

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

Those in attendance were:

Sharon McCarthy
George Wozniak

James Kissell
Todd Learn

David Hayes
Jerome Yetsko

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 John Morgan 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.

III. RECOGNITION OF GUESTS

Ron Portash, Mainline Publications; Randy Griffith, Tribune Democrat.

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 and sought Council questions. Mr. Kissell commented on the Street Sweeping schedule and requested that Main Street be moved up on the schedule prior to Easter.

Ms. McCarthy questioned the complaint and citations filed against the 1007 Conemaugh Avenue property owner. Mr. Koban elaborated that the Police Department has issued several citations for the same concerns and the owner had paid each fine. Council questioned if there is anything that can be done to remedy the situation or for the owner to make the necessary repairs. Several suggestions were: fine the property owner on a daily basis, purchase the property, file a civil complaint with the Common Pleas to abate the nuisance; which can be very costly. A short discussion was held on the procedures to follow for each upset, private, sheriff, and judicial sales with Cambria County Tax Claim. Mr. Koban questioned Council on how to proceed.

ON MOTION OF MR. WOZNIAK, SECONDED BY MR. KISSELL, COUNCIL UNANIMOUSLY APPROVED TO MOVE FORWARD WITH CONTACTING THE CAMBRIA COUNTY TAX CLAIM TO PLACE 1007 CONEMAUGH AVENUE ON THE LIST FOR THE NEXT JUDICIAL SALE. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MS. MCCARTHY, MAYOR KISSELL, MR. HAYES, MR. WOZNIAK, MR. YETSKO, AND MR. LEARN. MOTION CARRIED 6-0.

Ms. McCarthy questioned if Serenko-Claar Funeral Home paid for the metered parking. Mr. Koban commented that a letter was sent out last Friday to notify them that the meters will be re-installed on Jefferson Avenue within the next few weeks. Serenko-Claar advised that they would no longer require the parking spaces. Mr. Koban also commented that a Double/Single/Double meters were there in the past.

Ms. McCarthy questioned the status of the Sacred Heart Church properties concerning the tax exemption. Mr. Koban commented that Ms. Claar contacted the Cambria County Tax Claim Office to obtain the necessary information and forms for the appeals process. Mr. Koban elaborated on the appeals process. There are approximately 5-6 locations that can be appealed and each were reviewed with Council. Mr. Koban elaborated on the process for the appeals. Once the County receives the appeals form, each party is notified of the hearing date and time. Ms. McCarthy commented that the minutes reflected that the contractor for the Sacred Heart properties had started to make the necessary repairs. A correction will need to be made reflecting the contractor only provided the estimates for the repairs.

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.

As it relates to Sacred Heart Church exemption; it was discussed earlier in the meeting.

Mr. Emerick advised that a hearing will be held at District Magistrate Prebish's office on March 16th, 2017 at 10:00 a.m. Mr. Wisor was requested to attend the hearing on behalf of the Borough and Mr. Emerick welcomed any member of Council.

Relating to the Nicholson Property on Main Street, Mr. Emerick is in the process of working on the common please civil complaint.

C. Engineer

Mr. Wisor commented that he had did not furnish a copy of his report to Council prior to the meeting. Mr. Wisor advised that he is in the process of finalizing the Flood Protection Grant Application for Trout Run Rehabilitation.

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. Ms. McCarthy questioned Chief Miller on the Departments assist to the PA State Police in Portage Township. Chief Miller informed Council that it was for another officers' safety.

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 Mr. Steberger as to whom was completing the paperwork while Mr. Bowman is off. Mr. Steberger advised that he and Mr. Maul are handling all the necessary paperwork and duties.

Ms. McCarthy commented that with the last snow storm; the roads were not getting plowed early enough for the residents and elaborated on several areas. Mr. Koban advised Council that Mr. Maul was out at 5:00 a.m. on that Friday and they plowed the school avenues and streets first for the school buses. Ms. McCarthy commented that several residents had approached her concerning the road conditions. Mr. Koban informed Ms. McCarthy, and other members of Council, to have the residents contact him on his cell phone or here at the office, for any complaints or issues. Mr. Kissell suggested to have one truck out through the night if the weather is calling for a heavy snow.

Mr. Kissell requested that Main Street be swept first, on the street sweeping schedule, prior to Easter. Mr. Steberger advised Mr. Kissell that the Public Works Department advises Main Street Businesses and residents to sweep the sidewalks off and that he sweeps Main Street several times prior to Easter.

V. CORRESPONDENCE

There was no correspondence

VI. MINUTES OF PREVIOUS MEETING

As it relates to the minutes from the February 6th, 2017 regular and February 21st, 2017 committee meetings. Ms. McCarthy commented that a correction needs to be made on the February 6th, 2017 regular meetings concerning the Sacred Heart Church. The amendment is that the contractor provided an estimate for the necessary repairs; not that the contractor made the necessary repairs. Mr. Emerick also commented that under his report; he did provide a report to Council prior to the meeting.

ON MOTION OF MR. WOZNIAK, SECONDED BY MR. KISSELL, COUNCIL UNANIMOUSLY APPROVED THE MINUTES WITH THE ABOVE CORRECTIONS FROM THE FEBRUARY 6TH, 2017 REGULAR MEETING AND THE FEBRUARY 21ST, 2017 COMMITTEE MEETING. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MS. McCARTHY, MAYOR KISSELL, MR. HAYES, MR. WOZNIAK, MR. YETSKO, AND MR. LEARN. 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 \$75,268.17; AND APPROVED THE BILLS AND ADDITIONAL BILLS BE PAID; AS PRESENTED IN WRITTEN FORM, IN THE AMOUNT OF \$24,669.82. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MS. McCARTHY, MAYOR KISSELL, MR. HAYES, MR. WOZNIAK, MR. YETSKO, AND MR. LEARN. MOTION CARRIED 6-0.

Ms. Claar commented that Mr. Tim Longwill advised that a check would need to be written for the PA DCNR for the Peer to Peer Study Grant application. Mr. Longwill advised that he did not have success in reaching Mr. Schreibman; with the PA DCNR, prior to the meeting. The local match would either be \$1,000.00 or \$1,1000.00.

ON MOTION OF MR. LEARN, SECONDED BY MR. HAYES, COUNCIL UNANIMOUSLY APPROVED TO INCLUDE \$1,100.00 FOR THE DISBURSEMENT TO THE PA DCNR FOR THE PEER TO PEER GRANT APPLICATION; PENDING VERIFICATION FROM MR. LONGWILL. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MS. McCARTHY, MAYOR KISSELL, MR. HAYES, MR. WOZNIAK, MR. YETSKO, AND MR. LEARN. MOTION CARRIED 6-0.

VIII. REPORTS RECEIVED

Ms. McCarthy noted that reports were received from the Portage Water Authority (Jan); Portage Sewer Authority (Jan); and Portage Area Joint Recreation Commission-(Jan); LMIA (Feb); and the 2016 Profit & Loss Report from the Portage Summerfest. Mr. Kissell questioned the report only reflecting a profit of \$59.69. Mr. Kissell also questioned the amount of the Meeting Expenses 6920; Parties, in the amount of \$1,152.00. Ms. McCarthy questioned if the PAJRC had received their donation amount from the Portage Summerfest.

Mr. Kissell also questioned the PAJRC letter campaign donations, in regards to the 414 contributors to the PAJRC and the amount to the Endowment fund.

ON MOTION OF MR. KISSELL, SECONDED BY MR. WOZNIAK, 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. LEARN. MOTION CARRIED 6-0.

IX. UNFINISHED BUSINESS

Mr. Koban provided an update as follows:

- A. Update on Recreation Manager/Director position: The Peer to Peer Study Grant application is moving forward. Mr. Longwill will be advising the amount of the local match once he gets notified from Mr. Schreiber with the PA DCNR. Mr. Koban commented that the local share and resolution 12-2016 passed last year was for \$1,000.00. After a discussion with Mr. Longwill; another resolution would be required for \$1,100.00.

ON MOTION OF MR. LEARN, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY APPROVED RESOLUTION 3-2017 BY COMMITTING \$1,100.00 FOR THE LOCAL SHARE ON THE PEER TO PEER STUDY GRANT APPLICATION. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MS. McCARTHY, MAYOR KISSELL, MR. HAYES, MR. WOZNIAK, MR. YETSKO, AND MR. LEARN. MOTION CARRIED 6-0.

- 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 finalizing the grant application.
- D. Update on promoting tourism in Portage: Mr. Portash advised that he is awaiting direction from Council and any other input for the brochure.
- E. Parking on Central Alley and Branch Street
Mr. Koban informed Council that Ms. Claar noticed an error in the codification on Ordinance 3-1999; Chapter 15; Part 7, §705 Special Events Parking. The permit fee reflects \$2.00 per event. On April 5, 1999; Ordinance 2-1999 increased the permit fee to \$20.00 per event. Mr. Koban informed Council that he spoke with Mr. Rimini on what transpired at the last meeting concerning the parking in the back. Ms. McCarthy commented that some businesses take advantage of the situation. A discussion took place on the 34 spaces that are not rented/leased; if not a special event, and the associated fees (\$2.00 or \$20.00 per event). Council agreed to have the issue placed on the March 20th, 2017 Committee of the Whole meeting for further discussion.

BUILDINGS

Mr. Koban provided the following update:

- A. Update on 532 Dulancey Drive (Gaunts): Discussed earlier in the meeting.
- B. Update on Nicholson property on Main Street-discussed earlier in the meeting under the Solicitor's report.
- C. Update on storage units at Sugar Alley: No update
- D. Update on Mark Kissell property at 1315 Jefferson Avenue: No update

E. 1007 Conemaugh Avenue (Vivis) property. Discussed earlier in the meeting.

X. NEW BUSINESS

A. Amendment to the Portage Borough Police policy and procedures manual
Chief Miller provided Council with an amendment to the Portage Police Policy and Procedures Manual; concerning the Disciplinary Policy regarding CJIS Information.

ON MOTION OF MR. KISSELL, SECONDED BY MR. LEARN, COUNCIL UNANIMOUSLY APPROVED THE AMENDMENT TO THE PORTAGE POLICE POLICY AND PROCEDURES MANUAL TO INCLUDE A "DISCIPLINARY POLICY REGARDING CJIS INFORMATION. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MS. McCARTHY, MAYOR KISSELL, MR. HAYES, MR. WOZNAK, MR. YETSKO, AND MR. LEARN. MOTION CARRIED 6-0.

B. The Cambria County Redevelopment Authority sent notice that the Commissioners passed a Resolution regarding the imposition of a \$15.00 increase in the fees charged by the Recorders of Deeds Office. This increase is earmarked for a Cambria County Demolition Funds Program that will become effective March 1, 2017. The program is designed to achieve the elimination of blight, elimination of health and safety hazards, reduction of crime as havens for criminal activity, property value increases, creation of economic development, and assemblage of land for public use. The criteria for utilizing the Cambria County Demolition Funds program are:

the property must be in public ownership through a municipality, redevelopment authority, or non-profit; and
the property must qualify as blighted as set forth in the PA Act 152 of 2016.

Mr. Koban commented that there are several properties within the Borough that may meet the criteria for blight. An application for participation in the program was also included but the properties in question do not meet the criteria.

XII. GOOD OF THE BOROUGH

The 2017 Street Sweeping and the 2017 PIP and Chip were presented to Council. The ad will also be placed in the Dispatch as a display ad for two weeks.

Mr. Hayes commented that Mountain Ridge ATV Park will be hosting an ATV Run on Saturday, May 6th, 2017 in Central City, PA. The proceeds will be split between Portage and Central City Food Pantries.

Mr. Kissell and Ms. McCarthy commented on Ash Street not being plowed. Mr. Koban commented that only a section of Ash Street is plowed where there is asphalt; otherwise, it is too muddy and would tear up the rest of the road. Mr. Koban commented that the remainder of Ash Street is unopened and the Borough does not maintain unopened alleys. Several Council members questioned why is it an unopened alley. Mr. Kissell commented that it has been over 18 years since anything was done on Ash Street and held Mr. Koban and the Public Works Director directly responsible. The other issue was the garbage truck collecting trash. Mr. Kissell advised that he has to take his garbage down the road for pickup. Another discussion took place on his property being land-locked. Another discussion took place on what transpired several years ago; whether it is an opened/unopened alley, paving, maintenance, and neighborly disputes between residents on Ash Street. Mr. Learn commented that this is the first time he heard the mention of Ash Street and the unopened alley. Mr. Koban informed Mr. Kissell that he could have talked with him prior to the meeting and asked Mr. Kissell what he wants done. Council agreed to place the issue on the March 20th, 2017 committee of the whole agenda for further discussion.

X. ADJOURNMENT/EXECUTIVE SESSION

ON MOTION OF MR. WOZNIAK, SECONDED BY MR. LEARN, 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. LEARN. MOTION CARRIED 6-0.

ON MOTION OF MR. KISSELL, SECONDED BY MR. WOZNIAK, 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. LEARN. 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. LEARN. MOTION CARRIED 6-0.

THERE BEING NO FURTHER BUSINESS, ON MOTION OF MR. LEARN, SECONDED BY MR. YETSKO, THE MEETING WAS ADJOURNED AT 8:20 P.M.