

A meeting of Portage Borough Council was held on Monday, December 3rd, 2018, at 6:30 p.m., in Council Chambers.

Those in attendance were:

| | | | |
|-----------------|---------------|-------------|-----------------------|
| Sharon McCarthy | James Kissell | David Hayes | George Wozniak (Late) |
| Jerome Yetsko | John Morgan | 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. Ms. Wozniak-Jr. Council was also present.

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.

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, Jean Kinley, Robert Crum, and Randy Griffith-Tribune Democrat.

ON MOTION OF MR. HAYES, SECONDED BY MR. MORGAN, COUNCIL UNANIMOUSLY WENT OUT OF ORDER ON THE AGENDA TO RECOGNIZE THE VISITORS. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. MORGAN, MR. YETSKO, MR. HAYES, MR. LEARN, MR. KISSELL, AND MS. MCCARTHY. MOTION CARRIED 6-0.

Ms. McCarthy recognized Mr. Robert Crum that resides on Vine Street in Portage Borough. Mr. Crum informed Council that he spoke with Mr. Koban regarding access to the alley behind his residence. He advised that the bushes from a neighboring property owner are encroaching into the alley making it impassable and unsafe. Mr. Koban commented that the property owner has trimmed the bushes back but probably not enough. Mr. Crum also advised that he has a trailer and uses the alley very frequently. Mr. Portash also confirmed that he utilizes the alley as well. Mr. Crum informed Council that he crushed some down spouting with his trailer when accessing the alley. Mr. Koban informed Mr. Crum that he will write another letter to the property owner to trim the bushes back again.

REPORTS

A. Borough Manager

Mr. Koban provided his report in written form prior to the meeting. Mr. Koban commented on several issues on his report.

- The Gaunt Civil hearing was held on Thursday, November 29th, 2018 in Ebensburg. Mr. Koban is requesting an executive session to discuss the litigation.
- Mr. Koban will be meeting with the building committee members of the fire dept and borough on Tuesday, December 4th, 2018 to discuss the emergency generator.
- Mr. Koban informed Council that the DCNR Peer Study grant application was submitted by Mr. Longwill. Mr. Koban will keep in contact with Mr. Longwell during the DCNR process to update Council.

- The Trout Run Inspection with the Army Corps of Engineers was cancelled due to the inclement weather. Another inspection is scheduled for Thursday, December 13th, 2018 weather permitting. Any member of Council is welcome to participate in the inspection.
- The Restroom Project at Crichton McCormick is getting close to completion. Most of the project should be done by year end with only landscaping for in the Spring.
- Mr. Koban reminded Council of the meet and greet on Monday, December 10th, 2018 at 6:00 p.m. for the real estate tax collector position. Four of the applicants have confirmed the meeting date and time. After the meet and greet; another meeting will be held with the Municipal Water Authority Board members. Ms. McCarthy questioned the upcoming water company rate increases and if it also affects the sewer rates. Mr. Koban explained that each authority set their own rates independently. Ms. McCarthy also commented that there are three (3) properties on Main Street that have not tapped into the sewer system.

B. Borough 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-Mr. Emerick advised Council that he is preparing the Borough's memorandum for the Argument of the Borough's Motion for Judgment on the Pleadings scheduled for Friday, December 21st, 2018.
- ❖ 933 Sonman Avenue-Greenawalt & Windsor: A ten-day notice was sent to the defendants since they have not responded to the complaint.
- ❖ 828 N Railroad (Gaunts)-The Civil hearing was held on November 29th, 2018 and will be discussed later in the evening during an executive session.
- ❖ Buildings:
 - 1309/1315 Jefferson Avenue (Joel Bobolsky) Mr. Emerick had prepared the complaint to be filed at the Common Pleas Court. Mr. Koban and other members of Council had been advised that the structures are almost demolished. Council agreed to postpone the filing of the complaint for another month.
 - 616 Dulancey Drive (Clair Adams)
Mr. Emerick advised that he has not received a response from the October 2nd, 2018 correspondence.
 - 406 Caldwell Avenue (Barclay)
Mr. Emerick advised that the property owners have not taken any action on the notices that were sent.
 - 925 Main Street (Lewis)
Mr. Emerick advised that the property owners have not taken any action on the notices that were sent.
 - 720 Orchard Street (Plummer)
Mr. Emerick advised that the property owners have not taken any action on the notices that were sent.

ON MOTION OF MR. KISSELL, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY APPROVED TO HAVE MR. EMERICK MOVE FORWARD WITH THE CIVIL COMPLAINTS FOR THE BARCLAY, LEWIS, AND PLUMMER PROPERTIES. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. HAYES, MR. WOZNIAK, MR. KISSELL, AND MS. MCCARTHY. MOTION CARRIED 7-0.

- 532 Dulancey Drive (Gaunt)
Discussed in executive session.

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 report. Mr. Koban questioned the 12-year plan with the County for the Sonman Avenue Bridge. Mr. Wisor will write a letter to the County for verification that it is on the list.

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 the incident that happened in the Township concerning the State Police and if they were on scene first. Chief Miller advised that the PSP were on scene first and the borough police assisted. Chief Miller also advised that Officer Freiwald is working out well and is providing at least 32 hours a week for coverage. Ms. McCarthy questioned if another officer will be on the roster. Chief Miller advised that he is looking for another officer and will keep Mr. Koban and Council informed.

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 additional to report. Mr. Maul was on vacation last week. Mr. Koban informed Council that the spreader on the '95 is in need of some immediate repairs. Ms. McCarthy questioned if there was any request from the WinterFest Committee to assist in their event next week. There were no requests made but the barricades will be placed at the proper time and places.

CORRESPONDENCE

There was no correspondence.

MINUTES OF PREVIOUS MEETING

The minutes from the November 5th regular meeting and the November 19th, 2018 Committee meeting were provided to Council prior to the meeting. Ms. McCarthy questioned the November 19th committee meeting minutes concerning the motion on the Portage Area Regional Planning Commission to obtain keys to the entrance doors. The minutes reflected a conflict on the motion. The motion should have been that Council was not in favor of the PARPC obtaining keys.

ON MOTION OF MR. WOZNIAK, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY APPROVED THE MINUTES FROM THE NOVEMBER 5TH 2018 REGULAR MEETING; AND, AFTER THE ABOVE CORRECTIONS, TO THE NOVEMBER 19TH, 2018 COMMITTEE 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. WOZNIAK, COUNCIL UNANIMOUSLY ACCEPTED THE TREASURER'S REPORT, IN THE AMOUNT OF \$77,537.78; AND APPROVED THE BILLS AND ADDITIONAL BILLS BE PAID; AS PRESENTED IN WRITTEN FORM, IN THE AMOUNT OF \$64,604.22. 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 (October) and the Portage Sewer Authority (October) LMIA-October,

ON MOTION OF MR. WOZNIAK, SECONDED BY MR. HAYES, 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:
The grant application was submitted and discussed earlier in the meeting.
- B. Update on Borough Building Roof: Discussed under the Solicitor's report.
- C. Update on Trout Run Rehabilitation: Discussed earlier in the meeting.
- D. PennDot project on SR 164-No Update
- E. Update on Main Street Phase II: There was no update.
- F. Update on Main Street Phase III Sidewalk: There was no update.
- G. Update on restroom project at Crichton McCormick Park-Discussed earlier in the meeting.
- H. Update on Sonman Avenue Bridge-discussed earlier in the meeting.
- I. Update on generator-There will be a building committee meeting on Tuesday, December 4th to discuss the emergency generator at 6:00 p.m.
- J. Update on the Johnson Avenue retainer wall-no update.
- K. Update on funding/hiring for PAJRC maintenance worker-Mr. Koban informed Council that he received an e-mail from Sharon Squillario advising they were to attend the Township meeting on December 5th, 2018 but had to cancel. They will be rescheduling another meeting.
- L. Update on volunteers for the Ice Hockey rink and PAHA meeting-Ms. McCarthy advised that she did not get any response from Mrs. Shope regarding the Christian Youth Group volunteering to install the liner.
- M. Special meeting on December 10th with Meet and Greet for the Real Estate Tax Collector and the Portage Municipal Water Authority Board. Meet and greet scheduled for 6:00 p.m.

BUILDINGS

Mr. Koban provided the following update:

- A. Update on 1309/1315 Jefferson (Kissell) discussed earlier in the meeting.
- B. Update on 933 Sonman Ave (Greenawalt)-discussed earlier in the meeting.

- C. Update on 616 Dulancey Drive (Adams) discussed earlier in the meeting.
- D. Update on Shoenfield property for junk vehicles. no update. Chief Miller advised that this is work in progress. There were 33 junk vehicles thus far that have been removed.
- E. Update on 828 North Railroad (Gaunts) discussed in executive session.
- F. Update on 720 Orchard Street (Plummer) discussed in earlier in the meeting.
- G. Update on 406 Caldwell Avenue (Barclay) discussed earlier in the meeting.
- H. Update on 925 Main Street (Lewis) discussed earlier in the meeting.
- I. Update on 532 Dulancey Drive (Gaunt)-discussed in executive session.
- J. Update on demolition of 1007 Conemaugh Avenue-waiting on the Cambria County Redevelopment Authority for grant funding.
- K. Discussion on the structure located at 633 Main Street (Homer's) Mr. Koban informed Council that the structure will not meet the dangerous structure ordinance at this point. Mr. Wozniak suggested having Mr. Koban write a letter to Daltas Properties advising of the condition of the building.

NEW BUSINESS

- A. Approval to advise the 2019 Proposed General Fund, Liquid Fuels, and Capital Improvement Budgets, setting tax rates, setting employee wages, and compensation plan, and the personnel policy amendments.

Mr. Koban advised Council that he forgot to mention the meter repair/replacement program within the Public Works Budget. The goal is to have the 72 meters repaired and replaced with all being at \$0.25. There are only a few companies that can repair/replace the meters. The meters will then have to be calibrated/certified in house. Mr. Wozniak questioned the price difference of being repaired as to purchasing new ones. Mr. Koban advised that the repairs would be cheaper since the housing of the meters are still in good shape. The approximate budget cost is \$2,520.00.

ON MOTION OF MR. MORGAN, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY APPROVED THE ADVERTISING OF THE 2019 PROPOSED BUDGET FOR THE GENERAL FUND, CAPITAL IMPROVEMENTS, STATE LIQUID FUELS FUND AVAILABLE FOR PUBLIC INSPECTION. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. HAYES, MR. KISSELL, AND MS. MCCARTHY. MOTION CARRIED 7-0.

- B. Approval to advertise the 2019 meeting dates.

ON MOTION OF MR. KISSELL, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY APPROVED THE ADVERTISING OF THE 2019 REGULAR AND COMMITTEE MEETING DATES. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. HAYES, MR. KISSELL, AND MS. MCCARTHY. MOTION CARRIED 7-0.

- C. Review and approval of the 2019 garbage rates effective January 1, 2019 through December 31st, 2019.

ON MOTION OF MR. MORGAN, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY APPROVED RESOLUTION 13-2018 BY SETTING THE 2019 GARBAGE COLLECTION RATES AT \$14.30 PER MONTH CURBSIDE SERVICE AND \$31.00 PER PACK OF TEN FOR PRE-PAID BAGS. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. HAYES, MR. KISSELL, AND MS. MCCARTHY. MOTION CARRIED 7-0.

- D. Appointment to the Municipal Water Authority Board for a five-year term. (Brent Kinley)

ON MOTION OF MR. WOZNIAK, SECONDED BY MR. LEARN, COUNCIL UNANIMOUSLY TABLED THE APPOINTMENT UNTIL AFTER THE DECEMBER 10TH, SPECIAL MEETING. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. HAYES, MR. KISSELL, AND MS. MCCARTHY. MOTION CARRIED 7-0.

- e. Appointment to the Portage Area Planning Commission-there was one letter of interest received but the individual resided in Portage Township. The position will need to be re-advertised for applicants.

ON MOTION OF MR. KISSELL, SECONDED BY MR. LEARN, COUNCIL UNANIMOUSLY APPROVED RE-ADVERTISING THE VACANT POSITION FOR THE PORTAGE AREA PLANNING COMMISSION FIVE-YEAR TERM. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. HAYES, MR. KISSELL, AND MS. MCCARTHY. MOTION CARRIED 7-0.

- F. Appointments to the Portage Area Joint Recreation Commission for a 3-year term. Letters of re-appointment were submitted by Mary Ann George and Jeremy Burkett.

ON MOTION OF MR. KISSELL, SECONDED BY MR. LEARN, COUNCIL UNANIMOUSLY APPOINTED JEREMY BURKETT TO THE PORTAGE AREA JOINT RECREATION COMMISSION FOR A THREE-YEAR TERM COMMENCING JANUARY 1ST, 2019 THRU DECEMBER 31ST, 2021. 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. WOZNIAK, SECONDED BY MR. KISSELL, COUNCIL UNANIMOUSLY APPOINTED MARY ANN GEORGE TO THE PORTAGE AREA JOINT RECREATION COMMISSION FOR A THREE-YEAR TERM COMMENCING JANUARY 1ST, 2019 THRU DECEMBER 31ST, 2021. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. HAYES, MR. KISSELL, AND MS. MCCARTHY. MOTION CARRIED 7-0.

G. Free parking during December

ON MOTION OF MR. WOZNIAK, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY APPROVED FREE PARKING DURING DECEMBER. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. HAYES, MR. KISSELL, AND MS. MCCARTHY. MOTION CARRIED 7-0.

GOOD OF THE BOROUGH

WinterFest is scheduled for Friday, December 7th through December 9th, 2018.

Special meeting on December 10th, 2018 at 6:00 p.m.

Mr. Kissell informed Council that he spoke with Frank Burns and he is requesting a resolution from Borough Council in support of naming the bridge on SR 164 and SR22 in Munster Township, in honor of Walter Mintus. Mr. Koban questioned if it would be a resolution or a letter of support from the Borough since the bridge is located in Munster Township. Mr. Koban will contact Mr. Burns office to get clarification.

Mr. Yetsko questioned Chief Miller if a person in a motorized wheel chair have the right of way when crossing the road. Chief Miller advised that they would not have the right of way but encouraged using the crosswalks for safety.

Mr. Koban informed Council that Ms. Claar would like to purchase a plaque for Joanne Redfern for her outstanding and dedicated service as tax collector.

ON MOTION OF MR. LEARN, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY APPROVED PURCHASING A PLAQUE FOR THE DEDICATED SERVICE OF JOANNE REDFERN AS THE BOROUGH REAL ESTATE TAX COLLECTOR. 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. WOZNIAK SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY WENT 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. WOZNIAK SECONDED BY MR. KISSEL, COUNCIL UNANIMOUSLY WENT OUT OF EXECUTIVE SESSION AND 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. HAYES, COUNCIL UNANIMOUSLY MOVED TO ADJOURN. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. MORGAN, MR. YETSKO, MR. HAYES, MR. KISSELL, AND MS. MCCARTHY. MOTION CARRIED 6-0.

THE MEETING WAS ADJOURNED AT 8:26 P.M.