

A meeting of Portage Borough Council was held on Monday, August 7th, 2018, at 7:30 p.m., in Council Chambers.

Those in attendance were:

Sharon McCarthy
Jerome Yetsko

James Kissell
John Morgan

David Hayes
George Wozniak
Todd Learn

Also present were: Robert Koban, Borough Manager; Michael Emerick, Solicitor; Gary Wisor, Engineer; Scott Maul, Public Works; Chief Miller, Public Safety; Ms. Claar, Secretary.

CALL TO ORDER

Ms. McCarthy called the meeting to order at 7:30 p.m., which was followed by a roll call with a quorum being present.

REFLECTION/PLEDGE OF ALLEGIANCE

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

RECOGNITION OF GUESTS

Ron Portash, Mainline Publications; Ms. Jean Kinley, David Burkett, Loraine Shedlock, Natalie and Mike Gallo, and Scott Selip.

ON MOTION OF MR. MORGAN, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY MOVED TO GO OUT OR ORDER ON THE AGENDA TO RECOGNIZE THE VISITORS. 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. Kinley was observing.

Mrs. Loraine Shedlock; President of the Portage Women's Club, submitted a letter to Council seeking permission and assistance to remove and replace the shrubs/bushes located at the mini-park. Mrs. Shedlock advised that she can undertake one project as president of the Club. She would like to remove the thorn bushes and replace them with a gentle plant that would be low maintenance and not hide the water fountain. She presented pictures of two plants; Euonymus and Sedums, for Council to review. Mrs. Shedlock is requesting assistance from the Public Works Department to remove the thorn bushes to make way for the new plants. Mrs. Shedlock would like to have this accomplished sometime in the fall. Mr. Maul advised Mrs. Shedlock that she could contact the Public Works Dept. two weeks prior before the Club is ready to plant.

ON MOTION OF MR. HAYES, SECONDED BY MR. KISSELL, COUNCIL UNANIMOUSLY APPROVED THE WOMEN'S CLUB REQUEST TO HAVE THE PUBLIC WORKS DEPARTMENT REMOVE THE BUSHES AT THE MINI-PARK AND TO REPLACE WITH NEW PLANTS. 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. Natalie Gallo and her husband Mike were in attendance to address the sump pump water problem in the alley between Caldwell Avenue and Makin Street. The water drains into the alley thus causing water to pool and flood the area during heavy rainstorms. Mr. Koban commented that the ditch is unable to handle that amount of water, including the sump pump drainage. Mr. Koban advised Mrs. Gallo that he spoke with the owner that has a sump pump draining into the alley and they will be relocating it as soon as possible. Mrs. Gallo advised that she also contacted the PA Dept of Environmental Protection to get some type of resolution. Mr. Koban advised that the topic is on the agenda to address the sump pump issues within the borough. Mrs. Gallo

advised that she will attend each council meeting until there is a resolution to the issue. Mr. Koban also advised that the Sewer Authority has not turned over the old sewer system lines yet to the Borough so they can be used for storm water drainage. Mr. Wisor commented that there are other municipalities that have a storm water management ordinance in place. Council thanked Mr. & Mrs. Gallo for bringing the issue to their attention.

Mr. Scott Selip was in attendance to provide information and assistance for the missing WW2 veteran from Portage that has been located after 72 years. Mr. Selip provided a documentary style timeline for Walter "Bert" Mintus, and advised that he will be volunteering his time in organizing a memorial that will be held in Portage. Mr. Kissell commented that that Rep. Frank Burns is also devoting time and exposure for the memorial. A lengthy discussion took place on when and where the memorial will take place. It will be approximately 45 days until the remains are turned over to the family. Mr. Kissell and Mr. Selip will be working together for the memorial. Mr. Kissell also advised that the US Navy will be assisting with the memorial and the Dept of Defense will be allocating \$9,000-\$10,000. Until additional information is received, the issue will be placed on the August 20th, committee meeting for discussion. Mr. Kissell will be spear-heading the memorial for the Borough.

REPORTS

A. Borough Manager

Mr. Koban provided his report in written form prior to the meeting. Mr. Koban commented on a section of his report relating to the property owner at 514 Prospect Street. Ms. Sandra Casey applied for a demolition permit through LMIA for the dangerous structure. Mr. Koban commended Ms. Casey. Ms. McCarthy and Council commented that it is very rare that we see property owners cooperate and wish more would take responsibility for their properties.

Mr. Koban advised that he was on vacation last week.

B. Solicitor

Attorney Emerick noted that his report was provided to Council in written form prior to the meeting. Mr. Emerick elaborated on several issues in his report that are also on the agenda:

- ❖ American Roofing Litigation-still awaiting on a briefing schedule from the Cambria County courts and a roofing expert to contact Mr. Koban to investigate the roof.
- ❖ Buildings:
 - 1309/1315 Jefferson Avenue (Mark Kissell)
Mr. Emerick advised that as of August 3rd, 2018 the property has not yet been transferred. The sales contract states that the new owners have until August 14th, 2018 to close the transaction, unless an extension is approved.
 - 717 Dulancey Drive (Clair Adams)
Mr. Emerick requested an executive session later in the meeting due to litigation.
 - 907 Jefferson Avenue (Crums)
Mr. Emerick advised that the Crums are in default of the civil suit and time expired. Mr. Learn and Mr. Koban advised that there is still debris left on the property. Council agreed to move forward with the next step in the suit.

- 933 Sonman Avenue (Greenawalt)
Mr. Emerick presented the Civil Action Law Suit for Council President McCarthy to sign. The order is to demolish the structure through the Cambria County Common Pleas Court.

ON MOTION OF MR. YETSKO, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY APPROVED TO HAVE COUNCIL PRESIDENT; MS. MCCARTHY TO SIGN OFF ON THE CIVIL ORDER WITH THE CAMBRIA COUNTY COMMON PLEAS COURT FOR MR. MARK GREENAWALT TO DEMOLISH THE STRUCTURE AT 933 SONMAN AVENUE. 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. Koban informed council that Mr. Cornely has been maintaining the 933 Sonman Avenue property by cutting the grass and cleaning up any debris. Ms. Claar advised that there are 2 returned certified letters that were returned as undeliverable for Rebecca Windsor. Mr. Greenawalt is still incarcerated. Mr. Portash questioned if the borough would be responsible for any travel expense from the prison to the Court House. Mr. Emerick responded back negatively.

- 720 Orchard Street (Plummer)
Mr. Emerick advised that the property will be listed on the tax sale in September. There are numerous judgements against the property owners.
- 828 North Railroad Ave (Gaunts)
Mr. Emerick filed the civil action suit on July 18th, 2018 and there has been no responsive pleading from the Gaunts. If found guilty, the Gaunts will be fined \$1,000.00 per day.
- 406 Caldwell Avenue (Barclay)
The property is on the list for tax sale in September.
- 514 Prospect Street (Casey)
The Casey's applied for a demolition permit. Discussed under the Manager's report.
- 925 Main Street (Lewis)
Mr. Emerick advised that the property is on the list for the tax sale in September. Mr. Wisor provided the field view of the 925 Main Street structure for Council to review. Mr. Wisor also commented that the structure is very unstable and is falling into the basement. Per Mr. Wisor's report, the building is in violation of the Dangerous Structure Ordinance Sections C, D, and H, and is recommending demolition at this time. Mr. Emerick suggested securing the area from any public danger by boarding up the recessed entrance. Mr. Wisor suggested contacting business owners on either side of the structure to advise them of the conditions and possible collapse. Another lengthy discussion took place on an emergency declaration of the building collapsing. Mr. Emerick advised that the property owner has thirty days after being notified, then a public hearing to declare the dangerous structure.

ON MOTION OF MR. LEARN, SECONDED BY MR. HAYES, COUNCIL UNANIMOUSLY APPROVED TO SEND NOTICES TO THE VARIOUS

PROPERTY OWNERS NEXT TO THE 925 MAIN STREET 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.

C. Engineer

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

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. Mr. Wozniak questioned Chief Miller on the hiring of the Part Time Officer; Mr. Paul Mummert. Chief Miller advised that he is doing ok.

E. Director of Public Works

Mr. Maul noted that a copy of his report was provided to Council prior to the meeting. Mr. Maul had nothing to add to his report. Ms. McCarthy advised that the streetlight at Washington Webster is on all day. Ms. Claar informed Ms. McCarthy to obtain the pole number so she can report the streetlight via the Penelec website. Ms. McCarthy questioned the status of Jamie Cadwallader. Ms. Claar advised that he will going back to the Dr's on 8/7/18.

CORRESPONDENCE

Correspondence was presented to Council as follows:

- ❖ Request from Women's Club was discussed earlier in the meeting.
- ❖ PA Auditor General submitted the Liquid Fuels Fund Audit for the period of January 1, 2014 through December 31st, 2017. The report is on file with the Secretary and online.
- ❖ Cambria County Commissioners sent notice of the Cambria County Arts & Heritage Festival at Duman Lake County Park on September 15th, and 16th, 2018.
- ❖ The Cambria County Assessment and Appeals Office sent notice that an appeal hearing be held on the 804 Main Street property. (Vaughn)
- ❖ Cambria County Redevelopment Authority sent notice they will be sponsoring a public meeting on Wednesday, September 19th, 2018 from 2:30 to 4:00 p.m. at the Ebensburg Borough Community Room. The meeting is regarding the Act 152 Demolition program.

MINUTES OF PREVIOUS MEETING

The minutes from the July 16th, 2018 regular meeting were provided to Council prior to the meeting.

ON MOTION OF MR. LEARN, SECONDED BY MR. MORGAN, COUNCIL UNANIMOUSLY APPROVED THE MINUTES FROM THE JULY 16TH, 2018 REGULAR MEETING. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. HAYES, MR. WOZNIAK, MR. KISSELL, AND MS. MCCARTHY. MOTION CARRIED 7-0.

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. HAYES, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY ACCEPTED THE TREASURER'S REPORT IN THE AMOUNT OF \$59,523.95 AND APPROVED THE BILLS AND ADDITIONAL BILLS BE PAID; AS PRESENTED IN WRITTEN FORM, IN THE AMOUNT OF \$28,893.57. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO,

MR. WOZNIAK, MR. HAYES, MR. KISSELL, AND MS. MCCARTHY.
MOTION CARRIED 7-0.

REPORTS RECEIVED

Ms. McCarthy noted that reports were received from the Portage Water Authority (June) and the Portage Sewer Authority (June), LMIA-June.

ON MOTION OF MR. MORGAN, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY ACCEPTED THE REPORTS RECEIVED AS NOTED ABOVE. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, 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 provided additional information in his report discussed earlier in the meeting.
- B. Update on Borough Building Roof: Discussed under the Solicitor's report.
- C. Update on Trout Run Rehabilitation: There was no update on the status of the grant that was submitted to DCED.
- D. PennDot project on SR 164-Mr. Koban advised that he received an update drawing of the S-curves on Main Street. Two drawings were presented to Council for review. A discussion took place on the Caldwell Ave and Central Alley being reduced. The drawing reflects that Caldwell Avenue will be widened and a grass strip by Central Alley. Mr. Yetsko questioned the leased property to Portage Chevrolet by Randy Stager. Mr. Koban requested a straw vote to have PennDot move forward with the drawings they presented. Ms. McCarthy polled with Mr. Learn, Mr. Morgan, Mr. Yetsko, Mr. Wozniak, Mr. Hayes, and Ms. McCarthy casting affirmatively. Mr. Kissell casted negatively.
- E. Update on Main Street Phase II: No update
- F. Update on proposed restrooms at Crichton McCormick Park-to be addressed under new business.
- G. Update on sewer testing on the administration building
A discussion took place on the sump pump located in the basement. The pump is currently Draining into the old sewer system which is still not in compliance with the Borough Ordinance. Mr. Koban will be working with Mr. Maul for a solution. Mr. Koban advised that the Public Works Department will be installing storm drainage in the back of Main Street to collect the discharge from Main Street Businesses. Most of the businesses have down spouting running onto Central Alley, causing water pooling and ice buildup.
- H. Update on Sonman Avenue Bridge
There was no update but it is on the list.
- I. Update on grant funding for generator
Mr. Wozniak advised that he spoke with two additional vendors to install a generator.

- J. Update on retaining wall on Johnson Avenue
Mr. Wisor presented drawings for the Johnson Avenue retainer wall project. Mr. Koban questioned Council if they would like to move forward with the recommendation of the Borough Engineers plans.

ON MOTION OF MR. LEARN, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY APPROVED TO MOVE FORWARD WITH ENGINEER WISORS PLANS FOR THE JOHNSON AVENUE RETAINER WELL PROJECT. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. HAYES, MR. KISSELL, AND MS. MCCARTHY. MOTION CARRIED 7-0.

BUILDINGS

Mr. Koban provided the following update:

- A. Update on 1309/1315 Jefferson (Kissell) discussed earlier in the meeting.
- B. Update on 717 Dulancey Drive (Adams) discussed earlier in the meeting.
- C. Update on 9078 Jefferson Ave (Crums) discussed earlier in the meeting.
- D. Update on 933 Sonman Ave (Greenawalt)-discussed earlier in the meeting.
- E. The Police Department sent a 10-day notice to Mr. Schoenfeld. A discussion was held regarding the utility trailers on the property.

ON MOTION OF MR. MORGAN, SECONDED BY MR. KISSELL, COUNCIL UNANIMOUSLY APPROVED TO MOVE FORWARD WITH THE POLICE DEPARTMENT ISSUING A CITATION TO MR. SHOENFELD FOR THE NUISANCE ORDINANCE. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. HAYES, MR. KISSELL, AND MS. MCCARTHY. MOTION CARRIED 7-0

- F. Update on 828 North Railroad (Gaunts) discussed earlier in the meeting.
- G. Update on 730 Sherman Street (Plummers) discussed earlier in the meeting.
- H. Update on 722 Sherman Street (Plummer)-discussed earlier in the meeting.
- I. Update on 514 Prospect Street property (Casey)-discussed earlier in the meeting.
- J. Update on 407 Caldwell Avenue property (Barclay)-discussed earlier in the meeting.
- K. Update on 925 Main Street (Lewis) discussed earlier in the meeting.

NEW BUSINESS

- A. Request for Women's Club to remove bushes was discussed earlier in the meeting and approved.
- B. Grant Consulting Agreement
Mr. Brant had submitted a new consulting agreement for Council to review. The agreement will only be between Portage Borough and Decoplan Associates. A short discussion took place on the success of grants.

ON MOTION OF MR. KISSELL, SECONDED BY MR. LEARN, COUNCIL UNANIMOUSLY APPROVED THE GRANT CONSULTING AGREEMENT BETWEEN PORTAGE BOROUGH AND DECOPLAN & ASSOCIATES WITH A RETAINER FEE OF \$200.00 PER MONTH. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. HAYES, MR. KISSELL, AND MS. MCCARTHY. MOTION CARRIED 7-0

C. Cambria County Tax Office sent notice of the properties that will be placed on the list for the tax sale in September. Council reviewed the list.

D. Discussion on implementing an ordinance for sump pumps and water on borough streets. The issue was addressed under the Manager's report and buildings.

GOOD OF THE BOROUGH

Mr. Koban advised Council that he will be researching if the Park Entrance could be paved with the funds and if they are liquid fuels eligible.

ON MOTION OF MR. WOZNIAK, SECONDED BY MR. KISSELL, COUNCIL UNANIMOUSLY MOVED TO GO INTO EXECUTIVE SESSION FOR LITIGATION PURPOSES. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. HAYES, MR. KISSELL, AND MS. MCCARTHY. MOTION CARRIED 7-0.

ON MOTION OF MR. LEARN, SECONDED BY MR. MORGAN, COUNCIL UNANIMOUSLY MOVED TO GO OUT OF EXECUTIVE SESSION FOR LITIGATION PURPOSES. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. HAYES, MR. KISSELL, AND MS. MCCARTHY. MOTION CARRIED 7-0.

ON MOTION OF MR. MORGAN, SECONDED BY MR. LEARN, COUNCIL UNANIMOUSLY MOVED TO GO INTO THE REGULAR MEETING. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. HAYES, MR. KISSELL, AND MS. MCCARTHY. MOTION CARRIED 7-0.

There being no further business,

ON MOTION OF MR. WOZNIAK, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY MOVED TO ADJOURN. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. HAYES, MR. KISSELL, AND MS. MCCARTHY. MOTION CARRIED 7-0.

THE MEETING WAS ADJOURNED AT 8:35P.M.