

A meeting of Portage Borough Council was held on Monday, November 6th, 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	John Morgan (arriving late)	

Also present were: Robert Koban, Borough Manager; Michael Emerick, Solicitor; Gary Wisor, Engineer; Officer Leyo, Public Safety; Scott Maul; Public Works, and Michelle Claar, Secretary. Absent was Chief Miller (vacation)

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; Todd & Nancy Feathers, Jean Kinley, and Karen Huff.

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

Mrs. Feathers and her son; Todd, were in attendance to get an update on the progress of 828 N Railroad property (Gaunts). Mrs. Feathers advised that there are still ongoing safety issues with the occupants moving into the structure. The structure does not have any heat, water, sewer, etc., along with a disabled child. Mrs. Huff also commented that she had the same issues as Mrs. Feathers and added that dogs are not being taken care of. Mr. Emerick advised that the structure was deemed a dangerous building per criteria of the ordinance. The Borough Engineer also recommended demolition. Mr. Koban commented that the legal process takes time and the borough can not deny any occupancy. Mr. Feathers questioned if there was a timeline once the paperwork is completed. Mr. Emerick advised that after they receive notice, the owners have another thirty (30) days to make repairs or demolition. If after the thirty days, then it goes to the Court of Common Pleas. Mr. Emerick also commented that a final title search needs to be performed prior to any notices being sent. After another short discussion;

ON MOTION OF MR. LEARN, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY APPROVED TO MOVE FORWARD WITH LEGAL ACTION AGAINST THE 828 NORTH RAILROAD PROPERTY (GAUNTS). COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL AND MS. McCARTHY, MOTION CARRIED 6-0.

Council thanked the concerned residents for attending the meeting and shedding light on the issue.

REPORTS

A. Borough Manager

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

- Ms. McCarthy commended Mr. Koban for all his efforts with the Portage Township Supervisors concerning the letter of support for the Recreational Director/Manager position.
- Mr. Koban informed Council that the Public Works Department will be placing 811 calls for marking utilities on Gillespie/Factory Alley for the drainage project. Mr. Koban also advised that winter maintenance will be proactive.
- Ms. McCarthy questioned the general liability insurance renewal. Mr. Koban advised that the 2017-2018 policy was bound with EMC Insurance and will provide a breakdown.
- Mr. Morgan entered at this point.
- Mr. Koban and Mr. Emerick attended the Judicial Sale and were successful in the bidding of the Vivis Property located at 1007 Conemaugh Avenue. The purchase was \$4,000.00. Mr. Koban suggested that the structure be placed on the Cambria County Redevelopment Authority blighted home demolition program. Mr. Koban also commented that there was another potential bidder on the property. After a short discussion on the process;

ON MOTION OF MR. LEARN, SECONDED BY MR. HAYES, COUNCIL UNANIMOUSLY APPROVED TO MOVE FORWARD WITH AN APPLICATION FOR DEMOLITION WITH THE CAMBRIA COUNTY REDEVELOPMENT AUTHORITY AT 1007 CONEMAUGH AVENUE. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL AND MS. McCARTHY, MOTION CARRIED 7-0.

B. Solicitor

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

- Mr. Emerick requested executive sessions for the Borough Roof; with American Roofing and the Nicholson property litigations.
- Mr. Emerick presented the Findings of Fact for Mark Kissell on the 1315 Jefferson Avenue property.

ON MOTION OF MR. WOZNIAK, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY APPROVED TO EXECUTE THE FINDINGDS IN FACT AGAINST MARK KISSELL ON THE 1315 JEFFERSON AVENUE PROPERTY. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL AND MS. McCARTHY, MOTION CARRIED 7-0.

- Mr. Kissell informed Council that Mark Kissell was in the process of selling the property. Council also questioned the status of 1309 Jefferson Avenue property that housed a trailer, garage, and shed.

ON MOTION OF MR. WOZNIAK, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY APPROVED TO HAVE MR. WISOR PERFORM AN INSPECTION ON THE 1309 JEFFERSON AVENUE PROPERTY. (KISSELL). COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO,

MR. WOZNIAK, MR. HAYES, MR. KISSELL AND MS. McCARTHY,
MOTION CARRIED 7-0.

- As it relates to the 616 Dulancey Drive property (Adams)
Mr. Emerick advised Council that further research will be required concerning the appointment of a personal representative for unopened estate.
- Shoenfeld (Orange & Grove St)
Mr. Emerick informed Council that court documents were retrieved by the Clerk of Courts concerning the previous cases at District Magistrate Decort and Cambria County Judge Long's office. Mr. Emerick will review and provide additional information at the committee meeting.
- 933 Sonman Avenue (Greenawalt)
Mr. Emerick advised that he is in the final stages of the title review prior to sending out notices.
- 907 Jefferson Avenue (Crum)
Mr. Emerick presented the completed Civil Complaint to Mr. Joseph L. Crum for Council to review.

ON MOTION OF MR. KISSELL, SECONDED BY MR. HAYES, COUNCIL UNANIMOUSLY APPROVED TO EXECUTE THE CIVIL COMPLAINT AGAINST JOSEPH CRUM AT THE 907 JEFFERSON AVE PROPERTY. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL AND MS. McCARTHY, MOTION CARRIED 7-0.

ON MOTION OF MR. KISSELL, SECONDED BY MR. MORGAN, COUNCIL UNANIMOUSLY APPROVED TO PAY THE FILING FEE FOR THE CIVIL COMPLAINT AGAINST JOSEPH CRUM AT THE 907 JEFFERSON AVE PROPERTY. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL AND MS. McCARTHY, MOTION CARRIED 7-0.

C. Engineer

Mr. Wisor furnished a copy of his written report to Council prior to the meeting. Mr. Wisor had nothing additional to add.

D. Public Safety

Chief Miller was on vacation but provided a report to Council prior to the meeting. Officer Leyo was in attendance for the Chief. Officer Leyo had nothing to add to his report.

E. Director of Public Works

Mr. Scott Maul represented the Public Works Department and provided a written report to Council prior to the meeting. Mr. Koban informed Council that Mr. Maul accepted the Director's position.

CORRESPONDENCE

Comcast sent notice they will be making 3 changes to the channel line-up. Changes will be sent to the customer on their monthly bill statement.

The Portage Area Junior-Senior High School sent a donation request for the Secret Santa Project.

Received a letter and donation from Ms. Joi Cooney for the ice rink liner project. Ms. Cooney donated \$350.00 towards the project and enjoys the Park with her dogs.

A Thank You note was received from the Community Harvest Fest Committee for the yearly donation of \$100.00.

The Portage Historical Society sent a thank you note for the donation to the Society.

The Portage Public Library also submitted a thank you for the donation provide by the Borough.

CITIZENS INPUT

There was no input from the citizens.

MINUTES OF PREVIOUS MEETING

As it relates to the minutes from the October 2nd, regular and October 16th, 2017 committee meetings:

ON MOTION OF MR. LEARN, SECONDED BY MR. MORGAN, COUNCIL UNANIMOUSLY APPROVED THE MINUTES FROM OCTOBER 2ND, REGULAR AND OCTOBER 16TH, 2017 COMMITTEE MEETING. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL AND MS. McCARTHY, MOTION CARRIED 7-0.

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 \$47,814.91; AND APPROVED THE BILLS AND ADDITIONAL BILLS BE PAID; AS PRESENTED IN WRITTEN FORM, IN THE AMOUNT OF \$30,166.62. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL AND MS. McCARTHY, MOTION CARRIED 7-0.

REPORTS RECEIVED

Reports were received from following organizations and authorities: Portage Water Authority (Sept); Portage Sewer Authority (Sept); Portage Library-Sept and LMIA-Sept

ON MOTION OF MR. LEARN, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY ACCEPTED THE REPORTS FROM THE PORTAGE WATER AUTHORITY (SEPT); PORTAGE SEWER AUTHORITY (SEPT); PORTAGE LIBRARY-SEPT AND LMIA FOR SEPT. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL AND MS. McCARTHY, MOTION CARRIED 7-0.

UNFINISHED BUSINESS

Mr. Koban provided an update as follows:

- A. Update on Recreation Manager/Director position: Mr. Koban will be setting up a meeting within the near future.

- B. Update on Borough Building Roof: Discussed earlier in the meeting.
- C. Update on Trout Run Rehabilitation: There was no update.
- D. Update on promoting tourism in Portage: completed by Mr. Portash and Mr. Kissell
- E. Update on declaring a snow emergency-there was no update
- F. PennDot/Boro Main Street Phase II-there was no update
- G. Update on drainage issues on Gillespie Avenue-discussed earlier in the meeting.
- H. Update on restroom project at Crichton McCormick Park-Mr. Wisor provided Council photographs and cost estimates from other municipalities to review. Mr. Wisor will be moving forward with a preliminary design and cost estimates for the next meeting in December.
- I. Update on ice rink liner at the Park-Mr. Kissell commented that the ground conditions for the construction and installation of liner were poor. Mr. Kissell advised that he would like to schedule the volunteer work detail for Friday, November 24th, 2017 at 8:30 a.m. Mr. Kissell also advised that the sand needed would be approximately 22 ton. Mr. Hayes advised that he will check into utilizing equipment for the project.

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: Discussed earlier in the meeting.
- C. 1007 Conemaugh Avenue (Vivis) property. Property was purchased at the Judicial Sale
- D. Update on Dulancey Drive property (Clair Adams)-discussed under the Solicitor's report.
- E. Shoenfeld property at Orange and Grove-Discussed earlier in the meeting.
- F. Update on 933 Sonman Ave (Greenawalt)-Discussed earlier in the meeting
- G. Update on 907 Jefferson Avenue (Crums)-discussed earlier in the meeting.
- H. Update on 828 North Railroad property (Gaunts) Discussed earlier in the meeting.

NEW BUSINESS

- A. Approval to advertise the 2018 meeting dates

ON MOTION OF MR. LEARN, SECONDED BY MR. MORGAN, COUNCIL UNANIMOUSLY APPROVED THE ADVERTISING OF THE 2018 MEETING SCHEDULE OF BOROUGH COUNCIL MEETINGS IN THE DISPATCH. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL AND MS. McCARTHY, MOTION CARRIED 7-0.

- B. Review and approval of the 2018 garbage collection rates with Pro Disposal
Mr. Michael Bellvia provided the renewal agreement for council to review. All services and prices will remain the same as in 2017.

ON MOTION OF MR. LEARN, SECONDED BY MR. MORGAN, COUNCIL UNANIMOUSLY APPROVED THE RENEWAL AGREEMENT WITH PRO DISPOSAL FOR GARBAGE COLLECTION SERVICES EFFECTIVE JANUARY 1ST, 2018 THROUGH DECEMBER 31ST, 2018. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL AND MS. McCARTHY, MOTION CARRIED 7-0.

- C. Approval to move forward with the restroom project at Crichton McCormick Park
Mr. Koban suggested a motion from Council to have Mr. Wisor move forward with the project.

ON MOTION OF MR. KISSELL, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY APPROVED TO HAVE MR. WISOR MOVE FORWARD WITH THE PRELIMINARY DESIGN ON THE RESTROOMS AT CRICHTON MCCORMICK PARK. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL AND MS. McCARTHY, MOTION CARRIED 7-0.

- D. Approve to move forward with the recreation director/manager position study
Mr. Koban recommended tabling the study until he has an opportunity to attend the next School Board meeting.

- E. Requests from the WinterFest Committee for the annual WinterFest Event

ON MOTION OF MR. LEARN, SECONDED BY MR. HAYES, COUNCIL UNANIMOUSLY APPROVED THE REQUEST FROM THE WINTERFEST COMMITTEE TO ACCESS THE ELECTRICAL SERVICE ON MAIN STREET; HANGING THE BANNER, CLOSING OF MAIN STREET AT SEVERAL LOCATIONS, AND CLOSING MAIN STREET FOR THE CHRISTMAS PARADE ON SATURDAY, DECEMBER 9TH, 2017 AT 2:00 P.M. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL AND MS. McCARTHY, MOTION CARRIED 7-0.

Mr. Kissell remarked that he would like to have caroling in front of the nativity location.
Mr. Koban also suggested that barricades and flare be utilized during the event

- F. Approval to advertise for full-time laborer position

ON MOTION OF MR. LEARN, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY APPROVED THE ADVERTISING OF A FULL-TIME LABORER POSITION. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL AND MS. McCARTHY, MOTION CARRIED 7-0.

- G. Ms. Claar advised that there was a letter of interest (Brent Kinley) for the vacancy on the Portage Municipal Water Authority Board and two applicants for Junior Council. (Kaelyn Wozniak and Emily Canavan). A short discussion took place for a meet and greet with the candidates.

ON MOTION OF MR. LEARN, SECONDED BY MR. KISSELL, COUNCIL UNANIMOUSLY AGREED TO HAVE A MEET AND GREET WITH MR. BRENT KINLEY FOR THE PORTAGE MUNICIPAL WATER AUTHORITY BOARD AND THE JUNIOR

COUNCIL CANDIDATES AT 6:15 P.M. ON MONDAY, NOVEMBER 20TH, 2017. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL AND MS. McCARTHY, MOTION CARRIED 7-0.

GOOD OF THE BOROUGH

The borough offices will be closed on Friday, November 10th in observance of Veteran's Day.

ADJOURNMENT/EXECUTIVE SESSION

ON MOTION OF MR. KISSELL, SECONDED BY MR. HAYES, COUNCIL UNANIMOUSLY AGREED TO GO INTO EXECUTIVE SESSION FOR LITIGATION PURPOSES. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL AND MS. McCARTHY, MOTION CARRIED 7-0.

ON MOTION OF MR. WOZNIAK, SECONDED BY MR. KISSELL, COUNCIL UNANIMOUSLY AGREED TO GO OUT OF EXECUTIVE SESSION. MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL AND MS. McCARTHY, MOTION CARRIED 7-0.

ON MOTION OF MR. WOZNIAK, SECONDED BY MR. MORGAN, COUNCIL UNANIMOUSLY AGREED TO GO INTO THE REGULAR MEETING. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL AND MS. McCARTHY, MOTION CARRIED 7-0.

After the executive session, Mr. Emerick advised that motions are needed to resolve litigation.

A. American Roofing civil complaint

ON MOTION OF MR. LEARN, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY APPROVED TO ACCEPT THE ANSWERS AS SET FORTH IN THE AMERICAN ROOFING COMPLAINT. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL AND MS. McCARTHY, MOTION CARRIED 7-0.

B. Dismissal of the Nicholson Estates Civil Complaint

Mr. Emerick advised that Mr. Wisor had performed an inspection on the Nicholson Estates property on Main Street. At the opinion of the Borough Engineer and the report, the dangerous conditions of the property have been remedied.

ON MOTION OF MR. KISSELL, SECONDED BY MR. LEARN, COUNCIL UNANIMOUSLY APPROVED TO DISMISS THE CIVIL COMPLAINT OF NICHOLSON ESTATES ON MAIN STREET. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL AND MS. McCARTHY, MOTION CARRIED 7-0.

THERE BEING NO FURTHER BUSINESS, ON MOTION OF MR. KISSELL, SECONDED BY MR. HAYES, THE MEETING WAS ADJOURNED AT 8:10 P.M.