

A meeting of Portage Borough Council was held on Monday, March 4th, 2019 at 6:30 p.m., in Council Chambers.

Those in attendance were:

Sharon McCarthy	David Hayes	George Wozniak
Jerome Yetsko	John Morgan	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. Kissell 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 and Mr. Ron Leckey (arriving late) were also in attendance. Ms. Kinley was observing.

REPORTS

A. Borough Manager

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

- Mr. Koban informed Council that Officer Mike Freiwald and Robert Miller have resigned their position as part time patrol officers. The position has been advertised several times in the Mainline Newspapers, on the Borough Website and also on www.Indeed.com. One candidate was interviewed last week and will be offered the position. The candidate will also have to obtain his MPT number since it has expired.
- Ms. McCarthy questioned the credit from EMC Insurance. Mr. Koban advised that the credit is due to the amended Borough's Worker's Compensation rates and will be reflected on the next bill from EMC in the amount of \$1,027.00.
- Mr. Koban advised Council that he received an e-mail from PennDot regarding the Multimodal Transportation Application for the sidewalk replacement project phase III. The application was not selected for the 2019-2020 round of funding. PennDot encouraged the Borough to reapply for the next round of funding for 2020-2021.
- Mr. Koban and Mr. Wisor had a phone conversation with Mr. Bruce Schweitzer to the review the draft plans for the Main Street Improvement project pertaining to the sidewalk and storm drains. Mr. Koban advised that he has not had an opportunity to review the draft since he just received in earlier in the day. He will provide additional information at the committee meeting.
- Mr. Koban apprised Council that Emily Krug with the Cambria County Clerks Office has completed the 2018 audit for the real estate taxes collected by Joanne Redfern. Mr. Koban requested an executive session after the meeting.
- Ms. McCarthy again commented on the condition of the roof and the shingles blowing off on the property at 828 North Railroad Avenue (Gaunts). The building is deteriorating

rapidly and the front porch roof is ready to collapse. A lengthy discussion took place among Council for a time frame and resolution to the structure.

- Mr. Koban provided detailed information on the timeframe and communication regarding the Small Community Grant Funding for Crichton McCormick Park through Brittany Blackham with Rep. Frank Burn's Office. Mr. Koban commented that there are several issues to discuss and engineering specifications prior to the grant submission deadline of April 10th, 2019.

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 Request for Admissions has been answered and filed. Mr. Koban advised Council that the roofing expert was in to inspect the Borough building roof on February 27th, 2019. Mr. Emerick requested an executive session at the end of the meeting for litigation purposes.
- ❖ 933 Sonman Avenue-Greenawalt & Windsor: Mr. Emerick informed Council that that the Civil penalty hearing will be held on Wednesday, March 6th, 2019 at 1:00 p.m. Mr. Koban and Mr. Wisor will be providing testimony on behalf of the borough.
- ❖ 828 N Railroad (Gaunts)-Mr. Emerick advised that the Gaunt and Adams properties will be listed on the Cambria County Judicial Sale in October of 2020. Mr. Emerick requested an executive session after the meeting for litigation purposes.
- ❖ 616 Dulancey Drive (Clair Adams)-Mr. Emerick again requested an executive session after the meeting.
- ❖ 406 Caldwell Avenue (Barclay); 925 Main Street (Lewis); and 720 Orchard (Plummer) There was no update on the above properties.

After a brief discussion:

ON MOTION OF MR. WOZNIAK, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY APPROVED TO PLACE THE GAUNT AND ADAMS PROPERTIES ON THE CAMBRIA COUNTY JUDICIAL SALE. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. HAYES, MR. WOZNIAK, AND MS. MCCARTHY. MOTION CARRIED 6-0.

Another short discussion took place on the abatement of the nuisance for Gaunt property or just to leave it as is for now.

C. Engineer

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

- Mr. Wisor commented that he spoke with Chris Allison with the Cambria County Planning Commission regarding the Sonman Avenue Bridge project and was not optimistic since the project has a low priority.
- Mr. Wisor advised that a new application for grant funding under DCED's Flood Mitigation Grant can be re-submitted between February 1st, through May 31st, 2019.

D. Chief of Police

Chief Miller provided a copy of his written report to Council prior to the meeting. Chief Miller advised that he will resume with the junk vehicles once the weather breaks.

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. Ms. McCarthy thanked the Public Works Department for all their efforts in removing the snow piles around the borough.

CORRESPONDENCE

There was no correspondence.

Ms. McCarthy addressed Mr. Ronald Lecky at this time. Mr. Lecky was questioning the Ordinance 4-2018 prohibiting debris onto borough alleys and streets. Mr. Lecky advised that he no place to put the snow and ice on Caldwell Avenue for his business other than on the side of Branch Street. Mr. Maul informed Mr. Lecky that he can put the snow by the recycle signs at Branch Street and Caldwell Avenue. Mr. Maul also advised the Public Works Dept has been utilizing the skid steer and dump truck to remove the snow piles on Main Street, the parking lot at Branch and Central Alley, and by the recycle bin signs on Caldwell Avenue. Mr. Lecky thanked Council for the attention on addressing the issue.

MINUTES OF PREVIOUS MEETING

The minutes from the February 4th, 2019 and February 19th committee meeting were provided to Council prior to the meeting. Ms. McCarthy commented that the minutes from the February 4th, 2019 regular meeting required a correction. The correction relates to Ms. Jean Kinley questioned why the ordinance was being enforced and should have been NOT being enforced for snow and ice on borough sidewalks.

ON MOTION OF MR. LEARN, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY APPROVED THE MINUTES WITH THE CORRECTION TO THE FEBRUARY 4TH REGULAR MEETING AND ALSO APPROVED THE FEBURARY 19TH COMMITTEE MEETING MINUTES. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. HAYES, MR. WOZNIAK, 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. MORGAN, COUNCIL UNANIMOUSLY ACCEPTED THE TREASURER'S REPORT, IN THE AMOUNT OF \$88,972.21; AND APPROVED THE BILLS AND ADDITIONAL BILLS BE PAID; AS PRESENTED IN WRITTEN FORM, IN THE AMOUNT OF \$23,097.60. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, AND MS. MCCARTHY. MOTION CARRIED 6-0.

REPORTS RECEIVED

Ms. McCarthy noted that reports were received from the Portage Water Authority (Jan'19) and the Portage Sewer Authority (Jan'19); Portage Area Planning Commission-(Jan'19)

ON MOTION OF MR. WOZNIAK, SECONDED BY MR. LEARN, COUNCIL UNANIMOUSLY ACCEPTED THE REPORTS RECEIVED AS NOTED ABOVE. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR.

MORGAN, MR. YETSKO, MR. HAYES, AND MS. MCCARTHY. MOTION CARRIED 6-0.

UNFINISHED BUSINESS

Mr. Koban provided an update as follows:

- A. Update on Recreation Manager/Director position:
There was no update.
- B. Update on Borough Building Roof: Discussed under the Solicitor's report.
- C. Update on Trout Run Rehabilitation: Discussed under the Engineer's report
- 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-Painting and concrete parking stall to be completed.
- H. Update on Sonman Avenue Bridge-no update
- I. Update on creek wall repairs at Johnson Avenue-Spring
- J. Update on funding/hiring for PAJRC maintenance worker-Mr. Koban recommended that the PAJRC also contact the Portage Township Supervisors for assistance. Council agreed to remove the issue from future agendas.
- K. Grant funding form Frank Burns' Office for Park Improvements- discussed earlier in the meeting.
- L. Update on emergency generator-
Mr. Koban informed Council that he met with the Portage Vol Fire Co financial committee to address the emergency generator. The committee informed Mr. Koban that they will contribute \$5,000.00 and the lot of ground between S&T Bank and the Fire dept to place the Generator on. Mr. Koban advised that the 50/50 agreement between the Borough and Fire Dept was discussed at the meeting. Mr. Portash questioned the price of the generator within the 50/50 building agreement, commenting that the borough was spending more than the 50/50 amount. Mr. Koban requested addressing the remaining issue under new business on the agenda.

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

A. Discussion on ATV's for a St. Patty's Day Parade

Mr. Hayes provided a copy of the PA Statues concerning all-terrain vehicles for Council and Mr. Emerick to review. Chief Miller also advised that he would have to do more research on the issue. Mr. Hayes commented that the governing municipality can give permission for the event. MR. Morgan questioned the liability issues and the designated areas where the ATV's would be riding. With St. Patty's Day around the corner, Mr. Hayes suggested additional research for an event to be July 4th or the Summerfest in 2019 for ATV's. The event would benefit the Crichton McCormick Park for any improvement projects or operational expenses. Mr. Emerick advised that he will obtain additional information and report at the committee meeting.

B. Update on Welcome to Portage Signs

Mr. Koban advised Council that he spoke with Mr. Zalenko to inquire on having the Welcome To Portage Sign remade by a student by either the school district or Admiral Peary Vo-Tech.

C. Approval for Officer Leyo to attend a Narcotic Conference in Harrisburg

Mr. Koban informed Council that he received a request from Officer Aaron Leyo to attend a PA Narcotic Conference in Harrisburg with three days being paid.

ON MOTION OF MR. WOZNIAK, SECONDED BY MR. MORGAN, COUNCIL UNANIMOUSLY WENT INTO AN EXECUTIVE SESSION FOR PERSONNEL.

ON MOTION OF MR. WOZNIAK, SECONDED BY MR. MORGAN, COUNCIL UNANIMOUSLY APPROVED OFFICER LEYO'S REQUEST TO ATTEND THE PA NARCOTIC CONFERENCE IN HARRISBURG, PA FROM MARCH 27TH THROUGH MARCH 29TH, 2019, WITH THREE DAYS BEING PAID. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, AND MS. MCCARTHY. MOTION CARRIED 6-0.

D. Discuss and approve Site Development Drawings for Improvement project at Crichton Park

Mr. Koban informed Council that the grant funding being sought through DCNR requires a site development design with ADA accessibility for the Small Communities grant. Mr. Koban suggested utilizing the services of Stiffler, McGraw since they have done other projects within Crichton McCormick Park and other ADA projects.

ON MOTION OF MR. YETSKO, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY APPROVED THE ENGINEERING SERVICES OF STIFFLER, MCGRAW FOR THE SITE DEVELOPMENT DESIGN FOR THE DCNR SMALL COMMUNITIES GRANT APPLICATION. COUNCIL MEMBERS VOTING

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

- E. Approval of disbursing funds to the Portage Vol Fire Company for an emergency generator
Mr. Koban informed Council that ½ the cost of the generator is \$12,500.00 as per the building agreement.

ON MOTION OF MR. WOZNIAK, SECONDED BY MR. MORGAN, COUNCIL UNANIMOUSLY APPROVED TO DISBURSE A CHECK FOR \$12,500.00 TO THE PORTAGE VOL FIRE COMPANY FOR THE ½ COST OF A GENERATOR PURCHASED THROUGH LOWES. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. HAYES, AND MS. MCCARTHY. MOTION CARRIED 6-0.

- F. Approval of a \$5,000 donation to the Portage Vol Fire Department.

ON MOTION OF MR. MORGAN, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY APPROVED A \$5,000 DONATION TO THE PORTAGE VOL FIRE COMPANY. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. HAYES, AND MS. MCCARTHY. MOTION CARRIED 6-0.

Additional agenda item:

- A. Appointment of Deputy Tax Collector

Ms. Claar informed Council that she was notified by the County that a new Deputy Tax Collector would have to be appointed by Ms. Eney, since she is the current tax collector.

ON MOTION OF MR. YETSKO, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY APPROVED RESOLUTION 3-2019 BY APPOINTING MRS. MARION ZUNICH AS THE 2019 PORTAGE BOROUGH DEPUTY TAX COLLECTOR IN ACCORDANCE WITH ACT 164 OF 2014. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. HAYES, AND MS. MCCARTHY. MOTION CARRIED 6-0.

GOOD OF THE BOROUGH

Ms. McCarthy commended Mr. Portash for all the meetings he attends within the community for the various organizations and the knowledge he possesses in writing the story. Mr. Portash provided additional information from the meeting he attended concerning the trail head and the steering committee with Allegheny Ridge Corporation.

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

There being no further business,

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

THE MEETING WAS ADJOURNED AT 8:02 P.M.