

A meeting of Portage Borough Council was held on Monday, April 2<sup>nd</sup>, 2018, at 6:30 p.m., in Council Chambers.

Those in attendance were:

Sharon McCarthy	John Morgan	James Kissell	David Hayes
Todd Learn	Jerome Yetsko	George Wozniak	

Also present were: Robert Koban, Borough Manager; Michael Emerick, Solicitor; Gary Wisor, Engineer; Scott Maul, Public Works; Chief Miller, Public Safety; Ms. Claar, Secretary, Kaelyn Wozniak, and Emily Canavan, Jr. Councilors.

### **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.

### **REFLECTION/PLEDGE OF ALLEGIANCE**

Mr. Kissell offered a reflection. The reflection was followed by the Pledge of Allegiance.

### **RECOGNITION OF GUESTS**

Ron Portash, Mainline Publications; Calem Illig, Altoona Mirror; Kenneth and Melissa Plummer, And Ms. Jean Kinley.

Ms. McCarthy acknowledged Kenneth and Melissa Plummer. The Plummers inquired on a compliance permit that was not going to be re-issued. The Plummers received notification from LMIA and the Borough Manager that a permit would not be re-issued due to the ongoing deficiencies on the property located at 730 Sherman Street. The previous permit had expired that was a valid for over year and there has been no activity to date. Mr. Koban explained that several residential complaints have been filed with the borough. Mr. Wisor performed a visual inspection of the property on March 15<sup>th</sup>, 2018 noting the deficiencies and provided photographs with the following:

- Portions of the foundation have been removed and is now being supported by wood cribbing pillars. Mr. Wisor commented that the timber cribbing is intended to be a means of “temporary” support structures.
- The southerly side of the structure is covered from view by a tarp.
- Excavated material and debris are stockpiled within the Mountain Avenue right of way and is blocking the area to the school.
- Orange fencing and cones within the borough right of way
- Tires and accumulated trash in the back yard and on the front porch.

Mr. Koban also commented that the Plummers have a municipal lien against another property on Caldwell Avenue and complaints on their current property at 1304 Caldwell Avenue. Mrs. Plummer denied that she knew of any municipal lien. Ms. Claar advised that several statements have been sent since 2012, when the lien was first listed. Mrs. Plummer was handed the statement at the meeting. Mr. Plummer commented that he has invested a lot of money into the property and it wasn't fair that the borough won't extend the permit. Mr. Plummer also threatened to file harassment charges against the borough for not approving a permit to finish the project. After a discussion, Council informed the Plummers that in order to obtain a permit, the following conditions have to be met by next month:

- ❖ A timeline to replace the foundation with plans
- ❖ Stockpiled material to be removed from within the right of way on Mountain Ave

- ❖ Accumulated trash removed from the front porch
- ❖ Trash in the back yard to be removed

If the above conditions are not remedied, Council will move forward with further action by declaring the building a hazardous structure. A copy of the Engineer's inspection was provided to Mr. & Mrs. Plummer.

## **REPORTS**

### **A. Borough Manager**

Mr. Koban provided his report in written form prior to the meeting. Ms. McCarthy questioned the status of the proposal from the contractor concerning the sewer laterals. Mr. Koban commented that he has not received anything yet from Mr. Raptosh. Ms. McCarthy commented on the rates for purchasing a certificate of deposit from S & T Bank. Mr. Koban advised that S&T had the best rates. Mr. Koban provided additional information to his report.

- ❖ Advised that Mr. Gaunt applied for a compliance permit for the roof and other repairs
- ❖ Informed Council that the Planning Commission sent notice of two meetings
- ❖ Informed Council that the Park does not have the Traditional Anglers listed on their insurance.
- ❖ Letters were sent out to 4 property owners on the SR 164 project.
- ❖ Mainline trail plans were not submitted by Mr. Stager but will be within the near future. Mr. Koban also commented that the Portage Township Supervisors will be supporting the future plan by providing financial support in the amount of \$5,000.00.

### **B. Solicitor**

Attorney Emerick noted that his report was provided to Council in written form prior to the meeting. Mr. Emerick elaborated on several issues in his report that are also on the agenda under buildings:

- ❖ American Roofing Litigation-Mr. Emerick advised that there will be a status conference on Monday, April 16<sup>th</sup>, 2018 at 9:30 a.m.
- ❖ Buildings:
  - 1309/1315 Jefferson Avenue (Mark Kissell) properties  
Mr. Emerick advised that he did not have an opportunity to send public hearing notices to Mr. Kissell for April 2<sup>nd</sup>, 2018. Mr. Kissell did not attend the meeting. Mr. Emerick advised that he has researched the exact street address with Cambria County and it does reflect 1309 Jefferson for the trailer. Mr. Emerick advised that the public hearing notices will be sent to Mr. Mark Kissell advising of the meeting to be held on Monday, May 7<sup>th</sup>, 2018.
  - 616 Dulancey Drive (Clair Adams)  
Mr. Koban suggested to have Mr. Emerick move forward.

ON MOTION OF MR. KISSELL, SECONDED BY MR. LEARN, COUNCIL UNANIMOUSLY APPROVED TO HAVE MR. EMERICK MOVE FORWARD WITH THE APPOINTMENT OF A REPRESENTATIVE FOR THE 616 DULANCEY DRIVE PROPERTY. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNAK, MR. HAYES, MR. KISSEL, AND MS. MCCARTHY. MOTION CARRIED 7-0.

- 933 Sonman Avenue (Mark Greenawalt)  
Mr. Emerick presented the “Findings of Fact” from the public hearing that was held on Monday, March 5<sup>th</sup>, 2018. Mr. Emerick presented the documents for the Council President and Borough Secretary to sign.

ON MOTION OF MR. HAYES, SECONDED BY MR. LEARN, COUNCIL UNANIMOUSLY APPROVED TO HAVE MS. McCARTHY AND MS. CLAAR SIGN OFF ON THE “FINDINGS OF FACT” FOR THE DEMOLITION OF THE 933 SONMAN AVENUE PROPERTY OWNED BY MR. MARK GREENAWALT AND REBECCA WINDSOR. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSEL, AND MS. MCCARTHY. MOTION CARRIED 7-0.

#### C. Engineer

Mr. Wisor commented that he had forwarded a copy of his report to Council prior to the meeting. Mr. Wisor presented his findings of the 730 Sherman Street property to Council. The Grant funding application for Main Street Phase III was filed on March 30<sup>th</sup>, 2018.

#### 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 the incident regarding the guns that were recovered from a theft back in 2013 and one in 2000.

#### E. Director of Public Works

Mr. Maul noted that a copy of his report was provided to Council prior to the meeting. Mr. Maul had nothing additional to report. Mr. Maul advised that the sweeping schedule will be backed up another week do to the inclement weather.

### **CORRESPONDENCE**

Trout Run Watershed Association sent notice of the annual Earth Week Clean-up to be held on Friday, April 20<sup>th</sup>, 2018 commencing at 12:30 p.m. and finishing at 2:30 p.m. The Association is also requesting assistance from the Public Works Department.

### **MINUTES OF PREVIOUS MEETING**

As it relates to the minutes from the March 5<sup>th</sup>, regular and the March 19<sup>th</sup>, 2018 committee meeting,

ON MOTION OF MR. HAYES, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY APPROVED THE MINUTES FROM THE MARCH 5<sup>TH</sup> REGULAR AND THE MARCH 19<sup>TH</sup>, COMMITTEE MEETING MINUTES. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSEL, 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 \$85,964.13 AND APPROVED THE BILLS AND ADDITIONAL BILLS BE PAID; AS PRESENTED IN WRITTEN FORM, IN THE AMOUNT OF \$35,620.86. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSEL, AND MS. MCCARTHY. MOTION CARRIED 7-0.

### **REPORTS RECEIVED**

Ms. McCarthy noted that reports were received from the Portage Water Authority (Feb) and the Portage Sewer Authority (Feb), Planning Commission (Jan-March), Portage Area Joint Recreation-Jan.

ON MOTION OF MR. LEARN, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY ACCEPTED THE REPORTS RECEIVED AS NOTED ABOVE. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSEL, 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 advised Council he has not heard back from the Portage Area School Board regarding the support letter. Mr. Koban advised that Mr. Zalenko is e-mailing the weekly newsletter.
- B. Update on Borough Building Roof: Discussed under the Solicitor's report.
- C. Update on Trout Run Rehabilitation: There was no update. Waiting for a funding announcement that we can apply for a grant.
- D. PennDot project on SR 164  
Mr. Koban informed Council that letters were sent to four (4) property owners concerning the SR 164 project affecting the owners. The meeting will be held on Wednesday, April 11<sup>th</sup>, 2018 at 8:00 a.m. in Council Chambers.
- E. Update on Main Street Phase II:  
Discussed under the Engineer's report
- F. Update on proposed restrooms at Crichton McCormick Park  
Mr. Wisor advised that the field survey is completed and a preliminary site plan is being Prepared. The building design is moving forward.
- G. Update on sewer testing on the administration building  
Mr. Koban commented that he is waiting on a proposal from the contractor.
- H. Update on Sonman Avenue Bridge  
There was no update.
- I. Update on planning for the Cambria County Borough Association Dinner Meeting  
Mr. Koban suggested the businesses and organizations be reminded of the upcoming borough meeting to send or drop off their donations/door prizes. Mr. Kissell commented that he spoke with Mr. Frank Burns office. His office hired a new grant writer for the area

and suggested that she could be a side bar to a speaker at the meeting. All Council to wear the green shirts.

- J. Update on 1994 Mainline Trail Feasibility Study  
Mr. Koban advised that he was waiting on the previous plan from Mr. Randy Stager.
- K. Update on insurance at Park for Traditional Anglers Building  
The issue was addressed under the Borough Manager's report and can be removed from the agenda.

## **BUILDINGS**

Mr. Koban provided the following update:

- A. Update on Mark Kissell property at 1309 and 1315 Jefferson Avenue  
Discussed earlier in the meeting under the Solicitor's report. A public hearing will be held on Monday, May 7<sup>th</sup>, 2018 at 6:30 p.m.
- B. Update on Clair Adams property at 616 Dulancey Drive  
Discussed under the Solicitor's report.
- C. Update on Shoenfeld property at Orange and Grove St  
The issue will be visited in the Spring
- D. Update on Crum Property at 907 Jefferson Avenue  
Mr. Kissell commented that the Crums commenced with cleaning up the property.
- E. Update on Gaunt property at 828 North Railroad  
Mr. Koban informed Council that Mr. Gaunt applied for a compliance permit for the roof, sewer work, and front porch. The Gaunt's deadline for repairs is April 17<sup>th</sup>, 2018.

## **NEW BUSINESS**

- A. Review and approval of Resolution 7-2018 for the 2018 County Liquid Fuels Allocation

ON MOTION OF MR. MORGAN, SECONDED BY MR. KISSELL, COUNCIL UNANIMOUSLY APPROVED RESOLUTION 7-2018 BY MAKING APPLICATION FOR THE 2018 COUNTY LIQUID FUELS ALLOCATION, IN THE AMOUNT OF \$7,100.00. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSEL, AND MS. MCCARTHY. MOTION CARRIED 7-0.

- B. Approval of Resolution 8-2018 for the purchase of Certificate of Deposit from S&T Bank, Portage.

ON MOTION OF MR. LEARN, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY APPROVED RESOLUTION 8-2018 AUTHORIZING THE PURCHASE OF A NEW CERTIFICATE OF DEPOSIT WITH S&T BANK, IN THE AMOUNT OF \$11,897.08 FOR A 24 MONTH TERM. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSEL, AND MS. MCCARTHY. MOTION CARRIED 7-0.

C. Mr. Koban advised that the Portage Area Planning Commission is in the process of creating a Portage Area brochure. Mr. Kissell commented that the brochure he and Mr. Portash prepared will be on hold for obtaining copy prices.

### **GOOD OF THE BOROUGH**

1. Mr. Koban commented that the location for the Special Christmas Meeting on December 21<sup>st</sup>, 2018 was not decided from the last meeting. After a short discussion, the Special meeting will be held in the back social hall room of the fire dept.
2. The Portage Area Planning Commission sent notice that they will be holding a regular meeting on Monday, April 9<sup>th</sup> at 7:00 p.m. at the Portage Township Building if any members of council will like to attend.
3. The Portage Area Planning Commission also sent notice of the annual meeting of all civic, Service and governance organizations of the Portage Area. The meeting will take place at the Portage Area High School Cafeteria on Saturday, April 21<sup>st</sup>, 2018 from 9:00 a.m. to noon. There will be four (4) attending for borough representation.
4. Mr. Hayes commented that the 5K Bunny Dash was successful in their event. Mr. Hayes commended all those who assisted in the event, and Mr. Marty Slanoc.
5. Council commended the Portage Women's Club for all their decorating efforts for St. Patrick's Day and Easter, and all year long.
6. Mr. Learn commented on the letters that were received from the Mrs. Thomas's second graders to the Mayor and Council. Mr. Learn requested that the letters be scanned so all of Council can read them.

### **ADJOURNMENT/EXECUTIVE SESSION**

THERE BEING NO FURTHER BUSINESS ON THE AGENDA, ON MOTION OF MR. WOZNIAK, SECONDED BY MR. YETSKO, THE MEETING WAS ADJOURNED AT 7:36 P.M. MOTION CARRIED 7-0.