

**BOROUGH OF PORTLAND
COUNCIL MEETING JULY 11, 2016**

The Portland Borough Council Meeting of July 11, 2016 was called to order at 7:00 PM by Stephanie Steele, President of Borough Council.

Council Members Present:

*Stephanie Steele * Bridget Kenna* Heather Fischer* Steve Knott * Lisa Prator* Yvonne Gumaer *Brian Kardos*

Others Present:

1. Michael Gaul, Borough Solicitor
2. Lance Prato, Mayor
3. Carol Hummel, Borough Secretary
4. Mark Bahnick, Van Cleef Associates, Borough Engineer
5. Tina Serfass, Zoning Codes Official, Keller Zoning & Inspection Services
6. Members of the Public

Draft Ordinance 2016-1:

An Ordinance of the Borough of Portland, Northampton County, PA, Amending Borough Ordinance 2005-6, Which Adopted the PA Uniform Construction Code; Providing That the Requirements of the PA Uniform Construction Code Shall Apply to Alterations and Repairs to Residential Buildings; And Requiring Permits for Such Alterations and Repairs, Except As Provided.

a) There were no comments from Borough Council. Solicitor Gaul is still waiting on comments from the Uniform Construction Code (UCC) Official, Carl Faust. Solicitor Gaul stated that the ordinance will need to be reviewed by the Department of Labor & Industry before the Borough can advertise a notice of public hearing. The draft ordinance was tabled until the August 1, 2016 council meeting.

Resolution 2016-13:

A motion was made by Lisa Prator, 2nd by Yvonne Gumaer adopting "A Resolution in Honor of Michael SJ Mazzella, Jr. a member of Scout Troop # 41 Prince of Peace Lutheran Church Johnsonville, PA for his Eagle Scout Project Award to be held on July 22, 2016". Motion carried: 7-0-0

Action on Minutes:

A motion was made by Lisa Prator, 2nd by Brian Kardos approving the minutes of June 6, 2016 as presented. Motion carried: 7-0-0

Secretary/Treasurer's Report:

Carol Hummel

1. Bills Presented for Payment:

Borough Operations, Borough Add-On Bills & Borough Operations Already Paid:	12,463.10
Sewer Operations & Sewer Operations Already Paid:	20,828.05
Sanitation Operations & Sanitation Operations Already Paid:	4,674.82
Community Events:	246.25
Liquid Fuels: street signs	188.15
TOTAL	\$ 38,400.37

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a) add the July payroll and payroll taxes:	9,000.00
b) add Sunoco Fleet Gas:	455.00
c) minus \$135.00 for Allstate Septic porta-potty: twice on the bill list	135.00

TOTAL ALL BILLS ABOVE PRESENTED FOR PAYMENT: **\$47,720.37**

A motion was made by Lisa Prator, 2nd by Bridget Kenna approving the payment of the bills, as presented, totaling \$47,720.37. Motion carried: 7-0-0

NOTE: The electric service bill for the Portland Gymnasium has been paid out of the General Checking Account, in the amount of \$28.83.

NOTE: Included in the bill list is the annual budgeted amount to Suburban EMS, in the amount of \$550.00.

Public Comment: The (5) minute rule applies to all speakers.

Merchants Bank: Ms. Jill Lutri, Merchants Bank (New) Branch Manager, Mount Bethel PA
Ms. Anna Rittle, Merchants Bank, (New) Regional Manager

Ms. Lutri and Ms. Rittle introduced themselves to council and stated they are available for the needs of the community.

1. 425 Delaware Avenue: Yudkley & Giani Schomberg

The Schomberg's stated that they are making progress with repairs to the building. Mr. Schomberg asked if council would give them a grace period for their utility bills. Council stated that their request would be discussed in Executive Session later in the meeting.

- a) President Steele replied that the Borough ordinances are written that everyone is responsible to pay their sewer and garbage bills even though the property is vacant.
- b) Mrs. Schomberg stated that they are working from the inside out of the building and that there is a lot of water damage. Solicitor Gaul explained the property owner is responsible for municipal services charges if they are available to the property owner, regardless of whether the property owner decides to utilize them or the property is vacant.
- c) Council asked Mrs. Schomberg what type of business would be operating in the storefront after the renovations have been completed. Mrs. Schomberge replied a southwestern style restaurant using all fresh ingredients. They hope to be open for business by the end of the year.

2. Portland-Upper Mount Bethel Food Pantry (PUMP): Sherman LaBarre

Mr. LaBarre explained that the food pantry plans on moving to the Portland Hook & Ladder Fire Co. #1 social hall on State Street. They want to construct an enclosed building on the outside of the social hall that abuts State Street to install a freezer and refrigerator. Mr. LaBarre stated that the pantry needs more storage space. The zoning application and plans were submitted today to the Borough Secretary. Mr. LaBarre stated he has already met with the UCC Official, Carl Faust. PUMP would like to begin construction as soon as possible. Ms. Hummel gave the application and plans to Ms. Serfass, the Zoning Codes Official.

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3. Ms. Lauren Lebkuecher, PMC Violation:

519 Delaware Avenue:

a) Ms. Lebkuecher spoke to council with regard to the Property Maintenance Code (PMC) violation that she received from the Zoning Codes Official, Ms. Serfass. Ms. Lebkuecher stated that she and her family have lived in Portland for the past (34) years, that their home is a (3) story Victorian. Ms. Lebkuecher stated that the violation was for protective treatment, exterior chipping paint. Ms. Lebkuecher stated that her husband, Paul, has been disabled since 2005 and that she lost her job as a librarian in 2008. Ms. Lebkuecher stated that she is at a loss as what to do and that the only option for her is a loan. Ms. Lebkuecher stated that their mortgage has recently been paid off and she does not want to take out another loan. Ms. Lebkuecher stated she is trying to comply with the notice of violation but there is no way that the work could be completed in (45) days, as stated in the PMC violation. Ms. Lebkuecher stated that she has had several contractors inspect the house but was told that it would be useless to scrape and paint until the porch is repaired. Ms. Lebkuecher stated that she also inquired about a USDA loan but dismissed that idea after researching it. Ms. Lebkuecher stated she is appealing for help.

b) Mayor Prator stated that Ms. Serfass is doing her job as Zoning Codes Official. Mayor Prator stated that he will be attending the meetings of the State Belt Community Partnership (SBCP) and Community Action Committee of the Lehigh Valley (CACLV) this Thursday evening. Mayor Prator stated that he would bring her concerns to the committee. Mayor Prator stated that other municipalities receive grants and that he would try to help her. Mayor Prator stated he would be in contact with Ms. Lebkuecher later in the week. Mayor Prator stated to Ms. Lebkuecher that there is a vacant seat on the Zoning Hearing Board.

c) Solicitor Gaul replied that there is an PMC Appeal Fee of \$1,000.00 that covers the cost of advertising and anything else related to the appeal process. Solicitor Gaul stated that the Zoning Codes Official, Ms. Serfass, has followed the PMC Ordinance as it is written. Solicitor Gaul suggested that an appeal be tabled until the August 1, 2016 council meeting. Between now and August 1st council and Solicitor Gaul will determine how to proceed and what the alternatives would be. Solicitor Gaul stated to Ms. Lebkuecher that she should think about her plans for the future and that she would not be any worse off now than in August. Solicitor Gaul stressed to Ms. Lebkuecher that she should agree to the terms of this conversation. Ms. Lebkuecher agreed. Mayor Prator suggested that Ms. Lebkuecher speak with Ms. Lutri at Merchants Bank about a loan.

d) A motion was made by Lisa Prator, 2nd by Heather Fischer that council postpone any action on the PMC Appeal of Ms. Lebkuecher until the August 1, 2016 council meeting while council addresses the procedures. Ms. Lebkuecher stated that she is in agreement with the postponement. Motion carried: 7-0-0

4. Thomas Fish:

307 State Street, PMC Violation

Mr. Fish stated that he had also received a PMC Violation letter. Mr. Fish complained that the letter gave him (5) days to comply, that there was error's in the letter, such as the wrong property address named in the letter and that East Bangor Borough was the PMC Board of Appeals. ~~Mr. Fish stated that he was officially resigning his seat on the Portland Borough (Water) Authority Board.~~

Strike from minutes 8/01/2016 (CAH)

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- Mr. Fish left the meeting at 7:50 PM.

5. Cynthia Fish: 307 State Street, PMC Violations

Ms. Fish asked to speak. Ms. Fish stated that Portland is a small community. It is not the intent of her and her husband not to comply to the PMC Violation but it has been a long time that anyone has been made to comply. Ms. Fish stated that it would have been nice to receive a warning letter first before sending the certified mail,

6. James Montgomery: 705 Delaware Avenue, PMC Violations

a) Mr. Montgomery asked to address council. Mr. Montgomery stated that he had worked in the New Jersey Health Department for (27) plus years, as a nuisance abatement officer and in code enforcement. Mr. Montgomery stated that there are oppressive regulations and tyranny in this country when it comes to code enforcement. Mr. Montgomery stated that there is an increasing poverty problem in Portland as noted by the number of families that use the food pantry. Mr. Montgomery stated that he has had enough of local government and has "washed his hands of it" and retired.

b) Solicitor Gaul replied that the PMC is a national standard ordinance and that changes can be made to the standards. Solicitor Gaul stated to Mr. Montgomery that he was complaining about the standards but that he did not voice his opinion when the PMC was adopted. Mr. Montgomery replied that a different procedure other than just issuing violations should be used. Solicitor Gaul replied that in the past enforcement has been lax.

c) President Steele replied to Mr. Montgomery that she has listened to his comments. Ms. Steele stated that she comes directly from work when she attends these council meetings. On her days off from work she spends her time volunteering for the Borough. Ms. Steele stated people need to volunteer, that you, Mr. Montgomery, have washed your hands of local government, but you still want to have your say but you don't want to participate. Ms. Steele stated that council sits here every month, most of the time by themselves, ordinances are advertised for comment but no one attends and council makes the best decisions that they are able.

d) Ms. Lebkuecher stated that friends told her they were afraid to attend this meeting for fear of "getting their heads chopped off". Councilwoman Heather Fischer replied that this statement was offensive to council especially for all the time that council spends on Borough business.

e) Councilwoman Prator replied that she agrees with Ms. Steele and Ms. Fischer. Ms. Prator stated that she contemplated leaving council because she works full time and is very busy. Ms. Prator stated that the previous enforcement officer did not live up to the expectations of council and Ms. Prator apologized, as a councilwoman, that she allowed this to happen. Ms. Prator stated that she does not like the standards in the PMC either but that she has to comply. Council cannot pick and choose who has to comply with the ordinances. Ms. Prator stated that complaints are received about neighbors who do not cut their grass or have high weeds in their yard but when it is you who are cited, you don't not like it and then attend a council meeting. Where are you the other times when council passes ordinances or have meetings to save the State Street Bridge or Special Meetings? Ms. Prator spoke of all the volunteering that council members do, the committee meetings that council members chair and attend. Council does not

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receive any compensation for any of this. Ms. Prator invited all to attend council meetings and participate in local government.

f) Ms. Fischer replied that how is this supposed to make council feel about "heads on the chopping block". Ms. Leubecker apologized.

g) Ms. Steele stated to Ms. Lebkuecher that she should not speak for other people but speak for herself, that there is nothing to fear and that Portland is a very approachable council.

Sewer Matters:

1. Stephanie Steele, Craig LaBarre and Tina Serfass inspected the grease traps at the town businesses. (see site visit inspection list attached to these minutes)

2. Ultra-Poly has not responded to the Borough's correspondence with regard to the use of WWTP effluent for their plant operations.

3. Mark Bahnick, Borough Engineer, stated that the WWTP has had normal operations for the month of June.

4. A request from the Sewer Billing Clerk, Diann Eden, asking for approval to shut off the water at the William Lane property at 529 Delaware Avenue for delinquent sewer service. A motion was made by Steve Knott, 2nd by Lisa Prator approving the water shut-off at 529 Delaware Avenue and for Ms. Eden to notify the Water Superintendent. Motion carried: 7-0-0.

5. Fire Chief Jim Potter was recognized by President Steele. Mr. Potter stated that the Portland Hook & Ladder Fire Co. #1 Social Hall has received a notice to install a grease trap, with (30) days to present a plan. Mr. Potter also stated that the fire company was declared exempt, from installing a grease trap by the Borough back in 2008 or 2009. Mr. Potter has been unable to find the documentation. Mr. Potter explained that during the time of the sewer connection construction process in 2008-2009 the fire company had received a grant from then PA State Representative Rick Grucela. Mr. Potter stated that after the sewer connection was made the remaining monies left from the grant were then returned to Mr. Grucela's office.

a) Mr. Potter stated that they would not be tearing up the outside sewer lateral to install the grease trap so the obvious place to connect the grease trap is under the sink in the social hall. Mr. Potter asked Ms. Steele "what has changed?". Ms. Steele replied that nothing has changed. The grease traps were to be installed as part of the sewer connection and were to be external instead of internal. Ms. Steele stated that the WWTP is now working fine and council is finally able to enforce the sewer ordinance. Council will also have to re-evaluate the sewer ordinance.

b) Councilwoman Fisher stated that the fire company would have to show proof of exemption for the grease trap.

c) Solicitor Gaul stated that most of the inspectors were inspecting for domestic use. Ms. Steele replied that the ordinance states that the grease traps are to be external but all of the grease traps that were inspected were internal. Most of those businesses who do not have the grease trap have offered to comply with the ordinance's requirement.

A motion was made by Lisa Prator, 2nd Bridget Kenna to table any action on the Portland Hook & Ladder Co. #1 grease trap and discuss again at the August 1, 2016 council meeting. Motion carried: 7-0-0

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Borough Engineer's Report: Mark Bahnick, Van Cleef Engineering

Park & Walk Restroom Facility Grant:

1. (3) telephone or email bids are needed for the site utilities and the pad installation. President Steele has contacted (3) contractors.

2. Air Liquide/Voltaix:

a) Mr. Bahnick has reviewed the sanitary sewer Air Liquide Advanced Materials Phase 2 plan. This will be an addition to the Voltaix campus in the Portland Industrial Park (PIP).

- Jim Potter left the meeting at 8:35 PM.
- Jim Kenna left the meeting at 8:35 PM.
- Mark Bahnick left the meeting at 8:36 PM.

Zoning Officer Report: Bettina Seafass, Keller Zoning & Inspection Services

1. Meeting with Ms. Steele, Mayor Prator and Mr. LaBarre for grease trap inspections.

2. Prepared and sent letters to Portland businesses for the grease traps.

3. Drive through Portland with Police Chief for site visits.

4. Visited 108 Division Street for garbage compliance.

5. Spoke with Mike's Auto attorney regarding towing business at 208 Northampton St.

6. Sent certified letter to Mike's Auto with regard to storage of vehicles at 208 Northampton St.

7. With regard to PMC letters, Ms. Serfass read the ordinance to council that pertained to the violation notices. Ms. Serfass stated that all the sections listed in the violation letters were correct. The typographical errors concerning the mention of East Bangor in the letter could be rewritten, Ms. Serfass stated. Ms. Fish stated that she would like a corrected letter for Mr. Fish. No action was taken.

8. Councilman Knott stated that if residents have to comply with the ordinance then so does the buildings of the Borough.

9. The secretary reported that she had (2) telephone complaints about the grass and weeds at 108 Main Street. Ms. Serfass stated that the property owner was sent a certified letter and did sign for it. The appeal process time has expired and Ms. Serfass will send a citation notice.

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.

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UCC Building Inspectors Report:

- (1) permit was issued for the month of June to 425 Delaware Avenue.

Planning Commission:

None

Portland Borough Authority:

Chairman Lance Prator reported that there will be a special meeting of the Board, on Thursday July 14th, to discuss the Special Services Area Agreement with the PIP.

- Mr. & Mrs. Schomberg left the meeting at 8:48 PM.

Legal:

1. The Draft Sidewalk Ordinance was tabled.
2. Solicitor Gaul has reviewed the sanitary sewer Air Liquide Advanced Materials Phase 2 plan.

Subdivision and Land Development:

None

Community Development, COG & Grants:

1. The Multi-Municipal Comprehensive Planning & Economic Development Seminar was held on Wednesday, June 22, 2016 at the Bangor Municipal Building, 197 Pennsylvania Avenue Bangor, PA.
2. The Regional Lehigh Valley Comprehensive Plan is being paid for with grant funding.
3. Mayor Prator will know next Monday, July 18th, whether a grant for the recycle garbage cans for the Portland Borough parks is awarded.
4. Correspondence was received from the Northampton County Gaming Revenue & Economic Development Authority. They are accepting applications from Northampton County municipalities interested in applying for funding through the 2016 Uncommitted Funds Gaming Grant Program. Applications are being accepted Wednesday, June 15, 2016 through 4:00 PM Friday, August 5, 2016.
5. Liberty-Water Trail Extension Alliance:
 - a) The questions from the Borough of Delaware Water Gap Solicitor concerning funding has been resolved. The Solicitor questioned who would be the host municipality of the funds.

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Community Events/Recreation Board:

1. Refiner's Fire Ministry will sponsor a "Free Movie" event at the church 100 Division Street Saturday, July 30th.
2. The Community Events Committee and the Refiner's Fire Ministry are co-sponsoring an "Ice Cream Social" on Sunday, July 31st at the Park & Walk Lot on Delaware Avenue at 6:30 PM. Borough residents are invited.
3. The annual "Town Picnic" will be held on Saturday, August 13th beginning at 2:00 PM.

Police Report:

The June 2016 Police Report was provided, in writing, by Chief Mulligan:

1. Traffic citations issued 13, in the amount of \$16,752.50; Non-Traffic citations issued 0; Criminal Arrests 4; Parking Tickets 0. Incidents 26; Parking/Traffic 14; EMS 1; Warrants 2; DUI 1; Domestic 1; Disorderly Conduct 1; Suspicious Activities 3; Agency Assist 1; Fire Company 1; Narcotics 1; Vehicle mileage: Crown Ford Victoria 0, Ford Utility 1,135.

1. Chief Mulligan reported that it was a decent month overall.

Mayor's Report:

None

Streets Department:

1. Report from Councilman Knott:

a) Part-time maintenance employee, David Gonzalez, has returned to work after being out on sick leave. Jimmy Potter and Cindy Fish were mentioned by council as possible hires. No action was taken. The secretary was directed to keep their names on file for future reference.

- Sherman LaBarre left the meeting at 9:00 PM.

b) The Snow-Ice Contract was reviewed by council with the changes below.

- i. add the Park & Walk and Park & Ride Lots.
- ii. add the WWTP grounds.
- iii. add that Councilman Knott is the primary contact.

- Tina Serfass left the meeting at 9:07 PM.

A motion was made by Lisa Prator, 2nd by Bridget Kenna approving the changes to the Snow-Ice Contract for the 2016-2018 contract term. Motion carried: 7-0-0

- i. Solicitor Gaul stated that the contract bid specifications will be advertised in the Pocono Record during the month of September 2016.

- James Montgomery left the meeting at 9:10 PM.

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Executive Session:

A motion was made by Lisa Prator, 2nd by Brian Kardos to adjourn to executive session at 9:10 PM. Motion carried: 7-0-0

Discussion: pending legal opinions with Solicitor Gaul.

A motion was made by Lisa Prator, 2nd by Brian Kardos to reconvene from executive session at 9:49 PM. Motion carried: 7-0-0

Action Taken: None

Sanitation:

1. A motion was made by Steve Knott, 2nd by Yvonne Gumaer to file personal property sales against the following for failure to pay the 2015 delinquent garbage service.

- a) Jeremy & Jolene Caesar 110 Division Street
- b) Katherine Futchko 104 Ruth Street

Motion carried: 7-0-0

2. A motion was made by Lisa Prator, 2nd by Yvonne Gumaer to file a municipal lien against the following for failure to pay the 2015 delinquent garbage service.

- a) Louis Mayer, Sr. 403 Jennings Street

Motion carried: 7-0-0

3. The secretary reported that David Keller did not appear at District Court 03-3-03 for his 2015 delinquent garbage service hearing for his property at 400 Jacoby Creek Road. District Court found for the Borough. Mr. Keller has (30) days to appeal.

Building Committee:

Council discussed scraping and re-painting the merry-go-round on the municipal playground.

Budget, Finance, Insurance, & Cable TV Contract:

A motion was made by Lisa Prator, 2nd by Heather Fischer approving the rollover of CD #401108331, in the amount of \$20,229.19, for a period of (12) months. Motion carried: 7-0-0

Back to Building Committee:

Councilwoman Prator stated that it is a shame that the Borough cannot afford to improve the condition of the municipal building. Mayor Prator replied that the railroad station property on Delaware Avenue would be a good place for the municipal building. President Steele replied that municipal properties are not eligible for grant funding.

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Ordinance Update Committee:

1. President Steele reported that the special paper and correct ordinance books have been ordered for the Borough ordinance records.
2. President Steele stated that the Borough cannot legally scan the pages of the Property Maintenance Code book so that it could be read on the Borough web-site. The Borough can get an electronic version from the Zoning Codes Official for a cost of \$30.00. President Steele will contact Ms. Serfass.

Council, Policy & Procedure Committee:

None

Slate Belt Community Partnership (SBCP):

1. The next meeting of the SBCP will be held on Thursday, July 14, 2016 at the Totts Gap Art Institute in Upper Mount Bethel Township. Mayor Prator reported that the SBCP will be looking for a new director. The SBCP will be ending as of January 1, 2017 and will be taken over by the Community Action Committee of the Lehigh Valley (CACLV).
2. No one knew the date of the June 2016 meeting.

Correspondence:

- a) A thank you was received from Ms. Barbara DeFranco for the gift received from council for her retirement as manager of the Merchants Bank, Mount Bethel Office.
- b) A thank you was received from Ms. Susan McKean for the sympathy Edible Fruit Arrangement upon the passing of Ms. McKean's father.
- c) Jacoby Creek Bridge Project: The secretary mailed (2) certified packets with (57) surveys to Erdman Anthony Engineers and the Lehigh Valley Planning Commission (Becky Bradley). I also sent to the Project Engineer, Ms. Susan Guisinger-Colon, PE, copies of Michael Gaul's letter, PA State Senator Mario Scavello's letter, PA State Representative Joe Emrick's letter, and a copy each of the Borough's letter to Erdman Anthony and LVPC's Becky Bradley.
- d) A motion was made by Lisa Prator, 2nd by Bridget Kenna authorizing the secretary to write a resolution for Nicholas Joseph Martocci's Eagle Scout Award. Motion carried: 7-0-0

Secretary's Announcements:

- a) The secretary stated that she attended the quarterly meeting of the Northampton County Tax Collection Committee meeting on April 14, 2016 at the Bethlehem Township Municipal Building.

Mayor Prator & Councilwoman Lisa Prator Comments:

The Prator's spoke about a flashing light signal that is needed by the pedestrian walk bridge on Delaware Avenue. Something should be done to slow the traffic down.

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Old Business:

- Councilwoman Yvonne.Gumaer has completed and received her NIMS Certification in IS-00100.b, ICS-100 and IS-00700.a.

New Business:

- Borough Council accepted the resignation of Lauren Lebkuecher, with regret, the cleaning lady for the municipal building.

Adjourn:

The next meeting of the Portland Borough Council will be held on August 1, 2016 at 7:00 PM. A motion to adjourn the meeting at 10:13 PM was made by Lisa Prator, 2nd by Brian Kardos. Motion carried: 7-0-0

Respectfully Submitted by,

Carol A. Hummel

Carol A. Hummel, Secretary

