

A meeting of Portage Borough Council was held on Monday, October 2nd, 2017, at 6:30 p.m., in Council Chambers.

Those in attendance were:

Sharon McCarthy
George Wozniak

James Kissell
Jerome Yetsko

David Hayes

Todd Learn

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.

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; Mark Kissell, Jill Lamar

PUBLIC HEARING

Ms. McCarthy called for the public hearing of Mr. Mark Kissell regarding the dangerous structure located at 1315 Jefferson Avenue. The structure caught fire on April 20th, 2016. Mr. Emerick commenced with the public hearing by recognizing Mr. Mark Kissell and introducing him to Council. Mr. Wisor was administered the oath of sworn testimony by Mr. Emerick. Mr. Wisor advised that he was the Boroughs retained Engineer of Stiffler, McGraw & Associates and that he performed a field view of the structure located at 1315 Jefferson Avenue, Portage Borough, on June 14, 2017. Mr. Emerick introduced the following exhibits into testimony and record:

Exhibit 1: Deed, as certified at the Cambria County Recorder of Deeds

Exhibit 12: Report and pictures

Engineer's report of field view of structure located at 1315 Jefferson Avenue; owner, Mark Kissell. Mr. Emerick requested a summary from Mr. Wisor regarding the field view. Mr. Wisor commented that he entered the unsecure residence on that date and viewed the exterior and interior. The following was observed:

- ❖ One window missing on each side of the house
- ❖ Westerly side has significant fire damage on inside and outside
- ❖ Fire damage through siding and sheathing, exposed studs and attic on upper floor and porch on the first floor
- ❖ Interior damaged throughout by water and weather
- ❖ Personal belongings litter entire interior
- ❖ No rain gutters and metal awnings are twisted, missing panels
- ❖ Mr. Wisor presented 13 photos of the condition of the structure

Mr. Emerick questioned Mr. Wisor if the structure meets the criteria of the Borough Ordinance "Dangerous Buildings" and sought his recommendation. Mr. Wisor commented

that the structure does meet the criteria; specifically, in sections B, D, E, F, H, and I. Mr. Wisor recommended the structure be demolished.

Mr. Emerick called for questions from Council but there were none. Mr. Emerick called for Mark Kissell to provide testimony on his behalf. Mr. Kissell advised that he did not receive the letter and engineer's report from Mr. Emerick, dated July 14, 2017. Mr. Emerick entered into testimony

Exhibit 3: Legal letter and engineer's report

- ❖ Mr. Emerick presented the legal letter and engineer's report that was mailed to Mark Kissell at 822 Sherman Street in Portage Borough. The letter, dated July 14, 2017, stated thirty days to either demolish or repair the structure.

Mr. Kissell provided the following on his behalf:

- Secured the doors and building inside and out
- No evidence of rats or small animals
- Advised Council he is doing the best he can
- Trying to obtain funding from local financial institutions
- Obtained a reasonable bid
- Health issues
- Will be placing on Craig's list for sale
- Questioned if the structure could be used by the fire company for a controlled burn
- Questioned how Mr. Wisor entered the structure on private property

Mr. Emerick asked if Mr. Kissell had any questions to Council and vice versa. Both Council and Mr. Kissell advised they had no further questions at this time. Mr. Emerick commenced with providing:

Exhibit 4: Letter of Public Hearing

- ❖ Mr. Emerick presented the letter, dated September 1st, 2017 advising of the public hearing scheduled for October 2nd, 2017 at 6:30 p.m. in Council Chambers.
- ❖ Mr. Kissell confirmed receiving the letter for the public hearing

Mr. Kissell had an additional question as to the trailer fire at 1309 Jefferson Avenue that is also owned by him. He questioned the status of the investigation inquiring if it was arson. Officer Leyo advised that the investigation is the hands of the State Fire Marshall and he would have to contact them for any additional information.

There being no further questions from each party; Mr. Emerick called for Council acceptance of the engineer's report, declaring the building a hazardous structure, and recommendation for demolition. Mr. Emerick requested Ms. Claar roll call each member:

Mr. Learn-Yes, Mr. Yetsko-Yes, Mr. Wozniak-Yes, Mr. Hayes-Yes, Mr. Kissell-Yes, Ms. McCarthy-Yes. Motion carried 6-0 with Mr. Morgan being absent.

Mr. Emerick advised Mr. Kissell that he will be officially notified by the Portage Borough Police Dept or mail of the results of the hearing. Mr. Kissell was advised if the building is not demolished within (30) thirty days, he will be in violation and charged from the magistrate or appeal the decision at the Court of Common Pleas, Cambria County.

Mr. Emerick advised that this concludes the public hearing relating to the dangerous structure located at 1315 Jefferson Avenue. The hearing ended at 6:40 p.m.

Ms. McCarthy commenced with the regular meeting of Council.

REPORTS

A. Borough Manager

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

- Reminder of the judicial sale on October 26th, 2017 for the Vivis Property. Council requested that Mr. Emerick attend.
- Shopped interest rates of the upcoming certificate of deposit that was provided for in the 2017 approved budget. S&T Bank and 1st Summit provided rates.
- Mr. Koban requested further discussion on the reports from the Portage Area Joint Recreation Commission concerning the: profit & loss for 2017, the 2018 budget, and the letter requesting Council answers for the ice rink at the park. Mr. Koban commented that the profit and loss reflected donations for the mailing campaign versus the Endowment.
- Mr. Koban also elaborated that the PAJRC is requesting an update on the ice rink at the Park. Several issues of concern from the board were responsibility for maintenance, liability, security, and access in the winter months. Mr. Wozniak suggested a meeting with the PAJRC Board and the Portage Hockey Association to address the issues. Mr. Kissell requested that the groups get together at the October 16th, 2017 committee meeting. Ms. Claar will contact the groups to advise them of the meeting. A lengthy discussion also took place on the maintenance and security of the ice rink.
- Mr. Koban advised that he left a message for the Portage Township Supervisors to contact him regarding the Gillespie Avenue drain issues, Recreation Manager, and Restrooms, but there was no reply back.
- Ms. McCarthy questioned the status of Public Works Director position. Mr. Koban commented that we received a bad response of applicants and would like to discuss it in an executive session.

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 correspondence was sent to American Roofing's Attorney withdrawing the prior offer of settlement.
- Nicholson property on Main Street-Mr. Emerick commented that Mr. Nicholson filed a responsive pleading on the complaint. Since then, Mr. Nicholson has done some repairs such as securing the back, fence around the structure on Main Street, and a sign for clean fill. After a lengthy discussion, Council still deems that it still is not safe and to have Mr. Wisor inspect the property again so there is a record of the inspection.
- 616 Dulancey Drive (Adams)-Mr. Emerick researched the property at Cambria County and advised that the property is in some estate purgatory. There is no owner recorded the property. Mr. Emerick provided 2 options for Council to consider:
 1. Wait until the property is listed for a judicial sale
 2. The Borough can petition the court to have legal representation to represent the property. When an appointment is made, the Borough can then have ownership and could possibly apply for funding through Cambria County Act 152 for blighted structures. Council agreed to have Mr. Emerick research the possibility of estate ownership and representation.
- 907 Jefferson Avenue (Crums)-Mr. Emerick apprised Council that the civil complaint is still being processed. Mr. Learn commented that progress is being made and down to the 1st floor.

- Orange & Gove Street (Shoenfeld) Mr. Emerick advised that he obtained the court report from Cambria County but has not had an opportunity to review it. He will provide a report at the next regular meeting in November.

C. Engineer

Mr. Wisor furnished a copy of his written report to Council prior to the meeting. Mr. Wisor provided Council with a field view report and pictures of the property located at 828 North Railroad Avenue (Gaunts). The property used to be the old Starlight Hotel. Mr. Wisor commented on the following:

- ❖ the structure was unoccupied and was not able to entire the building
- ❖ The exterior showed openings in portions of both the soffit and fascia
- ❖ Deterioration of roof sheathing
- ❖ Windows are open or have no glass
- ❖ Porch roof is inadequately supported and rear access to the 2nd floor unsafe
- ❖ Siding and corner brackets and spouting are loose
- ❖ Easterly and westerly side walls are out of plumb
- ❖ Interior pictures were obtained through the broken windows

In the opinion of Mr. Wisor, the building meets the Dangerous Structure Ordinance criteria, specifically items B, D, E, G, H, and I. The Building reflects at least 50% of damage or deterioration. Mr. Wisor recommended the structure should be demolished. After a lengthy discussion

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

D. Public Safety

Chief Miller was absent but Officer Leyo had presented a report prior to the meeting for Council to review. Officer Leyo had nothing additional to report. Ms. McCarthy commented on the drills for the elementary students and commended Officer Leyo for his efforts. Mr. Wozniak questioned the thefts, if they were in or out of the Borough. Mr. Hayes questioned if the tire slashers were ever identified. Mr. Hayes also commented on the DUI check point and the protocol if a vehicle eludes the check point.

E. Director of Public Works

Mr. Scott Maul represented the Public Works Department and provided a written report to Council prior to the meeting. Ms. McCarthy commended Mr. Maul and the public works crew for all their efforts in the drainage issues on Gillespie Avenue. Mr. Maul commented that 3 inlets, tops, and grates were installed within the month.

CORRESPONDENCE

Portage Area Summerfest sent a thank you for the 2017 donation and for a very successful event. The Committee is also requesting a donation to be included in the 2018 budget.

The Portage Public Library also sent a thank you for the 2017 donation to the Library.

Cambria County Borough's Association 2017 Fall Dinner will be hosted by Cresson Borough at the Cresson American Legion on Tuesday, October 24, 2017 at 5:30 p.m. Council attendees are

Mr. Hayes, Mr. Wozniak, Mr. Kissell, Ms. McCarthy, Mr. Koban, and Ms. Claar for a total rsvp of 6 at \$20.00 per person.

CITIZENS INPUT

Ms. Jill Lamar was in attendance for an update on the drainage issues relating to Gillespie and Factory Alley. Ms. McCarthy commented that there will not be enough time before the winter sets in to install any drainage pipe. Mr. Maul advised that the asphalt plants will soon be closing for season. Ms. McCarthy advised that extra precautions will be extended to that area during the winter season.

MINUTES OF PREVIOUS MEETING

As it relates to the minutes from the September 5th, regular and September 18th, committee meetings:

ON MOTION OF MR. KISSELL, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY APPROVED THE MINUTES FROM THE SEPTEMBER 5TH, REGULAR AND SEPTEMBER 18TH, 2017 COMMITTEE MEETING. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL AND MS. McCARTHY, MOTION CARRIED 6-0.

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. WOZNIAK, SECONDED BY MR. HAYES, COUNCIL UNANIMOUSLY ACCEPTED THE TREASURER'S REPORT IN THE AMOUNT OF \$71,152.44; AND APPROVED THE BILLS AND ADDITIONAL BILLS BE PAID; AS PRESENTED IN WRITTEN FORM, IN THE AMOUNT OF \$41,642.03. 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 (Aug); Portage Sewer Authority (Aug); PAJRC 2017 P&L; Aug minutes, and 2018 budget.

ON MOTION OF MR. LEARN, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY ACCEPTED THE REPORTS FROM THE PORTAGE WATER AUTHORITY (AUG); PORTAGE SEWER AUTHORITY (AUG); PORTAGE JOINT RECREATION COMMISSION P&L FOR 2017, 2018 BUDGET, AND AUGUST MINUTES. 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.
- 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: Mr. Kissell and Mr. Portash to soon meet.
- E. Update on declaring a snow emergency-Mr. Koban advised that the issue will be addressed at the October committee meeting.
- 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. Proposed grant for bathrooms at Crichton McCormick Park-Mr. Wisor presented a proposed bathroom project that was prepared for another municipality, including the estimated costs, as a sample for Council to review. The sample will be reviewed at the October committee meeting.
- I. Update on ice rink liner at the Park-Discussed earlier in the meeting. A meeting will be held at the October 16th committee meeting with the PAJRC and Portage Hockey Association. Another discussion took place on the Recreation Manager position. Mr. Kissell questioned the status of the borough moving forward without the support of the Portage Township Supervisors. Mr. Koban elaborated that without the Township and School District support, the grant funding would be less favorable. Mr. Kissell suggested moving forward with our own study. Mr. Koban cautioned Mr. Kissell that if it is done on our own, the estimated cost would be approximately \$11,000.00. Mr. Koban also advised that we have the (10) ten-year comprehensive plan that makes the recommendation of a recreation manager. Ms. McCarthy suggested giving Portage Township Supervisors until the first of the year for any decision on support of the position. Mr. Koban commented that the Supervisors will be addressing the issue at their regular meeting on Wednesday. The issue will be placed on the October committee meeting agenda for further discussion.

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: Pubic hearing held earlier in the meeting.
- C. 1007 Conemaugh Avenue (Vivis) property. Judicial sale to be held on October 26th, 2017
- 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)-Mr. Emerick will send a letter to Mr. Greenawalt since he is incarcerated.
- G. Update on 907 Jefferson Avenue (Crums)-discussed earlier in the meeting.

NEW BUSINESS

- A. Acceptance of resignation from Mr. David Morelli on the Portage Municipal Water Authority Board. Mr. Miorelli submitted a resignation effective for December 31st, 2017.

ON MOTION OF MR. WOZNIAK, SECONDED BY MR. LEARN, COUNCIL UNANIMOUSLY ACCEPTED THE RESIGNATION OF MR. DAVID MORELLI, ON THE PORTAGE MUNICIPAL WATER AUTHORITY BOARD, EFFECTIVE FOR DECEMBER 31ST, 2017. MR. MORELLI TERM EXPIRES ON DECEMBER 31ST, 2018. 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 for letters of interest for the various boards and commissions ending December 31st, 2017: Portage Water Authority, Sewer Authority, PAJRC, Portage Planning Commission, Borough Solicitor and Engineer.

ON MOTION OF MR. KISSELL, SECONDED BY MR. LEARN, COUNCIL UNANIMOUSLY APPROVED THE ADVERTISING ON LETTERS OF INTEREST FOR TERMS EXPIRING ON DECEMBER 31ST, 2017: WATER AUTHORITY-5 YR TERM; WATER AUTHORITY-1 YEAR TERM; JOINT RECREATION COMMISSION-5 YEAR TERM; PLANNING COMMISSION-5 YEAR TERM, BOROUGH ENGINEER AND SOLICITOR-ONE YEAR TERM. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL AND MS. McCARTHY, MOTION CARRIED 6-0.

- C. Request from the Community Harvest Fest Committee to close on half of Branch Street for the Harvest Fest event.

ON MOTION OF MR. LEARN, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY APPROVED THE COMMUNITY HARVEST FEST COMMITTEE REQUEST TO CLOSE ONE HALF OF BRANCH STREET BY MAINLINE HERITAGE SOCIETY TO THE END OF BETHANY'S PARKING LOT AT 10:30 A.M. ON SUNDAY, OCTOBER 22ND, 2017. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL AND MS. McCARTHY, MOTION CARRIED 6-0.

- D. Approval of the 2017 budgeted allotment for a certificate of deposit. Mr. Koban advised Council that a certificate of deposit has matured in September and requested that this years' allocation be added to purchase another certificate of deposit.

ON MOTION OF MR. YETSKO, SECONDED BY MR. KISSELL, COUNCIL UNANIMOUSLY APPROVED RESOLUTION 7-2017; BY PURCHASING A CERTIFICATE OF DEPOSIT FROM 1ST SUMMIT BANK; AT AN INTEREST RATE OF 1.21. FOR A 30 MONTH TERM IN THE AMOUNT OF \$23,224.97. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL AND MS. McCARTHY, MOTION CARRIED 6-0.

- E. Authorization to apply the 2017 State Aid; in the amount of \$19,948.69 into the non-uniform pension plan with PMRS.

ON MOTION OF MR. YETSKO, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY APPROVED TO THE DEPOSIT THE 2017 STATE AID; FOR THE MUNICIPAL MINIMUM OBLIGATION, IN THE AMOUNT OF \$19,948.69 INTO THE NON-UNIFORM PENSION PLAN ACCOUNT WITH THE PA MUNICIPAL RETIREMENT

SYSTEM. COUNCIL 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

Reminder of the Cambria County Borough Association Dinner on Tuesday, October 24th, 2017 at the Cresson American Legion at 5:30 p.m.

Trick or treat in Portage Borough will be held on Sunday, October 29th, 2017 from 4:00 – 6:00 p.m.

Harvest Fest Event will be held on Sunday, October 22nd, 2017 from 2:00-5:00 p.m.

Ms. McCarthy commended the Women's Club for all their efforts in the decorating for the fall season.

Ms. McCarthy advised that she met with a group of students in the InterAct Club. She advised that they had such great enthusiasm and would like to bring the group in to talk with Council.

Ms. Claar advised that with the start of the school year, a junior council person could be sought out at the Portage High School. Ms. Claar will e-mail the information to the Superintendent advising of the Junior Council Person Program.

Mr. Hayes questioned why the trick or treat is not held on the actual date for Halloween of the 31st. Mr. Koban provided a timeline of events and it has transpired through the years. On a motion of council back in 2015, Council decided to hold Trick or Treat on the last Sunday of October.

B. ADJOURNMENT/EXECUTIVE SESSION

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

ON MOTION OF MR. HAYES, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY AGREED TO GO OUT OF EXECUTIVE SESSION. MR. LEARN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL AND MS. McCARTHY, MOTION CARRIED 6-0.

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

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