

A meeting of Portage Borough Council was held on Monday, May 7th, 2018, at 6:30 p.m., in Council Chambers.

Those in attendance were:

Sharon McCarthy	James Kissell	David Hayes
Todd Learn	Jerome Yetsko	George Wozniak

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 Emily Canavan, Jr. Councilors. Absent were John Morgan and Kaelyn Wozniak.

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; Irene Huschak and Deb Novotny representing the Portage Area Historical Society; Mrs. Huff; Don Squillario, and Ron Cadwallader representing the Portage Water Authority.

PUBLIC HEARING FOR 1309 JEFFERSON AVENUE (KISSELL)

Mrs. McCarthy informed the guests the first issue to address was the Public Hearing for Mark Kissell. Mr. Emerick presided with the public hearing for the property located at 1309 Jefferson Avenue and entered the following exhibits into record:

- The deed conveying the property to Mr. Mark Kissell dated March 8, 2012
- Notice of Engineer's findings on December 1, 2017
- Solicitor letter advising Mr. Kissell of the Public Hearing as of this date

Mr. Emerick requested testimony from the Borough Engineer. Mr. Wisor stated he was the certified engineer for Stiffler, McGraw and presented the following into testimony.

Engineer's report of findings

Photographs of three (3) structures located at 1309 Jefferson

One mobile home damaged by fire and water, a framed garage, and a shed

Based on Mr. Wisor's findings, Mr. Wisor advised that the structure(s) meet the borough's dangerous Structure Ordinance; specifically, items B, D, E, F, H, and I. Mr. Emerick called for testimony from Mark Kissell, whom it was not in attendance. Ms. Claar advised that Mr. Kissell dropped off a letter prior to the meeting that was entered into the record. The letter stated that the two parcels; 1309 and 1315 Jefferson Avenue, were under an agreement of sale. Mr. Yetsko questioned if this would be an issue regarding prolonging the litigation. Mr. Emerick advised that this would not be a problem. Mr. Emerick called for public comment but there were none. Mr. Emerick then called for a decision from Council. After a brief discussion,

ON MOTION OF MR. WOZNIAK, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY APPROVED TO MOVE FORWARD WITH THE BOROUGH ENGINEER TO HAVE THE STRUCTURE(S) BE DEMOLISHED. COUNCIL MEMBERS VOTING

AFFIRMATIVELY INCLUDED MR. LEARN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSEL, AND MS. MCCARTHY. MOTION CARRIED 6-0.

This concluded the public hearing.

Ms. McCarthy called for public participation by acknowledging several residents.

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

Prior to addressing the public, Ms. McCarthy commented that the bricks from a sewer project on Lee Street was blown out of proportion and that the Water Authority had nothing to do with it. The Water Authority did however recover the brick and delivered them to Ms. Huschak's residence. Ms. McCarthy also commented that the issues also surfaced on social media of Facebook.

Ms. Irene Huschak and Deb Novotny represented the Portage Area Historical Society and presented bricks and a history of the road on Lee Street. Ms. Huschak is requesting that the borough amend the paving of Lee Street and keep the street all brick. Mr. Koban informed Ms. Huschak that the street paving program is on the agenda and this is the first Borough Council had a chance to review the streets scheduled for paving. Portions of Lee Street are in poor shape due to utility repairs. Ms. Huschak commented that she is only requesting that the portion in front of the museum remain brick. Pictures were also presented to Council to review. Mr. Maul commented that at the top of Lee and Railroad, the road is in need of immediate repair and just below the museum under the Lee Street Bridge. Mr. Koban also commented that the social media on Facebook was out of control as well as the news cast. Ms. Huschak apologized for the comments and lack of communication. Council informed Ms. Huschak they will take her request into consideration once they review the paving program for bids. Ms. Huschak thanked Council for their time and consideration.

Mr. John and Art Gaunt were in attendance to address the demolition order at 828 North Railroad Avenue. Mr. Gaunt advised that due to the inclement weather in March and April, they had no opportunity to make the necessary repairs by April 15th. He has also placed a new block foundation in the building to reinforce several areas that were not safe. Other interior work included new electrical service. Council informed Mr. Gaunt that they had specific repairs that had to be met by the April 15th deadline that included:

- Repairs to the roof
- Connection of a new sewer line
- Removing or repairing the front porch
- Repair of front porch roof

Mr. Koban advised that there has been no progress on any the items listed above but that some of the shingles were removed from the roof. Mr. Squillario, President of the Sewer Authority advised that the Gaunt's have not contacted them regarding any sewer installation and tap in. Mrs. Huff commented that she has been patient and requested that Council put their foot down on the owners. Mr. Wozniak commented that the issue has been on the agenda for several years and it is being addressed. The borough has to follow the proper procedures and it is a long legal process. Mr. Gaunt advised Council that he intends to hire an attorney to fight Councils decision to have the structure demolished. Mr. Emerick advised Mr. Gaunt to have his attorney contact him.

Mr. Kenneth and Melissa Plummer were in attendance to address the building permit for 730 Sherman Street. Mr. Koban again advised the Plummer's that they needed to provide 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. There has been nothing received from the Plummers since the last meeting in April and none were presented prior to this meeting.

REPORTS

A. Borough Manager

Mr. Koban provided his report in written form prior to the meeting. Ms. McCarthy commended the efforts of everyone involved in the success of the Cambria County Borough Association Spring meeting. Ms. McCarthy commented on the restroom project at the Park. An e-mail was sent by Ms. Claar in error of the time to meet at the park to review the plans with the PAJRC members. Ms. Claar apologized for the error.

Ms. McCarthy questioned the paving request from Mr. Don Lewis. Mr. Koban advised that the road within the park is in bad shape. The road was not included in the 2018 paving program but could be an in-house paving project. An estimated cost will be provided at the committee meeting for council to review.

Ms. McCarthy questioned the condition of the concrete wall on Johnson Avenue by the bridge. Mr. Koban advised that certain sections are in disrepair. Quotes are forthcoming from B & R Construction.

Ms. McCarthy questioned if there will be any additional expenditures for the Public Works Buiding to which Mr. Koban advised there will be none.

Mr. Koban informed Council that he contacted the grant writer; Mr. Tim Longwell regarding the support letter from the Portage Area School District. Mr. Longwell will be re-applying for the grant. Mr. Koban advised that the remaining issues are on the agenda for discussion and had nothing additional to add.

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 under buildings:

- ❖ American Roofing Litigation-no contact by the roofing expert for American Roofing.
- ❖ Buildings:
 - 1309/1315 Jefferson Avenue (Mark Kissell) properties held earlier in the meeting.
 - 616 Dulancey Drive (Clair Adams)
Mr. Emerick advised he spoke with other municipal attorneys concerning a representative and will be providing a fee schedule for June meeting.
 - 828 North Railroad Avenue (Gaunts)
Preparation of civil complaint to be filed with the Cambria County Courts.

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.

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 questioned if an ad was going to be placed for a part time officer.

E. Director of Public Works

Mr. Maul noted that a copy of his report was provided to Council prior to the meeting. Mr. Maul advised that he spoke with Marian Slebodnick regarding the alley issue with trucks entering her property. She will be parking a car close to the alley to keep the trucks off out the yard, as long as it doesn't block the roadway.

CORRESPONDENCE

Correspondence was presented to Council as follows:

Comcast Notification of channel lineup changes

Request from Portage Senior Activity Center and Women's Club for donations in 2019

Cambria County Planning Commission draft plan is now available on their website

2018 drivers listing for Portage Volunteer Fire Company

The 2016-2017 Audit by Kline Kimlin for the Municipal Authority (on file)

MINUTES OF PREVIOUS MEETING

As it relates to the minutes from the April 2nd regular and the April 16th, 2018 committee meeting,

ON MOTION OF MR. LEARN, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY APPROVED THE MINUTES FROM THE APRIL 2ND REGULAR AND THE APRIL 16TH, COMMITTEE MEETING MINUTES. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, 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. KISSELL, COUNCIL UNANIMOUSLY ACCEPTED THE TREASURER'S REPORT IN THE AMOUNT OF \$145,220.95 AND APPROVED THE BILLS AND ADDITIONAL BILLS BE PAID; AS PRESENTED IN WRITTEN FORM, IN THE AMOUNT OF \$42,498.90. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. YETSKO, MR. WOZNIAK, 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 (Mar) and the Portage Sewer Authority (Mar), Portage Area Joint Recreation- Feb & Mar; LMIA-March.

ON MOTION OF MR. KISSELL, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY ACCEPTED THE REPORTS RECEIVED AS NOTED ABOVE. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. YETSKO, MR. WOZNIAK, 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:
Mr. Koban advised grant paperwork has been re-submitted with the latest letter of support from the Portage Area School District.
- B. Update on Borough Building Roof: Discussed under the Solicitor's report.
- C. Update on Trout Run Rehabilitation: Mr. Wisor advised that grant funding is now open for the end of May, 2018. Mr. Wisor advised that these are listed under additional agenda items prior to the Council meeting.
- D. PennDot project on SR 164
Waiting on information from Mr. Matt Decort
- E. Update on Main Street Phase II:
No update
- F. Update on proposed restrooms at Crichton McCormick Park
Moving forward with design and placement of the sewer and water. A short discussion took place on the location of the lines and grinder pumps.

ON MOTION OF MR. YETSKO, SECONDED BY MR. LEARN, COUNCIL UNANIMOUSLY APPROVED WITH MOVING FORWARD ON THE RECOMMENDATIONS AS PRESENTED BY MR. WISOR. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSEL, AND MS. MCCARTHY. MOTION CARRIED 6-0.

- G. Update on sewer testing on the administration building
Mr. Koban commented That a building committee meeting will be held on Thursday.
- H. Update on Sonman Avenue Bridge
There was no update.
- I. Update on Truck traffic on South Railroad Avenue-remove
- J. Update on grant funding for generator
Ms. Claar advised she pulled the previous grant paperwork from Lee Initiatives regarding the generator. There are no available grants and other websites were also searched.
- K. Update on creek walls on Johnson Avenue
Discussed earlier in the meeting.
- L. Update on basketball court at Park-no update/remove from agenda

BUILDINGS

Mr. Koban provided the following update:

- A. Update on Mark Kissell property at 1309 and 1315 Jefferson Avenue
Discussed earlier in the meeting under the Solicitor's report.

- B. Update on Clair Adams property at 616 Dulancey Drive
Discussed under the Solicitor's report.
- C. Update on Shoenfeld property at Orange and Grove St
The issue will be visited in the Spring
- D. Update on Crum Property at 907 Jefferson Avenue
No update
- E. Update on Gaunt property at 828 North Railroad
Discussed earlier in the meeting. Moving forward with Civil Complaint
- F. Mr. Kissell commented on the condition of the structure located at 722 Orchard Street and requested that a field study be performed by Mr. Wisor.

NEW BUSINESS

A. Review and approval to advertise for bids on the 2018 paving program in the Dispatch. Mr. Koban commented that the paving program can be bid with adjustments made to the Lee Street portion.

ON MOTION OF MR. YETSKO, SECONDED BY MR. HAYES, COUNCIL UNANIMOUSLY APPROVED TO ADVERTISE FOR BIDS ON THE 2018 PAVING PROJECT WITH SEALED BIDS TO BE OPENED AND READ ON JUNE 4TH, 2017 AT 6:30 P.M. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSEL, AND MS. MCCARTHY. MOTION CARRIED 6-0.

B. Update from Randy Stager regarding the donation request for funding the Mainline Trail Study. Mr. Koban thought Mr. Stager would be in attendance to discuss the issue. A short discussion took place on whether or not the plan would include Portage in general. A motion was on the agenda for pledging \$5,000.00 for the continued study.

ON MOTION OF MR. YETSKO, SECONDED BY MR. KISSELL, COUNCIL UNANIMOUSLY TABLED THE REQUEST FOR A \$5,000 PLEDGE FOR THE MAINLINE TRAIL STUDY. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSEL, AND MS. MCCARTHY. MOTION CARRIED 6-0.

Mr. Koban suggested contacting the Allegheny Ridge Corporation to attend the next committee meeting.

Additional agenda items

A. Approval of a resolution for a grant application with CFA for the Trout Run Project.
Mr. Wisor advised that the grant funding with Commonwealth Financing Authority is now open.

ON MOTION OF MR. KISSELL, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY APPROVED RESOLUTION 9-2018 BY REQUESTING A GRANT FUNDING APPLICATION IN THE AMOUNT OF \$258,890.00 THROUGH THE COMMONWEALTH FINANCING AUTHORITY FOR THE TROUT RUN STREAM STABILIZATION PROJECT. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSEL, AND MS. MCCARTHY. MOTION CARRIED 6-0.

B. Approval to commit matching grant funds for the Trout Run Stream Stabilization project.

ON MOTION OF MR. KISSELL, SECONDED BY MR. LEARN, COUNCIL UNANIMOUSLY APPROVED THE COMMITMENT OF A 15% GRANT MATCH IN THE AMOUNT OF \$45,687.00 THROUGH THE COMMONWEALTH FINANCING AUTHORITY FOR THE TROUT RUN STREAM STABILIZATION PROJECT. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSEL, AND MS. MCCARTHY. MOTION CARRIED 6-0.

GOOD OF THE BOROUGH

Ms. McCarthy commented that the fence post at the Arch is in bad shape.

Ms. McCarthy commented on the latest electrical outages. Mr. Koban requested that the streetlight maps be researched.

ADJOURNMENT/EXECUTIVE SESSION

THERE BEING NO FURTHER BUSINESS ON THE AGENDA, ON MOTION OF MR. HAYES, SECONDED BY MR. LEARN, THE MEETING WAS ADJOURNED AT 8:08 P.M. MOTION CARRIED 6-0.