

A meeting of Portage Borough Council was held on Monday, May 1st, 2017, at 6:30 p.m., in Council Chambers.

Those in attendance were:

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|-----------------|---------------|-------------|
| Sharon McCarthy | James Kissell | David Hayes |
| George Wozniak | John Morgan | 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 Councilor; Jerome Yetsko and 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

Ms. Kinley questioned a third time as to why the expenditures were not listed on the agenda from the prior meetings. Mr. Emerick advised Ms. Kinley that the expenditures did not have to be listed on the agenda. Ms. Kinley commented that she only wanted a basic list of expenditures. Mr. Emerick also advised that she can request a copy of the expenditures for review from the Borough Secretary.

IV. REPORTS

A. Borough Manager

Mr. Koban provided his report to Council prior to the meeting. Mr. Koban commented on several issues in his report. Mr. Koban informed Council that he spoke with representatives from S&T Bank regarding an upcoming renewal of a certificate of deposit to obtain interest rates. Mr. Koban advised that S&T was not comparable to other rates provided by 1st Summit Bank. The certificate of deposited was renewed with 1st Summit Bank.

Mr. Koban and Mr. Wisor attended the PennDot Outreach program on April 19th, 2017. Mr. Koban advised that PennDot is planning on the total rehabilitation of SR164 from the Railroad Tracks to the Blair County Line. Mr. Koban and PennDot officials are in the process of combining the rehabilitation project and Phase 2 of Main Street sidewalk replacement project. The Phase 2 project consists of sidewalks on the East side of Main Street, energy efficient decorative street lighting and pedestrian crossings. Mr. Wisor commented that this is a great initiative with PennDot and the project is tentatively to occur in 2020. Mr. Koban informed Council that the project will require borough funds in the future and will provide additional information after he meets again with PennDot officials.

Mr. Koban informed Council that he met with Mr. Justin Irwin to discuss the 3-year ongoing draining issues running onto his property. Several options were provided to Mr. Irwin, including an assessment with the property owner and the borough to share in the costs. Mr. Koban advised that the assessment calculations were based on past practices. Mr. Irwin will consider his options and contact Mr. Koban within the near future.

Mr. Koban informed Council that he received another complaint on the water issues and flooding in the 1500 block of Gillespie Avenue. Several property owners have installed sump pumps in their basements and the water is being diverted onto the roads and yards; along with down

spouting issues at the old jacket factory. Mr. Koban and the Public Works Dept met with the Portage Township Supervisors to discuss the issue since it is near the township line. There is an existing drainage ditch in the unopened alley behind the properties. A township resident is objecting to cleaning out the drainage ditch since she has trees planted within the area. Mr. Koban commented that assistance will be needed from the Borough Engineer and Solicitor. Since the alley is unopened, a determination has to be made if the alley is considered unused. If an alley is not used after 21 years, it reverts back to the property owners. Mr. Emerick commented that if the ditch is to be opened, ownership needs to be determined or the process of eminent domain proceedings. After a lengthy discussion:

ON MOTION OF MR. MORGAN, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY APPROVED TO HAVE MR. EMERICK DISCUSS THE ISSUE WITH THE TOWNSHIP SOLICITOR; CJ WEBB. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MS. McCARTHY, MAYOR KISSELL, MR. HAYES, MR. WOZNIAK, MR. LEARN, AND MR. MORGAN. MOTION CARRIED 6-0.

Ms. McCarthy questioned the status of the part time laborer position. Mr. Koban advised that he has scheduled two interviews for next week.

Mr. Koban informed Council that a part time officer was hired and started today. The part time officer is Matthew Krupa and will be introduced to Council in the near future.

B. Solicitor

Attorney Emerick provided a report to Council in written form prior to the meeting. Mr. Emerick advised that the Borough Roof litigation will be held later in an executive session.

Mr. Emerick informed Council that the Nicholson Estate property has been finalized on the title review and will be filed with Cambria County.

C. Engineer

Mr. Wisor furnished a copy of his written report to Council prior to the meeting. Mr. Wisor advised that Mr. Vince Greenland; with PennDot, is willing to meet to discuss the combining of SR 164 project and the Phase 2 Main Street project.

As it relates to the 933 Sonman Avenue (Greenawalt) property, Mr. Morgan commented that the windows are broken out and the condition of the structure is deteriorating rapidly. After a short discussion;

ON MOTION OF MR. LEARN, SECONDED BY MR. MORGAN, COUNCIL UNANIMOUSLY APPROVED TO MOVE FORWARD WITH LEGAL ACTION ON THE 933 SONMAN AVENUE PROPERTY. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MS. McCARTHY, MAYOR KISSELL, MR. HAYES, MR. WOZNIAK, MR. LEARN, AND MR. MORGAN. MOTION CARRIED 6-0.

Mr. Morgan also questioned the high weeds and storage trailers that are on the property belonging to Mr. Schoenfeld. Chief Miller advised that this issue was already addressed by District Magistrate Decort. Chief Miller commented that it is not in violation of public nuisance ordinance unless it meets the health, safety, and welfare of residents. Council suggested contacting DJM Prebish since he is new to the case. Chief Miller also commented that he can talk with the ADA for additional resources.

Mr. Hayes questioned the status of the Adams property located at 616 Dulancey Drive that was damaged by fire around the Gaunts property. Mr. Koban advised that Ms. Claar had provided a GIS map and tax role reflecting the owner as Clair Adams. Mr. Adams passed away several years ago and his daughter is not responsible for the property. After a short discussion;

ON MOTION OF MR. WOZNIAK, SECONDED BY MR. KISSELL, COUNCIL UNANIMOUSLY APPROVED TO MOVE FORWARD WITH LEGAL ACTION ON THE 616 DULANCEY DRIVE PROPERTY. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MS. McCARTHY, MAYOR KISSELL, MR. HAYES, MR. WOZNIAK, MR. LEARN, AND MR. MORGAN. MOTION CARRIED 6-0.

Ms. McCarthy questioned the expiration of the compliance permit on the Mark Kissell property located at 1315 Jefferson Avenue that was damaged by fire. Ms. Claar advised that she contacted LMIA and the compliance permit expired on March 19, 2017. Mr. Kissell can request an extension on the permit. After a short discussion;

ON MOTION OF MR. LEARN, SECONDED BY MR. MORGAN, COUNCIL UNANIMOUSLY APPROVED TO MOVE FORWARD WITH MR. WISOR PERFORMING A FIELD INSPECTION FOR THE 1315 JEFFERSON AVENUE PROPERTY. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MS. McCARTHY, MAYOR KISSELL, MR. HAYES, MR. WOZNIAK, MR. LEARN, AND MR. MORGAN. MOTION CARRIED 6-0.

As it relates back to the 907 Jefferson Avenue property (Crums); Mr. Learn advised that the remaining garage is need of repair/demolition. After a short discussion;

ON MOTION OF MR. LEARN, SECONDED BY MR. KISSELL, COUNCIL UNANIMOUSLY APPROVED TO HAVE MR. EMERICK PREPARE A THIRTY DAY NOTICE TO REPAIR/DEMOLITION THE STRUCTURE AT 907 JEFFERSON AVENUE. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MS. McCARTHY, MAYOR KISSELL, MR. HAYES, MR. WOZNIAK, MR. LEARN, AND MR. MORGAN. MOTION CARRIED 6-0

D. Chief of Police

Chief Miller provided a copy of his written report to Council prior to the meeting. Chief Miller advised that he has sent out several high weeds and grass notices to borough residents that are not in compliance with the borough ordinance.

E. Director of Public Works

Mr. Bowman was absent. Mr. Fran Steberger represented the Public Works Department. The Public Works Department provided a written report to Council prior to the meeting. Ms. McCarthy commended Fran and Scott for all their efforts with Ray being absent. Summertime laborer; Mr. Layo, was called back to begin work for season. Mr. Steberger advised that additional flags were ordered and installed down to the Main Street Arch. A large step ladder was also purchased from Stagers.

V. CORRESPONDENCE

Bunny Dash organizer; Mr. Marty Slanoc submitted a request for a monetary donation to assist in the cost of purchasing a basketball system, coating, and installation at Crichton McCormick Park. Each year, the Bunny Dash contributes the funds to the Park. Mr. Slanoc also advised that they will be contacting Portage Township Supervisors, the Rotary, and the PAJRC for contributions.

Ms. Claar received a phone call and e-mail from a Patrick Shuler. Mr. Shuler and his wife; Taryn will be opening up a Bed & Breakfast (The Quinn Inn) to serve the community. The B&B is located at 818 Main Street. An open house will be held on Saturday, June 3rd, from 11:00 a.m. to 4:00 p.m.

Ms. McCarthy advised that Summerfest will not be having fireworks this year.

VI. MINUTES OF PREVIOUS MEETING

As it relates to the minutes from the April 3rd regular and the April 17th, 2017 committee meetings.

ON MOTION OF MR. KISSELL, SECONDED BY MR. MORGAN, COUNCIL UNANIMOUSLY APPROVED THE MINUTES FROM THE APRIL 3RD REGULAR AND THE APRIL 17TH, 2017 COMMITTEE MEETINGS. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MS. McCARTHY, MAYOR KISSELL, MR. HAYES, MR. WOZNIAK, MR. LEARN, AND MR. MORGAN. MOTION CARRIED 6-0.

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. KISSELL, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY ACCEPTED THE TREASURER'S REPORT IN THE AMOUNT OF \$120,409.96; AND APPROVED THE BILLS AND ADDITIONAL BILLS BE PAID; AS PRESENTED IN WRITTEN FORM, IN THE AMOUNT OF \$28,264.60. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MS. McCARTHY, MAYOR KISSELL, MR. HAYES, MR. WOZNIAK, MR. LEARN, AND MR. MORGAN. MOTION CARRIED 6-0.

VIII. REPORTS RECEIVED

Ms. McCarthy noted that reports were received from the Portage Water Authority (Mar); Portage Sewer Authority (Mar); and LMIA (Apr); and Portage JRC-Feb and March'17.

ON MOTION OF MR. MORGAN, SECONDED BY MR. LEAR, COUNCIL UNANIMOUSLY ACCEPTED THE REPORTS RECEIVED AS NOTED ABOVE. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MS. McCARTHY, MAYOR KISSELL, MR. HAYES, MR. WOZNIAK, MR. LEARN, AND MR. MORGAN. MOTION CARRIED 6-0.

IX. UNFINISHED BUSINESS

Mr. Koban provided an update as follows:

- A. Update on Recreation Manager/Director position:
Mr. Koban discussed earlier in the meeting.
- B. Update on Borough Building Roof: There was an executive session at the end of the meeting.
- C. Update on Trout Run Rehabilitation: Mr. Wisor advised that once the CFA Flood Mitigation program begins accepting applications, the revised application will be resubmitted. The deadline is June 30th, 2017 and the next inspection will be in 2018.
- D. Update on promoting tourism in Portage: Mr. Kissell advised that he will be meeting with Mr. Portash this week and will be adding additional information to the brochure.
- E. Sacred Heart Tax Appeals-There was no update. Still waiting the Tax Assessment Office to schedule an appeals hearing.
- F. Update on declaring a snow emergency-Mr. Wozniak advised that he reviewed several other municipalities ordinances on declaring a snow emergency and parking restrictions.

MOTIONS:

- A. Portage Vol. Fire Company request to block the Branch St from Mountain Avenue to The Borough Building for the Cambria County Firemen's Convention.
MOTION: The issue was tabled until the proper locations are received.
 ON MOTION OF MR. KISSEL, SECONDED BY MR. WOZIAK, THE ISSUE WAS TABLED. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MS. McCARTHY, MAYOR KISSELL, MR. HAYES, MR. WOZNIAK, MR. LEARN, AND MR. MORGAN. MOTION CARRIED 6-0.
- B. Portage Vol. Fire Company request to block Central Alley from Mountain Avenue to the borough building for the Firemen's Convention.
MOTION: The issue was tabled until the proper locations are received.
 ON MOTION OF MR. KISSEL, SECONDED BY MR. WOZIAK, THE ISSUE WAS TABLED. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MS. McCARTHY, MAYOR KISSELL, MR. HAYES, MR. WOZNIAK, MR. LEARN, AND MR. MORGAN. MOTION CARRIED 6-0.
- C. Portage Vol. Fire Company request to utilize the lot at the old Stop N Go Property
MOTION: The issue was tabled until the May 15th committee meeting.
 ON MOTION OF MR. KISSEL, SECONDED BY MR. WOZIAK, THE ISSUE WAS TABLED. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MS. McCARTHY, MAYOR KISSELL, MR. HAYES, MR. WOZNIAK, MR. LEARN, AND MR. MORGAN. MOTION CARRIED 6-0.

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
- C. 1007 Conemaugh Avenue (Vivis) property. Placed on the judicial sale at Cambria County. Mr. Koban advised to leave the issue on the agenda so we don't forget about the sale.
- D. Sacred Heart properties-The appeals have been submitted to the County and now awaiting On the appeals hearing date.
- E. Update on 616 Dulancey Drive (Clair Adams) discussed earlier under the Engineer report.

X. NEW BUSINESS

- A None

XII. GOOD OF THE BOROUGH

- A. The Borough Spring Clean-up will be held on May 9th and 10th, 2017 for all curbside service customers.

X. ADJOURNMENT/EXECUTIVE SESSION

ON MOTION OF MR. KISSELL, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY AGREED TO GO INTO EXECUTIVE SESSION FOR LITIGATION PURPOSES. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MS. McCARTHY, MAYOR KISSELL, MR. HAYES, MR. WOZNIAK, MR. LEARN, AND MR. MORGAN. MOTION CARRIED 6-0.

ON MOTION OF MR. LEARN, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY AGREED TO GO OUT OF EXECUTIVE SESSION FOR LITIGATION PURPOSES. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MS. McCARTHY, MAYOR KISSELL, MR. HAYES, MR. WOZNIAK, MR. LEARN, AND MR. MORGAN. MOTION CARRIED 6-0.

ON MOTION OF MR. WOZNIAK, SECONDED BY MR. LEARN, COUNCIL UNANIMOUSLY AGREED TO GO INTO THE REGULAR MEETING. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MS. McCARTHY, MAYOR KISSELL, MR. HAYES, MR. WOZNIAK, MR. LEARN, AND MR. MORGAN. MOTION CARRIED 6-0.

A discussion took place on the Borough roof, Council agreed to let Mr. Emerick negotiate the offer with the insurance agent.

THERE BEING NO FURTHER BUSINESS, ON MOTION OF MR. LEARN, SECONDED BY MR. WOZNIAK, THE MEETING WAS ADJOURNED AT 8:10 P.M.