

A meeting of Portage Borough Council was held on Monday, December 4th, 2017, at 6:30 p.m., in Council Chambers.

Those in attendance were:

Sharon McCarthy	James Kissell	David Hayes	Todd Learn
George Wozniak	Jerome Yetsko	Emily Canavan; Jr. Council	

Also present were: Robert Koban, Borough Manager; Michael Emerick, Solicitor; Gary Wisor, Engineer; Chief Edward Miller, Public Safety; Scott Maul; Public Works, and Michelle Claar, Secretary. Absent was Councilor; John Morgan and Kaelyn Wozniak; Jr. Council.

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 moment of reflection. The reflection was followed by the Pledge of Allegiance.

III. RECOGNITION OF GUESTS

Ron Portash, Mainline Publications; Calem Illig, Altoona Mirror; Randy Griffith, Tribune Democrat. Also present was Jean Kinley.

REPORTS

A. Borough Manager

Mr. Koban provided his report to Council prior to the meeting. Mr. Koban elaborated on several sections of his report:

- ❖ Mr. Koban advised that several other municipalities ordinances were reviewed for amending the snow emergency parking and declaring an emergency. Mr. Koban pointed out that a motion was made in September to determine the location (Avenues/Streets) and the times. Mr. Wozniak and Mr. Kissell commented that the Avenues should be first for emergency service vehicles and snowplowing. Another short discussion took place on where people would park their vehicles and getting in and out of their residence.
- ❖ Mr. Koban met with Mr. Wisor at Crichton McCormick Park to research the location for the restroom project and layouts. Mr. Wisor advised that he did not have an opportunity to provide a proposal of estimated costs and tasks for the project. Mr. Wisor advised that he will provide a proposal within the near future.
- ❖ Ms. McCarthy questioned if the full-time laborer position was filled. Mr. Koban advised that he has reviewed several resume's and applications. The final date for accepting applications is Thursday, December 14th, 2017.
- ❖ Mr. Wozniak questioned if there was a resolution to the sign at 123 Main Street (Lewis). Mr. Koban advised that he spoke with Mr. Noble regarding the brightness of the sign. Mr. Noble informed him that it comes on at 5:00 in the morning. Mr. Koban contacted Mr. Lewis regarding the brightness of the sign. Mr. Lewis informed him that the brightness can be adjusted along with the time setting. Mr. Koban will be following up again with the Mr. Lewis.

- ❖ Ms. McCarthy commended everyone that assisted and volunteered in the ice rink liner project at the park. Mr. Koban commented that several sand bags had to be purchased to keep the sides of the liner down on the ground. Mr. Koban also advised that the curbing around the rink liner should have some type of protection so the skates don't tear the liner.
- ❖ Mr. Wozniak apprised Council that a few windows are broken at the Knightage Building on Main Street and questioned if something could be done before it becomes a safety issue.
- ❖ Ms. McCarthy questioned if the Kissell property at 1315 Jefferson Avenue had sold. Ms. Claar advised that she has not received anything from the County for Realty Transfer Tax. The public hearing was held on October 2nd, 2017 and deemed a dangerous structure and ordered to be demolished. Another discussion took place with the same property owner concerning the 1309 Jefferson Avenue trailer that caught fire. A shed and garage are also on the property that are well out of plumb. Mr. Wisor had performed an inspection on Friday, December 1st, 2017. It is the recommendation of the Borough Engineer that all three structures meet the Dangerous Building Ordinance and should be demolished. Mr. Wozniak questioned if both properties could be handled together. Mr. Learn commented that the 1315 Jefferson Avenue property needs addressed first since it has been on the agenda the longest. Council agreed to move forward with the 1315 Jefferson Avenue first and then the 1309 Jefferson Avenue trailer public hearing.

B. Solicitor

Attorney Emerick provided a report to Council in written form prior to the meeting. Several issues were discussed:

- Borough Roof-Mr. Emerick advised that he is preparing the response to the complaint with American Roofing. Mr. Emerick also advised Council that he will need to know if they are going to make any repairs in the near future.
- Nicholson property on Main Street-Mr. Emerick advised that the issue can be removed from his agenda.
- 907 Jefferson Avenue (Crum's) Mr. Emerick informed Council that the Cambria County Sheriff Department will be serving the paperwork on the Crums. Mr. Learn commented that the roof is caving in.
- 616 Dulancey Drive (Adams)-Mr. Emerick elaborated on research into the appointment of a personal representative for the unopened estate.
- Orange & Gove Street (Shoenfeld): Mr. Emerick advised that he reviewed two (2) court documents at the Cambria County Court of Common Pleas. The first was in 2000 and was dismissed due to failure to appear at the hearing. The second case was withdrawn with no reason given. A short discussion took place with Mr. Emerick commenting that the could move forward with filing a citation if the property is not in compliance.

ON MOTION OF MR. KISSELL, SECONDED BY MR. WOZNIAK, UNANIMOUSLY APPROVED MOVING FORWARD WITH RESEARCH AND RE-OPEN THE CASE WITH FILING A NEW CITATION FIRST. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL AND MS. MCCARTHY, MOTION CARRIED 6-0.

- 933 Sonman Avenue property (Greenawalt): Mr. Emerick advised Council that the property is not mortgaged. The taxes are delinquent but the owner is current on the payment plan with Cambria County. Mr. Emerick also commented that he sent notices to the owners.
- 828 North Railroad (Gaunts): Mr. Emerick informed Council that he researched the property owners and there is no mortgage. The taxes are delinquent but they are current on the payment plan with Cambria County. One owner is incarcerated. Mr. Emerick did send out notices to the owners of the findings from the Borough Engineer deeming it meets the borough ordinance of a dangerous structure, requiring demolition. Ms. McCarthy and Mr. Kissell expressed their concerns of the occupants not having any water, sewer, or heating. The sewage is tied into another property owner's lateral, thus requiring them to tap into the new system. The current heating is a kerosene heater that could catch fire. There is also a disabled child among the occupants. Council discussed the possibility of eviction as the best solution for the occupants and the safety and welfare of neighboring residents. Mr. Learn commented that he was not in favor of eviction during the winter months. Mr. Emerick advised that he would have to research a legal investigation to determine if the Borough could even evict the residents based on Ordinance 3-1981 Section 106 (B). Mr. Emerick also commented that the process may require a public hearing. If a hearing is required, the hearing will take place in February. After another short discussion;

ON MOTION OF MR. KISSELL, SECONDED BY MR. HAYES, COUNCIL UNANIMOUSLY APPROVED MOVING FORWARD WITH MR. EMERICK RESEARCHING THE LEGAL INVESTIGATION AND PROCESS FOR EVICTION AND/OR VACATING THE PREMISES AT 828 NORTH RAILROAD STREET. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. YETSKO, MR. WOZNAK, MR. HAYES, MR. KISSELL AND MS. McCARTHY, MOTION CARRIED 6-0.

C. Engineer

Mr. Wisor furnished a copy of his written report to Council prior to the meeting.

Mr. Wisor provided Council with an inspection report of the 1309 Jefferson Avenue property (Kissell) and if they had any questions concerning the report. The recommendation from the Borough Engineer was to have the structure(s) demolished. The issue was also discussed earlier under the Solicitor's report.

Mr. Wisor advised that he will be preparing a proposal for the design, layout, and cost estimates for the restroom project at Crichton McCormick within the near future.

D. Public Safety

Chief Miller presented a report prior to the meeting for Council to review. Chief Miller had nothing additional to add.

E. Director of Public Works

Mr. Scott Maul presented a written report to Council prior to the meeting. Mr. Maul was on vacation and had nothing additional to add. Ms. McCarty questioned the meeting with Mr. Zalenko at Portage Area School District. Mr. Maul commented that the meeting was concerning the snow plowing and road conditions for the upcoming snow season. Mr. Maul advised that Mountain and Johnson Avenue will have the highest priorities.

CORRESPONDENCE

Comcast sent notice they will be enhancing the channels to include 42 international channels and up to 30 new international packages in early December. Notices will be sent to the residents in their upcoming billing statement.

Senator Wayne Langerholc, Jr., sent an invitation to Borough Council. The invitation is to discuss the upcoming legislation that expands gaming opportunities throughout the state. The meeting will be held on Wednesday, December 6th, 2017 at 6:00 p.m. at the Forest Hills Junior-Senior High School in Sidman, PA.

Penn Dot sent notice they will be contracting with Tri-State Traffic Data, Inc., to collect traffic data on municipally owned roads within Portage Borough. The data will be collected from October, 2017 through February, 2018.

CITIZENS INPUT

Ms. Kinley was in attendance to observe.

MINUTES OF PREVIOUS MEETING

As it relates to the minutes from the minutes from November 6th regular meeting and the November 20th committee meeting, Ms. Claar advised that they were not complete. The minutes will be on the December 18th special meeting for approval.

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. WOZNIAK, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY ACCEPTED THE TREASURER'S REPORT IN THE AMOUNT OF \$78,244.08; AND APPROVED THE BILLS AND ADDITIONAL BILLS BE PAID; AS PRESENTED IN WRITTEN FORM, IN THE AMOUNT OF \$22,943.22. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL AND MS. McCARTHY, MOTION CARRIED 6-0.

REPORTS RECEIVED

Reports were received from following organizations and authorities: Portage Water Authority(Oct); Portage Sewer Authority (Oct); LMIA-Oct & Nov; Portage Library-Oct; Portage Planning Commission-Nov.

ON MOTION OF MR. LEARN, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY ACCEPTED THE REPORTS FROM THE PORTAGE WATER AUTHORITY (OCT); PORTAGE SEWER AUTHORITY (OCT); LMIA-OCT & NOV; PORTAGE PLANNING COMM-NOV; PORTAGE LIBRARY-OCTOBER. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL AND MS. McCARTHY, MOTION CARRIED 6-0.

UNFINISHED BUSINESS

Mr. Koban provided an update as follows:

- A. Update on Recreation Manager/Director position: Discussed earlier in the meeting. Mr. Koban to meet with the Portage Area School Board.
- B. Update on Borough Building Roof: Discussed earlier in the meeting.
- C. Update on Trout Run Rehabilitation: There was no update.
- D. Update on declaring a snow emergency-discussed earlier in the meeting.

- E. PennDot/Boro Main Street Phase II-there was no update
- F. Proposed grant for bathrooms at Crichton McCormick Park-Discussed earlier in the meeting.
- G. Update on sign at 123 Main Street (Lewis) was discussed earlier in the meeting.
- H. Discussion on a proposed resolution for opting in/out of PA Gaming Control concerning Category 4 Casino's
Mr. Emerick informed the board that the municipalities have until December 31st, 2017 to either opt in or out of having category 4 casino's. The Category 4 is on a smaller scale between 300-750 slot machines and up to 50 tables that expand gaming opportunities throughout the state of PA. A lengthy discussion took place on the pro's and cons of opting in or out of the proposed legislation. Additional revenues could be brought into the borough but it could also increase potential problems. After another short discussion;

ON MOTION OF MR. KISSELL, SECONDED BY MR. WOZNIAK, COUNCIL MOTIONED TO OPT OUT OF THE PROPOSED LEGISLATION FOR PROHIBITING THE LOCATION OF CATEGORY 4 LICENSED FACILITIES WITHIN PORTAGE BOROUGH. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. YETSKO, MR. WOZNIAK, AND MR. KISSELL. MOTION CARRIED 4-2 WITH MR. HAYES AND MS. MCCARTHY VOTING NO.

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 and can now be removed from the agenda.
- B. Update on Mark Kissell property at 1315 Jefferson Avenue and 1309 Jefferson was discussed earlier under the Solicitor's and Engineer's report.
- C. Update on Dulancey Drive property (Clair Adams)-discussed under the Solicitor's report.
- D. Shoenfeld property at Orange and Grove-Discussed earlier in the meeting.
- E. Update on 933 Sonman Ave (Greenawalt)-Mr. Emerick sent the letter to Mr. Greenawalt
- F. Update on 907 Jefferson Avenue (Crums)-discussed earlier in the meeting.
- G. Update on 828 North Railroad (Gaunts)-discussed earlier in the meeting under the Solicitor's report.

NEW BUSINESS

A. Recreation Director/Manager position

The issue was discussed earlier in the Borough Manager's report. A motion was on the agenda to move forward with the position from the Nov committee meeting.

ON MOTION OF MR. KISSELL, SECONDED BY MR. LEARN, COUNCIL UNANIMOUSLY TABLED THE RECREATION/DIRECTOR MANAGER POSITION. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL AND MS. McCARTHY, MOTION CARRIED 6-0.

- B.** Approval to advertise the 2018 proposed budget, tax rates, comp plan, wage rates, Mr. Koban presented the 2018 proposed budget for council review and consideration for advertising for public inspection. A short discussion took place on a whether a quorum would be present for the special meeting on December 15h, 2017.

ON MOTION OF MR. LEARN, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY APPROVED TO ADVERTISE THE 2018 PROPOSED BUDGET FOR THE GENERAL FUND, STATE LIQUID FUELS, CAPITAL IMPROVEMENT FUND, SETITNG THE TAX RATES FOR 2018, AND SETTING THE WAGE RATES FOR BOROUGH EMPLOYEES, AT A SPECIAL MEETING ON MONDAY, DECEMBER 18TH, 2017 AT 6:30 P.M. MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. YETSKO, MR. WOZNAK, MR. HAYES, MR. KISSELL AND MS. McCARTHY, MOTION CARRIED 6-0.

Reporters from the Tribune, Altoona Mirror, and the Dispatch were provided a copy of the budgets and questioned the millage impact for 2018. Ms. McCarthy advised that the millage rate remained the same as in 2017 with 16.5 mills for general purposes and .5 fire protection for a total of 17 mills. Ms. Claar informed Ms. McCarthy that the millage has not increased since 2010.

- C.** Approval of the 2018 garbage collection rates for residents
Mr. Koban advised that the collection rates for 2018 will remain consistent as in 2017.

ON MOTION OF MR. KISSELL, SECONDED BY MR. WOZNAK, COUNCIL UNANIMOUSLY APPROVED RESOLUTION 8-2017 BY SETTING THE 2018 GARBAGE COLLECTION RATES FOR BOROUGH RESIDENTS AT \$14.30/MONTH CURBSIDE AND \$31.00 PER PACK OF TEN PRE-PAID BAGS. THE RATES ARE EFFECTIVE FROM JANUARY 1, 2018 THROUGH DECEMBER 31ST, 2018. MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. YETSKO, MR. WOZNAK, MR. HAYES, MR. KISSELL AND MS. McCARTHY, MOTION CARRIED 6-0.

- D.** Appointments to the Portage Municipal Water Authority Board.
Mr. Koban advised that two board positions required appointments, 1 five year and 1 remaining term for 1 year. Mr. Yetko's term expires on December 31st, 2017 and one vacancy remaining term until December 31st, 2018 (Mr. Miorelli).

ON MOTION OF MR. WOZNAK, SECONDED BY MR. KISSELL, COUNCIL RE-APPOINTED MR. JEROME YETSKO TO THE PORTAGE MUNICIPAL WATER AUTHORITY BOARD TO A 5 YEAR TERM COMMENCING JANUARY 1ST, 2018 THROUGH DECEMBER 31ST, 2022. MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. WOZNAK, MR. HAYES, MR. KISSELL AND MS. McCARTHY, MOTION CARRIED 5-0-1 WITH MR. YETSKO ABSTAINING.

- E.** Appointment to the Portage Area Planning Commission

ON MOTION OF MR. WOZNAK, SECONDED BY MR. KISSELL, COUNCIL UNANIMOUSLY RE-APPOINTED MR. STEVE NAGY TO THE PORTAGE AREA PLANNING COMMISSION TO SERVE A 5 YEAR TERM COMMENCING JANUARY 1ST, 2018 THROUGH DECEMBER 31ST, 2022. MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. YETSKO, MR. WOZNAK, MR. HAYES, MR. KISSELL AND MS. McCARTHY, MOTION CARRIED 6-0.

F. Appointment to the Portage Area Joint Recreation Association

ON MOTION OF MR. WOZNIAK, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY RE-APPOINTED MR. DAVID SQUILLARIO TO THE PORTAGE AREA JOINT RECREATION COMMISSION TO SERVE A 3 YEAR TERM COMMENCING JANUARY 1ST, 2018 THROUGH DECEMBER 31ST, 2020. MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL AND MS. McCARTHY, MOTION CARRIED 6-0.

G. Free parking during December

As a tradition, free parking during December for Christmas

ON MOTION OF MR. KISSELL, SECONDED BY MR. LEARN, COUNCIL UNANIMOUSLY APPROVE FREE PARKING DURING THE MONTH OF DECEMBER, 2017. MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL AND MS. McCARTHY, MOTION CARRIED 6-0.

XII. GOOD OF THE BOROUGH

WinterFest to be held on Friday, December 8th through December 10th, 2017. A schedule of events was placed on the borough website.

The special budget meeting was scheduled for Friday, December 15th, 2017. Due to the lack of a quorum, the meeting will be rescheduled for Monday, December 18th, 2017 at 6:30 p.m. in Council Chambers.

Ms. McCarthy commended the Portage Women's Club for all their efforts and beautiful decorations throughout town.

Council commended the efforts and donation of Raptosh Construction for the installation of the ice rink liner at Crichton McCormick Park. A thank you will be sent to Mr. Raptosh.

Ms. McCarthy mentioned that the re-organization meeting will be held on Tuesday, January 2nd, 2018 at 6:30 p.m.

THERE BEING NO FURTHER BUSINESS, ON MOTION OF MR. LEARN SECONDED BY MR. WOZNIAK, THE MEETING WAS ADJOURNED AT 7:43 P.M.