

A meeting of Portage Borough Council was held on Tuesday, September 8th, 2015 at 6:30 p.m., in Council Chambers.

Those in attendance were:

Sharon McCarthy, President
Mayor James Kissell
John Morgan

George Wozniak
Jerome Yetsko
Todd Learn

Also present were: Robert Koban, Borough Manager; Michael Emerick, Solicitor; Gary Wisor, Engineer; Ray Bowman, Public Works; Chief Miller, Public Safety; Ms. Claar-Secretary, and Ms. Alexis Wozniak; Jr. Council. Absent was Mrs. Chobany.

I. CALL TO ORDER

Ms. McCarthy called the meeting to order at 6:30 p.m., which was followed by a roll call with a quorum being present.

II. REFLECTION/PLEDGE OF ALLEGIANCE

Mr. Kissell offered a reflection. The reflection was followed by the Pledge of Allegiance.

III. RECOGNITION OF GUESTS

Ms. McCarthy asked for a motion to go out of order of the agenda to recognize the guests present.

ON MOTION OF MR. WOZNIAK, SECONDED BY MR. KISSELL, THE COUNCIL AGREED TO GO OUT OF ORDER OF THE AGENDA TO RECOGNIZE THE GUESTS PRESENT. MOTION CARRIED 6-0.

Visitors:

Ron Portash-Mainline Publications; Kelly Cernetich-Altoona Mirror; Randy Griffith-Tribune Democrat; Anthony and Valerie Gaunt and Albert Miller, and Mr. John Crum; Joe Stauski, Patty Rousell, Jeremy Shuniak, and Denys Theys representing the Portage Volunteer Fire Dept.

Mr. John Crum resides on Beech Street in Portage Township. Mr. Crum first commended the Public Works Dept on maintaining the weeds and the Township for also taking care of the road. Mr. Crum is inquiring on whether or not the stop sign at Lincoln and Beech needs to be moved closer to the intersection for vehicles to stop. A discussion took place on the location of the sign and Mr. Crum also noted that the pipe in the ditch needs either replaced or cleaned out. Mr. Koban and Mr. Bowman will investigate the intersection and the ditch line pipe.

Mr. Anthony and Valerie Gaunt, along with Mr. Albert Miller were in attendance to discuss the fire damaged structure located at 532 Dulancey Drive that happened on August 9th, 2015. Mr. Gaunt explained that there was no insurance on the property and that the property was foreclosed on. Mrs. Gaunt commented that Greentree was the lender and that the foreclosure has not been recorded. The Gaunts agreed that the property was unsafe and the borough could demolish it. Mr. Koban advised the Gaunts that the borough just can't demolish the structure since they are the recorded owners of the property. The Gaunts and Mr. Miller advised that they do not have the funds to demolish the structure. Mr. Emerick questioned their intentions and if they had any plans on demolition. Mr. Gaunt advised that he will take the structure down but it will take some time. Mr. Emerick questioned the timeframe. Mr. Emerick and Mr. Koban explained the process to the Gaunts and Mr. Miller; as it relates to the

compliance of the borough ordinance. Mr. Koban advised that the borough is willing to work with the Gaunts and Mr. Miller to resolve the issue. After a lengthy discussion:

ON MOTION OF MR. WOZNIAK, SECONDED BY MR. MORGRAN, COUNCIL UNANIMOUSLY APPROVED TO HAVE MR. EMERICK MOVE FORWARD WITH A DEMOLITION AGREEMENT BETWEEN THE GAUNTS AND MR. MILLER AND THE BOROUGH; OUTLINING THE TERMS AND TIMEFRAME OF DEMOLITION OF THE FIRE DAMAGED STRUCTURE LOCATED AT 532 DULANCY DRIVE. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MAYOR KISSELL, AND MS. MCCARTHY, MOTION CARRIED 6-0.

As outlined in the discussion, the structure is to be at least down to the first floor or level surface by December 31st, 2015; and the remaining by April, 2016. Mr. Emerick advised that the three parties will be required to sign the agreement. Council thanked that the parties for attending the meeting to address the fire damaged structure.

The Portage Fire Dept was in attendance with Mr. Stauski as the guest speaker. Mr. Stauski is requesting the Borough support in hosting the 2017 Cambria County Firemen's Convention. Mr. Stauski commented that it is an excellent fund raiser for the organization. Mr. Koban questioned the funds they received from the convention in 2011 and heard that the fire dept had lost money. Several members of Council also commented on the conflicts, communication, loud and filthy music from the bands, parking issues, noise complaints, drinking issues, etc. Mr. Stauski advised Council that he has a footprint of the past convention and the issues that needed to be addressed. Mr. Yetzko requested the foot print and would like to know exactly where everything will be laid out. Mr. Stauski commented that the print will include the locations of the food and beer tents, parking, and band area. Several of the issues from the previous convention left a bad taste with Council. Mrs. Rousell commented that a list of committee members will also be provided to Council. Mrs. Rousell also advised that a letter of support is needed by October 6th from Borough Council to send to the Cambria County Convention Committee. After a lengthy discussion, Council requested that the Portage Fire Dept attend the September committee meeting to discuss the convention plans, present the foot print from the prior convention, financial outcome, and location.

Ms. McCarthy questioned the status of the fire company deed preparation. Mr. Koban elaborated that the original deed was not recorded properly and is in the hands of Mr. Soissong. Mr. Wozniak commented that Mr. Soissong and Mr. Emerick should work together to accomplish the deed documentation. Mr. Koban advised that we will also need the deed to move forward with the roof project and to prepare a no interest financial loan agreement between the borough and fire department.

IV. REPORTS

A. Borough Manager

Mr. Koban commented that a copy of his report was provided to Council prior to the meeting. As it relates to the Sewer Project; Mr. Koban provided Council with an update on the progress of the project and the complaints that were received regarding the contractor and the road conditions. Mr. Fritz with the Eads Group contacted Kukurin regarding the various complaints, the quality of work, equipment, and condition of the roads. Mr. Koban also commented that the residents suffer the consequences of the construction project. Mr. Koban also informed Council that Kukurin will wait to do the final paving on the roads getting full width paving, as per our specifications, in the Spring of 2016.

B. Solicitor

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

Mr. Emerick informed Council that both Right to Know request appeals from Mr. Hinkledire were denied by the PA Office of Open Records. Mr. Hinkledire has until September 17th to appeal their decision.

As it relates to litigation regarding Wyar v. Portage and Kowalczyk v. Portage, Attorney Emerick informed Council that both matters are still pending.

Attorney Emerick reported that we are still awaiting the proposed deed from the Fire Company to review.

Mr. Learn was excused from the meeting at this time.

C. Engineer

Mr. Wisor commented that he had forwarded a copy of his report to Council prior to the meeting.

Mr. Wisor informed Council that the contractor is set to begin work on the borough roof project.

Ms. McCarthy questioned why there was only one bidder on the public works maintenance building. Mr. Koban elaborated on the status of the new maintenance building and that there are several issues that arose with the contract and the contractor; Triple B Services. The following issues were noted:

- Contractor did not receive the correct specifications of the building when bidding.
- The proposal submitted by Triple B Services was based on specs that Mr. Bowman provided.
- The new building specifications required structural bracing and posts that the Contractor was unaware of. This resulted in \$4,000.00 of extra materials. This is in accordance with the codes office.
- Options: terminate the contract with Triple B Services and re-bid the project based on the correct specifications and plan documents.
- The project will probably be based on prevailing wage rates.
- Suggestions on steel structures and ports
- Temporary storage

After a lengthy discussion on the above:

ON MOTION OF MR. WOZNIAK, SECONDED BY MR. KISSELL, COUNCIL UNANIMOUSLY APPROVED TO ADVERTISE THE RE-BID OF THE PUBLIC WORKS MAINTENANCE BUILDING IN THE DISPATCH. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MAYOR KISSELL, AND MS. McCARTHY, MOTION CARRIED 5-0.

D. Chief of Police

Chief Miller reported that he had forwarded a copy of his report to Council prior to the meeting. Chief Miller had nothing additional to report.

E. Director of Public Works

Mr. Bowman noted that a copy of his report was provided to Council prior to the meeting. Ms. McCarthy commended the department for a fantastic job on the paving of Johnson Avenue. Mr. Bowman commented that the project was within 4 tons of the estimated amount.

As it relates to Emergency Management, Mr. Wozniak advised that the Portage Stadium had tested positive for the West Nile virus and an all call went to the residents. Mr. Wozniak advised that he spoke with Mr. Kline of Cambria County to further discuss the issue from a safety factor and the community. Mr. Wozniak suggested that communication between the County, Borough and School District is imperative.

CORRESPONDENCE:

Portage Fire Dept request for hosting the 2017 convention was discussed earlier in the meeting. Cambria County Borough Association Dinner to be held on October 27th, 2015 at Hoss's Steak and Sea House in Ebensburg with social hour at 5:30 p.m. Those attending will be Ms. McCarthy, Mr. Koban, Mr. Kissell, Ms. Claar and Jr. Councilor Alex Wozniak.

V. MINUTES OF PREVIOUS MEETING

ON MOTION OF MR. WOZNIAK, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY APPROVED THE MINUTES FROM THE AUGUST 3RD REGULAR AND THE AUGUST 24TH, 2015 COMMITTEE OF THE WHOLE MEETING AS PRESENTED. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MAYOR KISSSELL, AND MS. McCARTHY, MOTION CARRIED 5-0.

VI. BILLS AND TREASURER'S REPORT

Ms. McCarthy noted that copies of the bills and Treasurer's report were distributed for review by Council members prior to the meeting. Additional bills were also presented prior to the meeting. Mr. Morgan commented that the agenda reflected an error in the Tax Collector figure. Ms. Claar noted that it was a typographical error. The additional bills included a 15% down payment to Triple B Services in the amount of \$3,521.25 that will be voided.

ON MOTION OF MR. MORGAN, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY ACCEPTED THE TREASURER'S REPORT AND AGREED THAT THE BILLS AND ADDITIONAL BILLS BE PAID IN THE AMOUNT OF \$49,236.43 AS PRESENTED IN WRITTEN FORM. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MAYOR KISSSELL, AND MS. McCARTHY, MOTION CARRIED 5-0.

VII. REPORTS RECEIVED

Ms. McCarthy noted that reports were received from the Portage Water Authority (July); Portage Sewer Authority (July); LMIA (August); and PAJRC for August and a profit & loss to date.

ON MOTION OF MR. KISSELL, SECONDED BY MR. MORGAN, COUNCIL UNANIMOUSLY ACCEPTED THE REPORTS RECEIVED AS NOTED ABOVE. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MAYOR KISSSELL, AND MS. McCARTHY, MOTION CARRIED 5-0.

VIII. UNFINISHED BUSINESS

Mr. Koban provided an update as follows:

- Item A: Long Range Plan – Mr. Koban commented that as part of the meeting with PARPC/Township Supervisors on September 21, we need to focus on three goals that had previously been discussed by Council.
- Item B: Comcast Cable Agreement – Mr. Koban advised he will be working on this agreement.

- Item C: Update on Proposed Deed from Fire Department – Mr. Koban reported that this matter was addressed under the Solicitor’s Report.
- Item D: Review of 125th Anniversary Banner – Ms. Claar advised that Mr. Vello was furnished with the Portage Logo and should be here within the two weeks.
- Item E: Mr. Koban informed Council that the Cambria Commissioners had approved the LERTA resolution. Mr. Koban also advised Council that the Portage Area School District did not have the correct resolution reflecting the designated areas. They previously had passed the LERTA with “All geographical areas”. Ms. Claar had e-mailed the updated and revised areas to the School District. The School District will schedule the re-adoption of the LERTA at their next regular meeting.
- ITEM F: Mr. Koban presented information to Council on the speed data device figures that was placed on Beech Street for one week. Mr. Ruffing informed Mr. Koban that the device has a notable impact on area drivers. The new stop sign request was denied. Mr. Koban will retain the data in the files and the issue can be removed from the agenda.
- ITEM G: Ms. Claar advised that the ad was placed in the Dispatch for letters of interest to be due on September 18th, 2015 for the vacant Planning Commission Seat.
- ITEM H: As it relates to the vehicles parked on North Railroad Street, Mr. Koban commented that he has not seen any issues and the trailer is not parked there. The issue can be removed from the agenda.

VIII. BUILDINGS

- 907 Jefferson Avenue –The Lilly First National Bank is the responsible owner and can be held accountable for the dangerous structure.

ON MOTION OF MR. KISSELL, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY AGREED TO HAVE MR. EMERICK MOVE FORWARD WITH LEGAL ACTION AGAINST THE PROPERTY IN ACCORDANCE WITH THE BOROUGH ORDINANCE FOR A DANGEROUS STRUCTURE. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MAYOR KISSELL, AND MS. McCARTHY, MOTION CARRIED 5-0.

- 933 Sonman Avenue-Mr. Mark Greenawalt has paid the 2014 taxes and is seeking a property tax rebate. Ms. Claar advised that she spoke with the Assessment Office and he will not be entitled to the back rebates. Mr. Koban suggested that pictures be taken and sent to Mr. Greenawalt so that he knows what kind of condition the structure is in. Mr. Kissell suggested flipping the building. Mr. Koban also commented that a warning and citation can be issued to Mr. Greenawalt and hold him responsible for any repairs.
- 612 Orchard Street – no further report.
- 828 North Railroad Street – no further report. Leave on the agenda for another month.
- 810 Johnson Avenue-Mr. Koban advised that he spoke with the owner and the chimney was removed. The issue can be removed from the agenda.
- 532 Dulancey Drive-discussed earlier in the meeting.

IX. NEW BUSINESS

Mr. Kissell commented on the declaration of a snow and ice emergency. Mr. Koban suggested placing the issue on the Sept committee meeting agenda for further discussion. The avenues should be included in the areas for declaration and a list of streets. The snow and ice emergency for declaring certain streets and or avenues will have to be adopted by ordinance.

GOOD OF THE BOROUGH

Mr. Kissell commented on how nice the banners look on Main Street.

A discussion was held on the poles being cluttered with the banners and the flags. Mr. Koban suggested the possibility of getting banners with a flag already on it.

ON MOTION OF MR. KISSELL, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY AGREED TO PURCHASE BANNERS WITH THE FLAG ON THE BANNERS, INCLUDING THE BRACKETS. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MAYOR KISSELL, AND MS. McCARTHY, MOTION CARRIED 5-0.

ADDITIONAL AGENDA ITEMS:

1. Financial Loan agreement with the Portage Fire Dept for the roof project.

ON MOTION OF MR. KISSELL, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY AGREED TO HAVE MR. EMERICK MOVE FORWARD WITH PREPARING A NON-INTEREST FINANCIAL LOAN AGREEMENT BETWEEN THE PORTAGE FIRE DEPT AND THE BOROUGH FOR THE ROOF REPLACEMENT PROJECT. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MAYOR KISSELL, AND MS. McCARTHY, MOTION CARRIED 5-0.

ADJOURNMENT

THERE BEING NO FURTHER BUSINESS, ON MOTION OF MR. WOZNIAK, SECONDED BY MR. YETSKO, THE MEETING WAS ADJOURNED AT 9:02 P.M.