

A meeting of Portage Borough Council was held on Monday, May 6th, 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

John Morgan

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

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

Ms. Jean Kinley, Ron Portash-Mainline Newspapers, and Robert Miller-Portage Chevrolet, were also in attendance.

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

Mr. Miller informed Council that a customer came close to falling into the hole next to the vehicle sales lot that is owned by Mr. Pat Nicholson. Mr. Miller advised that the orange fence is not properly secured or surrounding the hole, and thanks to his salesman, he grabbed the customer in time. Mr. Miller questioned if Council knew the property owner and if he could obtain additional information on the property. Mr. Miller would like to purchase the property if Mr. Nicholson would be interested in selling. Mr. Koban and Ms. McCarthy informed Mr. Miller that the property next to the Nicholson property (Nidage Building) will be on the schedule for August 13th, 2019 at the Cambria County Judicial Sale at 10:00 a.m. Court Room 5. The structure has several windows broken out and Mr. Miller commented that he would demolish the structure. A short discussion took place on the demolition and asbestos abatement process. The other smaller plot of land is also listed for the sale. Mr. Koban provided additional procedural information to Mr. Miller concerning the Upset, Sheriff, and Judicial Sales held in Cambria County. Mr. Wozniak questioned if Council wanted to proceed with any action against Mr. Nicholson for coming into compliance. Several warnings and citations were already issued in the past regarding the fence and the hole being filled in. Chief Miller will investigate the area to determine if there are any nuisance or safety issues and then notify Mr. Nicholson.

REPORTS

A. Borough Manager

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

- Prior to the meeting, Mr. Miller had informed that he purchased .4 acres and with the PennDot Project on Main Street, he lost .3 acres due to widening the intersection at

Caldwell Avenue. A short discussion was held on the intersection, widening, sidewalks, and parking of new vehicles for Portage Chevrolet.

- Mr. Koban informed Council that the Public Works Director; Scott Maul has completed his parking meter inspection classes through the Commonwealth. The meters can now be calibrated and parking violations can now be collected.
- Mr. Koban advised Council that Mr. Jack Wills inquired of a tree located in the alley within the boroughs right of way. The issue will require a motion under new business on the agenda.
- Mr. Koban confirmed to Council that Rileighs Outdoor Decorations will be here on Monday, May 20, 2019 to discuss the Christmas Decorations that were allotted for in the 2019 approved budget. The Women's Club and the Winterfest Committee were also invited to the meeting.
- Mr. Koban advised that another complaint was received on the property owned by the Plummers at 730 Sherman Street. The sidewalk still has been rectified with the mounds of dirt, accumulation of junk on the front porch and in the back yard. Several citations were issued last year for the same issues. Mr. Koban also informed Council that he spoke with the Cambria County Tax Assessment Office in regards to the various sales. According to the County, if there are any municipal liens on properties, the property owners CANNOT purchase properties at the sale.
- Mr. Koban advised that the PAJRC is seeking the assistance of the Borough and Senator Burn's office for a tree grant. The issue will require a motion later in the meeting.
- Mr. Koban advised Council that the Public Works Dept will commence with repairs on the Johnson Avenue creek wall but will require a motion to purchase guardrail later in the meeting. A lengthy discussion took place on exactly what the motion was to remedy the creek wall. Some members were in opposition of the guardrail being installed while others recalled installing the guardrail within the right of way on Johnson Avenue prior to the creek wall or jersey barriers. Mr. Wisor presented a drawing reflecting the repairs. The drilling on the bridge walls were of major concern incase of cracking and the PennLine proposal needed additional clarification on some issues. Mr. Koban advised Council that there are two options they can choose:
 1. In-house with the boro crew installing guardrail, possibly Calandra's and Jersey barriers
 2. Contracted work for concrete work and guardrail

Mr. Koban suggested to move forward with the remaining agenda issues.

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-Depositions will be forthcoming.
- ❖ 933 Sonman Avenue-Greenawalt & Windsor: Mr. Emerick provided the Civil document Order for the Greenawalt and Windsor Litigation. In recap, the Courts imposed a fine of \$200.00 with a continuing fine of \$100.00 per day until the structure is brought into compliance with the borough ordinance. The total cost for the judgement would be approximately \$3,733.50, according to Mr. Emerick.

- ❖ 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 advised that the property is not listed on the judicial sale.
- ❖ 720 Orchard (Plummer)-Mr. Emerick presented the answer to the civil complaint for Council to review. Council will discuss the issue further after the meeting for an executive session concerning litigation.
- ❖ 406 Caldwell Avenue (Barclay); Mr. Emerick presented a check from the Sheriff's Office, in the amount of \$110.00, for a refund of the civil complaint being served. There has been no answer yet filed by the Barclay's.
- ❖ 925 Main Street (Lewis): Mr. Emerick advised that a ten day notice of default was sent to the defendant to make the necessary repairs.

C. Engineer

Mr. Wisor commented that he had forwarded a copy of his report to Council prior to the meeting. Mr. Wisor informed Council that he has provided a resolution for a new grant application for Trout Run. Mr. Koban commented that the figures were over what the Borough had previously budgeted for in 2019. Council suggested tabling the resolution and commitment until Mr. Wisor has an opportunity to revise the figures.

D. Chief of Police

Chief Miller provided a copy of his written report to Council prior to the meeting. Chief Miller informed Council that the department participated in a Drug Take Back on April 27th, 2019 and collected 48.5 lbs. of prescription drugs. Chief Miller also commented that Portage had one of the highest collections.

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 Council that he met with Tel-Power concerning the control module at the intersection of Main and Mountain Avenue.

CORRESPONDENCE

The Municipal Authority submitted their 2018 Financial Audit for Council to review. It is on file with the Secretary if members would like to review.

The Portage Historical Society sent notice of the 23rd Annual Great Portage Community Yard Sale to be held on Saturday, June 8th, 2019 from 8:00 a.m. to 3:00 p.m.

MINUTES OF PREVIOUS MEETING

The minutes from the April 1st regular and April 15th, 2019 committee meeting were provided to Council prior to the meeting.

ON MOTION OF MR. HAYES, SECONDED BY MR. MORGAN, COUNCIL UNANIMOUSLY APPROVED THE MINUTES OF APRIL 1ST REGULAR MEETING AND ALSO THE APRIL 15TH, 2019 COMMITTEE MEETING MINUTES. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. YETSKO, MR. MORGAN, 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. WOZNIAK, COUNCIL UNANIMOUSLY ACCEPTED THE TREASURER'S REPORT, IN THE AMOUNT OF \$155,167.81; AND APPROVED THE BILLS AND ADDITIONAL BILLS BE PAID; AS PRESENTED IN WRITTEN FORM, IN THE AMOUNT OF \$27,036.27. 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 (Mar'19) and the Portage Sewer Authority (Mar'19); PAJRC-Jan/March; LMIA-March.

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. YETSKO, MR. WOZNIAK, 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:
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-No update
- H. Update on Sonman Avenue Bridge-no update
- I. Update on creek wall repairs at Johnson Avenue-discussed earlier in the meeting.
- J. Grant funding from Frank Burns' Office for Park Improvements was submitted.
- K. Update on Mainline Trail Feasibility Study Phase I- Mr. Koban advised that he spoke with Mr. Ben Selapak; Supervisor for Portage Township regarding the project. The Group had met with several property owners and the project is moving forward.
- L. Update on Welcome to Portage Signs-Mr. Koban suggested that the signs be re-painted before they start deteriorating.

M. Removed from the agenda-ATV's

N. Update on Christmas Decorations- Brian Arnold with Riley's Outdoor' s will be having a presentation of the decorations on Monday May 20th, 2019 for the committee meeting at 6:30 p.m. The Portage Women's Club and WinterFest members will also be attending.

O. Discussion on Per Capita Taxes-Mrs. Eney informed Council that a great number of residents were not paying the Per Capita Taxes over the last several years. Only 576 per capita bills are being sent out. Mr. Koban advised that there is a Per Capita Ordinance in effect. The Per Capita tax rolls will be picked up by Mrs. Eney in May so that we can revise and re-implement for 2020. The discount amount is \$4.90 and face is \$5.00 per resident.

ON MOTION OF MR. LEARN, SECONDED BY MR. MORGAN, COUNCIL UNANIMOUSLY APPROVED TO HAVE THE PER CAPITA TAX REMAIN AT THE CURRENT LANGUAGE. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL, AND MS. MCCARTHY. MOTION CARRIED 7-0.

P. Update on cats within the borough-Council agreed to keep the issue 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-The Cambria County Redevelopment Authority sent an e-mail advising they are finalizing the bid documents and hoping to open bids at their meeting in June.

NEW BUSINESS

1. Approval to apply for Grant Funding for the Trout Run Rehabilitation Project. Res. 7-2019. The issue was discussed earlier in the meeting and Mr. Wisor will be revising the figures.

ON MOTION OF MR. HAYES, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY APPROVED TO TABLE RESOLUTION 7-2019 FOR COMMITMENT OF FUNDS FOR THE TROUT RUN REHAB PROJECT. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL, AND MS. MCCARTHY. MOTION CARRIED 7-0.

2. Approval to purchase guard rail for the Johnson Avenue creek wall repairs.
The issue was discussed earlier in the meeting with several members of council requesting quotes for decorative jersey barriers and other options for the repairs.

ON MOTION OF MR. WOZNIAK, SECONDED BY MR. HAYES, COUNCIL UNANIMOUSLY APPROVED TO TABLE THE PURCHASE OF GUARDRAIL FROM PENNLIN FOR THE JOHNSON AVENUE CREEK WALL REPAIR PROJECT UNTIL FURTHER INFORMATION IS OBTAINED. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL, AND MS. MCCARTHY. MOTION CARRIED 7-0.

3. Approval to cut down a tree within the borough right of way behind 606 Cunard Street.
The issue was discussed earlier in the Manager's Report. Quotes for tree removal were obtained by Mr. Maul.

ON MOTION OF MR. MORGAN, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY APPROVED TO CONTRACT WITH SHAFFER TREE SERVICE TO REMOVE THE TREE BEHIND 606 CUNARD STREET, IN THE AMOUNT OF \$950.00. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL, AND MS. MCCARTHY. MOTION CARRIED 7-0.

4. Discussion on amending the Right to Know Law requests
Mr. Koban informed Council that he received correspondence from another municipality seeking support to amend the right to know law and provide relief from vexatious requesters. Mr. Koban commented that several requests are made from the same individuals and organizations that has proven to be time consuming on the borough staff and tends to be an overburden. Some of the requests seem to be harassing as well. The issue will be placed on the May committee meeting for support and approval.

ADDITIONAL ITEMS

- A. Request from Washington Township Supervisors for DCED grant funding support at the Paul A. Cooney Sports and Recreation Facility.

ON MOTION OF MR. KISSELL, SECONDED BY MR. LEARN, COUNCIL UNANIMOUSLY TO SUPPORT WASHINGTON TOWNSHIP SUPERVISORS IN THE DCED GRANT FUNDING FOR THE PAUL COONEY SPORTS AND RECREATION FACILITY BY ADDING ADDITIONAL WALKING TRAILS, BRIDGES, SHADE TREES AND LIGHTED WALKWAYS. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL, AND MS. MCCARTHY. MOTION CARRIED 7-0.

GOOD OF THE BOROUGH

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

ON MOTION OF MR. MORGAN, SECONDED BY MR. KISSELL, COUNCIL UNANIMOUSLY WENT INTO EXECUTIVE SESSION FOR LITIGATION AND PERSONNEL PURPOSES. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL, AND MS. MCCARTHY. MOTION CARRIED 7-0.

ON MOTION OF MR. WOZNIAK, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY WENT OUT OF EXECUTIVE SESSION AND INTO THE REGULAR MEETING. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR MORGAN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL, AND MS. MCCARTHY. MOTION CARRIED 7-0.

There being no further business,

ON MOTION OF MR. HAYES, SECONDED BY MR. LEARN, COUNCIL UNANIMOUSLY MOVED TO ADJOURN. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL, AND MS. MCCARTHY. MOTION CARRIED 7-0.

THE MEETING WAS ADJOURNED AT 10:06 P.M.