

A meeting of Portage Borough Council was held on Monday, April 18th, 2022, at 6:30 p.m., in Borough Council Chambers.

Those in attendance were:

Todd Learn, President
Dave Hayes
Brent Kinley

Ron Cadwallader
Robert Fox, Mayor

Also present were: Robert Koban, Borough Manager; Brian Shura, Stiffler-McGraw; Scott Maul, Director, Public Works; John Branick, Representing the Police Dept; and Michelle Claar, Secretary.

Excused: Bruna Kissell, George Wozniak, Shaun Gregory, and Michael Emerick, Solicitor.

I. CALL TO ORDER

Mr. Learn called the meeting to order at 6:30 p.m., which was followed by the Pledge of Allegiance and a reflection provided by Mr. Kinley.

II. RECOGNITION OF GUESTS

Mr. Learn recognized the guests that were in attendance: Jean Kinley, Resident; Ron Portash, Portage Dispatch.

Ms. Kinley and Mr. Portash both indicated that they had nothing to bring before Council.

III. REPORTS

- Borough Manager

Mr. Koban indicated that his report was provided prior to the meeting.

Mr. Koban informed Council that he received an email and pictures of a property at 1029 Washington Avenue (Berkheimer and Smith). The pictures displayed the condition of the trailer, house, and dumpster. Mr. Koban noted that the front steps to the house were being repaired and a compliance permit was issued by LMIA. Council had questions on the permitting, the timeline for repairs, and the trailer. After the discussion, Council agreed to keep the issue on the agenda to see if there is any progress being made before taking any official action.

- Solicitor

Attorney Emerick provided his report prior to the meeting. Mr. Emerick tried several routes/roads to attend the meeting but due to the inclement, was not able to make it. Mr. Koban commented that the DCNR Deed recordings were the only issue holding up the Park Project. As it relates to Brickley Enterprises appeal process, the issue was placed later on the agenda for a motion from Council to authorize his signature.

- Engineer

Mr. Shura noted that his report was provided to Council prior to the meeting. Mr. Shura arrived late due to the inclement weather and area roads conditions. Mr. Shura had also had an additional issue that was on the agenda for discussion and approval.

- Chief of Police

Chief Gregory was absent and Officer Branick attended the meeting. Chief Gregory provided his report to Council prior to the meeting. Officer Branick had nothing to add except that he will be working part-time instead of full-time effective May 14th, 2022.

- Director of Public Works

Mr. Maul commented that his report was provided to Council prior to the meeting and that he had nothing to add to the report. Mr. Maul provided a letter of resignation effective for May 6th, 2022. Council thanked Mr. Maul for all his service and efforts and wished him well.

IV. CORRESPONDENCE

Ms. Claar advised that there was no other correspondence except from the Portage Area Planning Commission. The commission is inviting members of Council to attend the annual meeting of organizations on May 7th, 2022 from 9:00 a.m.- 12:00 noon at the Portage High School Cafeteria. Those attending

V. MINUTES OF PREVIOUS MEETINGS

Minutes from the March 7th regular meeting, March 22nd committee meeting, and March 28th, special meeting was listed on the agenda for approval. Mr. Hayes commented that the minutes from the special meeting of March 28th, 2022 was not included. Ms. Claar apologized for the oversight and advised that they will be provided for May 2nd regular meeting of Council.

ON MOTION OF MR. CADWALLADER, SECONDED BY MR. KINLEY, COUNCIL UNANIMOUSLY APPROVED THE MINUTES OF THE MARCH 7TH REGULAR, AND THE MARCH 22ND COMMITTEE MEETING MINUTES. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MR. HAYES, MR. KINLEY, MR. LEARN AND MAYOR FOX. MOTION CARRIED 5-0.

VI. TREASURER'S REPORT AND BILLS TO BE PAID

Ms. Claar provided the Treasurer's report and the bills to be paid prior to the meeting.

ON MOTION OF MR. KINLEY, SECONDED BY MR. CADWALLADER, COUNCIL UNANIMOUSLY APPROVED THE TREASURER'S REPORT, BILLS AND ADDITIONAL BILLS TO BE PAID AS PRESENTED IN WRITTEN FORM. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MR. HAYES, MR. KINLEY, MR. LEARN AND MAYOR FOX. MOTION CARRIED 5-0.

VII. REPORTS RECEIVED

Reports were provided to Council prior to the meeting for various boards. It was noted that the Water Authority minutes were not received prior to the meeting.

ON MOTION OF MR. CADWALLADER, SECONDED BY MR. FOX, COUNCIL UNANIMOUSLY ACCEPTED THE REPORTS FROM THE PORTAGE SEWER AUTHORITY, PORTAGE AMBULANCE AND THE PORTAGE AREA PANNING COMMISSION. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MR. HAYES, MR. KINLEY, MR. LEARN AND MAYOR FOX. MOTION CARRIED 5-0.

VIII. UNFINISHED BUSINESS

A. Peer Grant

Mr. Koban informed Council that we are still awaiting on DCNR for the final study and closeout. An e-mail was received from Mr. Young advising that this should be completed by the end of week. The Peer Grant needs to be closed prior to the Circuit Rider Grant application.

B. Borough Building Roof – There was no update.

C. Trout Run Project – Mr. Koban advised that the permit is still being pursued due to Federal and State permitting processes. Mr. Koban also commented that the walls are getting worse.

D-G Main Street Sidewalk Projects with PennDot

Mr. Koban informed Council that he spoke with Bruce regarding the issues addressed by Council from last month but has not received any response back prior to the meeting.

H thru S – There was no further updates provided for the remaining agenda items.

BUILDINGS

A. Update on Mark Greenawalt Property at 933 Sonman Avenue – No update.

B. Update on 616 Dulancey Drive – No update.

C. Update on 406 Caldwell Avenue – No Update

D. Concerning 925 Main Street-Panick

Mr. Koban informed Council that he spoke with LMIA regarding the compliance permit and the timeline for completion. LMIA had issued another 6-month permit extension. Mr. Fox questioned the process of the extension. Mr. Koban elaborated on the history of the property and the judgement that as rendered from the Cambria County Courts. Mr. Emerick to send a letter to the property owner advising of the findings.

E. 909-911 Jefferson Avenue- Mr. Emerick to send notice of findings to owner

Mr. Emerick was requested to send a letter to the property owner regarding the engineering study that was performed by Stiffler McGraw.

IX. NEW BUSINESS

A. Acceptance of resignation and approval to advertise for a vacancy on the Portage Water Authority. Mr. Koban informed Council that Mr. Alexander submitted his resignation form Mr. Edward Alexander and provided a copy to Council. A heavy debate took place on the resignation between several members of council as well as:

- Water Authority audit accusations
- Management of the Water Authority
- Requests for resignation of other members
- Social media posts
- E-mail and texts
- State Ethics Commission and compliance
- Executive sessions

After the lengthy discussion;

ON MOTION OF MR. KINLEY, SECONDED BY MR. FOX, COUNCIL UNANIMOUSLY ACCEPTED THE RESIGNATION OF MR. ALEXANDER AND APPROVED TO ADVERTISE FOR THE VACANT POSITION FOR THE REMAINING TERM. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MR. HAYES, MR. KINLEY, MR. LEARN AND MAYOR FOX. MOTION CARRIED 5-0.

Mr. Hayes questioned the resignation letter and asked if he could read a letter into the record to which Mr. Learn stated he could not since it concerned the Water Authority business.

B. Discussion on 1029 Washington Avenue (Smith)

The issue was discussed under the Borough Manager's report earlier in the meeting.

ON MOTION OF MR. KINLEY, SECONDED BY MR. CADWALLADER, COUNCIL UNANIMOUSLY TABLED ANY ACTION ON THE PROPERTY AT 1029 WASHINGTON AVENUE (SMITH) BUT PLACE THE ISSUE ON THE AGENDA FOR FUTURE PROGRESS. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MR. HAYES, MR. KINLEY, MR. LEARN AND MAYOR FOX. MOTION CARRIED 5-0.

C. Approval to advertise for a Public Works Director

Mr. Koban advised that the ads can be placed on Indeed, Mainline Newspapers, and the borough website for applications.

ON MOTION OF MR. KINLEY, SECONDED BY MR. CADWALLADER, COUNCIL UNANIMOUSLY APPROVED THE ADVERTISING OF A FULL TIME PUBLIC WORKS DIRECTOR. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MR. HAYES, MR. KINLEY, MR. LEARN AND MAYOR FOX. MOTION CARRIED 5-0.

D. Authorization to purchase a new certificate of deposit with 1st Summit Bank

Mr. Koban advised that a certificate of deposit had matured and was redeemed from S & T Bank.

ON MOTION OF MR. KINLEY, SECONDED BY MR. CADWALLADER, COUNCIL UNANIMOUSLY APPROVED RESOLUTION 4-2022 BY AUTHORIZING THE PURCHASE OF A NEW CERTIFICATE OF DEPOSIT WITH 1ST SUMMIT BANK; IN THE AMOUNT OF \$12,450.57, FOR A 12 MONTH TERM AT 0.16% APR RATE. THE S&T CD WAS REDEEMED. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MR. HAYES, MR. KINLEY, MR. LEARN AND MAYOR FOX. MOTION CARRIED 5-0.

E. Authorization to sign a petition to settle an assessment appeal with Brickley Enterprises. Prior to the meeting, Mr. Emerick had provided copies of the petition for Council to review.

ON MOTION OF MR. CADWALLADER, SECONDED BY MR. HAYES, COUNCIL UNANIMOUSLY AUTHORIZED MR. EMERICK TO SIGN, ON BEHALF OF PORTAGE BOROUGH, TO SIGN THE PETITION TO SETTLE BY STIPULATION THE REAL ESTATE TAX ASSESSMENT VALUE APPEAL FOR BRICKLEY ENTERPRISES, LLC., COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MR. HAYES, MR. KINLEY, MR. LEARN AND MAYOR FOX. MOTION CARRIED 5-0.

F. Approval for an engineering services agreement with Stiffler McGraw. Mr. Shura provided an engineering services agreement to Council prior to the meeting for their review and approval. The agreement is for the Phase 4 Sidewalk Project.

ON MOTION OF MR. CADWALLADER, SECONDED BY MR. FOX, COUNCIL UNANIMOUSLY APPROVED THE ENGINEERING SERVICES AGREEMENT, WITH STIFFLER MCGRAW, FOR THE PHASE 4 SIDEWALK PROJECT, IN THE AMOUNT OF \$130,000.00. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MR. HAYES, MR. KINLEY, MR. LEARN AND MAYOR FOX. MOTION CARRIED 5-0.

X. GOOD OF THE BOROUGH

Ms. Claar reminded Council of the Cambria County Borough Association Meeting on Tuesday, April 19th, 2022 at the Gallitzin Sportsman.

There being no further business,

X. ADJOURNMENT

ON MOTION OF MR. HAYES, SECONDED BY MR. KINLEY, THE MEETING WAS ADJOURNED AT 7:55 P.M. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR CADWALLADER, MR. KINLEY, MR. HAYES, MR. LEARN AND MR. FOX. MOTION CARRIED 5-0.