

A meeting of Portage Borough Council was held on Monday, July 17th, 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; Kelly and Sherry Smith, Jean Kinley, Donald Squillario, Ryan and Frank Stohon, and Public Works employee; Scott Maul.

Mr. Koban introduced Frank Stohon and his son Ryan Stohon whom is a student at Portage Area High School. Ryan completed a Senior community service project by repairing and repainting the Welcome to Portage Sign. The picture reflected before and after images. Ryan also advised that this is the last year the School District will be offering senior projects. Council commended and thanked Ryan for all his hard work and Mr. Portash will be taking pictures once the sign will be erected.

Ms. Jean Kinley observed the meeting.

Mr. Squillario was in attendance to address the letter from the PAJRC concerning several items pertaining to Crichton McCormick Park for the upcoming Summerfest event. Mr. Squillario advised that his nephew would remove, at no cost, the piles of debris dumped at the back entrance of the park. Mr. Koban commented that some of the milling piles will be used for several projects.

Sherry and Kelly Smith were in attendance to provide an update on the drainage issues at the back of their residence at 1511 Gillespie Avenue. Mrs. Smith advised Council that she attended the Portage Township meeting to address her concerns since the 20' undeveloped alley connects between the Borough and the Township. Mrs. Smith informed that the Supervisors were not aware of the drainage situation within the area. Mr. Koban advised Council that the Supervisors, PW crew, and the Water & Sewer Authority employees, held a meeting at the borough garage to discuss the situation for a resolution. The issue at hand was to determine whom had ownership of the 20' unopened alley. Mr. Emerick advised that he spoke with the Twp. Solicitor; CJ Webb, to discuss the situation but CJ had not responded back prior to the meeting. Mr. Emerick commented that he could not, at this time, confirm the ownership of the alley. If the Township is not on board with the drainage project, we can't move forward with any repairs or installation of pipe. Mr. Wozniak questioned "who" was holding up the progress of obtaining the right of way and ownership. After a lengthy discussion;

ON MOTION OF MR. KISSELL, SECONDED BY MR. HAYES, COUNCIL UNANIMOUSLY AUTHORIZED Mr. EMERICK TO MOVE FORWARD WITH VERIFICATION OF THE OWNERSHIP OF THE UNDEVELOPED ALLEY AT CAMBRIA COUNTY COURTHOUSE. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL, AND MS. McCARTHY, MOTION CARRIED 7-0.

Mrs. Smith also advised that her next-door neighbor, that resides in the Township, is placing large stones and plastic within the undeveloped alley and provided pictures on her cell phone for Council to review. Mrs. Smith also commented that there was a confrontation between Mrs. Chappell and Scott Maul. Mrs. Smith advised that Mr. Chappell stated he was there during the confrontation but he was not, and that Mr. Maul had done nothing wrong.

IV. REPORTS

A. Borough Manager

Mr. Koban did not provide his report to Council prior to the meeting. Ms. McCarthy and Mr. Kissell questioned the lateness of the Manager's report and Mr. Koban advised that he was on vacation during the preparation of the council packets. Mr. Koban elaborated on several sections of his report:

- Slip/Fall incident that take took place in December, 2016; to be addressed in an executive session for litigation purposes.
- Portage Area Schools 3rd grade teacher; Mrs. Thomas, presented Mr. Koban with essays from the students; concerning the improvements and changes they would like to see in the borough. Mr. Koban commended the students and requested Ms. McCarthy and Mayor Kissell to review the essays. Ms. Claar will make copies for Council to share.
- Continuing neighboring disputes between Mr. James Koban and Mr. Ray Kowalczyk.
- Portage Public Library request for the Public Works Dept to assist in several upcoming library projects. Mr. Koban advised that the Public Works Dept is short staffed as it is, and the current work projects on the board are increasing. Mr. Koban commented that some of the library projects can be completed but some will have to wait. Ms. McCarthy advised that the Portage Public Library also includes Portage Township and Cassandra Borough and requested that the Library also contact them for assistance with library projects.
- Mr. Kissell questioned the purchase of a laptop computer for the Public Works Dept. Mr. Koban advised that the current laptop is antiquated, requires up to date software and hardware, and it was included in the 2017 budget. The old laptop remains at the maintenance building.

B. Solicitor

Attorney Emerick provided a report to Council in written form prior to the meeting. Concerning, the borough building roof; Mr. Emerick commented that a contractor will be here on Wednesday, July 19th, 2017 at 8:00 a.m. to provide a quote on the repairs.

Mr. Emerick informed Council that the Civil complaint was filed for the Nicholson Estates for three brothers who have not signed waivers. The Nicholson Brothers will have twenty (20) days to respond to the complaint.

Concerning the 616 Dulancey Drive (Clair Adams) property; Mr. Emerick sent correspondence to his daughter: S Alexander, in Florida and gave her until the August meeting to respond back.

As it relates to the 1315 Jefferson Ave property (Kissell); The Engineer's report was forwarded to the property owner.

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 with a meeting to be held on Wednesday, July 19th at 8:00 a.m. with Blair Roofing.

The PennDot MTF Grant application is being completed for re-submission for the Pedestrian Corridor Enhancement for the Main Street Sidewalk Project. Mr. Wisor advised that he needed the Borough D&B number and also a resolution for the total project cost of \$440,905.50. Mr. Wisor also prepared a letter of commitment of funds for the borough portion of thirty (30%) percent, in the amount of \$132,271.65.

ON MOTION OF MR. KISSELL, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY APPROVED RESOLUTION 5-2017 BY REQUESTING A PENNDOT MULTIMODAL GRANT APPLICATION FROM COMMONWEALTH FINANCING AUTHORITY; TO BE USED FOR THE SIDEWALK IMPROVEMENT PROJECT PHASE 2 ON MAIN STREET, IN THE AMOUNT OF \$440,905.50. 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. The project is incorporating PennDot and Portage Borough for curbing and resurfacing on Main Street to Puritan Road. Mr. Kissell questioned if there were any plans available for review. Mr. Kissell commented about the S curves and the possibility of taking over ownership. Mr. Koban commented that it is only in the preliminary stages but plans will be available once it is in the final stages. The project is hopefully to kick off in 2020.

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. Chief Miller did however; introduce the new part time officer, Matthew Krupa to Council. Ms. McCarthy commented on the number of incidents he has already handled according to the monthly police report. Council welcomed Officer Krupa aboard the police department. Ms. McCarthy commented on several properties that have high grass and weeds. Chief Miller advised that several citations were written to property owners.

E. Director of Public Works

Mr. Bowman was absent. Mr. Fran Steberger and Mr. Scott Maul represented the Public Works Department and provided a written report to Council prior to the meeting. Mr. Morgan commented that a resident questioned why the welcome banners stop at the Arch and not placed down to Route 53. The resident commented that the banners should be hung the entire length of Main Street, and felt slighted. Mr. Steberger advised that the coal trucks pass through the Arch to 53 and the coal dust collects on the banners. Mr. Kissell commented that the parking signs behind the building should come down before the Firemen's convention tent is set up. Ms. McCarthy questioned how the public works dept is working together with new part time laborer; Jamie Cadwallader. Mr. Steberger commented that he is a great fit and they all work together well. Ms. McCarthy also commented on the high weeds on Railroad Street.

V. CORRESPONDENCE

Ms. Claar advised that she received a notice of a Sheriff's Sale of real estate for the prior Sassy Sister's Restaurant by owners Brian and Janet Feist. The sale will be held on Friday, September 8th, 2017 at the Courthouse in Ebensburg at 9:30 a.m.

The Summerfest Committee submitted minutes from January through June just prior to the meeting. Ms. Claar will provide copies at the regular August meeting for Council to review. Ms.

Clair also commented that the Summerfest donation for 2017 was on the additional bills to be paid, in the amount of \$500.00.

VI. MINUTES OF PREVIOUS MEETING

As it relates to the minutes from the June 19th, 2017 regular meeting.

ON MOTION OF MR. YETSKO, SECONDED BY MR. LEARN, COUNCIL UNANIMOUSLY APPROVED THE MINUTES FROM THE JUNE 19TH, 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. MORGAN, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY ACCEPTED THE TREASURER'S REPORT IN THE AMOUNT OF \$47,259.86; AND APPROVED THE BILLS AND ADDITIONAL BILLS BE PAID; AS PRESENTED IN WRITTEN FORM, IN THE AMOUNT OF \$28,714.74. 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 noted that reports were received from the Portage Water Authority (May); Portage Sewer Authority (May); and LMIA (June); and Portage JRC- June 2017.

ON MOTION OF MR. LEARN, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY ACCEPTED THE REPORTS FROM THE PORTAGE WATER AUTHORITY (MAY); PORTAGE SEWER AUTHORITY (MAY); AND LMIA (MAY-MAY); AND PORTAGE AREA JOINT RECREATION-JUNE. 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:
There was no update on the position but Mr. Koban advised that the Township and School District will be approached again.
- B. Update on Borough Building Roof: Discussed earlier in the meeting.
- C. Update on Trout Run Rehabilitation: No update
- D. Update on promoting tourism in Portage: No update
- E. Sacred Heart Tax Appeals-The appeals hearing will be held on Thursday, July 20th, 2017 beginning at 12:30 p.m. in the Commissioners Meeting room of the 3rd floor at the Courthouse. Mr. Koban questioned if there will be any type of agenda for the hearing. Ms. McCarthy questioned if any members of Council will be attending besides her, and requested that Mr. Emerick attend the hearings as well.

- F. Update on declaring a snow emergency-Mr. Wozniak advised that the operations is a work in progress.
- G. PennDot/Boro Main Street Phase II-Discussed earlier in the meeting under the Engineer's report.
- H. Update on EMS/Volunteer Fire Tax Credits
Mr. Koban commented that there has been no legislation passed by any municipalities according to PSAB research. The program also entails great communication between the municipality and the fire department. Mr. Koban commented that the issue can be revisited if any legislation is passed. Council agreed to remove the issue from the agenda.
- I. Update on residency restrictions for sexually violent offenders
Mr. Koban questioned Council direction on how to proceed. Chief Miller commented that according to the State Police, the ordinance is unconstitutional with the residency restrictions. Mr. Hayes commented that there are approximately 4-6 offenders living with the Borough according to the Megan's Law website. Mr. Wozniak questioned what is required to either amend the ordinance or provide where a sexual offender could reside. Mr. Emerick commented that that a map reflecting the areas where playgrounds, schools, day care centers are located would be a start. Mr. Emerick also advised that alternatives also need to be provided of where the sexual offender can reside. Mr. Hayes and Mr. Wozniak will work on the map for council review at the next committee meeting.
- J. Update on drainage issues for Kelly and Sherry Smith-discussed earlier in the meeting.
- K. Update on EMA emergency notification of emergency situations
Mr. Wozniak advised that he spoke with Mr. Allen Kline; Cambria County 9-1-1 personnel. In turn, Mr. Kline referred him to Robyn Melnyk, Deputy Director. Mrs. Melnyk informed Mr. Wozniak that the dispatchers and coordinators monitor the severity of ALL emergency situations and determine if any emergency action is required. If the incident is contained and controlled, no further action is needed. If the situation requires further action, the 9-1-1 center will follow the proper protocol. Mr. Kissell commented that he should also be added as a contact to any emergency situation. Chief Miller also commented that the 9-1-1 usually bases its decision on the officer's responses. After a short discussion, Council agreed to remove the issue from agenda.

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 on August 10th, 2017 at 9:00 a.m.
- D. Update on Dulancey Drive property (Clair Adams)-discussed under the Solicitor's report.
- E. Shoenfeld property at Orange and Grove-There was no update

- F. Update on 933 Sonman Ave (Greenawalt)-Mr. Kissell commented that he read in the Dispatch the home was up for the next upset sale in September, 2017. There was a typographical error reflecting the Ward.
- G. Update on 907 Jefferson Avenue (Crums)-there was no update.

X. NEW BUSINESS

A. Mr. Wisor advised that Mike Barton; with Blair Roofing will be providing a quote for the borough roof repairs on Wednesday, July 19th, 2017 at 8:00 a.m.

B. Discussion on proposed restrooms at Crichton McCormick Park
Mr. Koban commented on the unsuccessful grant application for the restroom project from last year and suggested moving forward with a project for this year. Mr. Koban suggested that a location needs to be determined for the best possibly place for the restroom. Several suggestions were made by Council. Mr. Kissell questioned if the project could be done in phases and if the water/sewer authority employees could work together. Ms. Kinley informed Mr. Kissell that the Water and Sewer Authority were already donating the taps. Mr. Learn questioned if the Portage Area Joint Recreation Commission could bid the work out themselves, instead of running through the Borough for the bidding thresholds. Mr. Emerick advised that he would have to research that possibility.

XII. GOOD OF THE BOROUGH

A. Cambria County Firemen's Convention the week of July 29th through August 5th, 2017

IX. ADJOURNMENT/EXECUTIVE SESSION

ON MOTION OF MR. WOZNIAK, SECONDED BY MR. KISSELL, COUNCIL UNANIMOUSLY AGREED TO GO INTO EXECUTIVE SESSION FOR LITIGATION AND PERSONNEL PURPOSES. 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. KISSELL, SECONDED BY MR. HAYES, COUNCIL UNANIMOUSLY AGREED TO GO OUT OF EXECUTIVE SESSION FOR 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. WOZNIAK, SECONDED BY MR. KISSELL, 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. YETSKO, SECONDED BY MR. MORGAN, THE MEETING WAS ADJOURNED AT 8:27 P.M.