

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

Those in attendance were:

Sharon McCarthy	John Morgan	James Kissell	David Hayes
George Wozniak	Todd Learn	Jerome Yetsko	

Also present were: Robert Koban, Borough Manager; Michael Emerick, Solicitor; Gary Wisor, Engineer; Chief Edward Miller, Public Safety, 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 reflection. The reflection was followed by the Pledge of Allegiance.

III. RECOGNITION OF GUESTS

Ron Portash, Mainline Publications; Jean Kinley, and Commissioner Thomas Chernisky.

Ms. McCarty asked Jean Kinley or Ron Portash had any concerns. Jean Kinley questioned why the agenda only reflects the revenue and not the expenditures. Ms. McCarthy advised that the Home Rule Charter depicts the order and what is included on the agenda. Ms. McCarthy also commented that the Treasurer's report reflects the revenue, expenditures, payroll, and financial statements each month in detail. The report is available if Ms. Kinley would like to review.

IV. REPORTS

A. Borough Manager

Mr. Koban commented that his report was not provided to Council prior to the meeting. Ms. McCarthy advised that Mr. Koban's Father had undergone knee surgery and was excused for not having his report to Council prior to the meeting. Mr. Koban elaborated on several issues on his report.

- Parking and Meter ordinances were provided to Council along with parking agreements, charts for the back lot of the borough building, and a map of all the meter locations on Main Street. Mr. Koban commented that he would like to have Council review the paperwork for further discussion at the February Committee meeting. The parking behind the borough building is becoming an issue and the meters on Main Street as well.
- Mr. Koban informed Council that the Portage Township Supervisors, the Portage Area School District and the Portage Area Planning Commission did not submit any letter of support for the Peer to Peer study for the possibility of recreational director/manager. Ms. Claar advised that letters were received from the Cambria County Planning Commission, Cambria County Commissioners, Portage Area Joint Recreation Commission, Lilly Borough, Washington Township, and Summerhill Borough. Mr. Koban advised that he will be attending the next Portage School Board and Portage Planning Commission meetings to elaborate further on the grant study. Council commented that it was difficult to understand why Portage Organizations could not provide support letters, yet other

municipalities were able to show their support. Mr. Koban commented that he received an e-mail from Mr. Longwill, that was included in his report. The e-mail was from Jay Schribeman and James Young; with DCNR stating the importance of regional support. Council agreed that there were no financial commitments being requested. Mr. Koban advised that after he speaks with the School District and the Planning Commission, we should still move forward with the grant application.

- The Gaunt hearing with District Magistrate Prebish was rescheduled to February 15th, 2017.
- Mr. Koban advised that Ms. Claar contacted PSAB to obtain a sample resolution relating to telecommunication devices for Council members unable to attend meetings. Mr. Emerick reviewed the sample and had several recommendations. The resolution needs to meet four (4) criteria before being considered and a quorum must be established prior to the meeting. Council discussed each section of the resolution.

ON MOTION OF MR KISSELL, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY APPROVED RESOLUTION 2-2017 BY AUTHORIZING COUNCIL MEMBERS TO PARTICIPATE IN MEETINGS VIA TELECOMMUNICATION DEVICES. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MS. McCARTHY, MAYOR KISSELL, MR. HAYES, MR. WOZNIAK, MR. YETSKO, MR. MORGAN, AND MR. LEARN. MOTION CARRIED 7-0.

Cambria County Commissioner; Mr. Thomas Chernisky entered the meeting at this time. Mr. Chernisky advised that he will be attending several borough and township meetings throughout the County to provide updates on the progress of Cambria County. Several issues discussed were:

- Working with local officials and increase the communications
- Provided an update on overcoming an 8.5 mill deficit
- Addition of 4 Chief Clerks
- Budget transparency
- Introduced Act 152 – Blight and grants to fund approximately 8-14 properties/year
- Re-financed the County Debt Service
- \$5.00 per vehicle registration to be earmarked for 26 Cambria County bridge repairs
- Technology companies coming into the area
- Services offered by the County Grant writer; John Dublansky
- US Marshall services now part of the program
- Redevelopment Authority purchase of 95 acres at SCI-Cresson-no plans yet
- Questioned our LERTA program

Mr. Chernisky answered several questions from Council. Council thanked Mr. Chernisky for attending the meeting and providing the detailed information on where the County stands. Mr. Chernisky offered his services if the borough would be in any need.

Mr. Koban elaborated on a drain and sump pump issue at a Gillespie Avenue residence. Since the sewer project has been completed, several residents are utilizing sump pumps in their basements, which in turn, is flowing into the streets and neighboring yards. Mr. Koban advised that the issue will have to be addressed in the Spring for a resolution to the problem. A short discussion took place on the possibility of a storm drain by the old Jacket Factory of Gillespie Avenue. Mr. Wozniak commented that the water is draining off of businesses behind Main Street

and down the alley; causing ice buildup and flooding. Mr. Koban questioned Mr. Wisor if he could research the drainage issue to help come up with a plan of action.

Mr. Kissell commented that the un-open alleys are still being used by residents. The alleys were being utilized during the sewer project but it is now completed. Mr. Koban commented that the ordinance is in-place and we need to work with the property owners to resolve the issues.

Mr. Koban advised that there will be a Building Committee meeting on Thursday, February 9th at 6:30 p.m.

B. Solicitor

Attorney Emerick provided a report to Council in written form prior to the meeting.

Mr. Emerick advised Council that an e-mail was received from the insurance company for R.L. Abatement and American Roofing concerning the Borough Building Roof Project. The insurance sent a property damage release claim for the Borough to sign off on in the amount of \$105,000+. Mr. Emerick advised that an executive session will be needed to discuss the issue further.

Mr. Emerick apprised Council that the Gaunt hearing has been re-scheduled at the MDJ. The Sheriff's Department wasn't able to effectuate service on the Gaunts. The re-scheduled hearing will be determined at a later date.

As it relates to the Nicholson property, Mr. Emerick advised Council that Chief Miller withdrew the previous citation for the dangerous structure. Mr. Emerick advised that MDJ Prebish had reviewed the issue and that a sliding scale was being implemented. Mr. Emerick recommended that we move forward with the Common Pleas Courts.

ON MOTION OF MR. WOZNIAK, SECONDED BY MR. KISSELL, COUNCIL UNANIMOUSLY APPROVED TO MOVE FORWARD WITH THE CAMBRIA COUNTY COURT OF COMMON PLEAS FOR THE NICHOLSON SUIT. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MS. McCARTHY, MAYOR KISSELL, MR. HAYES, MR. WOZNIAK, MR. YETSKO, MR. MORGAN, AND MR. LEARN. MOTION CARRIED 7-0.

Ms. McCarthy questioned Mr. Learn if he heard of any news on the Sacred Heart Church property. Mr. Learn advised that it is now up to the Diocese on whether they will sell the property. Ms. McCarthy commented that a contractor had provided an estimate for making some repairs. The building is starting to deteriorate from the inclement weather. Ms. McCarthy questioned Mr. Emerick if the property can be nullified for tax purposes. Mr. Emerick advised that the Church would have to meet the dangerous structure ordinance, which would require an Engineer field study. Ms. McCarthy requested Mr. Emerick to research if the property can be nullified for taxes for the February Committee meeting.

C. Engineer

Mr. Wisor commented that he had forwarded a copy of his report to Council prior to the meeting. Mr. Wisor had nothing additional to add.

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 report.

E. Director of Public Works

Mr. Bowman provided his report to Council prior to the meeting. Mr. Bowman was absent.

V. CORRESPONDENCE

Portage WinterFest committee sent a thank you for the donation and assistance during the WinterFest 2016 event.

Ms. Claar informed Council that Borough Tax Collector; Joanne Redfern, is out of Maple Winds and back home following her back surgery. Ms. Redfern is requesting to cancel her office and home hours in March; for the collection of property taxes, until she is fully recovered. Ms. Redfern is requesting that all taxpayers mail their payments to her 525 High Street, Portage, PA address. The tax bills will also reflect that payments will only accepted by mail for the month of March. Ms. Redfern would resume normal hours on April 3rd, 2017. Mr. Koban commented that the residents will not be receptive to no office hours for tax collection. Mr. Emerick commented that he believed that the tax collector is required to collect taxes due to the discount period. Mr. Kissell commented that he thought there was a resolution a few years ago, for naming an additional tax collector. Ms. Claar will check the resolutions and Mr. Emerick will research with the Tax Collection Law for answers at the February Committee meeting.

VI. MINUTES OF PREVIOUS MEETING

As it relates to the minutes from the January 3rd regular and January 16th committee meetings.

ON MOTION OF MR. HAYES, SECONDED BY MR. WOZNIK, COUNCIL UNANIMOUSLY APPROVED THE MINUTES FROM THE JANUARY 3RD, 2017 REGULAR MEETING AND THE JANUARY 16TH, 2017 COMMITTEE MEETING. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MS. McCARTHY, MAYOR KISSELL, MR. HAYES, MR. WOZNIAK, MR. YETSKO, MR. MORGAN, AND MR. LEARN. 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. Ms. McCarthy commented on the attendance record reflecting Mr. Wozniak as absent. Ms. Claar advised that she will amend the attendance record to reflect his presence.

ON MOTION OF MR. MORGAN, SECONDED BY MR. LEARN, COUNCIL UNANIMOUSLY ACCEPTED THE TREASURER'S REPORT IN THE AMOUNT OF \$47,051.44 AND APPROVED THE BILLS AND ADDITIONAL BILLS BE PAID; AS PRESENTED IN WRITTEN FORM, IN THE AMOUNT OF \$24,906.07. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MS. McCARTHY, MAYOR KISSELL, MR. HAYES, MR. WOZNIAK, MR. YETSKO, MR. MORGAN, AND MR. LEARN. MOTION CARRIED 7-0.

VIII. REPORTS RECEIVED

Ms. McCarthy noted that reports were received from the Portage Water Authority (Dec); Portage Sewer Authority (Dec); and Portage Area Joint Recreation Commission-Nov & Dec and the 2016 Profit & Loss Report.

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

IX. UNFINISHED BUSINESS

Mr. Koban provided an update as follows:

- A. Update on Recreation Manager/Director position: Discussed earlier in the Manager's report. Mr. Koban will be attending the Portage Area School Board meeting and the Portage Planning Commission this month.
- B. Update on Borough Building Roof: Discussed earlier in the meeting and there will be an executive session at the end of the meeting.
- C. Update on Trout Run Rehabilitation: No update.
- D. Update on promoting tourism in Portage: Mr. Portash provided a sample brochure for Council to review. Mr. Portash commented that if there is anything else Council would like incorporated into the brochure, to let him know.

X. BUILDINGS

Mr. Koban provided the following update:

- A. Update on 532 Dulancey Drive (Gaunts): 1st hearing was re-scheduled with District Magistrate Prebish. Another hearing to be announced at a later date.
- B. Update on Nicholson property on Main Street-discussed earlier in the meeting under the Solicitor's report.
- C. Update on storage units at Sugar Alley: discussed earlier in the meeting.
- D. Update on Mark Kissell property at 1315 Jefferson Avenue: Ms. McCarthy questioned Mr. Kissell if there has been any progress on the fire damaged structure. She has received several complaints and the property is becoming a nuisance. Mr. Kissell commented that he has not spoken with his brother and he will try to move forward.

XI. NEW BUSINESS

- A. Resolution 2-2017 concerning telecommunications was approved earlier in the meeting.
- B. Amendment to the Portage Borough Police policy and procedures manual
Chief Miller provided Council with an amendment to the policy and procedures manual concerning media protection and disposal policy. Each section addressed was to ensure the protection of the FBI Criminal Justice Information within the department.

ON MOTION OF MR. KISSELL, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY APPROVED THE MEDIA PROTECTION AND DISPOSAL POLICY TO BE INCORPORATED INTO THE PORTAGE BOROUGH POLICE POLICY AND PROCEDURES MANUAL. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MS. McCARTHY, MAYOR KISSELL, MR. HAYES, MR. WOZNIAK, MR. YETSKO, MR. MORGAN, AND MR. LEARN. MOTION CARRIED 7-0.

XII. GOOD OF THE BOROUGH

Ms. McCarthy questioned Mr. Koban if they had any possible candidates for the part time police officer. Mr. Koban responded that he and Chief Miller have reviewed several applications and have narrowed it down two applicants to interview.

Mr. Wozniak commended Ms. Claar for the e-mail sent to Council regarding the link for the newly revised Code of Ordinances, now on-line with American Legal Publishing. Mr. Wozniak commented that the site was user-friendly.

ON MOTION OF MR. KISSELL, SECONDED BY MR. WOZNIAK, COUNCIL WENT INTO EXECUTIVE SESSION FOR CONTRACT NEGOTIATIONS AND PENDING LITIGATION. MOTION CARRIED 7-0.

ON MOTION OF MR. WOZNIAK, SECONDED BY MR. KISSELL, COUNCIL WENT OUT OF EXECUTIVE SESSION, MOTION CARRIED 7-0.

XI. ADJOURNMENT/EXECUTIVE SESSION

THERE BEING NO FURTHER BUSINESS, ON MOTION OF MR. WOZNIAK, SECONDED BY MR. KISSELL, THE MEETING WAS ADJOURNED AT 8:17 P.M.