

BOROUGH OF PORTLAND
COUNCIL MEETING FEBRUARY 2, 2015

The Borough Council Meeting of February 2, 2015 was called to order at 7:00 PM by Stephanie Steele, President of Borough Council.

Council Members Present:

*Stephanie Steele *Susan McKean *Steve Knott * Bridget Kenna * Lisa Prator * Brian Kardos

Others Present:

1. Mayor Lance Prator
2. Solicitor Michael Gaul
3. Borough Secretary Carol Hummel
4. Borough Engineer Mark Bahnick
5. Donna Kenderdine, Donna Kenderdine Reporting
6. Rick Fisher, Zoning Officer
7. Members of the Public

The council agenda was deviated from to begin with the Recreation Board as preparations were made for the scheduled public hearing.

Recreation Board: Stephanie Steele, Mayor Prator

Ms. Steele reported that a girl's soft ball organization, the "Bangor Sting", has requested use of the Portland Gymnasium for girls' softball practice. The group under the direction of Mr. Brian Smith of Morningside Drive Mount Bethel, PA would use the gymnasium on Wednesdays and Thursdays during the months of February and March. Since the gymnasium has been winterized there is no heat or water in the building, only electric service. Mayor Prator suggested that the "Bangor Sting" pay for the monthly electric bills of February and March. "Bangor Sting" will supply heat with a portable space heater. Mr. Smith has provided the Board with a certificate of insurance. A motion was made by Lisa Prator, 2nd by Susan McKean to allow the "Bangor Sting" soft ball organization use of the Portland Gymnasium for the months of February and March 2015, per a written and signed agreement that the "Bangor Sting" soft ball organization will pay the electric bills for February and March 2015. Motion carried: 6-0-0

Continued Public Hearing on Proposed Ordinance Amending and Restating the Borough Zoning Ordinance of 1966, and Borough Zoning Map (Proposed Borough Ordinance # 2015-1):

At 7:10 PM a telephone conference call was placed to Mr. Carson Helfridge, Planning Consultant, in order to allow his participation in the public hearing.

- The Borough Engineer, Mark Bahnick, and Attorney Nicholas Sabatine, representing Blue Ridge Realty Town Homes, entered the meeting at 7:15 PM.

A motion was made by Lisa Prator, 2nd by Susan McKean to open the continued Public Hearing, from December 22, 2014. Motion carried: 6-0-0

At the direction of Council, Solicitor Gaul led the public hearing. Ms. Donna Kenderdine prepared a stenographical record of the hearing. Solicitor Gaul presented additional exhibits for the Public Hearing. One (1) written comment was received from Ms. Donna Zalepa with regard to her Delaware Avenue Property, the old Portland Train Station, and was included in the exhibits. Mr. Carson Helfridge had nothing further to add concerning the proposed ordinance

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Mr. Warren Kearney, 400 Reimer Road, was recognized by Solicitor Gaul and made a statement concerning his property.

- Mr. Kearney and Mr. Fisher left the meeting at 7:27 PM to review the 1966 zoning map.

Attorney Nicholas Sabatine, Blue Ridge Town Homes, inquired as to the impact of the proposed ordinance on the Blue Ridge Realty parcel.

- Mr. Kearney and Mr. Fisher re-entered the meeting at 7:29 PM.

Solicitor Gaul stated to Mr. Kearney that he can ask to have the property re-zoned and should speak with Mr. Fisher concerning the process. Solicitor Gaul stated that any property owner can ask for re-zoning of their property. This can be outside the Public Hearing process

- Mr. Dan Wilkins, Planning Commission Chairman, entered the meeting at 7:37 PM.

A motion was made by Brian Kardos, 2nd by Lisa Prator to close the Public Hearing. Motion carried: 6-0-0

Consideration of Enactment of Proposed Ordinance Amending and Restating Zoning Ordinance of 1966 and Zoning Map (Proposed Borough Ordinance # 2015-1):

Solicitor Gaul stated that the Proposed Ordinance Amending and Restating the Borough Zoning Ordinance of 1966, and Borough Zoning Map was ripe for enactment by Borough Council. Solicitor Gaul stated that preparation of the proposed Zoning Ordinance 2015-1 began in 2014. Since we are now in 2015, certain references in the draft being considered, such as signature dates and the date of the zoning map are changed to 2015 in the version being considered for enactment.

A motion was made by Susan McKean, 2nd by Steve Knott to enact Proposed Ordinance 2015-1 Amending and Restating the Borough Zoning Ordinance of 1966, and Borough Zoning Map as revised and presented. Motion carried: 6-0-0

- The telephone conference call to Mr. Carson Helfridge ended at 7:42 PM.

Public Hearing on Proposed New Subdivision and Land Development Ordinance (Proposed Borough Ordinance # 2015-2):

A telephone conference call was placed to Mr. Charlie Schmehl, URDC Consultant, at 7:43 PM, in order to allow his participation in the public hearing.

A motion was made by Lisa Prator, 2nd by Brian Kardos to open the public hearing on the proposed New SALDO Ordinance.

At the direction of Council, Solicitor Gaul led the public hearing. Ms. Donna Kenderdine prepared a stenographical record of the hearing. Solicitor Gaul presented the exhibits for the Public Hearing. Mr. Gaul asked if there were any comments from the public present. There were none. Mr. Charlie Schmehl, URDC Consultant, stated that he had nothing further to add. There were no comments from Borough Council.

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A motion was made by Lisa Prator, 2nd by Brian Kardos to close the Public Hearing. Motion carried: 6-0-0

Consideration of Enactment of Proposed New Subdivision and Land Development Ordinance (Proposed Borough Ordinance # 2015-2):

A motion was made by Susan McKean, 2nd by Steve Knott to enact Ordinance 2015-2, the Proposed New Subdivision and Land Development Ordinance (SALDO). Motion carried: 6-0-0

The telephone conference call to Mr. Charlie Schmehl ended at 7:49 PM.

Action on Minutes:

A motion was made by Lisa Prator, 2nd by Bridgett Kenna approving the minutes of the council meeting of January 5, 2015 as presented. Motion carried: 6-0-0

Secretary/Treasurer's Report: Carol Hummel

1. Bills Presented For Payment:

Borough Operations, Borough Add-On Bills & Borough Operations Already Paid:	48,530.31
Sewer Operations and Sewer Add-On Bills:	17,562.56
Sanitation Operations & Sanitation Operations Already Paid:	4,674.82
Blue Ridge Realty Escrow: King, Spry invoice #97157; Cramer, Swetz & McManus invoice #37005; & Van Cleef Engineering invoice #66001404-2	998.60
Recreation Fund: (Met Ed- December 2014electric)	34.83

2. Approve the withdrawal of \$1,795.00 from the Police Capital Account and deposit same into the General Checking Account to pay 10-8 Video LLC for the in-camera system for the new police vehicle.

3. Add the approximate expenses for the February 2015 payroll and payroll taxes (\$6,000.00) and Sunoco Fleet Gas (400.00).

*Strike and
Corrected to!*

4. TOTAL ALL BILLS ABOVE PRESENTED FOR PAYMENT:
(includes payroll taxes and fleet gas)

~~\$71,804.12~~

\$79,996.12

*on 3/2/2015
C. Hummel*

The add-on sewer bills were questioned by Councilwoman Prator.

A motion was then made by Susan McKean, 2nd by Bridget Kenna to approve the total bills presented for payment. Motion carried: 6-0-0

Citizens Agenda:

Blue Ridge Realty Townhomes: Nicholas Sabatine, Esquire

Mr. Sabatine's concern was with regard to the Borough Sewer Reservation Fee for new development. Mr. Sabatine stated that at ninety-two (92) housing units the reservation fee for the Blue Ridge Realty Townhomes Development would be \$45,000.00 annually. Mr. Sabatine stated that he has a letter from the Portland Borough (Water) Authority which states that water capacity is available for the proposed subdivision but that the Portland Borough (Water)

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Authority is not requiring a reservation fee. Mr. Sabatine stated that he has never come across a plan application where a reservation fee is required. Mr. Sabatine stated that when a preliminary plan is approved, it makes sense as conditional approval, to require the reservation fee. Mr. Sabatine asked for a waiver of the reservation fee. Solicitor Gaul stated that if the developer wants a Will Serve Letter then the developer will have to reserve the capacity. Solicitor Gaul stated that the Borough should be consistent in its policy regarding sewer reservation fees. Mr. Sabatine stated that the developer will then have to take the chance that sewer capacity is available when the developer needs it, but that it will be a risk going forward.

Solicitor Gaul suggested that the developer ask for a modification, under the Municipal Planning Code, as to the Borough's Subdivision Ordinance requirement. Mark Bahnick, the Borough Engineer, stated it would then be at the discretion of the Borough Council to recommend and/or grant such a modification. There was no comment from any Borough Council member.

Heather Waldron: 504 Pennsylvania Avenue

Ms. Waldron received a Notice of Violation on her door knob about the snow shovel ordinance. It was explained to Ms. Waldron that she had not received a violation but that the police department was being pro-active before a predicted winter storm event. Council stated that the wording is wrong on the notice. No action was taken.

Sewer Matters:

A motion was made by Susan McKean, 2nd by Bridget Kenna authorizing the loan of \$7,993.02 from the Real Estate Tax Account to the Sewer Checking Account for the payment of the two (2) PENNVEST Loans. Motion carried: 6-0-0

Borough Engineer's Report: Mark Bahnick, Vann Cleef Engineering Associates

1. The WWTP is in total compliance for total nitrogen and nitrogen ammonia and all other discharge.
2. Operations were affected in December by fouling of the treatment membranes.
3. Plant operations were normal for the month of January.
4. Re-piping of the effluent pumps continue.
5. The Borough's DRBC Docket D-2003-009 CP-4 was renewed on December 10, 2014 for the WWTP's Discharge to Special Protection Waters (Delaware River).
6. The Act 94 Report is waiting on information from the WWTP Operator.
7. Mr. Bahnick attended the Sewer Committee meeting.
8. Mayor Prator received correspondence from the DRJTBC concerning the up-grading construction to the toll bridge ramps. Mayor Prator gave the correspondence to Mr. Bahnick to keep in his files in case the Borough Council has any questions.

Borough Engineer's Blue Ridge Townhomes Report:

1. The Borough Planning Commission reviewed the plans at their December 2014 meeting.
2. The plan was determined to be uncompleted.
3. The plan review letter was completed.
4. The plan denial letter was sent to the applicant.

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Zoning Officer Report:

1. Mr. Fisher provided a written report on the following properties.

a. Complaints concerning the general living conditions at 505 Northampton Street.

The owners have (30) days to abate the violations.

b. Met with Mayor Prator, Solicitor Gaul and the Northampton County CDBG on January 20, 2015 to coordinate the demolition of the Werkheiser Building at 425 Delaware Avenue.

c. The Billie Golden Hearing has been postponed indefinitely by District Court 03-3-03. District Judge Sherwood Grigg would like Borough Council to go in another direction and to not take any action on the hearing. After discussion, a motion was made by Susan McKean, 2nd by Steve Knott authorizing Solicitor Gaul to notify District Court 03-3-03, in writing, that Borough Council would like the District Court to fine Mr. Golden \$250.00 for the violation. Motion carried: 6-0-0

- Mark Bahnick left the meeting at 8:48 PM.

d. Mr. Fisher reported that all the new district boundary changes were physically posted, as required by law, for the newly adopted Borough Zoning Ordinance.

e. Mayor Prator asked who is in charge of "snow patrol". Solicitor Gaul stated that his understanding is that the police, the Mayor, or anyone authorized by Council, can file a citation to enforce a Borough Ordinance. However, due to the Magistrate's filing requirements, Solicitor Gaul expects that the individual will need to have a MPOETC Number to file the citation. Mr. Fisher will investigate whether Borough officials can use a general Borough MPOETC number for filing purposes.

Zoning Hearing Board:

1. There are no applications at the present time.

2. There are no hearings scheduled for the present time.

3. No applications have been received for the (1) vacant seat of the Zoning Hearing Board.

Planning Commission:

None

Portland Borough Water Authority:

A motion was made by Susan McKean, 2nd by Lisa Prator re-appointing Thomas Fish to a five (5) year term on the Portland Borough Authority Board. The term expires January 1, 2020. Motion carried: 6-0-0

Legal: Resolution 2015-1:

Solicitor Gaul explained the procedure for authorizing the proposed municipal loan, in the amount of \$30,000.00 with Merchants Bank, for the costs of purchasing and equipping the new police car.

A motion was then made by Steve Knott, 2nd by Susan McKean to adopt Resolution 2015-1 "Authorizing Small Borrowing For Capital Purposes Under Section 8109 of the Local Government Unit Debt Act". Motion carried: 6-0-0

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A motion was made by Susan McKean, 2nd by Steve Knott approving the Borough's purchase of a new 2015 Ford Police Interceptor Utility AWD under the Co-Stars program in the amount of \$27,101.00 and trade-in of the Borough's Dodge Durango at \$2,500.00, as reflected in New Holland Auto Group's invoice, and authorizing President Steele to sign all necessary documents to purchase the new police car and trade-in the 2003 Dodge Durango, including all state title work, and to take any other actions for miscellaneous matters to conclude the transactions, all contingent upon bank funding.

A question from Councilman Knott that the previous Mayor had signed contracts and purchase documents for vehicles. Solicitor Gaul replied that the Borough Code states that the President of Council should sign all contracts.

The motion then carried: 6-0-0

Police Report:

The January 2015 Police Report was presented by Mayor Prator.

Traffic citations issued 8; Criminal Arrests 2; Incidents 20; Parking/Traffic 9; warrants 1; General Complaint 1; EMS 1; Domestic 1; MVA 2; Pursuit 1; Agency Assist 2; Harassment 1; DUI 1. Vehicle mileage: Crown Ford Victoria 588; Dodge Durango 73.

Chief Mulligan assisted Monroe County in the pursuit of a vehicle. Chief Mulligan stated that if the Borough had spike strips perhaps the pursuit could have been avoided. Chief Mulligan asked permission to purchase one (1) set of spike strips for the new police car at a cost of \$451.00.

A motion was made by Bridget Kenna, 2nd by Lisa Prator approving the purchase of one (1) Spike Set, in the amount of \$451.00. Motion carried; 6-0-0

Community Development and Council of Government (GOG):

a. The Slate Belt Community Partnership (SBCP) will meet 6:30 PM Wednesday February 4, 2015 in the Portland Borough council chambers.

b. Councilman Knott reported that he attended the COG meeting. The COG is in discussion with Apple Blossom Village concerning using their location as an animal shelter.

Back to the Police Car:

A motion was made by Susan McKean, 2nd by Lisa Prator authorizing the Borough Secretary to sign any documentation required of the Borough Secretary for purchase or trade-in of the police vehicles, including certifications as to President Steele's authority. Motion carried: 6-0-0

Mayor's Report:

Mayor Prator reported that he met with Lori Sywensky, Northampton County CDBG, the Zoning Officer Rick Fisher, Borough Engineer Mark Bahnick and Solicitor Gaul on January 20, 2015 at the Werkheiser Building 425 Delaware Avenue to discuss the demolition of the building.

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Northampton County CDBG is funding the demolition. Mayor Prator asked Borough Council to waive the property liens. Mayor Prator stated that he has already approached the Portland Borough Authority concerning same. No action was taken.

- Rick Fisher left the meeting at 9:33 PM.

Mayor Prator reported that the Borough's Building Inspector, Carl Faust, inspected the municipal building's roof for damage. The inspection revealed that there are some shingles missing. Councilwoman Prator suggested that the Borough get estimates for the repair. Mayor Prator stated that he would get the estimates.

Streets Department:

Councilman Knott stated that he would like to talk about the streets in Executive Session.

Sanitation:

None

Insurance:

A motion was made by Susan McKean, 2nd by Steve Knott approving the splitting of the Workers' Comp insurance into two (2) policies and for the Borough to pay the increased premium difference of \$554.00. Motion carried: 6-0-0

Budget/Finance:

None

Ordinance Update Committee:

Councilwoman Kenna reported that the committee had discussed the storage of minutes and ordinances with the PA Association of Borough's and they recommended that the Borough have two (2) books each, one (1) for the public to view and one (1) to be sealed and stored away. The cost for one (1) book is approximately \$150.00 plus. No action was taken.

Council Policy & Procedure Committee:

Councilwoman Prator questioned the council committee lists. Ms. Steele stated that she consolidated the Personnel and the Council Policy & Procedure Committee because she thought it made more sense to roll them together. Mayor Prator asked if residents can be committee members. The reply was NO. Ms. Steele stated she would re-work the committee appointments.

Ms. Steele stated (from below)

*→ add: Solicitor Gaul stated that Committees could be called together with a decision of Council. more; after Solicitor Gaul stated "Ms. Steele stated she would re-work the committee appointments."
CORRECTED: 3/2/2015 Ca Hummel*

Correspondence:

Mayor Prator asked about the Catalano property bankruptcy correspondence. Solicitor Gaul replied that the date of the hearing has been changed.

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Secretary Announcements:

None

Old Business:

a. Mayor Prator reported on the Grand Opening of the Portland Hardware Store at 405 Delaware Avenue. Mayor Prator stated that pictures and an article will be in the Blue Valley Times.

b. Mayor Prator stated that the Community Events movie night of January 31, 2015 and held at the William Pensyl Social Hall was a success.

New Business:

None

Citizens Non-Agenda:

None

Executive Session:

A motion was made by Brian Kardos, 2nd by Susan McKean to convene to executive session at 10:04 PM. Motion carried: 6-0-0

Discussion: Personnel

A motion was made by Lisa Prator, 2nd by Bridget Kenna to reconvene from executive session at 10:39 PM. Motion carried: 6-0-0

Action Taken:

None

Streets Department:

Councilman Knott stated that he would like to get the tar buggy up and running. Mr. Knott stated that the tar buggy was free so there is nothing invested into it. Mr. Knott stated he will seek an estimate for repair.

Adjournment:

A motion to adjourn the meeting at 10:42 PM was made by Susan McKean, 2nd by Lisa Prator Motion carried: 6-0-0

Respectfully Submitted By,
Carol
Carol A. Hummel, Secretary