

A meeting of Portage Borough Council was held on Monday, July 20th, 2020 at 6:30 p.m.

Those in attendance were:

George Wozniak	Todd Learn	James Kissell
David Hayes	Ron Cadwallader	Bent Kinley

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

REFLECTION/PLEDGE OF ALLEGIANCE

Mr. Wozniak offered a moment of silence and then proceeded with the Pledge of Allegiance.

RECOGNITION OF GUESTS

Mr. Wozniak recognized the guests which included: Bruce Schweitzer and John Castel from PennDot, Jean Kinley, and Ron Portash; Portage Dispatch.

ON MOTION OF MR. KISSELL, SECONDED BY MR. HAYES, COUNCIL UNANIMOUSLY APPROVED TO GO OUT OF ORDER ON THE AGENDA TO RECOGNIZE ANY PUBLIC INPUT. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MR. HAYES, MR. KINLEY, MR. LEARN, MR. KISSELL, AND MR. WOZNIAK. MOTION CARRIED 6-0.

Mr. Koban introduced Mr. Schweitzer and Mr. Castel; representatives with PennDot. Mr. Schweitzer elaborated on several issues relating to the Main Street Phase II project:

- Bid letting
- Commencement of project and timeline
- Lighting specifications and costs
- Lighting detailed locations for poles with diagrams
- Concrete foundations within the sidewalks
- Scope of work from Dulancey to Caldwell Avenue

Mr. Schweitzer also informed Council that the Borough was not successful in the PennDot MTF grant for 2019-2020 for phase 3A. Mr. Koban suggested that Stiffler McGraw prepare another grant application for the 2020-2021 grant funding, which Ms. Claar advised that open application for the grant will be in September, 2020. Council thanked Mr. Schweitzer for the updates on the project.

Mr. John Castel with PennDot was also present to discuss the PennDot Right of Way and Deed. Mr. Emerick also provided information for Council to consider regarding the warranty and title and that PennDot will not amend in the agreement. Mr. Emerick commented that the Borough is giving more on the project than receiving. Mr. Emerick also commented on the condemnation of the agreement/deed. Mr. Castel provided additional answers to Council's questions. Mr. Koban questioned the timeframe that PennDot is requiring the signatures for an agreement. Mr. Castel presented the PennDot Agreement to Mr. Koban and Council to review. After a further discussion between Council, PennDot, and Mr. Emerick:

ON MOTION OF MR. LEARN, SECONDED BY MR. CADWALLADER, COUNCIL APPROVED TO THE PENNDOT AGREEMENT FOR THE RIGHT OF WAY AND DEED. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR.

CADWALLADER, MR. HAYES, MR. KINLEY, MR. LEARN, AND MR. WOZNIAK,
WITH MR. KISSELL VOTING NEGATIVELY. MOTION CARRIED 5-1.

REPORTS

A. Borough Manager's Report

Mr. Koban provided a copy of his report to Council prior to the meeting. Mr. Koban advised that most of the issues and updates are listed on the agenda.

- Mr. Koban updated Council on the Plummer property at 720 Orchard Street.
- The 2020 paving project with the locations was available for Council to review
- Mr. Koban elaborated on the retirement letter that was submitted by Chief Miller. Mr. Koban and Council commended the Chief for all his dedication, support, and efforts during his tenure with the Borough. Mr. Koban also commented that his shoes will be very difficult to fill. Everyone applauded Chief Miller at that time.

B. Solicitor's Report

Attorney Emerick reported that he provided a copy of his report prior to the meeting. Mr. Emerick provided updates on the following:

- Mr. Emerick advised that the depositions were completed for the American Roofing litigation, except for Macharola, that has not been scheduled yet.
- Mr. Emerick questioned the status of the Plummer property regarding the demolition. Discussed earlier in the meeting.
- Regarding the Nicholson hearing scheduled for August 7th, 2020 at 10:00 a.m., Chief Miller advised that there is only one (1) vehicle not in compliance.
- The Agreement of Sale and Transfer of property from PennDot for the right of way was discussed earlier in the meeting.
- Kowalczyk litigation-Mr. Emerick advised that there was no update.

C. Engineer's Report

Mr. Wisor was absent but provided his report to Council prior to the meeting.

D. Police Chief's Report

Chief Miller reported that he provided a copy of his report prior to the meeting. Chief Miller had nothing additional to report. Chief noted that the incidents were up in June. Once again, Chief Miller was commended for his efforts for his retirement.

E. Director of Public Works Report

Mr. Maul noted that he provided his report to Council prior to the meeting. Mr. Maul had nothing additional to report.

CORRESPONDENCE

There was no correspondence at this time.

CITIZEN'S INPUT ON AGENDA ITEMS

None

MINUTES OF PREVIOUS MEETINGS:

The minutes of the June 1st regular and June 15th, 2020 meetings were distributed to Council prior to the meeting.

ON MOTION OF MR. KINLEY, SECONDED BY MR. LEARN COUNCIL UNANIMOUSLY APPROVED THE MINUTES FROM THE JUNE 1ST REGULAR MEETING AND THE JUNE 15TH, 2020 COMMITTEE MEETING. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MR. HAYES, MR. KINLEY, MR. LEARN, MR. KISSELL, AND MR. WOZNIAK. MOTION CARRIED 6-0.

TREASURER'S REPORT

Mr. Wozniak noted that copies of the Treasurer's report were distributed for review by Council members prior to the meeting.

ON MOTION OF MR. HAYES, SECONDED BY MR. KINLEY, COUNCIL UNANIMOUSLY APPROVED THE TREASURER'S REPORT IN THE AMOUNT OF \$42,054.97. 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 minutes from the Portage Water Authority and Portage Sewer Authority, LMIA, Portage Ambulance, and the Portage Library.

ON MOTION OF MR. KINLEY, SECONDED BY MR. HAYES, COUNCIL UNANIMOUSLY ACCEPTED THE REPORTS RECEIVED FROM THE PORTAGE WATER AUTHORITY AND SEWER AUTHORITY FOR MAY, 2020, LMIA FOR MAY, PORTAGE AMBULANCE FROM JAN, 2019 THRU JAN 2020 AND THE BUDGET, PORTAGE LIBRARY FROM SEPT, 2019 THROUGH MAY, 2020. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MR. HAYES, MR. KINLEY, MR. LEARN, MR. KISSELL, AND MR. WOZNIAK. MOTION CARRIED 6-0.

APPROVAL OF BILLS

Ms. Claar provided an itemized list of bills and additional bills for Council to review and approve.

FOLLOWING A ROLL CALL VOTE, ON MOTION OF MR. HAYES, SECONDED BY MR. CADWALLADER, COUNCIL UNANIMOUSLY APPROVED THE BILLS AND ADDITIONAL BILLS TO BE PAID, AS PRESENTED IN WRITTEN FORM, IN THE AMOUNT OF \$20,878.48. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MR. HAYES, MR. KINLEY, MR. LEARN, MR. KISSELL, AND MR. WOZNIAK. MOTION CARRIED 6-0.

UNFINISHED BUSINESS

Mr. Koban provided updates and elaborated on items to Council as follows:

- Item A: Update on Recreational Peer Group Committee-Mr. Koban advised that a peer study meeting will be held on August 31st, 2020. Mr. Wozniak questioned the lack of meetings and information concerning the study group. Mr. Koban advised that due to the Covid pandemic and a death in the family for Jean Ashley, the meetings have been postponed. Ms. Claar advised that Ms. Ashley will be sending an e-mail to the group within the next few weeks of the previous meeting minutes and the agenda for August.

Item B: Update on Borough Building Roof – discussed earlier in the meeting.

Item C: Update on Trout Run Rehabilitation – There was no update.

Item D – Update on PennDot Project on SR 164 –The issue was discussed earlier in the meeting.

Item E – Update on Phase II for Main Street Multimodal Grant – discussed earlier in the meeting.

Item F – Update on Phase 3A for Main Street Improvements/Sidewalks Right Side Caldwell and Mountain – Discussed earlier in the meeting.

Item G – Update on Phase 3B for Main Street Improvements/Sidewalks for the left side of Caldwell and Mountain –There was no update.

Item H – Update on Sonman Avenue Bridge 12 Year Plan – There was no update.

Item I – Update on Small Community Grant Funding through DCNR for Park Improvements – Mr. Koban advised that the project is moving forward.

Item J – Update on Mainline Trail Feasibility Study Phase I- Mr. Wozniak suggested having Mr. Koban contact Mr. Stager for an update to Council.

Item K – Update on Norfolk Southern representative for emergency access- There was no update. Mr. Wozniak also suggested contacting Mr. James Laired to set up another meeting.

Item L – Update on ATV's utilizing borough streets and alleys-Mr. Cadwallader questioned the status of the ATV's. Mr. Koban advised that it is Council's decision to either keep it on the agenda or remove it. After a short discussion;

ON MOTION OF MR. LEARN SECONDED BY MR. KINLEY, COUNCIL APPROVED TO REMOVE THE ISSUE FROM THE AGENDA. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MR. KINLEY, MR. LEARN, AND MR. WOZNIAK. MOTION CARRIED 4-2 WITH MR. HAYES AND MR. KISSELL VOTING NEGATIVELY. 4-2.

Buildings:

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: Discussed earlier in the meeting.

Item D – Update on Roy and Patricia Plummer at 720 Orchard Street –discussed earlier in the meeting.

Item E – Update on Jason and Sarah Barclay at 406 Caldwell Ave-Judicial Sale 8/18/2020

Item F – Update on Drayton Lewis for 925 Main Street (penalty hearing 7/22/19) - no update.

Item G-I Mr. Wozniak questioned the status of the Gaunts, Seese, and Fox properties.

ON MOTION OF MR. KINLEY, SECONDED BY MR. CADWALLADER, COUNCIL UNANIMOUSLY APPROVED TO REMOVE THE ITEMS G-(GAUNTS), ITEM H-(SEESE), AND ITEM I-(FOX), FROM THE AGENDA. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MR. KINLEY, MR. LEARN, MR. HAYES, MR. KISSELL, AND MR. WOZNIAK. MOTION CARRIED 6-0.

Item J – Update on 828 North Railroad demolition-Mr. Koban advised that Ligonier Construction has almost completed with the demolition of the structure. The removal, backfill, and inspection remains. Mr. Koban suggested leaving the item on the agenda until it is 100% final.

NEW BUSINESS:

A. Approval of Ordinance 3-2020 concerning the Non-Uniform Pension Plan with P.M.R.S.

ON MOTION OF MR. KINLEY, SECONDED BY MR. LEARN, COUNCIL UNANIMOUSLY APPROVED ORDINANCE 3-2020 BY AMENDING THE PORTAGE BOROUGH NON-UNIFORM PENSION PLAN ADMINISTERED BY THE PA MUNICIPAL RETIREMENT SYSTEM. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MR. HAYES, MR. KINLEY, MR. LEARN, MR. KISSELL, AND MR. WOZNIAK. MOTION CARRIED 6-0.

B. Review and approval of the 2020 County Liquid Fuels Allocation.

ON MOTION OF MR. CADWALLADER, SECONDED BY MR. LEARN, COUNCIL UNANIMOUSLY APPROVED RESOLUTION 19-2020 BY MAKING AN APPLICATION FOR COUNTY LIQUID FUELS ALLOCATION FOR 2020 IN THE AMOUNT OF \$10,000.00. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MR. HAYES, MR. KINLEY, MR. LEARN, MR. KISSELL, AND MR. WOZNIAK. MOTION CARRIED 6-0.

C. Approval to advertise the 2020 Street Paving Program in the Dispatch.

ON MOTION OF MR. LEARN, SECONDED BY MR. CADWALLADER, COUNCIL UNANIMOUSLY APPROVED THE ADVERTISING OF THE 2020 STREET PAVING PROGRAM, IN THE DISPATCH, WITH BID OPENING ON AUGUST 17TH, 2020 AT 6:30 P.M. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MR. HAYES, MR. KINLEY, MR. LEARN, MR. KISSELL, AND MR. WOZNIAK. MOTION CARRIED 6-0.

D. Approval to issue a stipend check to previous council members for depositions.

ON MOTION OF MR. KISSELL, SECONDED BY MR. LEARN, COUNCIL UNANIMOUSLY APPROVED TO PROVIDE A STIPEND CHECK FOR MS. MCCARTHY, MR. MORGAN, AND MR. YETSKO FOR THEIR PARTICIPATION IN THE AMERICAN ROOFING DEPOSITIONS. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MR. HAYES, MR. KINLEY, MR. LEARN, MR. KISSELL, AND MR. WOZNIAK. MOTION CARRIED 6-0.

E. Request from Rotary of Portage to utilize borough streets for the 5K Rotary Race

ON MOTION OF MR. KISSELL, SECONDED BY MR. CADWALLADER, COUNCIL UNANIMOUSLY APPROVED THE REQUEST FROM THE ROTARY OF PORTAGE TO UTILIZE BOROUGH STREETS FOR THE ANNUAL 5K ROTARY RACE TO BE HELD ON AUGUST 8TH, 2020 AT 8:30 A.M. COUNCIL

MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MR. HAYES, MR. KINLEY, MR. LEARN, MR. KISSELL, AND MR. WOZNIAK. MOTION CARRIED 6-0.

F. Acceptance of Chief Miller Edward Miller's retirement announcement

ON MOTION OF MR. KISSELL, SECONDED BY MR. LEARN, COUNCIL UNANIMOUSLY ACCEPTED THE RETIREMENT NOTICE FROM CHIEF EDWARD MILLER, EFFECTIVE SEPTEMBER 4TH, 2020. CHIEF MILLER HAD BEEN EMPLOYED FOR TWELVE (12) YEARS AS POLICE CHIEF FOR PORTAGE BOROUGH. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MR. HAYES, MR. KINLEY, MR. LEARN, MR. KISSELL, AND MR. WOZNIAK. MOTION CARRIED 6-0.

G. Approval to advertise for a full time Police Chief

ON MOTION OF MR. LEARN, SECONDED BY MR. KINLEY, COUNCIL UNANIMOUSLY APPROVED TO ADVERTISE FOR A FULL TIME POLICE CHIEF. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MR. HAYES, MR. KINLEY, MR. LEARN, MR. KISSELL, AND MR. WOZNIAK. MOTION CARRIED 6-0.

H. Approval of bills to be paid on July 8th, 2020

For the minutes, Ms. Claar provided Council with a list of bills that needed to be paid at the beginning of July due to a late meeting date. The list of bills was submitted by e-mail for Council approval via e-mail and telephone.

ON MOTION OF MS. KISSELL, SECONDED BY MR. CADWALLADER, COUNCIL UNANIMOUSLY APPROVED TO PAY THE BILLS FOR JULY 8TH, 2020, IN THE AMOUNT OF \$22,811.70. (E-mails attached with vote on file). MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MS. KISSELL, MR. HAYES, AND MR. LEARN. MOTION CARRIED 4-3 WITH NO RESPONSES FROM MR. KINLEY, MR. KISSELL, AND MR. WOZNIAK.

Additional Agenda Item:

A. Approval to open an interest-bearing checking account with 1st Summit Bank

ON MOTION OF MR. KISSELL, SECONDED BY MR. LEARN, COUNCIL UNANIMOUSLY APPROVED TO OPEN AN INTEREST-BEARING CHECKING ACCOUNT FOR FUNDS FROM THE UNITES STATES DEPARTMENT OF JUSTICE ASSET FORFEITURE FUNDS PROGRAM. THE UNCOUNCIL 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

The former Star Lite Hotel has been demolished with neighbors expressing their gratitude.

Mr. Kissell questioned if there was any notice on the Cambria County Borough Association Dinner to be held in the Fall. Ms. Claar replied that she has not heard of any date or times.

Mr. Learn advised that he spoke with a borough resident requesting a streetlight and inquired on the process. Mr. Koban informed Mr. Learn to have the resident submit a letter of request with the location so a determination can be made and research with Penelec.

Mr. Kinley requested an Executive Session.

ON MOTION OF MR. KINLEY, SECONDED BY MR. CADWALLADER, COUNCIL UNANIMOUSLY APPROVED TO GO INTO EXECUTIVE SESSION FOR PERSONNEL REASONS. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MR. HAYES, MR. KINLEY, MR. LEARN, MR. KISSELL, AND MR. WOZNIAK. MOTION CARRIED 6-0.

ON MOTION OF MR. CADWALLADER, SECONDED BY MR. LEARN, COUNCIL UNANIMOUSLY APPROVED TO GO OUT OF EXECUTIVE SESSION FOR PERSONNEL REASONS. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MR. HAYES, MR. KINLEY, MR. LEARN, MR. KISSELL, AND MR. WOZNIAK. MOTION CARRIED 6-0.

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

There being no further business,

ON MOTION OF MR. HAYES, SECONDED BY MR. KISSELL, 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.

The meeting adjourned at 8:30 p.m.