

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

Those in attendance were:

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

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. Absent was Mr. Wozniak.

REFLECTION/PLEDGE OF ALLEGIANCE

Mr. Kinley offered a reflection and then proceeded with the Pledge of Allegiance. Mr. Learn then called for those in teleconference as stated below.

RECOGNITION OF GUESTS

Mr. Learn recognized the guests that were teleconferencing which included: Ron Portash; Portage Dispatch, Ms. Jean Kinley, Randy Griffith-Tribune, bidders; Fye Fencing and JW Fleming.

Mr. Koban presented the bids for the Crichton McCormick Park Project to Mr. Shura to open and read aloud. The following bids were received for Contracts:

	Contract 2021-1 (Paving Improvements)	Contract 2021-2 (Fencing)
J.W. Fleming, Inc.	\$27,865.50	
Alternate Bid Item	\$15,404.00	
Craig Fencing		\$36,096.20
Abel Fence, LLC		\$38,257.00
Fye Fencing		\$28,000.40

Mr. Koban commented that while Mr. Shura reviews the bids for the proper documentation, Council resumed with the meeting.

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. Hayes questioned the price of the new computer for the Secretary and provided a quote for a cheaper system. Mr. Koban requested the specifications and software for his quote to be compared to what was purchased.

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 regarding the counteroffer to the original offer of settlement. Mr. Emerick provided an over view of the case to Mayor Rocker-Lidwell.
- 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.

- Kowalczyk fence- Mr. Emerick advised Council that a hearing was held today at the Cambria County Courthouse.
- Gaunts 828 North Railroad-Mr. Emerick informed Council that the correspondence he sent the Gaunts in February was returned as undeliverable. The correspondence was re-sent to the forwarding 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 commented that he spoke with Mr. Lombardo and was informed that Mr. Greenawalt had paid back taxes and fines. Mr. Emerick questioned what type of taxes and fines were paid to the County since they do not tally any relating to liens and judgements. The Borough currently has a judgement against Mr. Greenawalt. Council requested that engineering and legal fees be tabulated to date and provided to Mr. Emerick for the March Committee meeting.

C. Engineer's Report

Mr. Shura provided a report prior to the meeting for Council to review. Mr. Shura had provided a proposed sidewalk ordinance amendment to Chapter 21 Section 3 for the Construction and Repair of Sidewalks and Curbs. A lengthy discussion took place on the conformity and materials used to replace the repairment of any sidewalks and curbs in the future. Council suggested that Mr. Shura prepare another draft relating to the uniformity as well and discuss at the March Committee meeting.

D. Police Chief's Report

Chief Shaun Gregory provided a report to Council prior the meeting and had nothing additional to report.

E. Director of Public Works Report

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

CORRESPONDENCE

The Portage Sewer Authority provided a copy of their 2019-2020 Annual Financial Statements, as prepared by Kotzan & Associates. The statements are available in the Secretary's office if Council would like to review them.

The Women's Club submitted a request seeking financial support due to the pandemic and lack of fundraising events. The Women's Club would like to purchase new decorations and lighting for the Portage Area. Mr. Koban elaborated to Council that he attended the Women's Club recent meeting and was shocked by the number of volunteers and dedication of the Club. Mr. Koban advised Council that a \$500.00 donation is always included in the yearly operating budget. Several suggestions were made by Council. After a discussion on an additional donation,

ON MOTION OF MR. HAYES, SECONDED BY MR. CADWALLADER, COUNCIL UNANIMOUSLY APPROVED AN ADDITIONAL DONATION OF \$1,000.00, ALONG WITH THE ANNUAL \$500.00 FOR A TOTAL OF \$1,500.00. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MR. HAYES, MR. KINLEY, MR. LEARN, MS. KISSELL, AND MRS. ROCKER-LIDWELL. MOTION CARRIED 6-0.

CITIZEN'S INPUT ON AGENDA ITEMS

None

MINUTES OF PREVIOUS MEETINGS:

The minutes of the February 1st regular and February 16th, 2021 committee meeting were distributed to Council prior to the meeting.

ON MOTION OF MR. KINLEY, SECONDED BY MS. KISSELL, COUNCIL UNANIMOUSLY APPROVED THE MINUTES FROM THE FEBRUARY 1ST, REGULAR AND FEBRUARY 16TH, 2021 COMMITTEE MEETINGS. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MR. HAYES, MR. KINLEY, MR. LEARN, MS. KISSELL, MRS. ROCKER-LIDWELL. MOTION CARRIED 6-0.

TREASURER'S REPORT

Mr. Learn noted that copies of the Treasurer's report were distributed for review by Council members prior to the meeting.

ON MOTION OF MR. CADWALLADER, SECONDED BY MR. KINLEY, COUNCIL UNANIMOUSLY APPROVED THE TREASURER'S REPORT IN THE AMOUNT OF \$89,314.46. 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.

FOLLOWING A ROLL CALL VOTE, ON MOTION OF MR. CADWALLADER, SECONDED BY MR. HAYES, COUNCIL UNANIMOUSLY APPROVED THE BILLS AND ADDITIONAL BILLS TO BE PAID; AS PRESENTED IN WRITTEN FORM, IN THE AMOUNT OF \$21,965.16. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MR. HAYES, MR. KINLEY, MR. LEARN, MS. KISSELL, AND MRS. ROCKER-LIDWELL. MOTION CARRIED 6-0.

REPORTS RECEIVED

Mr. Learn noted minutes from the Portage Sewer Authority and the PARPC

ON MOTION OF MR. HAYES, SECONDED BY MR. KINLEY, COUNCIL UNANIMOUSLY ACCEPTED THE REPORTS RECEIVED FROM THE PORTAGE SEWER AUTHORITY FOR JANUARY'21 AND THE PARPC-FEBRUARY'21. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MR. HAYES, MR. KINLEY, MR. LEARN, MS. KISSELL, AND MRS. ROCKER-LIDWELL. MOTION CARRIED 6-0.

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 commented that the meeting scheduled for February 22nd was canceled due to inclement weather and a meeting is now scheduled for March 8th, 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 advised that Ms. Jane Sheffield and Randy Stager will be attending the March 15th, Committee meeting to discuss the updates of the study. The Township Supervisors and Planning Commission were also invited.

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

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

Item M – Update on Swift Reach Network-Mr. Emerick to follow up with the Water Authority for an agreement.

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. Hayes commented that he could obtain other resources and ordinances. Mr. Shura is in the processing of reviewing other municipal ordinances. Mr. Shura also suggested performing a storm sewer study but cautioned that it could take some time. Discussions were also held on the flow from the Township as well as having a certified person with storm water permits, etc. Council questioned if the borough would be able to assess a fee to the residents. Mr. Shura commented that that the PA Legislature has made amendments for storm water but didn’t know if it affected PA boroughs. Council discussed the issue further and;

ON MOTION OF MR. KINLEY, SECONDED BY MR. CADWALLADER, COUNCIL UNANIMOUSLY AGREED TO MOVE FORWARD WITH MR. EMERICK TO RESEARCH IF THE BOROUGH COULD ACCESS A FEE FOR A STORM WATER PROJECT. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MR. HAYES, MR. KINLEY, MR. LEARN, MS. KISSELL, AND MRS. ROCKER-LIDWELL. MOTION CARRIED 6-0.

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 regionalization-After a short discussion, Council agreed to remove the issue from the agenda.

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 Roy and Patricia Plummer at 720 Orchard Street –discussed earlier in the meeting.

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

Item E – Update on Drayton Lewis for 925 Main Street (penalty hearing 7/22/19) – There was no update from the Solicitor.

Mr. Learn commented on the condition of the 907 & 907-1/2 Jefferson Avenue, which is in question as to the ownership. Ms. Claar will check the tax rolls to determine whom the owner(s) are and the exact address for the March Committee meeting.

Mr. Maul brought to Council's attention the condition of the 925 Main Street property owned by Drayton Lewis. The structure is sinking from the foundation and the sidewalk. The Public Works Department has already boarded up the front the door to the sidewalk but it now pulling away, creating a safety issue. Mr. Koban also commented on contacting Mr. Bruce Schweitzer since the Main Street Project will be soon commencing.

NEW BUSINESS:**A. Discussion on a proposed agreement with the Cambria County Humane Society**

Mr. Koban informed Council that Chief Gregory was interested in pursuing an agency to assist with animal complaints within the borough. Most of the incidents are pertaining to dogs and cats. Chief Gregory advised that he spoke with the Cambria County Humane Society. The Society would charge a fee of \$1,100.00 a year for a 24/7 service. There was a previous agreement with the Central PA Humane Society in 2012 and then a revised agreement in 2018 relating to coverage during normal working hours. Council questioned the number of incidents that are pertaining to animals to justify the yearly fee of \$1,100.00. Chief Gregory did not have that information readily available. Council suggested further research and discuss at the March Committee meeting.

B. Review and approval to compensate the tax collector for the 2020 real estate taxes

Mr. Koban advised Council that the correct reports were received from the tax collector but there is still a discrepancy with the uncollectable amount. Mr. Emerick also advised that per the Resolution from June of last year, there was a \$250.00 penalty per reporting period. After a discussion, Council suggested that Mr. Emerick calculate the penalty to determine what the borough can assess. Once the penalty is determined, the difference can be deducted from the commission that is owed to the Tax Collector. The issue will be addressed further at the March Committee meeting.

C. Review of the bid results for the Crichton McCormick Park Improvement Project 2021-1

Mr. Shura reviewed the bids for the proper documentation and advised that the project could be awarded to the lowest bidders for each contract pending review of the Engineer and Solicitor.

ON MOTION OF MR. HAYES, SECONDED BY MS. KISSELL, COUNCIL UNANIMOUSLY AWARDED CONTRACT 2021-1 FOR PAVING; TO J.W.

FLEMING, INC., IN THE AMOUNT OF \$27,865.50 WITH THE ALTERNATE BID ITEM OF \$15,404.00. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MR. HAYES, MR. KINLEY, MR. LEARN, MS. KISSELL, AND MRS. ROCKER-LIDWELL. MOTION CARRIED 6-0.

- D. Review of the bid results for the Crichton McCormick Park Improvement Project 2021-2
Mr. Shura reviewed the bids for the proper documentation and advised that the project could be awarded to the lowest bidders for each contract pending review of the Engineer and Solicitor.

ON MOTION OF MR. CADWALLADER, SECONDED BY MR. KINLEY, COUNCIL UNANIMOUSLY AWARDED CONTRACT 2021-2 FOR FENCING; TO FYE FENCING, IN THE AMOUNT OF \$28,000.40. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MR. HAYES, MR. KINLEY, MR. LEARN, MS. KISSELL, AND MRS. ROCKER-LIDWELL. MOTION CARRIED 6-0.

- E. Discussion on Christmas Decorations and mounting issues
Mr. Koban informed Council that the decorative lighting poles for the Main Street Improvement Project will be short for mounting the recently purchased Christmas Decorations. The decoration will not have enough clearance space from the light and traffic. After a lengthy discussion, Council suggested that the larger decorations could be used as ground displays and the possibility of advertising for bids, if need be. The issue will be discussed further at the March Committee meeting.

GOOD OF THE BOROUGH

A discussion took place on the type of meeting to be held for the Committee Meeting. Council agreed to hold the meeting teleconferencing until updated guidelines from Governor's Wolf Office.

There being no further business,

ON MOTION OF MR. CADWALLADER, 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, AND MRS. ROCKER-LIDWELL. MOTION CARRIED 6-0.

The meeting adjourned at 8:50 p.m.