDENCE

Comcast sent notice they will be notifying customers of an update to the Comcast Agreement for residential services commencing with their August billing. The update consists of terms and conditions relating to Xfinity TV, Internet and voice services.

The Community Foundation for the Alleghenies submitted an invitation to attend a picnic at Crichton McCormick Park on Tuesday, August 29th, 2017 at 5:00 p.m. The Portage Regional Endowment has contributed nearly \$200,000.00 to benefit the Portage community since 1998. RSVP by August 15th, 2017. Ms. McCarthy and Mr. Kissell will be attending. Mr. Wozniak will get back to the Secretary.

The Dept of the Audit General Bureau of Municipal Pension Audit submitted the Limited Procedures Engagement Report for the Uniform and Non-Uniform Pension Plans from 2013-2016. Based on the Auditor General results, there were no findings.

Mr. Dennis Beck submitted a letter of interest for the Portage Water Authority Board. The letter of interest will be on file when the term limits are up at year end.

VI. MINUTES OF PREVIOUS MEETING

As it relates to the minutes from the July 17th, 2017 regular meeting.

ON MOTION OF MR. KISSELL, SECONDED BY MR. HAYES, COUNCIL UNANIMOUSLY APPROVED THE MINUTES FROM THE JULY 17TH, 2017 REGULAR 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.

VII. BILLS AND TREASURER'S REPORT

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

ON MOTION OF MR. WOZNIAK, SECONDED BY MR. KISSELL, COUNCIL UNANIMOUSLY ACCEPTED THE TREASURER'S REPORT IN THE AMOUNT OF \$60,380.34; AND APPROVED THE BILLS AND ADDITIONAL BILLS BE PAID; AS PRESENTED IN WRITTEN FORM, IN THE AMOUNT OF \$82,295.13. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL AND MS. McCARTHY, MOTION CARRIED 7-0.

VIII. REPORTS RECEIVED

Ms. McCarthy commented on the report prepared by Ms. Claar reflecting all the organizations that have submitted monthly minutes. Minutes were received from the Portage Water Authority (June); Portage Sewer Authority (June); and LMIA (June); and Portage JRC- July 3rd, & 17th; Portage Library-Jan-June; Portage Summerfest-Jan-June; Portage Ambulance-Jan-June. Ms. McCarthy also commented that minutes were not received from the Portage Area Planning Commission.

ON MOTION OF MR. KISSELL, SECONDED BY MR. HAYES, COUNCIL UNANIMOUSLY ACCEPTED THE REPORTS FROM THE PORTAGE WATER AUTHORITY (JUNE); PORTAGE SEWER AUTHORITY (JUNE); AND LMIA (JUNE); AND THE PAJRC- JULY 3RD, & 17TH; PORTAGE LIBRARY-JAN-JUNE; PORTAGE SUMMERFEST-JAN-JUNE; PORTAGE AMBULANCE-JAN-JUNE. MS. MCCARTHY ALSO COMMENTED THAT MINUTES WERE NOT RECEIVED FROM THE PORTAGE AREA PLANNING COMMISSION. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL AND MS. McCARTHY, MOTION CARRIED 7-0.

UNFINISHED BUSINESS

Mr. Koban provided an update as follows:

- A. Update on Recreation Manager/Director position:
Mr. Koban informed Council that he attended the Portage Township meeting on Wednesday, August 2nd, 2017. Mr. Koban advised that he requested a meeting with the Supervisors at a later date. The Supervisors will contact him to set up a meeting in the near future.
- B. Update on Borough Building Roof: Discussed earlier in the meeting.
- C. Update on Trout Run Rehabilitation: Discussed under Engineer's report
- D. Update on promoting tourism in Portage: Mr. Kissell and Mr. Portash to meet on Friday.
- E. Sacred Heart Tax Appeals-discussed under the Solicitor's report and will be placed on the tax rolls in 2018.
- F. Update on declaring a snow emergency-Mr. Wozniak advised that it will be discussed at the next committee meeting in August.
- G. PennDot/Boro Main Street Phase II-no update
- H. Residency restrictions on sexual violent offender's
Mr. Hayes presented a google map reflecting a radius of 1500 of locations within the borough where an offender could or could not reside. Mr. Emerick again cautioned that any incident would not hold up in court and still would violate their civil rights. Mr. Emerick commented that we either need to modify the existing ordinance for any enforcement or repeal it. Several suggestions were made by council members and the distance restrictions would have to be amended.
- I. Update on drainage issues for Kelly and Sherry Smith-discussed earlier in the meeting.
- J. Discussion on restroom project at Crichton McCormick Park-discussed earlier in the meeting.

BUILDINGS

Mr. Koban provided the following update:

- A. Update on Nicholson property on Main Street-discussed earlier in the meeting under the Solicitor's report.
- B. Update on Mark Kissell property at 1315 Jefferson Avenue: Discussed earlier under the

Solicitor's report.

C. 1007 Conemaugh Avenue (Vivis) property. Placed on the judicial sale at Cambria County

D. Update on Dulancey Drive property (Clair Adams)-discussed under the Solicitor's report.

E. Shoenfeld property at Orange and Grove

Mr. Koban elaborated on the storage trailers on the property and informed Mr. Emerick that the previous District Magistrate and Cambria County Judge Long had ruled the property as undeveloped. Mr. Emerick informed Council that he could obtain the court documents and order to review the results of that hearing.

ON MOTION OF MR. WOZNIAK, SECONDED BY MR. KISSELL, COUNCIL UNANIMOUSLY AGREED TO HAVE MR. EMERICK PROCEED WITH OBTAINING THE COURT DOCUMENTS RELATING TO THE SCHOENFIELD CASE REGARDING THE TRAILERS ON UNDEVELOPED PROPERTY. 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. Update on 933 Sonman Ave (Greenawalt)-Discussed earlier in the meeting.

G. Update on 907 Jefferson Avenue (Crums)-discussed earlier in the meeting.

X. NEW BUSINESS

A. Discussion on Sacred Heart School and garage property.

Ms. McCarthy informed Council that the Altoona-Johnstown Diocese are in a position to now sell the school and garage properties. Mr. Koban commented that there are several areas of concern regarding the school and the garage. Council advised that they will be going into executive session regarding this issue.

XII. GOOD OF THE BOROUGH

A. Mr. Kissell commented on the liner at the ice rink at Crichton McCormick Park. A liner was donated last year but due to the inclement weather, the liner failed. Mr. Kissell commented that a new 100X50' liner could be purchased for approximately \$500.00, if installed by volunteers, and there would be no warranty. A lengthy discussion took place on several topics including: Water tanks over bridge, sand work detail, fencing, volunteers, hydrants, and installation. Ms. Kinley commented on the bridge at the park; if a tanker would be able to access the bridge. Mr. Steve Nagy; representing the Planning Commission questioned Council as to why they didn't approach the Commission regarding the issue. Mr. Nagy advised that the Planning Commission met with the DCNR last year and measured the rink. Mr. Nagy informed Council that he would like to see council members attend the Planning Commission meetings as well. After another short discussion; Mr. Kissell will obtain a quote to have the liner installed by contractor and to discuss the warranty for the August committee meeting.

IX. ADJOURNMENT/EXECUTIVE SESSION

ON MOTION OF MR. KISSELL, SECONDED BY HAYES, COUNCIL UNANIMOUSLY AGREED TO GO INTO EXECUTIVE SESSION FOR REAL ESTATE LITIGATION AND PERSONNEL REASONS. 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. KISSELL, COUNCIL UNANIMOUSLY AGREED TO GO OUT OF EXECUTIVE SESSION FOR REAL ESTATE LITIGATION AND PERSONNEL PURPOSES. MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL AND MS. McCARTHY, MOTION CARRIED 7-0.

ON MOTION OF MR. KISSELL, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY AGREED TO GO INTO THE REGULAR 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.

THERE BEING NO FURTHER BUSINESS, ON MOTION OF MR. WOZNIAK, SECONDED BY MR. KISSELL, THE MEETING WAS ADJOURNED AT 8:35 P.M.