

A meeting of Portage Borough Council was held on Monday, October 4th, 2021 at 6:30 p.m. at the Administration Office.

Those in attendance were:

Todd Learn

David Hayes

Kami Rocker-Lidwell

Bruna Kissell-absent

Ronald 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. Borough Secretary Ms. Claar was absent.

REFLECTION/PLEDGE OF ALLEGIANCE

Mr. Kinley offered a reflection and Mr. Wozniak then proceeded with the Pledge of Allegiance.

RECOGNITION OF GUESTS

Mr. Wozniak recognized the guests that were in attendance; Ron Portash; Portage Dispatch, Jean Kinley, and Ray Kowalczyk.

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. HAYES, MR. LEARN, MR. CADWALLADER, MRS. ROCKER-LIDWELL, AND MR. WOZNIAK. MOTION CARRIED 6-0.

Ms. Claar was absent and the minutes are derived from the manager notes and tape recording of the meeting.

Ray Kowalczyk informed Council again that the minutes from April, 2021, were incorrect. He was in attendance to address the alley issue litigation and the removal of his fence from the Courts, not the fence ordinance. There was a notation in the August minutes that reflected this issue. At the August meeting, Mr. Emerick advised Ray that once Council approves the minutes, they can not be changed, only making a notation on the next set of minutes.

Mr. Ed Alexander; Chairman for the Portage Municipal Authority was in attendance to address a request to Council for increasing the board members meeting pay. With the latest appointments to the board, there are four new board members. Mr. Alexander explained that they have added regular workshops and reorganizing operations, daily contact with the office and workers, grant opportunities, and water projects. The office is also closed to the public on Mondays, so the office manager can complete the work, due to the retirement of an employee and not replacing that position. The board is requesting an increase from \$45.00 per meeting to \$100.00 per meeting. Comments were also made by the public that when they applied for the board positions, construction projects were already planned. Council members had additional questions and comments. After a lengthy discussion;

ON MOTION OF MR. HAYES, SECONDED BY MR. CADWALLADER, COUNCIL HAD TIED ON THE VOTE 3-3. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. HAYES, MR. CADWALLADER, AND MR. WOZNIAK. VOTING NEGATIVELY WERE MR. KINLEY, MR. LEARN, AND MRS. ROCKER-LIDWELL.

Mr. Koban commented that since he has been here, there hasn't been a tie that he can remember. Mrs. Rocker-Lidwell questioned on how to proceed next with the Authority. Mr. Emerick advised that with the new Sunshine Law, the issue would have to be added to the next agenda to discuss the issue.

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.

- Recap of the renewal of the borough's commercial liability package for 2021-2022
- MMO Pensions for Uniform and Non-Uniform Employees for 2021
- Attended the Portage Area Regional Planning Commission meeting along with the Township Supervisor and Cambria County Planning Commission to discuss options for a ten (10) year plan.
- New bidding procedures and documentation for judicial sales

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-Mr. Emerick advised that DCNR is performing final review.
- Kowalczyk Vs Portage Borough- Mr. Emerick advised this is pending in the Commonwealth Court.

C. Engineer's Report

Mr. Shura provided a report prior to the meeting for Council to review. Updates were:

- PennDot MTF Grant application for Phase 5 Sidewalk Improvements
- Conference call with DEP was held on September 23 for permit determination.

D. Police Chief's Report

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

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

A Thank you letter was received from the Community Foundation for the Alleghenies for the \$35.00 memorial donation for Mrs. Wozniak.

CITIZEN'S INPUT ON AGENDA ITEMS

None

MINUTES OF PREVIOUS MEETINGS:

The minutes from the September 7th, 2021 regular and September 20th, 2021 committee meetings were distributed to Council prior to the meeting.

ON MOTION OF MR. LEARN, SECONDED BY MR. KINLEY, COUNCIL UNANIMOUSLY APPROVED THE MINUTES FROM THE SEPTMBER 7TH, 2021 REGULAR MEETING AND THE SEPTEMBER 18TH, 2021 COMMITTEE MEETING. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. HAYES, MR. KINLEY, MR. LEARN, MR. CADWALLADER, MRS. ROCKER-LIDWELL, AND MR. WOZNIAK. MOTION CARRIED 6-0.

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. CADWALLADER, SECONDED BY MR. HAYES, COUNCIL UNANIMOUSLY APPROVED THE TREASURER'S REPORT IN THE AMOUNT OF \$65,077.97. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. HAYES, MR. KINLEY, MR. LEARN, MR. CADWALLADER, MRS. ROCKER-LIDWELL, AND MR. WOZNIAK, 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 \$54,903.61. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. HAYES, MR. KINLEY, MR. LEARN, MR. CADWALLADER, MRS. ROCKER-LIDWELL, AND MR. WOZNIAK. MOTION CARRIED 6-0.

REPORTS RECEIVED

Mr. Wozniak noted minutes from the Portage Water and Sewer Authority and Portage Public Library.

ON MOTION OF MR. LEARN, SECONDED BY MS. KISSELL, COUNCIL UNANIMOUSLY ACCEPTED THE REPORTS RECEIVED FROM THE PORTAGE WATER AND SEWER AUTHORITY FOR SEPTEMBER, 2021; PORTAGE LIBRARY FROM JANUARY-JUNE, 2021. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. HAYES, MR. KINLEY, MR. LEARN, MR. CADWALLADER, MRS. ROCKER-LIDWELL, AND MR. WOZNIAK. MOTION CARRIED 6-0.

UNFINISHED BUSINESS

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

Item A - Update on Recreational Peer Group Committee-next meeting on Oct 25th, 2021.

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

Item C - Update on Trout Run Rehabilitation – Conference call with DEP and Stiffler McGraw.

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- Discussed earlier.

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

Item I – Update on DCNR Crichton McCormick Park Improvements-A final inspection is forthcoming.

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 Kowalczyk Litigation-Discussed earlier in the meeting.

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

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

Item P – Update on grant funding for CFA Phase 4 Sidewalk Improvements

Item Q – Update on utility permitting and inspections applications per Ordinance 5-2021

Item R – Update on a PennDot MTF Grant funding for Phase 4 Sidewalk Improvements

Item S – Update on drainage issues on Orchard Street

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): Judicial Sale-11/19/21

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 to authorize signatures on behalf of the Borough for the Judicial Sale

ON MOTION OF MR. LEARN, SECONDED BY MR. KINLEY, COUNCIL UNANIMOUSLY APPROVED RESOLUTION 13-2021 BY AUTHORIZING ROBERT A. KOBAN TO SIGN ON THE BOROUGH'S BEHALF AS A BIDDER AT THE CAMBRIA COUNTY JUDICIAL SALE FOR THE CLAIR ADAMS PROPERTY ON NOVEMBER 19TH, 2021. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. HAYES, MR. KINLEY, MR. LEARN, MR. CADWALLADER, MRS. ROCKER-LIDWELL, AND MR. WOZNIAK. MOTION CARRIED 6-0.

2. Authorization to apply the 2021 State Aid into the non-uniform pension plan with P.M.R.S.

ON MOTION OF MR. KINLEY, SECONDED BY MR. CADWALLADER, COUNCIL UNANIMOUSLY APPROVED TO DEPOSIT THE 2021 STATE AID IN THE AMOUNT OF \$18,399.40 INTO THE NON-UNIFORM PENSION PLAN WITH P.M.R.S. AND AN ADDITIONAL \$2,168.60 FROM THE BOROUGH GENERAL FUND FOR THE 2021 MMO OBLIGATION OF \$20,568.00. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. HAYES, MR. KINLEY, MR. LEARN, MR. CADWALLADER, MRS. ROCKER-LIDWELL, AND MR. WOZNIAK. MOTION CARRIED 6-0.

3. Review and discuss the Municipal Authority of Portage Borough request to compensate the board meeting pay from \$45.00 to \$100.00 per meeting.

ON MOTION OF MR. HAYES, SECONDED BY MR. CADALLADER, THE MOTION HAD TIED 3-3. COUNCIL MEMBER VOTING AFFIRMATIVELY INCLUDED MR. HAYES, MR. CADWALLADER, AND MR. WOZNIAK. VOTING NEGATIVELY WAS MR. LEARN, MR. KINLEY, AND MRS. ROCKER-LIDWELL. MS. KISSELL WAS ABSENT FROM THE MEETING. MOTION TIED 3-3.

4. Review and approval of the Intergovernmental Agreement between the Borough of Portage, Portage Township, and Portage Area School District.

ON MOTION OF MR. HAYES, SECONDED BY MRS. ROCKER-LIDWELL, COUNCIL UNANIMOUSLY APPROVED TO ADVERTISE THE IGA FOR THE NEW PORTAGE AREA JOINT PARKS AND RECREATION COMMISSION. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. HAYES, MR. KINLEY, MR. LEARN, MR. CADWALLADER, MRS. ROCKER-LIDWELL, AND MR. WOZNIAK. MOTION CARRIED 6-0.

5. Review and approval for the financial support for the Portage Area Joint Parks and Recreation Commission.

ON MOTION OF MRS. ROCKER-LIDWELL, SECONDED BY MR. CADWALLADER, COUNCIL UNANIMOUSLY APPROVED RESOLUTION 14-2021 BY FINANCIALLY SUPPORTING THE NEW PORTAGE AREA JOINT PARKS AND RECREATION COMMISSION, IN THE AMOUNT OF \$13,524.50 BASED ON THE 2020 CENSUS AT \$5.50 PER CAPITA FOR 2022, 2023, 2024, AND 2025. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. HAYES, MR. KINLEY, MR. LEARN, MR. CADWALLADER, MRS. ROCKER-LIDWELL, AND MR. WOZNIAK. MOTION CARRIED 6-0.

6. Discussion on a Hearing Order from the Court of Common Pleas for an assessment appeal with Brickley Enterprises on Monday, October 25th, 2021 at 2:30 p.m.

GOOD OF THE BOROUGH

The Cambria County Judicial Sale is scheduled for November 19th, 2021 at 10:00 a.m.

Trick or treat to be held on Sunday, October 31st, 2021 from 4:00 – 6:00 p.m.

Mr. Hayes brought to Council attention of a Face Book Post by a council member. Mr. Hayes advised that he wanted to make it known that his agenda is not to ride his ATV but instead to make money for the town.

There being no further business,

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

The meeting adjourned at 7:32 p.m.