

A meeting of Portage Borough Council was held on Monday, February 1st, 2021 at 6:30 p.m. by teleconference.

Those in attendance were:

George Wozniak	Todd Learn	Bruna Kissell
David Hayes (teleconference)	Ron Cadwallader	Brent Kinley
Kami Rocker-Lidwell		

Also present were: Robert Koban, Borough Manager; Gary Wisor and Brian Shura (teleconference) with Stiffler-McGraw; Chief Shaun Gregory; Michael Emerick, Solicitor (teleconference); 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. Mr. Wozniak then called for those in teleconference as stated above.

RECOGNITION OF GUESTS

Mr. Wozniak recognized the guests that were teleconferencing which included: Ron Portash; Portage Dispatch, Ms. Jean Kinley, Randy Griffith-Tribune, and one anonymous with no phone number.

Ms. Kinley commended the Public Works Department for all their efforts during the recent winter storm. Ms. Kinley also commented on the elderly residents seeking vaccine locations from the Coronavirus. Mr. Wozniak and Mr. Koban commented that the Cambria County EMA may have the areas for locations to receive the vaccines. Mr. Wozniak will contact Cambria County for any information.

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 provided Council with an update relating to the year- end close of payroll with the W-2's and yearly reports. The W-2's were all processed and all were filed electronically. Mr. Koban commented on the additional work that was required due to the voided checks of the Borough Tax Collector. Mr. Koban advised Council that he has reached out several times to Mr. Layo to either have a meeting with him or the Borough Council to resolve the tax collection reporting and necessary paperwork for the certification of the uncollected taxes for 2020. If the certification is not signed off on, the County can not process the 2020 delinquent notices nor prepare for the 2021 real estate taxes. Various e-mails have now been exchanged between Mr. Layo, Mr. Koban, Mr. Emerick, and Ms. Claar. Mr. Emerick and Mr. Koban informed Mr. Layo that he will need to complete the DCED report for each month for review. The uncollected report from the RAK system does not balance out with what was collected. Council members also expressed concern of tax certifications being returned and the safety of the mailbox at his residence. Council suggested waiting till the committee meeting for reporting to be submitted by Mr. Layo and approving the 2020 Tax Certification.

B. Solicitor's Report

Attorney Emerick was teleconferencing in but provided a copy of his report prior to the meeting.

- American Roofing-Mr. Emerick requested an executive session for litigation purposes.

- 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.
- Mr. Emerick commented on the Harold and Patricia Plummer civil suit. Mr. Emerick advised that the Plummer's have consented to the \$100.00 monthly payment and now to execute the agreement.

ON MOTION OF MR. KINLEY, SECONDED BY MR. LEARN, COUNCIL UNANIMOUSLY APPROVED TO EXECUTE THE MONTHLY PAYMENT AGREEMENT FOR THE PLUMMER'S AT \$100.00/MONTH BY THE 1ST OF EACH MONTH UNTIL PAID IN FULL. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MR. HAYES, MR. LEARN, MS. KISSELL, MR. KINLEY, MRS. ROCKER-LIDWELL, AND MR. WOZNIAK. MOTION CARRIED 7-0.

- Mr. Emerick noted that he is preparing a petition to recover the Borough costs for the previous Gaunt property located at 828 North Railroad Street. No update.
- As it relates to Mr. Greenawalt at 922 Sonman Avenue, Mr. Emerick questioned if there is any update of a potential buyer. Mr. Koban advised that there was no update. Mr. Emerick suggested to investigate if Mr. Greenawalt has been living in the residence. Chief Gregory advised that the police department will investigate if anyone is living in the residence.
- Kowalczyk litigation-moving forward with litigation. Mr. Emerick advised Council that he hearing was continued by the Court until February 15th, 2021 but Mr. Emerick will be out of town. Mr. Emerick advised the Court provided another date of March 1st, 2021 that will need to be confirmed. Mr. Koban suggested to attempt an earlier date.
- As it relates to the Patrick Nicholson civil suit, Mr. Emerick questioned if there has been any \$50.00 monthly fee received, to which Ms. Claar advised there was not. If there are no monies received, the County will incur additional costs.

Engineer's Report

Mr. Wisor and Mr. Shura teleconferenced in on the meeting but provided a report prior to the meeting and elaborated on the following:

- DCNR Park Project-Mr. Shura advised that there were revised specifications for the re-bid and they were approved by DCNR. Mr. Shura provided a timeline for the project:
 - ✓ Advertise for bids in February
 - ✓ Open bids on March 1, 2021
 - ✓ Issue notice to proceed on April 5th, 2021
 - ✓ Begin construction on April 6th, 2021
 - ✓ End construction on May 28th, 2021
 After a short discussion on advertising for bids;

ON MOTION OF MR. LEARN, SECONDED BY MR. CADWALLADER, COUNCIL UNANIMOUSLY APPROVED TO ADVERTISE FOR BIDS ON THE CRICHTON MCCORMICK PARK PROJECT. 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.

- As it relates to the PennDot Main Street project- Mr. Shura advised that the light poles were being discussed with PennDot.
- Mr. Shura advised that the Sonman Avenue Bridge Replacement project screening was provided for the PennDot's 12-year plan.

D. Police Chief's Report

Chief Shaun Gregory commented on the need for part time officers and an amendment to the police policy and procedures manual. The issues were on the agenda for a motion.

E. Director of Public Works Report

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

CORRESPONDENCE

A newly formed group of Cambria County citizens organized "IN THIS TOGETHER CAMBRIA" that collects and shares data concerning the Covid-19 pandemic. They provided information to check out their website at www.inthistogethercambria.com for additional information.

CITIZEN'S INPUT ON AGENDA ITEMS

None

MINUTES OF PREVIOUS MEETINGS:

The minutes of the January 4th regular and January 18th, 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 JANUARY 4TH REGULAR AND JANUARY 18TH, 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 MR. CADWALLADER, COUNCIL UNANIMOUSLY APPROVED THE TREASURER'S REPORT IN THE AMOUNT OF \$47,900.33. 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 \$24,392.20. 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 Sewer Authority, PAJRC, PARPC, LMIA, and the Portage Fire Department.

ON MOTION OF MS. KISSELL, SECONDED BY MR. CADWALLADER, COUNCIL UNANIMOUSLY ACCEPTED THE REPORT RECEIVED FROM THE PORTAGE SEWER AUTHORITY FOR DECEMBER, 202; PAJRC/AUG-NOV, PARPC-JAN, AND A LIST OF OFFCERS FOR THE PORTAGE VOL FRE CO. 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-Meeting on February 22nd, 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 Small Community Grant Funding through DCNR for Park Improvements. Discussed earlier under Solicitor's and Engineer's Report

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

Item K –Update on Nicholson plan-Discussed earlier in the solicitor's report.

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

Item M – Update on Swift Reach Network-Mr. Cadwallader provided some information for Mr. Koban to review and will present it to council at the February committee meeting.

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. Koban provided Council with several ordinances from other municipalities. After a short discussion, Mr. Koban suggested having Council review the other ordinances and have input from Mr. Shura for the February committee meeting.

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 under the Solicitor's report.

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

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.

NEW BUSINESS:

A. Appointment to the Portage Area Regional Planning Commission-5-year term
From the previous meeting, Mr. Wozniak questioned if there were any other applicants that responded to the ad, to which there were none. Mr. Wozniak suggested reaching out to Mr. Mark Slobodnick to see if he had any interest in serving on the board. Ms. Claar contacted Mr. Slobodnick and he advised that he would be interest.

ON MOTION OF MR. KINLEY, SECONDED BY MR. CADWALLADER, COUNCIL UNANIMOUSLY APPOINTED MR. MARK SLEBODNICK TO THE PORTAGE AREA REGIONAL PLANNING COMMISSION FOR A FIVE (5) YEAR TERM COMMENCING FEBRUARY 1ST, 2021 THROUGH DECEMBER 31ST, 2025. 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.

B. Review and approval of the 2021 list of activities for the Portage Volunteer Fire Company

ON MOTION OF MR. CADWALLADER, SECONDED BY MS. KISSELL, COUNCIL UNANIMOUSLY APPROVED THE 2021 LIST OF ACTIVITIES FOR THE PORTAGE VOLUNTEER FIRE COMPANY FOR THE BOROUGH'S WORKER'S COMPENSATION PACKAGE. 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. Review of the Portage Area Sewer Authority Resolution 2021-01 for sanitary sewer testing requirements.

The Portage Area Sewer Authority sent a resolution that the board had passed at their regular meeting on January 19th, 2021. The resolution consisted of two parts; sewer testing requirements and adding a new testing surcharge for property owners that do not complete sewer testing. Mr. Koban brought to Council's attention that in past practices, the borough council would review the resolution being proposed prior to the Sewer Authority adopting the resolution. Mr. Koban suggested reviewing the prior Sewer Ordinance adopted by Council as compared to the new resolution just passed by the Sewer Authority for the February committee meeting.

D. Discuss and approve the advertising for part time patrol officers

Mr. Koban and Chief Gregory informed Council that they are recommending two additional part time officers for the department. Chief Gregory commented that there is a lack of candidates at the academy. Mr. Koban suggested the Tribune, Indeed, and the borough website for advertisement.

ON MOTION OF MR. CADWALLADER, SECONDED BY MR KINLEY, COUNCIL UNANIMOUSLY APPROVED THE ADVERTISING FOR TWO (2) PART TIME OFFICERS. 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.

ADDITIONAL AGENDA ITEMS:

1. Review and approve the police policy and procedures manual relating to Mobile Video/Audio Recording Operations.

Chief Gregory informed Council of an amendment effecting body cams that needs to be revised in accordance with the PA Law Act 22 of 2017. The current policy states that MVR Equipment are not to be used inside homes. The new amendment would either eliminate that section or change it to permit body cams in homes.

ON MOTION OF MR. CADWALLADER, SECONDED BY MR KINLEY, COUNCIL UNANIMOUSLY APPROVED TO ELIMINATE THE SECTION 14.17, SUBSECTION B5 OF THE POLICE POLICY AND PROCEDURES MANUAL CONCERNING MOBILE VIDEO/AUDIO RECORDING OPERATIONS. 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.

2. Review and approve Portage Municipal Water Authority monthly reports

Mr. Cadwallader had presented the minutes/reports from the Municipal Authority for Council review.

ON MOTION OF MR. LEARN, SECONDED BY MR KINLEY, COUNCIL UNANIMOUSLY APPROVED THE MINUTES FROM THE PORTAGE MUNICIPAL WATER AUTHORITY FROM NOVEMBER, 2020-JANUARY, 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.

GOOD OF THE BOROUGH

Mr. Learn apprised Council of the Summerfest Committee being abandoned. Mr. Learn commented that Tabitha Learn is interested in organizing another committee with seeking new members interested in keeping the group and event active. Mr. Learn suggested obtaining a list of past members for any advice or suggestions to keep the group active. Ms. Claar will provide Mr. Learn with those members.

There being no further business, Mr. Koban called for an executive session for litigation purposes, with no further action being taken after the session.

ON MOTION OF MR. KINLEY, SECONDED BY MS. KISSELL COUNCIL UNANIMOUSLY MOVED TO GO INTO EXECUTIVE SESSION FOR LITIGATION PURPOSES WITH NO FURTHER ACTION. 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.

ON MOTION OF MR. CADWALLADER, SECONDED BY MR. HAYES, COUNCIL UNANIMOUSLY APPROVED TO GO OUT OF EXECUTIVE SESSION FOR LITIGATION PURPOSES. 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.

ON MOTION OF MR. HAYES, SECONDED BY MR. CADWALLADER, COUNCIL UNANIMOUSLY MOVED TO GO BACK INTO 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.

ON MOTION OF MS. KISSELL, SECONDED BY MR. KINLEY, 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 7:45 p.m.