

A meeting of Portage Borough Council was held on Monday, November 2nd, 2020 at 6:30 p.m.

Those in attendance were:

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

Also present were: Robert Koban, Borough Manager; Michael Emerick, Solicitor; Gary Wisor and Brian Shura with Stiffler-McGraw; Scott Maul, Public Works; Officer Wallace Litzinger; and Michelle Claar, Borough Secretary.

REFLECTION/PLEDGE OF ALLEGIANCE

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

RECOGNITION OF GUESTS

Mr. Wozniak recognized the guests which included: Jean Kinley, Ron Portash; Portage Dispatch,

ON MOTION OF MR. LEARN, SECONDED BY MR. KINLEY, 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, MS. KISSELL, MR. KISSELL, AND MR. WOZNIAK. MOTION CARRIED 7-0.

Ms. Kinley commented on the increase of covid cases in the area and suggested that Council members and the public wear their masks and social distance during the meetings.

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 also commented that he will be requesting an executive session for litigation and personnel purposes.

Mr. Koban informed Council that he received maps from Mr. Stager for the Mainline Trail. The maps were taped together and placed on the map in Council Chambers if any member of Council wishes to review.

Mr. Wozniak questioned the status of the Altoona-Johnstown Diocese regarding the 1st half property taxes not being received from the tax collector. Mr. Koban had contacted Mr. Layo but he has not responded back.

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:

- American Roofing-Deposition hearing will be held on November 13th with Mr. Macharola and Mr. Wisor from Stiffler-McGraw.
- Mr. Emerick informed Council that he had contacted DCNR rep; Dan Pierce regarding the required language to be inserted for the Crichton-McCormick Park deeds. Mr. Emerick advised that not all the deeds need to be combined into one deed. Mr. Emerick explained

that if any future projects or improvements that are DCNR funded, permission would have to sought from DCNR. Mr. Emerick provided examples that Council heavily debated. Several members of Council commented on the lack of control the Borough would have affecting anything at the Park. A lengthy discussion took place on the grant funding that has already taken place and some of the funds that were received. Mr. Koban advised that the swimming pool project in 1992 was funded with DCNR funds and the deeds should have been addressed prior to this time. Mr. Koban also cautioned Council that if the Borough seeks to have any future projects in the park, DCNR would probably not be in favor of grant funds. Council suggested that Mr. Emerick obtain the required language from Mr. Pierce at DCNR and report back at the November Committee Meeting.

- Mr. Emerick commented on the Plummer property located at 720 Orchard Street. Mr. Emerick advised that pursuant to the Court Order, they are requesting that a payment plan be worked out with the Plummer's before submitting the costs to the Courts. Council agreed to have Mr. Emerick send a letter to the Plummer's to work out a payment plan.
- Mr. Emerick informed Council that if the Borough is seeking payment of costs incurred for the 828 North Railroad Street property, the Borough will have to move forward to Petition the Courts for those costs. After a discussion;

ON MOTION OF MR. LEARN, SECONDED BY MR. KINLEY, COUNCIL UNANIMOUSLY APPROVED TO HAVE MR. EMERICK MOVE FORWARD WITH PETITION THE COURTS FOR THE COSTS INCURRED ON THE 828 NORTH RAILROAD ST PROPERTY. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MR. HAYES, MR. KINLEY, MR. LEARN, MS. KISSELL, MR. KISSELL, AND MR. WOZNIAK. MOTION CARRIED 7-0.

- As it relates to the 922 Sonman Avenue Property, the property has been properly posted with the notice to vacation on Friday, October 16th, 2020 by borough police. Mr. Emerick will be working on the Writ of Execution for a Sheriff's sale. Council was informed that the property owner has moved back into the property with no water or sewer services. Mr. Koban informed council that he spoke with Mr. Frank Lombardo concerning the property owner and is seeking a resolution on his behalf. After a short discussion, Council agreed to discuss the issue further at the November Committee meeting.
- Kowalczyk litigation-Mr. Emerick advised that a Summary Judgement was filed and a response will be filed for the borough. The Courts will be rendering a decision within the near future.
- Mr. Emerick commented that he researched the procedures for disqualifying a buyer from purchasing a property. The buyer had signed a certification that ALL taxes were paid on each property within Cambria County. A copy of the certification was received from the County. Council agreed to have Mr. Emerick Petition the Courts to disqualify the buyer from purchasing the property at the tax sale. The deadline to Petition the Courts is November 20th, 2020.

C. Engineer's Report

Mr. Wisor provided a report prior to the meeting and elaborated on the following:

- Mr. Wisor advised that PennDot had opened bids on Route 164 project. Gulisek Construction was low bidder at \$2,899,299.92. PennDot and Mr. Wisor also submitted plans for the lighting and the brick pavers for the Phase 3A portion of the project. A discussion took place on the amount of sidewalk that could be completed with the

elimination of the brick pavers. Several options were discussed. Council agreed to move forward with all concrete to lengthen the amount of sidewalk for the money.

- Main Street Phase 3B grant funding through PennDot MTF was not awarded to the Borough for 2020. Mr. Wisor advised that they are preparing another grant submission for the PennDot MTF for the 2021 round that is due by November 6th, 2020.

D. Police Chief's Report

Officer Litzinger was in attendance and provided a copy of the police report prior to the meeting. Mr. Koban is in the process of interviewing candidates and requested an executive session for personnel reasons. Officer Litzinger had nothing to add.

E. Director of Public Works Report

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

CORRESPONDENCE

Ms. Claar advised that Servpro has completed the Emergency Resource List if anyone from Council is interested in reviewing.

CITIZEN'S INPUT ON AGENDA ITEMS

None

MINUTES OF PREVIOUS MEETINGS:

The minutes of the October 5th regular and October 19th committee meetings were distributed to Council prior to the meeting.

ON MOTION OF MR. CADWALLADER, SECONDED BY MS. KISSELL, COUNCIL UNANIMOUSLY APPROVED THE MINUTES FROM THE OCTOBER 5TH REGULAR AND OCTOBER 19TH, 2020 COMMITTEE MEETINGS. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MR. HAYES, MR. KINLEY, MR. LEARN, MS. KISSELL, MR. KISSELL, AND MR. WOZNIAK. MOTION CARRIED 7-0.

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. CADWALLADER, SECONDED BY MR. KINLEY, COUNCIL UNANIMOUSLY APPROVED THE TREASURER'S REPORT IN THE AMOUNT OF \$53,868.64. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MR. HAYES, MR. KINLEY, MR. LEARN, MS. KISSELL, MR. KISSELL, AND MR. WOZNIAK. MOTION CARRIED 7-0.

REPORTS RECEIVED

Mr. Wozniak noted minutes from the Portage Water and Sewer Authority and the Portage Area Joint Recreation Commission.

ON MOTION OF MR. CADWALLADER, SECONDED BY MR. KINLEY, COUNCIL UNANIMOUSLY ACCEPTED THE REPORTS RECEIVED FROM THE PORTAGE WATER AUTHORITY FOR AUG-SEPT; PORTAGE SEWER AUTHORITY FOR SEPT; THE PAJRC FOR AUG-SEPT AND THE 2021 PROPOED BUDGET. COUNCIL MEMBERS VOTING AFFIRMATIVELY

INCLUDED MR. CADWALLADER, MR. HAYES, MR. KINLEY, MR. LEARN, MS. KISSELL, MR. KISSELL, AND MR. WOZNIAK. MOTION CARRIED 7-0.

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. KISSELL, COUNCIL UNANIMOUSLY APPROVED THE BILLS AND ADDITIONAL BILLS TO BE PAID, AS PRESENTED IN WRITTEN FORM, IN THE AMOUNT OF \$24,152.73. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MR. HAYES, MR. KINLEY, MR. LEARN, MS. KISSELL, MR. KISSELL, AND MR. WOZNIAK. MOTION CARRIED 7-0.

UNFINISHED BUSINESS

Mr. Wozniak questioned Mr. Koban if he had any updates on the agenda items.

Item A: Update on Recreational Peer Group Committee-Mr. Koban advised that a peer study meeting will be held on November 30th, 2020 at 6:00 p.m.

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 – Discussed earlier in the meeting

Item E – Update on Phase II for Main Street Multimodal Grant – Under Engineer’s Report

Item F – Update on Phase 3A for Main Street Improvements/Sidewalks Right Side Caldwell and Mountain – Under Engineer’s report

Item G – Update on Phase 3B for Main Street Improvements/Sidewalks for the left side of Caldwell and Mountain –Under Engineer’s Report

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. Discussed earlier under Manager’s and Solicitor’s Report

Item J – Update on Mainline Trail Feasibility Study Phase I- Discussed earlier in the meeting.

Item K – Update on Norfolk Southern representative for emergency access- There was no update.

Item L – Update on Petitioning the Courts to disqualify a buyer from purchasing property- Discussed earlier in the meeting.

Item M – Update on streetlight request for Shady Lane Mobile Home Park- A letter was received from the Shady Lane Mobile Home withdrawing the request for a streetlight. The issue can be removed from the agenda.

3. Buildings:

Mr. Wozniak questioned if there were any updates on the buildings:

Item A – Mark Greenwalt/Rebecca Windsor, 922 Sonman Avenue (penalty dated 4/8/19): Discussed earlier in the meeting.

Item B – update on 616 Dulancey Drive property (Clair Adams): Mr. Koban informed Council that Ms. Claar had contacted the Cambria County Tax Claim Office and the property will be included on the list for the 2021 Judicial Sale.

Item C – Update on junk vehicles-Nicholson-Discussed under the Solicitor's report

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-There was no update.

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

Item G – Update on 828 North Railroad Demolition-discussed earlier in the meeting.

NEW BUSINESS:

A. Review and discuss the Cambria County SHARP Agreement submitted by the Cambria County Commissioners-to be placed on the agenda for the committee meeting. Council just received the agreement prior to the meeting.

B. Update on the Solid Waste Collection bids- The bids were advertised for bid opening at the November 16th, 2020 committee meeting at 6:30 p.m.

C. Request to postpone the December 7th, meeting and reschedule for December 14th, 2020. Mr. Koban informed Council that due to a scheduling conflict, he will not be able to attend the December 7th, 2020 regular meeting. Mr. Koban requested to postpone the meeting until December 14th, 2020.

ON MOTION OF MR. KISSELL, SECONDED BY MR. LEARN, COUNCIL UNANIMOUSLY APPROVED TO ADVERTISE AND POSTPONE THE DEEMBER 7TH, 2020 REGULAR MEETING UNTIL MONDAY, DECEMBER 14TH, 2020 AT 6:30 P.M. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MR. HAYES, MR. KINLEY, MR. LEARN, MS. KISSELL, MR. KISSELL, AND MR. WOZNIAK. MOTION CARRIED 7-0.

GOOD OF THE BOROUGH

The Portage Winterfest Committee sent notice of scheduling the 2020 Event for December 11th through December 13th, 2020.

Portage Rotary sent notice they will be cancelling the 2020 Winterfest Parade.

There being no further business,

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

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

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