

**BOROUGH OF PORTLAND
COUNCIL MEETING AUGUST 3, 2015**

The Borough Council Meeting of August 3, 2015 was called to order at 7:00 PM by Stephanie Steele, President of Borough Council.

Council Members Present:

*Stephanie Steele *Bridget Kenna *Lisa Prator *Heather Fischer *Brian Kardos.

Council Members Absent:

Susan McKean and Steve Knott were absent for personal reasons.

Others Present:

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

Action on Minutes:

A motion to approve the minutes of July 6, 2015, as presented, was made by Bridget Kenna, 2nd by Heather Fischer. 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:	9,690.21
Community Events Account	266.66
Sewer Operations & Sewer Operations Already Paid:	24,395.39
Sanitation Operations & Sanitation Operations Already Paid:	4,870.32
Recreation Fund - electric service May 2015	35.20
Voltaix, LLC Escrow	202.00
TOTAL	\$39,459.78

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| a. Add the payroll and payroll taxes for the month of August | 6,000.00 |
| b. Add the Sunoco Fleet Gas for the month of August | 400.00 |

TOTAL ALL BILLS ABOVE PRESENTED FOR PAYMENT: \$45,859.78

A motion was made by Lisa Prator, 2nd by Bridget Kenna approving the July 2015 financial report and the bills presented for payment in the amount of \$45,859.78. Motion carried: 5-0-0

Application to the Zoning Hearing Board:

Ms. Yvonne Gumaer, 607 Delaware Avenue, submitted an application for consideration on the Zoning Hearing Board. Ms. Gumaer is a resident of Portland Borough and is a registered voter. A motion was made by Heather Fischer, 2nd by Bridget Kenna appointing Ms. Gumaer to the vacant Zoning Hearing Board seat. Motion carried: 5-0-0

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Solicitor Gaul stated that the terms of office need to be clarified. The secretary will have Ms. Gumaer fill out the required Ethics Form. Ms. Gumaer left the meeting at 7:10 PM.

Citizen's Agenda:

Altman Management Company: RE, Catalano Property 108-112 State Street

The Altman Company, the court appointed receiver for 108-112 State Street, presented a proposal to pay to date in full the outstanding garbage and sewer charges that are owed to the Borough. Ms. Cheryl Bishop (absent), Property Manager, proposed a waiver of the finance charges and late fees of the Garbage Account and to make a payment of principle and lien charge for the outstanding total of \$3,637.50.

Ms. Bishop proposed a waiver of the finance and late fees of the Sewer Account and to make a payment of principal for the outstanding total of \$7,785.00.

The Altman Company will continue to pay all the bills, on the above mentioned property, until it has been refurbished and sold by the mortgage company of 108-112 State Street.

Solicitor Gaul stated that the Altman Company is offering to pay all the pre and post bankruptcy fees to the Borough. Solicitor Gaul stated that the Borough would be giving up \$400.00 in garbage fees and \$1,000.00 in sewer fees and recommended that council accept the payment of principal from the Altman Company. Solicitor Gaul stated that Mr. Catalano is losing the property through foreclosure.

A motion was made by Bridget Kenna, 2nd by Heather Fischer that council agrees to forgive the finance charges and late fees, that Ms. Bishop is provided with the current outstanding principal charges, that the Altman Company will pay the lien charge of \$37.50, and that all will be paid within thirty (30) days. Motion carried: 5-0-0

Solicitor Gaul stated that the Borough is ahead \$3,400.00 in the sewer account by taking the offer of the Altman Company. Also, that council wants the Altman Company to pay the whole year of 2105 garbage fees.

Sewer Matters:

- Penn Power Systems:

A motion was made by Bridget Kenna, 2nd by Heather Fischer approving the three (3) year "Emergency Generator Planned Maintenance Agreement Waste Water Treatment Plant (WWTP) Proposal" in the amounts of

08/01/2015 to 07/31/2016	Y1/3 - \$1,780.00
08/01/2016 to 07/31/2017	Y2/3 - \$1,815.00
08/01/2017 to 07/31/2018	<u>Y3/3 - \$1,850.00</u>
TOTAL	\$5,445.00

and authorizing President Steele to execute the agreement. Motion carried: 5-0-0

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- Ultra Poly Corporation:

President Steele explained that Ultra Poly Corp is interested in taking the water discharge from the WWTP and recycling it to clean the plastic that is manufactured at their plant before the water is discharged into the Delaware River.

The Borough Engineer, Mark Bahnick, stated that Ultra Poly would have to clarify the process and to pay for the transition. Mr. Bahnick stated that the only downside would be that the Portland Borough (Water) Authority would lose water usage charges.

- Zoning Officer Rick Fisher entered the meeting at 7:26 PM.

Mr. Bahnick stated that the benefit would be the economic savings on the water bill. Ms. Steele asked that if twenty (20) years down the road Ultra Poly would go out of business what would the Borough do with the water. Mr. Bahnick stated that the Borough would do as they are now doing and continue to pay the DEP permit fees.

Young Son: 425 Delaware Avenue

The secretary reported that the Son property was posted on July 24, 2015 with a "Notice To Connect" to the sanitary sewer system. Certified mail and certificate of mailing was also done on July 24, 2015.

David Keller: 400 Jacoby Creek Road (former Smith Property)

The secretary reported that the Keller property was posted on July 24, 2015 with a "Notice To Connect" to the sanitary sewer system. Certified mail and certificate of mailing was also done on July 24, 2015.

Rakesh Patel: 409 Delaware Avenue

This property is not connected to the sanitary sewer system. Mr. Patel was directed by council to provide the Borough with an easement agreement and a \$1,000.00 check for deposit to his sewer escrow account. None was done. This is the last building on his property that needs to be connected to the sanitary sewer system.

Mayor Prator stated that the water service to 409 Delaware Avenue comes from Mr. Patel's grocery store at 407 Delaware Avenue. Mr. Prator explained that Mr. Patel has to have a curb box and water meter but refuses to do so. 409 Delaware Avenue also needs its own separate water and sewer lines. Mr. Prator stated that this is considered a multi unit property and Mr. Patel should be sent a Notice To Connect.

Mr. Prator stated that Mr. Patel is in need of an engineer's plan and an escrow account to the Portland Borough Authority for the water connection at 409 Delaware Avenue. Mr. Patel wants to connect to the sewer lateral off of the adjoining Arthur Kardos property next door at 413 Delaware Avenue. Mr. Prator stated that Mr. Patel refuses to do this.

A motion was made by Lisa Prator, 2nd by Heather Fischer that Rakesh Patel, owner of 409 Delaware Avenue, be sent a "Notice to Connect" to the sanitary sewer system, within the ninety

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(90) day window per Sewer Ordinance 2008-9, and for the secretary to attach a copy of the ninety (90) day connection clause of the "Notice To Connect". Motion carried: 5-0-0

Young Son: 425 Delaware Avenue

Mr. Prator stated that Mr. Son should have an escrow account set up. Solicitor Gaul stated that an escrow account is not legally allowed because Mr. Son has not given the Borough a building plan.

Citizen's Agenda:

PA State Senator Mario Scavello entered the meeting at 7:40 PM and introduced himself to the Borough Council. Mr. Scavello talked about the stalled PA State Budget that has not been adopted yet. Mr. Scavello stated that the Senate would be meeting again in two weeks. Negotiations are on-going.

a) Mayor Prator reported that the Borough is moving ahead with the Local Share Account (LSA) Gaming Grant of Monroe County, for the construction of a bathroom facility at the Park & Walk Lot on Delaware Avenue.

b) President Steele stated that she would like to see the historic State Street Bridge repaired and open. Mayor Prator stated that the choice is to restore the bridge or to take it down. Mr. Prator stated that there is a water line under the bridge.

Young Son: 425 Delaware Avenue

Discussed again was the escrow account. No building plans have been submitted only a zoning application. Solicitor Gaul stated there was no precedent asking for escrow monies. Councilwoman Lisa Prator asked if there was some way the incurred costs of the Borough, associated with 425 Delaware Avenue, could be paid by Mr. Son. Mr. Fisher read the Son Property Maintenance Code violations. Solicitor Gaul suggested that the Borough send Mr. Son a letter with a copy of the violations and a bill stating that Mr. Son has to pay the work costs of Mr. Fisher and Mr. Bahnick.

A motion was made by Lisa Prator, 2nd by Heather Fischer authorizing the Borough to send a billing invoice to Mr. Son for the work costs of the Zoning Officer, the Borough Engineer and possibly the work time of Solicitor Gaul, and instructing Mr. Son that he needs to pay the zoning, engineering and legal costs associated with his property at 425 Delaware Avenue or the Borough will place a lien on the property. Motion carried: 5-0-0

Borough Engineer's Report:

1. Mark Bahnick reported that the boring project near the Portland Walk Bridge at the George Zalepa property has been completed.

2. Mr. Bahnick stated that he is still working on renewing the Waste Management #100469 PAE Profile for the sludge container at the WWTP.

3. Mr. Bahnick stated that the one-way street proposal on Division Street by the Refiner's Fire Ministry church would require the traffic study project. The consensus of Council

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was that a traffic study not be undertaken at this time until the Council discusses the matter further.

Precast Restroom Facility (LSA Grant):

Mark Bahnick, Borough Engineer

Mr. Bahnick presented a cost estimate, plans and pictures of precast bathroom facilities. They can be constructed on or off-site and are made of precast concrete or concrete block. The existing garage that is presently at the site of the Park & Walk Lot is in bad condition. An offer has been made by John Vallance, owner of American Precision Machining, who would like to do a land swap with the Borough. Mr. Vallance would renovate the existing garage to add to his business site.

Mr. Bahnick stated that the original grant applied for was in the amount of \$145,000.00 but the Borough was approved for \$35,000.00 less at \$110,000.00. The options are a single or double American with Disabilities (ADA) with or without insulation. The bathroom facility without insulation is cheaper but it would have to be winterized thus paying someone to do that work. There is also the option of direct purchasing through PA Co-Stars instead of advertising and bidding. Mr. Bahnick stated that if the cost of the facility goes above the \$110,000.00 where would the Borough get that money from.

Ms. Steele asked about the roofing. The roof is metal. Mayor Prator stated that he was in awe of how nice the facility is, after looking at one in Forks Township PA. They are graffiti proof and painted inside and out are equipped with stainless fixtures inside. If the Borough would do a land swap with Mr. Vallance (outlined on the plans) then a Lot Line Adjustment could be done. This would cost less than demolishing the existing garage. Mr. Bahnick stated that the water and sewer lines are close by. Councilwoman Lisa Prator stated that she preferred the insulated precast version. Ms. Prator asked about locks and was told that an automatic timer would be installed. Ms. Steele was interested in an outside water fountain that can be used by bikers/hikers and asked Mr. Bahnick to investigate the cost.

Ms. Steele stated that the Borough could erect one ADA Bathroom Facility and always rent a porta-potty for any of the Borough's larger events. It was noted that the Borough can spend up to \$10,000.00 without having to go through the bidding process. A motion was made by Lisa Prator, 2nd by Bridget Kenna to start the process of the land swap with John Vallance, approve a prefabricated concrete bathroom facility made off-site, insulated with one single ADA bathroom stall with stainless steel fixtures and an outside water fountain. Motion carried: 5-0-0

- Mark Bahnick left the meeting at 8:55 PM.

Zoning Officer Report:

1. Mr. Fisher's July 2015 Report:

a) Mike's Auto, 208 Northampton Street: Mr. Fisher inspected the property and reported that no one is living in the garage. The girlfriend of Mike Harmon would like to pursue certification of a notary license. Mr. Fisher stated that the notary would have to be part of the business. Mr. Fisher issued a permit for a fence because of the family dogs and for security reasons.

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b) Woitsky Property at 108 Main Street: Mr. Fisher will issue a Notice to Vacate after the water is turned off tomorrow. Northampton County sheriff sale is scheduled for tomorrow, August 4, 2015.

- Cindy Fish entered the meeting at 9:04 PM.

c) Young Son, 425 Delaware Avenue was taken care of earlier in the meeting.

d) Harrison/Thomas Property, 505 Northampton Street. Mr. Fisher provided Property Maintenance Code (PMC) and Zoning issues for Solicitor Gaul's review.

e) Golden Property at 108 Division Street. There are still PMC and zoning violations. The property has become worse and unsanitary. Mr. Fisher stated that the property can be condemned.

f) Councilwoman Kenna questioned Mr. Fisher about residents who operate businesses from their home. Mr. Fisher stated that the home occupations are explained under Page V-5 of the new zoning ordinance. Mr. Fisher will review and get back to Ms. Kenna.

g) Discussed was a "Quality of Life Ordinance" with Solicitor Gaul explaining the process. Mr. Fisher stated that he was not in favor of the ordinance. Solicitor Gaul stated that citation fines would come back to the Borough not to the magistrate's office. Mr. Gaul stated that the ordinance has been a huge success in Allentown PA.

- Rick Fisher left the meeting at 9:28 PM.

Zoning Hearing Board:

1. One application was received for the Zoning Hearing Board and the appointment was approved earlier in the meeting.

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

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

None

Recreation Board:

1. The Bangor "Sting" Softball team has returned the key to the Portland Gymnasium. Mr. Brian Smith told the secretary that the team would not be using the gymnasium for the 2015-2016 season.

2. The Borough Community Picnic will be held on August 15th at the ball field with a free movie to begin at dusk.

3. The Borough Community Day has been rescheduled from October 3rd to October 17th with the rain date of October 18th. The committee will meet August 9th at 7:30 PM in the council chambers.

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4. President Steele reported that an FM Transmitter has been purchased for use at the free movie nights. The transmitter is then placed in a car.

5. The porta-potty at the Park & Walk Lot will be removed on August 22nd.

6. Ms. Cindy Fish stated that the National 911 Trail will have bikers riding through the Borough on September 19th in conjunction with the dedication of Wind Gap's Appalachian Trail Community. Veterans will be riding the Liberty Trail to New York. Councilwoman Fischer suggested that the Borough provide water to the bikers.

Planning Commission:

None

Portland Borough Water Authority:

None

Legal:

1. Mayor Prator reported that there is a Council of Governments (COG) meeting on August 5th and that he will be in attendance.

2. Mayor Prator stated a resolution in support of hiring an animal control officer through funding by the Northampton County DCED, in the amount of \$10,000.00, has the favor of the supporting COG membership. A Motion was made by Lisa Prator, 2nd by Heather Fischer adopting Resolution 2015-8 "A Resolution of Portland Borough Council in Support of the Filing of a Proposal for Funds with the Northampton County DCED". Motion carried: 5-0-0

3. Solicitor Gaul gave an overview of a rental property Ordinance and the appeal process.

4. Dirty Mac, LLC, Mr. Mario Palmeri, the snow removal issue has been resolved.

5. Municipal liens have been filed on the Woitsky property at 108 Main Street by Sewer Solicitor Timothy McManus, for Ms. Woitsky's failure to pay delinquent sewer service.

BAC-IDA:

None

Subdivision and Land Development:

None

Community Development and GOG:

Mayor Prator stated that he will be attending a class for the GIS Mapping System sponsored by the COG. Mayor Prator will report back at the next meeting.

Police Report:

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The July 2015 Police Report was presented by Mayor Prator. Incidents 23

1. Traffic citations issued 8; Non-Traffic citations issued 0; Criminal Arrests 2; Parking Tickets 0. Parking/Traffic 10; Theft 4; Warrants 1; Narcotics 1; Civil 1; Attempted Suicide 1; Disable Motorist 1; Suspicious Activity 1; Found Property 1; Assault 2. Vehicle mileage: Crown Ford Victoria 0; Ford Utility 653

Mayor's Report:

1. Officer Pursell is back on duty after training. Chief Mulligan is suggesting that one (1) more officer be hired.

2. Chief Mulligan spoke with John McCallum from Ultra Poly to utilize their weight and measure scales for truck enforcement. Mr. McCallum replied to Chief Mulligan that there is no problem with the Borough using the Ultra Poly scales. Chief Mulligan will meet with Mr. McCallum.

3. Mayor Prator stated that the police department is doing "fantastic", budget and ticket wise.

4. Mayor Prator replied to the LSA Grant with a list of Borough Officials.

5. Mayor Prator submitted the Borough's new zoning ordinance to the Lehigh Valley Planning Commission's (LVPC) second annual Lehigh Valley Awards to be held on October 1, 2015 at DeSales University, Center Valley PA.

Streets Department:

1. Mayor Prator stated that he has had no reply from anyone concerning signage for the county park property at the Portland Pedestrian Bridge.

2. Delaware Avenue needs repaving near the property of 515 Delaware Avenue. The asphalt is cracking.

3. A complaint was received from Stephanie Weidman at 609 Delaware Avenue concerning water that runs down Weidman Street and into her yard after a storm. Mayor Prator stated that installing sidewalks and curbing would solve the problem. No action was taken.

4. The secretary reported that the Borough received a severe winter 2014/15 adjustment in the amount of \$2,743.01.

Sanitation:

The secretary stated that she has written a letter to Ms. Kay Bucci that council and Waste Management have addressed the issue of the Waste Management garbage truck that is backing up onto her property at 112 Main Street and making ruts in the yard.

Insurance:

President Steele reported that the Portland Hook & Ladder Co. #1 has a safety committee. Per insurance company correspondence the fire company is entitled to a five per-cent (5%) discount

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off of their workers' comp insurance premium. President Steele stated that Jim Steele, assistant fire chief, is researching the matter.

Building Committee:

None

Budget/Finance:

The committee will soon start working on the 2016 budget. Council was reminded to send their wish list to committee members Bridget Kenna, Stephanie Steele or Susan McKean.

Ordinance Update Committee:

The committee is working on scanning the Borough ordinances for the electronic copies that will be posted on the Borough website. The committee is scanning the years 2008 to the present.

Council Policy & Procedure Committee:

None

Slate Belt Community Partnership (SBCP):

1. Councilwoman Heather Fischer attended the recent SBCP meeting on July 23rd. The SBCP wanted to know if Portland Borough planned on renewing their membership for 2016. Ms. Fischer stated that that was a council decision.

Comments from council:

- a) President Steele stated that the SBCP has no fund raising.
- b) President Steele stated that the Borough could create their own fund and do the work themselves.
- c) Councilwoman Prator stated that her vote to renew the membership is NO. Ms. Prator stated that she attended the first SBCP meeting and that the committee appeared to be very disorganized. Ms. Prator also stated that no one is sustaining the program.
- d) President Steele stated that Portland has to submit a before and after photo of the light pole hanging planters project for the Main Street Lehigh Valley grant. The project must be completed by December 31, 2015.

Correspondence:

None

Secretary Announcements:

1. The PSAB Fall Leadership Conference is being held on October 16-18 at Seven Springs Mountain Resort.

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2. The Borough has received \$100.00 worth of FREE light bulbs from Met Ed. Energy savings for commercial users.

Old Business:

1. Act 164 requires the naming of a Deputy Tax Collector. The deputy would serve in the event that the tax collector becomes incapacitated. A motion was made by Lisa Prator, 2nd by Heather Fischer appointing Diann Eden as the Deputy Tax Collector. Motion carried: 5-0-0
- a) The bonding insurance carrier stated to the tax collector that the deputy would not need a bond. The insurance carrier would need a copy of the deputy's appointment by council and that paperwork would be included in the tax collector's bond.

New Business:

1. A motion was made Bridget Kenna, 2nd by Brian Kardos authorizing the Borough of Portland Council to provide a letter of support to the Delaware Water Gap National Recreational Area's request for assistance from the National Park Service Rivers, Trails and Conservation Assistance Program that would be sent along with the completed application for community assistance. Motion carried: 5-0-0

- a) The purpose of this project is to complete the last six (6) miles of the 160 mile Liberty Trail, that begins at Liberty State Park in Jersey City, NJ and currently ends at the pedestrian foot bridge over the Delaware River between Portland PA and Columbia NJ.
- b) Ms. Fish asked if there are any other groups that the committee could obtain a grant from. The answer was NONE.

2. Mayor Prator reported that he spoke with Ms. Becky Bradley of the Lehigh Valley Planning Commission (LVPC) with regard to the COG, LVPC and Northampton County putting together a Slate Belt Regional Comprehensive Plan. Mayor Prator stated that it would not cost the Borough a cent. It would not replace the Borough's newly adopted comprehensive plan and it would be a benefit to Portland Borough. The plan would probably take two (2) years to complete. Grants have been secured from the Lehigh Valley Planning Commission and Northampton County. Mayor Prator stated he would receive more information after attending the next COG meeting.

3. Mayor Prator asked the secretary to send an expression of sympathy to Roseto Borough on the death of Roseto Councilman Philip Caiazzo.

Citizen's Non-Agenda:

None

Executive Session:

A motion to convene to Executive Session at 10:35 PM was made by Brian Kardos, 2nd by Heather Fischer. Motion carried: 5-0-0

Discussed: Personnel matters.

A motion to reconvene from Executive Session at 10:52 PM was made by Lisa Prator, 2nd by Brian Kardos. Motion carried: 5-0-0

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Adjourn:

A motion to adjourn the meeting at 10:53 PM was made by Lisa Prator, 2nd by Heather Fischer
Motion carried: 5-0-0

Respectfully Submitted By,

Carol

Carol A. Hummel, Secretary