

A meeting of Portage Borough Council was held on Monday, July 19<sup>th</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; Rodney Jenkins 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, Randy Stager, Irene Huschak, Benny Selapack; Township Supervisor, and Randy Griffith-Tribune Democrat.

ON MOTION OF MR. KINLEY, SECONDED BY MR, LEARN, 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. Selapack and Ms. Huschak updated Council on the trail work and the creation of a bike trail. She presented maps of the phases and areas of the trail. This is the Ehrenfeld-Portage section of Mainline Canal Greenway. The trail committee is creating the trail that will run from the Station Museum on Lee Street to the high school football field. The committee members were seeking Council permission to paint the bicycle path markings on borough streets that will be a "share the road" area. Signs will also be purchased with the support of the National September 11 Memorial Trail Association. Mr. Emerick and the Borough Engineer will research if an ordinance is required for the shared road along with the signage. Mr. Wozniak suggested tabling the issue until research is done by the Borough Solicitor and Engineer for the August 2<sup>nd</sup>, 2021 regular meeting.

Mr. Stager first addressed the lack of participation from the public for the Mainline Trail public meeting. The attendance was very low. The public meetings held in the Portage Area need to be advertised more frequently, on the websites, and on social media. Mr. Koban and Mr. Stager commented that there was also a lack of attendance at the Public Meeting for the Peer Study of the Parks and Recreation Commission.

Mr. Randy Stager; representing the Allegheny Ridge Corporation, provided an update to Council on Phase 2 of the Mainline Canal Greenway. Mr. Stager is requesting that the Borough provide a financial letter of support in the amount of \$5,000.00 for grant funding. The Borough, Township, and Planning Commission had provided financial support of \$5,000.00 in 2019 for the Phase 1 Feasibility Study. Mr. Stager emphasized the municipal support for funding sources to be successful. A lengthy discussion took place on whether the study will benefit the Portage Area and the support of \$5,000.00 and not being successful with grant funding. Mr. Stager also advised that Summerhill and Wilmore have not been able to provide any financial support. Mr. Stager commented that if they did not receive grant funding, he would personally pay it back. After further discussion;

ON MOTION OF MR. LEARN, SECONDED BY MS. KISSELL, COUNCIL APPROVED TO PROVIDE A FINANCIAL LETTER OF SUPPORT TO THE ALLEGHENY RIDGE ASSOCIATION, IN THE AMOUNT OF \$5,000.00, WITH THE CONTINGENCY OF A SUCCESSFUL GRANT FUNDING. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MR. KINLEY, MR. LEARN, MS. KISSELL, MRS. ROCKER-LIDWELL, AND MR. WOZNIAK. MOTION CARRIED 6-1 WITH MR. HAYES VOTING NEGATIVELY.

Mr. Portash informed Council that there will be an event "Johnstown Walk to Defeat ALS on Saturday, July 24<sup>th</sup>, 2021 at 10:00 a.m.

## **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 informed Council that a pickle ball net needs purchased for the new courts. The holes that were drilled are for the tennis area and he didn't want to drill new holes for the pickle ball net. Mr. Koban provided a brochure for a mobile pickle ball net, that can lock, in the amount of \$319.95. Mr. Koban commented to try by mobile instead of a permanent net to determine if there is a great interest in pickle ball. Ms. Kinley commented that it would be a waste of money since there has been so much vandalism at the park. Mr. Wozniak suggested additional research of pickle ball nets and Council agreed to table the issue until the August 2<sup>nd</sup>, 2021 regular meeting. Mr. Wozniak will report back after he completes the research.

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

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

- American Roofing-There was no update.
- As it relates to DCNR Park Project, there was no update on the deeds.
- Swift Reach Network-Mr. Emerick presented the Swiftreach 911 agreement with the Water Authority. Mr. Emerick explained in detail, the terms and conditions of the agreement. There will also be a prorated fee for the year. The issue was listed on the agenda later in the meeting under motions and new business.
- Kowalczyk Right to Know- Mr. Emerick advised Council that he filed the submissions with the PA Office of Open Records regarding a Right to Know Request.
- Mr. Emerick elaborated on the Class Action Lawsuit against Cambria County and the Prothonotaries office. The office has overcharged various municipalities over the last 4 years. The issue is on the agenda later in the meeting under New Business/Motions.
- Mr. Emerick provided Council with a proposed amendment to the Fence Ordinance. The issue will be on the August 2<sup>nd</sup>, 2021 regular meeting for discussion.

### **C. Engineer's Report**

Mr. Shura was absent but provided a report prior to the meeting for Council to review. Mr. Rodney Jenkins attended the meeting for Stiffler, McGraw. Mr. Jenkins discussed the field view of the engineer's report for the 400 Caldwell Avenue structure. The structure was deemed a dangerous structure meeting the criteria of the Dangerous Building Ordinance. Stiffler McGraw engineer's report recommended that the issues, as noted in the report, be repaired. After a discussion;

ON MOTION OF MR. LEARN, SECONDED BY MRS. ROCKER-LIDWELL, COUNCIL UNANIMOUSLY APPROVED THE RECOMMENDATION OF STIFFLER & MCGRAW TO DECLARE THE PROPERTY AT 400 CALDWELL AVENUE, A DANGEROUS BUILDING AND MOVE FORWARD WITH NOTIFYING THE PROPERTY OWNERS TO THE

NEEDED REPAIRS. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MR. KINLEY, MR. LEARN, MS. KISSELL, MR. HAYES, MRS. ROCKER-LIDWELL, AND MR. WOZNIAK. MOTION CARRIED 7-0.

**D. Police Chief's Report**

Chief Gregory provided a report to Council prior the meeting. Chief Gregory informed Council that Team Force provided a proposal for the installation of two video camera's that will be purchased through the Cambria County Drug Task Force grant that was received. The estimated cost would be approximately \$1,000.00 for installation of both cameras. The cameras came in cheaper than expected.

Mr. Wozniak questioned if the borough police participated in a raid last week. Chief Gregory advised that the borough police did not participate.

**E. Director of Public Works Report**

Mr. Maul provided his report to Council prior to the meeting. Mr. Maul informed Council that he spoke with PennDot reps concerning the traffic signal loop at the intersection of Main and Dulancey. PennDot is requesting permission to remove the underground loop and run the electrical up the poles and over to the traffic light due to heavy truck traffic. After a short discussion;

ON MOTION OF MR. LEARN, SECONDED BY MR. CADWALLADER, COUNCIL UNANIMOUSLY APPROVED TO GIVE PERMISSION TO PENNDOT TO UTILIZE THE POLES AND LINES AT DULANCEY AND MAIN STREET. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MR. KINLEY, MR. LEARN, MS. KISSELL, MR. HAYES, MRS. ROCKER-LIDWELL, AND MR. WOZNIAK. MOTION CARRIED 7-0.

Mr. Maul also commented that the sidewalks will be replaced at Jaytar Computers at Main and Caldwell Avenue.

Mr. Cadwallader and Mr. Kinley informed Council that there are gaps around the pipes on Branch and Central Alley. With the recent rains, the area has flooded due to the islands. Mr. Koban will investigate the area.

**CORRESPONDENCE**

Notice of Sheriff Sale on 9/10/21 for 940 Washington Avenue.

**CITIZEN'S INPUT ON AGENDA ITEMS**

None

**MINUTES OF PREVIOUS MEETINGS:**

The minutes of the June 7<sup>th</sup>, 2021 regular meeting was distributed to Council prior to the meeting.

ON MOTION OF MR. KINLEY, SECONDED BY MR. CADWALLADER, COUNCIL UNANIMOUSLY APPROVED THE MINUTES FROM THE JUNE 7<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. KINLEY, SECONDED BY MRS. ROCKER-LIDWELL, COUNCIL UNANIMOUSLY APPROVED THE TREASURER'S REPORT IN THE AMOUNT OF \$58,473.65. 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.

### **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 \$35,154.47. 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 and the Portage Sewer Authority, PAJRC and LMIA.

ON MOTION OF MR. KINLEY, SECONDED BY MS. KISSELL, COUNCIL UNANIMOUSLY ACCEPTED THE REPORTS RECEIVED FROM THE PORTAGE WATER AUTHORITY FOR JUNE 2021, THE PORTAGE SEWER AUTHORITY FOR JUNE, PAJRC FOR MAY-JUNE; AND LMIA FOR JUNE. 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 – 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-

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

Item I – Update on DCNR Crichton McCormick Park Improvements-Mr. Koban commented that the deeds need to be filed and costs need submitted from Mr. Emerick for the project.

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 SwiftReach 911 Agreement-to be addressed later in the meeting.

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

Item N- Update on 828 North Railroad Street (Gaunts)-no update.

Item O – Update on Kowalczyk-There was no update.

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

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

Item R – Update on Drainage Project for Portage Chevrolet-Mr. Maul advised that the project is now completed. Mr. Koban requested Ms. Claar to provide the associated costs and bill Portage Chevrolet.

**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 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.

Mr. Wozniak questioned the status of the 800 block of Prospect concerning the completion of the demo and backfilling. Mr. Koban advised that Ms. Claar contact LMIA and they did issue a demo permit last year but it has expired. LMIA will contact the owner to advise them to renew and complete the project.

**NEW BUSINESS:**

1. Approval of the proposed ordinance regarding Parking meter times and amounts

ON MOTION OF MR. CADWALLADER, SECONDED BY MR. KINLEY, COUNCIL UNANIMOUSLY APPROVED ORDINANCE 3-2021 FOR AN AMENDMENT TO CHAPTER 15, PART 5, SUBSECTION 501 RELATING TO PARKING METERS TIME FRAMES AND RATES. 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. Approval of the proposed amendment to the handicap parking ordinance.

ON MOTION OF MR. KINLEY, SECONDED BY MR. CADWALLADER, COUNCIL UNANIMOUSLY APPROVED ORDINANCE 4-2021 BY AMENDING CHAPTER 15, SECTION 406, SUBSECTION 2 BE REMOVING A HANDICAP PARKING SPOT AT 827 ORCHARD AVENUE THAT THE OWNER REFUSED. IN ADDITION, THE ADVERTISING COSTS WAS ALSO APPROVED TO BILL THE CUSTOMER FOR THE ADDITIONAL ADVERTISEMENTS. 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.

3. Approval to ratify the bills from June 28<sup>th</sup>, 2021

ON MOTION OF MR. CADWALLADER, SECONDED BY MR. KINLEY, COUNCIL UNANIMOUSLY APPROVED RATIFYING THE BILLS FROM THE JUNE 28<sup>TH</sup>, 2021 MEETING, IN THE AMOUNT OF \$9,460.12. 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.

4. Review and approval of the Cambria County Class action suit.

ON MOTION OF MR. KINLEY, SECONDED BY MR. CADWALLADER, COUNCIL UNANIMOUSLY APPROVED TO SIGN THE RELEASE TO CAMBRIA COUNTY PROTHONOTARY FROM ANY CLAIMS IN THE CLASS ACTION SUIT AND RECEIVING \$303.00 IN THE SETTLEMENT. 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.

5. Review and approve the advertising of a proposed ordinance amendment concerning utility line depths.

ON MOTION OF MR. LEARN, SECONDED BY MRS. ROCKER-LIDWELL COUNCIL UNANIMOUSLY APPROVED TO ADVERTISE AN PROPOSED ORDINANCE AMENDMENT TO 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.

6. Review and approve the Swift Reach 911 agreement with the Portage Municipal Authority

ON MOTION OF MR. LEARN, SECONDED BY MRS. ROCKER-LIDWELL COUNCIL UNANIMOUSLY APPROVED THE SWIFT REACH 911 AGREEMENT WITH THE PORTAGE MUNICIPAL AUTHORITY FOR THE MASS NOTIFICATION SYSTEM AND TO PAY A PROPORATED FEE OF \$255.21 FOR THE REMAINDER OF 2021. 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.

7. Review and approve an agreement with the Portage Water and Sewer Authority and the borough for the purchase, maintenance, and repairs of a 26" road saw.

ON MOTION OF MR. KINLEY, SECONDED BY MS. KISSELL, COUNCIL UNANIMOUSLY APPROVED THE AGREEMENT BETWEEN THE BOROUGH, THE PORTAGE MUNICIPAL AND SEWER AUTHORITY FOR THE PURCHASE,

MAINTENANCE, AND REPAIRS OF A 26" ROAD SAW AND SHARING THE COSTS BY 1/3<sup>RD</sup>. 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.

8. Review and approve a resolution for a CFA Grant application for Sidewalk Improvements ON MOTION OF MRS. ROCKER-LIDWELL, SECONDED BY MR. KINLEY, COUNCIL UNANIMOUSLY APPROVED RESOLUTION 11-2021 BY MAKING A GRANT APPLICATION AND FINANCIAL COMMITMENT WITH THE COMMONWEALTH FINANCING AUTHORITY FOR PHASE 4 OF SIDEWALK IMPROVEMENTS ON JOHNSON AVENUE, IN THE AMOUNT OF \$537,000.00 WITH A LOCAL MATCH OF \$162,397.00. 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.
9. Discussion of moving forward with the recommendations of borough engineer of a dangerous structure on 400 Caldwell Avenue. Discussed and motioned earlier under the Engineer's report.

### **GOOD OF THE BOROUGH**

The Summerfest Committee sent notice of the Summer Fundfest to be held at Crichton McCormick Park on Sunday, August 15<sup>th</sup>, 2021 from 10:00 a.m. to 6:00 p.m.

Mrs. Rocker-Lidwell questioned the status of the decorative light poles for Main Street Phase 2 project. In accordance with PennDot drawings and specs, PennDot is proposing to change the pole height from 15' feet to 14' feet.

Mr. Hayes commented on the upcoming Summer FundFest. Mrs. Rocker-Lidwell and Mr. Learn are on the Summerfest Committee. Mr. Hayes was requesting to open Johnson Avenue, from the School down to the Park, for ATV's. Mr. Hayes commented that the ATV club would help with raising funds by attending the event. Mr. Kinley commented that State Law does not permit road usage for ATV's. A discussion took place several issues including:

on whether this could be classified as a special event and if a road can be closed road crossing guards, safety of the public, patrolling the streets, permission from the Schools and the Portage Area Joint Recreation Commission, and borough liability.

Mr. Emerick suggested researching if there were any legal and liability issues for ATV's to utilize roadways during a special event. After another discussion;

MR. HAYES MOTIONED TO HAVE MR. EMERICK DO THE RESEARCH. MR. WOZNIAK CALLED FOR A SECOND. THE MOTION DIED DUE TO THE LACK OF A SECOND.

Mr. Learn commented on the Portage Area Joint Recreation Commission minutes that were received from May and June. He was concerned with the following issues: Maintenance workers and wages, Pool covers, bathrooms and bath houses, vandalism, new bath rooms not being opened, security, and the board.

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, MRS. ROCKER-LIDWELL, AND MR. WOZNIAK. MOTION CARRIED 7-0.

The meeting adjourned at 8:10 p.m.