

Call to Order:

The regular scheduled meeting of July 6th, 2009 was called to order by Council President Ms. McCarthy at 6:33p.m. Members present were: Mr. Kissell, Mr. Vandzura, Mr. Slanoc, Mrs. Chobany, Mr. Wozniak and Mayor Fox. Also present were Robert Koban-Borough Manager; Mr. Emerick-Borough Solicitor; Don Squillario-Public Works; Chief Miller-Public Safety; and Michelle Claar-Secretary. Absent were Mr. Wisor-Engineer and Jr. Council Mr. Leydig. Junior Council member Ms. Cadwallader was also present.

Mr. Wozniak motioned, seconded by Mayor Fox to go out of order on the agenda to recognize the visitors, motion carried 7-0. The visitors were Susan Kalasoski, Bonnie Fox, Raeanne Ross, Jeremy Portash with the Dispatch and Kathy Mellot from the Tribune. Mr. Ron Cadwallader was also in attendance to observe.

Resident Susan Kalasoski resides at 1101 Cambria Street had advised Council that the concrete sidewalk and curb has been damaged by the Public Works Department snow plow truck during the winter and is requesting repairs. The damage is located by the Parsonage. Mr. Koban and Mr. Squillario will investigate the problem area and determine what repairs need to be made.

Ms. Raeanne Ross with Allegheny & Chesapeake was in attendance to seek an appeal from the Borough Manager's letter of June 18th, 2009 regarding a sign to be placed on the side of the building owned by Ed Hill on Caldwell Avenue. Mr. Koban explained to Council that the sign is in non-compliance of the sign and billboard ordinance that was just adopted in June. The sign presented by Ms. Ross was 32 square feet and the ordinance stipulates twenty six square feet. Mr. Kissell commented that he was under impression that Council would not interfere with businesses. Mayor Fox inquired if the sign could be made smaller to meet the ordinance. Ms. Ross explained that the smaller sign would be a custom order sign resulting in additional costs. Ms. McCarthy commented that the ordinance is new and with this being the first appeal, a discussion should be held to resolve any future determinations. Mr. Koban suggested holding a committee meeting for a discussion on the appeal. A discussion took place on the public hearing, the appeals process, and the size restrictions. Ms. McCarthy requested Ms. Ross's patience in the process and will discuss the issue later in the meeting.

Reports:

Managers Report:

Mr. Koban furnished a written report prior to the meeting. Mr. Koban recapped several issues in his report and had nothing additional to report. Mrs. Chobany received a complaint regarding the noise and kids hanging out at the Sundance Lounge on Bedford Street on June 26th. Mr. Koban advised that he has not received any complaints from area residents thus far. Chief Miller advised that Officer Kehn was on duty and there were no complaints received at the Police Department. Bonnie Fox questioned if the Sundance has an occupancy permit. Mr. Koban advised that the borough does not regulate the occupancy

permit process. Mayor Fox questioned if there was a noise ordinance on record. Mr. Koban advised that there are two sides of every story and the police will monitor the Sundance on Friday and Saturday nights for any gatherings or loud noise. Ms. Cadwallader commented that several students go to the Sundance to enjoy the music.

Mr. Kissell questioned the miscellaneous items on the Main Street sidewalk in front of the Friends Variety Store. The items are on the sidewalk, leaning against the building and the parking meters. Mayor Fox commented that he approached the business owner about the items leaning on the parking meters. Chief Miller conversed with the business owner and requested he place his items at the side and in front of his building only, not in the middle of the sidewalk. A discussion was held regarding the blocking of the sidewalk, caution tape, handicap accessibility and curbs. Mayor Fox questioned the liability if someone was to trip or fall over the items and if the Borough would be held liable. Mayor Fox also advised that he was researching State Law for any known blocking of sidewalks legislation. Mr. Koban advised that we will review the ordinance pertaining to the sidewalks.

Mr. Koban informed Council that Officer Way has resigned his position as part-time patrol officer. Ms. McCarthy questioned if applications are being submitted for the part time patrol officer position. Mr. Koban advised that several applications are being sent in and the position was also placed on the PA Career Link Website.

Solicitor's Report:

Mr. Emerick furnished a written report prior to the meeting. Mr. Emerick presented a lease agreement for the Portage National Bank for Council to review. The agreement needs to be revised as follows: to read Mainline National Bank, the utilities and services for the tenant to pay for, and the insurance indemnity clauses. Mr. Koban commented that the agreement will be revised and Council can review it at the next meeting.

Mr. Emerick presented a draft deed between Portage Borough and Joel Bobolsky for the property located on Main Street (Harpo's). The taxes for 2008 have been paid however, the 2007 taxes remain unpaid. Mr. Koban advised Council that Ms. Claar contacted the Tax Bureau to obtain the 2007 back tax amount of \$1,746.05. If the taxes are paid after 7/9/09 the amount is \$1,781.30. If taxes are not paid by that date, a Sheriff Sale will be held on September 14, 2009 with 2007 and 2009 combined, approximately \$3,000.00. Ms. McCarthy questioned if the legal fees could be included. Mayor Fox questioned the process if the taxes are not paid. Mr. Emerick advised that if the taxes are not paid, Council can start the process prior to the Sheriff Sale.

Mr. Emerick informed Council that he has no update on the Sheetz Developer's Agreement. A discussion was held on the house fire located at 612 Orchard Street. Mr. Squillario advised that the owner had no insurance and the residents have returned back to the first floor living area. Mr. Ron Cadwallader informed Council that the Fire Marshall had given approval to have the water turned back on and repairs can be made. The second floor sustained most of the damage. Mr. Wozniak commented on the structure and safety concerns of the residents.

Engineers Report:

Mr. Wisor furnished a written report prior to the meeting. Mr. Wisor was excused due to being on vacation. Mayor Fox questioned the bridge work that is scheduled on Main Street. Mr. Squillario advised that the construction will begin in 2010 with ninety percent of the work to be done at night and traffic maintained to a single lane.

Police Report:

Chief Miller furnished a written report prior to the meeting. Ms. McCarthy commented on the information contained in Chief Miller's reports. Mayor Fox questioned Chief Miller if the police are patrolling the Benscreek area for the Water Authority. Mayor Fox advised that he received information that Portage police cruisers were parked there. Chief Miller advised that there is an agreement with the Water Authority to patrol all the Water Authority properties. Mayor Fox also questioned the property lines and boundaries of the Water Authority Properties adjoining private properties. Mayor Fox also questioned why a Portage Police Cruiser would be parked at Amfire since it is in Township. Chief Miller informed Mayor Fox that he will investigate and report back at the next meeting.

Public Works Report:

Mr. Squillario furnished a written report prior to the meeting. Ms. McCarthy commended the Public Works Department for the good job on painting line and handicap parking areas. Ms. McCarthy advised that there is a vacant trailer below the Legion on Lee Street where the weeds are high. Mr. Cadwallader advised that he will provide the owners name and exact address. Ms. McCarthy also commented on the pedestrian signs being bolted into the road.

Treasurer's Report:

Ms. Claar furnished a written report prior to the meeting. Mrs. Chobany motioned, seconded by Mr. Slanoc to approve the Treasurer's Report, motion carried 6-0.

Correspondence:

The Portage Area Joint Recreation Commission sent a thank you for the use of the borough equipment and laborer for digging a trench at Project Kids Place.

Cassandra Borough sent a thank you for use of the street sweeper with operator.

Ms. Julie Koban sent a letter of interest to serve as a junior member for either Borough Council or the Planning Commission.

The Community Foundation for the Alleghenies sent an invitation to attend a benefit celebration for Mark Pasquerilla and Ed Sheehan on Friday, July 17, 2009 beginning at 5:00 p.m.

The Medical Associates of Portage submitted a request for permission to hold the Portage Summerfest 2009 5 Kilometer Run, scheduled for August 8th at 8:30 a.m. Mrs. Chobany

motioned, seconded by Mr. Kissell to grant permission to the Medical Associates of Portage to hold the Summerfest 2009 5 Kilometer run on August 8th, 2009.

Washington Township Supervisors sent an invitation to attend a seminar concerning shared Volunteer Fire, emergency services and local government to be held on Thursday, July 23, 2009 from 5:00 p.m. to 9:30 p.m. at the Mount Aloysius College Cosgrove Hall in Cresson. Mayor Fox commented that the Borough should have representation and volunteered to attend if Mr. Koban could not. Mr. Koban advised that he would like to attend as well. Mr. Kissell motioned, seconded by Mr. Wozniak to pay \$75.00 for one representative from the Borough. Mayor Fox and Mr. Koban will decide who will be attending.

Minutes of the Previous Meeting:

The minutes of the June 1st regular meeting were distributed prior to the meeting. Ms. McCarthy advised that the wording for Ms. Patney reflecting "they were not "unaware" of being the owner; should read "they were not "aware" of being the owner. Mrs. Chobany motioned, seconded by Mr. Wozniak to approve the June 1st regular meeting minutes with the above changes, motion carried 7-0.

Paying of Bills:

The bills were distributed prior to the meeting. Additional bills were also presented for payment. Mrs. Chobany motioned, seconded by Mr. Wozniak to approve paying the bills plus the additional bills, motion carried 7-0. The bills listed totaled \$19,732.51.

Other Reports

Monthly reports were received from the Water & Sewer Authority, the Portage Area Planning Commission, Portage Ambulance, and the Joint Recreation Commission. Mrs. Chobany motioned, seconded by Mr. Wozniak to approve reports from the Water & Sewer Authority, the Portage Planning Commission, Portage Ambulance, and the Joint Recreation Commission, motion carried 7-0.

Unfinished Business:

The proposed amendment to the handicap parking ordinance was properly advertised. Mayor Fox motioned, seconded by Mr. Vandzura to approve Ordinance 5-2009, amending the special purpose handicap parking ordinance by adding 616 Prospect Street, motion carried 7-0.

New Business:

Three candidates were interviewed for the vacant Water Authority board seat. Mr. Wozniak nominated, seconded by Mr. Kissell to appoint Mr. Steve Koval. Ms. McCarthy closed nominations. Mr. Slanoc motioned, seconded by Mr. Kissell to appoint Mr. Steve Koval to the vacant seat of Mr. Chappell for the unexpired term until December 31, 2009, motion carried 7-0.

The appeal from Allegheny Chesapeake was once again discussed from earlier in the meeting. Ms. McCarthy commented that further discussion will need to take place before a decision and requested that Allegheny & Chesapeake be patient but an answer will be provided. Mr. Koban commented that there are many issues on the agenda that will require council discussion and suggested on scheduling a Committee of the Whole meeting for July 20th, 2009. Council agreed to hold a committee meeting for July 20th, 2009. The issues to be discussed will include the Welcome to Portage Sign, Allegheny & Chesapeake appeal, Mainline National Bank mini-park lease, Harpo's building regarding the unpaid taxes and deed, International Property Codes, the Patney property, the dilapidated trailer (Stagers), and the non-profit 501 C-3 status.

Mr. Koban elaborated on the AmeriCorps position that was advertised in the paper for a Community Planner. Mr. Koban explained that he completed an application through the Pennsylvania Mountain Service Corps to become a service site member for an AmeriCorps member and was awarded the full time position. The position wages are \$6,500.00 and will be equally split between Portage Borough and Portage Township plus \$2,500.00 for in-kind. Mr. Koban also commented that with the new position, projects can be completed that benefit both municipalities; ex: Emergency Management Plan, GIS data, development of an operations manual for Crichton McCormick Park, Summerfest activities, etc. Mr. Vandzura also provided additional information on the AmeriCorps position and living stipends. Mayor Fox questioned the interviewing and hiring process and who has the final decision. Mr. Koban explained that we had to react quickly with the process and did not have all the answers; but we at least have to try.

Ms. McCarthy commented on the policy and procedures manual for the police department that was disseminated to Council members. Mayor Fox commented that he did not receive a copy. Ms. Claar advised that three copies were made with one council member to read and then pass on to the next member. Mr. Koban commented that Chief Miller had a tremendous amount of time and dedication to the manual; which most of the language was replicated from the State Police manual. Mr. Wozniak suggested that all Council members receive a copy. Mr. Koban commented that he would prefer if each member reviews the manual and comment on any chapters for the next meeting and then a final copy will be disbursed to each member of council. The new policy and procedures manual will have to be adopted by ordinance and advertised according to the Home Rule Charter since it is personnel related.

Mr. Richard Miller arrived late in the evening to address Council on the Stop N Go Property. Mr. Miller was inquiring if he could obtain several items from inside the structure on the property. Mr. Koban advised Council that he spoke with Mr. Miller and advised him that according to the judicial sale terms, nothing is to be done in or outside the building for a period of 120 days. The entire property and contents are in the Borough's possession. Mr. Koban suggested discussing the issue at the July 20th committee meeting. Ms. McCarthy informed Mr. Miller that Council will discuss the issue and report at the next regular meeting in August.

Good of the Borough:

Mayor Fox commented that the Community Band played at the Park last week and advised that they will be playing again on July 26th. Mayor Fox encouraged the Council and public to attend the event in support of the community.

Mr. Kissell commented that another vendor application was turned in for the Farmers Market and additional exposure was requested from the Dispatch. Ms. McCarthy commented that the weather has not been cooperative for the Farmers Market thus far.

Mayor Fox commented on the purchase of a magnetic "Borough Council" sign to be placed on vehicles during special events and parades. Mr. Vandzura suggested contacting Petney sign for a price. Mr. Squillario and Mr. Slanoc commented that the school students could possible create the sign as well. Mr. Squillario will contact the school once they are in session from the summer.

Mayor Fox informed Council that he will be attending the PA Mayor's Convention from July 16th through the 19th and will provide a report at a future regular meeting.

Adjournment:

Mr. Kissell motioned, seconded by Mrs. Chobany to adjourn, motion carried 7-0. The meeting adjourned at 8:12 p.m.