

A meeting of Portage Borough Council was held on Tuesday, January 2nd, 2018, at 6:30 p.m., in Council Chambers.

Those in attendance were:

Sharon McCarthy
George Wozniak

John Morgan
Todd Learn

James Kissell
Jerome Yetsko

David Hayes

Also present were: Robert Koban, Borough Manager; Michael Emerick, Solicitor; Gary Wisor, Engineer; Scott Maul, Public Works; Officer Aaron Leyo, Public Safety; Ms. Claar, Secretary, Emily Canavan, Jr. Councilor. Absent was Chief Miller, Public Safety; and Kaelyn Wozniak, Jr. Councilor.

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

REPORTS

A. Borough Manager

Mr. Koban commented that his report was provided to Council in written form prior to the meeting and he asked if there were any questions from the Council.

- Mr. Wozniak questioned the status of the Sewer Authority enforcing the sewer testing ordinance for an invalid connection at the Gaunt property located at 828 N Railroad Avenue. Mr. Koban advised that he spoke with Mr. Stancovich and the Sewer Authority's Solicitor informed him that they will not have the owner construct a new sewer lateral. Mr. Morgan and Mr. Kissell commented that the Sewer Authority would be setting a precedence for future incidents and they are not following the ordinance for enforcement. Mr. Emerick advised that when the pressure testing ordinance went into effect, the council gave the Portage Area Sewer Authority full delegation to enforce. Mr. Emerick also commented that this is the Board that council appoints and they have their own discretion. A short discussion also took place on whether the Borough Council can enforce the sewer ordinance. Mr. Morgan and Mr. Kissell suggested that Mr. Emerick reach out to the Sewer Authority's solicitor to obtain additional information. After a lengthy discussion;

ON MOTION OF MR. LEARN, SECONDED BY MR. KISSELL, COUNCIL UNANIMOUSLY APPROVED TO HAVE MR. EMERICK RESEARCH THE PORTAGE AREA SEWER AUTHORITY DELEGATION OF ENFORCEMENT AND AGREEMENTS, AND TO REACH OUT TO MR. McGLYNN FOR ADDITIONAL INFORMATION. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MS. McARTHY, MAYOR KISSELL, MR. HAYES, MR. WOZNIAK, MR. YETSKO, MR. MORGAN, AND MR. LEARN. MOTION CARRIED 7-0.

- Mr. Koban advised Council that the Main Street Multi-model grant funding through Commonwealth Financing Authority was denied. Mr. Koban commented that the grant that was submitted can be used again for submission in July of 2018.

B. Solicitor

Attorney Emerick noted that his report was provided to Council in written form prior to the meeting. Mr. Emerick advised that an executive session will be needed at the end of the meeting for the Borough Roof litigation and Crum Property at 907 Jefferson Avenue. Mr. Emerick elaborated on several issues in his report that are also on the agenda under buildings:

- The property at 1315 Jefferson was mailed final correspondence to Mr. Mark Kissell; from Mr. Emerick, prior to a civil complaint being filed for bringing the property into compliance.
- The property located at 1309 Jefferson owned by Mr. Mark Kissell will be piggybacking with the 1315 Jefferson Avenue property. Mr. Kissell questioned the exact address for the trailer at 1309 Jefferson Avenue. Ms. Claar advised that the Cambria County GIS property maps reflect 1309 Jefferson as well as the 2017 County tax rolls.
- Mr. Emerick advised that a personal representative could be appointed for the 616 Dulancey Avenue (Adams) property. Ms. McCarthy informed Mr. Emerick that she spoke with Chuck Adams concerning the property. Mr. Chuck Adams will contact his niece in Florida to determine if he could be a representative for the property. Council was in agreement to table the 616 Dulancey Dr (Adams) property until Mr. Adams get back in touch with the Borough.
- As it relates to the 933 Sonman Ave Property (Greenawalt), Mr. Emerick received a letter from Mr. Greenawalt (attached for Council). Mr. Greenawalt will be paroled sometime in April. A short discussion took place on whether or not to move forward with legal action. Mr. Kissell suggested waiting until April after his parole hearing.

ON MOTION OF MR. LEARN, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY APPROVED TO HAVE MR. EMERICK MOVE FORWARD WITH LEGAL ACTION AGAINST MR. GREENAWALT. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MS. MCCARTHY, MR. HAYES, MR. WOZNIAK, MR. YETSKO, MR. MORGAN, AND MR. LEARN. MOTION CARRIED 6-1 WITH MR. KISSELL VOTING NO.

- Mr. Emerick commented that the 828 North Railroad property was addressed under the Borough Manager's report.

C. Engineer

Mr. Wisor commented that he had forwarded a copy of his report to Council prior to the meeting.

Ms. Kissell questioned the status of the Trout Run project to determine if anything can be scheduled for the necessary repairs. Ms. Wisor commented that some work can be done that wouldn't be covered any type of grant funding. Mr. Wisor also advised that the grant application is not available until sometime in 2018. Mr. Wisor will update Council when grant applications will become available for submission.

D. Chief of Police

Chief Miller was absent but provided a copy of his written report to Council prior to the meeting. Officer Leyo was in attendance but had to leave due to a police incident. Ms. McCarthy extended the sympathy for Chief Miller's mother that passed away New Years Eve.

Ms. McCarthy questioned the Cambria County Drug Task Force issue. Mr. Emerick advised that he received an e-mail from Chief Miller to sign an intermunicipal agreement with the PA Attorney General's office for a drug task force. The AG's office took over operations that were handled by Cambria County Attorney General. Mr. Koban informed Council that he did not have an opportunity to read the Intermunicipal Agreement prior to the meeting. Mr. Emerick advised that

an Intermunicipal Agreement will require an Ordinance. Council agreed to table the issue until the January Committee meeting.

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. Ms. McCarthy commended the Public Works Department for the great efforts on keeping up with the recent snow storms and maintaining the roads.

CORRESPONDENCE

Correspondence was received from the Portage Regional Endowment Fund. Mr. Koban read the entire letter to correspondence concerning their involvement within the community, past donations and future gifts.

MINUTES OF PREVIOUS MEETING

As it relates to the minutes from the November 6th and December 4th, 2017 regular and November 20th and December 18th special meetings, Mr. Kissell remarked on the address reflected as 1309 Jefferson Avenue. Ms. Claar advised that she will confirm the exact address.

ON MOTION OF MR. KISSELL, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY APPROVED THE MINUTES FROM THE NOVEMBER 6TH AND DECEMBER 4TH, 2017 REGULAR MEETING AND THE NOVEMBER 20TH AND DECEMBER 18TH, SPECIAL 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.

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. LEARN, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY ACCEPTED THE TREASURER'S REPORT IN THE AMOUNT OF \$38,041.88 AND APPROVED THE BILLS AND ADDITIONAL BILLS BE PAID; AS PRESENTED IN WRITTEN FORM, IN THE AMOUNT OF \$18,6093.45. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MS. McCARTHY, MAYOR KISSELL, MR. HAYES, MR. WOZNIAK, MR. YETSKO, MR. MORGAN, AND MR. LEARN. MOTION CARRIED 7-0.

REPORTS RECEIVED

Ms. McCarthy noted that reports were received from the Portage Water Authority (Nov); Portage Sewer Authority (Nov); and Portage Joint Recreation Association (Sept-Oct).

ON MOTION OF MR. WOZNIAK, SECONDED BY MR. LEARN, 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.

UNFINISHED BUSINESS

Mr. Koban provided an update as follows:

- A. Update on Recreation Manager/Director position:
Mr. Koban informed Council that he will be setting up a meeting with the Superintendent prior to the School Board meeting.
- B. Update on Borough Building Roof: Discussed earlier in the meeting.
- C. Update on Trout Run Rehabilitation: Mr. Wisor reported that the grant can be re-submitted with the project being scaled down.
- D. Update on snow emergency designated routes
Mr. Koban advised that the issue will be discussed at the January committee meeting.
- E. PennDot project on SR 164 and Main Street Phase II
There was no update
- F. Update on proposed restrooms at Crichton McCormick Park
The issue was discussed later in the meeting under additional agenda items.
- G. Update on neon sign a 123 Main Street
Mr. Koban advised that he observed that the neon sign is now turning off around 10:00 p.m. Council was in agreement to remove the issue from the agenda.

BUILDINGS

Mr. Koban provided the following update:

- A. Update on Mark Kissell property at 1315 Jefferson Avenue
The issue was discussed earlier in the meeting.
- B. Update on Clair Adams property at 616 Dulancey Drive
The issue was discussed earlier in the meeting.
- C. Update on Shoenfeld property at Orange and Grove St
The issue will be visited in the Spring
- D. Update on Greenawalt Property at 933 Sonman Avenue
The issue was discussed earlier in the meeting.
- E. Update on Crum Property at 907 Jefferson Avenue
Mr. Emerick informed Council that an executive session will be needed for litigation
- F. Update on Gaunt property at 828 North Railroad
The issue was addressed under the Managers report regarding the sewer. Mr. Emerick also reported that there was no response from the Gaunts so hearing notices will be sent out in February. The occupants can be ordered to vacate the premises.

ADDITIONAL AGENDA ITEMS

1. Approval to award concrete floor project to B&R Construction
Mr. Koban advised Council that the concrete floor project for the Public Works Dept new maintenance building was included in the 2018 approved budget. Proposals were received in accordance of the Competitive bidding procedures.

ON MOTION OF MR. LEARN, SECONDED BY MR. MORGAN, COUNCIL UNANIMOUSLY AWARDED THE CONCRETE FLOOR PROJECT TO B&R CONSTRUCTION, IN THE AMOUNT OF \$14,950.00. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL, AND MS. McCARTHY. MOTION CARRIED 7-0.

2. Approval to move forward with legal action against Mark Kissell
Mr. Emerick prepared the necessary documentation to proceed with legal action against Mr. Mark Kissell regarding the 1309 Jefferson Avenue Property.

ON MOTION OF MR. MORGAN, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY APPROVED TO MOVE FORWARD WITH LEGAL ACTION AGAINST MR. MARK KISSELL REGARDING THE 1309 JEFFERSON AVENUE PROPERTY AS A DANGEROUS STRUCTURE. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL, AND MS. McCARTHY. MOTION CARRIED 7-0.

3. Approval of engineering services for the Crichton McCormick Restroom Project
Mr. Wisor provided Council with a proposal for engineering services for the restroom project at Crichton McCormick Park.

ON MOTION OF MR. KISSELL, SECONDED BY MR. MORGAN, COUNCIL UNANIMOUSLY APPROVED THE ENGINEERING SERVICES OF STIFFLER-McGRAW FOR THE PROPOSED RESTROOM PROJECT AT CRICHTON McCORMICK PARK IN AN AMOUNT NOT TO EXCEED \$12,000.00. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL, AND MS. McCARTHY. MOTION CARRIED 7-0.

GOOD OF THE BOROUGH

Ms. Claar informed Council that an additional \$35.00 was added to the additional bills for the Portage Endowment Fund for a memorial donation in honor of Chief Miller's mother.

Ms. McCarthy was approached by several residents concerning parking complaints and citations that were issued on Main Street during the latest food distribution at the Portage Food Pantry. Ms. McCarthy was informed by Chief Miller that several of the residents were definitely parked illegally on Main Street and were issue the citations. Mr. Kissell commented that some of the boxes the people receive are heavy and can't be carried to far away. Mr. Learn suggested that the boxes be packed a little lighter and provide additional boxes. Mr. Koban commented that there are several places across the street that the residents can park.

Ms. McCarthy advised Council that there was no response from the Diocese and Bishop Bartchak concerning Sacred Heart church properties. There has been at least six (6) offers presented to

the realtor with no response from the Diocese. The Finance Committee of the Holy Family Church suggested that a letter be sent to the Arch Bishop and then the Cardinal.

ON MOTION OF MR. KISSELL, SECONDED BY MR. HAYES, COUNCIL WENT INTO EXECUTIVE SESSION FOR LITIGATION PURPOSES. MOTION CARRIED 7-0.

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

ADJOURNMENT/EXECUTIVE SESSION

THERE BEING NO FURTHER BUSINESS ON THE REGULAR AGENDA, ON MOTION OF MR. LEARN, SECONDED BY MR. KISSELL, THE MEETING WAS ADJOURNED AT 7:45 P.M.