

A meeting of Portage Borough Council was held on Monday, July 16th, 2018, at 6:30 p.m., in Council Chambers.

Those in attendance were:

Sharon McCarthy
Jerome Yetsko

James Kissell
John Morgan

David Hayes
Todd Learn

Also present were: Robert Koban, Borough Manager; Michael Emerick, Solicitor; Gary Wisor, Engineer; Scott Maul, Public Works; Chief Miller, Public Safety; Ms. Claar, Secretary. Absent was George Wozniak.

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.

Ms. McCarthy called for Mr. Koban to commence with the 2018 Street Paving bids. Mr. Koban advised that there were four (4) bids presented and read aloud each bid from the contractors:

New Enterprise Stone & Lime	\$127,669.00
Grannas Brothers	\$115,230.00
HRI, Inc.	\$130,943.00
Quaker Sales	\$131,156.60

Mr. Koban requested Mr. Wisor to review for the bids for accuracy and the proper documentation required before awarding later in the meeting.

RECOGNITION OF GUESTS

Ron Portash, Mainline Publications; Randy Griffith, Tribune Democrat; and Ms. Jean Kinley.

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

Ms. Kinley questioned when the sewer lines will be completed and pressure tested at the administration building. Mr. Koban commented that the Contractor will be starting tomorrow morning, Tuesday, July 17th, 2018. Ms. Kinley commented that Borough should lead by example and had the project completed before filing an extension with the Portage Sewer Authority.

REPORTS

A. Borough Manager

Mr. Koban provided his report in written form prior to the meeting. Mr. Koban informed Council that the structure located at 925 Main Street had caved in around the foundation and the sidewalk last week. Mr. Maul and Office Leyo had caution taped the area. Mr. Koban advised that there is an opening in the concrete slab and has approximately 2 feet of water underneath the foundation. Ms. Claar had contacted the Cambria County Tax Office and the property owner has back taxes totaling approximately \$1,800.00. Mr. Morgan commented that since the building is

attached to another building, this should be treated as an emergency situation. Mr. Koban suggested that an engineering field view of the structure be performed immediately.

ON MOTION OF MR. KISELL, SECONDED BY MR. MORGAN, COUNCIL UNANIMOUSLY APPROVED TO HAVE MR. WISOR PERFORM AN EMERGENCY FIELD SURVEY OF THE STRUCTURE LOCATED AT 925 MAIN STREET (LEWIS). COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. HAYES, MR. KISSEL, AND MS. MCCARTHY. MOTION CARRIED 6-0.

Ms. McCarthy questioned the 1st Summit Bank pension fund and related stocks. Mr. Koban advised that 1st Summit prepared the statements and are in-line with the investment policy.

Ms. McCarthy questioned the return status of Jamie Cadwallader. Mr. Koban advised that he will be off for six weeks. Scott and Fran are keeping up with the storm drain installation on Gillespie Avenue. A letter was also cc'd to the Borough from Township resident; Jill Lamar, regarding the installation of drain pipe on Gillespie.

Ms. McCarthy commented on the bids that were received for the Restroom project being higher than the expected engineer's estimate. Mr. Koban advised that he will provide additional details under new business.

Mr. Kissell questioned if the Sewer Authority scheduled any repairs on Webster Avenue and Lee Street. Mr. Maul advised that the Sewer Authority is working on it. Mr. Learn also questioned if the Sewer Authority will be repairing a bad bump on Blair Street during the sewer project.

Ms. McCarthy questioned if the matter of the tractor-trailer that went through the Slebodnicks yard was resolved. Mr. Koban informed Council that the company is out of Niagara Falls and that Chief Miller is investigating the incident. Chief Miller informed the Slebodnicks of the name of the company and driver to contact regarding the damages.

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:

- ❖ American Roofing Litigation-still awaiting on a briefing schedule from the Cambria County courts and a roofing expert to contact Mr. Koban to investigate the roof.
- ❖ Buildings:
 - 1309/1315 Jefferson Avenue (Mark Kissell)
Mr. Emerick provided a Sales Agreement between Mr. Kissell and Mr. Bobolsky. The Buyer has sixty (60) days to close and thirty (30) days to complete the demolition of the structures.
 - 616 Dulancey Drive (Clair Adams)
Ms. McCarthy advised Mr. Emerick to contact Mr. Nagy for a representative on the Clair Adams property.
 - 907 Jefferson Avenue (Crums)
Mr. Emerick advised that the Crums are in default of the civil suit and time expired. Mr. Learn and Mr. Koban advised that there is still debris left on the property.
 - 828 North Railroad Avenue (Gaunts)
The Sheriff's Office should have delivered the Civil Complaint to the Gaunts.

C. Engineer

Mr. Wisor commented that he had forwarded a copy of his report to Council prior to the meeting. Mr. Wisor presented a field report he performed on the 406 Caldwell Avenue (Barclay) property. The report reflected that the structure meets the dangerous building ordinance as follows:

- Section C: Severely aging shingles on the roof and in multiple places, porch pier, porch roof, and porch floor structure.
- Section H: Roof on front porch that may fall in
- Section I: Unsecured garage filled with garbage at 18" high

Mr. Wisor also advised that Mr. Campbell spoke with neighbors and if entry into the residence could be viewed, the following defects would also be present:

- Section E: Dead animals, rodent infestation, and syringes
- Section I Unsafe, unsanitary, and general health, morals, safety and welfare of the public.

ON MOTION OF MR. KISELL, SECONDED BY MR. MORGAN, COUNCIL UNANIMOUSLY APPROVED TO MOVE FORWARD WITH LEGAL ACTION ON THE 406 CALDWELL AVENUE (BARCLAY) AS PER THE ENGINEER'S RECOMMENDATION TO REPAIR THE ITEMS IN THE REPORT. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. HAYES, MR. KISSEL, AND MS. MCCARTHY. MOTION CARRIED 6-0.

D. Chief of Police

Chief Miller provided a copy of his written report to Council prior to the meeting. Chief Miller advised he had two additions to his report.

- He had an incident on 6/29/18 of a number of stray cats at a property on Skyline Drive. Chief Miller advised that the Humane Society does not have anymore room for stray cats.
- Chief Miller also advised that he was informed of a stray goat on the premises of a Main Street resident.

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 to add to his report. Ms. McCarthy questioned when various potholes within the borough would be repaired. Mr. Maul commented that several are on the board prior to the commencement of the paving program.

CORRESPONDENCE

Correspondence was presented to Council as follows:

- ❖ The Cambria County Commissioners sent notice of the September 11th National Memorial Trail Alliance, "connecting the trail that connect us all" with various website addresses and resources.
- ❖ Governor's Wolf Office sent notice of a "Cabinet in your Community" to attend a seminar on Monday, July 30th, 2018 at 11:00 at the University of Pitt-Greensburg in Greensburg.
- ❖ Rotary request for Summerfest 5K under new business.

MINUTES OF PREVIOUS MEETING

The minutes from the June 4th, regular and the June 18th, 2018 committee meeting were provided to Council prior to the meeting.

ON MOTION OF MR. KISELL, SECONDED BY MR. MORGAN, COUNCIL UNANIMOUSLY APPROVED THE MINUTES FROM THE JUNE 4TH REGULAR AND THE JUNE 18TH, 2018 COMMITTEE MEETINGS. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. HAYES, MR. KISSEL, 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. HAYES, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY ACCEPTED THE TREASURER'S REPORT IN THE AMOUNT OF \$128,201.08 AND APPROVED THE BILLS AND ADDITIONAL BILLS BE PAID; AS PRESENTED IN WRITTEN FORM, IN THE AMOUNT OF \$34,899.12. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. HAYES, MR. KISSEL, AND MS. MCCARTHY. MOTION CARRIED 6-0.

REPORTS RECEIVED

Ms. McCarthy noted that reports were received from the Portage Water Authority (May) and the Portage Sewer Authority (May), PARPC-May; PAJRC-May and June, Portage Ambulance-June.

ON MOTION OF MR. MORGAN, 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. HAYES, MR. KISSEL, AND MS. MCCARTHY. MOTION CARRIED 6-0.

Mr. Kissell remarked that after he read the PARPC meeting minutes, he is requesting a copy of the visitor brochure. There will be 5,000 copies printed off.

UNFINISHED BUSINESS

Mr. Koban provided an update as follows:

- A. Update on Recreation Manager/Director position:
Mr. Koban advised that Mr. Longwill is in the final stages of grant submittal. A resolution was prepared for grant signatures for approval later in the meeting. Mr. Koban also advised that several municipalities have submitted updated letters of support for the grant submission.
- B. Update on Borough Building Roof: Discussed under the Solicitor's report.
- C. Update on Trout Run Rehabilitation: There was no update on the status of the grant that was submitted to DCED.
- D. PennDot project on SR 164-Mr. Koban advised that a meeting will be scheduled next month to discuss the S-curves on Main Street. The date and time will be announced later.
- E. Update on Main Street Phase II: No update

- F. Update on proposed restrooms at Crichton McCormick Park-to be addressed under new business.
- G. Update on sewer testing on the administration building
Discussed earlier under the Manager's report. The installation will take place tomorrow.
- H. Update on Sonman Avenue Bridge
There was no update but it is on the list.
- I. Update on grant funding for generator
Mr. Koban advised that he reached out to Bob Biter Electric to discuss the generator situation and provide an estimate.
- J. Update on retaining wall on Johnson Avenue
Mr. Wisor, Mr. Campbell and Mr. Koban met regarding the retaining wall and discussed the best approach to resolve the wall. Mr. Wisor recommended Mr. Koban 's suggestion of the guard rail, rebar, and capping off the top of the wall.
- K. Update on storm drain issues at Blair and South Railroad-discussed earlier in the meeting.
- L. Mr. Morgan informed Mr. Koban of another drainage issue on Caldwell Avenue at the Intersection of Sherman Street.

BUILDINGS

Mr. Koban provided the following update:

- A. Update on 1309/1315 Jefferson (Kissell) discussed earlier in the meeting.
- B. Update on 616 Dulancey Drive (Adams) discussed earlier in the meeting.
- C. Update on 9078 Jefferson Ave (Crums) discussed earlier in the meeting.
- D. Update on 933 Sonman Ave (Greenawalt)-Mr. Emerick advised that the time has passed in accordance with the civil suit and requested Council direction on how to proceed.

ON MOTION OF MR. LEARN, SECONDED BY MR. MORGAN, COUNCIL UNANIMOUSLY APPROVED TO MOVE FORWARD WITH LEGAL PROCEEDINGS AGAINT MR. GREENAWALT. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. HAYES, MR. KISSEL, AND MS. MCCARTHY. MOTION CARRIED 6-0.
- E. The Police Department sent a 10-day notice to Mr. Schoenfeld and he has since cleaned up some of the issues and cut the grass. Chief Miller advised there is no case law regarding the storage trailers and that the previous Magistrate dismissed any citations. Chief Miller commented that he can discuss the issue with the new Magistrate; John Prebish to get another determination and report back at the next meeting.
- F. Update on 828 North Railroad (Gaunts) discussed earlier in the meeting.
- G. Update on 730 Sherman Street (Plummers) Mrs. Plummer submitted a letter to Council providing a timeline for repairs and what will be addressed. Council was provided the letter and also a reply from Rep. Frank Burn's office. After a short discussion, Mr. Emerick recommended a permit extension to the Plummer's for the two weeks as stated.

ON MOTION OF MR. KISSELL, SECONDED BY MR. LEARN, COUNCIL UNANIMOUSLY APPROVED TO EXTEND THE PERMIT OF MR. ADAM AND KENNETH PLUMMER AT 730 SHERMAN STREET FOR THE STIPULATED REPAIRS. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. HAYES, MR. KISSEL, AND MS. MCCARTHY. MOTION CARRIED 6-0.

H. Update on 722 Sherman Street (Plummer)

Mr. Kissell advised that Mrs. Plummer had moved out of the residence. Mr. Yetsko advised that the water has been shut off. Mr. Wisor provided an engineer's report last month.

ON MOTION OF MR. LEARN, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY APPROVED TO HAVE MR. EMERICK COMMENCE WITH LEGAL ACTION AGAINST PROPERTY OWNERS (PLUMMER) LOCATED AT 722 SHERMAN STREET. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. HAYES, MR. KISSEL, AND MS. MCCARTHY. MOTION CARRIED 6-0.

I. Update on 514 Prospect Street property (Casey)-Chief Miller advised that he investigated the back of the property which showed poor conditions and also a pine tree that is lying on the roof of the structure.

ON MOTION OF MR. KISSELL, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY APPROVED TO HAVE MR. WISOR PERFORM A FIELD INSPECTION OF THE PROPERTY AT 514 PROSPECT STREET (CASEY). COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. HAYES, MR. KISSEL, AND MS. MCCARTHY. MOTION CARRIED 6-0.

J. Update on 406 Caldwell Avenue property (Barclay)-discussed earlier in the meeting.

NEW BUSINESS

A. Approval of a resolution to submit a grant application for the Portage Area Recreation Manager Mr. Longwill submitted a grant application resolution page for the Portage Area Recreation Manager and designating the official grant signature of the Borough Manager.

ON MOTION OF MR. LEARN, SECONDED BY MR. MORGAN, COUNCIL UNANIMOUSLY APPROVED RESOLUTION 11-2018 BY MAKING A GRANT APPLICATION FOR A PORTAGE AREA RECREATION MANAGER AND DESIGNATING THE BOROUGH MANAGER TO SIGN THE GRANT AGREEMENT. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. HAYES, MR. KISSEL, AND MS. MCCARTHY. MOTION CARRIED 6-0.

B. Request from Rotary Club to utilize borough streets for the 5K Rotary Race for Summerfest

ON MOTION OF MR. MORGAN, SECONDED BY MR. LEARN, COUNCIL UNANIMOUSLY APPROVED THE ROTARY CLUB OF PORTAGE REQUEST TO UTILIZE BOROUGH STREETS DURING THE 5k RACE DURING SUMMERFEST ON SATURDAY, AUGUST 11TH, 2018.

COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. HAYES, MR. KISSEL, AND MS. MCCARTHY. MOTION CARRIED 6-0.

c. Review and award of the 2018 Street Paving Program.

After reviewing the figures and necessary documentation of the four bids for the 2018 Street paving program, Mr. Wisor recommended Grannas Brothers as the successful bidder. The bids were as follows:

New Enterprise Stone & Lime	\$127,669.00
Grannas Brothers	\$115,230.00
HRI, Inc.	\$130,943.00
Quaker Sales	\$131,156.60

ON MOTION OF MR. KISSELL, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY APPROVED TO AWARD THE 2018 STREET PAVING BID TO GRANNAS BROTHERS, IN THE AMOUNT OF \$115,230.00. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. HAYES, MR. KISSEL, AND MS. MCCARTHY. MOTION CARRIED 6-0.

D. Review and awards of the Crichton McCormick Park Restroom Project

Mr. Wisor presented bid results and recommendations for the Crichton McCormick Park Restroom Building that were publicly opened and read on July 3rd, 2018. The project was bid into three different contracts; General Construction, Mechanical Construction, and Electrical Construction. Mr. Wisor explained to Council why three different contracts had to be bid for the project. Mr. Kissell commented that the bid amounts were extremely high and suggested volunteers and donations for the project. Mr. Maul reminded Mr. Kissell that volunteers didnt work out with the rink liner in the spring with removal. Ms. McCarthy commented that volunteers are difficult to find. After a short discussion, the total project cost for all three contracts totaled \$116,215.00.

The following recommendations for awarding the three contracts were:

ON MOTION OF MR. LEARN, SECONDED BY MR. MORGAN, COUNCIL APPROVED TO AWARD THE PARK RESTROOM PROJECT FOR GENERAL CONSTRUCTION TO BRICKLEY CONSTRUCTION, IN THE AMOUNT OF \$90,000.00. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. HAYES, AND MS. MCCARTHY. VOTING NEGATIVELY WERE MR. KISSELL. MOTION CARRIED 5-1.

ON MOTION OF MR. YETSKO, SECONDED BY MR. LEARN, COUNCIL APPROVED TO AWARD THE PARK RESTROOM PROJECT FOR MECHANICAL CONSTRUCTION TO OAKES PLUMBING, INC., IN THE AMOUNT OF \$16,415.00. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. HAYES, AND MS. MCCARTHY. VOTING NEGATIVELY WERE MR. KISSELL. MOTION CARRIED 5-1.

ON MOTION OF MR. LEARN, SECONDED BY MR. HAYES, COUNCIL APPROVED TO AWARD THE PARK RESTROOM PROJECT FOR ELECTRICAL CONSTRUCTION TO BOB BITER ELECTRIC, INC., IN THE AMOUNT OF \$9,800.00. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO,

MR. HAYES, AND MS. MCCARTHY. VOTING NEGATIVELY WERE MR. KISSELL. MOTION CARRIED 5-1.

E. Discuss Cassandra Borough's outstanding invoices and terminating grant writing services. Mr. Koban was informed by Ms. Claar that she sent several invoices for grant writing services and workers compensation that have not been paid since 2016. Statements were also sent to Cassandra Borough along with unanswered e-mails and phone calls. Cassandra Borough finally responded after a letter was sent seeking legal action. They advised that an e-mail was sent of terminating the grant writing services in March of 2016. Ms. Claar has an e-mail in April of 2016 they will retain the grant writing services. After several conversations with the Borough Secretary, another letter was sent to Cassandra requesting a formal termination letter for grant writing services from Borough Council. Mr. Koban reviewed the documentation provided by Ms. Claar and advised that he will attend the next Cassandra Borough Council meeting. This lead to another discussion regarding the grant writing service of Decoplan & Associates. Another agreement will be prepared by Decoplan for Portage Borough only at a monthly retainer fee of \$200.00 per month.

F. Inspection of 925 Main Street was discussed earlier in the meeting.

G. Permit extension for Adam Plummer at 730 Sherman Street was discussed earlier in the meeting.

GOOD OF THE BOROUGH

None

ON MOTION OF MR. KISSELL, SECONDED BY MR. HAYES, COUNCIL UNANIMOUSLY MOVED TO ADJOURN. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. HAYES, MR. KISSELL, AND MS. MCCARTHY. MOTION CARRIED 6-0.

THE MEETING WAS ADJOURNED AT 7:50 P.M.