

A meeting of Portage Borough Council was held on Monday, August 5th, 2019 at 6:30 p.m., in Council Chambers.

Those in attendance were:

Sharon McCarthy  
Jerome Yetsko

David Hayes  
James Kissell

George Wozniak

Also present were: Robert Koban, Borough Manager; Michael Emerick, Solicitor; Gary Wisor, Borough Engineer; Scott Maul, Public Works; Chief Miller, Public Safety, and Ms. Claar, Secretary. Absent were Mr. Learn and Mr. Morgan.

### **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.

Ms. Jean Kinley, Ron Portash-Mainline Newspapers, Patricia Leap, Mary Jane Viscusi, Lisa Ebersole, and Makayla Ebersole.

ON MOTION OF MR. KISSELL, SECONDED BY MR. HAYES, COUNCIL UNANIMOUSLY AGREED TO GO OUT OF ORDER ON THE AGENDA TO RECOGNIZE THE VISITORS. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. YETSKO, MR. HAYES, MR. WOZNIAK, MR. KISSELL, AND MS. MCCARTHY. MOTION CARRIED 5-0.

Ms. McCarthy called upon Mary Jane Viscusi as the group spokesperson. Mrs. Viscusi and neighbors questioned Council on the unopened alley located between Cunard and Makin Streets. Mrs. Viscusi explained that the "grass unopened alley" is being utilized by her neighbor constantly and is planning on having vehicular traffic entering the back to his carport (garage). She also commented that the neighbor is also burning within the borough. Mr. Koban advised that the neighbor did request a permit to utilize the unopened alley until the construction was completed. The Group is requesting to proceed with Legal Council in obtaining the alley by eminent domain. Mr. Koban explained that residents can use the unopened alley as long as they have an alley use permit. Mr. Koban and Chief Miller advised the group to contact the Police when someone is using the alley and will check if there was any permit issued. Ms. McCarthy also advised the group to contact the Police if there is any evidence of burning trash, etc.

Ms. Patti Leap was in attendance to address the cat situation in her neighborhood of Orchard and Prospect Streets. She advised that she has trapped over 14 cats and had taken them to several Humane Societies and Veterinarians, all at her own expense. She provided receipts for Council to review. Ms. Leap is requesting some assistance that the cats not be inhumanely sacrificed. Ms. Leap also read an article on how some of the cats are being mistreated and disposed of.

Council thanked the visitors for attending the meeting.

### **REPORTS**

#### **A. Borough Manager**

Mr. Koban provided his report in written form prior to the meeting. Mr. Koban elaborated on several issues on his report and advised that most issues were reflected on the agenda under old and new business.

- Request for a public hearing regarding the Sheetz liquor license transfer-later on agenda
- Updates on Barclay/Lewis civil suits-later under Solicitor's report.
- Mr. Koban and Ms. McCarthy advised that they attended the Mainline Trail meeting. Some of the issues discussed were bike/pedestrian trails and vehicles. Property owners were also being visited.

#### 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-no update
- Barclay/Lewis Court Order was presented to Council with the order reflecting \$100.00 per day until structure(s) are brought into compliance with the ordinance. As of 7/22/19.
- Kowalczyk-Plaintiff has filed a motion to amend the original complaint. Mr. Emerick advised that we can object.
- The Peer Consultant Agreement was revised by Mr. Emerick and presented to Council for their review.
- Mr. Emerick presented Council with the PennDot Contribution Agreement for the Main Street Multimodal Grant that was awarded to the Borough and some of the work that is being performed by PennDot. Mr. Emerick remarked on six areas of concern within the agreement that the borough should be aware of:
  - The Borough's local match is \$132,300.00
  - Upon completion of the project, the Borough will be invoiced and have thirty (30) days to pay PennDot.
  - Recommended that Mr. Wisor confirm the plans and that they are consistent with Council's understanding of the project.
  - Borough indemnity obligation to PennDot.
  - The Borough would be responsible for the maintenance of improvements, and the final
  - PennDot reserves the right to "abandon or postpone" the Project. Mr. Emerick is advised that this is not addressed in the agreement of what happens to the grant money of \$440,905.00 if PennDot abandons the project. After a discussion of the above items, Mr. Emerick will consultant with PennDot for answers to the above and report back at the next meeting.
  - Mr. Emerick reviewed the documentation presented by Sheetz, Inc. concerning a public hearing for the transfer of a liquor license from Portage Township into the Borough. The PLCB requires a public notice published each week for two successive weeks in a newspaper of general circulation. A lengthy discussion took place to obtain the back room of the fire hall for the meeting to be held on Monday, August 19<sup>th</sup>, 2019 at 6:30 p.m and, if the notices could be published in the manner of time as stated. Mr. Emerick also advised that a resolution must be passed within 45 days of the date of the request. Mr. Emerick will contact the Sheetz Attorney for clarification of the public notice that will also be at no charge for advertising for the Borough.

ON MOTION OF MR. WOZNIAK, SECONDED BY MR. HAYES, COUNCIL UNANIMOUSLY APPROVED THE ADVERTISING FOR A PUBLIC HEARING CONCERNING THE TRANSFER OF A LIQUOR LICENSE FROM PORTAGE TOWNSHIP TO PORTAGE BOROUGH; CONTINGENT UPON THE GUIDELINES OF THE P.L.C.B. AND USAGE OF THE BACK ROOM OF THE FIRE HALL. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. YETSKO, MR. HAYES, MR. WOZNIAK, MR. KISSELL, AND MS. MCCARTHY. MOTION CARRIED 5-0.

C. Borough Engineer

Mr. Wisor submitted a report to Council prior to the meeting. Mr. Wisor updated Council on the grant that was submitted to the Commonwealth Finance Agency/Multimodal Transportation Funds for the Main Street Phase 3A. This grant encompasses the East side of Main Street from the north side of Caldwell Avenue connection to the north side of Mountain Avenue. This phase will include new curb, sidewalk, ADA ramps, decorative buffer strip and lighting. Mr. Kissell questioned why the project can't be done in one shot. Mr. Wisor explained that due to funding with the grant opportunities, the project was separated into phases. There is a total of five (5) phases for Main Street Improvements. Mr. Koban also commented that with limited funding, this was the only way to at least proceed with improvements to Main Street.

D. Chief of Police

Chief Miller provided a copy of his written report to Council prior to the meeting. Chief Miller informed Council that he is now down to at least 5 properties with junk vehicles within the borough. Ms. McCarthy questioned the Gaunt property on North Railroad but the grass is being cut. Chief Miller advised that the Gaunt property on Dulancey Drive were given two more additional citations. The Adams property on Dulancey Drive has not been touched. Mr. Emerick will provide Chief Miller with the address of Mr. Adams Daughter to see if she can assist in any way. Mr. Yetsko informed Chief Miller of a disabled vehicle on the Mountain House grounds. Chief Miller informed Mr. Yetsko that it is not a junk vehicle.

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. Mr. Kissell advised that there is a sink hole that needs to be checked at Lincoln and Ash.

**CORRESPONDENCE**

Mr. Emil Squillario sent a request seeking permission to use Crichton McCormick Park in 2020 for their 50<sup>th</sup> wedding anniversary on either Saturday or Sunday of the Summerfest event. The entertainment for their anniversary will include the Fabulous Hubcaps and a fireworks show by Starfire Corporation. Council debated that the request should be sent to the PAJRC or Summerfest for approval. Mr. Emerick advised that even though the Borough owns the Park, the request should also be sent to the PAJRC. Mr. Hayes questioned the opposition from the Summerfest Committee as mentioned in his request. Ms. Kinley advised that due to costs, cleanup, and donations being down during past Summerfest Fireworks, they have been omitted from the festivities. After a lengthy discussion on liability issues, certificates of insurance, approvals from the PAJRC and Summerfest, and any clean-up of the fireworks, Council agreed to write a letter to Mr. Squillario seeking answers to these questions before moving forward with any decisions. At this time, Council took no action.

**MINUTES OF PREVIOUS MEETING**

The minutes from the July 15<sup>th</sup>, 2019 regular meeting were provided to Council prior to the meeting.

ON MOTION OF MR. WOZNIAK, SECONDED BY MR. HAYES, COUNCIL UNANIMOUSLY APPROVED THE MINUTES FROM THE JULY 15<sup>TH</sup>, 2019 REGULAR MEETING. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. YETSKO, MR. HAYES, MR. WOZNIAK, MR. KISSELL, AND MS. MCCARTHY. MOTION CARRIED 5-0.

**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 \$64,044.98; AND APPROVED THE BILLS AND ADDITIONAL BILLS BE PAID; AS PRESENTED IN WRITTEN FORM, IN THE AMOUNT OF \$28,032.46. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL, AND MS. MCCARTHY. MOTION CARRIED 5-0.

**REPORTS RECEIVED**

Ms. McCarthy noted that reports were received from the Portage Water Authority (June'19) and the Portage Sewer Authority (June'19); and prior to the meeting; the PARPC sent minutes from April until May, 2019; LMIA-July.

ON MOTION OF MR. MORGAN, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY ACCEPTED THE REPORTS RECEIVED AS NOTED ABOVE. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL, AND MS. MCCARTHY. MOTION CARRIED 5-0.

**UNFINISHED BUSINESS**

Mr. Koban provided an update as follows:

- A. Update on Recreation Manager/Director position:  
Mr. Koban advised that the Peer Consultant Group committee needs to be formed. The issue was discussed later in the meeting under new business.
- B. Update on Borough Building Roof: No update.
- C. Update on Trout Run Rehabilitation: No update.
- D. PennDot project on SR 164-Discussed earlier in the meeting.
- E. Update on Main Street Phase II: There was no update.
- F. Update on Main Street Phase IIIA Sidewalk: Mr. Wisor reported that the South side of Main Street for curbs, sidewalks, buffer, and lighting are unfunded. Mr. Wisor prepared the grant funding application prior to July 31<sup>st</sup>, 2019.
- G. Update on restroom project at Crichton McCormick Park-still some punch list items. Mr. Dave Squillario submitted a photo of damages to the Restroom door. A discussion took place on when the bathrooms are locked.
- H. Update on Sonman Avenue Bridge-no update
- I. Update on creek wall repairs at Johnson Avenue-discussed earlier in the meeting.
- J. Update on Small Community Grant Funding-No update.
- K. Update on Mainline Trail Feasibility Study Phase I. -discussed earlier in the meeting.

L. Update on Welcome to Portage Signs-Mr. Koban suggested that the signs be re-painted before they start deteriorating.

### **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. Discussed under Police Report
- 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-The Cambria County Redevelopment Authority sent over a Notice to Proceed for the Earthmovers, Inc. to schedule the demo of the property to commence on or about 8/19/19 with completion by 10/7/19.

### **NEW BUSINESS**

- A. Ms. Claar presented Council with a listing of properties that will be listed on the September 9<sup>th</sup>, 2019 Upset Tax Sale.
- B. Discussion and formation of a peer study group committee for recreation manager. Mr. Koban elaborated on the details for the committee and suggested that members came from Portage Borough, Portage Area Planning Commission, Portage Township Supervisors, Portage Joint Recreation Commission, Portage Area School District and one resident from the borough and the township for a total of 7 members.
- C. Approval of a resolution to transfer a liquor license from Portage Township to Portage Borough for the Sheetz, Inc. at 101 Main Street, Portage, PA.  
Mr. Emerick advised that the resolution cannot be voted on until the public hearing is held.

ON MOTION OF MR. WOZNIAK, SECONDED BY MR. KISSELL, COUNCIL UNANIMOUSLY TABLED THE APPROVAL OF A RESOLUTION UNTIL AFTER THE PUBLIC HEARING IS HELD. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL, AND MS. MCCARTHY. MOTION CARRIED 5-0.

D. Approval to advertise for a public hearing was discussed under the Solicitor's report.

**GOOD OF THE BOROUGH**

Summerfest workers needed for August 9<sup>th</sup>, 10 and 11<sup>th</sup>, 2019.

ON MOTION OF MR. WOZNIAK, SECONDED BY MR. KISSELL, COUNCIL UNANIMOUSLY WENT INTO EXECUTIVE SESSION FOR LITIGATION PURPOSES. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL, AND MS. MCCARTHY. MOTION CARRIED 5-0.

ON MOTION OF MR. KISSELL, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY WENT OUT OF EXECUTIVE SESSION AND INTO THE REGULAR MEETING. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL, AND MS. MCCARTHY. MOTION CARRIED 5-0.

ON MOTION OF MR. WOZNIAK, SECONDED BY MR. KISSELL, COUNCIL UNANIMOUSLY WENT INTO THE REGULAR MEETING. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL, AND MS. MCCARTHY. MOTION CARRIED 5-0.

There being no further business,

ON MOTION OF MR. WOZNIAK, SECONDED BY MR. HAYES, COUNCIL UNANIMOUSLY MOVED TO ADJOURN. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL, AND MS. MCCARTHY. MOTION CARRIED 5-0.

THE MEETING WAS ADJOURNED AT 8:48 P.M.