

The regular meeting of Portage Borough Council was held on Tuesday, September 6th, 2016 at 6:30 p.m., in Council Chambers.

Those in attendance were:

Sharon McCarthy
George Wozniak

David Hayes
Jerome Yetsko

Todd Learn
James Kissell

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

I. CALL TO ORDER

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

II. REFLECTION/PLEDGE OF ALLEGIANCE

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

III. RECOGNITION OF GUESTS

Randy Griffith-Tribune Democrat; and Jean Kinley.

Mr. Bowman commenced with the opening of bids for the Caldwell and Jefferson Road Project that was properly advertised in the Dispatch on August 17th, and August 22nd, 2016. Three bids were received: New Enterprise Stone & Lime, Grannas Brothers, and Quaker Sales. Mr. Bowman read each bid with totals for Option 1 and Option 2 only. Option 1 included Jefferson Avenue and option two eliminated Jefferson Avenue.

	Option 1	Option 2
New Enterprise	\$139,297.64	\$101,026.40
Grannas Brothers	\$127,612.25	\$ 93,414.80
Quaker Sales	\$120,043.20	\$ 81,527.30

Mr. Bowman and Mr. Wisor verified the bid bonds and reviewed the bid documents at this point, and will report back later in the meeting for awarding the project.

REPORTS

A. Borough Manager's Report

Mr. Koban provided his report prior to the meeting. Mr. Koban provided additional updates on his report.

Ms. McCarthy questioned the recent injury and if it was considered a QRS call or an ambulance call. Mr. Koban commented that the Fire Dept also responds to QRS calls based on the alarm cards.

Ms. McCarthy commented on the donation received from the Community Foundation in the amount of \$500.00. Mr. Koban advised that he will be getting together with Chief Miller to determine what the department is in need of to utilize the donation for any drug activity.

Ms. McCarthy commended Mr. Koban on the binding of the insurance renewal for 2016-2017 with EMC Insurance and the reduced cost for the workers' compensation package.

B. Solicitor's Report

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

Mr. Emerick commenced with the research on the 1100 Lincoln Avenue (Moyer) property. The property was listed on the September 12th County Upset Sale. Mr. Emerick advised that the Commonwealth has a lien on the property in excess of \$70,000.00. Mr. Emerick recommended waiting for any future action until the next judicial sale.

Mr. Emerick presented copies of the deeds and maps for Council to review concerning the certain areas within Crichton McCormick Park that can/cannot permit the sale of alcohol. Each deed was read with the restrictions, if any. Mr. Emerick also commented that the Borough itself has an ordinance prohibiting alcoholic beverages within the Park.

C. Engineer's Report

Mr. Wisor provided a copy of his report prior to the meeting. Mr. Wisor advised that he had no update on the Trout Run Flood Protection grant denial.

Mr. Wisor informed Council that the draft letter agreement was forwarded to American Roofing and their insurance carrier. The insurance carrier is discussing an increase of \$10,000.00 but it was thrown out. An update will be provided at the committee meeting.

Mr. Wisor provided Council with a field view report on the 517 Main Street property (Nicholson). The report reflected three areas of concern for the general health safety and welfare to the public:

- The panels of sheet metal are not property secure
- The beam system is failing and unable to support any weight and the chain link fence is not secure.
- The coal chute extends from the foundation wall into the sidewalk area.

Mr. Wisor made the following recommendations for the property to come into compliance with the Borough Ordinance of Dangerous Buildings.

ON MOTION OF MR. WOZNIAK, SECONDED BY MR. KISSELL, COUNCIL UNANIMOUSLY APPROVED TO MOVE FORWARD WITH THE NEXT STEP IN LEGAL PROCEEDINGS. MR. EMERICK WILL PROCEED WITH NOTIFYING MR. NICHOLSON. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL AND MS. McCARTHY. MOTION CARRIED 6-0.

Mr. Wisor presented a letter regarding the 532 Dulancey Drive (Gaunt) property. Mr. Wisor apologized for the oversight of the exact location and property. Mr. Wisor requested the letter be voided until he has an opportunity to perform a field view.

Mr. Kissell commented on the 1315 Jefferson Ave property (Kissell) and that it is in litigation. Mr. Koban advised that the issue was not placed on the agenda for discussion until next month. Mr. Kissell advised that some of the property has been cleaned up. Ms. Claar advised that three letters were sent to the property owner with no response.

D. Police Chief's Report

Chief Miller was absent but provided his report to Council prior to the meeting. Officer Aaron Leyo was in attendance. Officer Leyo had nothing additional to report.

E. Director of Public Works Report

Mr. Bowman provided a copy of his report prior to the meeting. Mr. Bowman was reviewing the bid documents for the Caldwell and Jefferson Project. Mr. Bowman had nothing additional to add for the Public Works Department.

CORRESPONDENCE

Home Nursing Agency submitted a request for the Borough to provide a donation during our budget process for 2017 in the amount of \$100.00. This donation supports vital programs and services within various communities.

Linda Miko sent an e-mail invitation for Council to attend a dedication program for the new Veteran's Monument on Wednesday, September 7th, 2016 at 6:00 p.m. at Crichton McCormick Park.

CITIZEN'S INPUT ON NON-AGENDA ITEMS

Ms. Jean Kinley did not have any input at this time.

Resident; Mr. Dave Burkett, residing at 601 Makin Street, presented a couple of pictures to Council for their review. Mr. Burkett informed Council that since the sewer project was installed, there is heavy flooding in and around his yard, located at the intersection of Maken and Caldwell Avenue. Mr. Burkett is requesting a storm drain or manhole installed within that area. He is also concerned with any buildup of ice, especially during the winter months. Mr. Bowman commented that once the Borough is also completed with the storm project on Caldwell Avenue; this should eliminate any flooding issues going down Caldwell. After a discussion, Mr. Koban and Mr. Bowman will inspect the area at Maken and Caldwell for a resolution and update Council at the Sept committee meeting.

MINUTES OF THE PREVIOUS MEETINGS

Ms. Claar provided a copy of the August 1st regular and August 15th committee meeting minutes to Council prior to the meeting, even though the agenda reflected only 2016 regular meeting.

ON MOTION OF MR. YETSKO SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY APPROVED THE MINUTES FROM THE AUGUST 1ST, 2016 REGULAR MEETING AND THE AUGUST 15TH, 2016 COMMITTEE MEETING. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL AND MS. McCARTHY. MOTION CARRIED 6-0.

A. BILLS AND TREASURER'S REPORT

Ms. McCarthy noted that copies of the bills, additional bills and the Treasurer's report were distributed for review by Council members prior to the meeting.

ON MOTION OF MR. KISSELL, SECONDED BY MR. LEARN, COUNCIL UNANIMOUSLY ACCEPTED THE TREASURER'S REPORT IN THE AMOUNT OF \$80,947.18; THE BILLS AND ADDITIONAL BILLS TO BE PAID IN THE AMOUNT OF \$77,658.18. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL AND MS. McCARTHY. MOTION CARRIED 6-0.

B. REPORTS RECEIVED

Ms. McCarthy noted the Portage Water and Sewer Authorities' minutes for July 2016 were received; along with the minutes from Laurel Municipal for July, 2016.

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

C. UNFINISHED BUSINESS

Mr. Koban provided an update as follows:

- Item A: Borough Building Roof-discussed earlier under the Manager, Solicitor and Engineer's report.
- Item B: Lee Street Retainer Wall-there was no update
- Item C: Recreation Director Position- on the September committee meeting agenda.
- Item D: Proposed waterline by Portage Water Authority-there was no update.
- Item E: Promoting Tourism-Mr. Kissell – Mr. Portash was not in attendance to discuss the brochure or pictures. The issue will be discussed at the September committee meeting.
- Item F: CFA grant funding for restrooms at Crichton McCormick Park-deadline of 3/1/2017.
- Item G: Punch List for sewer authority project-Mr. Koban advised that he met with Mr. Fritz and reviewed the final punch list of items.
- Item H: DCED for 1st Summit Bank loan for Public Works Building addressed later in the meeting.
- Item I: Trout Run Project-Mr. Wisor had no update on the denial of the grant funding.
- Item J: Crichton McCormick Park Deeds-Mr. Emerick discussed this during the Solicitors report.
- Item K: 1100 Lincoln Drive property(Moyer) addressed under the Borough Manager report.

Buildings:

- Gaunt Property-532 Dulancey Drive: discussed earlier in the meeting.
- Nicholson Property-517 Main Street: discussed earlier in the meeting.
- Moyer Property-1100 Lincoln Drive : discussed earlier in the meeting.

NEW BUSINESS:

- A. ACRP sent in a request; for Council to consider a resolution by prohibiting tobacco within recreational areas, parks, and playgrounds; also known as "Young Lungs at Play". A short discussion was held. Ms. McCarthy called for Council action to approve and disapprove. Ms. McCarthy polled and second time. The proposed resolution died for a lack of a second.
- B. DCED loan approval for the Public Works Maintenance Building was properly advertised in the Tribune, for a second time, regarding the loan obligation with First Summit Bank. Mr. Emerick commented that the DCED paperwork has been completed and updated in accordance with the Local Government Debt Act.

ON MOTION OF MR. KISSELL, SECONDED BY MR. WOZNIAK,
COUNCIL UNANIMOUSLY ADOPTED ORDINANCE 2-2016 BY
ENTERING INTO A FINANCIAL LOAN OBLIGATION WITH 1ST SUMMIT
BANK IN THE AMOUNT OF \$70,000.00 AND REPEALING ORDINANCE

1-2016. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL AND MS. McCARTHY. MOTION CARRIED 6-0.

- C. The 2017 MMO for non-uniform employees was presented to Council for approval.

ON MOTION OF MR. YETSKO, SECONDED BY MR. KISSELL, COUNCIL UNANIMOUSLY APPROVE THE 2017 MUNICIPAL MINIMUM OBLIGATION (MMO) FOR THE NON-UNIFORMED EMPLOYEES WITH PMRS IN THE AMOUNT OF \$19,187.00. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL AND MS. McCARTHY. MOTION CARRIED 6-0.

- D. The 2017 MMO for uniform employees was presented to Council for approval.

ON MOTION OF MR. YETSKO, SECONDED BY MR. KISSELL, COUNCIL UNANIMOUSLY APPROVE THE 2017 MUNICIPAL MINIMUM OBLIGATION (MMO) FOR THE UNIFORMED EMPLOYEES AT NO COST; DUE TO THE PLAN BEING OVERFUNDED. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL AND MS. McCARTHY. MOTION CARRIED 6-0.

- E. Caldwell and Jefferson Road Project

Mr. Bowman and Mr. Wisor advised Council that all three bids were reviewed for bid bonds, budget figures, and accuracy. Mr. Bowman advised that Quaker Sales was the apparent low bidder. The contractor would have 5 days to notify the Borough prior to commencing any work.

ON MOTION OF MR. WOZNIAK, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY ACCEPTING AND AWARDED THE CALDWELL AND JEFFERSON AVE ROAD PROJECT TO QUAKERS SALES; OPTION 1, IN THE AMOUNT OF \$120,043.20. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL AND MS. McCARTHY. MOTION CARRIED 6-0.

- F. Chief Miller presented Council with an addition to the Police Policy and Procedures manual concerning the "Use of Naloxone". Mr. Wozniak questioned Office Leyo on the certifications and the administering to patients. Officer Leyo commented that each officer will have to certified before any administering. Mr. Kissell questioned the liability of each officer and if the part time officers would also have to certified. Officer Leyo explained that District Attorney; Kelly Callihan will be implementing a program and procedure and requested it be included within the Policy and Procedure manuals. Ms. Kinley advised that new state protocol has amended the administration from 4 mg to 2 mg. Gloves must be worn since it can be absorbed through the skin. After a discussion;

ON MOTION OF MR. HAYES, SECONDED BY MR. LERN, COUNCIL UNANIMOUSLY APPROVED THE "USE OF NALOXONE" TO BE INCORPORATED INTO THE PLICE POLICY AND PROCEDURES MANUAL. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED

MR. LEARN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL AND MS. McCARTHY. MOTION CARRIED 6-0.

- G. Mr. Koban informed Council that an e-mail was received from the Borough Insurance Company Attorney concerning a conflict of waiver between American Roofing insurance carrier Attorney; CNA and the Boroughs Attorney. Mr. Koban requested an executive session due to litigation.

ON MOTION OF MR. KISSELL, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY AGREED TO GO INTO EXECUTIVE SESSION FOR LITIGATION PURPOSES. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL AND MS. McCARTHY. MOTION CARRIED 6-0.

ON MOTION OF MR. WOZNIAK, SECONDED BY MR. YETSKO, COUNCIL UNANIMOUSLY AGREED TO GO OUT OF EXECUTIVE SESSION. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL AND MS. McCARTHY. MOTION CARRIED 6-0.

ON MOTION OF MR. KISSELL, SECONDED BY MR. WOZNIAK, COUNCIL UNANIMOUSLY AGREED TO GO INTO THE REGULAR MEETING. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL AND MS. McCARTHY. MOTION CARRIED 6-0.

Mr. Koban requested direction from Council on how to proceed with the waiver conflict between the two Insurance Attorneys.

ON MOTION OF MR. KISSELL, SECONDED BY MR. HAYES, COUNCIL UNANIMOUSLY AGREED TO WAIVE THE CONFLICT UNLESS THE BOROUGH BECOMES PERSONALLY INVOLVED. COUNCIL MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. LEARN, MR. YETSKO, MR. WOZNIAK, MR. HAYES, MR. KISSELL AND MS. McCARTHY. MOTION CARRIED 6-0.

GOOD OF THE BOROUGH

None

ADJOURNMENT

THERE BEING NO FURTHER BUSINESS, ON MOTION OF MR. WOZNIAK, SECONDED BY MR. YETSKO, THE MEETING WAS ADJOURNED AT 8:15 P.M.