

A meeting of Portage Borough Council was held on Monday, October 5th, 2020 at 6:30 p.m.

Those in attendance were:

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

Also present were: Robert Koban, Borough Manager; Michael Emerick, Solicitor; Scott Maul, Public Works; Office John Branick; and Michelle Claar, Borough Secretary. Mayor Kissell was absent.

REFLECTION/PLEDGE OF ALLEGIANCE

Mr. Wozniak 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. CADWALLADER, 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, AND MR. WOZNIAK. MOTION CARRIED 6-0.

There was no public comment.

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 purposes.

Mr. Koban informed Council that he received an e-mail from PennDot Rep; Bruce Schweitzer. Mr. Schweitzer advised that the Main Street Phase II project was bid and awarded to Gulisek Construction. Mr. Schweitzer will provide updates as they become available.

Mr. Koban elaborated on an e-mail from DCNR Rep; Cheri Matter, regarding the Crichton McCormick Park project concerning the deeds for the property. The DCNR is requiring that wording be added to the deeds that the property can only be used for recreational purposes and the areas that have had DCNR/LWCF funding for projects. Most of the deeds were already restricted years ago when the property was donated by the Crichton McCormick families. Mr. Emerick commented that there are several issues of concern:

- The land acquisition wording requested by DCNR would be incorrect since the property was not purchased with federal or state funds.
- DCNR requiring demands that there be no changes within the use of the property without the DCNR consent.
- DCNR requesting that the Borough combine the deeds into one. Seven of the nine deeds are already used for recreational with park restrictions.
- The cost of transferring all the deeds into one would be time consuming and costly in legal and engineering surveys.
- Councils concern of what is the definition of a change relating the various areas within the Park.

After a lengthy discussion; Council agreed to have Mr. Emerick consult with the DCNR legal department for answers and clarification to the above questions and report back at the next meeting.

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-There was no update.
- Mr. Emerick commented on the Plummer property located at 720 Orchard Street. The fees are to be reviewed for possible submission to the court.
- Regarding the Nicholson issue-there is one vehicle remaining and a title is required before they can remove it.
- Kowalczyk litigation-Mr. Emerick advised that a Summary Judgement was filed and a response will be filed for the borough.
- Mr. Emerick advised that the Kowalczyk Right to Know Appeal was denied and dismissed by the Cambria County District Attorney.

C. Engineer's Report

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

- ✓ Main Street Phase 2 bids and awarding of the contract to Gulisek Construction
- ✓ Main Street Phase 3B 2020 PennDot MTF grant was not successful and will be re-submitted for 2021. The Phase 3B CFA funding sources will also be resubmitted for 2021 grant round.
- ✓ Stiffler, McGraw approved the retainer for Ligonier Construction, closing out the 828 North Railroad Street demolition project.

D. Police Chief's Report

Officer John Branick was in attendance and provided a copy of the police report prior to the meeting. Mr. Koban is in the process of interviewing candidates. Officer Branick 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. Mr. Kinley questioned Mr. Maul regarding the recent paving project. Mr. Kinley commented that the manholes were lower than the actual pavement that was placed down. Mr. Maul commented that with the manholes being lower, it would benefit during the winter months with snowplowing.

CORRESPONDENCE

There was no correspondence.

CITIZEN'S INPUT ON AGENDA ITEMS

None

MINUTES OF PREVIOUS MEETINGS:

The minutes of the September 21st committee were distributed to Council prior to the meeting.

ON MOTION OF MR. CADWALLADER, SECONDED BY MR. KINLEY, COUNCIL UNANIMOUSLY APPROVED THE MINUTES FROM THE SEPTEMBER 21ST, 2020 COMMITTEE MEETING. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MR. HAYES, MR. KINLEY, MR. LEARN, MS. 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. CADWALLADER, SECONDED BY MS. KISSELL, COUNCIL UNANIMOUSLY APPROVED THE TREASURER'S REPORT IN THE AMOUNT OF \$63,686.08. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MR. HAYES, MR. KINLEY, MR. LEARN, MS. KISSELL, AND MR. WOZNIAK. MOTION CARRIED 6-0.

REPORTS RECEIVED

Mr. Wozniak noted minutes from the Portage Sewer Authority for August, 2020. The minutes were reflecting on the agenda for the Water Authority but not included. Mr. Cadwallader advised that the minutes will be forthcoming.

ON MOTION OF MS. KISSELL, SECONDED BY MR. LEARN, COUNCIL UNANIMOUSLY ACCEPTED THE REPORTS RECEIVED FROM THE PORTAGE SEWER AUTHORITY FOR AUGUST, 2020. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MR. HAYES, MR. KINLEY, MR. LEARN, MS. 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. KINLEY, COUNCIL UNANIMOUSLY APPROVED THE BILLS AND ADDITIONAL BILLS TO BE PAID, AS PRESENTED IN WRITTEN FORM, IN THE AMOUNT OF \$57,644.37. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MR. HAYES, MR. KINLEY, MR. LEARN, MS. KISSELL, AND MR. WOZNIAK. MOTION CARRIED 6-0.

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 October 26th, 2020 at 6:00 p.m.

Item B: Update on Borough Building Roof – There was no update.

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

Item D – Update on PennDot Project on SR 164 – There was no update.

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 Report

Item J – Update on Mainline Trail Feasibility Study Phase I- There was no update.

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

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): A short discussion took place on the property not having any water, sewer, electric, etc. Mr. Greenwalt got released and is now living in the residence. Mr. Learn commented that the structure is uninhabitable and questioned the agenda item that is reflecting a penalty hearing that was dated 4/8/19. Mr. Emerick advised that a civil suit was filed with the County Cambria County Courts and that penalties can be calculated from that time. Since Mr. Greenwalt was incarcerated, he didn’t have an opportunity to make any repairs/demolish the structure. A discussion took place on the process since Mr. Greenwalt has been released and is now back living in the residence.

ON MOTION OF MR. LEARN, SECONDED BY MR. KINLEY, COUNCIL UNANIMOUSLY APPROVED TO HAVE MR. EMERICK PROCEED WITH THE NEXT STEP IN THE LEGAL PROCESS AND TO POST THE PROPERTY SINCE IT IS ALREADY DEEMED A DANGEROUS STRUCTURE. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MR. HAYES, MR. KINLEY, MR. LEARN, MS. KISSELL, AND MR. WOZNIAK. MOTION CARRIED 6-0.

Item B – update on 616 Dulancey Drive property (Clair Adams): Mr. Koban informed Council that Ms. Claar contacted the Cambria County Tax Claim Office to place the property on the 2021 Judicial Sale. The \$200.00 deposit was included in the bills to be paid.

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-costs were calculated and provided to Mr. Koban and the retainer has been paid to Ligonier Construction. Council agreed to remove the item from the agenda.

Mr. Learn commented on the structure located at 907 Jefferson Avenue. The issue will be addressed at the October committee meeting,

NEW BUSINESS:

A. Authorization to apply the 2020 State Aid into the non-uniform pension plan with PMRS. Ms. Claar advised that the State Aid was received and presented the breakdown for Council.

ON MOTION OF MR. CADWALLADER, SECONDED BY MR. KINLEY, COUNCIL UNANIMOUSLY APPROVED TO DEPOSIT TO 2020 STATE AID INTO THE NON-UNIFORM PENSION PLAN WITH PMRS IN THE AMOUNT OF \$18,060.37 AND THE \$5,216.63 FROM THE GENERAL FUND TO THE ACTUAL TOTAL OF 2020 MMO AT 23,277.00. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MR. HAYES, MR. KINLEY, MR. LEARN, MS. KISSELL, AND MR. WOZNIAK. MOTION CARRIED 6-0.

GOOD OF THE BOROUGH

Trick or Treat scheduled for Sunday, October 25th, 2020 from 4:00 – 6:00 p.m.

Cambria County Borough Association sent notice the Fall meeting was cancelled due to the Coronavirus Pandemic.

There being no further business,

ON MOTION OF MS. KISSELL, SECONDED BY MR. LEARN, COUNCIL UNANIMOUSLY WENT INTO EXECUTIVE SESSION FOR LITIGATION. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MR. HAYES, MR. KINLEY, MR. LEARN, MS. KISSELL, AND MR. WOZNIAK. MOTION CARRIED 6-0.

ON MOTION OF MR. KINLEY, SECONDED BY MR. CADWALLADER, 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, AND MR. WOZNIAK. MOTION CARRIED 6-0.

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

The meeting adjourned at 7:56 p.m.