

**BOROUGH OF PORTLAND
COUNCIL MEETING APRIL 6, 2015**

The Borough Council Meeting of April 6, 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 * Heather Fischer.

Councilwoman Lisa Prator and Councilman Brian Kardos were absent.

Others Present:

1. Mayor Lance Prator
2. Solicitor Michael Gaul
3. Borough Secretary Carol Hummel
4. Borough Engineer Mark Bahnick
5. Members of the Public

Action on Minutes:

A motion to approve the minutes of March 2, 2015 as presented was made by Susan McKean, 2nd by Bridget Kenna. Motion 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:	27,968.79
Sewer Operations and Sewer Add-On Bills:	27,759.75
Sanitation Operations & Sanitation Operations Already Paid:	7,797.32
Recreation Fund: (Met Ed- February & March 2015 electric)	60.17
TOTAL	\$63,586.03
a. Add the payroll and taxes for the month of April	6,000.00
b. Add the Sunoco Fleet Gas for the month of April	400.00
TOTAL ALL BILLS ABOVE PRESENTED FOR PAYMENT:	<u>\$69,986.03</u>

A motion was made by Bridget Kenna, 2nd by Susan McKean to approve the total bills presented for payment. Motion carried: 5-0-0

c. A motion was made by Susan McKean, 2nd by Bridget Kenna approving the payment of invoice #00000032827 to UTRS, Inc., in the amount of \$4,784.89, for 100% completion of the CDBG FY 2011 Comprehensive Plan and Zoning Update. Motion carried: 5-0-0

d. A motion was made by Susan McKean, 2nd by Bridget Kenna approving the purchase of QuickBooks Pro (3) User for another (3) years, not to exceed the cost of \$230.00

Citizens Agenda:

- Bangor Area Middle School: Alan Bylery

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Mr. Bylery stated that the Bangor Area Middle students would be participating in the 12th Annual Community Pride "Clean-Up Day" on Thursday May 21, 2015 from 10:30 AM to 1:30 PM. Mr. Bylery stated that the Bangor Area Middle School would like to partner again with Portland Borough. Council members present were all in agreement. The Borough will provide the snacks and water for the students through donations from various businesses and individuals in the Borough.

- Fred Duckloe: Duckloe Brothers

Mr. Duckloe passed out photo's of the condemned building at 425 Delaware Avenue, adjacent to Duckloe Brothers. Mr. Duckloe stated that the options that were sent to the new owner of the building Mr. Son, from the Zoning Officer, have not been met. 1) To either make the building safe or 2) to demolish the building.

- Rick Fisher, Zoning Officer, entered the meeting at 7:10 PM.
- Alan Bylery, Bangor Area Middle School, left the meeting at 7:10 PM.

Solicitor Gaul stated that Mr. Fisher could now rule for condemnation and demolition. Mr. Fisher replied that he would like to give Mr. Son a couple more weeks to comply with his prior requirements for making the building safe. Mr. Fisher cited the weather a possible reason for delay. Mr. Fisher stated that he would contact Mr. Son to remind him that he needs to take action promptly. Mr. Fisher stated that he has not received the zoning application from Mr. Son for the installation of (4) apartments above the commercial space.

Mayor Prator replied that there is a condemnation order that has been in place since before Mr. Son even purchased the property, and that he should not be given an extension.

Mr. Fisher stated that Mr. Son desires to re-develop the property, but there are potential issues with his plans. For example, three (3) parking spaces are required for two apartments and four (4) apartments would need a variance, for which Mr. Son would have to show a hardship. Also, the property is in the flood plain and thus would have to follow the Borough's flood plain regulations since the building is in the flood plain. Mr. Fisher stated that he, Mayor Prator, a relative of Mr. Son, Mark Hartney from Northampton County CDBG and Fred Duckloe met with Mr. Son on March 16, 2015.

Solicitor Gaul replied that the Borough needs to see progress over the next (30) days. Mr. Gaul stated that council should speak with the Northampton County CDBG to see if the CDBG funds are still available for demolition of the property. Solicitor Gaul stated that while the Borough Council could authorize a lawsuit against Mr. Son at this time, he thought it was preferable at this time for Mr. Fisher to act on his own. Mr. Fisher does not need the Borough Council's permission to require Mr. Son to comply with the Property Maintenance Code, as Mr. Fisher is the Borough's Code Enforcement Officer. If, after a reminder from Mr. Fisher, Mr. Son does not install the temporary gutters or take other sufficient action in seven (7) days then the Borough Council should consider what additional enforcement actions should be taken including Mr. Fisher proceeding with enforcement of the demolition order.

- Cynthia and Thomas Fish entered the meeting at 7:35 PM.

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President Steele stated that she is not in favor of filing a lawsuit at this time. The consensus of Borough Council was that the matter would be discussed at its regular scheduled meeting on Monday of April 27, 2015 and the progress of repairs at 425 Delaware Avenue reviewed at that time.

Sewer Matters:

- 1) A motion was made by Susan McKean, 2nd by Bridget Kenna approving the quote of \$938.77 from Penn Power Systems of Fleetwood PA for the purchase and installation of a new starting battery, MTU Generator Model #50PJC6DT2, for the WWTP Pumping Station. Motion carried: 5-0-0
- 2) There was no report on a meeting with PA American Water Company.
- 3) Ms. Diann Eden, Sewer Billing Clerk, requested from Council what date she should use to begin the billing the sewer service of Mr. Youn Son at 425 Delaware Avenue. Ms. Eden has already billed Mr. Son for 2nd, 3rd and 4th quarter garbage for 2015 for the (2) apartments above the commercial space. The property was bought at Judicial Sale on February 5, 2015 but was not recorded at Northampton County until March 20, 2015. Councilwoman McKean replied that Mr. Son should be billed beginning February 5, 2015. Mr. Son should also be billed for the sewer tapping fee and be sent a Notice to Connect to the sanitary sewer system.
- 4) Mr. Derek Spence, Decks & More LLC, spoke with the secretary about being paid the \$660.00 remainder of his contract for the construction of a 5 x 12 building at the WWTP. President Steele stated that she spoke briefly with Mr. Spence today and will contact him later in the week. No action was taken.
- 5) Mr. Fisher reported that the Sewer Surveys (MSDS) have either been delivered by hand or are in the postal mail today to all Portland Commercial/Industrial users. The Borough Engineer, Mark Bahnick, stated that the sewer survey is to make people aware that there is the possibility that a chemical is being flushed into the WWTP which causes a complete breakdown of the WWTP. Mr. Thomas Fish, from the audience, asked about household products. Mr. Bahnick replied that a non-commercial product could be a pollutant, as well. A substantial volume would also kill the bacteria.
- 6) President Steele reported that there are (2) large delinquent sewer accounts that are still being mailed monthly, at a substantial cost to the Borough. The abandoned Smith Property on Jacoby Creek Road and the empty Pivovar-Butler Property on Main Street. Ms. Steele asked if they should be mailed every month. A motion was made by Susan McKean, 2nd by Bridget Kenna that the Smith Property be mailed (1) one time per year to keep up on the property liens (for every \$1,000.00 delinquency) and monthly for the Pivovar-Butler Property. Motion carried: 5-0-0

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

- 1) The WWTP is in compliance for total nitrogen and nitrogen ammonia and all other discharge for the past (12) twelve months.
- 2) Plant operations were normal for the month of March.
- 3) Re-piping of the effluent pumps has been completed.

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4) Plant performance was temporarily compromised as evidenced by damage to the Bio Mass in the facility. The WWTP Staff believe this occurred because of an atypical discharge from a non residential user.

5) The Chapter 94 Report data has been completed and submitted to the PA DEP prior to the March 31, 2015 deadline.

6) Parking in the area of the stop signs at Ruth and First Streets is to be reviewed. This will be discussed at the May council meeting.

Zoning Officer Report:

1) Mr. Fisher stated that the District Court MPOETC Filing Number cannot be used by Borough Council, that number is only for himself

2) Mr. Fisher has not prepared the draft zoning fee schedules and draft zoning applications for review.

3) Permits issued to: a) Warner-Bronish @ 217 State Street for home improvements
b) Mazur @ 207 State Street for a fence

4) Mr. Fisher reported that ORC Racing has moved from 427 Delaware Avenue to 501 Delaware Avenue. The owner of 427 Delaware Avenue, John Tarello, is considering installing a fitness gym.

5) The PA State Association of Boroughs (PSAB) has an upcoming classroom training on establishing a rental property inspection program. Mayor Prator suggested that Borough Council send Mr. Fisher. A motion was made by Steve Knott, 2nd by Heather Fischer authorizing the Borough Secretary to register Mr. Fisher for the classroom training on May 26, 2015 at Lehigh County PA and approving the payment of \$150.00 by the Borough to the PSAB for the cost.
Motion carried: 5-0-0

a) Solicitor Gaul stated that a rental inspection ordinance will have to be adopted before inspections could be implemented.

- Mark Bahnick left the meeting at 8:05 PM.

6) Solicitor Gaul reported that he spoke with District Court Justice Sherwood Grigg with regard to the Billie Golden citation at his 108 Division Street property. Solicitor Gaul is preparing a letter to Mr. Grigg concerning the \$250.00 fine to be paid by Mr. Golden.

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.

UCC Building Inspectors Report: Blue Mt. Inspections, Mr. Carl Faust

1) Mr. Faust sent his January through March 2015 report via email. Two (2) permits were issued. a) 401 Delaware Avenue b) 217 State Street.

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- 2) A motion was made by Susan McKean, 2nd by Steve Knott approving the 2015 inspection fee schedule of Blue Mt. Inspection Service LLC as presented. Motion carried: 5-0-0
- a) A resolution for the fee schedule will be presented for adoption at the May 4, 2015 council meeting.

- Rick Fisher left the meeting at 8:16 PM.

Recreation Board:

1) The "Bangor Sting" girl's soft ball team has only used the Portland Gymnasium once during February and March. They agreed, per contract, that they would pay the electric bill for those months and deposited \$100.00 with the Borough. Council agreed to refund the \$100.00 on a motion made by Susan McKean, 2nd by Bridget Kenna. Motion carried: 5-0-0

2) A motion was made by Susan McKean, 2nd by Steve Knott authorizing President Steele to execute the Inter-Municipal Soft Ball Agreement between Upper Mount Bethel Township and Portland Borough.

- a) Councilwoman Fischer asked who maintains the ball field. Mayor Prator replied that former employee Pat Howarth has (2) girls in the softball program and that he takes care of seeing that the field is in good shape. The Borough mows the grass.

The motion then carried: 5-0-0

3) The municipal playground is in need of new mulch. Discussed was mulch that is made out of recycled tires. President Steele stated that rubber mulch is very expensive. No action was taken. Council decided to plan the mulching of the playground when the "Slate Belt Allies For Youth" volunteer their services again this summer.

Planning Commission:

None

Portland Borough Water Authority:

Vice Chairman Jim Potter reported that the Authority is waiting on another generator since their back up generator has failed.

Emergency Operations Plan:

President Steele and Mr. Potter have reviewed the updated EOP Plan. Mr. Potter stated that the updates are good and he will make the necessary corrections. A motion was made by Susan McKean, 2nd by Bridget Kenna adopting Resolution 2015-2 " Adopting the Emergency Operations Plan of 2015 as mandated by the Pennsylvania Emergency Management Services Code, 35 PA C.S. Section 7101 et seq." Motion carried: 5-0-0

Legal:

1) Discussed was the request from a resident concerning changing the Borough Real Estate Taxes payments to quarterly payments. Solicitor Gaul replied that quarterly payments could become a budget issue. No action was taken.

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2) Champion Assets LLC (the former Cramer's Cashway) at 394 Delaware Avenue appealed their property tax assessment to the Northampton County Revenue Board of Appeals. Their assessment for the property was modified. A motion was made by Susan McKean, 2nd by Steve Knott authorizing Solicitor Gaul to execute the Stipulation of Counsel, as the Attorney for Portland Borough, for the Champion Assets LLC tax assessment appeal. Motion carried: 5-0-0

Subdivision and Land Development:

- None

Community Development and GOG:

Mayor Prator passed on to council the email message that he received complaining about the Portland Hook & Ladder Company fire siren. No action was taken.

Police Report:

A motion was made by Susan McKean, 2nd by Heather Fischer accepting the resignation, with regret, of Police Officer Alfred Behr. Motion carried: 5-0-0

The March 2015 Police Report was presented by Mayor Prator.

1) Traffic citations issued 16; Criminal Arrests 1; Incidents 17; Parking/Traffic 11; Parking Tickets 3; warrants 1; Harassment 1; criminal mischief 1; EMS 1; Agency Assist 2; Vehicle mileage: Crown Ford Victoria 0; Ford Utility 640

a) Chief Mulligan reported that the new police car is working great. Chief Mulligan received a \$2,500.00 donation that he will use toward a new laptop and other equipment for the new car.

b) The Chief is still looking for a qualified part-time police officer.

c) The secretary was directed to contact the Borough's insurance carrier for information on the replacement value of the added police car equipment.

d) Council discussed making a payment this year towards the Merchants Bank police car loan. Chief Mulligan would like council to make the extra payment so that the loan stays on a (5) year schedule. The secretary was directed to contact the loan officer for the information. No action was taken.

e) Councilwoman McKean stated that the Police Department requested that the Borough use Direct Deposit for Borough employees payroll. The secretary was directed to make the arrangements with Merchants Bank.

Mayor's Report:

1) Mayor Prator and Councilwoman Fischer attended the "Wake Up To The Issues Breakfast", sponsored by the PSAB, at Dough Boys Pizza in Wind Gap PA on Thursday April 2, 2015. Mayor Prator and Ms. Fischer stated that it was well worth attending and that grant opportunities were presented.

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- 2) Mayor Prator stated that he was invited by Congressman Matt Cartwright to attend the Congressman's Mayors Conference at Wilkes University on September 25, 2015.
- 3) Jim Potter, PENNDOT Supervisor, reported that PENNDOT may possibly pave Hester Street in lieu of paying rent for PODS storage on the Frank Russo/Hester Street property.

Streets Department:

- 1) Steve Becker, owner of 111 Main Street, called the Borough Office and also sent an email follow-up concerning the heaving of Main Street in front of his property. No action was taken. If Mr. Becker calls back to the office the secretary was directed to tell Mr. Becker to either call Mr. Knott or Ms. Steele.
- 2) President Steele reported that she and Councilwoman Kenna met with Mario Palmeri, Dirty Mac LLC, the snow plow/cinder contractor, concerning his poor job performance. Ms. Kenna and Councilwoman Fischer stated that they have an issue with Mr. Palmeri not plowing "curb to curb". Ms. Kenna also stated that Delaware Avenue gets narrower and narrower because it is not plowed "curb to curb". Councilman Knott stated that Portland Contractors, Inc. has picked up the slack when Mr. Palmeri does not complete all the plowing. A motion was made by Steve Knott, 2nd by Bridget Kenna directing the Borough Secretary, with the assistance of the Solicitor, to send a letter to Mr. Palmeri notifying him that the Borough Council intends to consider at its next meeting whether to (1) deduct the cost of hiring Portland Contractors to complete snow plowing/removal from Dirty Mac's compensation and (2) to terminate its contract for unsatisfactory performance, and that Dirty Mac is invited to address Council before it makes its decision. Motion carried: 5-0-0
- 3) The Borough has received their 2015 Liquid Fuels Allocation in the amount of \$14,868.67. Because of the minimal dollar amount, that was in the Liquid Fuels Checking Account before March 1, 2015, the Borough has been paying the winter maintenance bills out of the General Checking Account. The secretary stated that she has spoken with the Liquid Fuels Auditor and has permission to reimburse back to the Borough those paid invoices. A motion was made by Susan McKean, 2nd by Steve Knott approving the reimbursement/transfer of \$15,003.54 from the Liquid Fuels Checking Account to the General Checking Account for the paid invoices from the General Checking Account. Motion carried: 5-0-0
- 4) Tom and Cindy Fish were recognized by President Steele and asked to speak about the closed State Street Bridge. Ms. Fish stated that the bridge will either be replaced or bridged over in the near future. Because the bridge is historical Ms. Fish would like to issue a press release with the intention of preserving as much of the old bridge as possible. Ms. Fish stated that she hoped that council would be willing to help her with this. Jim Potter suggested that before anyone contacts a newspaper or a politician that a meeting should be set up with PENNDOT. Mr. Potter stated he would research the options and copy to Ms. Steele and Mayor Prator.
- 5) Ms. Fish stated that the National Park Service wants to be involved with the Delaware Water Gap/Liberty Bike Trail Project and to meet with PENNDOT. Ms. Fish stated that the committee members from Portland are looking for grants for Portland's portion of the trail.

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Sanitation:

- None

Insurance:

The secretary asked Councilwoman McKean about the split workers' comp policy between the Borough and Portland Hook & Ladder Company. Ms. McKean replied that she would contact the insurance company.

Building Committee:

- None

Budget/Finance:

1) A motion was made by Susan McKean, 2nd by Steve Knott to advertise the 2014 Annual Audit and Financial Newspaper Report in the Pocono Record. Motion carried: 5-0-0

2) A motion was made by Susan McKean, 2nd by Bridget Kenna authorizing President Steele to execute the Management Representation Letter for the 2014 Audit and Financial report that was prepared by Kirk, Summa & Co. LLP. Motion carried: 5-0-0

3) Council agreed that CD #401113927, in the amount of \$21,769.44, should roll over for another (12) months to April 26, 2016.

Ordinance Update Committee:

- None

Council Policy & Procedure Committee:

- None

Slate Belt Community Partnership (SBCP):

Mayor Prator reported on the March 2015 activities of Ms. Sharon Davis, Coordinator, who is working with Portland Borough. Portland Borough's grant application from the Greater Lehigh Valley Chamber of Commerce/Main Street Lehigh Valley was submitted in the amount \$1,000.00 for light pole hanging planters. This is a matching grant.

Correspondence:

From: InterCounty Paving Associates, LLC notifying the Borough that construction will begin on April 13, 2015 on the DRJTBC Approach Roadways.

Secretary Announcements:

- None

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Old Business:

1) Mayor Prator reported that there was a good turn out for the March 28th Easter Egg Hunt that was sponsored by the Portland Masonic Lodge.

2) A handicapped porta-potty rental will be ordered for the ball field for the girls softball.

New Business:

- None

Executive Session:

A motion was made by Steve Knott, 2nd by Heather Fischer to convene to executive session at 9:48 PM. Motion carried: 5-0-0

Discussion: Personnel

A motion was made by Susan McKean, 2nd by Bridget Kenna to reconvene from executive session at 10:04 PM. Motion carried: 5-0-0

Action Taken:

A motion was made by Steve Knott, 2nd by Susan McKean for wage increases for the following employees, effective with the payroll period beginning April 6, 2015.

- Maintenance Laborer, Robert Shaw - \$.50 per hour
- Police Chief, Robert Mulligan - \$1.00 per hour
- Police Officer, Stephen Keifer - \$1.00 per hour
- Billing Clerk, Diann Eden - \$.50 per hour
- Secretary, Carol Hummel - \$.50 per hour
- Cleaning Personnel, Lauren Lebkuecher - \$.50 per hour

Motion carried: 5-0-0

Adjournment:

A motion to adjourn the meeting at 10:06 PM was made by Steve Knott, 2nd by Susan McKean
Motion carried: 5-0-0

Respectfully Submitted By,

Carol

Carol A. Hummel, Secretary