

**BOROUGH OF PORTLAND  
COUNCIL MEETING AUGUST 1, 2016**

The Portland Borough Council Meeting of August 1, 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 \* Yvonne Gumaer \* Brian Kardos\*

Absent were Mayor Prator and Councilwoman Lisa Prator.

Others Present:

1. Michael Gaul, Borough Solicitor
2. Carol Hummel, Borough Secretary
3. Mark Bahnick, Van Cleef Associates, Borough Engineer
4. 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) Draft Ordinance was tabled.

Action on Minutes:

A motion was made by Heather Fischer, 2<sup>nd</sup> by Brian Kardos approving the minutes of July 11, 2016 with the following correction. Page (3) #4. Strike last sentence. 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:	7,199.06
Sewer Operations & Sewer Operations Already Paid:	9,968.12
Sanitation Operations & Sanitation Operations Already Paid:	5,466.78
Community Events:	996.99
<b>TOTAL</b>	<b>\$ 23,630.95</b>
a) add the July payroll and payroll taxes:	9,185.00
b) add Sunoco Fleet Gas:	455.00
<b>TOTAL ALL BILLS ABOVE PRESENTED FOR PAYMENT:</b>	<b><u>\$33,900.95</u></b>

A motion was made by Bridget Kenna, 2<sup>nd</sup> by Steve Knott approving the payment of the bills, as presented, totaling \$33,900.95. Motion carried: 6-0-0

Sewer Matters:

1. Grease Trap Installation: With regard to the grease trap installation at the Portland Hook & Ladder Co. #1, Councilwoman Kenna stated that she researched the 2008-2009 council

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meeting minutes for any motion that the fire company was made exempt from installing a grease trap. Ms. Kenna stated that she could not find any mention of an exemption.

a) It was stated that Sewer Solicitor Tim McManus attended the monthly sewer committee meeting.

2. 425 Delaware Avenue, concerning a grace period on their sewer and garbage bills and 394 Delaware Avenue, concerning a grace period on their sewer bill will be discussed in Executive Session.

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

4. A motion was made by Heather Fischer, 2<sup>nd</sup> by Brian Kardos approving Proposal # 1911-BD4E-JJ, WWTP, MTU Generator Model #150RJC6DT3 Serial #160988-0508, from Penn Power Systems, for above normal maintenance on existing generator at the cost of \$850.39. Motion carried: 6-0-0

5. A motion was made by Bridget Kenna, 2<sup>nd</sup> by Brian Kardos approving Proposal # 1911-BC82-JJ, WWTP, MTU Generator Model # 50PJC6DT2 Serial # 176353-0708, from Penn Power Systems, for above normal maintenance on existing generator at the cost of. \$828.61. Motion carried:

6. There are no reported sewer shut-offs.

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

Park & Walk Restroom Facility Grant:

1. President Steele contacted (4) contractors for telephone bids for the site utilities and pad installation of the restroom facility at the Park & Walk Lot on Delaware Avenue.

a) Leonard Romansky Construction, Stockertown PA

i. not interested

b) Hubert McHugh, General Contractor, Portland PA

i. not interested

c) Richard Moyer Excavation, Bangor PA

i. not interested because of bonding and prevailing wage requirements

d) Portland Contractors, Inc., Portland PA

i. gave proposal of \$17,700.00 with prevailing wage and bonding requirements.

A motion was made by Yvonne Gumaer, 2<sup>nd</sup> by Bridget Kenna accepting the proposal of Portland Contractors, Inc. for the site utilities and pad installation, in the amount of \$17,700.00, which includes the bonding and prevailing wage requirements.

a) question from Farzi Karimi, 517 Delaware Avenue, asked the cost. President Steele replied that the Borough received a Local Share Gaming Grant of \$110,000.00 and that cost of the restroom facility is staying within the grant allocation.

The motion then carried: 6-0-0

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e) Mr. Bahnick stated that he is working with the contractors. An estimate was received from Constantine Decorative Concrete for the concrete sidewalk work. No action was taken.

2. WWTP:

Mr. Bahnick reported the Waste Water Treatment Plant is in compliance. The power was off at the plant last week and it affected the pumps. Everything is working fine now.

- Mark Bahnick left the meeting at 7:18 PM.

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

PMC Violations:

1. Ms. Lauren Lebkuecher, PMC Violation: 519 Delaware Avenue:

a) Ms. Lebkuecher stated that she spoke with the Zoning/Codes Officer Bettina Serfass since the last council meeting of July 11, 2016. Ms. Serfass informed Ms. Lebkuecher that she is still responsible to get the work underway as stated in the PMC Violation letter. Ms. Lebkuecher stated that she has signed a contract proposal for the siding, remodeling and painting of her house. The cost is approximately \$12K. Ms. Lebkuecher was advised to contact Ms. Serfass to give her the status of the contract and the timeline when the work may begin. Solicitor Gaul responded that the siding covering and painting should end the Property Maintenance Code Violation.

A motion was made by Heather Fischer, 2<sup>nd</sup> by Brian Kardos to postpone the appeal of Ms. Lebkuecher until the next council meeting of September 12, 2016. Ms. Lebkuecher was in agreement with the postponement.

Question from the audience: Farzi Karimi, 517 Delaware Avenue, asked if there could be another solution to repair the exterior of the house, if Ms. Serfass agrees. Solicitor Gaul replied that whatever Ms. Serfass finds to be in compliance with the ordinance will be fine with Borough Council. It was stated that the secretary has a copy of Ms. Lebkuecher's contract.

Motion then carried: 6-0-0

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

Ms. Serfass was not in attendance.

1. Site visits to area businesses for grease traps/oil separators.
2. Visited 108 Division Street for garbage compliance.
3. Site visit to Delaware Avenue for complaint about possible bicycle repair business operating without permits,
4. Follow-up site visit to 108 Main Street with regard to PMC. Bank has taken over. Junk will be removed, grass will be cut and maintained.

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5. Site visit with Sherman LaBarre regarding expansion to Fire Company Social Hall for operation of Portland Upper Mount Bethel Food Pantry.

6. Attended July sewer meeting.

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.

UCC Building Inspectors Report:

None

Planning Commission:

None

Portland Borough Authority:

Vice Chairman Jim Potter stated that the Portland Borough Authority has one (1) board member who has not attended six (6) or seven (7) meetings of the Authority Board. President Steele asked Solicitor Gaul if the Borough Council could revoke that member because the Borough Council appoints the Authority members. Mr. Potter stated that the member in question term expires January 1, 2019. Solicitor Gaul referred to the Municipalities Authority Act that states that a member may be removed by the municipal governing body up to sixty (60) days after the date of a third meeting of a quorum which the member failed to attend. Solicitor Gaul stated that he would have to research the constitutionality of that act.

Mr. Potter stated that the Portland Borough Authority will give to the Borough Secretary the attendance record of the Authority Board members for the past two (2) years. Mr. Potter stated that the member in question has a computer that he has failed to return to the Authority.

Legal:

The Draft Sidewalk Ordinance was tabled.

- i. The PSAB supplied the Borough with sample ordinances for review.

Subdivision and Land Development:

None

Community Development, COG & Grants:

1. The Dr. Pepper/Snapple Park Bin Grant Program is not able to provide a grant to Portland at this time. They will be offering another round of the grant toward the end of the year. The Borough will be notified.

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2. The COG would like to hold an E-Cycle Event towards the end of October or early November. Northampton County will provide a \$2,500.00 grant but would need \$150.00 from each COG member to participate. Final date, time and place to be announced once commitments are received from the COG members. No action was taken pending Ms. Steele's question that if Portland is paying to participate at the cost of \$150.00 and residents also have to pay for each item e-cycled, then Ms. Steele stated that she would not be in favor of participating.

3. The COG will meet tomorrow (Tuesday, August 7, 2016) at the Slate Belt Chamber of Commerce Office

Community Events/Recreation Board:

1. The "Free Movie" event at the Refiner's Fire Ministry church on Saturday, July 30<sup>th</sup> and the Ice Cream Social at the Park & Walk Lot on July 31<sup>st</sup> was well received.

2. The annual "Town Picnic" will be held on Saturday, August 13<sup>th</sup>, on the Portland Ball Field beginning at 2:00 PM.

- Ms. Lauren Lebkuecher left the meeting at 7:50 PM.

Police Report:

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

1. Traffic citations issued 18, in the amount of \$20,787.50; Non-Traffic citations issued 0; Criminal Arrests 1; Parking Tickets 0. Incidents 47: Parking/Traffic 27; EMS 3; Criminal Mischief 2; Animal 2; General Complaint 2; Domestic 1; MVA 1; Suspicious Activities 2; Agency Assist 3; Fire Company 2; Harassment 1; Narcotics 1; Vehicle mileage: Crown Ford Victoria 48, Ford Utility 1,349

2. It was a very good month for truck inspections. Assisted Monroe County with traffic detail from Portland to Stroud Township, Officer Kiefer had the first drug arrest. This detail opened up relations with Monroe County.

3. President Steele stated that Chief Mulligan would like to purchase an additional taser. This would allow each officer to carry (1) one if more than (1) one officer is on duty and to have a spare if (1) one needs service. A motion was made by Steve Knott, 2<sup>nd</sup> by Bridget Kenna authorizing Chief Mulligan to purchase an additional taser from Taser International at a cost of \$1,527.60. Motion carried: 6-0-0

4. President Steele reported that the Borough should be receiving approximately between \$5K and 7K from the Weights and Measures fines.

5. Confiscated Weapon: Chief Mulligan proposed to President Steele that an additional weapon be purchased for the department in the event there is a police incident where the officer's weapon is discharged. The discharged weapon then is confiscated by the PA State Police until the investigation is complete. Other police departments are purchasing an additional weapon that stays in the police station. That way there is a weapon available at all times. President Steele asked Chief Mulligan to secure estimates.

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Mayor's Report:

None

Streets Department:

1. Report from Councilman Knott:

a) Milling and paving for various streets has been arranged by Mr. Knott. PENNDOT will provide the Borough with 22 tons of modified free of charge. The Borough will be responsible to pay a contractor to spread it. Areas listed below:

- i. salt shed bin
- ii. in front of the gymnasium
- iii. Gin Jim Alley
- iv. Goebei Street for the ball field
- v. municipal lot at 105 Division Street

b) The Snow-Ice Contract bid specifications will be advertised in the Pocono Record during the month of September 2016.

Sanitation:

1. At the July 2016 council meeting a motion was made 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

The secretary stated to council that the cost to file the sales at District Court would be approximately \$1,100.00 with no guarantee that the Borough would be reimbursed all the costs. Ms. Hummel stated that she spoke with President Steele and it was decided to file municipal liens against the properties. Councilwoman Yvonne Gumaer asked Solicitor Gaul to explain the difference between personal property sales and liens.

2. A municipal lien was filed on the David Keller property at 400 Jacoby Creek Road for failure to pay the 2015 delinquent garbage service.

Building Committee:

Council discussed scraping and re-painting the merry-go-round on the municipal playground. The Borough employees Bob Shaw and Dave Gonzalez will work on it.

Budget, Finance, Insurance, & Cable TV Contract:

None

Ordinance Update Committee:

1. President Steele reported that the special paper has arrived for the Borough ordinance records. The book should be here soon. Ms. Steele stated that she ordered (1) one book, embossed.

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Council, Policy & Procedure Committee:

None

Slate Belt Community Partnership (SBCP):

1. President Steele reported that she and Councilwoman Heather Fischer attended the July meeting of the SBCP. 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).

Correspondence:

a) The Commonwealth of PA, FEMA, acknowledged receipt of an executed copy of the Public Disaster Agreement for Financial Assistance with regard to Winter Storm "Jonas" which occurred January 2016.

b) Councilman Knott reported on a no cost equipment use agreement between Plainfield Township, PA and the Borough of Portland for the use of a "tar buggy" for the streets. A motion was made by Heather Fischer, 2<sup>nd</sup> by Yvonne Gumaer authorizing Councilman Knott to execute a shared use agreement for Public Works/Road Equipment, a 1997 Aeroil Tar Kettle. Motion carried: 6-0-0

Secretary's Announcements:

a) The secretary suggested that council enact a "door to door" Solicitation Ordinance. Ms. Hummel was directed to contact the PSAB for examples.

b) The Christian Copyright Licensing International, Inc. movie license has been purchased by the Refiner's Fire Ministry for the Community Events.

Old Business:

a) Councilwoman Heather Fischer was congratulated for her initiative and hard work concerning the Jacoby Creek Bridge, which was slated for permanent closure. Due to residents' concerns, letters and an on-line petition administered by Ms. Fischer the bridge will be rebuilt within the next (2) two years.

b) Since the Borough does not have a cleaning lady President Steele asked Ms. Hummel to prepare a list of duties for a cleaning lady/personnel.

New Business:

Jim Potter, from the audience, asked council the capacity of the WWTP and the usage. Solicitor Gaul responded the capacity is 105,000 gallons per day and his last recollection was that current usage is about 25,000 gallons per day. Ms. Steele stated that the WWTP Operator has reported that the usage is down therefore more sugar is being used to feed the plant. Mr. Potter asked the usage of the Portland Industrial Park (PIP).

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Executive Session:

A motion was made by Bridget Kenna, 2<sup>nd</sup> by Steve Knott to adjourn to executive session at 8:25 PM. Motion carried: 6-0-0

Discussion: personnel and legal matters discussed with Solicitor Gaul.

A motion was made by Heather Fischer, 2<sup>nd</sup> by Brian Kardos to reconvene from executive session at 9:01 PM. Motion carried: 6-0-0

Action Taken:

1. A motion was made by Steve Knott, 2<sup>nd</sup> by Heather Fischer to deny the temporary suspension of sewer and garbage charges for the Schomberg property at 425 Delaware Avenue. Motion carried: 6-0-0

- i. It is noted by Solicitor Gaul that this is a mixed use commercial property with (2) two apartments on the second floor.
- ii. A letter will be sent by council.

2. A motion was made by Steve Knott, 2<sup>nd</sup> by Heather Fischer to deny temporary suspension of sewer charges for the Champion Assets property at 394 Delaware Avenue. Motion carried: 6-0-0

- i. A letter will be sent by council.

3. A motion was made by Steve Knott, 2<sup>nd</sup> by Heather Fischer authorizing Solicitor Gaul to correspond with Mike's Auto at 208 Northampton Street advising Mike's Auto to suspend parking on Borough property on Main Street. Motion carried: 6-0-0

4. A motion was made by Yvonne Gumaer, 2<sup>nd</sup> by Steve Knott to send a letter to the Schomberg property at 425 Delaware Avenue advising them not to park on the Borough parking lines horizontally but vertically in front of their business. Motion carried: 6-0-0

Adjourn:

The next meeting of the Portland Borough Council will be held on September 12, 2016 at 7:00 PM.

A motion to adjourn the meeting at 9:08 PM was made by Bridget Kenna, 2<sup>nd</sup> by Steve Knott. Motion carried: 6-0-0

Respectfully Submitted by,

*Carol A. Hummel*

Carol A. Hummel, Secretary

