

A meeting of Portage Borough Council was held teleconferencing on Monday, June 1st, 2020 at 6:30 p.m.

Those in attendance were:

George Wozniak	Todd Learn	James Kissell	
David Hayes	Ron Cadwallader	Bent Kinley	Bruna Kissell (Tele)

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.

Mr. Wozniak welcomed everyone to the second teleconferencing meeting, held by Borough Council due to the Covid-19 pandemic with social distancing.

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 participants in the teleconference: Ron Portash; Portage Dispatch, Randy Griffith; Tribune Democrat, and Jean Kinley.

ON MOTION OF MR. LEARN, SECONDED BY MR. KISSELL, COUNCIL UNANIMOUSLY APPROVED TO GO OUT OF ORDER ON THE AGENDA TO RECOGNIZE ANY PUBLIC INPUT. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MS. KISSELL, MR. HAYES, MR. KINLEY, MR. LEARN, MR. KISSELL, AND MR. WOZNIAK. MOTION CARRIED 7-0. THERE WERE NO ISSUES OR CONCERNS.

Mr. Wozniak called for the opening of bids for the 828 North Railroad Street property for demolition. Ms. Claar advised that three (3) bids were received. Mr. Koban opened and read the bids aloud as follows:

Ligonier Construction	\$33,000.00
G & R Excavating	\$60,200.00
Earth Movers	\$57,379.00

Mr. Wisor was in the process of verifying the bid documents for all the necessary performance and payment bonds. Mr. Cadwallader questioned the bid amount discrepancies. Mr. Wisor commented that the bid specs and documents were over 100 pages. Mr. Koban also commented that the project was also estimated over the bidding threshold and that required prevailing wage rates.

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.

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 1st round of depositions was held prior to the meeting in Council Chambers concerning the American Roofing litigation. Another round will be held next week.
- Mr. Emerick informed Council that the Plummer's received a demolition estimate to review. Ms. Claar informed Council that a demolition permit application was received prior to the meeting. The municipal authorization form was signed off and submitted back to Laurel Municipal Inspection Agency for processing.
- The Nicholson case for non-compliance vehicles was discussed. Chief Miller advised that some of the vehicles don't follow the criteria for the ordinance. Mr. Emerick suggested that if the non-compliant vehicles have been removed, then an accounting of costs should be submitted to the Court.
- Mr. Emerick informed Council that the Agreement of Sale and Transfer of property from PennDot for the right of way at Caldwell Avenue and Branch is being reviewed by PennDot Legal Department.
- Kowalczyk litigation-Mr. Emerick advised that there was no update.
- Mr. Emerick presented Council with a resolution regarding the real estate collection procedures and filing requirements to the Borough. Mr. Emerick also provided the DCED form that will now be required from the real estate tax collector. Mr. Kissell commented that residential receipts also need to be stated within the resolution. Mr. Emerick will amend the resolution to include the receipts being mailed back to the resident. Council requested Mr. Emerick to send a letter to the tax collector explaining the changes.
- Mr. Emerick advised that the Amended Contribution Agreement with PennDot regarding Phase 2 and Phase 3A was reviewed. Mr. Koban commented that there will be a final review before the project commences. After a short discussion;

ON MOTION OF MR. CADWALLADER, SECONDED BY MR. LEARN, COUNCIL UNANIMOUSLY APPROVED THE AMENDED CONTRIBUTION AGREEMENT WITH PENNDOT FOR THE MAIN STREET IMPROVEMENT PROJECT PHASE TWO AND PHASE 3A. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MS. KISSELL, MR. HAYES, MR. KINLEY, MR. LEARN, MR. KISSELL, AND MR. WOZNIAK. MOTION CARRIED 7-0.

C. Engineer's Report

Mr. Wisor noted that a copy of his report was provided to Council prior to the meeting. Mr. Wisor had nothing additional to add to his report. Mr. Wisor did however, review the demolition bids for 828 North Railroad Street and recommended Ligonier Construction. After a short discussion,

ON MOTION OF MR. KINLEY, SECONDED BY MR. HAYES, COUNCIL AWARDED LIGONIER CONSTRUCTION AS THE LOW BIDDER FOR THE DEMOLITION BID FOR 828 NORTH RAILROAD STREET, IN THE AMOUNT OF \$33,000.00. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MS. KISSELL, MR. HAYES, MR. KINLEY, MR. LEARN, AND MR. WOZNIAK. MOTION CARRIED 6-1 WITH MR. KISSELL VOTING NEGATIVELY.

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.

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

Cambria County Controller's Office submitted the 2019 Audit report for the 2019 Real Estate Tax Collector. There were no findings noted by the Controller.

CITIZEN'S INPUT ON AGENDA ITEMS

None

MINUTES OF PREVIOUS MEETINGS:

The minutes of the May 4th, 2020 (teleconferenced) regular meeting were distributed to Council prior to the meeting.

ON MOTION OF MR. KINLEY, SECONDED BY MR. CADWALLADER, COUNCIL UNANIMOUSLY APPROVED THE MINUTES FROM THE MAY 4TH, 2020 REGULAR MEETING. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MS. KISSELL, MR. HAYES, MR. KINLEY, MR. LEARN, MR. KISSELL, AND MR. WOZNIAK. MOTION CARRIED 7-0.

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 MS. 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 \$22,844.79. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MR. HAYES, MS. KISSELL, MR. KINLEY, MR. LEARN, MR. KISSELL, AND MR. WOZNIAK. MOTION CARRIED 7-0.

REPORTS RECEIVED

Mr. Wozniak noted that minutes of the Portage Water Authority and Portage Sewer Authority were received for March.

ON MOTION OF MR. KINLEY, SECONDED BY MR. CADWALLADER, COUNCIL UNANIMOUSLY ACCEPTED THE REPORTS RECEIVED FROM THE PORTAGE WATER AUTHORITY AND SEWER AUTHORITY FOR MARCH, 2020. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MR. HAYES, MR. KINLEY, MS. KISSELL, MR. LEARN, MR. KISSELL, AND MR. WOZNIAK. MOTION CARRIED 7-0.

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 the May meeting has been cancelled due to the Covid-19 pandemic. Future meetings will be scheduled once the restrictions are lifted.

- Item B: Update on Borough Building Roof – discussed earlier in the meeting.
 - Item C: Update on Trout Run Rehabilitation – There was no update. Mr. Kissell questioned the timeframe for the project.
 - 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 Council that he had a teleconference call with Mr. Wisor and DCNR representative; Cheri Matter.
 - Item J – Update on Mainline Trail Feasibility Study Phase I-No update.
 - Item K – Update on Norfolk Southern representative for emergency access- There was no update.
 - Item L – Update on ATV's utilizing borough streets and alleys-There was no update.
 - Item M – Update on parking request from Matt Decort for Main Street-There was no update.
 - Item N – Update on ROW/Deed for PennDot Phase II – discussed earlier in the meeting.
 - Item O – Update on specs for PennDot Phase 2 and 3A-Discussed earlier in the meeting.
 - Item P – Update on PMRS Non-Uniform Pension Plan-request for executive session

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 – The Cambria County Court Administrator scheduled a civil-penalties hearing for March 25th, 2020 at 9:00 a.m.

- Item E – Update on Jason and Sarah Barclay at 406 Caldwell Avenue (penalty hearing 7/22/19) – no update.
- Item F – Update on Drayton Lewis for 925 Main Street (penalty hearing 7/22/19) - no update.
- Item G – Update on Gaunt Property at 532 Dulancey Drive-No updates.
- Item H– Update on 1010 Jefferson Avenue (Seese) - There was no update.
- Item I – Update on 901 Main Street (Fox)- No update

NEW BUSINESS:

A. Approval of Ordinance 2-2020 concerning the Police Pension Plan.

ON MOTION OF MR. KINLEY, SECONDED BY MR. LEARN, COUNCIL UNANIMOUSLY APPROVED ORDINANCE 2-2020 BY AMENDING ORDINANCE 1-2012 RELATIVE TO THE ESTABLISHMENT AND MAINTENANCE OF THE PORTAGE BOROUGH POLICE PENSION PLAN. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MS. KISSELL, MR. HAYES, MR. KINLEY, MR. LEARN, MR. KISSELL, AND MR. WOZNIAK. MOTION CARRIED 7-0.

B. Review and approve the advertising of a proposed amendment to the non-uniform pension plan with P.M.R.S.

ON MOTION OF MR. CADWALLADER, SECONDED BY MR. KINLEY, COUNCIL UNANIMOUSLY APPROVED THE ADVERTISING OF AMENDING AN ORDINANCE RELATIVE TO THE ESTABLISHMENT AND MAINTENANCE OF THE PORTAGE BOROUGH NON-UNIFORM PENSION PLAN WITH THE PA MUNICIPAL RETIREMENT SYSTEM. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MS. KISSELL, MR. HAYES, MR. KINLEY, MR. LEARN, MR. KISSELL, AND MR. WOZNIAK. MOTION CARRIED 7-0.

C. Review and approve a resolution regarding the procedures and filing requirements by the Portage Borough Real Estate Tax Collector-discussed earlier in the meeting.

ON MOTION OF MR. KINLEY, SECONDED BY MR. LEARN, COUNCIL UNANIMOUSLY APPROVED RESOLUTION 15-2020 REGARDING THE COLLECTION AND PAYMENT OF TAXES FROM THE PORTGE BOROUGH TA COLLECTOR. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MS. KISSELL, MR. HAYES, MR. KINLEY, MR. LEARN, MR. KISSELL, AND MR. WOZNIAK. MOTION CARRIED 7-0.

D. Approval of a request from the Portage Municipal Water Authority for assistance.

Mr. Cadwallader presented Council with a request to consider for the Authority waterline project on Main Street. Mr. Cadwallader provided additional information on what the project entailed and after a discussion;

ON MOTION OF MR. KINLEY, SECONDED BY MR. KISSELL, COUNCIL UNANIMOUSLY APPROVED THE REQUEST TO HAVE THE PUBLIC WORKS DEPARTMENT ASSIST THE PORTAGE MUNICIPAL WATER AUTHORITY BY PROVIDING LABOR AND EQUIPMENT FOR THE MAIN STREET WATERLINE RELOCATION PROJECT. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MS. KISSELL, MR. HAYES, MR. KINLEY, MR. LEARN, MR. KISSELL, AND MR. WOZNIAK. MOTION CARRIED 7-0.

E. Discussion on a letter of intent to purchase the 1007 Conemaugh Avenue property. Mr. Koban advised Council that he received a letter of a resident regarding the purchasing of the 1007 Conemaugh Avenue property. Mr. Kissell questioned that there was a previous process the borough followed in the past. Mr. Koban commented that the property would need further discussion concerning, surveying, appraisal, any bidding requirements, etc. Mr. Koban suggested placing it on the committee of the whole agenda for further discussion.

GOOD OF THE BOROUGH

Mr. Learn requested Council approval to place some stone and shale in the back alley of his residence. Mr. Maul commented that the alley in question is on the borough right of way and is maintained by the Borough. The public works department will schedule the project within the near future.

Mr. Koban requested an Executive Session.

ON MOTION OF MR. LEARN, SECONDED BY MR. KISSELL, COUNCIL UNANIMOUSLY APPROVED TO GO INTO EXECUTIVE SESSION FOR PERSONNEL REASONS. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MR. HAYES, MS. KISSELL, MR. KINLEY, MR. LEARN, MR. KISSELL, AND MR. WOZNIAK. MOTION CARRIED 7-0.

ON MOTION OF MR. LEARN, SECONDED BY MR. CADWALLADER, COUNCIL UNANIMOUSLY APPROVED TO GO OUT OF EXECUTIVE SESSION FOR PERSONNEL REASONS. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MS. KISSELL, MR. HAYES, MR. KINLEY, MR. LEARN, MR. KISSELL, AND MR. WOZNIAK. MOTION CARRIED 7-0.

ON MOTION OF MR. LEARN, SECONDED BY MR. HAYES, COUNCIL UNANIMOUSLY APPROVED TO GO INTO THE REGULAR MEETING. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MS. KISSELL, MR. HAYES, MR. KINLEY, MR. LEARN, MR. KISSELL, AND MR. WOZNIAK. MOTION CARRIED 7-0.

There being no further business,

ON MOTION OF MR. KINLEY, SECONDED BY MR. CADWALLADER, COUNCIL UNANIMOUSLY ADJOURNED THE MEETING. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MS. KISSELL, MR. HAYES, MR. KINLEY, MR. LEARN, MR. KISSELL, AND MR. WOZNIAK. MOTION CARRIED 7-0.

Meeting adjourned at 8:01 P.M.

