

A meeting of Portage Borough Council was held on Monday, March 5th, 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; Randy Griffith, Tribune Democrat; Deb Shope, Jean Kinley, Frank Lombardo, Jr., Bernice, Arthur, and John Gaunt, and Linda Mastaler.

Ms. McCarthy commenced with Mr. Emerick calling for the Mark Greenawalt and Rebecca Windsor Public Hearing concerning the dangerous structure located at 933 Sonman Avenue. Mr. Emerick presented the following exhibits into the record:

1. Property deed of Mr. Greenawalt and Ms. Windsor dated July 10, 2007
2. Notices of Borough's Engineer Findings sent to Mr. Greenawalt and Ms. Windsor on November 30th, 2017.
3. Notice #1 returned as Not Deliverable and Unable to Forward returned December 6th, 2017.
4. Response from Mr. Greenawalt dated December 17, 2017.
5. Notices of Public Hearing sent to Mr. Greenawalt and Ms. Windsor on February 8th, 2018.
6. Notice sent back from Ms. Windsor on February 21st, 2018 marked "attempted not known; unable to forward.
7. Response from Mr. Greenawalt postmarked February 26th, 2018 from Houtzdale, PA Dept of Corrections.

Mr. Emerick requested testimony from the Borough Engineer; Mr. Gary Wisor, and provided his credentials, field inspections, findings, photographs, and recommendations. Mr. Wisor advised that he performed a prior field inspection on the 933 Sonman Avenue property in November of 2014 as presented:

- The inside of structure was not accessible at that time to determine if it met the criteria for a dangerous building.
- The exterior had broken windows, exposed floor joists and wall framing, and poor conditions of the siding.
- Mr. Wisor had recommended immediate repairs at that time but to date, no repairs have been made and the structure was deteriorating. Mr. Greenawalt was incarcerated in 2014 and is still currently there.

In August of 2017, a second field inspection was performed. Both the interior and exterior were viewed with the following:

- Interior view revealed no mechanical facilities or plumbing fixtures (photos submitted)
- Lack of intact walls and ceilings
- Openings in walls and ceilings reveal lath, wall framing, floor joins, and multiple layers of wall composition.
- Piles of debris, clothing, materials, toys, furniture and litter in every room.
- The exterior of the structure was more than 50% deteriorated.

Mr. Emerick questioned Mr. Wisor for his recommendation to Borough Council. Mr. Wisor advised that the structure meets the Borough's Dangerous Structure Ordinance in sections 101 of items B, D, E, F, and I and recommended the structure be demolished. Mr. Emerick called for testimony on behalf of Mr. Greenawalt and Ms. Windsor. Both were not present for the hearing. Mr. Emerick called for any comments from Borough Council and the Public. There were no comments. Ms. McCarthy commented that the structure has been on the agenda for four years now and action is now required by Council. Mr. Emerick called for council's decision:

ON MOTION OF MR. KISSELL, SECONDED BY MR. LEARN, COUNCIL UNANIMOUSLY DECLARED THE STRUCTURE; OWNED BY MARK GREENAWALT AND REBECCA WINDSOR, LOCATED AT 933 SONMAN AVENUE, TO BE A DANGEROUS STRUCTURE, IN ACCORDANCE TO THE BOROUGH ORDINANCE REQUIRING DEMOLITION. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL, AND MS. McCARTHY. MOTION CARRIED 6-0. MR. EMERICK REMARKED THAT THE OWNERS HAVE THIRTY (30) DAYS TO COMPLY WITH THE DEMOLITION ORDER.

This concluded the Greenawalt/Windsor public hearing.

Mr. Emerick then commenced with a follow up public hearing on the Gaunt property located at 828 North Railroad Avenue. Mr. Arthur Gaunt, Bernie Gaunt, and John Gaunt were in attendance to address the vacated and demolition order. The order was issued at the February 5th, 2018 regular meeting of council to vacate and demolish the structure by April 17th, 2018. Mr. Emerick called for testimony from Arthur and Bernice Gaunt (owners). Mr. Gaunt provided a timeline of events from when he purchased the building. Mr. Gaunt advised that he was incarcerated in 2016 and was just released on December 18th, 2017. Mr. Gaunt disputed the order by advising that he did not have any knowledge on the findings or have the necessary time to make any repairs. Mr. Gaunt also commented that his brother was living at the residence and was going to remodel and make repairs. Mr. Gaunt advised that he since then has evicted his brother and commented that there is no one living at the house. Mr. Gaunt requested Council to amend their decision on the demolition so they can make the necessary repairs as stated in the Engineer's report. Council advised him that he has until April 17th, 2018 to come into compliance with the Borough Ordinance at the recommendations of the Borough Engineer. After a lengthy discussion between both parties; several repairs would be agreed upon along with co-operation between the Gaunts and the Borough Engineer; Mr. Wisor.

ON MOTION OF MR. KISSELL, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY APPROVED TO GRANT THE REQUEST OF THE GAUNTS TO MAKE THE NECESSARY REPAIRS UNTIL THE APRIL 17TH, 2018 DEADLINE, WHICH INCLUDED; SEWER LINES, REPAIR/REPLACE ROOF, MAKE STRUCTURAL CORRECTIONS ON FRONT PORCH, AND NO LIVING ARRANGEMENTS WITHIN THE STRUCTURE. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL, AND MS. McCARTHY. MOTION CARRIED 6-0.

Mr. Gaunt advised that he will be renting a dumpster for debris and advised that there will be no one living within the residence. Mr. Kissell commented that Mr. Gaunt will also have to follow the building codes; with LMIA and co-operate with Mr. Wisor for inspections. Mr. Wisor was instructed to perform an inspection prior to the committee of the whole meeting on April 16th, 2018.

After the Gaunt Public Hearing, Ms. McCarthy commenced with the regular meeting for public participation.

A Resident; Linda Mastaler was in attendance to address the property owned by Kenneth Plummer, located at 730 Sherman Street. Ms. Mastaler advised that the structure is unsafe with logs/wood supporting the foundation, garbage, openings in the structure, and a huge hole under the foundation. Ms. Mastaler was concerned for the children walking to school on Mountain Avenue and someone getting hurt. Mr. Koban elaborated that Mr. Plummer obtained a compliance permit in August of 2017, contacted Laurel Municipal concerning the progress of the work stipulated on the application, and the footer plans. Council questioned the status of the permit and when it expires. Mr. Koban informed Council that a permit was valid for six months and should be coming up on expiring. Mr. Koban will investigate the expiration date and check with LMIA for any updates. Mr. Emerick questioned if it is a dangerous structure, a public nuisance, or both. Ms. Mastaler also commented that she doesn't believe anyone is residing within the residence but it isn't fair to the neighbors that have to live next to it. Council thanked Ms. Mastaler for bringing the issue to their attention.

Mr. Frank Lombardo, Jr., was in attendance to address a drainage issue in the alley behind Johnson Avenue. Mr. Lombardo advised that the rains flood his yard and basement, and the lack of curbing. Mr. Lombardo also commented that in the past, the public works crews had installed stone and is requesting they compact and add more. Mr. Koban questioned the area where most of the issue is; at Blair Street & Johnson. Ms. McCarthy commented that several alleys within the borough need to have some type of repairs this year. Mr. Koban informed Council and Mr. Lombardo that they will place the drainage issue on the schedule for this spring.

Mrs. Deb Shope was in attendance to inquire on St. Mary's Church to be a possibility of a recreation center. Ms. McCarthy advised Ms. Shope that there are issues relating to the churches affiliated with the Altoona-Johnstown Diocese. Ms. Shope also questioned the status of the study of a recreation manager/director position. Mr. Koban commented that without the study for a recreation manager, the position wouldn't be valid. There would be difficulty in staffing a recreation center without any management. Ms. Shope commented that volunteers would be needed to assist in the operations/management. A short discussion took place on various locations for a recreation center, the recreation manager position, and volunteerism within the community. Ms. Shope also had a suggestion of the empty lot on Main Street; owned by Stager Enterprises, by the Amvets. Ms. Shope's idea was to plant a community garden within the vacant lot. She questioned if Council would be in support of the idea and if the Public Works Department

could assist with equipment, labor, or materials. Ms. Shope advised that she still has to approach Mr. Stager on the idea and contact various organizations for their support.

Ms. Jean Kinley was observing.

REPORTS

A. Borough Manager

Mr. Koban provided his report in written form prior to the meeting. Ms. McCarthy commented that Mr. Koban's report listed Jamie Maul, instead of Jamie Cadwallader, as the full time public works laborer position. Ms. McCarthy questioned the status of the maintenance garage regarding the insulation and steel walls. Mr. Koban advised that all work performed has been included in the 2018 adopted budget. Ms. McCarthy apprised the board that Dr. Stotler's office now has a new name on the building: Chan Soon-Shiong Medical Center of Windber. Council welcomed the new business establishment to the borough. Mr. Koban elaborated on several issues in his report.

- PennDot Transportation Annual Outreach meeting will be held on April 25th, 2018 from 1:30-3:30 p.m. at the Ebensburg Center. Mr. Koban welcomed any member of Council to attend, including Mr. Wisor.
- A meeting is scheduled March 15th, 2018 at 8:00 a.m. for the Multimodal grant funding for the Main Street Phase II improvement project. Representatives from PennDot, Mr. Wisor, Mr. Koban, Mr. Maul, and Ms. Claar will be in attendance. Any member of Council is also welcomed to attend the meeting to discuss the project.
- The building committee meeting was cancelled due to scheduling conflicts. Mr. Koban advised that he will put some dates together to get input from all members.
- As it relates to the purchase order to Old Dominion Brush that was signed by Mr. Koban, Mr. Yetsko questioned the amount and what it consisted of. Mr. Koban explained that the Borough and Township had jointly purchased the sweeper. All maintenance and costs are split 50/50 between the Borough and the Township according to the agreement.

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 he discussed the counter-response back to American Roofing and it's prepared to be filed. Mr. Emerick requested authorization from Council for the Council President to sign the verification of the counter-response back to American Roofing.

ON MOTION OF MR. HAYES, SECONDED BY MR. WOZNAIK, COUNCIL UNANIMOUSLY AUTHORIZED FOR MS. MCCARTHY TO SIGN OFF ON THE VERIFICATION OF A COUNTER-RESPONSE BACK TO AMERICAN ROOFING. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNAIK, MR. HAYES, MR. KISSEL, AND MS. MCCARTHY. MOTION CARRIED 7-0.

❖ Buildings:

- 1309/1315 Jefferson Avenue (Mark Kissell) properties
Mr. Emerick advised that he has a few things to research prior to the public hearing to be held on April 2nd, 2018. If no action by Mr. Kissell, the matter will proceed to Cambria Court of Common Pleas.
- 616 Dulancey Drive (Clair Adams)
Mr. Emerick advised that there is no update. Ms. McCarthy commented that she has not been successful in contacting Chuck Adams regarding the ownership. Mr. Koban commented that the next step should be regarding receivership.

C. Engineer

Mr. Wisor commented that he had forwarded a copy of his report to Council prior to the meeting. Mr. Wisor had nothing additional to report.

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 pipe bombs that were assembled in the borough. Mr. Hayes questioned if body camera's will now be worn on all officers. Chief Miller advised that all officers now wear the body cams.

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.

CORRESPONDENCE

There was no correspondence.

MINUTES OF PREVIOUS MEETING

As it relates to the minutes from the February 5th, regular and the February 20th, 2018 committee meeting,

ON MOTION OF MR. WOZNIAK, SECONDED BY MR. LEARN, COUNCIL UNANIMOUSLY APPROVED THE MINUTES FROM THE FEBRUARY 5TH REGULAR AND THE FEBRUARY 20TH, 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. HAYES, SECONDED BY MR. LEARN, COUNCIL UNANIMOUSLY ACCEPTED THE TREASURER'S REPORT IN THE AMOUNT OF \$77,366.25 AND APPROVED THE BILLS AND ADDITIONAL BILLS BE PAID; AS PRESENTED IN WRITTEN FORM, IN THE AMOUNT OF \$29,715.31. 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 (Jan) and the Portage Sewer Authority (Jan), Planning Commission (Feb), and LMIA (Feb).

ON MOTION OF MR. WOZNIAK, SECONDED BY MR. LEARN, 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 that a letter was sent to the Portage Area School District requesting a meeting with the Board and Council to discuss the recreation manager study.
- B. Update on Borough Building Roof: Discussed earlier in the meeting under the Solicitor.
- 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
There was no update but the project will be discussed at a meeting on March 15th with PennDot Representatives during the Multimodal Main Street Phase II project.
- E. Update on Main Street Phase II:
Mr. Koban informed Council that a meeting will be held on Thursday, March 15th, 2018 at 8:00 a.m. with PennDot Representatives, Mr. Wisor, Mr. Koban, Mr. Maul, and Ms. Claar.
- F. Update on proposed restrooms at Crichton McCormick Park
Mr. Koban advised that Mr. Wisor will be performing the survey once the weather breaks.
- G. Update on sewer testing on the administration building
Due to scheduling conflicts, the building committee meeting was cancelled. Mr. Koban will re-schedule another meeting within the near future. Mr. Koban also commented that he is waiting on a proposal from the contractor.
- H. Update on Sonman Avenue Bridge
Mr. Koban informed Council that the project was placed back on the 12-year plan with Cambria County.
- I. Update on planning for the Cambria County Borough Association Dinner
Mr. Koban commented that he will be contacting Renee Daly; with the Cambria County Redevelopment Authority, to request her as a speaker at the meeting. Mr. Kissell commented that Mr. Frank Burns could also be asked.

BUILDINGS

Mr. Koban provided the following update:

- A. Update on Mark Kissell property at 1309 and 1315 Jefferson Avenue
There was no update.

- B. Update on Clair Adams property at 616 Dulancey Drive
Discussed under the Solicitor's report.
- C. Update on Shoefeld property at Orange and Grove St
The issue will be visited in the Spring
- D. Update on Crum Property at 907 Jefferson Avenue
There was no update.
- E. Update on Gaunt property at 828 North Railroad
A second public hearing was held earlier in the meeting.

NEW BUSINESS

- A. Approval of Ordinance 2-2018 for a small borrowing loan obligation for a truck and snowplow
Ms. Claar advised that the proposed ordinance was properly advertised in the Dispatch for public review.

ON MOTION OF MR. WOZNIAK, SECONDED BY MR. LEARN, COUNCIL UNANIMOUSLY APPROVED ORDINANCE 2-2018 BY AUTHORIZING THE ISSUANCE OF A GENERAL OBLIGATION NOTE TO FINANCE A 2018 F-550 CAB & CHASSIS, BED, AND SNOWPLOW; WITH FIRST SUMMIT BANK IN THE AMOUNT OF \$70,570.00, FOR A 5 YEAR TERM AT A RATE OF 2.625%. 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. Request from Marty Slanoc to semi-shut portions of streets for the Bunny Dash

ON MOTION OF MR. KISSELL, SECONDED BY MR. LEARN, COUNCIL UNANIMOUSLY APPROVED THE REQUEST OF MARTY SLANOC TO SEMI-SHUT PORTIONS OF STREETS FOR THE BUNNY DASH 5K, ON SATURDAY, MARCH 31ST, FROM 9:00 A.M. TO 11:00 A.M. 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. Request from Randy Stager to provide monetary support for the Mainline Trail Feasibility study

ON MOTION OF MR. WOZNIAK, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY AGREED TO TABLE THE ISSUE UNTIL A REQUESTED INFORMATION IS RECEIVED FROM MR. RANDY STAGER. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSEL, AND MS. MCCARTHY. MOTION CARRIED 7-0.

GOOD OF THE BOROUGH

1. Mr. Morgan questioned Mr. Koban's report concerning the School District request for police coverage. Mr. Koban informed Council that while he met with Mr. Zelanko during the recreation manager discussion, the topic came up with the School District seeking police coverage for morning and afternoon school traffic control along with after school activities, that the District would pay for. A lengthy discussion took place with Mr. Wozniak suggesting that the School District hire a resource officer. Mr. Morgan questioned if the borough could staff another position for the coverage. Mr. Koban commented that there would need to be a lot of research done to determine feasibility.
2. Ms. Claar advised that the 2018 Sweeping and CHIP and PIP schedules will be advertised two times in the Dispatch, March 9th, and again on March 23rd, 2018.

3. As is it relates to the Borough Christmas meeting on December 21st, 2018, Mr. Koban explained that the Crimson Room will not be available. Several suggestions were made for the Portage Moose and Royal Ballroom. Ms. Claar also commented that the back room in the fire dept could also be utilized. Ms. Claar will contact the fire dept to determine if the room is booked or not and report back.
4. Ms. McCarthy requested prayers and support for Mr. Morgan as he will be going through a kidney transplant next week.
5. Good luck to the Lady Mustangs Basketball team.

ADJOURNMENT/EXECUTIVE SESSION

THERE BEING NO FURTHER BUSINESS ON THE AGENDA, ON MOTION OF MR. HAYES, SECONDED BY MR. WOZNIAK, THE MEETING WAS ADJOURNED AT 7:50 P.M. MOTION CARRIED 7-0.