

A meeting of Portage Borough Council was held on Monday, August 19th, 2021 at 6:30 p.m. at the Administration Office.

Those in attendance were:

Todd Learn	Bruna Kissell
David Hayes	Ron Cadwallader
Kami Rocker-Lidwell	Brent Kinley

Also present were: Robert Koban, Borough Manager; and Michelle Claar; Borough Secretary. Absent was George Wozniak

REFLECTION/PLEDGE OF ALLEGIANCE

Mr. Kinley offered a reflection and then proceeded with the Pledge of Allegiance. Mr. Koban requested a moment of silence for Mr. Wozniak's mother; Anna, who passed over the weekend.

RECOGNITION OF GUESTS

Mr. Learn recognized the guests that were in attendance; Ron Portash; Portage Dispatch, Ms. Jean Kinley, Mrs. Irene Huschak, representing the Portage Historical Society and Mainline Trail.

ON MOTION OF MRS. ROCKER-LIDWELL, SECONDED BY MS. KISSELL, COUNCIL UNANIMOUSLY APPROVED TO GO OUT OF ORDER ON THE AGENDA TO RECOGNIZE THE VISITORS. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MR. HAYES, MR. KINLEY, MR. LEARN, MS. KISSELL, AND MRS. ROCKER-LIDWELL. MOTION CARRIED 6-0.

Mrs. Huschak presented a revised map for Council to review. The map reflected the locations where the bike decals would be installed on borough streets. Mrs. Huschak also advised that with the assistance of Portage Township, they were able to clean all the trees, vegetation, and debris to now make the trail more accessible by the park. Mrs. Huschak also commented on the great work being performed by the Allegheny Ridge Association, the September 11th National Memorial Trail Alliance, and the small group of the Portage Area residents. Mr. Koban questioned if the small group was going to be forming any type of committee in the near future. Several members commended Mrs. Huschak for all her efforts and time she is putting into this project. Mr. Kinley also commented that the Portage Area could capitalize on this opportunity and put Portage in the National Registry.

UNFINISHED BUSINESS

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

Item A: Update on Recreational Peer Group Committee-Mr. Koban updated Council on the meeting that was held on Aug 9th, 2021. The consultant; Ms. Ashley, is requesting a response from the Portage Township Supervisors, Portage School Board, Borough, and PAJRC to determine if they want to move forward with support for the program and the circuit rider grant to fund a Recreation Manager. The next meeting will be held on 9/13/21 and 9/27/21.

Item B: Update on Borough Building Roof – No update.

Item C: Update on Trout Run Rehabilitation – No update.

Item D – Update on PennDot Project on SR 164 – No update.

Item E – Update on Phase II (MTF) for Main Street Multimodal Grant –There was no update.

Item F – Update on Phase 3A (CFA) for Main Street Improvements-No update.

Item G – Update on Phase 3B (MTF) for Main Street Improvements- No update.

Item H – Update on Sonman Avenue Bridge 12 Year Plan – There was no update.

Item I – Update on DCNR Crichton McCormick Park Improvements-No update.

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

Item K – Update on a proposed sidewalk ordinance-There was no update.

Item L-Update on sump pumps and drainage-There was no update.

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

Item N. Update on Kowalczyk Litigation-Mr. Hayes questioned Mr. Koban on the total amount of legal expenditures thus far on the litigation being over \$7,000 of tax paying dollars. Mr. Koban advised Mr. Hayes that the litigation has been ongoing for over 10 years and Council has motioned every time to move forward with the litigation and to pay the bills. A lengthy debate pursued between Mr. Hayes, Mr. Koban and Council.

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

Item P. Review of the amendments to the proposed Fence Ordinance that was advertised in the Dispatch for adoption at the Tuesday, September 7th, 2021 regular meeting.

Item Q. Update on CFA grant funding for Phase 4 Sidewalk Improvements (Johnson Ave). No update.

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):
There was no update.

Item B – update on 616 Dulancey Drive property (Clair Adams): Mr. Koban reminded Council that they will need to make a decision on the maximum amount to bid for the upcoming judicial sale.

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

Item D – Update on Steve Panick at 925 Main Street– Steve is in the process of demolition.

Item E- Discussion on 400 Caldwell Avenue garage (Thomas) – No update.

Item F. Update on 909 Jefferson (Nicholson) There was no update.

New Business

A. Review of the second amendment contribution agreement with PennDot.

Mr. Koban informed Council that we received the draft of the 2nd amendment contribution agreement with PennDot for the Main Street Sidewalk Improvement Projects. The Borough has received grant funding from 2 PennDot MTF projects and 1 grant from CFA (DCED). The Borough Council agreed to combine all 3 grant fundings to PennDot thus requiring a second amendment contribution agreement. The total of the 3 grants amount to \$1,425,106.00. The agreement was not yet reviewed by Mr. Emerick prior to the meeting.

ON MOTION OF MR. KINLEY, SECONDED BY MS. KISSELL, COUNCIL UNANIMOUSLY TABLED THE 2ND AMENDMENT CONTRIBUTION AGREEMENT WITH PENN DOT. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MR. HAYES, MR. KINLEY, MR. LEARN, MS. KISSELL, AND MRS. ROCKER-LIDWELL. MOTION CARRIED 6-0.

APPROVAL OF BILLS

Ms. Claar provided an itemized list of bills and additional bills for Council to review and approve.

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 \$12,770.60. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MR. HAYES, MR. KINLEY, MR. LEARN, MS. KISSELL, AND MRS. ROCKER-LIDWELL. MOTION CARRIED 6-0.

GOOD OF THE BOROUGH

Mrs. Rocker-Lidwell commented on the great success at the Fundfest held by the newly formed Summerfest Committee. There was approximately \$10,000.00 raised during the event to be used for the 2022 Summerfest weekend. Mrs. Rocker-Lidwell thanked all the attendees and those who helped with the event.

Mr. Koban presented Council with an e-mail from our insurance broker; Ebensburg Insurance. The e-mail addressed the liability from the underwriters concerning ATVs on borough roads and streets. The E-mail is on file with the Secretary. Mr. Koban commented that this was very inappropriate for Mr. Hayes to contact the underwriter regarding the liability insurance. In accordance with the Home Rule Charter, as read by Mr. Koban, Section 307; no individual member of Council shall have authority unless it is specifically delegated by the council as a full body. Mr. Koban explained that the underwriter will only converse with our broker of record on any issues relating to coverage. Mr. Hayes commented that he talked with a representative and they knew nothing relating to the liability coverage. A lengthy debate took place between Mr. Hayes, Mr. Koban, and Council.

Mr. Koban and Mr. Hayes requested an executive session.

ON MOTION OF MS. KISSELL, SECONDED BY MR. HAYES, COUNCIL UNANIMOUSLY MOTIONED TO GO INTO EXECUTIVE SESSION FOR LITIGATION PURPOSES (KOWALCZYK) AND ACQUISITION (ADAMS). COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MR. HAYES, MR. KINLEY, MR. LEARN, MS. KISSELL, AND MRS. ROCKER-LIDWELL. MOTION CARRIED 6-0.

ON MOTION OF MS. KISSELL, SECONDED BY MR. KINLEY, COUNCIL UNANIMOUSLY MOTIONED TO GO OUT OF EXECUTIVE SESSION. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MR. HAYES, MR. KINLEY, MR. LEARN, MS. KISSELL, AND MRS. ROCKER-LIDWELL. MOTION CARRIED 6-0.

ON MOTION OF MR. CADWALLADER, SECONDED BY MR. KINLEY, COUNCIL UNANIMOUSLY MOTIONED TO GO INTO THE REGULAR MEETING. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MR. HAYES, MR. KINLEY, MR. LEARN, MS. KISSELL, AND MRS. ROCKER-LIDWELL. MOTION CARRIED 6-0.

There being no further business,

ON MOTION OF MR. KINLEY, SECONDED BY MS. KISSELL, COUNCIL UNANIMOUSLY ADJOURNED THE REGULAR MEETING. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MR. HAYES, MR. KINLEY, MR. LEARN, MS. KISSELL, AND MRS. ROCKER-LIDWELL. MOTION CARRIED 6-0.

The meeting adjourned at 8:03 p.m.