

A meeting of Portage Borough Council was held on Monday, July 20<sup>th</sup>, 2015 at 6:30 p.m., in Council Chambers.

Those in attendance were:

Sharon McCarthy, President  
Mayor James Kissell  
Todd Learn

Jerome Yetsko  
George Wozniak  
Becky Chobany

Also present were: Robert Koban, Borough Manager; Michael Emerick, Solicitor; Gary Wisor, Engineer; Ray Bowman, Public Works; Chief Miller, Public Safety and Michelle Claar, Secretary. Absent was John Morgan.

### **CALL TO ORDER**

Ms. McCarthy called the meeting to order at 6:30 p.m., which was followed by a roll call.

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

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

### **RECOGNITION OF GUESTS**

Ms. McCarthy advised that two council members needed excused by 7:00 and requested going out of order on the agenda to address the issues requiring motions. In accordance with the Home Rule Charter, a quorum of five (5) must be present for a meeting and for any council action.

ON MOTION OF MRS. CHOBANY, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY APPROVED TO GO OUT OF ORDER ON THE AGENDA TO ADDRESS OLD AND NEW BUSINESS, AND OTHER ISSUES REQUIRING A VOTE. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. YETSKO, MR. WOZNIAK, MRS. CHOBANY, MR. KISSELL, AND MS. McCARTHY, MOTION CARRIED 6-0.

Ms. McCarthy proceeded to the motions section on the agenda.

### **Motions**

A. The first was the Local Economic Revitalization Tax Assistance Act (LERTA). The proposed ordinance was properly advertised in the Dispatch.

ON MOTION OF MR. KISSELL, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY APPROVED ORDINANCE 3-2015 BY ADOPTING AND DESIGNATING AREAS WITHIN THE BOROUGH IN WHICH NEW CONSTRUCTION OF INDUSTRIAL, COMMERCIAL OR OTHER BUSINESS PROPERTY AND IMPROVEMENTS ARE ELIGIBLE FOR TAX EXEMPTION PURSUANT TO L.E.R.T.A. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. YETSKO, MR. WOZNIAK, MRS. CHOBANY, MR. KISSELL, AND MS. McCARTHY, MOTION CARRIED 6-0.

B. Mr. Koban advised Council that another organization is seeking a musical license agreement and fee; other than ASCAP for any entertainment. Broadcast Music, Inc. sent an e-mail to Jean Kinley and Francene Barno who it turn forwarded it to the Borough. Mr. Koban advised that the minimum fee for the license is \$237.00 and will be partially reimbursed by the Summerfest.

ON MOTION OF MRS. CHOBANY, SECONDED BY MAYOR KISSELL, COUNCIL UNANIMOUSLY APPROVED A YEARLY LICENSE AGREEMENT AND FEE; IN THE AMOUNT OF \$237.00, WITH BMI, INC. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. YETSKO, MR. WOZNIAK, MRS. CHOBANY, MR. KISSELL, AND MS. McCARTHY, MOTION CARRIED 6-0.

## **Bills and Treasurer's Report.**

Ms. Claar provided a list of bills to be paid in written form, prior to the meeting along with additional bills for Council approval.

ON MOTION OF MRS. CHOBANY, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY APPROVED PAYING THE BILLS IN THE AMOUNT OF \$52,896.18. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. YETSKO, MR. WOZNIAK, MRS. CHOBANY, MR. KISSELL, AND MS. McCARTHY, MOTION CARRIED 6-0.

## **Minutes**

The minutes from the June 1<sup>st</sup>, and June 15<sup>th</sup>, 2015 meeting were distributed prior to the meeting.

ON MOTION OF MAYOR KISSEL, SECONDED BY MRS. CHOBANY, COUNCIL UNANIMOUSLY APPROVED THE MINUTES FROM THE JUNE 1<sup>ST</sup> AND JUNE 15<sup>TH</sup> MEETINGS. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. YETSKO, MR. WOZNIAK, MRS. CHOBANY, MR. KISSELL, AND MS. McCARTHY, MOTION CARRIED 6-0.

## **Reports**

Monthly reports were submitted from the Portage Water and Sewer Authorities for May, LMIA for May and June, PAJRC-April through June; and Portage Ambulance for June. Ms. McCarthy commented on the timeframe of obtaining minutes from the various organizations that the Borough provides a donation for during the budget process.

ON MOTION OF MAYOR KISSEL, SECONDED BY MRS. CHOBANY, COUNCIL UNANIMOUSLY APPROVED THE REPORTS FROM THE PORTAGE WATER AND SEWER AUTHORITIES; LMIA, PAJRC, AND THE PORTAGE AMBULANCE. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. YETSKO, MR. WOZNIAK, MRS. CHOBANY, MR. KISSELL, AND MS. McCARTHY, MOTION CARRIED 6-0.

Mr. Koban advised Council that Stiffler, McGraw presented the specifications for the new public works maintenance building and requested a motion to advertise. Mr. Koban commented that after his review of the specs, the bids will be placed in the newspaper. A brief discussion took place on the style, size, content, heat type, etc.

ON MOTION OF MAYOR KISSEL, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY APPROVED THE ADVERTISING FOR BIDS ON A PUBLIC WORKS MAINTENANCE BUILDING. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. YETSKO, MR. WOZNIAK, MRS. CHOBANY, MR. KISSELL, AND MS. McCARTHY, MOTION CARRIED 6-0.

Ms. McCarthy elaborated on a discussion she had with Vince Terrissi regarding fireworks for the Boroughs 125 anniversary during the Summerfest celebration. Mr. Terrissi provided another cost estimate of \$1,450.00 for a display. There was no action taken and Council commented on the price being paid by taxpayer dollars.

Mr. Kissell informed Council that he spoke with a gentleman from Vello's Vinyl Lettering of Indiana concerning a 50' banner to commemorate the 125<sup>th</sup> anniversary of the Borough. A discussion was held on where the banner would be placed, the size, and style, and cost. Mr. Kissell commented that a sample could be provided prior to the August regular meeting.

ON MOTION OF MR. LEARN, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY APPROVED PURCHASING A BANNER FROM VELLO'S VINYL LETTERING AT A COST NOT TO EXCEED \$300.00. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR.

YETSKO, MR. WOZNIAK, MRS. CHOBANY, MR. KISSELL, AND MS. McCARTHY, MOTION CARRIED 6-0.

Chief Miller inquired on the soliciting license and fees during this years' Summerfest concerning ALL vendors. There were several issues presented last year regarding the vendors who were at the Park and those that were throughout town. Chief Miller suggested that a waiver be approved for all soliciting licenses and fees during the Summerfest event for 2015.

ON MOTION OF MR. WOZNIAK, SECONDED BY MR. KISSELL, COUNCIL UNANIMOUSLY APPROVED WAIVING ALL SOLICITING LICENSE AND FEES DURING THE SUMMERFEST FOR 2015, AND PLACE ON THE AGENDA ON A YEARLY BASIS. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. YETSKO, MR. WOZNIAK, MRS. CHOBANY, MR. KISSELL, AND MS. McCARTHY, MOTION CARRIED 6-0.

Ms. McCarthy called for the recognition of guests. Present were: Ms. Miriam Simala and Theodore Hudak; Kelly Cernetich-Altoona Mirror; and Randy Griffith-Tribune Democrat.

Mr. Hudak elaborated on two (2) storm sewers that are flooding onto the Simala property located at Sherman and Caldwell Avenue. Mr. Hudak was advised by the real estate agent that the property would not sell if the water continues to run onto the property. Mr. Bowman commented on the area and the right of way in question. A brief discussion was held on where and how to divert the water from running onto the property. Mr. Hudak commented that there is no structure on the property, only a vacant lot 80X125 that could possibly sell for at least \$7,000.00. Mr. Koban and Mr. Bowman will investigate and report back to Mr. Hudak. Council thanked Mr. Hudak & Ms. Simala for attending and a resolution will be forthcoming.

Mr. Wozniak and Mrs. Chobany exited the meeting at this time. There was no council action taken due to the lack of a quorum. The meeting continued with reports and good of the borough.

## **REPORTS**

### **A. Borough Manager's Report**

Mr. Koban provided his report to Council prior to the meeting. Mr. Koban provided Council with detailed e-mails within in his report concerning the sewer project and questioned if Council would like him to continue to provide the information. Ms. McCarthy and Council agreed to have Mr. Koban continue with the detailed e-mails concerning the project.

Ms. McCarthy questioned the status of the personnel and inspectors for Laurel Municipal Inspection Agency. Mr. Koban advised that Ms. Franz returned as well as Mr. Sumner. Mr. Learn questioned if there were any other agencies that provided the services and inspections for the Uniform Construction Codes. A brief discussion was held on the possibility of other agencies; Somerset or COGS.

Mr. Koban informed Council that Mr. Barry Layo was hired as a part time summer helper for the Public Works Department. Mr. Layo will be helping the crew with grass cutting, weeds, etc.

### **B. Solicitor's Report**

Attorney Emerick provided a copy of his report prior to the meeting.

- Mr. Emerick informed Council that his issues are still pending litigation: Kowalczyk vs Portage – Right to Know was denied.
- As it relates to 907 Jefferson- property owned by Lilly First National Bank, Mr. Emerick advised that the property was transferred in 2005. The property currently has outstanding judgments and back taxes.

Mr. Koban suggested holding the owner responsible for any repairs on the property/structure. Council agreed to place the issue on the August agenda to proceed with the dangerous structure process.

- As it relates to 612 Orchard Street-Pamela Waters, Mr. Emerick reported that there are several judgments. The property was included in an upset sale in 2014. The County is waiting for offers to be placed in the next judicial sale.
- Mr. Emerick advised that Attorney Soisson is still in the process of reviewing the agreements and deed to the borough building with the Portage Volunteer Fire Dept. Mr. Koban suggested having Mr. Emerick contact Mr. Soisson since this issue plays a vital role in the roof replacement project.

#### C. Engineer's Report

Mr. Wisor provided a copy of his report prior to the meeting. Mr. Wisor advised that the grant was properly submitted for the Trout Run Project.

#### D. Chief of Police Report

Chief Miller provided his report to Council prior to the meeting. Chief Miller commented that it was a quite month, not many incidents. Chief Miller advised that Walter Maul accepted a part time patrol officer position.

#### E. Director of Public Works Report

Mr. Bowman provided a copy of his report prior to the meeting.

- Mr. Bowman elaborated on issues at the legion lot and suggested no dumping signs be placed at the lot.
- Ms. McCarthy questioned a curbing issue on High Street and McClelland. Mr. Bowman informed Council that Mr. Maul is in the process of constructing a curbing device that can be used in the future.
- Ms. McCarthy questioned if the back road of the Park is ready for Summerfest. Mr. Bowman advised that the Township is also assisting with the park preparation of Summerfest. Another discussion took place on the Hockey field with the cut down timbers, group members, and donations that were received from the public.

#### F. Treasurer's Report

Ms. Claar provided the Treasurer's report prior to the meeting. Ms. Claar commented that the Treasurer's report is listed under the reports section and the unpaid bills are presented later in the meeting. Mr. Koban suggested reviewing the home rule charter for conducting business in the proper order.

### **UNFINISHED BUSINESS:**

#### A. Long Range Plan

Long range plan discussion with the PARPC and Supervisors is scheduled for September 21<sup>st</sup>, 2015. Mr. Kissell commented on an article he read in the Borough News relating to grants for new businesses.

#### B. Comcast Agreement

Cheryl McCabe is in the process of reviewing and preparing a new agreement.

C. Grant submitted by Stiffler-McGraw for the Trout Run Crib Wall Project.

D. DCED grant was submitted by Decoplan for the restroom project.

## **CORRESPONDENCE**

There was no correspondence.

## **CITIZEN'S INPUT ON NON-AGENDA ITEMS**

There was no public input on non-agenda items.

## **GOOD OF THE BOROUGH**

Ms. McCarthy commented on two concerns when the office and staff are on vacation. Ms. McCarthy advised that she could not find anything in the Secretary's office when she came in to assist Mr. Longwell with a letter for the DCED grant for the park restroom project. The other issue was during the Public Works vacation week and not locating any personnel. Ms. McCarthy suggested having the shared services with the Township Secretaries to cover vacations for the office. Mr. Koban advised that this was the first in 15 years of having any issue with the administration being on vacation. Mr. Koban also commented that Mr. Maul was working and not on vacation during that time

Volunteers needed for the soda booth at the Summerfest.

Ms. McCarthy presented a donation flier from the Portage Library Fund Drive. The donation fliers were not sent out to many residents within the community and surrounding areas. A discussion was held on a data base.

## **ADJOURNMENT**

There being no further business, the meeting adjourned at 7:46 p.m.