

A meeting of Portage Borough Council was held on Monday, April 1st, 2019 at 6:30 p.m., in Council Chambers.

Those in attendance were:

Sharon McCarthy
Jerome Yetsko

David Hayes
James Kissell

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. Mr. Morgan and Ms. Wozniak-Jr. Council were absent.

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

Ms. McCarthy offered a reflection. The reflection was followed by the Pledge of Allegiance.

Ms. Jean Kinley, members of the Portage Area Joint Recreation Association, and Mrs. Nancy Feathers were also in attendance.

ON MOTION OF MR. WOZNIAK, SECONDED BY MR. HAYES, COUNCIL UNANIMOUSLY APPROVED TO GO OUT OF ORDER ON THE AGENDA TO ADDRESS THE PUBLIC CONCERNS. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, YETSKO, MR. HAYES, MR. WOZNIAK, MR. KISSELL, AND MS. MCCARTHY. MOTION CARRIED 6-0.

Mrs. Nancy Feathers addressed Council on the concern of garbage that is piled up at 810 Sugar Alley (Nagle/Crum). The garbage has been accumulating and attracting rats and other rodents. She also advised that the two trailers on Dulancey Drive are being dismantled and have been vacant since October 2018. Mrs. Feathers advised that she will not pick up any garbage or materials from the old Starlite property on N Railroad this year. Chief Miller will investigate the garbage situation and Mr. Koban requested Mrs. Feather to complete a citizen complaint form.

Mr. Koban thanked the PAJRC members for attending the meeting to provide detail on the Small Communities Grant Opportunity through Rep. Frank Burn's Office for park improvements. Mr. Koban provided details on several areas of the grant including:

- Engineering fees, cost estimates, surveys, bidding process, bid documents, etc.
- Scope of work discussion on one or two courts being improved
- Fencing, post removal, ADA accessibility, overlays, striping, restoration,
- Discussion on areas that fit the grant criteria (main focus)
- Discussion on new sport of a "Pickleball Court

Mr. Koban questioned the PAJRC members to get their opinions on where to focus for the improvement project. Mr. Koban also commented that Mr. Schreiber suggested concentrating on one project that can be completed in its entirety; such as the upper tennis courts to include:

- Remove and replace posts and fencing
- Crack repair
- Paving, ADA parking stalls and Aisle, signs
- Striping
- Restoration
- Signage the project was funded with DCED funding

After a discussion on where to focus on the improvement, the PAJRC members were in favor of completing one project in its entirety; the upper tennis courts. Mrs. Shope questioned the high costs of engineering, survey, and design for the \$13,000.00. Mr. Wisor provided the details of what all the engineering fees included, along with administrative fees. A discussion also took place on other recreation projects being funded throughout other communities through grant opportunities.

Mr. Koban commented that were other issues on the agenda relating to the Park. Mrs. Shope requested an update on the issues since the PAJRC members were present. Mr. Koban informed the PAJRC that the Borough was successful on the DCNR Peer to Peer Grant for the Recreation Manager Study, in the amount of \$10,000.00. An acknowledgement of the grant award was received along with program policy and guidelines, training manual, resumes of qualified peer consultants and the scope of work. A grant agreement is forthcoming.

Mrs. Shope inquired on the community garden request from Mr. Bandzuh. Mr. Koban commented that he received an e-mail inquiring on a community garden. Ms. Claar will forward the e-mail to Mrs. Shope to discuss the issue with Mr. Bandzuh.

REPORTS

A. Borough Manager

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

- ❖ Most issues were on the agenda.
- ❖ Ms. McCarthy questioned if Portage Township was going to submit the \$8,000.00 for the Park Restroom Project. Mr. Koban advised that it was included in there 2019 approved budget and discussed at a meeting last month.
- ❖ Ms. McCarthy commended the efforts of Mr. Ben Selapak; Portage Township Supervisors for his involvement with the Rail to Trails project and the park improvements.
- ❖ Mr. Wozniak questioned the status of the generator. Mr. Koban informed Mr. Wozniak that the Fire Company had issues regarding the contract with Lowe's regarding the concrete pad and the restoration of the area where the generator will be installed. The Portage Fire Company is in the process of purchasing the generator.
- ❖ Mr. Kissell questioned the sump pump in the basement flowing onto Main Street and causing icy conditions. Mr. Koban advised Mr. Kissell that the sump pump issue will be corrected once the PennDot and Borough project commences. The Public Works Department has been diligently salting and breaking up the ice on Main Street where the water flows out from the sump pump.

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-The first set of interrogatories were completed. Mr. Emerick requested approval to American Roofing.

ON MOTION OF MR. LEARN, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY APPROVED TO HAVE MR. EMERICK SUBMIT THE INTERROGATORIES TO AMERICAN ROOFING. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. YETSKO, MR. HAYES, MR. WOZNIAK, MR. KISSELL, AND MS. MCCARTHY. MOTION CARRIED 6-0.

- ❖ 933 Sonman Avenue-Greenawalt & Windsor: Mr. Emerick informed Council that that the Civil penalty hearing is re-scheduled for Monday, April 8th, 2019 at 9:00 a.m.
- ❖ 828 N Railroad (Gaunts)-Mr. Emerick advised that the Gaunt property was placed on the judicial sale list in October, 2019.
- ❖ 616 Dulancey Drive (Clair Adams)-Ms. McCarthy suggested placing on the property on the judicial sale in October, 2019 if there is no update.
- ❖ 720 Orchard (Plummer)-Mr. Emerick informed Council that the Cambria County Sheriff's Department served Harry and Patricia Plummer on March 11th, 2019. It was noted that Mr. Roy Plummer is deceased. Mr. Emerick presented a refund check from the Cambria County Sheriff's Department in the amount of \$75.08.
- ❖ 406 Caldwell Avenue (Barclay); Mr. Emerick advised that he is awaiting on the Sheriff's return of service from Westmoreland County.
- ❖ 925 Main Street (Lewis): Mr. Emerick advised that the Cambria County Sheriff's Dept served Mr. Lewis on March 22nd, 2019. A response from Mr. Lewis is due by April 11th, 2019. Mr. Emerick also presented a refund check from the Cambria County Sheriff's Dept in the amount of \$63.00.

A discussion took place on several properties that are dilapidated and/or in need of repair. Mr. Learn questioned renovation services, options, etc., that were discussed at the committee meeting with Mr. Roman Tiracave. Several properties discussed were the old Vivis property that is placed on the Redevelopment Authority Act 152 funds for demolition and the Greenawalt property.

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. Mr. Kissell questioned if there were any incidents on Lincoln Avenue to which replied no.

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.

CORRESPONDENCE

The Municipal Authority of Portage submitted their 2018-2017 Financial Audit and is available for Council review.

The Eads Group sent notice of a Pre-Construction Meeting for the Mountain Avenue Water Improvement Project to be held on Tuesday, April 2nd, 2019 at 10:00 a.m. located at 606 Cambria Street.

Mr. Martin Slanoc submitted a request to semi-shut down various streets for the 2019 Bunny Dash 5K on Saturday, April 20th, 2019.

ON MOTION OF MR. LEARN, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY APPROVED TO SEMI-SHUT DOWN VARIOUS STREETS WITHIN THE BOROUGH FOR THE 2019 BUNNY DASH 5K RACE FROM 9:00 A.M. TO 11:00 A.M. ON APRIL 20TH, 2019. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. YETSKO, MR. HAYES, MR. WOZNAK, MR. KISSELL, AND MS. MCCARTHY. MOTION CARRIED 6-0.

MINUTES OF PREVIOUS MEETING

The minutes from the March 4th, 2019 regular and March 18th, 2019 committee meeting were provided to Council prior to the meeting.

ON MOTION OF MR. HAYES, SECONDED BY MR. WOZNAK, COUNCIL UNANIMOUSLY APPROVED THE MINUTES OF MARCH 4TH REGULAR MEETING AND ALSO APPROVED THE MARCH 18TH COMMITTEE MEETING MINUTES. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. YETSKO, MR. HAYES, MR. WOZNAK, MR. KISSELL, 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 \$94,486.25; AND APPROVED THE BILLS AND ADDITIONAL BILLS BE PAID; AS PRESENTED IN WRITTEN FORM, IN THE AMOUNT OF \$37,128.04. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. YETSKO, MR. WOZNAK, MR. HAYES, MR. KISSELL, AND MS. MCCARTHY. MOTION CARRIED 6-0.

REPORTS RECEIVED

Ms. McCarthy noted that reports were received from the Portage Water Authority (Feb'19) and the Portage Sewer Authority (Feb'19); Portage Area Ambulance Association for all the minutes from 2018, the 2018 audit and the 2019 budget;

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

UNFINISHED BUSINESS

Mr. Koban provided an update as follows:

- A. Update on Recreation Manager/Director position:
Discussed earlier in the meeting. Waiting of grant agreements from DCNR.
- B. Update on Borough Building Roof: Discussed under the Solicitor's report.
- C. Update on Trout Run Rehabilitation: There was no update.
- 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: Grant was denied.
- G. Update on restroom project at Crichton McCormick Park-There will be meeting to go over punch list items on Friday, April 5th, 2019.
- H. Update on Sonman Avenue Bridge-no update
- I. Update on creek wall repairs at Johnson Avenue-Spring
- J. Grant funding form Frank Burns' Office for Park Improvements-discussed earlier in the meeting.
- K. Update on Mainline Trail Feasibility Study Phase I-There was no update.
- L. Update on Welcome to Portage Signs-Mr. Koban advised that he was unsuccessful in contacting Mr. Link at the Portage Area Schools to have the students make the necessary repairs to the signs. Mr. Link hasn't returned any phone calls.
- M. Update on ATV's within borough streets-Mr. Emerick presented Motor Vehicle Laws for ATV's within Pennsylvania. The Motor Vehicle code places restrictions on certain ATV's and snowmobiles in designated areas and highways. A lengthy discussion took place on Main Street being utilized and borough streets, previous parades that had floats, antique vehicles, and Shriners with motorcycles and cars. Mr. Hayes commented that he would still like to have a Summerfest parade with ATV's for the benefit of Park Improvements.

BUILDINGS

Mr. Koban provided the following update:

- A. Update on 933 Sonman Ave (Greenawalt)-discussed earlier in the meeting.
- B. Update on 616 Dulancey Drive (Adams) discussed earlier in the meeting.
- C. Update on junk vehicles. no update. Chief Miller to commence in the Spring
- D. Update on 828 North Railroad (Gaunts) discussed earlier in the meeting.
- E. Update on 720 Orchard Street (Plummer) discussed earlier in the meeting.
- F. Update on 406 Caldwell Avenue (Barclay) discussed earlier in the meeting.
- G. Update on 925 Main Street (Lewis) discussed earlier in the meeting.
- H. Update on 532 Dulancey Drive (Gaunt)-file
- I. Update on demolition of 1007 Conemaugh Avenue-waiting on the Cambria County Redevelopment Authority to put the work out for bid in the spring.

NEW BUSINESS

1. Letter of interest from Thomas McCabe to serve on the Portage Area Planning Commission Ms. Claar presented a letter of interest form Mr. Thomas McCabe to be considered for the vacant position on the Portage Area Planning Commission Board for serve the remaining term of Steve Lane through December 31st, 2019.

ON MOTION OF MR. HAYES, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY APPOINTED MR. THOMAS MCCABE; TO THE VACANT SEAT ON THE PORTAGE AREA PLANNING COMMISSION, UNTIL DECEMBER 31ST, 2019. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL, AND MS. MCCARTHY. MOTION CARRIED 6-0.

2. Discussion on a request for a community garden from J.T. Bandzuh
The issue was discussed earlier in the meeting and e-mailed to Mrs. Shope.
3. Approval of List of Activities for the Portage Volunteer Fire Company for 2019.
Denys Theys; Secretary for the PVFC submitted the list of activities for 2019 that required Borough approval for the worker's compensation.

ON MOTION OF MR. KISSELL, SECONDED BY MR. LEARN, COUNCIL UNANIMOUSLY APPROVED THE 2019 LIST OF ACTIVITIES FOR THE PORTAGE VOLUNTEER FIRE COMPANY. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL, AND MS. MCCARTHY. MOTION CARRIED 6-0.

4. Request from Irene Huschak to donate for individual season passes at the Park.
Mrs. Huschak submitted a donation request for Council to provide season pool passes for Crichton McCormick Park for the 2019 season. Ms. McCarthy called for a motion. There was no motion from Council. The issue died for a lack of motion and a second.
5. Approval to deposit funds into the Cambria County Clerks Office for the 2018 remaining balance of the Real Estate Tax Collector; Joanne Redfern.
Mr. Koban presented a letter from Cambria County Courts concerning the disbursement of the remaining funds in the Real Estate Tax Account that was currently audited.

ON MOTION OF MR. KISSELL, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY APPROVED TO DISBURSE THE REMAINING REAL ESTATE TAX COLLECTION CHECKING ACCOUNT BALANCE OF \$1,073.93 INTO A SEGRATED ACOUNT WITH THE CAMBRIA COUNTY CLERKS OFFICE FOR 4 MONTHS, IF NO REUNDS OR ERRORS AFTER 4 MONTHS, THE REMAINING FUNDS WILL BE DISBUSED BACK TO THE COUNTY AND BOROUGH AT THE 2018 MILLAGE RATES. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL, AND MS. MCCARTHY. MOTION CARRIED 6-0.

6. Approval of a Change Order for Brickley Construction for the Park Restroom Project.
Stiffler, McGraw submitted a chance order for a time extension until April 5th, 2019.

ON MOTION OF MR. HAYES, SECONDED BY MR. KISSELL, COUNCIL UNANIMOUSLY APPROVED CHANGE ORDER GC1 FOR BRICKLEY CONSTRUCTION FOR A TIME EXTENSION UNTIL APRIL 5TH, 2019, FOR THE CRICHTON MCCORMICK PARK RESTROOM PROJECT. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL, AND MS. MCCARTHY. MOTION CARRIED 6-0.

7. Approval of a Change Order for Bob Biter Electrical for the Park Restroom Project. Stiffler, McGraw submitted a change order for a time extension until April 5th, 2019.

ON MOTION OF MR. LEARN, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY APPROVED CHANGE ORDER EC1 FOR BOB BITER ELECTRICAL, INC. FOR A TIME EXTENSION UNTIL APRIL 5TH, 2019, FOR THE CRICHTON MCCORMICK PARK RESTROOM PROJECT. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL, AND MS. MCCARTHY. MOTION CARRIED 6-0.

8. Approval of a Change Order for Oakes Plumbing, Inc., for the Park Restroom Project. Stiffler, McGraw submitted a change order for a time extension until April 5th, 2019.

ON MOTION OF MR. KISSELL, SECONDED BY MR. LEARN, COUNCIL UNANIMOUSLY APPROVED CHANGE ORDER PC1 FOR OAKES PLUMBING., INC. FOR A TIME EXTENSION UNTIL APRIL 5TH, 2019, FOR THE CRICHTON MCCORMICK PARK RESTROOM PROJECT. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL, AND MS. MCCARTHY. MOTION CARRIED 6-0.

GOOD OF THE BOROUGH

The annual Easter Egg Hunt will be held on Saturday, April 20th, 2019 at 12:00 noon at Crichton McCormick Park.

The Trout Run Watershed revised the date of their Earth Week Clean-up to be held on Friday, April 26th, 2019 at 12:00 noon.

The Cambria County Borough Association Spring Meeting will be held at the Nanty Glo Fire Company Social Hall on Tuesday, April 16th with social hour at 5:30 p.m. There will be 7 members attending at \$20.00 each.

Mr. Koban requested an Executive Session for personnel and litigation purposes:

ON MOTION OF MR. WOZNIAK, SECONDED BY MR. KISSELL, COUNCIL UNANIMOUSLY WENT INTO EXECUTIVE SESSION FOR LITIGATION AND PERSONNEL PURPOSES. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL, AND MS. MCCARTHY. MOTION CARRIED 6-0.

ON MOTION OF MR. WOZNIAK, SECONDED BY MR. LEARN, COUNCIL UNANIMOUSLY WENT OUT OF EXECUTIVE SESSION AND INTO THE REGULAR MEETING. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL, AND MS. MCCARTHY. MOTION CARRIED 6-0.

There being no further business,

ON MOTION OF MR. HAYES, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY MOVED TO ADJOURN. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL, AND MS. MCCARTHY. MOTION CARRIED 6-0.

THE MEETING WAS ADJOURNED AT 8:22 P.M.