

A meeting of Portage Borough Council was held on Monday, October 1<sup>st</sup>, 2018, at 6:30 p.m., in Council Chambers.

Those in attendance were:

Sharon McCarthy  
Jerome Yetsko

James Kissell  
John Morgan

David Hayes  
George Wozniak  
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.

### **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.

In order on the agenda, there were three (3) public hearings held first.

### **Public Hearing for Roy and Patricia Plummer located at 720 Orchard Street, Portage, PA.**

Mr. Emerick commenced with exhibits to be entered into record:

- A. January 21<sup>st</sup>, 1996 Deed conveying the ownership of the property
- B. August 6<sup>th</sup>, 2018 Legal letter from Mr. Emerick advising the owners of the dangerous building findings as inspected by Stiffler, McGraw & Associates. The Engineer's report was also included with a time frame for compliance.
- C. September 7<sup>th</sup>, 2018 letter to the property owners advising of the public hearing.

Mr. Emerick commented with testimony from Mr. Wisor with Stiffler, McGraw & Associates as the inspector of the structure. Mr. Wisor provided pictures of the two-story converted duplex to Council and his report. The building displayed defects in Section 101 Ordinance 3-1981 as follows:

- C. Improper loads upon the floors or roofs and insufficient strength
- D. damage by fire, wind or other causes to become dangerous to life, safety, morals, welfare of the occupants or the people of the Borough.
- E. Dilapidated, decayed, unsafe, unsanitary fails to provide amenities to decent living and unfit for human habitation.
- H. Parts which are attached that may fall and injure member of the public or property.
- I. Unsafe conditions of the structure.

The dangerous building is also a public nuisance in accordance to Section 102 of Ordinance 3-1981 and require repair using methods and materials that will alleviate the issues and prevent further deterioration.

There was no representation nor attendance from Roy, Patricia or Harry Plummer for the public hearing.

There was no public comment at this time.

Mr. Emerick called for any questions and a decision from Council. A short discussion took place among members of Council questioning the repair versus the demolition of the structure. Mr. Wisor advised that his findings and recommendations were to repair the structure. Mr. Wozniak questioned the stability of the foundation walls and timeline for repairs. Mr. Emerick commented that the owners have thirty days to make the necessary repairs, if not, then the case is transferred to the Common Pleas Court.

ON MOTION OF MR. KISSELL, SECONDED BY MR. HAYES, COUNCIL UNANIMOUSLY DEEMED THE 720 ORCHARD STREET PROPERTY; OWNED BY ROY, PATRICIA, AND HARRY PLUMMER, A DANGEROUS BUILDING REQUIRING REPAIRS AS RECOMMENDED BY THE BOROUGH ENGINEER. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL, AND MS. MCCARTHY. MOTION CARRIED 7-0.

This concluded the public hearing for the Plummers at 720 Orchard Street.

**Public Hearing for Jason and Sarah Barclay located at 406 Caldwell Ave, Portage, PA.**

Mr. Emerick commenced with exhibits to be entered into record:

- A. November 20<sup>th</sup>, 2015 Deed conveying the ownership of the property
- B. August 6<sup>th</sup>, 2018 Legal letter from Mr. Emerick advising the owners of the dangerous building findings as inspected by Stiffler, McGraw & Associates. The Engineer's report was also included with a time frame for compliance.
- C. September 7<sup>th</sup>, 2018 letter to the property owners advising of the public hearing.

Mr. Emerick commented with testimony from Mr. Wisor with Stiffler, McGraw & Associates as the inspector of the structure. Mr. Wisor provided pictures of the structure to Council and his report. The building displayed defects in Section 101 Ordinance 3-1981 as follows:

- C. Improper loads upon the floors or roofs and insufficient strength
- H. Parts which are attached that may fall and injure member of the public or property.
- I. Unsafe conditions of the structure.

The dangerous building is also a public nuisance in accordance to Section 102 of Ordinance 3-1981 and require repair using methods and materials that will alleviate the issues and prevent further deterioration.

There was no representation nor attendance from Jason and Sarah Barclay for the public hearing.

There was no public comment at this time.

Mr. Emerick called for any questions and a decision from Council.

ON MOTION OF MR. KISSELL, SECONDED BY MR. LEARN, COUNCIL UNANIMOUSLY DEEMED THE 406 CALDWELL AVENUE PROPERTY; OWNED BY JASON AND SARAH BARCLAY, A DANGEROUS BUILDING REQUIRING REPAIRS AS RECOMMENDED BY THE BOROUGH ENGINEER. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL, AND MS. MCCARTHY. MOTION CARRIED 7-0.

**Public Hearing for Drayton Lewis located at 925 Main Street, Portage, PA.**

Mr. Emerick commenced with exhibits to be entered into record:

- A. November 15<sup>th</sup>, 2013 Deed conveying the ownership of the property
- B. August 6<sup>th</sup>, 2018 Legal letter from Mr. Emerick advising the owners of the dangerous building findings as inspected by Stiffler, McGraw & Associates. The Engineer's report was also included with a time frame for compliance.
- C. September 7<sup>th</sup>, 2018 letter to the property owners advising of the public hearing.

Mr. Emerick commented with testimony from Mr. Wisor with Stiffler, McGraw & Associates as the inspector of the structure. Mr. Wisor provided pictures of the two-story commercial structure to Council and his report. The building displayed defects in Section 101 Ordinance 3-1981 as follows:

- C. Improper loads upon the floors or roofs and insufficient strength
- D. damage by fire, wind or other causes to become dangerous to life, safety, morals, welfare of the occupants or the people of the Borough.
- H. Parts which are attached that may fall and injure member of the public or property.

The structure is also in violation of Section 106 of Ordinance 3-1981 that the building is fifty percent or more, damaged, decayed and deteriorated from its original value.

The structure is also in violation of Section 102 of Ordinance 3-1981 that the building requires demolition.

There was no representation nor attendance from Drayton Lewis for the public hearing.

There was no public comment at this time.

Mr. Emerick called for any questions and a decision from Council.

ON MOTION OF MR. KISSELL, SECONDED BY MR. MORGAN, COUNCIL UNANIMOUSLY DEEMED THE 925 MAIN STREET PROPERTY; OWNED BY DRAYTON LEWIS, A DANGEROUS STRUCTURE REQUIRING DEMOLITION AS RECOMMENDED BY THE BOROUGH ENGINEER. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL, AND MS. MCCARTHY. MOTION CARRIED 7-0.

This concluded the public hearings.

**REPORTS**

**A. Borough Manager**

Mr. Koban provided his report in written form prior to the meeting.

Ms. McCarthy questioned the status of the Bobolsky property at 1309 & 1315 Jefferson Avenue. Mr. Koban advised that a demolition permit has not yet been issued by LMIA. After a short discussion by Council,

ON MOTION OF MR. KISSELL, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY TO HAVE MR. EMERICK SEND A LETTER TO MR. BOBOLSKY NOTIFYING HIM OF HAVING THE STRUCTURES DEMOLISHED. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR.

YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL, AND MS. MCCARTHY. MOTION CARRIED 7-0.

Ms. McCarthy questioned the status of Restroom Project at Crichton McCormick Park. Mr. Koban informed Council that the sewer is completed, the foundation, and there were some plumbing issues that were resolved. The project is moving forward.

Mr. Koban commented that he received notification that the grant for the Trout Run Flood Mitigation project was denied. Mr. Koban requested any suggestions from Council since this is the second time the grant got rejected. Mr. Kissell suggested contacting Frank Burns office for assistance.

Mr. Koban informed Council that a new part time officer; Mr. Michael Freiwald will be starting some time next week.

**B. Borough 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 (Joel Bobolsky)  
The issue was discussed earlier in the meeting.
  - 616 Dulancey Drive (Clair Adams)  
There was still no update on finding a representative.
  - 933 Sonman Avenue (Greenawalt)  
Mr. Emerick advised that another address has been submitted for Ms. Windsor on notification of the structure.
  - 828 North Railroad (Gaunts)  
Mr. Emerick advised that he is awaiting on a court date from Cambria County.

**C. Engineer**

Mr. Wisor commented that he had forwarded a copy of his report to Council prior to the meeting. Mr. Wisor provided additional information to his report:

- ❖ Mr. Wisor advised that there has been no update on the from Penn Dot regarding the Sonman Ave Bridge Replacement on the 12-year plan.

**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.

**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. Hayes questioned the road conditions at Gillespie and Blair and requested the Public Works Dept to check it out.

**CORRESPONDENCE**

Correspondence was presented to Council as follows:

The Cambria County Commissioners sent notice of a Suicide Prevention Program Memory Ceremony on Sunday, October 7<sup>th</sup>, 2018; at 2:00 p.m. at the Berwind Wayside Park in Saint Michael, PA.

Mr. Randy Stager submitted an article for Council to review concerning the trails.

### **MINUTES OF PREVIOUS MEETING**

The minutes from the September 4th, 2018 regular meeting and the September 17th, 2018 Committee meeting were provided to Council prior to the meeting.

ON MOTION OF MR. LEARN, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY APPROVED THE MINUTES FROM THE SEPTEMBER 4<sup>TH</sup>, 2018 REGULAR MEETING AND THE SEPTEMBER 17<sup>TH</sup>, 2018 COMMITTEE MEETING. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. HAYES, MR. WOZNIAK, MR. KISSELL, 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. WOZNIAK, COUNCIL UNANIMOUSLY ACCEPTED THE TREASURER'S REPORT IN THE AMOUNT OF \$71,157.05 AND APPROVED THE BILLS AND ADDITIONAL BILLS BE PAID; AS PRESENTED IN WRITTEN FORM, IN THE AMOUNT OF \$46,191.21. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL, AND MS. MCCARTHY. MOTION CARRIED 7-0.

### **REPORTS RECEIVED**

Ms. McCarthy noted that reports were received from the Portage Water Authority (Aug) and the Portage Sewer Authority (Aug) LMIA-Aug, PARPC-Aug; PAJRC-Aug, 2018 Profit and Loss, and the 2019 Operating Budget. Ms. McCarthy commented that the agenda reflected the Water Authority for August but they were not provided to Council. Ms. Claar advised that she received them but did not provide in the council packets.

ON MOTION OF MR. LEARN, SECONDED BY MR. HAYES, COUNCIL UNANIMOUSLY ACCEPTED THE REPORTS RECEIVED AS NOTED ABOVE. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. HAYES, MR. KISSELL, 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 that Mr. Longwill will be presenting the final draft at the committee of the whole meeting.
- B. Update on Borough Building Roof: Discussed under the Solicitor's report.
- C. Update on Trout Run Rehabilitation: The grant was denied and discussed earlier in the meeting.
- D. PennDot project on SR 164  
Mr. Koban advised Council the Mr. Schweitzer from PennDot provided an updated realignment of Caldwell Avenue concerning the radius entering Central Alley.
- E. Update on Main Street Phase II: There was no update.

- F. Update on Main Street Phase III Sidewalk: There was no update.
- G. Update on proposed restrooms at Crichton McCormick Park-Discussed earlier in the meeting.
- H. Update on sump pump drainage at the administration building. Mr. Schweitzer, from PennDot, advised that Main Street was investigated for sump pump water drainage to be tied into prior to the paving. The storm drain project at Central Alley behind the Borough Building will commence next week. The business owners have been contacted and they will be tapping into the storm drain.
- I. Update on Sonman Avenue Bridge-The bridge is on the list with no update from the County.
- J. Update on grant funding for generator-Lowe's will be in to inspect the area and provide a price for a new generator.
- K. Update on retaining wall on Johnson Avenue  
Mr. Koban apprised Council that the retaining wall project probably will not be completed this year due to the unfinished projects thus far for the Public Works Dept. Barriers will be placed in front of the wall for any deterrent of traffic.
- L. Proposed Ordinance for storm water and drainage issue within the borough. Mr. Koban Informed Council that researched other municipal ordinances pertaining to storm water And drainage issues and suggested having the Borough Engineer researched it as well.
- M. Memorial Event for Mr. Walter Mintus-There was no update from Josh Houser; Director of the Dept of Veteran's Services. They are waiting on the Navy for details.

### **BUILDINGS**

Mr. Koban provided the following update:

- A. Update on 1309/1315 Jefferson (Kissell) discussed earlier in the meeting.
- B. Update on 933 Sonman Ave (Greenawalt)-discussed earlier in the meeting.
- C. Update on 616 Dulancey Drive (Adams) discussed earlier in the meeting.
- D. Update on Shoenfield property for junk vehicles. -no update.
- E. Update on 828 North Railroad (Gaunts) discussed earlier in the meeting.
- F. Update on 730 Sherman Street (Plummer)-junk has been removed from the front porch and can be removed from the agenda.

### **NEW BUSINESS**

A. Mr. Koban informed Council that he received a phone call and e-mail from Mrs. Jill Lamar concerning her concrete driveway. Pictures were provided to Mr. Koban and Council. Mr. Koban advised that Mrs. Lamar wanted her driveway re-poured and the marks from the equipment removed. Mr. Koban informed Mrs. Lamar that he would have to discuss the issue further with Council. Mr. Koban recommended that the driveway be power washed to remove the scratches from within the concrete and any other necessary repairs. After a discussion, Council agreed to move forward with the power washing of the concrete.

B. Approval of Ordinance 4-2018 prohibiting debris onto Borough alleys and roadways. The proposed Ordinance was properly advertised in the Dispatch for approval. Mr. Emerick had presented an addition to the proposed ordinance to include water that was not previously listed as to the type of debris. Mr. Emerick commented that with the sump pump and drainage issues, this could alleviate any potential problems. Council debated having the word water included in the revised ordinance that included water.

MR. KISSELL MOTIONED TO HAVE THE PROPOSED ORDINANCE WITHOUT THE WORD WATER AS A DEBRIS. MOTION DIED FOR A LACK OF SECOND.

Another discussion took place with having the word water included as a definition.

ON MOTION OF MR. HAYES, SECONDED BY MR. YETSKO, THE MOTION FAILED BY A VOTE OF 2-5 WITH MR. LEARN, MR. MORGAN, MR. KISSELL, MR. WOZNIAK, AND MS. MCCARTHY VOTING NEGATIVELY UNTIL FURTHER DISCUSSION ON THE WATER.

Mr. Maul advised Council that with the upcoming winter months and snow plowing, several residents shovel the snow back into the streets and roadways causing ice buildup and problems for the plow trucks. Mr. Maul also commented that leaves and grass have become an issue with blocking the storm drains. After another lengthy discussion and what was previously advertised,

ON MOTION OF MR. MORGAN, SECONDED BY MR. WOZNIAK, COUNCIL APPROVED ORDINANCE 4-2018 (WITHOUT THE WORD WATER) BY PROHIBITING DEBRIS ONTO ALLEYS AND ROADWAYS WITHIN PORTAGE BOROUGH. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL, AND MS. MCCARTHY. VOTING NEGATIVELY WAS MR. LEARN. MOTION CARRIED 6-1.

C. Authorization to apply the 2018 State Aid into the non-uniform pension plan. The Commonwealth of PA submitted the 2018 State Aid in the amount of \$19,324.74. The non-uniform MMO for 2018 was estimated at \$17,160.00 with the remainder of \$2,164.74 to also be applied. The Uniform MMO is 0.

ON MOTION OF MR. HAYES, SECONDED BY MR. LEARN, COUNCIL UNANIMOUSLY APPROVED TO DEPOSIT THE 2018 STATE AID, IN THE AMOUNT OF \$19,324.74 INTO THE NON-UNIFORM PENSION PLAN WITH THE PA MUNICIPAL RETIREMENT SYSTEM. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL, AND MS. MCCARTHY. MOTION CARRIED 7-0.

D. Approval to advertise for letters of interest/re-appointment to various boards/commissions. Ms. Claar advised Council that the following terms are expiring at the end of 2018: Water Authority (Kinley) for a five-year term, Joint Recreation Commission (Burkett and George) for a three-year term, and Portage Area Planning Commission (Fox) for a five-year term.

ON MOTION OF MR. LEARN, SECONDED BY MR. HAYES COUNCIL UNANIMOUSLY APPROVED TO ADVERTISE FOR LETTERS OF INTEREST/RE-APPOINTMENT TO THE PORTAGE WATER AUTHORITY BOARD, THE PORTAGE AREA JOINT RECREATION COMMISSION, AND THE

PORTAGE AREA PLANNING COMMISSION. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL, AND MS. MCCARTHY. MOTION CARRIED 7-0.

E. Review and approval of a resolution for a traffic signal maintenance agreement. Mr. Bruce Schweizer submitted a resolution for Council approval concerning the maintenance of the traffic signal light at the intersection of Mountain Avenue and Main Street.

ON MOTION OF MR. HAYES, SECONDED BY MR. WOZNIAK COUNCIL UNANIMOUSLY APPROVED RESOLUTION 12-2018 BY MAKING APPLICATION WITH PENNDOT FOR A TRAFFIC SIGNAL MAINTENANCE AGREEMENT AT THE INTERSECTION OF MOUNTAIN AVENUE AND MAIN STREET. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. MORGAN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL, AND MS. MCCARTHY. MOTION CARRIED 7-0.

**GOOD OF THE BOROUGH**

Trick or Treat will be held on Sunday, October 28<sup>th</sup>, 2018 from 4:00 – 6:00 p.m.  
Cambria County Borough Association Fall Meeting will be held on Tuesday, October 23<sup>rd</sup>, 2018 at Amici's Restaurant in Ebensburg at 5:30 p.m.  
Cambria County Tax Claim sent notice of a Tax Sale on Friday, November 16<sup>th</sup>, 2018.

There being no further business,

ON MOTION OF MR. HAYES, SECONDED BY MR. KISSELL, 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 7-0.

THE MEETING WAS ADJOURNED AT 8:51 P.M.