

A meeting of Portage Borough Council was held on Monday, June 4th, 2018, at 6:30 p.m., in Council Chambers.

Those in attendance were:

Sharon McCarthy
Jerome Yetsko

James Kissell
George Wozniak

David Hayes
John Morgan

Also present were: Robert Koban, Borough Manager; Michael Emerick, Solicitor; Gary Wisor, Engineer; Scott Maul, Public Works; Chief Miller, Public Safety; Ms. Claar, Secretary, and Kaelyn Wozniak. Absent were Todd Learn and Emily Canavan, 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; Sean Sauro, Altoona Mirror; Kenneth and Melissa Plummer; Ms. Jean Kinley; John Gaunt, and Dave Burkett

ON MOTION OF MR. KISELL, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY MOVED TO GO OUT OR ORDER ON THE AGENDA TO RECOGNIZE THE VISITORS. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSEL, AND MS. MCCARTHY. MOTION CARRIED 6-0.

Mr. David Burkett was in attendance to address drainage issues at his residence on Makin Street. Mr. Burkett commented that he is now getting flooded on all three sides due to neighbors using sump pumps and diverting the water onto the streets and in the alleys. The storm sewers are backed up. Mr. Maul commented that once the new sewer system is in place, the old system will be used for storm drainage and should resolve several area issues. Mr. Burkett also inquired on the alley. Mr. Maul commented that the contractors will be re-digging and grading the alley.

Mr. Kenneth and Melissa Plummer were in attendance to provide a timeline for the request from Council concerning the property located at 730 Sherman Street. the building permit for 730 Sherman Street. The various issues included a timeline for the repairs, clean-up within the right of way, removal of junk in the back yard and front porch, and the cribbing underneath the structure. New plans also need submitted for the structural foundation changes. Mrs. Plummer presented documentation from the County concerning the property taxes on 730 Sherman Street as being paid up until 2019. Mrs. Plummer also advised that she received the taxes for the 1304 Caldwell Avenue property. Ms. McCarthy questioned the time frame for the structure at 730 Sherman Street. Mrs. Plummer commented that she had spoke with 2 contractors but that they would not be able to start for 2-3 weeks but she has not received a formal quote or proposal. Ms. McCarthy commented that once a signed proposal is received from the Contractor and the other issues are resolved; then Council would sign off for on the building permit application for an extension. Mr. Plummer commented that it won't be a game when the Feds come in and left the meeting. Mrs. Plummer also commented on her medical conditions as well as Mr. Plummers.

Ms. McCarthy commenced with the opening of bids for the 2018 Street Paving Program. Mr. Koban read aloud the bid amounts from four (4) contractors;

- | | |
|------------------------------|--------------|
| • New Enterprise Stone & Lim | \$116,812.80 |
| • Grannas Brothers | \$112,840.40 |
| • HRI, Inc. | \$138,970.00 |
| • Quaker Sales | \$121,869.60 |

Mr. Wisor and Mr. Maul reviewed the bids amounts, bid bonds, and other documentation relating to the paving program. The awarding was later in the meeting.

REPORTS

A. Borough Manager

Mr. Koban provided his report in written form prior to the meeting.

Ms. McCarthy questioned the status of the drainage issue on Blair and South Railroad Avenue. Mr. Koban advised that during the installation of the new sewer system, Kukurin Construction had crushed the 12-inch terra cotta Stormwater pipe. As a fix, Kukurin placed an 8-inch plastic pipe inside the crushed portion of the 12" pipe. Mr. Wozniak questioned why do we have to pay for someone else's mistake? Mr. Morgan questioned if the Borough was aware of the issue. Mr. Maul responded that he spoke with the previous Director; Ray Bowman and he was aware of the quick fix. Ms. McCarthy suggested documenting the workmanship of Kukurin Construction for any future projects within the Borough. Mr. Maul provided a draft plan and cost estimates for the drainage repairs by installing pipe and inlets. Mr. Koban commented that the project was not budgeted in the 2018 Approved General Fund Budget and suggested the funds can be transferred out of the Capital Improvement Fund. Mr. Maul commented that he would like to have the construction completed before paving Blair Street during the 2018 Paving Program. Mr. Maul provided an estimated cost of \$2,400.00 for the repairs.

ON MOTION OF MR. KISELL, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY APPROVED TO MAKE THE NECESSARY REPAIRS BY INSTALLING PIPE AND INLETS AT BLAIR AND SOUTHRAILROAD AVENUE WITH FUNDS FROM THE CAPITAL IMPROVEMENT FUND. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSEL, AND MS. MCCARTHY. MOTION CARRIED 6-0.

Ms. McCarthy questioned if a ten-day notice was sent to the owners of the jacket factory regarding the high weeds and grass. Chief Miller advised that a letter was sent and also to the Mountain House property owners.

Mr. Hayes questioned the status of the new part time officer. Mr. Koban advised that Paul Mummert has been hired as a part time officer. He was in to complete paperwork and only needs to qualify on the gun and then can start next 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-no contact by the roofing expert for American Roofing.
- ❖ Buildings:
 - 1309/1315 Jefferson Avenue (Mark Kissell)

Mr. Emerick informed Council that there were no mortgages on either property and that there is a sale agreement in place for the sale of the property. Mr. Emerick also commented that the Attorney handling the transactions were also made aware of the public hearing and the findings of fact. Mr. Emerick presented that Findings of Fact, Conclusion of Law and Order for the 1309/1315 Jefferson Avenue property owned by Mr. Mark Kissell for Council to review and to have the Council President execute the documents.

ON MOTION OF MR. HAYES, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY APPROVED TO HAVE MS. MCCARTHY EXECUTE THE FINDINGS OF FACT FOR THE 1309/1315 JEFFERSON AVENUE PROPERTIES OWNED BY MR. MARK KISSELL. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSEL, AND MS. MCCARTHY. MOTION CARRIED 6-0.

- 616 Dulancey Drive (Clair Adams)
Mr. Emerick advised that he is still searching for a representative. Mr. Kissell suggested contacting Mr. Adams brother.
- 828 North Railroad Avenue (Gaunts)
Mr. John Gaunt was in attendance earlier but had left the meeting and advised that his attorney was to be present. Mr. Emerick presented the Civil Action Law Suit to be filed with the Cambria County Common Pleas Court. Mr. Emerick requested a motion to have Ms. McCarthy execute the Civil Action Law Suit on behalf of Portage Borough.

ON MOTION OF MR. HAYES, SECONDED BY MR. MORGAN, COUNCIL UNANIMOUSLY APPROVED TO HAVE MS. MCCARTHY EXECUTE THE CIVIL ACTION LAW SUIT WITH THE CAMBRIA COUNTY COMMON PLEAS COURT ON THE 828 NORTH RAILROAD AVENUE PROPERTY OWNED BY BERNICE AND ARTHUR GAUNT. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSEL, AND MS. MCCARTHY. MOTION CARRIED 6-0

C. Engineer

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

- Mr. Wisor informed Council that the bid packets for the restroom project at Crichton McCormick Park will be ready by June 6th, 2018. Mr. Wisor commented that he would like to have the bid opening at a date to be determined in July.
- Mr. Wisor performed a field view on May 30th, 2018 on the structure located at 720-722 Orchard Street (Plummer). The structure is a duplex that was converted into a single dwelling. Mr. Wisor advised that the structure was occupied and only performed an outside view. The following is a recap of the issues that meet the Dangerous Building Ordinance; Section C, D, E, H, and I.
 - ❖ Main roof is severely aging roof shingles and sheathing. The rear at the middle between the two halves are the worst, there are no gutters except on front porch roof, vegetation growing up the sides of the residence.
 - ❖ The gutter on the front porch roof is pulled away from the fascia and vegetation inside. A large tree in front of the porch has branches leaning on the porch roof and main roof.
 - ❖ The front porch floor is sagging and the wood joists are rotted.

- ❖ The concrete block foundation has stability issues and some of the block has caved in. There is unsupported wall and masonry damaged areas. From a health and safety issue, the moisture in the basement and foundation can harbor or be an infestation by animals.

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. Ms. McCarthy thanked Chief Miller for having the dumpster removed from 828 North Railroad Avenue. Ms. McCarthy commented on the property at 514 Prospect Street that has a hole in the roof. There were several other issues with the structure.

ON MOTION OF MR. KISSELL, SECONDED BY MR. MORGAN, COUNCIL UNANIMOUSLY APPROVED TO HAVE MR. WISOR PERFORM A FIELD VIEW OF THE STRUCTURE LOCATED AT 514 PROSPECT STREET. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSEL, AND MS. MCCARTHY. MOTION CARRIED 6-0

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.

CORRESPONDENCE

Correspondence was presented to Council as follows:

- The Portage Public Library sent notice of a summer food & fun program for kids 18 and under. The Library will be having free lunches between June 12-July 26th, 2018 on Tuesdays, Wednesdays, and Thursdays from 12-1:00; and snacks on Wednesdays from 11:15-11:45 a.m.
- The Cambria County Commissioners sent notice of pavilion rentals and camping at Duman Lake County Park, along with a fee schedule.

MINUTES OF PREVIOUS MEETING

The minutes from May 7th regular and the May 21st, 2018 committee meeting were provided to Council prior to the meeting. Mr. Hayes commented that the minutes from the May 7th regular meeting adjournment reflected 76-0 and should be 6-0.

ON MOTION OF MR. WOZNIAK, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY APPROVED THE MINUTES FROM THE MAY 7TH REGULAR MEETING, AFTER THE ABOVE CORRECTION, AND THE MAY 21ST, 2018 COMMITTEE MEETING MINUTES. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSEL, AND MS. MCCARTHY. MOTION CARRIED 6-0.

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 \$128,201.08 AND APPROVED THE BILLS AND ADDITIONAL BILLS BE PAID; AS PRESENTED IN WRITTEN FORM, IN

THE AMOUNT OF \$34,899.12. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. MORGAN, MR. YETSKO, MR. WOZNAK, MR. HAYES, MR. KISSEL, AND MS. MCCARTHY. MOTION CARRIED 6-0.

REPORTS RECEIVED

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

ON MOTION OF MR. KISSELL, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY ACCEPTED THE REPORTS RECEIVED AS NOTED ABOVE. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. MORGAN, MR. YETSKO, MR. WOZNAK, MR. HAYES, MR. KISSEL, AND MS. MCCARTHY. MOTION CARRIED 6-0.

UNFINISHED BUSINESS

Mr. Koban provided an update as follows:

- A. Update on Recreation Manager/Director position:
There was no update-Still waiting for grant application timeline.
- B. Update on Borough Building Roof: Discussed under the Solicitor's report.
- C. Update on Trout Run Rehabilitation: Grant was submitted and Mr. Wisor had provided additional information to a DCED reviewer.
- D. PennDot project on SR 164-No update
- E. Update on Main Street Phase II: No update
- F. Update on proposed restrooms at Crichton McCormick Park-Discussed under the Engineer's report. To be bid sometime in July.
- G. Update on sewer testing on the administration building
No update-waiting for contractor
- H. Update on Sonman Avenue Bridge
There was no update.
- I. Update on grant funding for generator
There are no available grants and other websites were also searched.
- J. Update on retaining wall on Johnson Avenue
A lengthy discussion took place on how to proceed with the retaining wall on Johnson Avenue. Mr. Koban suggested removing the portion of the wall just below the street level, then concrete the damaged portion, top with asphalt at street level, and place guardrail curbside. Mr. Kissell questioned if any type of machinery would impact the stream wall for installing the posts. Mr. Wozniak commented that it is only putting a band-aid on the problem and suggested having an alternative plan. Mr. Koban encouraged Council members to view the creek wall and present any other ideas. Ms. McCarthy questioned the work load that it would bring to the public works department.

ON MOTION OF MR. HAYES, SECONDED BY MR. MORGAN, COUNCIL APPROVED TO MOVE FORWARD WITH THE RECOMMENDATIONS

OF THE BOROUGH MANAGER WITH REPLACING THE DAMAGED SECTION OF THE RETAINER WALL, ASPHALT AND INSTALL GUARDRAIL. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. MORGAN, MR. YETSKO, MR. HAYES, MR. KISSEL, AND MS. MCCARTHY. MOTION CARRIED 5-1, WITH MR. WOZNAK VOTING NEGATIVELY.

Mr. Kissell suggested having Mr. Wisor inspect or view the project prior to commencing with the work sometime during the fall.

- K. Update on storm drain issues at Blair and South Railroad-discussed earlier in the meeting.

BUILDINGS

Mr. Koban provided the following update:

- A. Update on Clair Adams property at 616 Dulancey Drive
Discussed under the Solicitor's report.
- B. Update on Shoenfeld property at Orange and Grove St
The Police Department sent a 10-day notice to Mr. Schoenfeld.
- C. Update on Crum Property at 907 Jefferson Avenue
The property is still not completely cleaned up.
- D. Update on Gaunt property at 828 North Railroad
Discussed earlier in the meeting. The Civil Suit was executed.
- E. Update on 730 Sherman Street (Plummers) discussed earlier in the meeting.
- F. Update on 722 Sherman Street (Plummer)
Mr. Wisor provided an Engineer's report and it was discussed earlier in the meeting.
- G. Update on 1007 Conemaugh Avenue (Borough)
Ms. Claar informed Council that she received an e-mail from Renee Daly with the Cambria County Redevelopment Authority advising that the property is on the list for the next round of bids. The funding sources are under both Act 152 and the Community Development Block Grant Program. (CDBG). Depending on the bids, the demolition would not occur until the fall of 2018.
- H. Update on 1309/1315 Jefferson Avenue
Discussed earlier in the meeting with Ms. McCarthy executing the order.
- I. Update on 1029 Washington Avenue (Smith)
Chief Miller advised that the grass has been cut.

NEW BUSINESS

There was no new business.

ADDITIONAL AGENDA ITEMS:

1. Update on removal of ice rink liner at Crichton McCormick Park
Mr. Koban advised that he received an e-mail regarding the removal of the liner and that the staff cannot cut the grass in that area. Mr. Kissell commented that the underlayment of the liner could get damaged if not removed carefully. He also advised that he is waiting for

volunteers to assist in the removal process. Mr. Wozniak questioned if the Public Works Department could possibly remove it along with assistance from the Park staff. Mr. Maul advised that the schedule is already full but will place it on the list. Mr. Koban suggested that any future projects be fully planned out.

2. Review and award of bids for the 2018 Street Paving program

Mr. Wisor and Mr. Maul reviewed the necessary documents for the bids. There were four (4) bids received as follows:

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|------------------------------|--------------|
| • New Enterprise Stone & Lim | \$116,812.80 |
| • Grannas Brothers | \$112,840.40 |
| • HRI, Inc. | \$138,970.00 |
| • Quaker Sales | \$121,869.60 |

ON MOTION OF MR. KISSELL, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY AWARDED THE 2018 STREET PAVING PROGRAM TO GRANNAS BROTHERS, IN THE AMOUNT OF \$112,840.44. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSEL, AND MS. MCCARTHY. MOTION CARRIED 6-0.

GOOD OF THE BOROUGH

None

Mr. Koban requested an executive session for pending litigation.

ON MOTION OF MR. YETSKO, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY MOVED TO GO INTO EXECUTIVE SESSION FOR PENDING LITIGATION PURPOSES. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSEL, AND MS. MCCARTHY. MOTION CARRIED 6-0.

ON MOTION OF MR. KISSELL, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY MOVED TO GO OUT OF EXECUTIVE SESSION. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSEL, AND MS. MCCARTHY. MOTION CARRIED 6-0.

ON MOTION OF MR. WOZNIAK, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY MOVED TO GO INTO THE REGULAR MEETING. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSEL, AND MS. MCCARTHY. MOTION CARRIED 6-0.

THERE BEING NO FURTHER BUSINESS, ON MOTION OF MR. KISSELL, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY MOVED TO GO OUT OF THE REGULAR MEETING. COUNCIL THE MEETING WAS ADJOURNED AT 8:17 P.M.