

A meeting of Portage Borough Council was held on Tuesday, September 7th, 2021 at 6:30 p.m. at the Administration Office.

Those in attendance were:

Todd Learn

Bruna Kissell

George Wozniak

David Hayes-teleconferenced

Kami Rocker-Lidwell

Brent Kinley (late)

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. Mr. Cadwallader was absent.

REFLECTION/PLEDGE OF ALLEGIANCE

Mr. Wozniak called for a moment of silence for the 9-11 remembrance of those who lost their lives 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, Ray Kowalczyk, Rep. Frank Burns, and Irene Huschak.

Mr. Wozniak informed the public that there was no quorum of five (5) members of Council present at the start of the meeting. Mr. Hayes had teleconferenced in and Mr. Kinley arrived late. Since there is no quorum, no official action can be taken by Council. Mr. Wozniak advised the public that comments can be heard.

ON MOTION OF MS. KISSELL, 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, MS. KISSELL, MRS. ROCKER-LIDWELL, AND MR. WOZNIAK. MOTION CARRIED 5-0.

Representative Frank Burns was in attendance to thank the Borough Council for the successful Multimodal Transportation Fund grant application awarded by PennDot, in the amount of \$327,654 for Phase 3B Sidewalk Improvement Program. Mr. Burns encouraged Council to be aggressive and keep seeking grant funding opportunities. Mr. Burns explained that when grant funding is awarded, this is funding coming back to the Portage Area for projects. Mr. Koban advised Mr. Burns that the borough had applied for another MTF Grant for Phase 4 Sidewalk Improvement Project that will consist of sidewalks from Main Street on Johnson Avenue to Crichton McCormick Park. Mr. Burns assured Council that he will follow-up on the grant submission for Phase 4. Council thanked Mr. Burns for attending the meeting and for all his efforts in moving forward with support of any funding opportunities. Mr. Burns had presented Portage Borough Mayor; Kami Rocker-Lidwell, with a check citation reflecting the \$327,654.00 from the Commonwealth of PA.

Mr. Ray Kowalczyk was in attendance to address the amendment of the Fence Ordinance. The proposed amendment addressed fences being no closer than 2 feet to right-of-way, height restrictions, and grandfathering clause of existing fences. Mr. Kowalczyk had submitted an appeal to Ordinance 2-2021 "Fence Ordinance" that was adopted by Council on June 7th, 2021. Mr. Kowalczyk debated the proposed amendment and questioned Council as to why a fence ordinance is even needed to be written. Mr. Wozniak remarked back to Mr. Kowalczyk on several reasons. Mr. Kowalczyk advised that it is unnecessary and is targeting a neighborly dispute between Rick Kowalczyk and James Koban. Mr. Emerick commented that certain aspects are related to the Kowalczyk Litigation that is ongoing at the Court of Common Pleas since 2012. Mr. Emerick halted the debate between Borough Council and Mr. Kowalczyk.

Ms. Irene Huschak was in attendance to update Council on the progress of the Mainline walking trail. Ms. Huschak has been working with the Sept 11th National Memorial Trail Alliance on the easements of property owners and other properties within the area. Ms. Huschak questioned Mr. Emerick if he could review and approve the easements from a legal standpoint. Mr. Emerick advised that if the easements are within the Township, she would have to seek the township Solicitor for the review/approval. He is only permitted to review easements that are within the borough limits. Norfolk Southern is also moving forward with a title search on their properties. Mr. Kinley suggested to the public; that if you have not been to the museum, he urges the public to visit. There is so much history at the Museum and he thanked Ms. Huschak for all her dedication to the community.

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.

- Mrs. Thomas requesting an extension on a building demo permit
- Grant submission to DCED relating to paving and playground equipment
- DEP Permits for the Trout Run Project
- Drainage issues at 510 Orchard Street (George)

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 DCNR is performing the final review before filing at the County Courthouse.
- Kowalczyk Vs Portage Borough- Mr. Emerick advised Council that the Commonwealth Court briefs were submitted and Plaintiff has 30 days to submit briefs.
- As it relates to 400 Caldwell Ave (Thomas) Mr. Emerick informed Council that a demolition permit was applied for along with an extension request letter.
- The Second Amendment to the PennDot Contribution was reviewed. Mr. Emerick commented on the project limits specified between the 1st and 2nd amendments for the three phases. A lengthy discussion took place on where and what items are within the agreement(s).
- Cambria County Assessment appeals hearing for the 806 Hammers Street property were granted and reduced. Mr. Koban questioned if there should be representation from the Borough when there are assessment appeals hearings. Mr. Emerick advised that it wouldn't be necessary.

C. Engineer's Report

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

- As it relates to Ordinance 5-2021 concerning utility depths and inspections, Mr. Shura provided several examples of other municipal permit processes. Most information is already on the Borough application but milestones for construction could be added with timeframes when inspections should be performed by the Borough and enforced.

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

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

A thank you letter was received from the Wozniak family for a memorial donation.

A thank you card was received from the Portage Food Pantry for the 2021 donation.

The PAJRC sent a thank you letter for all the assistance from the Borough, Township, Fire Company, Water and Sewer Authority for the clean-up of the swimming pool at Crichton McCormick Park.

CITIZEN'S INPUT ON AGENDA ITEMS

None

MINUTES OF PREVIOUS MEETINGS:

The minutes from the August 2nd regular and August 16th, 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 August 2nd, 2021 REGULAR MEETING AND THE AUGUST 16TH, 2021 COMMITTEE MEETING. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. HAYES, MR. KINLEY, MR. LEARN, MS. KISSELL, 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 MS. KISSELL, SECONDED BY MRS. ROCKER-LIDWELL, COUNCIL UNANIMOUSLY APPROVED THE TREASURER'S REPORT IN THE AMOUNT OF \$81,244.21. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. HAYES, MR. KINLEY, MR. LEARN, MS. KISSELL, 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 MRS. ROCKER-LIDWELL, SECONDED BY MR. LEARN, COUNCIL UNANIMOUSLY APPROVED THE BILLS AND ADDITIONAL BILLS TO BE PAID; AS PRESENTED IN WRITTEN FORM, IN THE AMOUNT OF \$24,401.19. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. HAYES, MR. KINLEY, MR. LEARN, MS. KISSELL, MRS. ROCKER-LIDWELL, AND MR. WOZNIAK. MOTION CARRIED 6-0.

REPORTS RECEIVED

Mr. Wozniak noted minutes from the Portage Water and Sewer Authority, PAJRC, and LMIA.

ON MOTION OF MR. LEARN, SECONDED BY MS. KISSELL, COUNCIL UNANIMOUSLY ACCEPTED THE REPORTS RECEIVED FROM THE PORTAGE WATER AND SEWER AUTHORITY FOR AUGUST, 2021; PAJRC

FROM JULY-AUGUST; AND LMIA FOR JULY, 2021. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. HAYES, MR. KINLEY, MR. LEARN, MS. KISSELL, 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 9/13 and 9/27/21

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- 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-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 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

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 in October.

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. Review and approve the Second Contribution Agreement between PennDot and Portage Borough. Mr. Emerick called attention to the project limits within the Phases of 2, 3A and 3B. After a lengthy discussion from earlier in the meeting;

ON MOTION OF MR. KINLEY, SECONDED BY MRS. ROCKER-LIDWELL, COUNCIL UNANIMOUSLY APPROVED THE 2ND CONTRIBUTION AGREEMENT BETWEEN PENNDOT AND PORTAGE BOROUGH FOR PHASE 2, PHASE 3a AND PHASE 3B FOR THE MAIN STREET SIDEWALK IMPROVEMENTS FOR A COMBINED TOTAL OF \$1,425,106.00. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. KINLEY, MS. KISSELL, MRS. ROCKER-LIDWELL, AND MR. WOZNIAK. MOTION CARRIED 6-0.

2. Review and approve the proposed ordinance amendment to Ordinance 2-2021 concerning fence regulations and guidelines.

ON MOTION OF MR. KINLEY, SECONDED BY MRS. ROCKER-LIDWELL, COUNCIL APPROVED ORDINANCE 6-2021 BY AMENDING ORDINANCE 2-2021 BY RE-ESTABLISHING REGULATIONS AND GUIDELINES FOR FENCES. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MR. KINLEY, MS. KISSELL, MRS. ROCKER-LIDWELL, AND MR. WOZNIAK. MOTION CARRIED 4-2, WITH MR. LEARN AND MR. HAYES VOTING NEGATIVELY.

3. Review and approve the 2022 MMO for the non-uniform employee pension fund

ON MOTION OF MS. KISSELL, SECONDED BY MRS. ROCKER-LIDWELL, COUNCIL UNANIMOUSLY APPROVED THE 2022 MINIMUM MUNICIPAL OBLIGATION (MMO) WITH PMRS, IN THE AMOUNT OF \$21,540.00. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. KINLEY, MS. KISSELL, MRS. ROCKER-LIDWELL, MR. LEARN, MR. HAYES, AND MR. WOZNIAK. MOTION CARRIED 6-0.

4. Review and approve the 2022 MMO for the uniform police pension plan

ON MOTION OF MR. LEARN, SECONDED BY MR. KINLEY, COUNCIL UNANIMOUSLY APPROVED THE 2022 MINIMUM MUNICIPAL OBLIGATION (MMO) FOR THE UNIFORM POLICE PENSION PLAN WITH FIRST SUMMIT BANK, IN THE AMOUNT OF \$0, DUE TO THE PLAN BEING OVERFUNDED. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. KINLEY, MS. KISSELL, MRS. ROCKER-LIDWELL, MR. LEARN, MR. HAYES, AND MR. WOZNIAK. MOTION CARRIED 6-0.

5. Request letter from Margaret Thomas for an extension on the demolition permit at 400 Caldwell Avenue. Council reviewed the letter and the circumstances relating to the demo process. A short discussion took place on the extension of time for Mrs. Thomas. After the discussion;

ON MOTION OF MR. LEARN, SECONDED BY MRS. ROCKER-LIDWELL, COUNCIL UNANIMOUSLY APPROVED A SIXTY (60) DAY EXTENSION FROM SEPTEMBER 7TH, 2021 TO NOVEMBER 7TH, 2021. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. KINLEY, MS. KISSELL, MRS. ROCKER-LIDWELL, MR. LEARN, MR. HAYES, AND MR. WOZNIAK. MOTION CARRIED 6-0.

6. Discussion and request from Mary Ann George to repair drainage issues on Orchard Street. Mr. Koban elaborated on the letter he received from Ms. George. A discussion was held on the best resolution for possibly increasing the drain box size and if it is within the borough right-of-way and whom would be responsible for the repairs. Mr. Koban suggested having Stiffler & McGraw perform engineering services to provide professional ideas and research on the drainage box and repairs. The issue will be placed on the September 20th committee meeting for an approval to utilize engineering services by Stiffler & McGraw.

GOOD OF THE BOROUGH

The Cambria County Upset Tax Sale is scheduled for September 13, 2021.

Mr. Wozniak provided an update on the recent storm "IDA". Mr. Wozniak and Mr. Koban were in contact with the Cambria County Emergency Management Agency along with Mayor Rocker-Lidwell and Mr. Maul. During the storm, they performed a damage assessment walkthrough on various streets, flooding areas, or any property damages. An assessment was also made for emergency generator operations and evacuation plans, including an emergency shelter. There were approximately 20 basements that had flooding, sump pump issues, and several locations were flooded out. Mr. Wozniak commented that the behind-the-scenes actions were highly noted and a great job was done by all participants. Mr. Wozniak thanked everyone for all their efforts and dedication to the community for the safe, health, and welfare for area residents.

Mr. Hayes also acknowledged the passing of previous council member; Mr. Steven Lane.

There being no further business,

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

The meeting adjourned at 8:15 p.m.