

A meeting of Portage Borough Council was held on Monday, April 5th, 2021 at 6:30 p.m. by teleconference.

Those in attendance were:

Todd Learn

David Hayes

Kami Rocker-Lidwell

Bruna Kissell

Ron Cadwallader

Brent Kinley

George Wozniak

Also present were: Robert Koban, Borough Manager; Brian Shura with Stiffler-McGraw; Chief Shaun Gregory; Michael Emerick, Solicitor, Scott Maul; Public Works Director, and Michelle Claar; Borough Secretary.

REFLECTION/PLEDGE OF ALLEGIANCE

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

RECOGNITION OF GUESTS

Mr. Wozniak recognized the guests that were in attendance; Ron Portash; Portage Dispatch, Ms. Jean Kinley, Randy Griffith-Tribune, bidders; Denise Lysinger; Raymond Kowalczyk.

Ms. Lysinger informed Council of a traffic and road conditions due to a new storm sewer being installed at the Stager Mobile home park at Skyline Drive and Green Avenue. She advised that with the construction, the dirt and traffic to get through the development and some services were not available due to the road condition. She had contacted the owner several times to remedy the situation but there has been no resolution. A discussion took place and Mr. Maul commented that the development is private and not related to any borough maintenance or jurisdiction. Mr. Koban commented that he would investigate the area in question and report back at the April Committee meeting.

Mr. Ray Kowalczyk was in attendance to address a fence issue he has with it being on the center of an unopened alley. Mr. Kowalczyk commented that this was in retaliation between the Borough and his family from the November 2020 appeals court ruling on unopened alleys. Mr. Kowalczyk was ordered to remove a fence he had erected on the alley. Mr. Kowalczyk also commented that the borough is in violation of the State Law and the borough code. Mr. Kowalczyk advised that the Borough Code/State Law suggests that if an unopened alley (paper alley) has been laid out but not opened to the public for 10 years, then half of the ownership on the roadway may be petitioned for borough possession. In another section of the code, the borough would need the consent of property owners to open the roadway after 21 years. Mr. Hayes disputed Mr. Koban on the process and the appeals that it is wasting taxpayer money for legal fees dealing with unopened alleys. Mr. Emerick commented that the issue at hand is still pending in litigation and should be discussed in an executive session. The discussion ended at that time.

REPORTS

A. Borough Manager's Report

Mr. Koban provided a copy of his report to Council prior to the meeting. Most of the items are on the agenda for discussion.

- Mr. Koban did provide an update to Council concerning the DCNR Park Improvement Project. Mr. Koban attended the Portage Township meeting to discuss the additional costs for the project at would be approximately \$10,000.00 for the township and the borough. The project included Portage Township to match the Borough funds. The Supervisors will be reviewing their 2021 budget to determine if the ample funds can be matched for the \$10,000.00.

- Mr. Koban informed Council that he hired Jared Arcuri as an additional part time patrol officer. Chief Gregory advised that he is working out well for the department.
- Mr. Koban informed Council that he spoke with Mr. Steve Panick regarding the tax sale purchase of the Drayton Lewis structure at 925 Main Street. Mr. Panick had provided Mr. Koban with the liens and mortgages that were associated with property and wanted to come to a resolution for the borough's civil suit within the Cambria Courts. Mr. Koban informed Council that the legal and engineering fees to date totaled approximately \$2,628.00. Mr. Panick would like to work with the Borough on the civil suit to reduce some of his costs since he has to have the structure demolished. After a lengthy discussion on the fees and associated costs, Council advised Mr. Koban to have Mr. Panick first do the demolition and then the associated costs will be worked out between him and the borough. Mr. Cadwallader commented that there is definitely a water issue that will need to be addressed prior to any demolition.

B. Solicitor's Report

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

- American Roofing-Mr. Emerick advised that he has not received a response back and it is still in the discovery phase.
- As it relates to DCNR Park Project, Mr. Emerick informed Council that he is still working with the language and preparation of the deeds with DCNR.
- Swift Reach Network-Mr. Emerick advised that the issue will be discussed at the April 15th, 2021 Water Authority meeting.
- Kowalczyk fence- Mr. Emerick advised Council that the appeal is pending at the Cambria County Courthouse.
- Gaunts 828 North Railroad-Mr. Emerick informed Council that there was no response after sending the information to a different address.
- As it relates to Mr. Greenawalt at 922 Sonman Avenue, Mr. Emerick questioned if there is any update of a potential buyer. Mr. Koban informed Mr. Emerick and Council that Frank Lombardo dropped off correspondence from a Jeff Grove. The correspondence stated that Mr. Grove is in the process of inheriting the property from Mr. Greenawalt and it is his understanding that he will be responsible for demolition and removal off all debris. With the same scenario as Mr. Panick's case, Council commented that once the building has been demolished, they can work out the legal fees with Mr. Grove.

C. Engineer's Report

Mr. Shura provided a report prior to the meeting for Council to review.

- ❖ Crichton McCormick Restroom Project-Mr. Shura informed Council that the restroom will need to have a warranty inspection performed.
- ❖ DCNR Park Improvement Project-A pre-construction was held on March 3th, 2021 at the Park and a notice to proceed will be issued once the proper documentation for bonds and insurance is received. Construction will be commencing by Mid-April with completion expected before May 28th, 2021.
- ❖ Mr. Shura provided Council with a draft copy for Section 302 of the Curb and Sidewalk revisions. Council will discuss further at the April committee meeting.

D. Police Chief's Report

Chief Gregory provided a report to Council prior the meeting. Mr. Wozniak questioned the traffic control in regards to Caldwell and Prospect for the gas line construction. Chief Gregory advised that the contractor supplies their own traffic flaggers for the projects. Mr. Maul commented that the same issue will be with Main Street. The Water Authority has their own service and PennDot has their own as well.

E. Director of Public Works Report

Mr. Maul provided his report to Council prior to the meeting. Mr. Maul commented on the poor condition of the wooden garbage cans on Main Street being busted and rotten. Mr. Maul suggested purchasing something better for new garbage cans once the project is completed.

CORRESPONDENCE

The Portage Municipal Water Authority submitted their Audit report for the period of December 2019 and 2020. Ms. Claar advised the audit report will be on file in the office for any member of Council to review.

CITIZEN'S INPUT ON AGENDA ITEMS

None

MINUTES OF PREVIOUS MEETINGS:

The minutes of the March 1st regular and March 15th, 2021 committee meeting were distributed to Council prior to the meeting.

ON MOTION OF MR. CADWALLADER, SECONDED BY MR. KINLEY, COUNCIL UNANIMOUSLY APPROVED THE MINUTES FROM THE MARCH 1ST, REGULAR AND MARCH 15TH, 2021 COMMITTEE MEETINGS. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MR. HAYES, MR. KINLEY, MR. LEARN, MS. KISSELL, MRS. ROCKER-LIDWELL, 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 MS. KISSELL, SECONDED BY MRS. ROCKER-LIDWELL, COUNCIL UNANIMOUSLY APPROVED THE TREASURER'S REPORT IN THE AMOUNT OF \$110,222.18. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MR. HAYES, MR. KINLEY, MR. LEARN, MS. KISSELL, MRS. ROCKER-LIDWELL, 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. CADWALLADER, COUNCIL UNANIMOUSLY APPROVED THE BILLS AND ADDITIONAL BILLS TO BE PAID; AS PRESENTED IN WRITTEN FORM, IN THE AMOUNT OF \$38,130.72. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MR. HAYES, MR. KINLEY, MR. LEARN, MS. KISSELL, MRS. ROCKER-LIDWELL, AND MR. WOZNIAK. MOTION CARRIED 7-0.

REPORTS RECEIVED

Mr. Wozniak noted minutes from the Portage Water Authority.

ON MOTION OF MR. CADWALLADER, SECONDED BY MS. KISSELL, COUNCIL UNANIMOUSLY ACCEPTED THE REPORTS RECEIVED FROM THE PORTAGE WATER AUTHORITY FOR MARCH, 2021. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MR. HAYES, MR. KINLEY, MR. LEARN, MS. KISSELL, MRS. ROCKER-LIDWELL, 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 commented that the meeting was held on March 29th, 2021 and the April meeting will be held the 26th, 2021.

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 – 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 –No Update

Item G – Update on Phase 3B for Main Street Improvements/Sidewalks for the left side of Caldwell and Mountain –No Update

Item H – Update on Sonman Avenue Bridge 12 Year Plan – Discussed under the Engineer

Item I – Update on DCNR Crichton McCormick Park Improvements-Discussed earlier under Solicitor's and Engineer's Report

Item J – Update on Mainline Trail Feasibility Study Phase I- Mr. Koban informed Council that Ms. Sheffield dropped off copies of the latest feasibility study if any member of council wishes to review.

Item K –Update on Nicholson payment plan-Mr. Emerick commented that the payments will be made directly to the Cambria County Courts and they in turn will send us our portion once it is received. To date, there has been no payments and Mr. Emerick commented that a warrant will most likely be issued. After a further discussion;

ON MOTION OF MR. LEARN, SECONDED BY MR. CADWALLDER, COUNCIL UNANIMOUSLY APPROVED TO REMOVE THE ITEM FROM THE AGENDA. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MR. HAYES, MR. KINLEY, MS. KISSELL, MR. LEARN, MRS. ROCKER-LIDWELL, AND MR. WOZNIAK. MOTION CARRIED 7-0.

Item L – Update on a proposed sidewalk ordinance-Discussed under the Engineer's report.

Item M – Update on Swift Reach Network-Discussed under the Solicitor's report.

Item N- Update on Kowalczyk fence-discussed earlier in the meeting under the solicitor's report

Item O – Update on sump pumps and drainage-Mr. Emerick informed Council that he researched the law for any assessments on a storm water project. Mr. Emerick advised that the borough can only charge for what is being used and a Storm Water Commission would have to be established. Funding sources for a storm water project would have to be a shovel-ready project for grants. Mr. Shura updated Council on what Ebensburg Borough has. Mr. Kinley commented that with the new sewer being installed on Main Street, the flow will be even greater.

Item P. Update on Gaunts-828 Railroad Street-discussed earlier in the Solicitor's report.

Item Q. Update on the Portage Sewer Authority resolution for testing-No update.

Item R. Update on Christmas decorations and mounting issues-No update.

Item S. Update on services with the Cambria County Humane Society-No update.

Item T. Update on delinquent per capita tax collection-Mr. Koban advised that he is waiting on two more quotes and discuss at the April committee meeting.

Buildings:

Mr. Learn 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 under the Solicitor's report.

Item B – update on 616 Dulancey Drive property (Clair Adams): No Update.

Item C – Update on Jason and Sarah Barclay at 406 Caldwell Ave-There was no update.

Item D – Update on Drayton Lewis for 925 Main Street (penalty hearing 7/22/19) – Discussed earlier in the meeting.

Item E- Discussion on 400 Caldwell Avenue garage (Thomas) - Mr. Koban provided Council will pictures of the dilapidated structure. Council suggested having Mr. Koban contact Mrs. Thomas.

Item F. Update on 909 Jefferson (Nicholson) Mr. Koban will contact Mr. Nicholson regarding the condition of the property.

NEW BUSINESS:

A. Review and approval to compensate the tax collector for the 2020 real estate taxes, less penalty and fees. Ms. Claar had calculated the remaining 2020 taxes for council to review and Mr. Emerick provided a letter reflecting the penalty charges.

ON MOTION OF MR. LEARN, SECONDED BY MS. KISSELL, COUNCIL UNANIMOUSLY APPROVED TO THE BOROUGH TAX COLLECTOR; DAVID LAYO, THE BALANCE OF THE 2020 GROSS COLLECTION OF TAXES IN THE AMOUNT OF \$8,916.37 WITH A PENALTY OF \$575.00 DEDUCTED, AS PROVIDED BY MR. EMERICK. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MR. HAYES, MR. KINLEY, MS. KISSELL, MR. LEARN, MRS. ROCKER-LIDWELL, AND MR. WOZNIAK. MOTION CARRIED 7-0.

B. Review and approval to advertise the 2020 Audit prepared by Kotzan and Associates

ON MOTION OF MR. CADWALLADER, SECONDED BY MRS. ROCKER-LIDWELL, COUNCIL UNANIMOUSLY APPROVED TO ACCEPT AND ADVERTISE THE 2020 PORTAGE BOROUGH AUDIT FOR THE GENERAL FUND, LIQUID FUELS, AND CAPITAL IMPROVEMENT FUNDS. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MR. HAYES, MR. KINLEY, MS. KISSELL, MR. LEARN, MRS. ROCKER-LIDWELL, AND MR. WOZNIAK. MOTION CARRIED 7-0.

C. Review and approve the 2021 County Liquid Fuels Allocation

ON MOTION OF MR. CADWALLADER, SECONDED BY MR. LEARN, COUNCIL UNANIMOUSLY APPROVED RESOLUTION 5-2021 BY REQUESTING THE 2021 COUNTY LIQUID FUELS ALLOCATION, IN THE AMOUNT OF \$7,100.00. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MR. HAYES, MR. KINLEY, MS. KISSELL, MR. LEARN, MRS. ROCKER-LIDWELL, AND MR. WOZNIAK. MOTION CARRIED 7-0.

D. Review of a proposed ordinance concerning fences within the borough limits. Mr. Koban presented Council with a proposed ordinance we received from the Laurel Municipal Inspection Agency that they had from other boroughs and townships. Mr. Koban advised that the borough has no set back requirements. Mr. Koban commented that Chief Gregory questioned if there was an ordinance regarding right of ways and fences.

E. Discussion on a pickle ball court versus a tennis court at Crichton McCormick Park. Mr. Koban informed Council that he was approached on the possibility of a pickle ball court versus a tennis court. Pickle ball is a growing sport that uses paddles on a smaller court and a lower net. The striping is only changed from that of tennis.

ADDITIONAL AGENDA ITEMS

A. Letter of resignation from Robert Hazlett from the Portage Area Sewer Authority
Mr. Hazlett submitted a letter of resignation from the Portage Area Sewer Authority after serving for the past 7 years. The letter is on file in the office.

ON MOTION OF MS. KISSELL, SECONDED BY MR. LEARN, COUNCIL UNANIMOUSLY ACCEPTED THE RESIGNATION OF ROBERT HAZLETT WITH THE PORTAGE AREA SEWER AUTHORITY. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MR. HAYES, MR. KINLEY, MS. KISSELL, MR. LEARN, MRS. ROCKER-LIDWELL, AND MR. WOZNIAK. MOTION CARRIED 7-0.

B. Approval to advertise for letters of interest to serve on the Portage Area Sewer Authority.
Ms. Claar presented an ad for letters of interest in the Dispatch for April 15th, 2021.

ON MOTION OF MR. LEARN, SECONDED BY MR. CADWALLADER, COUNCIL UNANIMOUSLY APPROVED THE ADVERTISING IN THE DISPATCH, FOR LETTERS OF INTEREST ON THE VACANT SEAT FOR THE PORTAGE AREA SEWER AUTHORITY, UNTIL THE REMAINING TERM OF DECEMBER 31ST, 2024. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MR. HAYES, MR. KINLEY, MS. KISSELL, MR. LEARN, MRS. ROCKER-LIDWELL, AND MR. WOZNIAK. MOTION CARRIED 7-0.

GOOD OF THE BOROUGH

Spring Clean-up for borough residents whom are on the curbside service will be held April 27th, and April 28th, 2021. All accounts must be paid up in full to participate in the program.

Mr. Wozniak commented on an executive session to discuss litigation.

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

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

There being no further business,

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

The meeting adjourned at 8:45 p.m.