

**BOROUGH OF PORTLAND
COUNCIL MEETING SEPTEMBER 14, 2015**

The Borough Council Meeting of September 14, 2015 was called to order at 7:00 PM by Stephanie Steele, President of Borough Council.

Council Members Present:

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

Council Members Absent:

Susan McKean will be late.

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 August 3, 2015, as presented, was made by Bridget Kenna, 2nd by Brian Kardos. 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: | 13,695.59 |
| Community Events Account | 129.15 |
| Sewer Operations & Sewer Operations Already Paid: | 17,953.37 |
| Sanitation Operations & Sanitation Operations Already Paid: | 4,674.82 |
| Recreation Fund - electric service July 2015 | 31.90 |
| Recreation Fund – electric service August 2015 (paid from Borough Operations) | 62.83 |
| TOTAL | \$36,547.66 |

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 500.00

c. Solicitor Gaul stated that the Catalano Bankruptcy invoice #102354, in the amount of \$1,838.50 from King, Spry, Herman, Freund & Faul should not be paid until the Portland Borough (Water) Authority has their monthly meeting and either approves or declines to pay their portion of the legal costs associated with the bankruptcy. The revised expenses for the Borough Operations are **\$11,857.09**.

TOTAL ALL BILLS ABOVE PRESENTED FOR PAYMENT: \$41,209.16

A motion was made by Lisa Prator, 2nd by Bridget Kenna approving the August 2015 financial report and the bills presented for payment in the amount of \$41,209.16. Motion carried: 6-0-0

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d. The secretary reported that the Garbage Account has been loaned \$5,000.00 from the Real Estate Tax Account.

e. The secretary reported that the Sewer Checking Account has been loaned \$20,000.00 from the Real Estate Tax Account.

Citizen's Agenda:

Sherman LaBarre & Margie Bush: PUMP Food Pantry

Mr. LaBarre explained that the food pantry has grown and is now serving 150 families per week. The pantry wants to add a 60' to 70' handicapped ramp which will cost approximately \$20,000.00. The pantry would like erect a building on the Borough's public lot at 105 Division Street where a small garage stands. Mr. LaBarre stated that if PUMP would cease to exist the PUMP building would revert to the Borough. PUMP will be responsible for all expenses. Mr. LaBarre stated that his goal is in memory to his late daughter, Sherma Godshalk.

President Steele questioned the responsibility for insurance coverage. Solicitor Gaul replied that he would have to research the Borough Code. Ms. Bush stated that PUMP has liability insurance. Councilman Knott asked the size of the building and Mr. LaBarre replied 40' by 60' with an add-on rear garage of 20' by 40'. The Borough Engineer, Mark Bahnick, asked the cost. Mr. LaBarre replied that an insulated pole barn would cost approximately \$38K, not counting the floor. Mr. Bahnick suggested that Mr. LaBarre have a plan prepared and get a contractor's estimate and bring that back to council. Mr. LaBarre stated that the only setback is a drainage issue.

Ms. Steele asked if there is a water connection on the site. Mr. LaBarre stated YES, inside the garage and that PUMP would be responsible for the water and sewer connections. Mr. LaBarre stated that first he will have to find the property markers. Solicitor Gaul asked about financing the project. Mr. LaBarre stated that he has had many offers of donations and there would be no financing. Solicitor Gaul stated that PUMP would need a lease from the Borough. No action was taken.

Ron Angle: RE: Mike's Auto at 208 Northampton Street

Mr. Angle stated that he owns all the adjoining property around 208 Northampton Street. Mike's Auto now has a towing business and has installed a fence around the property. Mr. Angle stated that the garage business is a non-conforming use in a residential district but that the business is grandfathered. Mr. Angle complained that the fence looks like "heck". Mr. Angle asked if the fence was there legally or illegally. Solicitor Gaul replied that the fence was permitted. Mr. Angle also complained because the fence was installed on the property line. The Borough Engineer, Mark Bahnick, and President Steele replied to Mr. Angle that council would refer his comments to the Zoning Codes Officer, Rick Fisher. Mr. Angle then left the meeting.

President Steele stated that she thought Mr. Angle came to the meeting to complain about the dogs at 208 Northampton Street. Ms. Steele reported that she had numerous complaints about the dogs barking. Councilwoman Prator stated that the dogs are scary and appear aggressive. Ms. Prator stated that Mike's Auto is misusing the property. President Steele stated that the only ordinance that can be enforced is the Nuisance Ordinance. Mayor Prator replied that he has been researching noise ordinances and has found one from Hazelton PA that references just

Comment [C1]: Correct & add to the sentence "by operating a towing service" 10-05-2015 council meeting

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about every noise there is. Solicitor Gaul suggested that, in order to expedite the matter, Mayor Prator and he will prepare and advertise a noise ordinance for consideration at the Borough Council's next regular meeting, based on the Hazelton Ordinance. The Borough Council could then decide at its meeting whether to enact the ordinance, or table it for additional revisions.

Councilwoman Susan McKean entered the meeting at 7:55 PM.

A motion was made by Lisa Prator, 2nd by Heather Fischer authorizing Solicitor Gaul to advertise a draft Noise Ordinance as presented and discussed per the contents of the Hazelton PA Noise Ordinance for consideration of adoption at the next council meeting of October 5, 2015. Motion carried: 6-0-1 (Susan McKean abstained due to arriving late)

Sewer Matters:

Catalano Properties: 108-112 State Street

1. The Catalano Properties are now current with their sewer and garbage accounts because the appointed receiver has paid the bills to date.

2. The fees for Solicitor Gaul, associated with the Catalano bankruptcy, also included work done for the Portland Borough Authority (PBA). The PBA Solicitor has requested that Attorney Gaul make an initial filing for the PBA in the bankruptcy. Thereafter, Attorney Gaul had continued to make filings for the benefit of both the Borough and PBA until an order for relief from the bankruptcy had been obtained.

Ultra Poly Corporation:

No update on the discussion with Ultra Poly concerning the recycling of water from the WWTP.

Sewers Connections:

Mr. Young Son, owner of 425 Delaware Avenue, has not responded to any of the mailings notifying him to connect to the Portland Sewer. Mr. Son did accept the certified mailing.

Mr. David Keller, owner of 400 Jacoby Creek Road, has not responded to any of the mailings notifying him to connect to the Portland Sewer. Mr. Keller did not accept the certified mailing. Solicitor Gaul stated that he would contact Mr. Keller.

409 Delaware Avenue:

Solicitor Gaul and Engineer Mark Bahnick discussed the proposed sewer connection to 409 Delaware Avenue. The Uniform Construction Inspector can review the plans for the sewer connection. Solicitor Gaul stated that if there is no lateral present at the site then the work would have to stop. Mr. Patel has paid the \$1,000.00, which was requested by Borough Council, for the sewer lateral escrow account.

Borough Engineer's Report:

1. Mark Bahnick reported on the Precast Restroom Facility (LSA Grant) that is to be constructed at the Park & Walk Lot on Delaware Avenue. Mr. Bahnick has researched several firms with

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regard to pricing. Mr. Bahnick stated that one (1) company in Pennsylvania makes the precast. Solicitor Gaul and Mr. Bahnick will work out the technicalities of the land swap with Mr. John Vallance, owner of 106 State Street. Mr. Vallance was in attendance. Solicitor Gaul stated that the Borough and Mr. Vallance should enter into a preliminary agreement with regard to the land swap. Mr. Bahnick stated that he has enough information to move forward.

2. The Waste Management #100469 PAE Profile for the sludge container at the WWTP has been approved.

3. There are no issues with the DEP.

- Mark Bahnick left the meeting at 8:21 PM.

Zoning Officer Report:

1. There was no report from Mr. Fisher only correspondence that Mr. Fisher is closing Fisher Environmental Services and will not be available to provide zoning and sewage services to the Borough after December 31, 2015. Mr. Fisher has accepted fulltime employment in Pocono Township PA, Monroe County. Mr. Fisher will complete projects/violations that are still active. Borough Council discussed potential firms and candidates. Solicitor Gaul suggested the firm of Tim Edinger and SFM Consulting (Shawn McGlynn). They will be contacted by council through telephone calls.

2. Mr. Fisher has provided the MSDS (Material Safety Data Sheet) survey to the WWTP Operator, Mr. Craig LaBarre.

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

No permits were issued for the month of August.

Zoning Hearing Board:

None

Recreation Board:

1. September 20, 2015 at 8:00 AM the National 911 Trail bicycle riders will leave Delaware Water Gap and ride/stop in Portland to promote awareness of the National 911 Trail.

2. The Borough Community Day has been rescheduled from October 3rd to October 17th with the rain date of October 18th. The time is 11:00 AM to 4:00 PM with a town wide yard sale from 8:00 AM to 2:00 PM.

3. President Steele suggested that "Trick or Treat" be held on Saturday October 31st (the actual day of Halloween) instead of the usual Sunday afternoon. Ms. Steele stated that the committee would like to have a parade and movie. Hot dogs will be provided after by the Refiner's Fire Ministry Church. Councilwoman Prator's concern was that the children who trick or treat in Portland that come to Portland from Bangor and Mount Bethel may not ~~want to attend because~~ the date is changed. Councilwoman Fischer stated that she thought it would be a good idea to have trick or treat on October 31st because it is on Halloween. A motion was made by Susan

Comment [C2]: Delete "want to attend because" & correct to "realize"
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McKean, 2nd by Bridget Kenna to schedule Halloween from 4:00 PM to 6:00 PM on Saturday October 31, 2015. Motion carried: 7-0-0
In case of rain the festivities can be held at the Portland Gymnasium or the Portland Hook & Ladder Social Hall (per approval from the fire department).

4. Filo's Tree Service has volunteered to bring their company wood chipper to the Portland Ball Field, after the Christmas season, so that residents can recycle their Christmas trees.

5. Councilwoman Prator suggested that from now until the spring of 2016 council research the planting of a tree downtown near the current large pine tree that is on the Donna Zalepa property on Delaware Avenue. Ms. Zalepa has the property for sale. It was also suggested that the pine tree that is presently located at 105 Division Street, on the property of the old carnival stand, could be moved downtown. No action was taken.

Planning Commission:

None

Portland Borough Water Authority:

None

Legal:

A Petition to Vacate Unimproved Sections of East Market Street and North Coffin Alley by James and Stephanie Steele was presented to Borough Council. Solicitor Gaul stated that a hearing would have to be scheduled within fifteen (15) days of notice to the adjacent property owners. If the petition is granted then an ordinance would be adopted at the same time. A motion was made by Susan McKean, 2nd by Steve Knott to move ahead with the petition.

Discussion: A comment was made by Hubert McHugh 207 Market Street on the possibility of vacating the "paper street" by property owned by him. Solicitor Gaul replied that Mr. McHugh would not necessarily have to file a petition but could simply come before council and request that an ordinance vacating the street be enacted. Ms. Steele stated that their petition was filed because she is the President of Council and wanted everything clean and legal. Ms. Steele also stated that she and her husband, Jim, would pay all the costs that are incurred by the Borough. Motion carried: 6-0-1 (S. Steele abstained)

BAC-IDA:

None

Subdivision and Land Development:

None

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Community Development and GOG:

Mayor Prator stated that Ms. Lori Sywensky of Northampton County and Ms. Becky Bradley requested to meet with council tonight with regard to the proposed Slate Belt Regional Comprehensive Plan. Mayor Prator stated that tonight was not a good idea.

Police Report:

The August 2015 Police Report was presented by Mayor Prator. Incidents 31

1. Traffic citations issued 8; Non-Traffic citations issued 0; Criminal Arrests 7; Parking Tickets 0. Parking/Traffic 9; Theft 2; EMS 2; Trespassing 2; Warrants 1; Noise Complaint 1; MVA 1; Disable Motorist 1; Civil 1; Assault 2; Agency Assist 4; Harassment 1; Narcotics 3; Missing Person 1. Vehicle mileage: Crown Ford Victoria 0; Ford Utility 965

Mayor's Report:

1. Met with John McCallum from Ultra Poly to discuss utilization of their weight and measure scales for truck enforcement. Mr. McCallum requests a "hold harmless agreement" between the Borough and Ultra Poly. A motion was made by Heather Fischer, 2nd by Lisa Prator authorizing Solicitor Gaul to prepare a draft hold harmless agreement to be reviewed by the Ultra Poly attorney before it is presented to council for adoption. Motion carried: 7-0-0

3. Mayor Prator stated that the police department needs more storage space because their evidence locker is full. Council suggested the vacant upstairs Boy Scout room. Additional security cameras would need to be purchased, one (1) for inside the room and one (1) for outside the room. Chief Mulligan will look at the room to see if the police can utilize it.

4. Chief Mulligan is still looking for another part-time officer.

5. Mayor Prator stated that he attended the Lehigh Valley Chamber of Commerce Awards Dinner for the presentation of the \$1,000.00 Main Street Award that was given to the Borough for the purchase of hanging flower planters for the Borough downtown street lamps.

Streets Department:

1. Councilman Knott reported that there are serious storm drain issues by the Walter Emery property on Delaware Avenue.

2. De-icing salt has been ordered for the winter season 2015-2016. Cinders are being ordered directly.

3. A handicapped parking spot application was received from 214 State Street.

4. Mr. Knott asked if \$1,000.00 is available for the fall leaf pick-up. A tentative date of November 16th & 17th is scheduled.

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Sanitation:

Ms. Kay Bucci, 112 Main Street:

Councilwoman McKean reported that she read the current Waste Management contract and there is nothing specific concerning damage to properties. Ms. Prator stated that she spoke previously to the Waste Management truck driver and thought the problem had been corrected. Ms. Prator stated that a letter should be sent to Ms. Bucci requesting that she be present at the October 5th council meeting and present proof that the Waste Management garbage truck damaged her property. A Waste Management representative will be asked to attend.

Mayor Prator stated that he had received complaints about the garbage not being collected on Jones Avenue and Bruce Street. It was explained that the garbage truck could not drive the truck through these streets because of low hanging communication lines. Mayor Prator called the telephone and cable companies and the issue was resolved by the lines being raised to accommodate the garbage trucks.

Insurance:

None

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.

President Steele stated that the WWTP Operator's contract expires December 31, 2015.

Ordinance Update Committee:

None

Council Policy & Procedure Committee:

None

Slate Belt Community Partnership (SBCP):

1. Northampton County DCED has offered a round of community improvement grants. The SBCP is applying for \$20,000.00 for façade grant funding. The SBCP is asking for a resolution of support from Borough Council. A motion was made by Susan McKean, 2nd by Bridget Kenna adopting Resolution 2015-9 "A Resolution in Support of the Filing of a Proposal for Funds with the Northampton County DCED in the amount of \$20,000.00, to Offer Facade Improvements Grants to Commercial Properties Within the Targeted Areas of the Downtown Business District as per the Policies and Procedures of the SBCP's Façade Program.

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Discussion: Councilwoman Prator questioned the grant and resolution. Ms. McKean replied that council is just supporting the grant not applying for the grant. Motion carried: 7-0-0

2. President Steele reported the SBCP, in their latest email, stated that they wanted to know that the participating municipalities had budgeted their \$10,000.00 membership for the next five (5) years. Mayor Prator commented that the SBCP is applying for a five (5) year state designation program.

- a) Mr. Kardos asked who the participating municipalities were.
- b) Mr. Knott stated he would vote NO to join.
- c) Ms. Prator stated that she has not seen any rewards for the Borough.
- d) Ms. McKean stated that the SBCP is looking into how to make Portland a National Park town.

3. A motion was made by Lisa Prator, 2nd by Heather Fischer not to rejoin the SBCP for 2016.

Comments/Questions:

- a) Cindy Fish in the audience asked if the Borough residents could be polled. Is that an option?
- b) Ms. Steele replied that the SBCP wants an answer by September 30th.
- c) Mayor Prator suggested that the Borough rejoin for 2016 or for the next five (5) years but only at the annual contribution rate of \$2,000.00, which would be the equivalent to the per capita contributions of the other partnering municipalities.

The motion was amended by Ms. Prator, 2nd by Ms. Fischer that the Borough rejoins the SBCP for 2016 but only at the contribution rate of \$2,000.00, which would be equal to the other municipalities' per capita contributions. Motion carried: 7-0-0

- d) The secretary will draft the letter to Ms. Sharon Davis, SBCP.

4. President Steele stated that the lamp post planters grant project needs to be completed by December 31st. The Borough will spend \$2,000.00 to be reimbursed \$1,000.00 from the grant. Two (2) residents have volunteered to erect the planters. Ms. Steele stated that a water sprayer needs to be ordered at a cost of \$200.00. Council discussed on which lamp posts the planters would be hung. A motion was made by Lisa Prator, 2nd by Susan McKean authorizing the order of one (1) water sprayer for the lamp post baskets in the amount of \$200.00 and two (2) more lamp post planter baskets at a cost of \$188.00 each. Motion carried: 7-0-0

Correspondence:

Telephone calls from Mid Atlantic Energy Service and CLEAResult energy supplies. No action taken.

Secretary Announcements:

1. The secretary reported that when her computer died Mr. Jim Steele came to the Borough office to review the damage. A new refurbished computer was purchased and installed by Mr. Steele. The secretary suggested that Mr. Steele be compensated for his time. Mr. Steele's wife, Stephanie, stated that Jim would probably not accept a monetary payment. A thank you letter

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with a gift card was suggested and the amount discussed. Mr. Kardos suggested \$200.00. Solicitor Gaul stated that a Borough check should be issued and that Mr. Steele could return it if he wished.

2. President Steele reported on the bees that infiltrated the Borough office last week. Ms. Steele contacted the Lehigh Valley Beekeepers Association for a list of beekeepers. The bee's nests were sprayed and the opening to the nests was calked. There was also a hornet's nest above the doorway into the outside cellar entry that was sprayed.

Old Business:

The zoning "Best Practices" that was added to the new 2016 zoning ordinance has had no comments from council. The secretary asked permission to pay the outstanding invoice to Community Planning LLC and to close out the FY-CDBG 2011 Grant. A motion was made by Lisa Prator, 2nd by Brian Kardos authorizing the secretary to pay the outstanding invoice to Community Planning LLC, in the amount of \$1,500.01, and to close the FY- CDBG 2011 Grant. Motion carried: 7-0-0

New Business:

Council decided to meet 7:00 PM for a Workshop Session on Monday September 28th to discuss the proposed Slate Belt Regional Comprehensive Plan with Ms. Sywensky, Northampton County CDBG, and Ms. Bradley, Lehigh Valley Planning Commission. This is an informational meeting only.

Citizen's Non-Agenda:

None

Executive Session:

A motion to convene to Executive Session at 10:00 PM was made by Lisa Prator, 2nd by Steve Knott. Motion carried: 7-0-0

Discussed, pending legal matters with the Solicitor.

A motion to reconvene from Executive Session at 10:13 PM was made by Lisa Prator, 2nd by Susan McKean. Motion carried: 7-0-0

Adjourn:

A motion to adjourn the meeting at 10:14 PM was made by Steve Knott, 2nd by Susan McKean. Motion carried: 7-0-0

Respectfully Submitted By,

Carol A. Hummel, Secretary