

A meeting of Portage Borough Council was held on Monday, October 7th, 2019 at 6:30 p.m., in Council Chambers.

Those in attendance were:

Sharon McCarthy
Jerome Yetsko

David Hayes
Todd Learn

George Wozniak

John Morgan

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. Mr. Kissell was 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.

A Public Hearing was held for a sign variance request; submitted by Portage Alliance Church. The sign is 3.2 square feet more than the required 26 square foot. Portage Alliance presented specifications of the sign for Council to review. Mr. Wozniak questioned the area of the sign for which the variance is requested. After Council review,

ON MOTION OF MR. LEARN, SECONDED BY MR. MORGAN COUNCIL UNANIMOUSLY APPROVED THE VARIANCE REQUEST FOR THE PORTAGE ALLIANCE CHURCH FOR THE 29.2 SQUARE FOOT SIGN. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. HAYES, MR. WOZNIAK, AND MS. MCCARTHY. MOTION CARRIED 6-0.

Mr. Tom Mazur was present to discuss a stop sign and speeding issue on Orange and Blair. Mr. Mazur advised that there is no stop sign at the intersection of Orange Avenue and Blair. This also presented an issue with speeding. Mr. Koban informed Mr. Mazur that a traffic study would have to be performed by the Borough Engineer and that a stop sign can not be used to address speed control. A short discussion took place that a stop sign might have just been knocked down and never replaced. Mr. Koban suggesting checking into a prior sign placement and discuss the engineering study request at the October committee 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.

- Mr. Koban informed Council that he received confirmation from Senator Langerholc Office that the Trout Run Flood Mitigation Project was awarded to the Borough, in the amount of \$499,800.00.
- The Peer Study Committee has been completed. Mr. Koban suggested adding a School District member; Martin Slanoc to the list. The next step is to contact Jean Ashley to commence with the study and set up dates and meeting times.

- Mr. Koban informed Council that the property owners at 1012 Jefferson Avenue (Dustin Quigley) and 1010 Jefferson Avenue (Deborah Seese) were notified of the Fire Escrow Ordinance and requested their intentions of the repairs to the fire damaged structures.
- Mr. Koban informed Council that he hired one part-time officer; Wallace Litzinger, from Portage. Officer Litzinger started on Friday, October 4th, 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-Mr. Emerick informed Council that he received legal correspondence from Grabill & Seelye; Attorneys for American Roofing, to schedule depositions. They provided options of either holding the depositions during the day/evening and the location to be determined. Four Council members advised they could in the evening hours. Mr. Emerick will get back to Council after he communicates with Grabill & Seelye.
- Plummer-720 Orchard Street- Motion for judgement on the pleadings was granted by the Courts. A hearing will be scheduled within in the near future to determine civil penalties.
- Kowalczyk-Mr. Emerick is preparing the Borough's response to the amended complaint.
- Mr. Emerick commented on Liquor license transfer between Portage Township and Portage Borough for Sheetz, Inc. Mr. Emerick advised Council that they have until November 4th to either approve or disapprove the transfer.

ON MOTION OF MR. MORGAN, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY APPROVED TO TABLE THE LIQUOR LICENSE TRANSFER UNTIL THE NOVEMBER 4TH, 2019 REGULAR MEETING. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, AND MS. MCCARTHY. MOTION CARRIED 6-0.

C. Borough Engineer

Mr. Wisor submitted a report to Council prior to the meeting. Mr. Wisor had nothing additional to report. Mr. Wisor provided information on the Mainline Trail with respect to the Football Stadium and the Park. Mr. Wisor commented that he would work on a draft plan for Council to review with regards to another entrance in/out of the Borough and also include blighted properties.

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. Chief Miller advised that Mr. Litzinger will be on his own within two weeks.

E. Director of Public Works

Mr. Maul noted that a copy of his report was provided to Council prior to the meeting. Ms. McCarthy commended the Public Works Dept for the great paving job on Green and Legion Avenue. Mr. Maul informed Council that he assisted the Water Authority with a PA One Call within the crosswalks since the Public Works was also called out.

CORRESPONDENCE

None

MINUTES OF PREVIOUS MEETING

The minutes from the September 3rd, regular meeting and the September 16th, 2019 committee meeting, were presented to Council prior to the meeting.

ON MOTION OF MR. HAYES, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY APPROVED THE MINUTES FROM THE SEPTEMBER 3RD, 2019 REGULAR MEETING, THE AUGUST 16TH COMMITTEE MEETING, AND THE SHEETZ PUBLIC HEARING 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. YETSKO, COUNCIL UNANIMOUSLY ACCEPTED THE TREASURER'S REPORT, IN THE AMOUNT OF \$91,381.99; AND APPROVED THE BILLS AND ADDITIONAL BILLS BE PAID; AS PRESENTED IN WRITTEN FORM, IN THE AMOUNT OF \$64,082.72. 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 (Aug'19) and the Portage Sewer Authority (Aug'19); LMIA-Sept'19; PAJRC Proposed 2020 budget and PARPC-Sept minutes.

ON MOTION OF MR. YETSKO, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY ACCEPTED THE REPORTS RECEIVED AS NOTED ABOVE. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, 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: The Peer committee members are complete and moving forward with Mr. Koban to contact Ms. Jean Ashley.
- B. Update on Borough Building Roof: Discussed under the Solicitor Report
- C. Update on Trout Run Rehabilitation: The Grant was awarded to Portage Borough and discussed earlier in the meeting.
- D. PennDot project on SR 164-There was no update.
- E. Update on Main Street Phase II: There was no update.
- F. Update on Main Street Phase IIIA Sidewalk: A grant submission for another funding source through Commonwealth Financing Authority.
- G. Update on restroom project at Crichton McCormick Park-retainage for Brickley Construction is being held until the site grading is discussed and completed.

- H. Update on Sonman Avenue Bridge-no update
- I. Update on Small Community Grant Funding-No update.
- J. Update on Mainline Trail Feasibility Study Phase I. -discussed earlier in the meeting.
- K. Update on Welcome to Portage Signs-No update.

BUILDINGS

Mr. Koban provided the following update:

- A. Update on 933 Sonman Ave (Greenawalt)-No update. Last hearing was 4/8/19.
- B. Update on 616 Dulancey Drive (Adams) The property will be placed on the Judicial Sale for 2020.
- C. Update on junk vehicles. No update.
- D. Update on 828 North Railroad (Gaunts) Judicial sale on October 28th, 2019 at 10:00
- E. Update on 720 Orchard Street (Plummer) discussed earlier in the meeting.
- F. Update on 406 Caldwell Avenue (Barclay) No update. Last hearing 7/22/19.
- G. Update on 925 Main Street (Lewis) No update. Last hearing 7/22/19
- H. Update on demolition of 1007 Conemaugh Avenue-Earthmovers to demo by 10/17/19.
- I. Update on 1012 Jefferson and 1010 Jefferson. Property owners were notified of the Fire Escrow Ordinance and letter of intentions for repairs.

NEW BUSINESS

A. Liquor license transfer between Portage Township and Portage Borough for Sheetz, Inc. was discussed again. Mr. Emerick advised Council that they have until November 4th to either approve or disapprove the transfer.

ON MOTION OF MR. MORGAN, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY APPROVED TO TABLE THE LIQUOR LICENSE TRANSFER UNTIL THE NOVEMBER 4TH, 2019 REGULAR MEETING. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, AND MS. MCCARTHY. MOTION CARRIED 6-0.

B. Approval to deposit the 2019 State Aid into the non-uniform pension plan with PMRS. The Commonwealth of PA sent the 2019 State Aid in the amount of \$ 21,973.50. The balance of the MMO for non-uniform pension plan is \$224.50. The Portage Police Pension Fund is overfunded for 2019. After a discussion;

ON MOTION OF MR. MORGAN, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY APPROVED TO DEPOSIT THE 2019 STATE AID OF \$21,973.50 AND THE BALANCE OF \$224.50 FOR THE TOTAL 2019 MMO OF \$22,178.00 INTO THE NON-UNIFORM PENSION PLAN WITH P.M.R.S. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR.

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

C. Approval to advertise for the various boards and commissions, solicitor, and engineering expiring terms through 2019. Ms. Claar presented Council with the upcoming expiring term positions for their review. After the review;

ON MOTION OF MR. WOZNIAK, SECONDED BY MR. LEARN, COUNCIL UNANIMOUSLY APPROVED TO ADVERTISE FOR THE FOLLOWING EXPIRING TERMS: PORTAGE WATER-5 YR TERM; SEWER AUTHORITY-5 YR TERM; JOINT RECREATION-3 YR TERM; PLANNING COMMISSION-5 YR TERM; BOROUGH ENGINEER, AND BOROUGH SOLICITOR. LETTERS OF INTEREST/RE-APPOINTMENT ARE DUE BY FRIDAY, NOVEMBER 1ST, 2019 BY 4:00 P.M. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, AND MS. MCCARTHY. MOTION CARRIED 6-0.

D. Authorization to purchase a certificate of deposit from First National Bank of Cresson. Mr. Koban informed Council that a previous certificate of deposit with 1st Summit Bank is due to mature. Ms. Claar presented Mr. Koban with several quotes from other financial institutions. After review of the rates and amounts;

ON MOTION OF MR. WOZNIAK, SECONDED BY MR. MORGAN, COUNCIL UNANIMOUSLY APPROVED TO PURCHASE A CERTIFICATE OF DEPOSIT THROUGH FIRST NATIONAL BANK OF CRESSON AND THE \$3,000 2019 BUDGED ALLOCATION FOR A TOTAL CD IN THE AMOUNT OF \$9,473.68 FOR A 25 MONTH TERM AT AN APR OF 1.885%. 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 a Resolution for an MTF grant application for Main Street Phase 3A with CFA. Mr. Wisor presented a grant application for another funding source through the Commonwealth Financing Authority for Main Street Phase 3A. After review from Council;

ON MOTION OF MR. YETSKO, SECONDED BY MR. LEARN, COUNCIL UNANIMOUSLY APPROVED RESOLUTION 13-2019 BY MAKING A MTF GRANT APPLICATION FOR MAIN STREET PHASE 3A THROUGH THE COMMONWEALTH FINANCING AUTHORITY IN THE AMOUNT OF \$327,654.00 WITH A 30% BOROUGH MATCH OF \$98, 296.50. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, AND MS. MCCARTHY. MOTION CARRIED 6-0.

F. Approval to advertise for 22 used Christmas Decorations
Mr. Koban suggested that the used Christmas Snowflake pole decorations be put out for bid. After a short discussion with Council;

ON MOTION OF MR. MORGAN, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY APPROVED TO ADVERTISE FOR BIDS ON THE 22 USED CHRISTMAS SNOWFLAKE POLE DECORATIONS WITH A BID OPENING ON NOVEMBER 5TH, 2019. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, AND MS. MCCARTHY. MOTION CARRIED 6-0.

Additional agenda Items for October 7th, 2019

1. Acceptance of Mr. Richard Bernazzoli resignation from the Portage Area Planning Commission. Mr. Bernazzoli submitted his resignation and is moving out of the area.

ON MOTION OF MR. LEARN, SECONDED BY MR. MORGAN, COUNCIL UNANIMOUSLY APPROVED TO ACCEPT THE RESIGNATION OF MR. RICHARD BERNAZZOLI FROM THE PORTAGE AREA PLANNING COMMISSION AND APPROVED TO ADVERTISE FOR LETTERS OF INTEREST. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, AND MS. MCCARTHY. MOTION CARRIED 6-0.

GOOD OF THE BOROUGH

The Cambria County Borough Association fall meeting is scheduled for October 22nd, 2019 at the Gallitzin Sportsman Association with social hour at 5:30 p.m.

Trick or Treat for Borough residents will be held on Sunday, October 27th, 2019 from 4:00 – 6:00 p.m.

There being no further business,

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

THE MEETING WAS ADJOURNED AT 7:27P.M.