

A meeting of Portage Borough Council was held on Monday, April 3rd, 2017, at 6:30 p.m., in Council Chambers.

Those in attendance were:

Sharon McCarthy	James Kissell	David Hayes
George Wozniak	Jerome Yetsko	John Morgan

Also present were: Robert Koban, Borough Manager; Michael Emerick, Solicitor; Gary Wisor, Engineer; Chief Edward Miller, Public Safety; Fran Steberger; Public Works, and Michelle Claar, Secretary. Absent was Todd Learn and Ray Bowman, Public Works Director;

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.

ON MOTION OF MR. KISSELL, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY APPROVED TO GO OUT OF ORDER ON THE AGENDA TO ADDRESS THE GUESTS. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MS. McCARTHY, MAYOR KISSELL, MR. HAYES, MR. WOZNIAK, MR. YETSKO, AND MR. MORGAN. MOTION CARRIED 6-0.

III. RECOGNITION OF GUESTS

Ron Portash, Mainline Publications; Jean Kinley; Erin Shuniak, Joe Stauski, Brandon Bobolsky, and Courtney Cadwallader; Portage Fire Dept, and John Nicholson.

Ms. McCarthy addressed the Portage Fire Dept representatives first since they had another meeting to attend. Mr. Stauski and Mrs. Shuniak advised that they received the e-mail regarding the Cambria County Firemen's Convention event. Council was seeking an update on the planning of the event. The requested information was as follows:

- Foot prints of the layout of the convention
- Security
- Alcoholic beverage locations and control
- Parking
- Traffic Control
- Parade control
- Mr. Yetsko's property
- Crowd Control, traffic, parking and location for Josh Gallagher on Thursday
- Schedule of events and locations

Mr. Stauski provided a foot print reflecting the certain location of events, stands, food, entertainment, and barrier placement for private properties. Mr. Yetsko questioned the barriers and fence for around his property and will only be fencing in the area around the tent. The Mountain House grounds will not be used. The tent location will be the same as it was in 2011, behind the municipal building. Mr. Stauski provided additional details:

- 5 security guards from Giddings Security and fire police
- Will contact bus companies, school, and church for parking and crowd control.

- Barriers to be supplied by Cambria County Emergency Services
- Contact to PennDot regarding the street closure and banners (will require a letter from the Borough)
- Dates and times for streets to be closed during the event (will require a letter from PVFD for Council approval of specific locations).
- Car Show, softball, horseshoes, golf, darts, bowling, cornhole, and fire related events
- Location for Josh Gallagher on Thursday only will consist of a 53' trailer by S&T Bank in the alley. The other stages will be by the recycle bins.

Mrs. Shuniak commented that the battle of the barrels will be held on Main Street and advised they will be including children of all ages to participate. Other events were discussed. Mrs. Shuniak advised that the schedule is not finalized at the current time, but one will be provided to Council once it is. Mr. Stauski and Mrs. Shuniak also informed Council that several meetings for the convention will be held every second meeting of the month. The first will be Tuesday, April 25th at 6:00 p.m. A request was made for two members of Council to attend the meetings. Mr. Koban commented that any street closures or other requests will need to be made in writing with Council approval for each. Mr. Stauski will provide a list to be placed on the April 17th committee meeting agenda for approval. Ms. Claar provided Mr. Koban with the agenda items from 2011 and other documentation that required Council approval. Council thanked the fire department personnel for providing an update on the convention plans.

Mr. John Nicholson was in attendance to observe what will transpire on the ATV/UTV issues that were mentioned on WJAC News and the local papers utilizing borough roadways. Mr. Nicholson advised that he is planning on attending the Wednesday Portage Township meeting to discuss the ATV/UTV issue with the Supervisors as well. Mr. Nicholson and Mr. Hayes provided copies of the PA Dept of Transportation concerning ATV/UTV State laws operating on public roads; PA State Police statutes section 7721-7730. Renovo Borough just recently passed an ordinance permitting ATV's on borough roads. Mr. Nicholson commented that he is in the process of initiating an ATV Club utilizing the strip mines (Cooney's) in the Township. Mr. Hayes provided additional information on items relating to:

- Increased revenue for the borough and the businesses,
- No liability on the Borough
- DCNR License for each ATV
- Age restrictions of 16 and older
- Designation of streets and process for accidents and reports.

Mr. Hayes also provided various township ordinances that have already been passed and DCNR grant application for PA Recreational Trails. Mr. Nicholson advised that the Township was approached several years ago, and that the issue had fallen off any future agenda's. A lengthy discussion took place between the pro's and cons from both sides. Chief Miller provided a letter regarding ATV's within the Borough Streets for Council to review from a legal and safety issue. Some of the cons presented by Council and Chief Miller were

- safety of the residents and children
- state law restricting usage,
- turn signals, width of tires, inspections,
- insurances, registrations,
- operation of atv' s after leaving the bars and or gas stations
- property owner permissions, restricted hours, damages around the Water Authority property

Mr. Nicholson requested that Council discuss the issue and just don't close the door to the future recreation needs for people of all ages. Another discussion took place on the Township and

Borough working together for the recreational needs of the area. Mr. Wozniak informed Mr. Nicholson that the Borough has tried on several occasions, through talks of consolidation, the Long-Range Plan, the proposed recreation manager position, and the Township was negative on each issue. Mr. Hayes commented that a representative from Renovo would address Council on the process if additional information would be needed. After another debate on the pros and cons, Ms. McCarthy requested direction from Council on how to proceed.

MR. HAYES MOTIONED TO KEEP THE ISSUE ON THE AGENDA FOR FURTHER DISCUSSION. MS. McCARTHY CALLED FOR A SECOND ON THE MOTION, TWO TIMES. THERE WAS NO SECONDED ON THE MOTION. MOTION DIED DUE TO THE LACK OF A SECOND.

IV. REPORTS

A. Borough Manager

Mr. Koban provided his report to Council prior to the meeting. Mr. Koban commented on several issues in his report. The PA DEP contacted Mr. Koban regarding a complaint they received from a resident. The issue is the overflow of water from heavy rains and property owners pumping out water onto the streets. Mr. Koban advised that a drain project will be placed on the schedule for the Public Works to address within the near future by the jacket factory.

Mr. Kissell questioned if there would be any pension issues with Mr. Squillario being on payroll.

Ms. McCarthy questioned if there were any applications received for a part time laborer position.

Mr. Koban advised that several resumes were submitted through the PA Career Link site.

Ms. McCarthy also questioned the status of a part time patrol officer to which Mr. Koban replied that there were no experienced applicants. Mr. Wozniak questioned the police academies for any potential applicants. Chief Miller advised that in the past, officers were hired and obtained their MPT number then quit after several months. Mr. Wozniak also questioned the costly price of the advertising in the Tribune. Mr. Koban commented that the Tribune advertises twice and it is placed on Monster.com for 7 days. The ads are also placed in the five (5) Mainline Newspapers and on the borough website.

B. Solicitor

Attorney Emerick provided a report to Council in written form prior to the meeting. Mr. Emerick advised that the Borough Roof litigation will be held later in an executive session.

Mr. Emerick presented the Nicholson Civil Complaint for Council to review and for Ms. McCarthy to sign off on. Ms. McCarthy questioned Count 12 concerning the fencing. Mr. Kissell commented that the fence is an orange plastic construction fence.

ON MOTION OF MR. KISSELL, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY APPROVED MOVING FORWARD WITH MS. MCCARTHY SIGNING THE NICHOLSON CIVIL COMPLAINT, THE FILING FEES FOR THE PROTHONOTARY, AND THE SHERIFF DEPARTMENT FOR SERVING THE COMPLAINT. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MS. McCARTHY, MAYOR KISSELL, MR. HAYES, MR. WOZNIAK, MR. YETSKO, AND MR. MORGAN. MOTION CARRIED 6-0.

C. Engineer

Mr. Wisor commented that he furnished a copy of his report to Council but Ms. Claar had mistakenly omitted it from Council packets and apologized for the oversight.

Mr. Wisor advised that he re-filed the Multi-modal grant application for the Pedestrian Corridor Main Street Enhancement Project. The estimated construction cost was \$440,905.50 with the Borough's 30% minimum share of \$132,271.65.

Mr. Kissell questioned the 907 Jefferson Avenue (Joseph Crum) property on Mr. Wisor's agenda. Mr. Koban commented that the owners are in the process of demolition and the permit is valid for 6 months.

D. Chief of Police

Chief Miller provided a copy of his written report to Council prior to the meeting. Chief Miller had nothing additional to report.

E. Director of Public Works

Mr. Bowman was absent. Mr. Fran Steberger represented the Public Works Department. The Public Works Department provided a written report to Council prior to the meeting.

Ms. McCarthy questioned the street sweeping schedule. Mr. Steberger advised that the schedule was revised and the ad was published in the Dispatch. The revised schedule was also placed on the borough website. Mr. Steberger advised that he was sweeping Main Street as a trial run for proper operations.

Mr. Kissell commented that he talked with a representative of the Women's Club regarding the banners being put up in the right season. Mr. Steberger advised that the banners could be put up next week since the Township will have the sweeper. Ms. McCarthy commended the Public Works Department for their efforts with being down one person.

Ms. McCarthy questioned if Ms. Kinley had anything to add. Ms. Kinley questioned if the expenses could also be added to the agenda under the Treasurer's Report. The revenues are listed but not the expenses. Mr. Emerick reviewed the Home Rule Charter and the Roberts Rules of Order. Mr. Emerick informed Ms. Kinley that she can request a copy of the bills/expenses. Overall, it would be up to Council if they want the expenses on the agenda. Ms. McCarthy commented that we follow the order as stated in the Home Rule Charter.

V. CORRESPONDENCE

Ms. Claar advised that Mr. Slanoc sent an e-mail requesting the semi-shut down of Main Street for the 6th Annual Bunny Dash 5K on April 15th, commencing at the Portage Football Stadium at 8:00 a.m.

ON MOTION OF MR. WOZNIAK, SECONDED BY MR. KISSELL, COUNCIL UNANIMOUSLY APPROVED THE SEMI SHUT-DOWN OF MAIN STREET FOR THE 6TH ANNUAL BUNNY DASH 5K RACE ON SATURDAY, APRIL 15TH, 2017. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MS. McCARTHY, MAYOR KISSELL, MR. HAYES, MR. WOZNIAK, MR. YETSKO, AND MR. MORGAN. MOTION CARRIED 6-0.

Mr. Ray and Janice Bowman sent a thank you for the Get-Well Card and Sheetz Gift card during his illness.

The Portage Area Sewer Authority submitted their Audited Financial Statements from 2015 and 2016. The Audit is available for Council to review.

VI. MINUTES OF PREVIOUS MEETING

As it relates to the minutes from the March 6th, 2017 regular and the March 20th, 2017 committee meetings.

ON MOTION OF MR. KISSELL, SECONDED BY MR. MORGAN, COUNCIL UNANIMOUSLY APPROVED THE MINUTES FROM THE MARCH 6TH AND REGULAR AND THE MARCH 20TH, 2017 COMMITTEE MEETINGS. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MS. McCARTHY, MAYOR

KISSELL, MR. HAYES, MR. WOZNIAK, MR. YETSKO, AND MR. MORGAN.
MOTION CARRIED 6-0.

VII. BILLS AND TREASURER'S REPORT

Ms. McCarthy noted that copies of the bills, additional bills, and Treasurer's report were distributed for review by Council members prior to the meeting.

ON MOTION OF MR. YETSKO, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY ACCEPTED THE TREASURER'S REPORT IN THE AMOUNT OF \$96,161.17; AND APPROVED THE BILLS AND ADDITIONAL BILLS BE PAID; AS PRESENTED IN WRITTEN FORM, IN THE AMOUNT OF \$17,109.68. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MS. McCARTHY, MAYOR KISSELL, MR. HAYES, MR. WOZNIAK, MR. YETSKO, AND MR. MORGAN. MOTION CARRIED 6-0.

VIII. REPORTS RECEIVED

Ms. McCarthy noted that reports were received from the Portage Water Authority (Feb); Portage Sewer Authority (Feb); and LMIA (Mar).

ON MOTION OF MR. KISSELL, SECONDED BY MR. MORGAN, COUNCIL UNANIMOUSLY ACCEPTED THE REPORTS RECEIVED AS NOTED ABOVE. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MS. McCARTHY, MAYOR KISSELL, MR. HAYES, MR. WOZNIAK, MR. YETSKO, AND MR. MORGAN. MOTION CARRIED 6-0.

IX. UNFINISHED BUSINESS

Mr. Koban provided an update as follows:

- A. Update on Recreation Manager/Director position:
Mr. Koban advised that Mr. Longwill is waiting on information from Mr. Jay Schreibman with the DCNR.
- B. Update on Borough Building Roof: Discussed earlier in the meeting and there will be an executive session at the end of the meeting.
- C. Update on Trout Run Rehabilitation: Mr. Wisor advised that once the CFA Flood Mitigation program begins accepting applications, the revised application will be resubmitted. The deadline is June 30th, 2017 and the next inspection will be in 2018.
- D. Update on promoting tourism in Portage: Mr. Kissell advised that he met with Mr. Portash last week and will be adding additional information to the brochure.
- E. Sacred Heart Tax Appeals-There was no update. Mr. Yetsko commented that the parking lots of Sacred Heart are being taxed and paid.
- F. Update on Ash Street Maintenance-once the weather permits, Ash Street will be repaired. Per Council, the item can be removed from the agenda.

BUILDINGS

Mr. Koban provided the following update:

- A. Update on Nicholson property on Main Street-discussed earlier in the meeting under the Solicitor's report.

- B. Update on Mark Kissell property at 1315 Jefferson Avenue: There was no update. Ms. McCarthy advised that she received a few complaints again. Mr. Kissell advised Council to “do what we have to do” to move forward with the property owners.
- C. 1007 Conemaugh Avenue (Vivis) property. Placed on the judicial sale at Cambria County. Mr. Koban advised to leave the issue on the agenda so we don't forget about the sale.

X. NEW BUSINESS

- A. Review of the proposed amendment to Ordinance 3-1999 concerning Special Events Parking. Mr. Kissell advised that he met with Charlie Rimini at the Crimson Room. During that time, Mr. Rimini advised him that he and Craig Mazzaresse may lease all 34 spaces in the back-parking lot (Central/Branch). Mr. Morgan questioned if Country Hearts and Flowers were ever approached about leasing any of the spaces to which Mr. Koban commented they have parking behind the shop. Ms. Claar advised that the legal notice was not advertised in the Dispatch. Another short discussion took place on the fees and leasing of the 34 spaces. Mr. Emerick advised that if Council wanted to amend anything additional; beyond the fees, it would require another motion and advertising.

ON MOTION OF MR. KISSELL, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY APPROVED TO TABLE THE PROPOSED ORDINANCE DUE TO NON-ADVERTISING. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MS. McCARTHY, MAYOR KISSELL, MR. HAYES, MR. WOZNIAK, MR. YETSKO, AND MR. MORGAN. MOTION CARRIED 6-0.

- B. Review and approval to advertise the 2016 Audit. Kotzan & Associates submitted the 2016 Audited Financial Statements for Council to review and approve for advertising in the Dispatch. The audit was submitted to PA DCED and Cambria County Prothonotary. Ms. McCarthy commended Mr. Koban and Ms. Claar for all their efforts in the audit process. Mr. Portash questioned if there were any findings to which there were none.

ON MOTION OF MR. MORGAN, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY APPROVED TO ADVERTISE THE 2016 FINANCIAL AUDIT OF PORTAGE BOROUGH IN THE DISPATCH. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MS. McCARTHY, MAYOR KISSELL, MR. HAYES, MR. WOZNIAK, MR. YETSKO, AND MR. MORGAN. MOTION CARRIED 6-0.

- C. ATV's/UTV's utilizing borough streets-discussed earlier in the meeting
- D. Liquor License transfer notice. The PA Liquor Control Board sent notice that a liquor license transfer is pending between Tonia Garret (Garret Family) to a Brian Baker for a new restaurant; the Desperado's. Mr. Emerick advised that it was only a notice advising the municipality and nothing needs to be done at the current time.
- E. Request from Keystone West Rail. Keystone West Rail sent a request for a letter of support from Portage Borough. The support letter is to enhance passenger rail service between Pittsburgh and Harrisburg.

ON MOTION OF MR. YETSKO, SECONDED BY MR. MORGAN, COUNCIL UNANIMOUSLY APPROVED TO PROVIDE A LETTER OF SUPPORT TO KEYSTONE WEST RAIL; FOR SUPPORT OF INCREASED PASSENGER RAIL SERVICE FROM PITTSBURGH TO HARRISBURG. COUNCIL MEMBERS

VOTING AFFIRMATIVELY INCLUDED MS. McCARTHY, MAYOR KISSELL, MR. HAYES, MR. WOZNIAK, MR. YETSKO, AND MR. MORGAN. MOTION CARRIED 6-0.

- F. Closing of avenues during a snow emergency
Mr. Koban commented that he was unsure of where the issue left off from the last meeting and suggested further discussion on declaring a snow emergency. Mr. Hayes questioned the difference between closing the avenues versus other streets. Mr. Kissell commented that the avenues are wider and should be the first to be opened up during a snow storm. Mr. Wozniak commented that we can't predict the weather and it is better to be prepared. Damn if we do and damn if we don't. Mr. Koban requested that he would like something in writing and more specifics when it comes to declaring a snow emergency for in the future. Mr. Wozniak commented that he will research the emergency operations plan and come up with a few suggestions for in the future.
- G. Request from Allegheny Ridge for a letter of support
Mr. Randy Stager submitted an e-mail requesting a letter of support for the Allegheny Ridge Corporation seeking a Partnership grant application from DCNR to continue the work of the Greenways program.

ON MOTION OF MR. KISSELL, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY APPROVED TO PROVIDE A LETTER OF SUPPORT TO THE ALLEGHENY RIDGE CORPORATION; FOR SUPPORT OF A PARTNERSHIP PROGRAM GRANT; THROUGH THE PA DCNR FROM PITTSBURGH TO HARRISBURG. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MS. McCARTHY, MAYOR KISSELL, MR. HAYES, MR. WOZNIAK, MR. YETSKO, AND MR. MORGAN. MOTION CARRIED 6-0.

XII. GOOD OF THE BOROUGH

- A. The 2017 Annual Spring Clean-up will be held on Tuesday and Wednesday, May 9th and 10th for curbside service customers only. Orange bag customers are not eligible for the cleanup. All curbside service customers must have the water/sewer/garbage bill paid up to date to participate.
- B. Reminder that the Cambria County Borough Association Dinner meeting will be held on April 18th, 2017 at the Hoss's Steak and Sea House. (5 will be attending)
- C. Reminder that Portage Library will be hosting a "Love the Library" campaign dinner on April 24th, 2017 at 6:00 p.m. (No count provided)
- D. The annual Easter Egg Hunt will be held at Crichton McCormick Park on Saturday, April 15th, 2017 at Noon.
- E. Mr. Dennis Beck provided an email that Earth Week will be coming up in April. The e-mail did not reflect the date. Mr. Beck is also seeking assistance from the Public Works Department for a truck to remove and dump leaves at the back of the park.
- F. Bunny Dash addressed earlier in the meeting.

X. ADJOURNMENT/EXECUTIVE SESSION

ON MOTION OF MR. KISSELL, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY AGREED TO GO INTO EXECUTIVE SESSION FOR LITIGATION PURPOSES. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MS. McCARTHY, MAYOR KISSELL, MR. HAYES, MR. WOZNIAK, MR. YETSKO, AND MR. MORGAN. MOTION CARRIED 6-0.

ON MOTION OF MR. KISSELL, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY AGREED TO GO OUT OF EXECUTIVE SESSION FOR LITIGATION PURPOSES. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MS. McCARTHY, MAYOR KISSELL, MR. HAYES, MR. WOZNIAK, MR. YETSKO, AND MR. MORGAN. MOTION CARRIED 6-0.

ON MOTION OF MR. WOZNIAK, SECONDED BY MR. KISSELL, COUNCIL UNANIMOUSLY AGREED TO GO INTO THE REGULAR MEETING. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MS. McCARTHY, MAYOR KISSELL, MR. HAYES, MR. WOZNIAK, MR. YETSKO, AND MR. MORGAN. MOTION CARRIED 6-0.

THERE BEING NO FURTHER BUSINESS, ON MOTION OF MR. MORGAN, SECONDED BY MR. WOZNIAK, THE MEETING WAS ADJOURNED AT 8:40 P.M.