

A meeting of Portage Borough Council was held on Monday, January 6<sup>th</sup>, 2020 at 6:30 p.m., in Council Chambers.

Those in attendance were:

George Wozniak      Todd Learn      James Kissell      David Hayes

Also present were: Robert Koban, Borough Manager; Michael Emerick, Solicitor; Gary Wisor, Engineer; Scott Maul, Public Works; Chief Ed Miller, Public Safety; and Michelle Claar, Borough Secretary.

### **REFLECTION/PLEDGE OF ALLEGIANCE**

Mayor Kissell offered a reflection and then proceeded with the Pledge of Allegiance.

### **CALL TO ORDER**

Mr. Wozniak called the meeting to order at 6:30 p.m., which was followed by a roll call with only four members returning to the board. Due to the lack of a quorum, there was no official action taken on any regular agenda items until after the new members took the official oath of office at the re-organization at 8:00 p.m. Mr. Koban suggested updating the new council members by providing them details of each agenda item until they take the oath of office.

### **RECOGNITION OF GUESTS**

Mr. Wozniak recognized the following guests: New Council members Ronald Cadwallader and Brent Kinley, Ron Portash, Portage Dispatch, and Doug Wagner, Allegheny Ridge Riders ATV Club.

Mr. Wozniak recognized Mr. Doug Wagner with the Allegheny Ridge Riders ATV Club. Mr. Wagner provided Council with information he researched regarding the use of certain streets and road use for ATV's within the borough limits. Mr. Wagner commented that several residents within the community and out of town riders would like to have dual access to various streets and alleys to get to the trails and to patronize the local businesses. Mr. Wagner also commented that the designated areas will require notices to be posted and there would be no liability to the borough, once enacted. Mr. Koban provided an overview to the two new council members of the issues involving the ATV club and is now being visited again once the new council is seated. Mr. Hayes commented that a public hearing could be held to gain input from residents within the community. Several pros and cons were addressed during the discussion. Mr. Koban suggested that the issue be polled for each member; once the new council is seated, to either move forward by placing the issue on the agenda to pursue additional information. Mr. Wozniak stated that the issue will be addressed at the January Committee of the whole meeting. Mr. Kissell thanked the Allegheny Ridge Riders ATV Club for all their assistance in setting up the ice rink at Crichton McCormick Park.

### **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 informed Council that he received notice from the Portage Area Sewer Authority that they have completed the conversion of previously designated sanitary sewers into storm sewers in the 3<sup>rd</sup> Ward of the Borough. A map was also enclosed reflecting the locations of storm sewers that were installed converted as part of the sewer project. The cost sharing agreement between

the Portage Area Sewer Authority and Portage Borough was also attached outlining the transfer of ownership of the lines and are now owned and maintained by the Borough.

**B. Solicitor's Report**

Attorney Emerick reported that he provided a copy of his report prior to the meeting. Mr. Emerick informed Council that he will need an executive session for pending litigation and updated the new members on each agenda item pertaining to the buildings.

**C. Engineer's Report**

Mr. Wisor noted that a copy of his report was provided to Council prior to the meeting; and he had nothing further to report.

**D. Police Chief's Report**

Chief Miller reported that he provided a copy of his report prior to the meeting. Chief Miller commented that he has safe and gun locks if anyone is interested.

**E. Director of Public Works Report**

Mr. Maul noted that he provided his report to Council prior to the meeting. Mr. Maul informed Council that the Public Works Department will be taking down the Christmas Decorations the week of January 13<sup>th</sup>, 2020 and suggested renting a lift. The previous rental was through Tel-Power at a cost of \$790.00. A short discussion took place on the possibility of purchasing a bucket truck versus a lift. Mr. Maul will research with various vendors for the best price.

Mr. Maul also informed Council that he came up with an on-call schedule for a shift rotation of each public works employee to monitor the streets during an upcoming snow and ice storm. Mr. Kissell questioned the timeframe for when the roads will be checked. Mr. Maul advised that they will watch the news channels and advisories for when a storm is approaching. There could be no actual timeframe but Mr. Maul stated that most of the time, he checks the roads around 5:00 a.m.

**CORRESPONDENCE**

Ms. Claar advised that there was no correspondence received.

**CITIZEN'S INPUT ON AGENDA ITEMS**

None

**UNFINISHED BUSINESS**

Mr. Koban provided updates and elaborated on each item for the new members as follows:

**A. General:**

- Item A: Update on Recreation Consultant/Peer Group Committee – Mr. Koban advised that the peer committee has been established and future meetings will commence in late January early February.
- Item B: Update on Borough Building Roof – Executive Session. Schedule of depositions.
- Item C: Update on Trout Run Rehabilitation – Mr. Koban informed members that the Trout Run Grant Agreements were signed via E-doc's in the amount of \$499,800.00 and elaborated on the condition of Trout Run. The borough's matching portion is budgeted in the Capital Improvement Fund for 2020 with only engineering and design fees. Construction will not commence until 2021.

- Item D – Update on PennDot Project on SR 164 – Mr. Koban advised that the PennDot project and the Borough grant award for Phase II were merged together. With the merging of the project; the engineering, design, and administration costs will be administered by PennDot in 2020. Mr. Koban was also informed that the traffic signals and devices will not be available until the construction phase in 2021. Mr. Cadwallader commented on the Water Authority project for line replacement during the same time as this project and suggested that PennDot and the Borough should be working together. The Water Authority Project line replacement will run from Mountain Avenue to Caldwell Avenue on Main Street.
- Item E – Update on Phase II for Main Street Multimodal Grant – incorporated into the PennDot Project on SR 164 above. Mr. Koban commented that both sides of Main Street from Dulancey to Caldwell will have sidewalk replacements.
- Item F – Update on Phase 3A for Main Street Improvements/Sidewalks Right Side Caldwell and Mountain – Mr. Koban elaborated on the grant project scope for one side of Main Street with sidewalks, luminaires, decorative buffer strips, and ADA ramps. The grant agreements were signed via E-Doc's in the amount of \$298,165.00.
- Item G – Update on Phase 3B for Main Street Improvements/Sidewalks for Left Side of Caldwell and Mountain – Mr. Koban advised that another grant was submitted for the other side of Main Street for the same project scope as phase 3A. There was no update of any grant award prior to the meeting.
- Item H – Update on Restroom Project at Crichton McCormick Park  
Mr. Koban advised that all retainers have been paid to the contractors and closed out the project by year end. The Borough is retaining the performance bond until the Spring.
- Item I – Update on Sonman Avenue Bridge 12 Year Plan – The Sonman Avenue Bridge was placed on the Cambria County 12-year plan for several years but has since then been removed.
- Item J – Update on Mainline Trail Feasibility Study Phase I – Mr. Koban noted that the Allegheny Ridge Corporation approached the Borough to pursue financial support for the trail feasibility study. The study will encompass the trail to connect from South From to the trailhead in Portage. The financial support requested was \$5,000.00 with \$2,758.00 being paid in 2019. The balance is budgeted in the Capital Improvement Fund for 2020.
- Item K – Update on Welcome to Portage Signs-Mr. Koban advised that one sign has been repaired on Route 53 by Randall's. There is another sign by the football stadium that needs repaired if a student needs a senior/eagle scout project or community service hours. The issue can be removed from the agenda.
- Item L – Update on Small Community Grant Funding through DCNR for Park Improvements – Mr. Koban informed new members of a grant the Borough was awarded in the amount of \$40,000.00 for tennis court rehabilitation, fencing, and ADA accessibility. The Township and Borough will also be matching \$10,000.00 each with the Public Works Department having an in-kind match for labor.

B. Buildings:

Mr. Emerick informed Council that he will need an executive session for several of the pending litigations below. Mr. Emerick explained the Dangerous Structure Ordinance for the new council members and the legal process and procedures for each.

- 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: Chief Miller advised that two property owners were filed citations. Chief Miller is diligently working on only a few left within the borough.
- Item D – Update on 828 North Railroad (Guants): Borough successful at bid (\$908.74) - discussed earlier in the meeting.
- Item E – Update on Roy and Patricia Plummer at 720 Orchard Street – The Cambria County Court Administrator will be scheduling a civil-penalties hearing within the near future.
- Item F – Update on Jason and Sarah Barclay at 406 Caldwell Avenue (penalty hearing 7/22/19) – no update. Mr. Kissell questioned if an interested party had inquired on the property. Mr. Maul commented that the individual has been ill.
- 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 by Earth Movers through the Cambria County Redevelopment Authority Act 152 Funds.
- Item J – Update on 1012 Jefferson Avenue (Quigley) and 1010 Jefferson Avenue (Seese) Mr. Koban explained that the two structures were fire related. A compliance permit has been issued for repairs to the 1012 Jefferson Avenue property and a demo permit for the garage in the back.

Mr. Wozniak called for an executed session per Mr. Emerick's request to discuss pending litigation until the re-organization can commence at 8:00 p.m.

ON MOTION OF MR. KISSELL, SECONDED BY MR. LEARN, COUNCIL UNANIMOUSLY APPROVED TO GO INTO AN EXECUTIVE SESSION FOR LITIGATION PURPOSES. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. KISSELL, MR. HAYES, MR. LEARN, AND MR. WOZNIAK.

ON MOTION OF MR. LEARN, SECONDED BY MR. HAYES, COUNCIL UNANIMOUSLY APPROVED TO GO OUT OF EXECUTIVE SESSION AND INTO THE RE-ORGANIZATION MEETING. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. KISSELL, MR. HAYES, MR. LEARN, AND MR. WOZNIAK.

At 8:00 p.m., Council was convened to continue the remaining agenda items.

### **MINUTES OF PREVIOUS MEETINGS**

The minutes of December 2<sup>nd</sup>, 2019 and the Special Meeting of December 20<sup>th</sup>, 2019 were distributed to Council prior to the meeting.

ON MOTION OF MR. LEARN, SECONDED BY MR. KINLEY, COUNCIL UNANIMOUSLY APPROVED THE MINUTES FROM THE DECEMBER 2<sup>ND</sup>, 2019 REGULAR AND THE DECEMBER 20<sup>TH</sup>, 2019 SPECIAL MEETING. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MR. HAYES, MR. KINLEY, MR. LEARN, MR. KISSELL, AND MR. WOZNIAK. MOTION CARRIED 6-0.

### **BILLS AND TREASURER'S REPORT**

Mr. Wozniak 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. KISSELL, 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 \$27,856.47. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MR. HAYES, MR. KINLEY, MR. LEARN, MR. KISSELL, AND MR. WOZNIAK. MOTION CARRIED 6-0.

### **REPORTS RECEIVED**

Mr. Wozniak noted that minutes of the November meetings of the Portage Water Authority and Portage Sewer Authority were received for review by Council prior to the meeting, as well as the LMIA for December.

ON MOTION OF MR. LEARN, SECONDED BY MR. KINLEY, COUNCIL UNANIMOUSLY ACCEPTED THE REPORTS RECEIVED FROM THE PORTAGE WATER AUTHORITY AND SEWER AUTHORITY FOR NOVEMBER AND LMIA FOR DECEMBER. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MR. HAYES, MR. KINLEY, MR. LEARN, MR. KISSELL, AND MR. WOZNIAK. MOTION CARRIED 6-0.

### **GOOD OF THE BOROUGH**

There were no updates or concerns.

There being no further business,

ON MOTION OF MR. LEARN, SECONDED BY MR. CADWALLADER, COUNCIL UNANIMOUSLY ADJOURNED THE MEETING. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MR. HAYES, MR. KINLEY, MR. LEARN, MR. KISSELL, AND MR. WOZNIAK. MOTION CARRIED 6-0.

Meeting adjourned at 8:20 p.m.