

A meeting of Portage Borough Council was held on Monday, February 22, 2022, at 6:30 p.m., in the Fire Hall meeting room.

Those in attendance were:

Todd Learn, President
Ron Cadwallader
Dave Hayes
Brent Kinley

Bruna Kissell
Mayor Kami Rocker-Lidwell
George Wozniak

Also present were: Robert Koban, Borough Manager; Attorney Michael Emerick, Solicitor; Brian Shura, Stiffler-McGraw; Scott Maul, Director, Public Works; Shaun Gregory, Chief of Police; and Sharon Squillario, Recording Secretary.

Excused: Michelle Claar, Borough Secretary.

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; Irene Huschak, Portage Area Historical Society; Ron Portash, Portage Dispatch.

ON MOTION OF MR. KINLEY, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY APPROVED TO GO OUT OF ORDER OF THE AGENDA TO RECOGNIZE THE GUESTS PRESENT. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CADWALLADER, MR. HAYES, MR. KINLEY, MRS. KISSELL, MR. LEARN, MRS. ROCKER-LIDWELL AND MR. WOZNIAK.

Mrs. Huschak apprised the Council members that, for the last eight years, she has been collecting money for the Park which she uses to purchase pool passes for students at the school. Last year, even with the COVID pandemic, she had friends and family that donated and she collected over \$6,000, which she used to purchase 76 passes for the students. Mrs. Huschak provided information to the Council members asking if they could share the information in the event they are interested in donating or know of anyone that would donate to the cause.

Mrs. Huschak informed Council that the historic miner statue and coal cart outside the Borough building has been moved slightly by the Fire Company so that they have room to now park one of their vehicles in that area. She thanked the Fire Company for their assistance in making this move.

Mrs. Huschak provided an invitation to Council to have one of their future meetings at the Historical Society museum. She noted that the Rotary has held one of their meetings there; and the Women's Club will be holding a future meeting there. Mrs. Huschak asked, if Council is interested, please contact her. She also shared a copy of the most recent Historical Society newsletter that she sends out.

Mrs. Huschak noted that last year she asked Council about the unused shale that is in the football stadium parking lot. Mrs. Huschak commented that the Fire Company was to use some of the shale; and when she talked to the owner of the company, he had said that the Fire Company used what they needed. She questioned Council if she would be permitted to have the extra shale for the path. Mr. Koban commented that he thought Council had already approved this; however, the shale is really not the Borough's to give to the Historical Society. Mrs. Huschak indicated that, when she talked to the owner of the company, he said that Mrs. Huschak would have to talk to Borough Council. Mr. Maul noted that, since the company left the shale here, it is basically abandoned now and would be available for Mrs. Huschak to use.

Mrs. Huschak apprised Council that the Portage/Allegheny National Historical Society provided to the local Historical Society a panorama of the Allegheny/Portage Railroad, which is 5 feet long x 4 feet wide x 2 feet deep and includes incline plane #2. She provided a photo of the panorama for Council to review and noted that Portage used to be called "Foot of 2" because it had incline plane #2 going through Plane Road. Mrs. Huschak indicated that, when looking at the picture, the building is where the substation would have been. She informed Council that she received two grants. Naomi Stager did the design; and Mark Petryshak built it so that nothing could get inside, so she is now ready to place the panorama along the highway. She received permission from PennDOT; however, she does need assistance in contacting Mr. Kondisko because he owns the property. Mrs. Huschak commented that Mr. Kondisko lives in Florida; and she has sent various messages and letters to him but has not heard back. Mr. Koban questioned where the panorama will be placed, to which Mrs. Huschak replied that we cannot place it on the corner because it will block traffic coming down Munster Road, so it will be placed between the Kondisko property and Tom Stager's property. This is why she would need the shale as well; and she questioned if Council was amenable to using the shale, to which Council agreed.

As it relates to the path, Mrs. Huschak informed Council that the grant has been written. There were some students that did a fundraiser; and they raised \$4,500 for the project. The Historical Society needed \$4,200 to write the grant; and they will hear in May whether they were awarded the grant or not. Mrs. Huschak stated that, if the Historical Society receives the grant, a diagram has been developed of what the path would look like; and she provided copies to Council. The path would be macadamized from Caldwell Avenue to the baseball field. If the grant is not received, since the students have raised \$4,500, the Sewer Authority has agreed to provide all of their dirt, the Township will do all the work, and PennDOT has agreed to provide all of their millings. Therefore, whether the grant is received or not, Mrs. Huschak pointed out, the path can be developed. The Township wants to wait a little bit because they are not sure how long it will take to get all of the dirt down near Kane Run, but the project should be completed sometime this summer.

Mrs. Huschak explained to Council that, because the path is only one-half mile long, she has never seen that much paperwork that has to be completed. She is working with Norfolk Southern and doing all type of work to get the path to Wilmore. She has delivered to the Court House the easements from the High School, which have been recorded; and she is awaiting a signature on one more easement before she can record it. From the beginning, Mrs. Huschak pointed out, we have talked about allowing individuals to ride their bicycles all the way to the Park. We had talked about using Cunard and Maple Streets because Hammers Street has a stop sign on every corner as well as traffic on both sides. She noted that Maple Street has no parking and only two stop signs. Mrs. Huschak pointed out that she has talked to several people; and they said that, if you look at this, the path starts at the parking lot; and when coming out of the parking lot, there is a blind corner. Therefore, perhaps instead of coming straight across Cunard, we should go the

entire way down Gillespie. Mrs. Huschak indicated that she has already checked about the paint and we would have to look at placing the bicycle stencils and arrows.

Attorney Emerick pointed out that his understanding is that the path only went on a slight portion of a State road, to which Mr. Koban replied that there would be no State roads involved. Attorney Emerick commented that, if this is the case, there would be no stipulations if it is Borough streets. Mrs. Huschak questioned who she would speak with in the Borough. Mr. Koban questioned if we would have to do an Ordinance to designate the bicycle path, to which Attorney Emerick replied negatively, stating that you would only be advising motorists of bicycles in the area and not creating a separate bicycle road. Mrs. Huschak indicated that there would be signs along the road and every intersection would have a bicycle stencil. Mr. Koban noted that Mrs. Huschak should work in conjunction with Mr. Maul. Mrs. Huschak pointed out that the other concern is the two stop signs because adults would slow down and stop but she fears children would not. One of the stop signs is on Jefferson Avenue, which is located in the Township. The stop signs run north and south, Mrs. Huschak noted; and if we can move the two stop signs to go east and west, the bicycles will be able to go straight through. The Township is already looking at the process to move their stop sign, so the Borough would need to look at the other stop sign. Mr. Maul noted that, if you are looking at moving the stop sign because of its location, we may need to do this via Ordinance. He commented that, because of the location of the stop sign that Mrs. Huschak is referencing, if you would move it to go east and west, you would have two intersections involved and you cannot have double stop signs that close together. In addition, there is no stop sign coming up Gillespie Avenue currently. Mr. Maul indicated that he would have to take a closer look at this.

Mr. Koban explained that this is not as easy to do as it sounds. We would have to work with the Director of Public Works, do a traffic study if there is a concern with speed and traffic flow, do an Ordinance, etc. Mrs. Huschak indicated that she understands this and it does not have to be done, but if it can, it would be better. Mayor Rocker-Lidwell pointed out that one of the stop signs in question has a tree in front of it, which impacts visibility, and the other has a bush in front of it that also impacts visibility. Mrs. Huschak emphasized that the path to the Park is important; and she talked to store owners who are so upset that traffic is coming down South Railroad Street and leaving Portage and not coming through town. Therefore, if people are coming through from Wilmore to Portage, they will go via Johnson Avenue to the Park. We are also looking at people coming to Portage from out of town to the Park. Mrs. Huschak emphasized that changing the stop signs is not a big deal, but if it is something that could be considered it would be better. She explained that last year Croyle Township got involved in the path; and from the underpass in Summerhill to Sossong's, there is already a bike trail. Mrs. Huschak pointed out that she had a meeting with Jim McCaulley; and Pristine Resources owns a lot of the old mining property. They own the property from Sossong's to Wilmore; and they have no problem placing the path in that area. Jeffrey McCaully has also spent an entire day at the courthouse researching about Norfolk Southern; and since Norfolk Southern does not have to pay taxes, all of their information is different than other property owners. Mrs. Huschak pointed out to Council that the bicycle path is definitely coming; and she will keep Council informed of further developments.

Mr. Learn acknowledged Ms. Kinley, who stated that she has noticed over the last two weeks that the area on lower Main Street near Dulancey Drive is absolutely filthy due to the coal dirt and that Cooney needs to assist in cleaning that area up. She pointed out that this should not be the responsibility of the Borough. Ms. Kinley indicated that at one time Cooney had a street sweeper that they were using. She pointed out that she feels bad for residents that live in that area that

have to look at the dirt. Ms. Kinley commented that she also wanted to mention about the cracks in the new sidewalks.

III. REPORTS

- Borough Manager

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

Mr. Koban pointed out that, due to Ms. Claar's absence, he would like to acknowledge the efforts of Mr. Maul and Chief Gregory in running items back and forth to Ms. Claar. He noted that he, along with Chief Gregory and Mr. Maul, have been holding things together in Ms. Claar's absence. Her absence has been affecting some of the day-to-day operations, such as the telephone calls and emails. Mr. Koban noted that Ms. Claar should be released by her physician to return to work by the end of February/beginning of March.

- Solicitor

Attorney Emerick commented that his report was provided prior to the meeting.

Attorney Emerick noted that there was no update on the first item in his report. As it relates to the second item on his report, President of Council has in front of him the six deeds for transfer that Council has been discussing with DCNR. It has been determined that the deeds that are not in the Borough's name, such as those in the name of the Portage Township Road Supervisor, they are not concerned about. It was thought that one of the deeds had a house on it, which has been resolved. Attorney Emerick pointed out that once the deeds are executed, he will record those and the issue will be resolved.

Attorney Emerick noted that the third item on his report is still pending. As it relates to the fourth item on his report, he had hoped to have a settlement agreement with the County on the Hammers Street assessment. Another conference has been scheduled for March 14; and two meetings have been scheduled prior to that date. Attorney Emerick commented that it is hoped that the County will authorize settlement of the appeal.

- Engineer

Mr. Shura noted that his report was provided to Council prior to the meeting.

Mr. Shura stated that, since the report was provided, as it relates to the Trout Run project, we have received comments from DEP and have responded to them. DEP should be issuing a permit so that we can move ahead with the project. Mr. Koban asked that he be provided a copy of the final comments that were provided to DEP.

Mr. Shura indicated that, as it relates to 909/911 Jefferson Avenue, he has not had a chance to talk to Mr. Campbell. Chief Gregory noted that he spoke with Mr. Nicolson who gave him a run around about getting into the interior of the house and that he had to speak to his attorney. Mr. Koban indicated that we need direction from Council relative to this matter. Attorney Emerick pointed out that what has been done in the past is relying on an exterior view of the property and move forward based on this. Mr. Shura noted that he can have Tim move forward if this is the

case. Mr. Koban commented that it is pretty well defined in the Ordinance as to the qualifications and a hole in the roof would qualify. However, we wanted to see the status from the interior of the structure to see if both sides of the house were affected. Mr. Shura agreed that, without seeing the inside of the structure, we assume it is the whole structure affected. Mr. Shura noted that he would have Tim proceed.

- Chief of Police

Chief Gregory commented that his report was provided to Council prior to the meeting and that he had nothing to add to the report.

- 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.

IV. CORRESPONDENCE

Mr. Learn noted that information was received relative to the Portage Fire Company annual awards banquet to be held on Saturday, March 12, 2002 at 5:30 p.m. at the Cassandra Hall. Mr. Koban questioned Council on who would be able to attend; and Council members responded to Mr. Koban.

V. MINUTES OF PREVIOUS MEETINGS

Mr. Learn noted that minutes from the January reorganization meeting, regular meeting and Committee meetings were distributed prior to the meeting for review by the Council members.

As it relates to the January 17, 2022 minutes, Mr. Hayes indicated that there was a statement in the minutes on Page 5 that reads "Mr. Hayes indicated that this was stated in an Executive Session." Mr. Hayes indicated that he could not have stated this because Council did not have an Executive Session. Mr. Koban commented that he vaguely remembers Mr. Hayes making this statement. Mr. Hayes noted that a different person at the meeting was commenting about different things being said in Executive Session so he could not have stated this because Council did not have an Executive Session. Mr. Hayes pointed out that he had brought up a question that everyone had about the ATVs and certain people indicated that it was stated in an Executive Session. Mr. Koban questioned what correction Mr. Hayes wanted to make to the minutes. Mr. Kinley suggested that the tape be reviewed from the last meeting, to which Mr. Hayes replied that he had stated something about the ATVs and Mr. Kinley replied that he could not bring it up because it was discussed in Executive Session. Mr. Learn questioned if Mr. Hayes would like this statement to be stricken from the minutes, to which Mr. Hayes replied affirmatively.

ON MOTION OF MR. WOZNIAK, SECONDED BY MRS. KISSELL, COUNCIL UNANIMOUSLY APPROVED THE MINUTES OF THE JANUARY 3 REORGANIZATION MEETING, REGULAR MEETING AND JANUARY 17, 2022 COMMITTEE MEETING AS PRESENTED, WITH THE CHANGE IN THE MINUTES OF THE JANUARY 17, 2022 MINUTES AS DISCUSSED ABOVE. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. WOZNIAK, MR. CADWALLADER, MAYOR ROCKER-LIDWELL, MR. KINLEY, MRS. KISSELL, MR. LEARN AND MR. HAYES.

VI. TREASURER'S REPORT AND BILLS TO BE PAID

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. VIA A ROLL CALL VOTE, COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. WOZNIAK, MR. CADWALLADER, MAYOR ROCKER-LIDWELL, MR. KINLEY, MRS. KISSELL, MR. LEARN AND MR. HAYES.

VII. REPORTS RECEIVED

ON MOTION OF MR. WOZNIAK, SECONDED BY MAYOR ROCKER-LIDWELL, COUNCIL UNANIMOUSLY ACCEPTED THE REPORTS FROM THE PORTAGE WATER AUTHORITY, PORTAGE SEWER AUTHORITY AND LMIA AS PRESENTED. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. WOZNIAK, MR. CADWALLADER, MAYOR ROCKER-LIDWELL, MR. KINLEY, MRS. KISSELL, MR. LEARN AND MR. HAYES.

VIII. UNFINISHED BUSINESS

- Peer Grant

As it relates to the Peer Grant closeout, Mr. Koban informed the Board that the new Portage Area Joint Parks and Recreation Board will be meeting next Monday, February 28. The new Board will be continuing the process of tying up the job description for the new Recreation Manager position so that we advertise appropriately. Mr. Koban noted that we will need to close out the current grant before proceeding with the rider grant; however, there are things that we can be working on before proceeding such as the job description, advertising, etc. Mr. Learn questioned if the meeting of the new Board will be public meetings, to which Mrs. Squillario replied affirmatively.

- Main Street Project

Mr. Koban informed Council that we have had numerous comments and concerns that have come up relative to the new sidewalks on Main Street. He noted that he asked Mr. Maul and his team to review both sides of the project area and document any cracks; and there are some concerns. Mr. Koban pointed out that it was brought up to him at one point that some of the cracks may have been caused by the fact that we were using Borough equipment to clean the sidewalks; however, he did investigate this and the equipment was not on the sidewalks because it did not fit on the sidewalks. He noted that he wanted to bring this up in the event that Council members hear this and can clarify any concerns from the public. Mr. Koban informed Council that he and Bruce were to meet on the Caldwell Avenue drain concern; and he will contact Bruce so that they can walk the project area to address the areas found by Mr. Maul and his team. He will then bring this information back to Council. Mr. Koban noted that we may need to hold the contractor responsible, which he is sure PennDOT will do, but he does not want to come to any conclusions. Mr. Learn questioned if they are all lifting cracks, to which Mr. Koban replied that not all are lifting cracks and that some are stress cracks. Mr. Cadwallader and Mr. Maul discussed some concerns about the lifting of the sidewalks at the dance studio as well as an area at Harpo's. Mr. Maul pointed out that there were 29 cracked slabs found; however, a lot of them were the joints and not at the cuts. Mr. Wozniak questioned if PennDOT is involved, to which Mr. Koban replied

affirmatively. Mr. Cadwallader pointed out that PennDOT would ultimately be responsible because they hired the contractor and if we do not get satisfaction we would have to bring it to PennDOT. Attorney Emerick questioned if the punch list has been submitted, to which Mr. Koban replied that everything on the punch list was addressed except for one area. Mr. Koban noted that the concerns with the cracks arose after the punch list items were addressed. Attorney Emerick pointed out that Council may want to submit something so that we have something on record.

- Dirt on Roads

Mr. Learn mentioned about the condition of the road on Main Street due to the coal trucks as mentioned by Ms. Kinley earlier in the meeting. He commented that in the past we had reached out to Cooney. Mr. Koban noted that he does realize this is a concern as this is the time of year that it is the worst. He commented that he did visit the Cooney plant and explained to the Board the process that is used in cleaning. Mr. Koban informed Council that he questioned how many trucks deliver each day, and it is 325, which means that there are 650 trucks going both directions. Mr. Learn questioned if there is anything Council could do via Ordinance, to which Mr. Hayes replied that this would be a State road. Mr. Learn questioned how Council should address this, to which Mr. Cadwallader provided Mr. Koban with contact information at the plant. Mr. Wozniak suggested that Mr. Koban speak with the Borough Manager in Windber because they had similar concerns and it has been addressed.

- Buildings

Mr. Koban questioned if Mr. Maul has posted the property, as he has picked up the deeds, to which Mr. Maul replied that he would need a copy of the deed so that he could notify Penelec. Mr. Learn questioned if this would be done in-house, to which Mr. Koban replied that the costs involved would be for the dumpster and the demolition permit.

Mr. Hayes questioned if there have been any complaints relative to the drainage issues at 514 Orchard Street, to which Mr. Koban replied that there have not been.

As it relates to 925 Main Street, Chief Gregory noted that he did make contact with the owner today and indicated that he would need to seal up the back of the building. Mr. Wozniak questioned the timeframe on completion, to which Mr. Koban replied that we have not set a time for completion. Chief Gregory note that he can set a 10-day notice for completion tomorrow.

IX. NEW BUSINESS

- Easter Event at Park

Mr. Koban noted that Marla Nesbella contacted him relative to holding a Lick or Treat for dogs event at the Park in April. He noted that he does not feel there should be any concerns but this will be discussed by the new PAJPRC Board on Monday, February 28.

- Resignation – Planning Commission

ON MOTION OF MR. KINLEY, SECONDED BY MR. CADWALLADER, COUNCIL UNANIMOUSLY APPROVED THE RESIGNATION OF MR. HAYES FROM THE

PORTAGE AREA PLANNING COMMISSION. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. WOZNIAK, MR. CADWALLADER, MAYOR ROCKER-LIDWELL, MR. KINLEY, MRS. KISSELL, MR. LEARN AND MR. HAYES.

- Handicapped Parking Space

ON MOTION OF MRS. KISSELL, SECONDED BY MR. KINLEY, COUNCIL UNANIMOUSLY AGREED TO THE ADVERTISING OF AN AMENDMENT TO AN ORDINANCE FOR A HANDICAP PARKING ZONE AT 1031 CALDWELL AVENUE. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. WOZNIAK, MR. CADWALLADER, MAYOR ROCKER-LIDWELL, MR. KINLEY, MRS. KISSELL, MR. LEARN AND MR. HAYES.

- Resignation - Mayor

ON MOTION OF MRS. KISSELL, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY ACCEPTED THE RESIGNATION OF MRS. ROCKER-LIDWELL AS MAYOR EFFECTIVE FEBRUARY 28, 2022. VIA A ROLL CALL VOTE, COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. WOZNIAK, MR. CADWALLADER, MAYOR ROCKER-LIDWELL, MR. KINLEY, MRS. KISSELL, MR. LEARN AND MR. HAYES.

Mr. Koban commented that Mayor Rucker-Lidwell will definitely be missed and he thanked her for her service to the community.

- Advertisement for Mayor

Mr. Koban commented that the advertisement for letters of interest would be to serve as Portage Borough Mayor until the next general election, which would be until 12/31/23, after which time the elected individual would fill the unexpired term until 12/31/2025.

ON MOTION OF MAYOR ROCKER-LIDWELL, SECONDED BY MR. CADWALLADER, COUNCIL UNANIMOUSLY AGREED TO THE ADVERTISING FOR LETTERS OF INTEREST TO SERVE AS PORTAGE BOROUGH MAYOR. VIA ROLL CALL VOTE, COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. WOZNIAK, MR. CADWALLADER, MAYOR ROCKER-LIDWELL, MR. KINLEY, MRS. KISSELL, MR. LEARN AND MR. HAYES.

- Water Authority Board Payment

Mr. Hayes noted that he feels Council should reconsider a previous request received from the Water Authority relative to increasing their Board payment to \$100 because of the increased amount of time Board members are spending with meetings, etc. Mr. Koban replied he did receive a request that this previous request be pulled off of the table.

X. ADJOURNMENT

ON MOTION OF KINLEY, SECONDED BY MAYOR ROCKER-LIDWELL, THE MEETING WAS ADJOURNED AT 7:30 P.M. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. WOZNIAK, MR. CADWALLADER, MAYOR ROCKER-LIDWELL, MR. KINLEY, MRS. KISSELL, MR. LEARN AND MR. HAYES.

Respectfully submitted,

Sharon Squillario
Recording Secretary