

A meeting of Portage Borough Council was held on Tuesday, September 4th, 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, Borough Engineer; Scott Maul, Public Works; Chief Miller, Public Safety, and 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

Mr. Kissell offered a reflection. The reflection was followed by the Pledge of Allegiance.

Ron Portash-Mainline Newspapers, Sean Tarachko, Sheetz Rep; Attorney Paul Namey, Deb Shope and Kaytlin Sumner representing the Portage Library. Richard Bernazzoli.

ON MOTION OF MR. WOZNIAK, SECONDED BY MR. LEARN, COUNCIL UNANIMOUSLY AGREED TO GO OUT OF ORDER ON THE AGENDA TO RECOGNIZE THE VISITORS. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. MR. LEARN, MR. MORGAN, MR. YETSKO, MR. HAYES, MR. WOZNIAK, MR. KISSELL, AND MS. MCCARTHY. MOTION CARRIED 7-0.

Ms. McCarthy called upon Sean Tarachko. Mr. Tarachko is inquiring on the liquor license transfer for Sheetz, Inc., from the Township to the Borough. Mr. Koban commented that the issue will be discussed later in the meeting since it was on the agenda for a motion.

Mr. Bernazzoli provide a Cambria County GIS property map showing his property located at 9087 Webster Avenue. Mr. Bernazzoli provided detailed information to Council regarding the history of his property, how it was acquired, and that he will be selling his home to move to Glendale. The issue with the selling of his property is the above ground swimming pool being within the Borough Right of Way, which was well over 40 years ago. Mr. Bernazzoli advised that the buyer has reservations on purchasing the property with the swimming pool being within the borough right of way. Mr. Bernazzoli also advised that neighboring properties also have structures within the borough of right of way at Legion Avenue. Mr. Emerick questioned if the property was surveyed prior to the installation of the swimming pool to which Mr. Bernazzoli replied negatively. Mr. Koban commented that the maps presented by Mr. Bernazzoli were not very reliable and it reflected some structures that went back to 2003. Mr. Koban questioned Mr. Emerick as to what options the borough has to rectify the situation. Mr. Emerick commented that the property owner can:

- vacate the alley, there would be no easement,
- have the seller disclose the information to the buyer,
- move the swimming pool back,
- or have a survey performed. The survey would be the responsibility of the home owner.

Mr. Bernazzoli commented that the purchase of the property is due to close next week, pending the outcome or resolution to this issue. Mr. Bernazzoli requested having his Attorney Mr. McGlynn contact Mr. Emerick for further discussion.

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.

- ❖ The Contribution Agreement for the PennDot Project has been reviewed and Mr. Emerick will elaborate further under his report.
- ❖ The Gaunt property located at 828 North Railroad Street will be coming up for the judicial sale on October 28th, 2019 at 10:00 a.m.
- ❖ Mr. Koban informed Council that he met with Mr. James Laird who is the Consultant with the Allegheny Ridge Association on the Mainline Trails Feasibility study. The meeting entailed proposed paths for the trail through Portage Borough and additional access in and out of Portage. Mr. Kissell commented that in prior years, the Railroad would not permit any access to the railroad tracks or beds. A short discussion took place on other ideas for accessing:

ON MOTION OF MR. KISSELL, SECONDED BY MR. LEARN, COUNCIL UNANIMOUSLY APPROVED TO HAVE MR. WISOR RESEARCH IF THERE ARE ANY FEASIBLE WAYS TO GO OVER OR UNDER TRACKS BY LOCATING ANY MAPS, ETC. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. MR. LEARN, MR. MORGAN, MR. YETSKO, MR. HAYES, MR. WOZNIAK, MR. KISSELL, AND MS. MCCARTHY. MOTION CARRIED 7-0.

- ❖ Mr. Koban informed Council that he spoke with Mr. Bruce Schweitzer of PennDot regarding the S curves for the Main Street Project. There were no changes reflected on the map.
- ❖ Mr. Koban advised Council that he bound the 2019-2020 General Liability and Worker's Compensation with EMC in the amount of \$37,065.00. A new company Argonaut provided a quote but it did not include municipal liability. The company is fairly new and Ebensburg Insurance has not written any clients with them, so there is no history.

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
- Plummer-720 Orchard Street- Motion for judgement on the pleadings are still pending.
- Kowalczyk-Plaintiff has filed an amendment complaint and the Borough's response pleading is being prepared.
- The Peer Consultant Agreement was revised by Mr. Emerick and submitted to the consultant for approval.
- Mr. Emerick presented Council with the PennDot Contribution Agreement answer to the questions for the Main Street Multimodal Grant that was from the previous meeting regarding the cancelling or abandonment of the project. The e-mail stated if PennDot cancelled the project, the funding would still be available for use by the Borough.

ON MOTION OF MR. KISSELL, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY APPROVED THE PENNDOT CONTRIBUTION AGREEMENT FOR THE MAIN STREET MULTIMODAL GRANT PROJECT. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. MR. LEARN, MR. MORGAN, MR. YETSKO, MR.

HAYES, MR. WOZNIAK, MR. KISSELL, AND MS. MCCARTHY. MOTION CARRIED 7-0.

C. Borough Engineer

Mr. Wisor submitted a report to Council prior to the meeting. Mr. Wisor had nothing additional to report.

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. Ms. McCarthy commended the Police Department for all their efforts and services during the Summerfest event.

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 commented that the 1007 Conemaugh Avenue property has an electric meter and questioned if there was still power connected to it. Mr. Maul advised that the house doesn't have any meter but will investigate it.

CORRESPONDENCE

The Community Harvest Fest Committee sent notice that the event will take place on Sunday, September 29th, 2019 from 2-5 p.m. The notice also requested the annual donation of \$100.00 which is scheduled for September 16th, 2019.

The Community Harvest Fest Committee sent another request to close half of Branch Street for the event.

ON MOTION OF MR. WOZNIAK, SECONDED BY MR. LEARN, COUNCIL UNANIMOUSLY APPROVED TO GRANT PERMISSION TO THE HARVEST FEST COMMITTEE TO CLOSE ½ OF BRANCH STREET FOR THE 2019 EVENT ON SEPTEMBER 29TH 2019 AT 10:30 A.M. CLOSURE FROM BRANCH STREET TO CHURCH PARKING LOT, ALONG MAINLINE HERITAGE AND THE BOROUGH PROPERTY TO THE END OF BETHANY PARKING LOT. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. HAYES, MR. KISSELL, AND MS. MCCARTHY. MOTION CARRIED 7-0.

MINUTES OF PREVIOUS MEETING

The minutes from the August 5th, regular meeting and the August 19th, 2019 committee meeting, and the Sheetz Public Hearing were provided to Council prior to the meeting.

ON MOTION OF MR. MORGAN, SECONDED BY MR. HAYES, COUNCIL UNANIMOUSLY APPROVED THE MINUTES FROM THE AUGUST 5TH, 2019 REGULAR MEETING, THE AUGUST 19TH COMMITTEE MEETING, AND THE SHEETZ PUBLIC HEARING MINUTES. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, 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. YETSKO, COUNCIL UNANIMOUSLY ACCEPTED THE TREASURER'S REPORT, IN THE AMOUNT

OF \$76,214.29; AND APPROVED THE BILLS AND ADDITIONAL BILLS BE PAID; AS PRESENTED IN WRITTEN FORM, IN THE AMOUNT OF \$24,261.82. 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 (July'19) and the Portage Sewer Authority (July'19); Portage Library from April-July.

ON MOTION OF MR. WOZNIAK, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY ACCEPTED THE REPORTS RECEIVED AS NOTED ABOVE. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, 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:
Mr. Koban advised Council that Mr. Benny Selapak will be the representative from the Township to serve on the Peer Study committee. The School District will not be meeting until next week. The Borough and the Township still need a resident of the community.
- 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: No update on the grant submission.
- G. Update on restroom project at Crichton McCormick Park-still some punch list items.
Mr. Wisor commented that the grass seeding was not favorable. No checks will be issued until the SMA approves the final project. Mr. Koban also commented that we have one year for when the bond expires.
- H. Update on Sonman Avenue Bridge-no update
- I. Update on creek wall repairs at Johnson Avenue-Project completed. Can be removed.
- 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 one of the signs have been taken down.

BUILDINGS

Mr. Koban provided the following update:

- A. Update on 933 Sonman Ave (Greenawalt)-No update

- B. Update on 616 Dulancey Drive (Adams) No Update
- C. Update on junk vehicles. No update.
- 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) No update.
- G. Update on 925 Main Street (Lewis) No update.
- 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. Liquor license transfer between Portage Township and Portage Borough for Sheetz, Inc. was discussed. Mr. Paul Namey, the Attorney representing Sheetz was also in attendance, as well as Sean Tarachko from Portage Beverage. There was no discussion from Council or the public. Mr. Emerick provided Council with a timeframe for acting on the request. The Boroughs 45 days deadline is September 6th, 2019, and the transfer was tabled at the August 19th, 2019 meeting for further discussion. Mr. Emerick stated that as of this meeting date, September 3rd, 2019; Council can either approve the transfer or file an appeal.

ON MOTION OF MR. WOZNIAK, SECONDED BY MR. KISSELL, COUNCIL UNANIMOUSLY APPROVED TO FILE FOR AN EXTENSION OF TIME NOT TO EXCEED SIXTY (60) DAYS. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL, AND MS. MCCARTHY. MOTION CARRIED 7-0.

Mr. Koban commented that a motion on the agenda reflected either a table or approval. Mr. Hayes commented that he had performed a brief site distance from the church to the Sheetz which measured approximately ninety (90) yards.

ON MOTION OF MR. KISSELL, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY TABLED THE APPROVAL OF A RESOLUTION FOR THE TRANSFER OF A LIQUOR LICENSE FROM PORTAGE TOWNSHIP TO PORTAGE BOROUGH FOR SHEETZ, INC. 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 issue will be placed on the agenda for the September 16th, committee meeting.

B. Portage Library to discuss request for an additional donation. Kaytlin Sumner and Deb Shope were in attendance to discuss the Portage Library. Ms. Sumner advised that there are many new programs, resources, equipment, and events available to the public, but that it needs to add to its staff. Last month the Portage Library sent a notice seeking an increase in the Borough's donation for next year. Due to financial constraints and volunteers, the part time employee had to be let go this year. With an additional donation, the part time employee can be hired back to assist with the new work load. Funding from the Federal and

State levels have been cut. Mr. Koban questioned whom the library has sought funds from. Ms. Sumner advised that she will seeking additional donations from the School District, Township, and Cassandra Borough. Ms. Sumner commented that the Township provides a \$500.00-year donation and the Borough provides for a \$1,000.00 donation. Ms. Sumner advised that the part time employee would work approximately 15-20 hours per week at approximately \$9.00/hr. Council had also suggested contacting the Community Foundation for donations. Ms. Sumner advised that they just received \$3,000.00 from the Foundation. Mr. Koban explained that the Borough will be preparing for the 2020 budget and will keep this in mind.

Ms. Deb Shope commented that the Borough has been battling with blight properties to clean up the town but also commented that the Park and Library are valuable assets to the community.

C. Approval of the 2020 MMO for the non-uniform employees with PMRS.

Ms. Claar prepared the calculations for the 2020 minimum municipal obligation for the non-uniformed employees based on \$143,872 of estimated 2019 payroll projections through year end.

ON MOTION OF MR. KISSELL, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY APPROVED THE 2020 MMO WITH PMRS FOR THE NON-UNIFORM EMPLOYEES IN THE AMOUNT OF \$23,277.00. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL, AND MS. MCCARTHY. MOTION CARRIED 7-0.

D. Approval of the 2020 MMO for the uniform employees,

Feaster Pension Services prepared the calculations for the 2020 minimum municipal obligation for the uniformed employees. Due to the Police Pension Plan being overfunded, there is no MMO required.

ON MOTION OF MR. YETSKO, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY APPROVED THE 2020 MMO UNIFORM EMPLOYEES IN THE AMOUNT OF \$0.00 DUE TO BEING OVERFUNDED. 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. Learn commented on the students that are seeking projects. Mr. Learn suggested the Welcome to Portage Sign.

Mr. Learn questioned the status of the structure fire on Jefferson Avenue. Some Council members questioned the mutual aid from the surrounding fire companies that responded from further away than that of Lilly and Cresson. Mr. Learn questioned if there was any animosity between any of the fire companies and commented personal attitudes are not acceptable. Council is responsible for the fire protection services within the Borough and suggested reviewing the fire company alarm cards for first alarms.

Mr. Kissell questioned the progress of the generator. Mr. Koban commented that the final wiring and Penelec will be forthcoming.

Ms. Claar presented Council with a listing of properties that will be listed on the September 9th, 2019 Upset Tax Sale.

Ms. Claar presented Council with a notice from Cambria County Board of Assessment Appeals. The board will be holding a meeting on three (3) properties for the American Legion at 10:45 a.m. on Tuesday, October 8th, 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. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL, AND MS. MCCARTHY. MOTION CARRIED 7-0.

ON MOTION OF MR. YETSKO, SECONDED BY MR. WOZNIAK, 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.

ON MOTION OF MR. HAYES, SECONDED BY MR. KISSELL, COUNCIL UNANIMOUSLY WENT 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. MORGAN, 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 8:40 P.M.