

A meeting of Portage Borough Council was held on Tuesday, September 4th, 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 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; Ms. Jean Kinley, Richard Kozak, Kathy Coder, Josh Hauser; Cambria County Dept of Veterans Services.

ON MOTION OF MR. HAYES, 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. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL, AND MS. MCCARTHY. MOTION CARRIED 7-0.

Ms. McCarthy first introduced Mr. Richard Kozak and his Daughter; Kathy Coder, the immediate family for WWII Veteran; Walter "Bert" Mintus, a Portage native whose remains were found in December of 2017. Mr. Kozak and his daughter provided a history of Mr. Mintus military career and the timeline of events of his remains. Mr. Kozak thanked the community and Council for their support in honoring Mr. Mintus and advised that once he is contacted by the US Navy with additional details, he will provide an update as to when and where the memorial services will take place. Mr. Josh Hauser; Cambria County Dept of Veterans Services advised that he is working with other counties and veterans' organizations in honoring the WWII Veteran and will be providing U.S. Flags for all communities within the parade route. Mr. Hauser will be updating Mr. Koban through electronic media of any new developments. The current plan is to have the US Navy fly Mr. Mintus remains to Pittsburgh on November 8th, 2018. A procession will take place from Pittsburgh to Portage with various military and veteran organizations. On November 9th, 2018; a public viewing will be held at Serenko-Claar Funeral Home with a mass at Holy Family Parish on November 10th, 2018. The interment will be private to the family. Mr. Hauser and Mr. Kozak advised that they will keep us updated on any new information. Council thanked Mr. Kozak, Mrs. Coder, and Mr. Hauser for attending the meeting.

Ms. Jean Kinley advised Council that the Portage Ambulance Association has just recently purchased a generator from Lowes around \$7,000.00, installed. Ms. Kinley did not have all the details available such as size, etc. Mr. Koban advised that he spoke with Biter Electric and it will be a couple of weeks before they can provide an estimate.

REPORTS

A. Borough Manager

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

- Mr. Koban advised that a building committee meeting will be scheduled within the next week.
- The Plummer property at 730 Sherman Street has passed inspection by LMIA. The condition of the property is a separate issue and will be pursued for a public nuisance.
- Ms. McCarthy commented on a Webster Avenue property that has had high grass all year and that residents need to start taking responsibility of the property.
- The Sacred Heart properties will be having a tax assessment hearing on September 10th, 2018. The Tax Claim Bureau will also be having the 2018 Upset Sale.
- Mr. Koban commented on the approval to advertise for bids on the 1995 Ford Truck. Ms. Jean Kinley suggested that Council consider donating the truck to the Portage Area Joint Recreation Commission for park maintenance. After a discussion,

ON MOTION OF MR. KISSELL, SECONDED BY MR. HAYES, COUNCIL UNANIMOUSLY MOVED TO DONATE THE 1995 F350 TRUCK TO THE PORTAGE AREA JOINT RECREATION COMMISSION. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNAK, MR. HAYES, MR. KISSELL, AND MS. MCCARTHY. MOTION CARRIED 7-0.

Mr. Koban questioned if the PAJRC would even want to accept the donation of the truck for the park, along with the title transfer and the insurance. Mr. Koban suggested contacting the PAJRC to determine if they would accept the donation.

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-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 (Joel Bobolsky)
Mr. Emerick advised that the title transfer closed on August 31st, 2018 with Cambria County. Mr. Emerick also advised that the buyer now has thirty days from August 31st, 2018 to come into compliance and have the properties demolished. Mr. Kissell requested that Mark Kissell name be changed to Bobolsky.
 - 616 Dulancey Drive (Clair Adams)
There was still no update on finding a representative.
 - 907 Jefferson Avenue (Crums)
Mr. Koban advised that the structure was demolished as per the civil complaint. The condition of the property is a total separate issue with having a lot of junk and accumulated trash. Mr. Emerick questioned if Council wanted to withdraw the complaint.

ON MOTION OF MR. HAYES, SECONDED BY MR. MORGAN, COUNCIL UNANIMOUSLY APPROVED TO HAVE MR. EMERICK WITHDRAW THE CIVIL COMPLAINT ON THE 907 JEFFERSON AVENUE PROPERTY (CRUMS). COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL, AND MS. MCCARTHY. MOTION CARRIED 7-0.

- 933 Sonman Avenue (Greenawalt)
Mr. Emerick advised that a complete search for Rebecca Windsor must be performed prior to the order for publication for service upon Ms. Windsor.
- 828 North Railroad Ave (Gaunts)
Mr. Emerick advised that he will moving forward with the default judgement with the Cambria County Courts. Mr. Morgan and Mr. Kissell advised that the structure is almost ready to collapse on side. Mr. Kissell questioned if jersey barriers could be used to block off the sidewalk to which Mr. Emerick replied no, you can't have the residents walk on the road.
- 720 Orchard Street (Plummer)
Mr. Emerick advised that the property is still not in compliance and that a public hearing will be scheduled for October 1st, 2018 at the regular meeting of Council.
- 406 Caldwell Avenue (Barclay)
Mr. Emerick advised that the property is still not in compliance and that a public hearing will be scheduled for October 1st, 2018 at the regular meeting of Council.
- 925 Main Street (Lewis)
Mr. Emerick advised that the property is still not in compliance and that a public hearing will be scheduled for October 1st, 2018 at the regular meeting of Council.

C. Engineer

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

- ❖ Mr. Wisor contacted Penn Dot regarding the Sonman Ave Bridge Replacement. The bridge is now on the 12-year plan.
- ❖ The sign inventory and data base project are in the final stages and will provided to Council within the coming months. Mr. Wisor also advised that with the sign data and collection, Google Earth and updated software will be readily available in the future.
- ❖ Mr. Wisor requested that 514 Prospect Street be removed form his agenda since the structure was demolished.
 - On motion of Mr. Wozniak, seconded by Mr. Hayes, Council approved to have Mr. Wisor remove 514 Prospect Street from his agenda. Motion carried 7-0.

D. Chief of Police

Chief Miller provided a copy of his written report to Council prior to the meeting. Chief Miller had some additional updates to report:

- Ms. McCarthy questioned the number of hours for Part Time Officer; Mummert. Chief Miller advised that his available hours are very limited.
- Mr. Koban commented that it would be beneficial to hire another part time office due to the lack of hours from other officers.
- Chief Miller informed Council that several grants were received for technology updates from the Portage Moose Lodge and the Community Foundation for the Alleghenies; Dr. Charles and Adele Kupchella Fund. An additional grant is being sought through the

Commonwealth for the expected equipment mandates for computers and software. Chief Miller explained that the automated system will be used to submit citations and criminal charges rather than going to the District Magistrate. With the new mandates, computer equipment and printers will also be installed in the cruisers to scan driver's license and to print off citations.

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 preparations for the 2018 Street paving will commence with milling on Tuesday, ready to pave for Wednesday and Thursday. Ms. McCarthy commented that worked performed on Lee Street looked great. Mr. Maul commented on a thank you that was received from Mrs. Janice Bowman for a memorial contribution for Ray and his 25+years of service to the Public Works Department.

CORRESPONDENCE

Correspondence was presented to Council as follows:

Thank you was received from Janice Bowman.

G & R Excavating sent notice of their annual yard sale on Saturday, September 8th, 2018.

Cambria County Conservation District sent notice of appliance and tire recycle dates; September 15th, 2018 at Summerhill Township and September 22nd, 2018 at Tunnelhill Borough.

Community Harvest Fest Committee sent notice of the anal Harvest Fest on Sunday, September 30th, 2018.

MINUTES OF PREVIOUS MEETING

The minutes from the August 6th, 2018 regular meeting and the August 20th, 2018 Committee meeting were provided to Council prior to the meeting.

ON MOTION OF MR. MORGAN, SECONDED BY MR. LEARN, COUNCIL UNANIMOUSLY APPROVED THE MINUTES FROM THE AUGUST 6TH, 2018 REGULAR MEETING AND THE AUGUST 20TH, 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. KISSELL, COUNCIL UNANIMOUSLY ACCEPTED THE TREASURER'S REPORT IN THE AMOUNT OF \$88,313.15 AND APPROVED THE BILLS AND ADDITIONAL BILLS BE PAID; AS PRESENTED IN WRITTEN FORM, IN THE AMOUNT OF \$20,031.56. 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 (July) and the Portage Sewer Authority (July), LMIA-July, PARPC-June, PAJRC-July 2nd and 16th, 2018.

ON MOTION OF MR. LEARN, 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:
Mr. Koban advised that Mr. Longwill has the application in its final stages before submitting.
- 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 Council that Scott and he met with Bruce Schweitzer regarding the S-curves and the Stager's property on Caldwell Avenue to be moved back. Mr. Koban also advised that Bruce advised that there were no plans for any bridge repairs on Main Street prior to the construction project, only to the parapet walls. Mr. Koban advised that Bruce will camera the storm sewer on Main Street from Mountain to Caldwell Avenue for any storm pipe issues. If there are no issues with the storm drain, a possibility of PennDot installing storm sewers prior to the project would be for Main Street runoff.
- E. Update on Main Street Phase II: Mr. Schweitzer advised Mr. Koban that there was no update on the grant funding for Phase III.
- F. Update on proposed restrooms at Crichton McCormick Park
Mr. Koban informed Council that the building permit has been received for the project and the pre-construction meeting was held. The project should commence on September 4th, 2018.
- G. Update on sewer testing on the administration building
Mr. Koban advised Council that the sump pump was capped off in the basement and a drain was installed on the side of the building. Ms. McCarthy questioned if the back alley was still scheduled for the storm drain.
- H. Update on Sonman Avenue Bridge
There bridge is on the list.
- I. Update on grant funding for generator
Lowe's will be placed on the list to contact for a quote.
- J. Update on retaining wall on Johnson Avenue
Mr. Koban apprised Council that the retaining wall project probably will not be completed this year due to the unfinished projects thus far for the Public Works Dept. Barriers will be placed in front of the wall for any deterrent of traffic.
- K. Drainage issues (Dobrowolsky and Gallo)

Mr. Koban advised that Mrs. Gallo had contact Lombardo Tree Service to trim back the trees in the alley behind the maintenance garage. The tree was very huge and will probably need to be trimmed again before too long.

L. Proposed Ordinance for storm water and drainage issue within the borough. Sump Pumps
Mr. Koban advised that he searched various model ordinances concerning water drain off onto borough property. Mr. Wozniak advised that there are several model ordinances on the internet to check out. A brief discussion took place on having residents present a plan of where they would divert water if a sump pump is installed. Mr. Learn questioned if there would be any fees for review, etc. Mr. Koban and Mr. Emerick will try to provide a sample ordinance at the September committee meeting for sump pumps only.

M. Memorial Event for Mr. Walter Mintus
This was discussed earlier in the meeting.

BUILDINGS

Mr. Koban provided the following update:

A. Update on 1309/1315 Jefferson (Kissell) discussed earlier in the meeting.

B. Update on 616 Dulancey Drive (Adams) discussed earlier in the meeting.

C. Update on 933 Sonman Ave (Greenawalt)-discussed earlier in the meeting.

D. A discussion was held on the Schoenfeld property relating to the utility trailers on the property. Ms. McCarthy questioned Chief Miller as to past experiences with the District Magistrate. Chief Miller commented that unless it shows a danger o the health, safety and welfare of the public, it is difficult to get a guilty plea. Mr. Kissell commented that we are opening up a can of worms since the borough also has property with the same issues. Mr. Koban referred to the Ordinance book concerning the junk vehicle ordinance. Chief Miller will investigate to determine if any of the properties meet the definition and criteria. After a short discussion to remove the issue from the agenda,

ON MOTION OF MR. KISSELL, SECONDED BY MR. HAYES, COUNCIL MOTIONED TO REMOVE THE ISSUE ON THE AGENDA. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. KISSELL AND MR. HAYES. VOTING NEGATIVELY WERE MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, AND MS. MCCARTHY. MOTION CARRIED 5-2.

After another discussion on the junk vehicle public nuisance;

ON MOTION OF MR. LEARN, SECONDED BY MR. WOZNIAK, COUNCIL MOTIONED TO PURSUE THE UTILITY TRAILERS UNDER THE JUNK VEHICLE PUBLIC NUISANCE. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, AND MS. McCARTHY. VOTING NEGATIVELY WERE MR. HAYES.LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, AND MS. MCCARTHY. MOTION CARRIED 6-1.

F. Update on 828 North Railroad (Gaunts) discussed earlier in the meeting.

- G. Update on 720 Sherman Street (Plummers) discussed earlier in the meeting.
- H. Update on 514 Prospect-Removed from the agenda. This structure was demolished.
- I. Update on 514 Prospect Street property (Casey)-discussed earlier in the meeting.
- J. Update on 406 Caldwell Avenue property (Barclay)-discussed earlier in the meeting.
- K. Update on 925 Main Street (Lewis) discussed earlier in the meeting.

NEW BUSINESS

- A. Approval to advertise for bids on the 1995 Ford F350 was discussed earlier in the meeting with donating the truck to the Portage Area Joint Recreation Commission.

ON MOTION OF MR. YETSKO, SECONDED BY MR. MORGAN, COUNCIL UNANIMOUSLY AGREED TO NOT ADVERTISE FOR BIDS ON THE 1995 F350. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. HAYES, MR. KISSELL, AND MS. MCCARTHY. MOTION CARRIED 7-0.

- B. Request to close ½ of Branch Street for 2018 Harvest Fest Event.
The HarvestFest Committee sent notice of the event and requested street closure

ON MOTION OF MR. KISSELL, SECONDED BY MR. HAYES, COUNCIL UNANIMOUSLY APPROVED TO GRANT PERMISSION TO THE COMMITTEE TO CLOSE ½ OF BRANCH STREET FOR THE 2018 HARVESTFEST EVENT ON SEPTEMBER 30TH 2018 AT 10:30 A.M. CLOSURE FROM BRANCH STREET TO CHURCH PARKING LOT, ALONG MAINLINE HERITAGE AND THE BOROUGH PROPERTY TO THE END OF BETHANY PARKING LOT. 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

ON MOTION OF MR. MORGAN, SECONDED BY MR. KISSELL, COUNCIL UNANIMOUSLY MOVED TO GO INTO EXECUTIVE SESSION FOR PERSONNEL ISSUES. 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 8:25P.M.