

BOROUGH OF PORTLAND
COUNCIL MEETING MARCH 7, 2016

The Portland Borough Council Meeting of March 7, 2016 was called to order at 7:00 PM by Stephanie Steele, President of Borough Council.

Council Members Present:

*Stephanie Steele * Bridget Kenna* Steve Knott *Heather Fischer *Yvonne Gumaer

Absent, due to illness, was Brian Kardos and Lisa Prator.

Others Present:

1. Mayor Lance Prator
2. Michael Gaul, Borough Solicitor
3. Carol Hummel, Borough Secretary
4. Mark Bahnick, Van Cleef Borough Engineer
5. Edward Easterly, Esquire
6. Members of the Public

Appointed Councilwoman:

The secretary reported that the Borough received the resignation of Yvonne Gumaer from the Zoning Hearing Board on February 12, 2016. Ms. Gumaer was then sworn in as the new appointed councilwoman on February 19, 2016 by Mayor Prator.

Resolution 2016-3:

A motion was made by Bridget Kenna, 2nd by Heather Fischer adopting Resolution 2016-3 "Recognizing the Portland Hook & Ladder Co. # 1 participation in the Inaugural Ride of the Northern Passage of the September 11th National Trail Between the Great Allegheny Passage, the Flight 93 National Memorial, and the Delaware Water Gap and New York City at the Footbridge Across the Delaware River at Portland PA with the Liberty-Water Gap Trail." Motion carried: 5-0-0

- a) Mayor Prator presented the Resolution to Fire Chief James Potter along with a framed Campell Thomas & Co. 2016 calendar featuring the Portland Hook & Ladder Co. #1 participation in the event.

Resolution 2016-4:

A motion was made by Bridget Kenna, 2nd by Steve Knott adopting Resolution 2016-4 "Multi-Municipal Animal Control Program administered by the Slate Belt Council of Governments (COG)".

Discussion: The Borough's annual fee is based on Portland's 2010 census at \$.50 per person. The census number is 519 and that total multiplied by 25% is Portland's share at \$64.88 for 2016. Councilman Knott asked if there was a job description for the Animal Control Officer (ACO). Mayor Prator replied NO. The ACO from Monroe County is attending the SB-COG meeting to explain her job responsibilities to the membership.

Motion then carried: 5-0-0

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Action on Minutes:

A motion was made by Yvonne Gumaer, 2nd by Bridget Kenna approving the minutes of February 1, 2016, with the following corrections.

Page 1, Resolution 2016-1 corrected to Resolution 2016-2; Page 8, under SBCP, #2 first sentence, strike Councilwoman Heather Fischer and President Steele attended the SBCP, change to "Mayor Prator attended the SBCP". Second sentence, strike Ms. Fischer and replace with "Mayor Prator". Third sentence, add after (2) hours, "Heather Fischer and Stephanie Steele attended the regular meeting".

Motion then carried: 5-0-0

Secretary/Treasurer's Report: Carol Hummel

1. Bills Presented for Payment:

Borough Operations, Borough Add-On Bills & Borough Operations Already Paid:	21,532.84
Sewer Operations & Sewer Operations Already Paid:	29,942.82
Sanitation Operations & Sanitation Operations Already Paid:	5,170.98
Liquid Fuels Account: Dirty Mac, LLC invoice #1057	2,677.50
Liquid Fuels Account: Reliable Signs invoice #3125	79.00
TOTAL	\$ 59,403.14

a) add the payroll and payroll taxes:	7,000.00
b) add Sunoco Fleet Gas:	300.00

TOTAL ALL BILLS ABOVE PRESENTED FOR PAYMENT: \$66,703.14

A motion was made by Bridget Kenna, 2nd by Steve Knott for discussion purposes to pay the bills as presented.

a) Councilman Knott stated that Dirty Mac, LLC's invoice #1057 should be deducted by two (2) charges for the date of February 5, 2016. One (1) dump truck charge of \$85.00 and one (1) backhoe charge of \$55.00, for a total of \$140.00, due to the roads were bare of snow in Portland.

Upon agreement of Ms. Kenna, 2nd by Mr. Knott, and the rest of council, the motion was amended to deduct those two (2) charges from the Dirty Mac, LLC winter snow plowing invoice #1057 from February 5, 2016. Dirty Mac, LLC will be discussed later in the meeting. The total bills presented for payment minus the \$140.00 is **\$66,563.14**. Motion carried: 5-0-0

b) Included in the above bills presented for payment was the February 2016 Met Ed electric bill for the Portland Gymnasium, in the amount of \$34.73.

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Citizen's Agenda:

Portland Market: Rocky Patel, 407 Delaware Avenue

Mr. Patel was absent. Mr. Patel spoke previously with the secretary regarding a reduction in the number of Equivalent Dwelling Units (EDU's) for the Portland Market. Mr. Patel stated to Ms. Hummel that the number of Market employees has been reduced. Sewer Ordinance 2008-9 was reviewed by council. Ms. Hummel was directed to advise Mr. Patel to put his request in writing. No action was taken.

Hough Associates: Thomas Hough, Recycle Performance Grant

No action was taken. Mayor Prator stated that Mr. Hough would reach out to the Borough next year.

Dirty Mac, LLC.: Edward Easterly, Esquire, Attorney for Mr. Mario Palmeri

a) The Borough believes that on February 5, 2016 Dirty Mac may have prematurely begun salt and cindering operations in anticipation of a snowfall event. Mr. Easterly stated that the last time he attended a Borough Council Meeting it was agreed that it is at Dirty Mac's discretion when to begin work when the snow begins. Solicitor Gaul stated that statement was true. Mr. Easterly stated that he was not aware there was the possibility of another deduction from Dirty Mac's invoice in the amount of \$140.00.

b) Mr. Knott stated that Dirty Mac left transmission fluid all over the engine house and social hall parking lots. Fire Chief Jim Potter stated that Dirty Mac's snowplow truck blew its transmission at the social hall and somehow Dirty Mac took the pick-up truck with the plow to the engine house. Mr. Potter stated that Dirty Mac abandoned the pick-up truck in the middle of the engine house parking lot. Mr. Potter stated that Portland Hook & Ladder Co. #1 then had a fire call at 4:00 AM on February 6, 2016 but when they came to the engine house that lot was not plowed. Not only did Dirty Mac leave the pick-up and plow in the engine house parking lot but also Mr. Potter was "upset" because Dirty Mac did not call anyone to let the fire company know what had happened. Solicitor Gaul asked Mr. Potter "how do you fix the transmission fluid all over the two (2) parking lots"? Mr. Potter stated that the fluid is now all soaked into the blacktop and not worth the expense to remove the affected blacktop. Mr. Knott stated that kitty litter was spread out over the transmission fluid to soak it up.

c) President Steele stated that, on the day in question, Portland was in the questionable area to get any amount of snowfall. Ms. Steele stated that at her parent's home in Lower Mount Bethel Township there was snow. Portland received none. Another issue is that Dirty Mac is to call Mr. Knott but instead calls the Borough Maintenance Man, Bob Shaw.

d) Mr. Knott also had a complaint about a damaged storm drain in front of 106 Main Street. Ms. Steele stated that the Borough assumes that Dirty Mac damaged the storm drain. Attorney Easterly stated that there were no witnesses, no damage to the Dirty Mac trucks and Mr. Palmeri has stated that he did not damage the storm drain. Mr. Easterly stated unless there was a witness the Borough cannot assume that Dirty Mac was responsible.

e) Mr. Knott stated that an 18 ½-foot decorative tree was destroyed at the Park & Ride Lot on Delaware Avenue during a snow event of January 22nd and 23rd, 2016. The tree was sheared off

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and found in a snowbank. Robert Shaw testified about the location of the tree and where he found it. Attorney Easterly stated that just like the storm drain issue, unless there was a witness the Borough could not assume that Dirty Mac was responsible. The Borough approved to withhold \$2,000.00 from the Dirty Mac invoice #1052 at its February 1, 2016 council meeting pending restitution for the tree. Dirty Mac stated that they did not shear off the tree. Solicitor Gaul stated that council would delay until its next monthly meeting of April 4, 2016 to order the tree replacement. If Dirty Mac desires, they can obtain a less expensive quote or to replace the tree itself. Solicitor Gaul stated that the tree was paid for by public funding through a grant.

A motion was made by Bridget Kenna, 2nd by Heather Fischer, without prejudice to any claims the Borough may have against Dirty Mac for breach of contract, negligence, failure to indemnify, or any other claims, to pay an additional \$1,150.00 of the \$2,000.00 previously withheld on Dirty Mac's invoice #1052 dated February 5, 2016; and the Borough will pay the previously (2) two deducted charges from invoice #1057 in the amount of \$140.00, from this meetings bills presented for payment list; the total amount approved for payment to Dirty Mac is \$1,290.00. Motion carried: 5-0-0

Dirty Mac will be notified by postal mail of the above decision by Borough council.

- Attorney Easterly left the meeting at 7:48 PM.

Lance Walter: 113 Main Street

Mr. Walter was not present. The council's concerns are the construction changes taking place inside the home. Solicitor Gaul will speak with the Building Code Inspector, Carl Faust.

Sewer Matters:

1. The chain link fence at the sewer plant has been repaired by Craig LaBarre, WWTP Operator.
2. President Steele reported that the billing clerk's computer needs replacing. Ms. Steele will secure a quote for the next council meeting.

Borough Engineer's Report: Mark Bahnick

Park & Walk Restroom Facility Grant:

- a) PA-DCED has issued the executed contract for the project.
- b) Jov, LLC has signed the project agreement with the Borough.
- c) Portland Borough Authority (Water) has approved the water service plan.
- d) Co-Stars is honoring the original price.
- e) The bathroom will arrive sometime in July or August.
- f) The Borough needs to issue a purchase order to Oldcastle Precast for their price of \$71,000.00.

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- g) The Borough needs to establish a scope and price from Portland Contractors for:
 - i. curb and landscaping removal
 - ii. stone pad preparation
 - iii. water, sewer and electric connections
- h) The Borough needs to record the plan for the lot line consolidation/lot line adjustment.
- i) The WWWTP performance was good for the month of February.
- j) The Chapter 94 Report is in progress.

Solicitor Gaul informed Pastor Phil Karasiewicz, of Refiner's Fire Ministry, who was in the audience, that the current JOV water line, which the Borough intends to use for its restroom project, runs through the Refiner's Ministry property. Solicitor Gaul asked Pastor Phil whether he would have a problem with providing the Borough with an easement as well for use of the line, which will now be jointly owned by JOV and the Borough. Pastor stated that the easement would not be a problem.

A motion was made by Steve Knott, 2nd by Bridget Kenna authorizing President Steele to issue and sign the Purchase Order for the PA-DCED Restroom Facility Project, contingent upon (1) PA-DCED approval of the Co-Stars purchase method; (2) the exchange of property deeds and easements, (3) PA-DCED assurance that grant funds will be available in time for payment to contractors, (4) receipt of an easement agreement from the Refiners Fire Ministry for the water line that runs through their property from Division Street to the project site, and (5) contract costs are within budget. Motion carried: 5-0-0

A motion was made by Heather Fischer, 2nd by Bridget Kenna authorizing President Steele to sign a contract with the Borough's Engineer's recommended crane operator for installation of the restroom building, contingent upon (1) the cost not exceed \$10,000.00, (2) Commonwealth approval of the procurement method, and (3) fulfillment of conditions for execution of the main Co-Stars purchase of the restroom building. Motion carried: 5-0-0

A motion was made by Bridget Kenna, 2nd by Yvonne Gumaer authorizing President Steele to sign the lot line adjustment plan, deeds, easements, and record the same in order to effectuate the lot line adjustment and consolidation of the Borough Park & Walk Lot. Motion carried: 5-0-0

Resolution 2016-5:

A motion was made by Bridget Kenna, 2nd by Yvonne Gumaer adopting Resolution 2016-5 "A Resolution adopting a Borough Contractor Integrity Policy". Motion carried: 5-0-0

- Mark Bahnick left the meeting at 8:08 PM.

Zoning Officer Report:

1. Mr. Freshcorn was absent but provided a February 2016 report.
 - a) Notice of Violation letters are drafted to Billie H. Golden of 108 Division Street. Pictures of the property will be taken.
 - b) Mike's Auto, 208 Northampton Street, has retained an attorney concerning Big Boy Towing. The attorney has submitted a Right-To-Know request

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pertaining to zoning, including issues from the previous owners of the property.

c) Council stated they would discuss Mike's Auto in Executive Session.

2. Wells Fargo Mortgage has requested information on the condemned property at 116 Main Street.

3. A construction permit was submitted by Donald Cawley, 708 Delaware Avenue.

Zoning Hearing Board (ZHB):

1. No hearings scheduled.

2. The number required for the ZHB is three (3) members.

3. There is one (1) vacant seat on the ZHB.

Legal:

None

Planning Commission:

None

Portland Borough Authority:

None

Subdivision and Land Development:

None

Police Report:

The February 2016 Police Report was presented by Mayor Prator.

1. Traffic citations issued 17; Non-Traffic citations issued 0; Criminal Arrests 4; Parking Tickets 0. Incidents 32: Parking/Traffic 17; Theft 1; Warrants 3; General Complaint 1; Noise Complaint 1; Domestic 1; Disabled Motorist 2; Suspicious Activities 2; Agency Assist 1; Narcotics 3. Vehicle mileage: Crown Ford Victoria 0, Ford Utility 1,231.

2. Newly hired Police Officer Ryan Sabatine is doing well on his own.

3. It was discussed to replace Chief Mulligan's computer. Solicitor Gaul suggested that council ask District Attorney John Morganelli for available drug forfeiture monies.

4. Northampton County will be supplying all police departments with NARCON to counteract Heroin overdose.

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5. Vice President Kenna suggested that council research the cost of Body Cameras for the police department.

Mayor's Report:

None

Streets Department:

1. The Borough has received their 2016 Liquid Fuels Allocation in the amount of \$17,358.95

2. Report from Councilman Knott:

- a) A handicapped handrail has been installed at the municipal building by Robert Shaw of the maintenance department.
- b) A letter will be sent to the DRJTBC requesting that they consider street sweeping of the Borough streets.
- c) The DRJTBC was asked to replace the traffic light signal bulbs on Route 611 and the bulbs that have blown out at the Park & Ride Lot.
- d) The Slate Belt COG will submit two (2) bids for deicing salt. Each municipality would be responsible to do their own bid and the Executive Director, Scott Parsons, will do a secondary bid to be used as a back up.
- e) President Steele stated that an electrician is needed to look at the street light electric connection by the Delaware Avenue train station. Mayor Prator replied that he would refer an electrician to Mr. Knott.

Sanitation:

The PA-DEP has approved the Borough Act 101 Recycling Grant, in the amount of \$357.00, for the calendar year 2013.

Insurance Committee:

None

Building Committee:

None

Budget & Finance:

A motion was made by Bridget Kenna, 2nd by Yvonne Gumaer approving the rollover of CD #401112887, in the amount of \$10,065.42. The CD renews March 8, 2016. Motion carried: 5-0-0

Ordinance Update Committee:

President Steele reported that council should move forward to order the special binder and paper for the minute books. The cost ranges between \$60.00 to \$150.00. Solicitor Gaul suggested that council begin with the 2016 calendar year. A motion was made by Bridget Kenna, 2nd by Steve Knott approving the purchase of one binder and the special paper, the cost not to exceed \$200.00. Motion carried: 5-0-0

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Council Policy & Procedure Committee:

None

Slate Belt Community Partnership (SBCP):

1. The Borough has received their invoice for the 2016 SBCP Main Street Program's annual membership. The choices of payment are quarterly at \$500.00 or annually at \$2,000.00. A motion was made by Steve Knott, 2nd by Yvonne Gumaer to pay quarterly. Motion carried: 5-0-0

a) The next meeting of the SBCP is 6:30 PM March 10, 2016 at Bangor Borough.
Community Events/Recreation Board:

1. Upcoming Events:

- a) The next meeting of the Community Events Committee is March 13th at 7:30 PM.
- b) An Easter Egg Hunt is co-sponsored by the Masonic Lodge and the Community Events Committee on March 19th at 1:00 PM at the Portland Ball Field.
- c) A Pet Parade & Costume Contest will be held on April 16th from 1 PM to 4 PM at the Park & Walk Lot on Delaware Avenue.
 - i. AWSOME will be available and may bring adoptable pets.
 - ii. Pet themed vendors/crafters will participate.
 - iii. The committee will be sponsor a pet treat sale.
 - iv. A mobile groomer may be available.
 - vi. The committee will hopefully raise enough funds for the purchase of pet waste stations to be placed around the Borough.
 - v. Coffee and baked goods will be available for purchase.

2. Volunteers will be subject to Child Abuse background checks. The cost is free for volunteers but not for employees. President Steele stated the approximate cost is \$45.00. Ms. Steele suggested that the police department also have the background checks. No action was taken. Background checks will be placed on the April council meeting agenda.

3. Geo-Tourism Committee: Cindy Fish

- a) On May 4th and 5th the web-site will go on-line.
- b) A public meeting is scheduled for May 4th and 5th at Shawnee Inn & Resort.
- c) Portland was well represented on the committee.
- d) The Geo-Tourism Committee will adopt a Memorandum of Understanding and will be renamed the "Liberty Water Gap Trail Extension Alliance.

- Cindy Fish left the meeting at 8:46 PM.

Correspondence:

1. The Mayor's Outreach Policy supports "Power Talk Day" started by Mothers Against Drunk Driving in 2011 is established on April 21, 2016, to encourage parents and caregivers to embrace their important role in influencing America's youth and their decisions about drinking alcohol. A motion was made by Steve Knott, 2nd by Bridget Kenna authorizing Mayor Prator to issue a proclamation naming Thursday, April 21, 2016 to be PowerTalk Day. Motion carried: 5-0-0

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2. The Slate Belt Chamber of Commerce will hold a ribbon cutting ceremony, at 10:30 AM on Saturday March 26th, to celebrate the store opening of Janet's Jems at 511A Delaware Avenue. Janet's Jems is a thrift store opened by owner Janet Futchko.

3. Sponsorships are available to send a veteran and their family to a baseball game at Coca-Cola Park. Operation "Send a Veteran" is scheduled for Sunday April 17th.

4. From "Livable Landscapes/Northampton County": A 50/50 grant is available.

Secretary's Announcements:

Ms. Hummel asked council for permission to order new flags for the municipal building flagpole. A motion was made by Yvonne Gumaer, 2nd by Steve Knott approving the purchase of one (1) American Flag and one (1) PA State Flag. Motion carried: 5-0-0

- a) Council asked Pastor Phil, Filo's Tree Service, if he would trim the branches from the tree next to the flagpole. Pastor Phil replied YES.
- b) Council suggested that Ms. Hummel contact PA State Representative Joe Emrick and Ms. Kay Bucci, former owner of Bucci Flags, for "free" flags before making the purchase.
- c) Ms. Hummel announced that the Borough Office would be closed on Tuesday March 8, 2016. Ms. Hummel will be attending the Philadelphia Flower Show.

Old Business:

1. Council Assignments: A motion was made by Bridget Kenna, 2nd by Yvonne Gumaer to combine the following committees.

- a) Grants will be referred to the Community Development Committee.
- b) Personnel, Policy & Procedure Committee will become one (1).
- c) Cable TV Contract and Insurance will be referred to the Budget & Finance Committee.

Motion then carried: 5-0-0

2. Solicitor Gaul announced that King, Spry, Herman, Freund & Faul would be sponsoring the annual Mayor's Dinner on March 29th at Steele Stacks.

New Business:

None

Citizens Agenda:

None

Executive Session:

A motion was made by Steve Knott, 2nd by Bridget Kenna adjourning to Executive Session at 9:11 PM. Motion carried: 5-0-0

Discussion: Personnel

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A motion was made by Steve Knott, 2nd by Heather Fischer to reconvene from Executive Session at 9:34 PM. Motion carried: 5-0-0

Action Taken:

A motion was made by Steve Knott, 2nd by Yvonne Gumaer approving the wage increases of the following employees:

Carol Hummel: Increase hours to twenty-five (25) per week.

Diann Eden: \$.50 per hour to \$14.50 per hour. Increase hours from fifteen (15) to eighteen (18) per week.

Lauren Lebkuecher: \$.35 per hour to \$11.35 per hour.

Police Chief: Robert Mulligan:
\$1.00 per hour to \$20.00 per hour. Work up to twenty (20) hours per week.

Police Officer: Stephen Kiefer:
\$.75 per hour to \$17.25 per hour.

Police Officers, does not include the Chief:
Increase the allowable weekly work hours from twenty (20) hours to twenty-four (24) hours.

Motion carried: 5-0-0

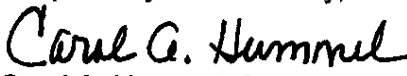
The motion was amended by Mr. Knott, 2nd by Ms. Gumaer that the wage increases begin with the pay period starting March 7, 2016; and approving the purchase of a new pair of uniform trousers for Officer Kiefer. Upon receipt of proof of payment, Officer Kiefer will be reimbursed.

Motion then carried: 5-0-0

Adjourn:

The next council meeting will be held on April 4, 2016 at 7:00 PM. A motion was made by Bridget Kenna, 2nd by Heather Fischer to adjourn the meeting at 9:43 PM. Motion carried: 5-0-0

Respectfully Submitted by,


Carol A. Hummel, Secretary