

A meeting of Portage Borough Council was held on Monday, September 5th, 2017, at 6:30 p.m., in Council Chambers.

Those in attendance were:

Sharon McCarthy
George Wozniak

James Kissell

David Hayes
Jerome Yetsko

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; Randy Griffith with the Tribune Democrat; residents: Jeff Blackburn, Tom Oravec, Russ Orlowsky, Willie and Margaret Saulsbury, Jill Lamar.

ON MOTION OF MR. WOZNIAK, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY APPROVED TO GO OUT OF ORDER ON THE AGEND 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

Mr. Tom Oravec; a Portage Township resident, was in attendance to address the Gillespie Avenue water runoff issues that developed when the new sewer lines were installed over a year ago. Mr. Oravec had to install a sump pump in his basement to divert the surface water. Mr. Oravec had also commented that the old factory building on Gillespie Avenue. The surface water from both properties are flooding out several residents on the borough and township. A very lengthy discussion took place on how to remedy the flooding issues. A meeting was also held between the Borough and Portage Township Supervisors on how to address the water runoff. Mr. Koban commented that a he would like to have a joint effort between the Borough and the Township of installing new storm drain from the borough to the township line to correct the problem. The Public Works Department will obtain a cost estimate for the drain pipe and the project. The issue will be placed on the September 18th, committee meeting for further discussion.

Mrs. Margaret and Willie Saulsbury were in attendance to discuss the condition of the property at 1315 and 1309 Jefferson Avenue. Pictures were presented to Council reflecting the conditions of the property being infested and the obnoxious odors. Several other residents were in attendance to support the Saulsbury's and commented that seventeen months is long enough to have some resolution. The property was fire damaged at 1315 Jefferson on April 20th, 2016 and on June 14th, 2017, an Engineering study was performed in accordance of the Borough Ordinance for a Dangerous Structure. The Borough Engineer had recommended the structure be demolished. On August 22nd, 2017; a trailer fire had occurred on the property of Mr. Mark Kissell at 1309 Jefferson Avenue. A lengthy discussion took place between Council and the residents with the legal process and timeframes for any resolution.

IV. REPORTS

A. Borough Manager

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

- The Workers Compensation for the Portage Fire Dept was bound with the State Workers Insurance Fund for 2017-2018; resulting in an increase of \$882.00. The premium will be allocated between Portage and Cassandra Borough and Portage Township based on population.
- Mr. Koban informed Council that he reviewed cost estimates for the garage doors at the maintenance building and recommended moving forward before the winter weather. Estimates are also forthcoming for the concrete floors.
- Mr. Koban advised that he will be meeting with the Building Committee to discuss the borough building roof estimate received from Blair Roofing to replace the existing roof.
- The Borough commercial insurance policy renewal proposal was received from Ebsenburg Insurance for 2017-2018. The policy was bound with EMC Insurance; including the workers comp at an increase of \$632.00.
- Ms. McCarthy questioned the status of the two firefighters that sustained injury during the trailer fire at 1319 Jefferson Avenue (Kissell) on August 22nd, 2017. Mr. Koban advised that there were no additional follow ups for either firefighter.

B. Solicitor

Attorney Emerick provided a report to Council in written form prior to the meeting.

- Concerning the borough building roof; Mr. Emerick requested an executive session.
- The water runoff issue was discussed earlier in the meeting.
- As it relates to the Nicholson Property on Main Street; if there is no responsive pleading filed by the end of the week, we will be entitled to a default judgement.
- Relating the 616 Dulancey Drive (Adams) property, Mr. Emerick will be investigating to see if there are any tax liens on the property or any outstanding mortgages. He will report back at the October regular meeting.
- As it relates to the 907 Jefferson Avenue Property (Crum), Mr. Emerick advised that the Civil complaint is being prepared for the October regular meeting for signatures.
- Mr. Emerick advised that he has to further research court documents on the Shoenfeld cases pertaining to the undeveloped land.
- Relating to the 1315 Jefferson Avenue property (Kissell), a dangerous building hearing will be held at the October regular meeting.

C. Chief of Police

At this timeframe, Chief Miller asked to be excused after he provided his report. Chief Miller had nothing additional to add. Mr. Hayes questioned Chief Miller if there was any suspect caught for the tire slashings. Chief Miller advised that there were none.

D. Engineer

Mr. Wisor furnished a copy of his written report to Council prior to the meeting and elaborated on several issues:

- Mr. Wisor presented pictures and the engineer's field view report for the 933 Sonman Avenue Property owned by Mr. Mark Greenawalt. The field view was performed on August 31st, 2017. At the recommendation of the Borough Engineer, the building meets the Dangerous Building Ordinance; Items B,D,E,F, and I, resulting in demolition.

ON MOTION OF MR. LEARN, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY APPROVED TO MOVE FORWARD WITH LEGAL PROCEEDINGS ON THE PROPERTY AT 933 JEFFERSON AVENUE (GREENAWALT). COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL, AND MS. McCARTHY, MOTION CARRIED 6-0

- o Mr. Wisor had presented photographs of the field view study of the fire damaged property located 616 Dulancey Drive (Adams) that was performed on August 31st, 2017. The structure meets the Borough Dangerous Building Ordinance criteria of B, C, D, E and I. The Borough Engineer's recommendation is to have the structure demolished.

ON MOTION OF MR. WOZNIAK, SECONDED BY MR. LEARN, COUNCIL UNANIMOUSLY APPROVED TO MOVE FORWARD WITH LEGAL PROCEEDINGS ON THE PROPERTY LOCATED AT 616 DULANCEY DRIVE (ADAMS). COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL, AND MS. McCARTHY, MOTION CARRIED 6-0.

E. Director of Public Works

Mr. Scott Maul represented the Public Works Department and provided a written report to Council prior to the meeting.

V. CORRESPONDENCE

A noticed was received via e-mail that a Fall Appliance and Tire Collection program will be sponsored by the Cambria County Conservation District on September 9th, 2017 at Tunnelhill Borough and Summerhill Township offices.

The Trout Run Watershed Association submitted correspondence relating to the success of the Cleanup involving the Portage Area School District, Volunteer Fire Dept, Ambulance Service, Water & Sewer Authority, PAJRC, Waste Management, and the borough and township public works department.

VI. MINUTES OF PREVIOUS MEETING

As it relates to the minutes from the August 7th regular and August 21st committee meetings:

ON MOTION OF MR. KISSELL, SECONDED BY MR. LEARN, COUNCIL UNANIMOUSLY APPROVED THE MINUTES FROM THE AUGUST 7TH REGULAR AND AUGUST 21ST, 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.

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 \$73,2925.20; AND APPROVED THE BILLS AND ADDITIONAL BILLS BE PAID; AS PRESENTED IN WRITTEN FORM, IN THE AMOUNT OF \$20,333.83. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL AND MS. McCARTHY, MOTION CARRIED 6-0.

VIII. REPORTS RECEIVED

Reports were received from following organizations and authorities: Portage Water Authority (July); Portage Sewer Authority (July); and LMIA (July); Portage Library-July & August; Portage Historical Society-May.

ON MOTION OF MR. LEARN, SECONDED BY MR. KISSELL, COUNCIL UNANIMOUSLY ACCEPTED THE REPORTS FROM THE PORTAGE WATER AUTHORITY (JULY); PORTAGE SEWER AUTHORITY (JULY); AND LMIA (JULY); PORTAGE LIBRARY-JULY & AUGUST; PORTAGE HISTORICAL SOCIETY-MAY. 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:
Mr. Koban informed Council that he will be attending a scheduled meeting on Thursday with the Portage Township Supervisors to discuss the issue.
- B. Update on Borough Building Roof: Discussed earlier in the meeting and executive session.
- C. Update on Trout Run Rehabilitation: Discussed under Engineer's report
- D. Update on promoting tourism in Portage: Mr. Kissell and Mr. Portash to meet on Friday.
- E. Update on declaring a snow emergency-Mr. Wozniak advised that it will be discussed at the committee meeting in September.
- F. PennDot/Boro Main Street Phase II-no update
- G. Update on drainage issues for Kelly and Sherry Smith-discussed earlier in the meeting.
- H. Discussion on restroom project at Crichton McCormick Park-Mr. Koban is seeking Council direction on how to proceed with the restroom project. Mr. Koban advised that the plans and specifications can be used from the previous unsuccessful grant application, and forwarded to Mr. Wisor to bid the project. Mr. Wozniak questioned if the Township would be providing any financial assistance to the project.

ON MOTION OF MR. KISSELL, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY APPROVED TO MOVE FORWARD WITH THE SPECIFICATIONS FOR BIDDING THE RESTROOM PROJECT; AND TO FURTHER DISCUSS THE ISSUE WITH THE PORTAGE TOWNSHIP SUPERVISORS. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL AND MS. McCARTHY, MOTION CARRIED 6-0.

- I. As it relates to the ice skating liner at the Park, Mr. Koban advised that he was waiting on Mr. Kissell for additional information before placing the order. Mr. Wozniak commented that several negative comments were made by various committees.

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 under the Solicitor's report.
- 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
Mr. Koban elaborated on the storage trailers on the property and informed Mr. Emerick that the previous District Magistrate and Cambria County Judge Long had ruled the property as undeveloped. Mr. Emerick informed Council that he could obtain the court documents and order to review the results of that hearing.

ON MOTION OF MR. WOZNIAK, SECONDED BY MR. KISSELL, COUNCIL UNANIMOUSLY AGREED TO HAVE MR. EMERICK PROCEED WITH OBTAINING THE COURT DOCUMENTS RELATING TO THE SCHOENFIELD CASE REGARDING THE TRAILERS ON UNDEVELOPED PROPERTY. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL AND MS. McCARTHY, MOTION CARRIED 6-0.

- F. Update on 933 Sonman Ave (Greenawalt)-Discussed earlier in the meeting.
- G. Update on 907 Jefferson Avenue (Crums)-discussed earlier in the meeting.

X. NEW BUSINESS

- A. Ms. Claar presented the 2018 Minimum Municipal Obligation (MMO) for the non-uniform pension plan with the PA Municipal Retirement System for council approval.

ON MOTION OF MR. WOZNIAK, SECONDED BY MR. KISSELL, COUNCIL UNANIMOUSLY APPROVED THE 2018 MMO FOR THE NON-UNIFORM PENSION PLAN WITH PMRS IN THE AMOUNT OF \$17,159.00. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL AND MS. McCARTHY, MOTION CARRIED 6-0.

- B. Ms. Claar presented the 2018 MMO for the Uniform Pension Plan that was prepared by Mr. Steve Feaster for council approval.

ON MOTION OF MR. KISSELL, SECONDED BY MR. LEARN, COUNCIL UNANIMOUSLY APPROVED THE 2018 MMO FOR THE UNIFORM PENSION PLAN, IN THE AMOUNT OF \$0.00 DUE TO THE PLAN BEING OVERFUNDED. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL AND MS. McCARTHY, MOTION CARRIED 6-0.

ADDITIONAL AGENDA ITEMS

A. Mr. Koban requested Council approval to advertise the Public Works Director position.

ON MOTION OF MR. KISSELL, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY APPROVED THE ADVERTISING OF THE PUBLIC WORKS DIRECTOR POSITION IN THE DISPATCH AND THE TRIBUNE. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL AND MS. McCARTHY, MOTION CARRIED 6-0.

B. Mr. Koban informed Council that a Township resident had a new fence installed by a contractor that was in the right of way on Factory Alley. The fence was erected to alleviate any efforts on the water run-offs from Gillespie Avenue. Factory Alley is in both the Borough and Township lines. After a discussion, it was determined that the fence is in Township portion of the alley.

XII. GOOD OF THE BOROUGH

A. Ms. Claar presented Council with a list of properties that will be on the Cambria County Upset Sale scheduled for September 11th, 2017.

B. ADJOURNMENT/EXECUTIVE SESSION

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

ON MOTION OF MR. LEARN, SECONDED BY MR. HAYES, 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. WOZNIAK, SECONDED BY MR. KISSELL, THE MEETING WAS ADJOURNED AT 8:21 P.M.