

A meeting of Portage Borough Council was held on Monday, March 2<sup>nd</sup>, 2020 at 6:30 p.m., in Council Chambers.

Those in attendance were:

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

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. Absent was Bruna Kissell.

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

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

Mr. Wozniak advised the guests that Mr. Koban will be arriving a little late. Mr. Wozniak wanted to wait until he was here to address the guests. Mr. Wozniak commenced with the reports, starting with the Borough Solicitor.

### **RECOGNITION OF GUESTS**

Mr. Wozniak recognized the following guests: Ron Portash; Portage Dispatch, Mr. Matt Decort, Doug Wagner; Allegheny Ridge Riders ATV Club, Representative; Frank Burns and Maureen College, Jean Kinley,

### **REPORTS**

#### **A. Borough Manager's Report**

Mr. Koban provided a copy of his report to Council prior to the meeting. Mr. Koban arrived late so Mr. Wozniak began with the Solicitor's report.

#### **B. Solicitor's Report**

Attorney Emerick reported that he provided a copy of his report prior to the meeting.

Mr. Emerick provided Council with a few updates on agenda items:

- American Roofing-No update
- Plummer property at 720 Orchard Street-Mr. Emerick advised that that a civil penalties hearing will be held on Wednesday, March 25<sup>th</sup>, 2020 at 9:00 a.m. at the Ebensburg Courthouse. Any member of Council may attend the hearing.
- Kowalczyk litigation-Mr. Emerick advised that the Answers and New Matter was filed on behalf of the Borough. The discovery process now begins.

#### **C. Engineer's Report**

Mr. Wisor noted that a copy of his report was provided to Council prior to the meeting. Mr. Wisor informed Council that he will be meeting with Mr. Koban and PennDot concerning the luminaires, posts, and buffer strip for the Main Street Phase II project.

#### **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. Mr. Emerick questioned Chief Miller if he knew of the new date for the Nicholson hearing to which Chief Miller replied affirmatively.

**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 he met with representatives from New Stanton Borough, PA, to inspect the Christmas Decorations that was published in the Borough News. Mr. Maul advised that they will be discussing the issue with their Council to decide whether to place a bid or not for the Christmas Decorations.

**CORRESPONDENCE**

The Summerfest Committee sent a letter requesting financial support for the 30<sup>th</sup> annual Summerfest celebration. There were six (6) levels of donation denominations. Mr. Wozniak commented that the Borough budgets \$500.00 each year as an annual donation. Mr. Kinley suggested an extra donation since it is the 30<sup>th</sup> annual event and possibly the last year for Summerfest. Mr. Kinley also commented on the lack of volunteerism for the committee and urged area residents, students, and organizations to assist with the event.

**CITIZEN'S INPUT ON AGENDA ITEMS**

None

**MINUTES OF PREVIOUS MEETINGS:**

The minutes of February 3<sup>rd</sup> regular and February 18<sup>th</sup>, 2020 committee meeting were distributed to Council prior to the meeting.

ON MOTION OF MR. KINLEY, SECONDED BY MR. LEARN, COUNCIL UNANIMOUSLY APPROVED THE MINUTES FROM THE FEBRUARY 3<sup>RD</sup> REGULAR AND FEBRUARY 18<sup>TH</sup> COMMITTEE 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. CADWALLADER, SECONDED BY MR. HAYES, 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 \$26,771.93. 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 Portage Water Authority and Portage Sewer Authority were received for December, Portage Area Planning Commission for January, 2020 and LMIA for January, 2020.

ON MOTION OF MR. KISSELL, SECONDED BY MR. LEARN, COUNCIL UNANIMOUSLY ACCEPTED THE REPORTS RECEIVED FROM THE PORTAGE WATER AUTHORITY AND SEWER AUTHORITY FOR DECEMBER AND LMIA AND PORTAGE AREA PLANNING COMMISSION FOR JANUARY, 2020. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MR. HAYES, MR. KINLEY, MR. LEARN, MR. KISSELL, AND MR. WOZNIAK. MOTION CARRIED 6-0.

Mr. Koban arrived at 6:50 p.m. and Mr. Wozniak suggested recognition of the guests.

Mr. Matt Decort informed Council that he is inquiring on a parking place for his tenant that lives on Main Street. This apartment can only be accessed from Main Street and there is no back access to Main Street unless going around the block. Mr. Decort is requesting Council to consider a parking permit possibly between Dollar General and Rite Aid. Mr. Koban elaborated on similar circumstances from past history regarding parking meters and parking spots in the back alley of Central and Branch. A short discussion took place on parking meters being replaced on Main Street, a parking pass/permit, researching with other communities, and back alley parking spots to determine if there could be a resolution. Mr. Koban commented that the issue can be further discussed after researching other ideas and present them at the March Committee meeting.

Representative Frank Burns and his associate; Maureen College, were in attendance to provide a check presentation for the PA DCNR Grant for the Trout Run Rehabilitation Project and the PA DCNR Peer Program. The Trout Run Project was awarded in the amount of \$499,800.00 and the Peer Program was for \$10,000.00. Mr. Burns highly commended the borough for being aggressive on the grant programs that are available that can come back into the community. Mr. Burns also provided additional information on upcoming grants that could benefit the borough. Mr. Koban commended Mr. Burns and his staff for all their efforts, assistance, and dedication on the grants we have worked on together. Mr. Burns advised that Brittany Blackham was the previous grant writer but another one was hired. A short discussion took place on the needed improvements at Crichton McCormick Park and also discussed the 30<sup>th</sup> anniversary of Summerfest. Mr. Burns commented that improvement projects are encouraged by DCNR and State funding but not specific donations. Mr. Burns also commented that there is great pride in the Portage Community and the Park is a huge asset. Council thanked Mr. Burns and Ms. College for attending and welcomed them back at any time.

Mr. Doug Wagner was representing the Allegheny Ridge Riders ATV Club and had submitted a draft of an ATV/Snowmobile Ordinance for Council to review. Mr. Kissell commented that it is at least a good starting point for discussion and plans. In recap of several discussions that took place, these included:

- Additional police services and time constrains for other crime related issues
- Police dissatisfaction for opening streets/alleys
- Safety and welfare of residents
- Liability/insurance/permits/designated streets/ hours/ fines and penalties/noise
- Public hearing for borough residents only-when and where
- Joint consideration between the Borough, Township, School District, Property owners
- Opening of streets for borough residents only for travel from Point A to Point B
- Determine outcome of Portage Township meeting on Wednesday-waiting on others
- The process and length of time to pass an ordinance
- Benefits to borough residents that utilize ATV's/increase revenue for businesses
- A growing recreational sport and recognized trails by DCNR

Mr. Wozniak commented that with the draft of an ordinance, Council can review options and ideas for the March Committee meeting.

### **Borough Manager**

Mr. Koban apologized for being late and commenced with his report. Mr. Koban requested an executive session at the end of meeting for personnel reasons. Mr. Koban informed Council that the police department computer is outdated and needs upgraded to Windows 10 from Windows 7. The police department received donations that will offset the purchase of a new computer and monitor. Mr. Koban confirmed the Nicholson and Plummer hearing dates. Mr. Koban informed

Mr. Kinley that he will provide the information on the Culture and Recreation figures that were in the 2019 audit for the March committee meeting.

### **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 informed Council that the peer committee met on Thursday, February 27<sup>th</sup>, 2020. Mr. Wozniak and Mr. Koban commented that the committee will be a great group to work with, along with the peer consultant and her assistant. Mr. Koban provided an overview of the meeting to Council. A short discussion took place on park improvements. Mr. Kinley advised the board that Lowe's donated materials to repair the dugouts this year at the Park. Mr. Koban explained the role that a recreation manager would entail. The manager would not be taking away anyone's position or organizations duties; instead, it is here to assist with whatever issues may arise.
  - Item B: Update on Borough Building Roof – Plaintiff to schedule depositions
  - Item C: Update on Trout Run Rehabilitation – There was no update.
  - Item D – Update on PennDot Project on SR 164 – Mr. Koban advised that that he will be setting up another meeting with Mr. Wisor and PennDot for the lighting and buffer options.
  - Item E – Update on Phase II for Main Street Multimodal Grant – there was no update.
  - Item F – Update on Phase 3A for Main Street Improvements/Sidewalks Right Side Caldwell and Mountain – There was no update.
  - Item G – Update on Phase 3B for Main Street Improvements/Sidewalks for 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 Mainline Trail Feasibility Study Phase I – There was no update.
  - Item J – Update on Norfolk Southern representative for emergency access- There was no update.
  - Item K – Update on Small Community Grant Funding through DCNR for Park Improvements – There was no update.
  - Item L – Update on DCNR additional grant for Park Improvements-There was no update.
  - Item M – Update on ATV's utilizing borough streets and alleys. Discussed earlier in the meeting.

#### B. 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: The Nicholson property hearing was rescheduled for Friday, April 17<sup>th</sup>, 2020 at 1:00 p.m. at the Court of Common Pleas in Ebensburg.
- Item D – Update on 828 North Railroad-The Borough has the deed to the property. Mr. Koban suggested initiating demolition bids for the structure.

ON MOTION OF MR. CADWALLADER, SECONDED BY MR. KINLEY, COUNCIL UNANIMOUSLY APPROVED TO ADVERTISE FOR DEMOLITION BIDS AT 828 NORTH RAILROAD STREET. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MR. HAYES, MR. KINLEY, MR. LEARN, MR. KISSELL, AND MR. WOZNIAK. MOTION CARRIED 6-0.

- Item E – Update on Roy and Patricia Plummer at 720 Orchard Street – The Cambria County Court Administrator scheduled a civil-penalties hearing for March 25<sup>th</sup>, 2020 at 9:00 a.m.
- Item F – Update on Jason and Sarah Barclay at 406 Caldwell Avenue (penalty hearing 7/22/19) – no update.
- Item G – Update on Drayton Lewis for 925 Main Street (penalty hearing 7/22/19) - no update.
- Item H – Update on 1007 Conemaugh Avenue – Mr. Koban commented that the item can be removed from the agenda. Mr. Cadwallader commented that he is aware of an individual that is interested in purchasing property. Mr. Koban provided past incidents when the properties that were purchased were not being put back into taxation and the sites were not kept in good condition. Mr. Cadwallader also informed Council that Cambria Residential is constructing new homes within the area.
- Item I – Update on 1010 Jefferson Avenue (Seese)  
There was no update.
- Item J – Update on 901 Main Street (Fox)-Mr. Koban informed Council that Mr. Fox has a contract with Helsel's Excavating for filling in the foundation. Mr. Wozniak questioned the time frame to which Mr. Koban replied, when the weather breaks.

### **NEW BUSINESS:**

A. Approval of a resolution to amend the grant signature page for the PA DCNR Grant

ON MOTION OF MR. KINLEY, SECONDED BY MR. LEARN, COUNCIL UNANIMOUSLY APPROVED RESOLUTION 10-2020 BY AUTHORIZING ROBERT KOBAN, BOROUGH MANAGER, AS THE OFFICIAL TO SIGN THE SIGNATURE PAGE OF THE PADCNR GRANT AGREEMENT FOR THE CRICHTON McCORMICK PARK DEVELOPMENT PROJECT. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MR. HAYES, MR. KINLEY, MR. LEARN, MR. KISSELL, AND MR. WOZNIAK. MOTION CARRIED 6-0.

B. Approval to advertise a proposed ordinance for the financing a loan obligation with 1<sup>st</sup> Summit Bank.

ON MOTION OF MR. LEARN, SECONDED BY MR. CADWALLADER, COUNCIL UNANIMOUSLY APPROVED THE ADVERTISING OF A PROPOSED ORDINANCE FOR A SMALL BORROWING LOAN OBLIGATION WITH 1<sup>ST</sup> SUMMIT BANK FOR THE PURCHASE OF A 2020 CASE 580 SN BACKHOE, IN THE AMOUNT OF \$49,300.00. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MR. HAYES, MR. KINLEY, MR. LEARN, MR. KISSELL, AND MR. WOZNIAK. MOTION CARRIED 6-0.

C. Approval of the Portage Fire Company activities list for 2020

ON MOTION OF MR. KISSELL, SECONDED BY MR. CADWALLADER, COUNCIL UNANIMOUSLY APPROVED THE PORTAGE FIRE COMPANY LIST OF ACTIVITIES FOR 2020 TO BE COVERED BY THE BOROUGH'S WORKERS COMPENSATION INSURANCE. 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 advertise the 2019 borough financial audit

ON MOTION OF MR. KISSELL, SECONDED BY MR. LEARN, COUNCIL UNANIMOUSLY APPROVED THE ADVERTISING OF THE FINANCIAL AUDIT OF PORTAGE BOROUGH FOR THE YEAR ENDING DECEMBER 31<sup>ST</sup>, 2019, AS PREPARED BY KOTZAN CPA & ASSOCIATES. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MR. HAYES, MR. KINLEY, MR. LEARN, MR. KISSELL, AND MR. WOZNIAK. MOTION CARRIED 6-0.

Mr. Kinley questioned the Culture and Recreation figures on the report. Mr. Koban informed Mr. Kinley that we just received the report and did not have an opportunity to review the figures. Mr. Koban suggested having Mr. Kinley compile any other questions relating to the audit and will have the information for him at the March committee meeting or can come in to the office.

E. Approval to advertise for demolition contractors for the property located at 828 North Railroad Street.

ON MOTION OF MR. CADWALLADER, SECONDED BY MR. KINLEY, COUNCIL UNANIMOUSLY APPROVED TO ADVERTISE FOR DEMOLITION BIDS, AT THE PROPERTY LOCATED AT 828 NORTH RAILROAD STREET. 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**

Cambria County Borough Association Dinner rsvp's due March 31<sup>st</sup>, 2020.

ON MOTION OF MR. KISSELL, SECONDED BY MR. LEARN, 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. LEARN, SECONDED BY MR. KISSELL, 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. KISSELL, SECONDED BY MR. LEARN, 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. KISSELL, SECONDED BY MR. LEARN, 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 8:45 p.m.