

**BOROUGH OF PORTLAND
COUNCIL MEETING SEPTEMBER 12, 2016**

The Portland Borough Council Meeting of September 12, 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

Absent were Mayor Prator and Councilman Brian Kardos.

Others Present:

1. Michael Gaul, Borough Solicitor
2. Carol Hummel, Borough Secretary
3. Mark Bahnick, Van Cleef Associates, Borough Engineer
4. No members of the public present.

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 Steve Knott, 2nd by Bridget Kenna approving the minutes of August 1, 2016 as presented. Motion carried: 5-0-1 (Councilwoman Lisa Prator abstained)

Secretary/Treasurer's Report:

Carol Hummel

1. Bills Presented for Payment:

Borough Operations, Borough Add-On Bills & Borough Operations Already Paid:	31,141.56
Sewer Operations & Sewer Operations Already Paid:	16,690.16
Sanitation Operations & Sanitation Operations Already Paid:	4,700.82
Community Events:	285.27
Air Liquide/Voltaix Escrow	2,663.50
TOTAL	\$ 55,481.31
a) add the September payroll and payroll taxes:	9,000.00
b) add Sunoco Fleet Gas:	475.00
TOTAL ALL BILLS ABOVE PRESENTED FOR PAYMENT:	<u>\$64,956.31</u>

a) A motion was made by Bridget Kenna, 2nd by Yvonne Gumaer approving the payment of the bills, as presented, totaling \$64,956.31.

Discussion: Councilwoman Prator questioned the \$500.00 quarterly payment to the Totts Gap Art Institute for the Slate Belt Community Partnership (SBCP) membership. Ms. Prator asked "what is the Borough receiving for this membership?"

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The motion was amended by Ms. Kenna, 2nd by Ms. Gumaer to withhold the quarterly payment of \$500.00 payable to the Totts Gap Art Institute until the Borough is apprised of the SBCP Projects for the remainder of 2016.

AMENDED TOTAL ALL BILLS ABOVE PRESENTED FOR PAYMENT: \$64,456.31

Motion then carried: 6-0-0

b) The secretary reported that she is still paying the electric bill for the Recreation Fund (Portland Gymnasium) from the General Checking Account. The Recreation Fund Account has a balance of \$208.51. The August electric bill is \$70.80, double the normal cost due to running a dehumidifier in the building.

c) The secretary reported that she is unable to pay invoices, totaling \$2,663.50, which has been received for the Air Liquide/Voltaix Escrow Account due to not enough funds in the account. A motion was made by Bridget Kenna, 2nd by Heather Fischer authorizing the secretary to ask for additional funds in the amount of \$3,000.00. Motion carried: 6-0-0

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

PMC Violations:

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

Ms. Lebkuecher was not in attendance. Action was tabled on Ms. Lebkuecher's appeal.

A motion was made by Yvonne Gumaer, 2nd by Lisa Prator to postpone the violation hearing until Borough Council receives confirmation from the Zoning Codes Officer that the PMC Violations have been withdrawn. Motion carried: 6-0-0

Sewer Matters:

1. Custom Decorative Concrete (Todd Constantine):

i. Proposal for a sewer plant slab:	\$2,100.00
ii. Proposal for sewer plant steps:	<u>\$1,900.00</u>
TOTAL	<u>\$4,000.00</u>

A motion was made by Bridget Kenna, 2nd by Heather Fischer accepting the proposal of Custom Decorative Concrete to install a concrete slab and steps at the Wastewater Treatment Plant in the amount of \$4,000.00. Motion carried: 6-0-0

2. A motion was made by Lisa Prator, 2nd by Bridget Kenna approving the termination of water service to the property of William & David Lane, 529 Delaware Avenue, for failure to pay sewer service.

 a) Councilman Knott asked if the Zoning Codes Officer's condemnation enforcement of water shut-off for sewer can be billed to the Sewer Account instead of the Borough's General Account. Solicitor Gaul replied NO because Ms. Serfass is enforcing the PMC.

Motion then carried. 6-0-0

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3. President Steele asked Solicitor Gaul for advice concerning outstanding debts on old sewer and garbage accounts. Solicitor Gaul stated that he would review the accounts and reply back to Ms. Steele.

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

Park & Walk Restroom Facility Grant:

1.

a) Two bills that were approved on the bill list for Portland Contractor's site preparation of the restroom facility.

- i. a partial payment on the contract: \$12,000.00
- ii. payment to install floor drain not shown on the plans: \$ 1,160.00

President Steele reported that a "hiccup" occurred on the floor drain installation. Ms. Steele stated that the original restroom facility plan called for a floor drain but it was not on the plan that Mr. Bahnick signed off on as complete. Solicitor Gaul asked Mr. Bahnick if Olde Castle Pre-Cast, contractor for the restroom building, has given any discounts to the Borough. Mr. Bahnick replied that the Borough received approximately \$5,000.00 of free additional work provided by Old Castle Pre-Cast.

b) The balance due to Mt. Bethel Abstract, in the amount of \$808.99, for the recording and execution of the lot line adjustment consolidation plan and the water extension plan was approved on the bill list.

c) Approval to accept the proposal of Barry J. Hoffman Co., Inc. to furnish and install all electrical work on the restroom facility, in the amount of \$1,680.00.

d) Approval to accept the proposal of Custom Decorative Concrete (Todd Constantine) to install concrete sidewalks at the restroom facility, in the amount of \$4,600.00.

Discussion:

- i. Solicitor Gaul stated that the contractors need to agree to the prevailing wage and compensation act.
- ii. Ms. Steele questioned the prevailing wage and workers' compensation act for contractors Mr. Hoffman and Mr. Constantine because they are both sole/self-proprietors. Ms. Steele reported to council that the restroom facility project has gone over budget. Solicitor Gaul and Ms. Steele commented that the Hoffman and Constantine proposals might increase if both contractors agree to the prevailing wage and workers' compensation act.
- iii. Councilman Knott asked how much has been paid by the Borough's General Account towards the Restroom Facility. Ms. Steele replied approximately \$16,000.00, which includes Mr. Hoffman and Mr. Constantine.
- iv. Councilwoman Fischer commented that the Borough has announced that the restroom is being paid for by a grant. Now taxpayer monies are being used to fund the project because of being over budget.

A motion was made by Lisa Prator, 2nd by Yvonne Gumaer authorizing President Steele to execute the electrical contract with Barry J. Hoffman Co. for the Restroom Facility Project, not to exceed the amount of \$2,000.00. Motion carried: 6-0-0

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A motion was made by Lisa Prator, 2nd by Yvonne Gumaer authorizing President Steele to execute the concrete contract with Custom Decorative Concrete, for the Restroom Facility Project, not to exceed the amount of \$5,000.00. Motion carried: 6-0-0

A motion was made by Lisa Prator, 2nd by Heather Fischer approving the payment of \$71,503.00 to Old Castle Precast based on the terms of the contract and reimbursed monies received from the Commonwealth Financing Authority (LSA Grant).

a) Mr. Bahnick replied to the secretary's question that he has certified the site work of Portland Contractors at the Restroom Facility. The state has certified Old Castle Precast.

Motion then carried: 6-0-0

2. Ms. Hummel stated that she has contacted the Borough's insurance carrier to add the restroom facility to the policy.

- Mark Bahnick left the meeting at 7:50 PM.

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

Ms. Serfass was not in attendance. August 2016 Report.

1. Ms. Serfass did several drive through site visits. Many of the previous PMC violations are being handled even those who were reluctant.

2. Councilwoman Prator commented on the cost of Ms. Serfass time at \$51.50 per hour. Ms. Fischer replied that the Borough has been paying previous zoning officers with no results. The Borough now finally has results with Ms. Serfass.

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:

The Planning Commission has been reviewing the Air liquid/Voltaix final land development and storm water management supplemental report. The commission is in favor of the recommending the sewer part of the review but has tabled their review until the UMBT review is considered.

Portland Borough Authority:

1. The Portland Borough Authority's financial statements for the year ending March 31, 2016 are available for review on the council table.

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2. John McKernan, member of the Portland Borough Authority Board, can be removed at the October 3, 2016 council meeting for failure to attend the Board Meetings.

3. Steve Schoberl, member of the Portland Borough Authority Board, can also be removed at the October 3, 2016 council meeting if he misses the September Board Meeting of the Authority.

i. Mr. Schoberl's term on the Authority Board ends January 1, 2017. Borough Council will not pursue to remove Mr. Schoberl or reappoint Mr. Schoberl to the next (5) year term on the Board.

A motion was made by Yvonne Gumaer, 2nd by Steve Knott authorizing that a letter be sent to John McKernan notifying him that the Borough Council will be considering his removal from the Authority Board at the next council meeting of October 3, 2016. Motion carried: 6-0-1 (Heather Fischer abstained)

4. Correspondence was received from the Portland Borough Authority asking the Borough's permission to apply for a Local Share Grant (LSA), in the Borough of Portland's name, in the amount of \$400,000.00, in order to relocate the water line which runs through the State Street Bridge over the Jacoby Creek. PennDot has designated the bridge for repair or replacement in 2017.

a) A motion was made by Steve Knott, 2nd by Lisa Prator authorizing the Portland Borough Authority to apply for a Local Share Grant (LSA), in the Borough of Portland's name, for the amount of \$400,000.00, in order to relocate the water line which runs through the State Street Bridge over the Jacoby Creek.

i. Discussion: President Steele questioned that if the Authority applies for a grant will this affect the Borough applying for an LSA grant for the municipal building renovations. Ms. Steele replied that PA State Senator Mario Scavello stated to Ms. Steele that the Borough should apply for a \$100,000.00 grant.

c) The motion was suspended until further investigation by Councilwoman Prator.

- Cindy Fish entered the meeting at 8:06 PM.

Legal:

There was no discussion of a Solicitation Ordinance. Tabled until the October 3, 2016 council meeting.

Subdivision and Land Development:

None

Community Development, COG & Grants:

1. There is COG E-Cycle Event information in the council packets.

Community Events/Recreation Board:

1. The September 10th Community Yard Sale day was a success.

2. Community Day will be celebrated on October 15th from 11 AM to 4 PM.

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3. A motion was made by Lisa Prator, 2nd by Yvonne Gumaer to observe "Trick or Treat" in the Borough on Saturday October 29th from 4 to 6 PM. Following after will be refreshments, a costume contest and a Halloween themed movie at the Refiner's Fire Ministry, 100 Division Street. Motion carried: 6-0-0

a) The secretary will notify all the local free papers with a press release.

Back to the Portland Borough Authority: LSA Grant Application

Councilwoman Prator's investigation of the LSA Grant stated that "can apply as many times as you want for a grant". There is a \$100.00 application fee.

a) Added to the suspended motion (under Portland Borough Authority # 4a) by Mr. Knott, 2nd by Ms. Prator that the Borough of Portland will pay the \$100.00 application fee for the Portland Borough Authority with the understanding that the Portland Borough Authority will reimburse the Borough the \$100.00 fee. Motion carried: 6-0-0

b) A motion was made by Lisa Prator, 2nd by Heather Fischer authorizing the Borough of Portland to apply for a Local Shares Grant of Monroe County for the purpose of renovations/repairs to the Portland Municipal Building for the amount of \$125,000.00.

i. After questions from Ms. Fischer and discussion by Borough council the motion was amended by Ms. Prator, 2nd by Ms. Fischer that the Borough may utilize the services of the Borough Engineer to prepare the grant application; Councilwoman Heather Fischer will prepare and submit the grant application; the \$100.00 application fee will be paid by the Borough to the Commonwealth Financing Authority.

Motion then carried: 6-0-0

Police Report:

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

1. Traffic citations issued 14, in the amount of \$2,967.50; Non-Traffic citations issued 0; Criminal Arrests 0; Parking Tickets 0. Incidents 29: Parking/Traffic 14; EMS 2; Warrants 1; Mental Health 2; Criminal Mischief 0; Animal 0; General Complaint 0; Domestic 0; MVA 0; Suspicious Activities 1; Agency Assist 5; Fire Company 0; Harassment 1; Narcotics 1; Missing Person 1. Vehicle mileage: Crown Ford Victoria 0, Ford Utility 1,142

2. There was no estimate received on the purchase of an additional police weapon.

3. The Borough received \$5,870.99 in Weights & Measures fines for the month of August.

4. There is discussion by the Personnel Committee on making a police officer a senior patrolman.

5. Cindy Fish, from the audience, reported on a rumor about the police department at the railroad crossing because of the tubers exiting from the Delaware River. Ms. Hummel stated she witnessed the tubers crawling and pulling their rafts under a stopped railroad train. Ms. Hummel also stated that Barbara Duckloe Townsend had called the Borough Office looking for a policeman because she alleged that the tubers were damaging the Duckloe sign on the

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Delaware Avenue side of the Delaware River. Ms. Fish stated this could be a potential lawsuit for the Borough.

Mayor's Report:

None

Streets Department:

1. Report from Councilman Knott:

a) The Snow-Ice Contract bid specifications, that were already approved at a previous meeting, will be advertised in the Pocono Record.

b) Mr. Knott has a signed agreement with Plainfield Township for the use of their tar buggy to seal the cracks in various streets in the Borough. Part-time employee, Phil Karasiewicz, will tow the tar buggy while in use.

- Councilwoman Gumaer left the meeting at 8:43 PM.

c) Mr. Knott stated that various storm grates need repair and he is looking for a contractor who can lift out the grates.

d) Portland Contractors and the street department is still working on the patching of various streets with modified.

- Councilwoman Gumaer re-entered the meeting at 8:46 PM.

e) The secretary reported that she had contacted Frank Russo for permission to dump snow on his Hester Street property. Permission granted per a telephonic conversation.

f) Ms. Steele reported on the street signs that were "run over" by a tractor trailer at the corner of Northampton and Main Streets. Ms. Steele stated that Mr. Craig LaBarre witnessed the event but failed to get a license plate number or the name of the trucking company.

g) A written complaint was received from ORC Racing, 501 Delaware Avenue, with regard to a potential altercation between ORC Racing and the Nicoli/Alexandra Chocolate Shoppe business owner next door, over a public parking space. Ms. Gumaer suggested installing parking meters' downtown. Ms. Prator disagreed and stated that people should not be punished for coming into town and that (2) hour parking enforcement will not solve the problem either. Ms. Kenna suggested that business owners should instruct their tenants to park in the Park & Walk Lot. Solicitor Gaul replied that the Park & Walk Lot is not for tenant parking but for visitor parking. President Steele replied that if there is an altercation the police department should be called. No action was taken.

e) Mike's Auto: 208 Northampton Street:

Mike's Auto is parking cars from his garage on Borough property on Main Street, or using the Kearney property as part of its Mike's Auto business in apparent violation of the Borough Zoning Ordinance. The zoning officer will be requested to investigate the apparent zoning violation. Ms.

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Fischer will use her metal detector to try to locate the survey pin for the property line between the Borough's and Kearney properties.

f) Mr. Knott asked the secretary to contact the Slate Belt COG for the fall leaf vacuum schedule.

g) Mr. Knott will investigate the replacement of a "No Parking On This Side of the Street Sign" for Pennsylvania Avenue, per the request of Councilwoman Kenna.

Sanitation:

1. There will be an e-cycle event at the Washington Township Elementary School on October 22nd from 9 AM to noon. There is a cost for e-cycle.

2. Ms. Steele reported to council that the Sanitation Account may be borrowing monies from the General Account. The Sanitation Account is low in funds.

3. Ms. Steele asked Solicitor Gaul if the Sanitation Account could charge a penalty amount instead of accrued interest. Solicitor Gaul replied YES. Ms. Steele stated that this will be addressed by the Budget Committee

Building Committee:

1. The secretary asked if council would consider replacing the front door lock and key system with a keyless lock. Ms. Hummel stated that it has been difficult to locate a Schlage dealer to order the blank to make the keys. Council replied "not at this time" and advised the secretary to ask at Mt. Bethel Hardware and Home Depot.

2. Mr. Billie Golden suggested to the secretary that the Borough install a mail slot at the Borough building for sewer and garbage payments. Council replied "no". Payments can be made by mail or pay at the Borough office.

Budget, Finance, Insurance, & Cable TV Contract:

1. If council has an Item for the 2017 Budget that needs to be considered, please contact the committee as soon as possible.

2. The 2017 insurance is in the process of renewal.

3. Ms. Fischer asked that she be removed from the Budget Committee for personal reasons. Ms. Gumaer volunteered to take her place. The committee members are Stephanie Steele, Bridget Kenna and Yvonne Gumaer.

Ordinance Update Committee:

None

Council, Policy & Procedure Committee:

None

Slate Belt Community Partnership (SBCP):

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The SBCP will be discussed in Executive Session.

Correspondence:

Pen Argyl Borough asked for a letter of support for their application to the Northampton County 2017 Hotel Tax Grant to upgrade the façade of the Dentzel Carousél Enclosure at Weona Park. The secretary stated that the letter was due before this meeting so in consultation with President Steele the letter of support was written and mailed. A copy is in tonight's council meeting packet.

Secretary's Announcements:

Jeffrey Heishman, from the PSAB, called the Borough Office asking if there was anything council needs. Mr. Heishman would be glad to visit with anyone. Council replied that they may need help with the new ordinance book that will contain the secretary minutes.

Old Business:

There has been no interest from anyone for the cleaning of the offices of the municipal building. Ms. Prator and Ms. Gumaer volunteered to try to find someone.

New Business:

1. Councilwoman Gumaer attended the LVPC 2016 Municipal Professionals Meeting on Thursday, September 1st at the LVPC Office, Bethlehem, PA. Ms. Gumaer stated that the discussion on medical marijuana was very informative and interesting. It will be up and running November 1, 2017.

2. Ms. Cindy Fish reported on the Rails to Trails Alliance. The (4) foot berm for the bicycle's is already in place in Columbia NJ.

Executive Session:

A motion was made by Lisa Prator, 2nd by Bridget Kenna to adjourn to executive session at 9:58 PM. Motion carried: 6-0-0

Discussion: legal matters discussed with Solicitor Gaul.

A motion was made by Steve Knott, 2nd by Yvonne Gumaer to reconvene from executive session at 10:50 PM. Motion carried: 6-0-0

Other Business:

The secretary presented a proposal from Innovative Control Solutions, in the amount of \$1,258.16, for the installation of an automatic feed pump for the WWTP. In the event of a power outage the pumps will automatically restart based on added set of control components. A motion was made by Heather Fischer, 2nd Steve Knott accepting the proposal provided, that Innovative Control Solutions will provide a (2) year warranty at no charge. Motion carried: 6-0-0.

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Action Taken from Executive Session:

A motion was made by Heather Fischer, 2nd by Steve Knott authorizing Solicitor Gaul to seek documentation from the Slate Belt Community Partnership (SBCP) with regard to the municipal agreements when established by the SBCP. Motion carried: 6-0-0

Adjourn:

The next meeting of the Portland Borough Council will be on October 3, 2016 at 7:00 PM.

A motion to adjourn the meeting at 10:56 PM was made by Yvonne Gumaer, 2nd by Bridget Kenna. Motion carried: 6-0-0



Respectfully Submitted by,

Carol A. Hummel

Carol A. Hummel, Secretary