

BOROUGH OF PORTLAND
COUNCIL MEETING OCTOBER 5, 2015

The Borough Council Meeting of October 5, 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, Borough 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 September 14, 2015 with the following corrections was made by Steve Knott, 2nd by Bridget Kenna. Page 2 last paragraph at the bottom, add to the following sentence "Ms. Prator stated that Mike's Auto is misusing the property by operating a towing service"; Page 4 last paragraph at the bottom delete from Ms. Prator's comment "want to attend", concerning trick or treat, and correct to "realize the date is changed". Motion carried: 6-0-0

- Councilwoman Susan McKean arrived at the meeting at 7:06 PM.

Secretary/Treasurer's Report:

Carol Hummel

1. Bills Presented for Payment:

Borough Operations, Borough Add-On Bills & Borough Operations Already Paid:	17,989.00
Community Events Account	69.65
Sewer Operations & Sewer Operations Already Paid:	13,078.87
Sanitation Operations & Sanitation Operations Already Paid:	4,772.82

TOTAL ALL BILLS ABOVE PRESENTED FOR PAYMENT:

\$35,910.34

A motion was made by Lisa Prator, 2nd by Heather Fischer approving the September 2015 financial report and the bills presented for payment in the amount of \$35,910.34. Motion carried: 6-0-0

Citizen's Agenda:

Mike's Auto: Rose Harmon, 208 Northampton Street

Solicitor Gaul questioned Ms. Harmon with regard to the mailbox that Mike's Auto installed on Main Street. The Harmon's are now having their mail delivered through the Mount Bethel PA

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Post Office to the above mail box instead of the Post Office Box at the Portland Post Office. Solicitor Gaul asked Ms. Harmon who determined where the mailbox should be placed. Ms. Harmon replied that it was the Mount Bethel and Portland Postmaster who made that determination. Solicitor Gaul stated he would talk to the Upper Mount Bethel Post Office because the location of the mailbox is not good. If the post office says that the mailbox be moved, then Ms. Harmon agreed that the mailbox does not have to be on Borough property.

Solicitor Gaul then asked Ms. Harmon if she had ever looked where the street Right-Of-Way was located and Ms. Harmon stated that she did not understand. Solicitor Gaul then explained that parking a vehicle such that part of it extended into the street right-of-way area could be dangerous and that a towing truck parked at Mike's Auto had been parked such that it almost went into the paved street area. Ms. Harmon explained that the truck had been repaired. Ms. Harmon replied that Solicitor Gaul should send a letter of explanation to Mr. Harmon.

Proposed Noise Ordinance 2015-4:

Solicitor Gaul stated that the ordinance was advertised and copies were sent to the Northampton County Law Library. Solicitor Gaul explained that if a dog is barking continually for (10) ten minutes or intermittently for half an hour that is a violation. Councilwoman Fischer asked Mr. Gaul how the ordinance can be enforced. Solicitor Gaul replied that in the case of a barking dog a person would have to testify that the dog was barking for ten (10) minutes, and that the person would need their watch on to time the barking. The individual should also call the Borough police, if they are on duty, to witness the event as well.

A motion was made by Susan McKean, 2nd by Steve Knott adopting Ordinance 2015-4 "An Ordinance of the Borough of Portland, County of Northampton and Commonwealth of Pennsylvania, regulating excessive noise and sources of noise in the Borough, and providing the purpose and scope of the ordinance, definitions, prohibited acts, exceptions, enforcement remedies for violations, and for other miscellaneous matters". Motion carried: 7-0-0

Sewer Matters:

1. Katherine Futchko: 104 Ruth Street

Ms. Futchko was absent but sent a letter of request that the borough mail her sewer billing statement on the fourth Thursday of the month because she receives her Social Security payment on the fourth Wednesday of the month. Council took no action and stated that numerous similar requests have been previously made and that there are no exceptions to the date of the sewer billing statements.

2. Rakesh Patel: 409 Delaware Avenue

- a) Mr. Patel has still not applied for a sewer connection permit.
- b) A motion was made by Steve Knott, 2nd by Brian Kardos that when the sewer permit is applied for the cost will be deducted from the \$1,000.00 escrow account. After that, the Secretary can then return the balance in the escrow account to Mr. Patel. Motion carried: 7-0-0
- c) Mayor Prator stated that the Patel Hardware Store at 405 Delaware Avenue is for sale. Susan McKean replied that it may be the business is for sale not the building. Mayor

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Prator explained the process of the connection of the water main lateral at 409 Delaware Avenue and that the Water Superintendent is not comfortable with the layout of the proposed water and sewer lines. Mayor Prator stated that the Portland Borough (Water) Authority (PBA) will be sending a letter to Mr. Patel requiring him to restore the sidewalk to original condition after the installation of the lines. Mayor Prator asked if the Borough would do the same. Councilwoman Prator asked if there was a sidewalk ordinance that the Borough could refer to. Solicitor Gaul replied that he would contact Peter Layman, Solicitor to the PBA, that the Borough needs a written agreement from Mr. Patel that the sidewalks be restored.

3. Sandnes Subdivision: Portland Industrial Park

The secretary reported that the Borough is waiting for the escrow monies from Mr. Sandnes so that the Borough Engineer can move forward with the review of the sanitary sewer project for the development and final approval of the subdivision.

4. Joshua Son Property: 425 Delaware Avenue

Solicitor Gaul spoke with Mr. Son today. Solicitor Gaul stated that he would be writing a letter to Mr. Son with regard to moving forward with the reinforcement of the building and the application of a building permit. Mayor Prator stated that the time frame to have the work completed was (45) forty-five days and that time has long passed. Mayor Prator stated why pass an ordinance if it is not enforced. Solicitor Gaul stated that the next step is the Notice of Condemnation to Mr. Son by Mr. Fisher. President Steele asked if a new zoning officer is in place will that person be able to continue the process. Solicitor Gaul stated that legally the process could continue but that certain difficulties could arise if there was a change in personnel. The consensus of Council was that Solicitor Gaul should contact Mr. Fisher to send out the Notice of Violation under the Property Maintenance Code (PMC).

5. WWTP (3) Three Year Agreement:

President Steele stated that the agreement for the operation of the Wastewater Treatment Plant between the Borough and Portland Contractors, Inc. expires December 31, 2015.

6. Sandnes & Ultra Poly Sewer Reservation Annual Fees:

The secretary reported that the invoices for the annual reservation fees will be in the mail tomorrow.

Borough Engineer's Report: Mark Bahnick

1. The Park & Walk Restroom Facility budget was updated and approved by the funding agency. The project was finalized with a single ADA handicap accessibility bathroom facility. The building is all pre-cast with one company in the Co-Stars System. (see breakdown and budget attached to these minutes).
 - a) A lot line adjustment is underway with a survey being done of both the Borough and the John Vallance properties. A letter of agreement between the Borough and John Vallance will be prepared by Solicitor Gaul. Water service will be extended from Mr. Vallance's property with water service being jointly owned and maintained by Mr. Vallance and the Borough.

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- b) Solicitor Gaul will prepare a letter of agreement between the Portland Borough Authority (Water) and the Borough approving the line to be jointly maintained by the Borough and Mr. Vallance.
- c) The schedule of installation for the restroom is April/May 2016.

2. Sandnes Development:

- a) Previously discussed.

3. Ultra-Poly Corp:

- a) Nothing to report on the recycling of water from the WWTP.

- Mr. Bahnick left the meeting at 7:55 PM.

Zoning Officer Report:

1. Mike's Auto:

Discussed earlier under Citizen's Agenda.

2. Baby Sitting Service:

Councilwoman Prator reported to council that a Twenty-Four Hour Baby Sitting Service is listed on Angie's List. Ms. Prator will send the information to council.

3. Thrift Store:

The secretary reported that Ms. Janet Futchko was in the office for a permit application to open a thrift store in the former Bucci Flag Store.

- 4. Mayor Prator has been contacting potential candidates for the position of zoning officer. Mayor Prator stated that he has had no response.

UCC Report:

No permits were issued for the month of September.

Zoning Hearing Board:

None

Recreation Board/Community Events:

- 1. Everyone was thanked who participated in the Inaugural September 11th Memorial Trail Bike Event.
- 2. Community Days will be observed on Saturday October 17th from 11 AM to 4 PM with a town wide yard sale from 8 AM to 2 PM.

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3. Trick or Treat will be observed in the Borough on Saturday October 31st from 4 PM to 6 PM. Refiner's Fire Ministry will treat all to hot dogs at 6 PM and a Free Halloween Movie will be shown at 6 PM at the Wm. Pensyl Social Hall.

Planning Commission:

Petition to Vacate: James & Stephanie Steele, Coffin Alley & Market Street

1. Solicitor Gaul addressed the comments provided by the Planning Commission in regards to the proposed vacation of portions of Market Street and Coffin Alley.
 - a) Solicitor Gaul spoke about the survey and he would like to add a Meets and Bounds description to the survey. Solicitor Gaul wants a map description of the area of the vacated area.
 - b) The railroad will always have private rights on the property.
 - c) Some of the neighboring property owners have signed the vacation but not all have signed. The neighbors will be notified of a public hearing.
 - d) The Borough needs utility access.
 - e) Solicitor Gaul did not believe that a lot line adjustment application would typically have to be made. In most cases a property owners' property rights extends into the middle of the street or alley.
 - f) Solicitor Gaul will contact Attorney Ron Karasek for an opinion letter on who the adjoining owners are.

Portland Borough Authority:

None

Legal:

None

BAC-IDA:

None

Subdivision and Land Development:

None

Community Development & GOG:

1. A porta-potty is being ordered for the Community Day Event and will be kept at the site until the end of the month.
2. Mayor Prator reported on the Upper Mount Bethel & Bangor Borough Housing Rehabilitation Home Program. If Portland would like to be involved the cost is \$2,000.00 per household which would be paid by the Borough and administered through the Slate Belt Council of Governments (COG). Council discussed the program and no action was taken.

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3. Portland Borough was honored at the October 1st 2015 Lehigh Valley Award for Plan, Planning Policy or Ordinance. The Borough entered the newly adopted 2015 Zoning Ordinance and received Honorable Mention and a framed certificate.
4. In August Mayor Prator and Councilman Steve Knott attended the Main Street Initiative dinner.
5. The Borough was contacted by Lori Sywensky, Northampton County CDBG, with an invitation from Congressman Matt Cartwright's office to a forum on "Bringing Rail Service to Northeastern PA via the NJ Transit System". The event will be held October 13th from 2 PM to 3:15 PM at The Inn at Pocono Manor. Councilman Brain Kardos volunteered to attend.
6. Ms. Cindy Fish wants to apply for a historical marker for the Borough's State Street Bridge and asked if anyone would be willing to help. There is no cost and the application is due December 31, 2015. Councilwomen Heather Fischer, Lisa Prator and Mayor Prator volunteered.

Police Report:

The September 2015 Police Report was presented by Mayor Prator.

1. Traffic citations issued 9; Non-Traffic citations issued 0; Criminal Arrests 1; Incidents 16; Parking/Traffic 10; Parking Tickets 1; Theft 2; EMS 2; Suspicious Activity 1; Harassment 1; Vehicle mileage: Crown Ford Victoria 0; Ford Utility 737

2. A letter of resignation was received from Officer Leighton Pursell. A motion to accept the resignation of Officer Pursell, effective immediately, was made by Susan McKean, 2nd by Steve Knott. Motion carried: 6-1-0 (Lisa Prator voted NO)

3. Chief Mulligan received a resume for a part-time police officer and recommended him to the Personnel Committee. The committee will interview the candidate, Mr. Stacy Smith, on October 7, 2015 at 5:00 PM. A motion was made by Lisa Prator, 2nd by Heather Fischer authorizing the hiring of Mr. Smith, if the committee likes him, for up to twenty (20) hours per week at the rate of \$15.00 per hour. Motion carried: 7-0-0

Mayor's Report:

1. A motion was made by Susan McKean, 2nd by Lisa Prator authorizing President Steele to execute "The Use and Indemnification Agreement between the Borough of Portland and Ultra-Poly, Corp. for the use of Ultra-Poly's truck weight scales as part of the Borough's Law enforcement activities". Motion carried: 7-0-0

The agreement will be sent to Ultra-Poly for their signature.

2. Evidence Storage Room: Mayor Prator stated that the police will be using the old Boy Scout room upstairs in the municipal building for additional evidence storage. The lock on the door will be changed and a security camera will be installed on the inside and outside of the room.

3. Mayor Prator reported that he attended the recent Bangor Borough Council Meeting. Mayor Prator stated that the meeting agenda had six (6) items for discussion and lasted 3 ½ hours. Mayor Prator stated that the Portland Council covers a lot more on their agenda for a once a month meeting. Mayor Prator stated that Bangor meets twice a month.

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Streets Department:

1. Street Department part-time laborer, Gunner Eden, has verbally resigned to Councilman Knott and Bob Shaw. The Borough needs someone to help Bob Shaw, street department laborer, with the annual leaf pick-up and for other general duties.

2. The curb side leaf vacuum pick-up is scheduled for November 16th and 17th. The Borough rents the vacuum vehicle from the Slate Belt COG at \$75.00 per day. A motion was made by Susan McKean, 2nd by Lisa Prator authorizing Councilman Steve Knott to execute the leaf vacuum contract and for payment to be made to the Slate Belt COG in the amount of \$150.00 for the rental agreement. Motion carried: 7-0-0

a) Mr. Knott stated that he has acquired the services of Ultra-Poly Corp. to pull the leaf vacuum with their truck but that he still needs two (2) people to help at curb side with the leaves.

3. Mr. Knott reported that the Streets Department is no longer using Mac Mobile for their vehicle service/repair. The department has set up an account with Lewis Auto in Mount Bethel, PA.

4. Mr. Knott stated that he found a company that pre-mixes the cinders/salt for winter road maintenance. 60 % salt and 40% cinders for \$1,330.00.

5. The Street Department installed a handicap sign for Ms. Colleen Allen's mother of 214 State Street. Ms. Allen has a dispute with her neighbor and would like council to place her mother's disability placard number on the sign. No action was taken.

Sanitation:

1. The damage to the property at 112 Main Street by the Waste Management refuse truck has been resolved by the Borough's area supervisor, Bill Buskirk. Waste Management handles all resident's complaints directly through the property owner and the Borough is not involved.

2. The Garbage Billing Clerk, Diann Eden, is struggling with the monthly payment of the contracted garbage service and has been borrowing monies from the Real Estate Tax Account. Ms. Eden states that she is not getting timely payments from the property owners. Solicitor Gaul stated that the garbage bill can be adjusted to higher or lower fees. Councilman Knott stated he was not in favor of raising the yearly garbage fee.

- Councilman Kardos left the meeting at 9:05 PM and returned at 9:06 PM.

a) Sanitation Chairman Lisa Prator will coordinate with Ms. Eden about sending a letter to all the garbage customers.

Insurance Committee:

1. Councilwoman McKean reported that forms are being filled out for the 2016 renewal of the insurance policy.

2. The Portland Hook & Ladder Co. #1 name has been corrected on the Workers' Comp policy.

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Building Committee:

None

Budget/Finance:

1. CD #401110360, in the amount of \$28,168.07, will renew on October 22nd. All council members agreed that the CD should roll-over.

2. Borough Computer: President Steele explained that her husband Jim cannot accept payment or gifts because of his job. Mr. Steele has volunteered his time to the repairing of the Borough computers. The office will send Mr. Steele a thank you card.

a) The second refurbished computer was returned and President Steele stated that a new computer would cost between \$500.00 to \$600.00. A motion was made by Susan McKean, 2nd by Heather Fischer authorizing President Steele to purchase a new computer at a cost of up to \$600.00. Motion carried: 7-0-0

Ordinance Update Committee:

The committee stated to add \$300.00 to the 2016 budget item list for a new required mechanical ordinance book and paper.

Slate Belt Community Partnership (SBCP):

1. Mayor Prator reported that the reason he attended the recent Bangor Borough Council meeting was to get information about the SBCP and whether Bangor was joining for 2016. Previously, Portland has offered to join for 2016 but in the amount of \$2,000.00 not the asked for amount of \$10,000.00. Portland is waiting on a response form the SBCP.

2. The water sprayer and two (2) more baskets and liners have been ordered for the planter baskets for the downtown lamp posts. Plants for the baskets will be ordered by Ms. Steele.

Correspondence:

1. The Miracle League of Northampton County asking for financial support.

2. The Bangor Slater Band Boosters sent correspondence asking for donations for their Third Annual Basket Bingo and Tricky Tray Event. Councilwoman Fischer put together a basket and donated it on behalf of the Borough.

Secretary's Announcements:

The secretary will be taking a vacation day on Monday October 12, 2015.

Old Business:

None

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New Business:

1. President Steele stated to council that the daughters of the late Mary Jane Starner have donated their mother's original Portland 1885 map and two (2) Portland Bridge prints to the Borough.

2. Mayor Prator reported that Becky Bradley of the Lehigh Valley Planning Commission and he walked and guided sixty-five (65) University of Penn graduate students whose projects are working on how to get people into small towns. He spent about two (2) hours touring Portland with the students. The students also toured Bangor, East Bangor and Delaware Water Gap. These students are quite involved with Open Space.

3. Mayor Prator thanked King, Spry, Herman, Freund & Faul for sponsoring the Borough's table at the 2015 Lehigh Valley Awards dinner.

Citizen's Non-Agenda:

None

Executive Session:

None

Adjourn:

The next council meeting is November 2, 2015. A motion was made by Lisa Prator, 2nd by Susan McKean to adjourn the meeting at 9:50 PM. Motion carried: 7-0-0

Respectfully Submitted by,

Carol A. Hummel, Secretary

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