

A meeting of Portage Borough Council was held on Monday, December 2nd, 2019, at 6:30 p.m., in Council Chambers.

Those in attendance were:

Sharon McCarthy, President
Dave Hayes
Todd Learn

John Morgan
George Wozniak (arriving late)
Jerome Yetsko

Also present were: Robert Koban, Borough Manager; Michael Emerick, Solicitor; Gary Wisor, Engineer; Francis Steberger, Public Works; Ed Miller, Public Safety; Michelle Claar, Borough Secretary. Absent was Mayor Kissell.

I. CALL TO ORDER

Ms. McCarthy called the meeting to order at 6:30 p.m., which was followed by a roll call with all members being present.

II. RECOGNITION OF GUESTS

Also present were Ron Portash, Portage Dispatch; Jean Kinley, Bruna Kissell, and Doug Wagner.

III. REFLECTION/PLEDGE OF ALLEGIANCE

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

IV. BID OPENING FOR CHRISTMAS DECORATIONS

Mr. Koban apprised Council that no bids were received and the ad was placed on the PSAB website online sales and the Borough News.

Ms. McCarthy requested to go out of order on the agenda.

ON MOTION OF MR. LEARN, SECONDED BY MR. MORGAN, COUNCIL UNANIMOUSLY APPROVED TO GO OUT OF ORDER ON THE AGENDA TO RECOGNIZE THE VISITORS. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MS. McCARTHY, MR. HAYES, MR. YETSKO, MR. MORGAN AND MR. LEARN. MOTION CARRIED 5-0.

V. VISITORS

Ms. Jean Kinley and Mrs. Bruna Kissell were observing. Ms. McCarthy then recognized Mr. Doug Wagner; who was representing the Allegheny Ridge Riders ATV Club. Mr. Wagner provided Council with an update on the progress of the working relations between the Association and the Portage Water Authority regarding the trails. Mr. Wager also commented that the organization is in the process of participating with Summerfest to aid in any fund raising or assistance they may need, including additional vendors. Mr. Wagner offered the Borough their assistance in any event or activity that are being planned in the future. Mr. Hayes commented on the assistance they will need for installing the liner for the ice rink at Crichton McCormick Park. Mr. Koban suggested setting up any arrangements with the Public Works Department for the liner and Mr. Kissell and Mr. Hayes for any additional help. Mr. Wagner commented that a Sunday would work better for the organization. Council thanked Mr. Wagner for the updates and their assistance for any future endeavors within the community. Mr. Wagner last commented that the organization is here to

work together with the businesses, organizations, and council for the betterment of the community.

Mr. Wozniak arrived.

VII. REPORTS

A. Borough Manager's Report

Mr. Koban commented that a copy of his report was provided to Council prior to the meeting. Mr. Koban elaborated on several issues of his report:

- As it relates to the Mainline Trail Study, Mr. Jim Laird with Laird Recreation and Land Planning Services is in the process of obtaining additional resources for an emergency access over the tracks in the Borough. Mr. Laird is requesting that the Borough obtain services of North East Track Solutions to assist and provide information to Laird for any real estate and engineering issues pertaining to the Norfolk Southern Railway property and facilities. The estimate cost for the study would be \$1,200.00. A lengthy discussion took place on the use of the tracks from the trains. It has been several years since a train came through on Main Street. Mr. Koban suggested discussing the issue further when additional information becomes available. Mr. Wisor also commented that he was a bit confused as to the scope of the work for an alternate access. The issue will be placed on the Committee meeting agenda to determine what direction Council would want to proceed with.
- Mr. Koban informed Council that he received an e-mail from PennDot representative; Bruce Schweitzer, regarding the paving and sidewalk project. PennDot won't be putting the project out for bid until sometime in September of 2020 with most of the construction being done in 2021. Mr. Schweitzer stated that the main reason is the ordering of the traffic signal equipment. Mr. Koban commented that with the award of the Main St Phase 3A grant, PennDot suggested incorporating the funding into the other Phase for additional work on sidewalks. Mr. Wisor, Mr. Koban, and Mr. Schweitzer will be discussing the options and possibilities and provide additional information when it becomes available.
- Mr. Koban advised Council that we also received the DCNR Small Communities Grant for the Crichton McCormick Park Tennis Court Project. The project amount was \$60,000.00, with the DCNR grant amount of \$40,000.00 and the Borough and Township matching at \$10,000.00 each.
- Mr. Koban commented that he spoke with Jeanne Ashley regarding the Peer Study Committee. The committee will be meeting on the 3rd Thursday of the month commencing after the New Year. The day does not conflict with any other organization or municipal meetings.
- Ms. McCarthy questioned the correspondence relating to the PA Dept of Military and Veteran's Affairs concerning a Real Estate Tax Exemption for a borough resident. Mr. Koban commented that there is another resident in the borough that has the exemption. Mr. Koban questioned the process with the letter requesting an approval for the exemption at the local level. Mr. Emerick suggested contacting the County and the School District. Ms. Claar will check with the County as well.

- Ms. McCarthy advised Mr. Koban that Deb Shope will be obtaining 2,000 U.S. Flags and would like to place them at the Arch. Mr. Koban suggested for her to contact the Women's Club and work with them since they do the decorating.

B. Solicitor's Report

Attorney Emerick reported that he provided a copy of his report prior to the meeting.

- ❖ As it relates to the American Roofing matter, Attorney Emerick noted that depositions have not been scheduled to date. Once he receives notice, he will inform Council and depositions will be scheduled.
- ❖ Attorney Emerick commented that we did receive the Motion for Judgment on the pleadings granted relative to 720 Orchard Street. The court will now schedule a hearing to determine civil penalties; and Mr. Koban and Mr. Wisor will be present. Any other Council member may attend the hearing as well.
- ❖ Concerning the Kowalczyk alley matter, Attorney Emerick stated that a hearing date has been set by the Courts for Friday, December 20th, 2019. Attorney Emerick welcomed any member of Council and Mr. Koban if they wish to attend the hearing.
- ❖ Mr. Emerick had one non-agenda item for Council to approve/disapprove. E & E Logging & Sons from Loretto PA is requesting approval to utilize Johnson Avenue for logging the timber on the Soissong property by the school. There are no weight limited roads within the Borough. Mr. Koban advised Council that Scott Maul and Gary Wisor had video-tapped the road and took pictures for evidence, if there would be any damage to Johnson Avenue. Mr. Emerick prepared a Municipal Road Use Agreement for Council to approve and then for E&E Logging to sign off on. Mr. Yetsko questioned if E&E Logging had authorization from the School District for utilizing their property as well. Mr. Wozniak questioned the agreement and what it would cover. Mr. Emerick informed Mr. Wozniak that since the Borough does not have the roads weight limited, the road can be used by any heavy-duty equipment/vehicles. The agreement at least protects the Borough in case there is any damage done to Johnson Avenue, it was the Borough's only recourse. The logging project will start upon acceptance of the agreement and should end in three (3) months. Johnson Avenue will be the only road being used by E & E Logging within the Borough

ON MOTION OF MR. LEARN, SECONDED BY MR. HAYES, COUNCIL UNANIMOUSLY APPROVE THE MUNICIPAL ROAD USE AGREEMENT BETWEEN PORTAGE BOROUGH AND E & E LOGGING AND SONS. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MS. MCCARTHY, MR. HAYES, MR. WOZNIAK, MR. YETSKO, MR. MORGAN AND MR. LEARN, MOTION CARRIED 6-0.

C. Engineer's Report

Mr. Wisor noted that a copy of his report was provided to Council prior to the meeting. The only update was that we are still awaiting on notification of a grant award for Main Street Phase 3A through Commonwealth Financing Authority funding source.

D. Police Chief's Report

Chief Miller's report was provided to Council prior to the meeting. Chief Miller had nothing additional to report.

E. Director of Public Works Report

Mr. Maul was absent but he provided his report to Council prior to the meeting. Mr. Fran Steberger represented the Public Works Department. Ms. McCarthy commended the Public Works Employees for their efforts on installing the new Christmas Decorations. Mr. Wozniak commented that he noticed two of the Angels had light bulbs burned out. Mr. Koban also informed Council that the Cambria County Recycle truck had knocked down and destroyed the Holly Decoration by S & T Bank. A new Holly Decoration was ordered and it will be turned over to the insurance.

VIII. CORRESPONDENCE

Ms. Claar noted that there was no correspondence to be presented.

IX. CITIZEN'S INPUT ON AGENDA ITEMS

None

X. MINUTES OF PREVIOUS MEETINGS

The minutes from the regular meeting of October 7th and the committee meeting of October 21st, 2019, were not provided to Council for approval.

XI. BILLS AND TREASURER'S REPORT

Ms. McCarthy noted that copies of the bills and Treasurer's report were distributed for review by Council members prior to the meeting.

FOLLOWING A ROLL CALL VOTE, ON MOTION OF MR. HAYES, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY ACCEPTED THE TREASURER'S REPORT AND AGREED THAT THE BILLS AND ADDITIONAL BILLS BE PAID AS PRESENTED IN WRITTEN FORM, IN THE AMOUNT OF \$20,714.02. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, AND MS. MCCARTHY. MOTION CARRIED 6-0.

XII. REPORTS RECEIVED

Ms. McCarthy noted that minutes of the October meetings of the Portage Water Authority and Portage Sewer Authority were received for review by Council prior to the meeting, as well as the Portage Area Planning Commission for October.

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

XIII. UNFINISHED BUSINESS

Mr. Koban provided an update as follows:

- Item A: Update on Recreation Consultant/Peer Group Committee – discussed earlier under the Borough Manager’s report.
- Item B: Update on Borough Building Roof - covered under Solicitor’s Report.
- Item C: Update on Trout Run Rehabilitation –No update.
- Item D – Update on PennDot Project on SR 194 – Intersection of Caldwell and Main Street Paving and Curbing – Discussed under Borough Manager’s report.
- Item E – Update on Phase II for Main Street Multimodal Grant – no update.
- Item F – Update on Phase 3A for Main Street Improvements/Sidewalks Right Side Caldwell and Mountain – Discussed under Engineer’s report.
- Item G – Update on Phase 3B for Main Street Improvements/Sidewalks for Left Side of Caldwell and Mountain – no update.
- Item H – Update on Restroom Project at Crichton McCormick Park – The retainers have been paid but we are holding the Performance Bond until Spring.
- Item I – Update on Sonman Avenue Bridge 12 Year Plan – no update.
- Item J – Update on Small Community Grant Funding through DCNR for Park Improvements – The grant was awarded with official notification by DCNR and Rep. Frank Burns. The grant was awarded on November 19th, 2019 in the amount of \$40,000.00, with a total project cost of \$60,000.00. The Borough and Township will be matching at \$10,000.00 each.
- Item K – Update on Mainline Trail Feasibility Study Phase I – No update but an alternate access was discussed under the Borough Manager’s Report. The issue will also be placed on future agendas for discussion.
- Item L – Update on Welcome to Portage Signs – Sign is almost complete.

A. Buildings:

- Item A – Mark Greenwalt/Rebecca Windsor, 922 Sonman Avenue (penalty dated 4/8/19): no update.
- Item B – update on 616 Dulancey Drive property (Clair Adams): judicial sale in 2020.
- Item C – Update on junk vehicles: no update.
- Item D – Update on 828 North Railroad (Gaunts): No Update.
- Item E – Update on Roy and Patricia Plummer at 720 Orchard Street (hearing filed 4/11/19) - no update.

- Item F – Update on Jason and Sarah Barclay at 406 Caldwell Avenue (penalty hearing 7/22/19) – no update.
- Item G – Update on Drayton Lewis for 925 Main Street (penalty hearing 7/22/19) - no update.
- Item H – Update on 532 Dulancey Drive (Guants) - no update.
- Item I – Update on 1007 Conemaugh Avenue - demolition has been completed.
- Item J – Update on 1012 Jefferson Avenue (Dustin Quigley) and 1010 Jefferson Avenue (Seese) - no update.

XIX. MOTIONS AND NEW BUSINESS

A. Review, discuss and approve to advertise the 2020 Proposed budget for public inspection.

MOTION: To approve the advertising of the 2020 Proposed Budget, tax rates, and wages.

ON MOTION OF MR. MORGAN, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY APPROVED TO ADVERTISE THE 2020 PROPOSED BUDGET FOR THE GENERAL FUND, STATE LIQUID FUELS, AND CAPITAL IMPROVEMENT FUNDS, SETTING THE 2020 WAGES, COMPENSATION PLAN, AND AMENDING THE PERSONNEL POLICY. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MS. McCARTHY, MR. HAYES, MR. WOZNIAK, MR. YETSKO, MR. MORGAN AND MR. LEARN, MOTION CARRIED 6-0.

B. Review and approve the 2020 garbage rates effective 1/1/20 through 12/31/20.

Mr. Koban commented that the rates will remain the same as in 2019.

ON MOTION OF MR. MORGAN, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY APPROVED RESOLUTION 14-2019 BY SETTING THE GARBAGE COLLECTION RATES FOR 2020 AT \$14.30 PER MONTH (CURBSIDE SERVICE) AND \$31.00 FOR PRE-PAID BAGS (10 Bags). COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MS. McCARTHY, MR. HAYES, MR. WOZNIAK, MR. YETSKO, MR. MORGAN AND MR. LEARN, MOTION CARRIED 6-0.

C. Review and approve the advertising of the 2020 Borough Council meetings.

ON MOTION OF MR. HAYES, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY APPROVED THE ADVERTISING OF THE 2020 COUNCIL REGULAR AND COMMITTEE MEETINGS. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MS. McCARTHY, MR. HAYES, MR. WOZNIAK, MR. YETSKO, MR. MORGAN AND MR. LEARN, MOTION CARRIED 6-0.

D. Appointment to the Portage Water Authority for a 5-year term. (John Gartland and John Morgan had provided letters of interest.

Mr. Yetzko requested an executive session to discuss the appointment. Mr. Emerick informed Mr. Yetzko that the issue is not personnel or legal issues, the request is denied due to the Sunshine Laws.

ON MOTION OF MR. YETSKO, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY TABLED THE APPOINTMENT OF THE PORTAGE WATER AUTHORITY BOARD MEMBER UNTIL THE DECEMBER 20TH, 2019 SPECIAL MEETING. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MS.

McCARTHY, MR. HAYES, MR. WOZNIAK, MR. YETSKO, MR. MORGAN AND MR. LEARN, MOTION CARRIED 6-0.

E. Appointment to the Portage Area Regional Planning Commission for a 5-year term.

ON MOTION OF MR. YETSKO, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY APPOINTED MRS. KAMI LIDWELL TO SERVE THE 5-YEAR TERM ON THE PORTAGE AREA PLANNING COMMISSION BOARD COMMENCING 1/1/2020 THROUGH DECEMBER 31ST, 2024. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MS. McCARTHY, MR. HAYES, MR. WOZNIAK, MR. YETSKO, MR. MORGAN AND MR. LEARN, MOTION CARRIED 6-0.

F. Appointment to the Portage Area Regional Planning Commission for a remaining two 2-year term.

ON MOTION OF MR. WOZNIAK, SECONDED BY MR. MORGAN, COUNCIL UNANIMOUSLY APPOINTED MR. MARSHALL MCCABE TO SERVE THE REMAINING 2-YEAR TERM ON THE PORTAGE AREA PLANNING COMMISSION BOARD COMMENCING 1/1/2020 THROUGH DECEMBER 31ST, 2021. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MS. McCARTHY, MR. HAYES, MR. WOZNIAK, MR. YETSKO, MR. MORGAN AND MR. LEARN, MOTION CARRIED 6-0.

G. Appointment to the Portage Area Joint Recreation Association for a three 3-year term.

ON MOTION OF MR. MORGAN, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY APPOINTED MRS. SHARON SQUILLAIRO TO SERVE ON THE 3-YEAR TERM ON THE PORTAGE AREA JOINT RECREATION COMMISSION BOARD COMMENCING 1/1/2020 THROUGH DECEMBER 31ST, 2022. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MS. McCARTHY, MR. HAYES, MR. WOZNIAK, MR. YETSKO, MR. MORGAN AND MR. LEARN, MOTION CARRIED 6-0.

H. Review and discuss the Laird Recreation proposal to retain a Norfolk representative for another access in/out of the Borough. This issue was discussed earlier in the meeting. Council needs to determine what direction they want to go with in the future.

I. Mr. Hayes e-mailed Council and Mr. Koban several ordinances regarding ATV's utilizing borough streets and alleys. Mr. Hayes is requesting the Borough to come up with an ordinance regarding the riding of atv' s within borough limits. Mr. Koban informed Mr. Hayes and Council that there are several issues that need to be addressed before any legislation is considered, such as:

The pro and cons, the intent of the ordinance, regulations, road designations, additional police concerns, and additional administrative concerns. Mr. Wozniak commented that he would only want to access the alleyways to get up to the school where the trails are for the ATV's. Chief Miller already informed Council of his opinion on ATV's within the borough streets. Mr. Koban suggested placing the issue on the next agenda for discussion.

GOOD OF THE BOROUGH

Ms. McCarthy apprised Council that Winterfest will be held on Friday, December 13, 2019 through Sunday, December 15, 2019.

Special meeting of Council for budget adoption at 6:00 p.m. on Friday, December 20th, 2019.

There being no further business:

ON MOTION OF MR. LEARN SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY ADJOURNED. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MS. McCARTHY, MR. HAYES, MR. WOZNIAK, MR. YETSKO, MR. MORGAN AND MR. LEARN, MOTION CARRIED 6-0.

Meeting adjourned at 7:52 p.m.