

A meeting of Portage Borough Council was held on Monday, August 2<sup>nd</sup>, 2021 at 6:30 p.m. at the Administration Office.

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; Michael Emerick, Solicitor; Scott Maul; Public Works Director, Chief Gregory; Public Safety, 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, Tabitha Learn & others representing the Summerfest committee, Ray Kowalczyk, Bruce Schweitzer; PennDot Project Manager, and Randy Griffith-Tribune Democrat.

ON MOTION OF MRS. ROCKER-LIDWELL, SECONDED BY MR. CADWALLADER, 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, MRS. ROCKER-LIDWELL, AND MR. WOZNIAK. MOTION CARRIED 7-0.

Mr. Ray Kowalczyk advised Council that there is an error on the April 5<sup>th</sup>, 2021 minutes that he read on the website. He advised that he was not referring to taking down the fence in the alley. He was here to address the proposed fence ordinance. Mr. Emerick advised Mr. Kowalczyk that the minutes already have been approved by Council and that the error will be noted in these minutes. Mr. Kowalczyk also questioned when the discussion will take place on this new proposed amendment to the fence ordinance on the agenda. Council advised that it will be discussed later in the meeting.

Tabitha Learn introduced herself and other members of the new Summerfest Committee. She provided information for the Summer Fundfest on August 15<sup>th</sup>, 2021. Mrs. Learn informed Council that there were several areas within the park that have bad potholes and road conditions. She was seeking assistance from the Borough to make the necessary repairs prior to the event. Mr. Maul will investigate the areas in question and make the necessary repairs. Council thanked the group for attending and providing an update on the event and committee.

Mrs. Devonnie McCabe; representing the Portage Public Library Area, was in attendance to provide an update on the progress and successful programs they have had this year thus far. Those programs included the: Summer Reading program at the park for 10–12-year old's, summer food program, Pals, Lilly Alpaca's, and Safari. She also commented that the library will be opened to organizations that would like to utilize the library for meetings, etc. They will be holding a basket raffle with donated gift cards and are available at various locations for \$5.00 per ticket. Mrs. McCabe also advised the library now has an atm inside the building. Council thanked Mrs. McCabe for the update and the successful programs.

Mr. Bruce Schweitzer; representing PennDot Project Manger for the Main Street Improvements project was in attendance to address any concerns from Council and the residents. Mr. Koban

advised that Mr. Schweitzer provide an update on the project and the funding issues. Mr. Schweizer advised that the Grant Funding of Phase 2 and Phase 3 were combined into one project with PennDot overseeing and combining the funds. The manufacture of the decorative streetlight poles had discontinued or couldn't be made so new poles had to be ordered. There will be an addendum to the agreement. Mr. Learn commented on the issues with the curb and the sidewalks regarding the sealer and questioned if the PennDot Inspector is on the job site.

## **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 advised Council of the recent vandalism at the park and the restrooms. The police department has stepped up their patrols in the park, including the Park Rules on hours.

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

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

- American Roofing-There was no update but Mr. Emerick commented not until Fall.
- As it relates to DCNR Park Project-Mr. Emerick advised that the deeds are completed and ready for execution for the DCNR and filing at the County Courthouse.

ON MOTION OF MS. KISSELL, SECONDED BY MR. LEARN, COUNCIL UNANIMOUSLY APPROVED THE INITIAL REVIEW AND THE FILING FEES FOR THE DEEDS, IN THE AMOUNT OF APPROXIMATELY \$700.00. 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.

- Kowalczyk Vs Portage Borough- Mr. Emerick advised Council that the Commonwealth Court briefs will be due this month.
- As it relates to 400 Caldwell Ave (Thomas) Mr. Emerick informed Council that he wrote the letter and the police department delivered to the Thomas residence. If there is no response, a public hearing will take place in October.
- Mr. Emerick advised Council that there will be new amendments to the Sunshine Act relating to meeting agendas. Agencies will now have to list any action/vote items on future agendas and placed on websites and offices. The agendas are currently available to the public so we will just have to post them on the website and in the offices. This will take effect on August 29<sup>th</sup>, 2021.
- Mr. Emerick questioned the ramifications for the bike routes on borough streets with vehicles/bicycles being utilized for the continued trail project.

ON MOTION OF MR. LEARN, SECONDED BY MR. CADWALLADER, COUNCIL UNANIMOUSLY AUTHORIZED MR. EMERICK TO SUBMIT A LETTER TO PENNDOT REFLECTING THE STREETS AND ROUTES FOR THE BIKE/VEHICLE PATHS WITHIN THE BOROUGH. 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.

C. Engineer's Report

- Mr. Shura provided a report prior to the meeting for Council to review. Mr. Shura informed Council that Stiffler, McGraw completed the electronic filing of the of a CFA Grant Application for Phase 4 Sidewalk Improvement Project (Johnson Ave).
- Mr. Shura also advised that he is in the process of preparing the permits documents for submission to the Department of Environmental Protection for the Trout Run Project.
- Mr. Kinley question Mr. Shura relating to the new utility amendment of gas lines for now 36 inches and if there is an inspection. Ms. Claar elaborated on the process with People's Gas and the permit process. There are generally no inspections performed. Mr. Shura advise that our ordinance currently is vague but can be amended. Mr. Shura will research other municipal entities to see if they have a permitting process and inspections.

D. Police Chief's Report

Chief Gregory provided a report to Council prior the meeting. Chief Gregory reported that the police department is now enforcing the Crichton McCormick Park Rules and regulations. The Park hours are closed from 11:00 PM to 5:00 AM every day.

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**

Notice of upcoming tax sale on Sept 13<sup>th</sup>, 2021 @ 10:00 a.m. in Ebensburg.

**CITIZEN'S INPUT ON AGENDA ITEMS**

None

**MINUTES OF PREVIOUS MEETINGS:**

The minutes of the July 19<sup>th</sup>, 2021 regular meeting was distributed to Council prior to the meeting.

ON MOTION OF MS. KISSELL, SECONDED BY MRS. ROCKER-LIDWELL, COUNCIL UNANIMOUSLY APPROVED THE MINUTES FROM THE JULY 19<sup>TH</sup>, 2021 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.

**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. LEARN, SECONDED BY MR. KINLEY, COUNCIL UNANIMOUSLY APPROVED THE TREASURER'S REPORT IN THE AMOUNT OF \$59,098.01. 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. KINLEY, COUNCIL UNANIMOUSLY APPROVED THE BILLS AND ADDITIONAL BILLS TO BE PAID; AS PRESENTED IN WRITTEN FORM, IN THE

AMOUNT OF \$42,368.65. 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 for July, 2021.

ON MOTION OF MRS. ROCKER-LIDWELL, SECONDED BY MS. KISSELL, COUNCIL UNANIMOUSLY ACCEPTED THE REPORTS RECEIVED FROM THE PORTAGE WATER AUTHORITY FOR JULY, 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-next meeting on Aug 9<sup>th</sup>, 2021.

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

Item C: Update on Trout Run Rehabilitation – Discussed earlier in the meeting.

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-

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

Item I – Update on DCNR Crichton McCormick Park Improvements-Discussed earlier in the meeting.

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

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 828 North Railroad Street (Gaunts) There was no update.

Item N. Update on Kowalczyk Litigation-Discussed earlier in the meeting.

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

Item P - Update on Christmas decorations and mounting issues-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):  
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) – Discussed earlier in the meeting.

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

**NEW BUSINESS:**

1. Approval of the proposed ordinance that was properly advertised concerning utility line depth.

ON MOTION OF MR. CADWALLADER, SECONDED BY MR. KINLEY, COUNCIL UNANIMOUSLY APPROVED ORDINANCE 5-2021 BY AMENDNG CHAPTER 21, PART 1, STREET EXCAVATIONS SECTION 116 CONCERNING UTILITY LINE DEPTHS FROM 30 INCHES TO 36 INCHES. 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.

2. Review and approve the advertising of a proposed ordinance amendment to Ordinance 2-2021 concerning fence regulations and guidelines. Mr. Emerick presented the amendment. Mr. Learn questioned those fences that are already installed or (grandfather clause). There are also no permit fees for a fence permit since LMIA does the processing. Another member questioned the height restrictions. Mr. Wozniak suggested tabling the motion. After another short discussion;

ON MOTION OF MR. KINLEY, SECONDED BY MRS. ROCKER-LIDWELL, COUNCIL APPROVED THE ADVERTISING OF A PROPOSED AMENDMENT TO ORDINANCE 2-2021 BY ESTABLISHING REGULATIONS AND GUIDELINES WITH SOME CHANGES. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MR. KINLEY, MS. KISSELL, MRS. ROCKER-LIDWELL, AND MR. WOZNIAK. MOTION CARRIED 5-2, WITH MR. LEAR AND MR. HAYES VOTING NEGATIVELY.

Mr. Kowalczyk questioned when the revised changes will be available. Mr. Emerick advised that once he makes the necessary changes, it will be available for public inspection for the advertising.

3. As it relates to the amendment of the Sunshine Act-the issue was discussed earlier in the meeting.

4. Mr. Wozniak advised Council that he researched with the Altoona School District concerning the purchase price a pickle ball net. Mr. Wozniak was in agreement with Mr. Koban to order it from Tennis Point.

ON MOTION OF MR. LEARN, SECONDED BY MR. CADWALLADER, COUNCIL APPROVED THE PURCHASING OF A PICKLE BALL NET DELUXE SYSTEM FROM TENNIS POINT, IN THE AMOUNT OF \$341.91, WHICH INCLUDES SHIPPING. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MR. KINLEY, MS. KISSELL, MR. LEARN, MRS. ROCKER-LIDWELL, AND MR. WOZNIAK. MOTION CARRIED 6-1, WITH MR. HAYES VOTING NEGATIVELY.

Mr. Koban informed Council that he received a letter requesting to place a 25-mph speed limit sign on Washington Avenue. Mostly all the borough streets are by ordinance of 25 mph. The speed machines are also outdated to monitor speeds.

ON MOTION OF MR. CADWALLDER, SECONDED BY MR. KINLEY, COUNCIL APPROVED THE INSTALLATION OF A 25 MPH SPEED LIMIT SIGN ON WASHINGTON AVENUE. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MR. KINLEY, MS. KISSELL, MR. HAYES, MR. LEARN, MRS. ROCKER-LIDWELL, AND MR. WOZNIAK. MOTION CARRIED 7-0.

### **GOOD OF THE BOROUGH**

Fundfest on Sunday, August 15<sup>th</sup>, 2021.

Mr. Wozniak addressed the public regarding a social media post by a member of Council, David Hayes. Mr. Wozniak pointed out several inconsistencies, inaccurate information and not being factual. There were a number of comments that Mr. Wozniak addressed including any member of the public attending the meetings. The Borough Council advised that there is no retaliation or repercussion for any resident to voice their concern or comments. Each member of Council had an opportunity to speak. Mr. Hayes rebutted back to some of the Council members.

There being no further business,

ON MOTION OF MS. KISSELL, SECONDED BY MR. CADWALLADER, 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 8:03 p.m.