

BOROUGH OF PORTLAND  
COUNCIL MEETING MARCH 6, 2017

The Portland Borough Council Meeting of March 6, 2017 was called to order at 7:00 PM by Stephanie Steele, President of Borough Council.

Council Members Present:

Stephanie Steele \* Bridget Kenna\* Steve Knott \*Heather Fischer \*Yvonne Gumaer

- Councilman Brian Kardos was absent due to illness.
- Councilwoman Lisa Prator 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. Stephen Reider, Director, Slate Belt Rising
6. Members of the Public

Ordinance 2017-2:

The Creation of a Shade Tree Commission and Adoption of Rules and Regulations for the Planting, Maintenance and Removal of Shade Trees within the Borough.

a) Solicitor Gaul's review of the ordinance:

- i. who can be on the Shade Tree Commission
- ii. an ordinance is needed to exercise the power of the commission
- iii. create a plan where the trees are in the community
- iv. identify the trees and plan for new trees
- v. property owners affected in the right of way will maintain those trees

- Councilwoman Lisa Prator entered the meeting at 7:07 PM.

b) Kay Bucci: 104 Division Street

- i. Delaware Water Gap, PA has a tree planting every year
- ii. need an inventory and identify the trees
- ii. grant money is available for trees
- iv. Ms. Bucci volunteered to sit on the committee

c) Philip Karawiecz: 102 Division Street

- i. owns and operates Filo Tree Service
- ii. volunteered in an advisory capacity

d) Solicitor Gaul:

- i. the Borough should identify with someone who is already successful
- ii. the cost should be established
- iii. there is no money without a plan in place
- iv. once established, a permit will be needed to do any work on a shade tree

e) The proposed draft ordinance was tabled for more research.



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Resolution 2017-6:

Adopt Resolution 2017-6 "Authorizing an Application to the Pennsylvania Municipal Assistance Program Through the Pennsylvania Department of Community and Economic Development (PA-DCED) to Assist the Slate Belt Council of Governments (SB-COG) in the Creation of the Slate Belt Multi-Municipal Comprehensive Plan" and approve a Letter of Certification for an Application to the Pennsylvania Municipal Assistance Program.

A motion was made by Lisa Prator, 2nd by Heather Fischer, adopting Resolution 2017-6. Motion carried: 6-0-0

Action on Minutes:

A motion was made by Steve Knott, 2<sup>nd</sup> by Yvonne Gumaer approving the minutes of February 6, 2017, as presented. Motion carried: 5-0-1 (Stephanie Steele abstained)

Secretary/Treasurer's Report: Carol Hummel

1. Bills Presented for Payment:

Borough Operations, Borough Add-On Bills & Borough Operations Already Paid	14,592.70
Sewer Operations & Sewer Operations Already Paid:	12,381.06
Sanitation Operations & Sanitation Operations Already Paid:	4,812.70
Sandnes Land Development	87.75
Air Liquide/Voltaix	32.00
Liquid Fuels Account	16,641.11
Community Events Account	192.52
<b>TOTAL</b>	<b>\$ 48,739.84</b>

a) add the March payroll and payroll taxes:	9,000.00
b) add Sunoco Fleet Gas:	400.00

**TOTAL ALL BILLS ABOVE PRESENTED FOR PAYMENT: \$58,139.84**

A motion was made by Bridget Kenna, 2<sup>nd</sup> by Yvonne Gumaer approving the payment of the bills totaling \$58,139.84.

a) a question from Mayor Prator concerning the Sandnes and Air Liquide/Voltaix Accounts and how they are paid. The secretary stated they are paid from their individual escrow accounts.

Motion then carried: 6-0-0

a) **NOTE:** The Recreation Fund/ Portland Gymnasium electric service for January 2017, in the amount of \$35.02, was paid from the General Account.

b) **NOTE:** The Recreation Fund/ Portland Gymnasium electric service for February 2017, in the amount of \$41.06, was paid from the General Account.



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Public Comment: The (5) minute rule applies.

1. Penny Conway: 502 Delaware Avenue

a) Police Assisted Addiction Recovery Initiative:

- i. Ms. Conway explained this is another program for addicts, help instead of handcuffs.
- ii. If you look at the facts and there is no help for the addict then this program can be accessed right away.
- iii. Ms. Conway stated that she is certified to the program.
- iv. There is plenty of information on where and when it is working.
- v. Ms. Conway has spoken with the Bethlehem City Chief of Police, Mark DiLuzio, and Chief DiLuzio is willing to come and speak with council.
- vi. Councilwoman Fischer stated that she would like more information.
- vii. President Steele asked Ms. Conway if the Bethlehem City Police Chief could attend a workshop meeting for discussion with council. Ms. Steele stated that she would like Portland Police Chief Robert Mulligan to attend.
- viii. The fourth Monday of every month was advertised previously in the yearly schedule of meetings, if another meeting is needed.
- ix. Council and Ms. Conway agreed to meet Monday, March 27, 2017 at 7 PM.

2. Richard Bush:

- a) 400 Jacoby Creek Road, formerly the Ronald Smith Property now owned by David Keller.
- i. Mr. Bush has spoken with Mr. Keller concerning purchase of the property.
  - ii. Discussed with council that the property is not connected to the sanitary sewer.
  - iii. The tapping fee is outstanding in the amount of \$1,500.00.
  - iv. The connection requires a grinder pump.
  - v. The lateral connection is on the corner of State Street and Jacoby Creek Road.
  - vi. The Borough Engineer, Mark Bahnick, advised Mr. Bush that when drawing up his plans for the property to include the sewer connection.
  - vii. Councilwoman Prator stated that she was appreciative to Mr. Bush for inquiring about the property and suggested that Mr. Bush research what is owed on the property.

3. Stephen Reider: Director, Slate Belt Rising, a program of the Community Action Committee of the Lehigh Valley (CAVLV).

- a) Slate Belt Rising has replaced the Slate Belt Community Partnership (SBCP), a revitalization program for the Slate Belt.
- b) Stephanie Steele, Lance Prator and Heather Fischer are members of the Steering Committee. The committee meets at (6) PM the second Thursday of the month at the Bangor Borough Offices, 197 Pennsylvania Avenue, Bangor PA.
- c) The difference between the SBCP and Slate Belt Rising is that the program is funded through Northampton County, the State of PA and private commercial donations. The participating municipalities supply no funding.
- d) Portland is in line for projects done this year.

3. Kay Bucci: 104 Division Street

- a) Discussion was held about the replacement of the front door of the "Pokey".



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i. Jason Abbott, a Portland Hook & Ladder Fire Co. member, provided an estimate for the replacement of the door.

iii. composite door - \$1,700; install gutters - \$1,300.

iv. wood door - \$775; install gutters - \$1,300

b) President Steele explained that since there are no gutters on the building the water that runs off the roof has rotted the bottom of the door.

c) Ms. Bucci replied that she was opposed to gutters; the building should be kept in its original state of 1877. Ms. Bucci suggested that when not in use a piece of plexi-glass could be installed over the door to protect it from the elements.

d) Ms. Bucci also suggested that the Borough should seek more than (1) estimate for the repair.

4. Kay Bucci: 104 Division Street

a) Ms. Bucci complained that a property owner on Coffin Alley behind her rental house on Main Street has approximately (10) chickens. Ms. Bucci complained about the smell. President Steele informed Ms. Bucci that chickens are a permitted use per ordinance. Ms. Bucci asked if the property owner could be cited under the Nuisance Ordinance. Solicitor Gaul stated that the chickens are an allowable use and if Ms. Bucci files a complaint then she must provide documentation. The Zoning Officer will be contacted by Ms. Steele to investigate.

Sewer Matters:

1. Discussion about requiring purchase orders for sewer expenses. The Billing Clerk, Ms. Eden, requests that Portland Contractors, Inc. provide purchase orders for purchases for the WWTP. The secretary will send a letter to Portland Contractors, Inc. stating that purchase orders are required.

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

1. Sewer Matters:

a) The WWTP is performing well

2. Park & Walk Restroom Facility:

a) The Restroom Facility LSA Grant is in the process of being closed out.

3. PA Bagel & Deli -Dunkin Donuts:

a) There is nothing new to report on the proposed Dunkin Donuts Project.

- Mr. Bahnick left the meeting at 8:27 PM

Zoning Officer Report:

1. Ms. Serfass was absent but sent her report and invoice via email. The report is on file.



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2. 305 State Street:

The RV that has been discharging wastewater into Jacoby Creek has been investigated and the complaint resolved by the Sewage Enforcement Officer, Ott Consulting, Inc.

3. 202 Division Street:

The property has been sold at mortgage foreclosure and the new owner applied for and received a permit to repair the sidewalks. The Sidewalk Ordinance requires inspection by the Borough Engineer after completion. The sidewalk permit fee is \$40.00. Ms. Steele's concerns are that it is costing the Borough more money than the fee of the permit for the services of the Zoning Officer and Borough Engineer and that those service costs should be included in the permit fee.

- i. Councilwoman Prator replied that there are many sidewalk ordinances and that they need to be updated and more standardized. Ms. Steele replied that the Borough should not be looking for a profit but that the fees should be according to the actual cost.

2. Mayor Prator and Fire Chief Jim Potter reported that Police Chief Mulligan and Chief Potter investigated the huge "tipi" located behind the Riverview Cemetery on Hillcrest Drive. Chief Potter stated that he did not know if the "tipi" was flammable but that council should be made aware that this could become a discriminatory issue. Councilwoman Prator replied that her concern was that it might be a fire hazard because it is located amongst trees.

UCC Building Inspectors Report:

None

Zoning Hearing Board (ZHB):

No hearings scheduled.

Planning Commission:

None

Portland Borough Authority (PBA):

1. A motion was made by Bridget Kenna, 2<sup>nd</sup> by Lisa Prator authorizing the purchase of the PBA's 1998 GMC Dump Truck for \$1.00 plus the cost of title transfer and tags. Motion carried: 6-0-0

2. Agreement Regarding Restoration of Previously Discontinued Water Service:

Solicitor Gaul stated that he reviewed the agreement and is presenting it to council for approval. The PBA Board has approved the agreement and a representative for the PBA has already signed it.

Discussion: President Steele's concern is the part-time hours of operation of the PBA Office for the restoration of water service to sewer customers. When water service is disconnected or re-connected, due to delinquent sewer accounts, the Sewer Billing Clerk is required to notify the PBA Administrative Assistant by letter. Chairman Prator and Vice Chairman Potter replied that when the Administrative Assistant is not available



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in the PBA Office Chairman Prator or Vice Chairman Potter will honor an email letter by scan to restore the water service. Mr. Potter stated that the PBA has (72) hours to re-connect the water service.

A motion was made by Bridget Kenna, 2<sup>nd</sup> by Lisa Prator approving the Agreement Regarding Restoration of Previously Discontinued Water Service. Motion carried: 6-0-0

Legal:

1. A Draft Medical Marijuana Ordinance, for the regulation of medical marijuana, was presented by Solicitor Gaul for review.

a) Councilwoman Yvonne Gumaer stated that she attended a free program, sponsored by the Meyner Center at Lafayette College, on the Legalization of Marijuana and Its Effects on Municipalities on February 1, 2017.

b) Solicitor Gaul stated that a hearing must be held for comments.

c) Solicitor Gaul stated that it is unlikely that a grower's warehouse would be built because there is not a parcel big enough at 3K square feet. A dispensary could be built on either the previous Cramer's property or the Hester Street property.

No action was taken on the adoption of the ordinance. A motion was made by Lisa Prator, 2<sup>nd</sup> by Bridget Kenna directing the secretary to send the draft ordinance to the Portland Planning Commission and the Lehigh Valley Planning Commission for review and comments. Motion carried: 6-0-0

2. No action was taken concerning an ordinance for the regulation of mini cell towers.

3. Solicitor Gaul reported that the Upper Mount Bethel Township (UMBT) Solicitor, Ron Karasek, wants changes made to the Intergovernmental Cooperation Agreement by and Among Delaware Water Gap and Portland Boroughs and Upper Mount Bethel Township regarding the establishment of the Liberty-Water Gap Trail, PA Extension Alliance.

4. A motion by Lisa Prator, 2<sup>nd</sup> by Yvonne Gumaer approving the 2017 Portland-UMBT Softball Agreement.

Discussion:

i. A porta-potty is not reflected in the agreement and should be clarified in a letter sent along with the signed agreement.

Motion carried: 6-0-0

Subdivision and Land Development:

None

Community Development, Slate Belt COG & Grants:

1. Mayor Prator stated that he is not in favor of residents having to pay to e-cycle their electronics when the COG pays for the E-Cycle Event through municipalities dues. Mayor Prator stated that the Borough could hold their own event or e-cycle to another municipality's event.

2. Ms. Christine Mammi has taken over the Animal Control Officer (ACO) position since the passing of Sue Henn.



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- i. Ms. Steele asked if Ms. Mammi has been sworn in as the ACO.
- ii. Mayor Prator replied NO, that the ACO covers (2) different districts so she must be sworn in by each district.

3. The next COG meeting will be held on March 22<sup>nd</sup> at the Slate Belt Chamber of Commerce Office.

4. Executive Director Scott Parsons is continuing work on the Emergency Management Plan.

Community Events/Recreation Board:

1. The annual Easter Egg Hunt will be held 1:00 PM, Saturday, April 8, 2017 on the Portland Ball Field.

2. The Pet Parade and Awareness Event will be held April 29 from 1 to 4 PM.

3. Mayor Prator reported that he presented a program at the Slate Belt Heritage Center, Bangor, PA on "Slate Quarries, Then and Now".

Police Report:

The February 2017 Police Report was provided in writing by Chief Mulligan:

1. The report has been placed on file.

2. Mayor Prator:

- Mayor Prator has sworn in Officer Miller.
- Freemansburg Borough has hired Officer Smith for full time employment but Officer Smith is staying with Portland Borough at minimum hours.

Mayor's Report:

1. Attended a Grant Workshop: an official zoning map is needed for next year.

2. Mayor Prator will issue "Mayor Proclamation-Power 21" started by "Mothers Against Drunk Driving (MADD)". The kick-off "21 Days in Support of 21" begins April 1, 2017.

3. Attended a webinar on the topic of social media, sponsored by Brown & Brown.

4. Recommends the continuing zoning and planning education presented by the LVPC Gov't Academy: total cost of \$400.

5. Spoke at the Bangor GFWC Women's Club about Portland and the Delaware River National Geo Tourism.

6. All candidates petitions for the May 16 Primary Election are filed at the Northampton County Government Center, Easton, PA.

7. The Eagle Scout recipients from Montgomery Township, NJ, were very appreciative of their Portland Resolution presentations at their Eagle Scout ceremonies.

8. Attended the UMBT Supervisors Meeting about the Intergovernmental Cooperation Agreement by and Among Delaware Water Gap and Portland Boroughs and Upper Mount Bethel Township for the establishment of the Liberty-Water Gap Trail, PA Extension Alliance. The next meeting of the UMBT Supervisors is Monday, March 13 at 7 PM

- Councilwoman Gumaer left the meeting at 8:34 PM.



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Streets Department:

1. Report from Councilman Knott:

- a) The Borough has received their 2017 Liquid Fuels Allocation in the amount of \$18,162.38.
- b) The cost to purchase 3x5 American Flags with wooden poles was discussed by council.
- i. Portland will be hosting the 2017 American Legion Memorial Day Parade.
  - ii. The current flags are embroidered stars and stripes.
  - iii. Walmart has a packaged poly-cotton flag and steel pole set for \$9.88. No sewn stars and stripes.
  - iv. Bangor Hardware has quoted a price of \$33.00 for a nylon anti-furl flag with sewn stars and stripes, including a (5) foot pole.
  - v. On-line USFlagsStore.com has the sewn stars and stripes flag with pole for \$53.00 minus a 20% discount.
  - vii. Councilman Knott and Mayor Prator then decided to drive to "The Flag Store", 2361 Route 209, Sciota PA to price flags.
- c) A motion was made by Lisa Prator, 2<sup>nd</sup> by Bridget Kenna authorizing Councilman Knott to purchase (10) 3x5 American Flags and poles at a cost not to exceed \$1,000K. Motion carried: 6-0-0
- d) Mayor Prator stated he needs a more solid price from Green Pond Nursery for the rubber certified mulch for the municipal playground.
2. The secretary has a letter of request to the DRJTBC asking if they will once again sweep the streets of Portland during the month of April.

Sanitation:

1. Councilwoman Heather Fischer reported that the Dr. Pepper/Keep America Beautiful Recycling Bin Grant was submitted.
2. The secretary presented the 2016 delinquent garbage accounts, in the amount of \$2,783.64, for approval for collection by District Court 03-3-03. Councilwoman Prator questioned the amounts of \$11.50 owed by Brian & Anita LaBar and \$68.90 owed by Melissa Knox and suggested these amounts be forgiven since they are under \$100.00. The secretary explained that all delinquent garbage accounts are sent multiple letters when the accounts are in arrears. These same property owners are notified that a civil complaint will be filed against them in District Court for failure to pay. Ms. Hummel explained that it is these same property owners who are delinquent year after year. A motion was made by Lisa Prator, 2<sup>nd</sup> by Bridget Kenna authorizing the secretary to file civil complaints against the 2016 delinquent garbage accounts, except for LaBar and Knox who will be filed against in 2018 when their accounts total more than \$100.00.
- a) Mayor Prator asked if the delinquent property owner pays the court fees. Ms Hummel replied YES.
- Motion then carried: 5-0-0



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Building Committee:

1. The cleaning personnel's last day of work is March 7, 2017. She would like to return to her duties after she has recuperated from childbirth. The consensus of the council members present was that the cleaning personnel was approved for (6) weeks of unpaid leave starting from the time of the birth of her baby.

2. Mr. Knott will secure estimates from other contractors for the replacement of the "Pokey" door.

Budget, Finance, Insurance, & Cable TV Contract:

1. Salary increases for Borough Employees will be discussed in Executive Session.

2. President Steele will be investigating the cost of (1) new desktop and (1) laptop computer for the Police Department.

Ordinance Update Committee:

None

Personnel, Council Policy & Procedure Committee:

None

Slate Belt Rising Committee:

- The committee meets the second Thursday of the month.
- Done earlier under Public Comment.

Correspondence:

- Meyner Center Internship Program (in your packet)
- LVEDC Events: Annual Meeting, Thursday, March 23, 5-7 PM, Arts Quest Center at SteelStacks, Bethlehem PA.

Secretary's Announcements:

1. Ms. Hummel will be out of the office on Tuesday, March 14, 2017 to attend the Philadelphia Flower Show.

2. The secretary asked again for a cut-off date for public comment on the council meeting agenda. The secretary stated that she received (3) requests this afternoon for this evening's meeting.

a) A motion was made by Steve Knott, 2<sup>nd</sup> by Heather Fischer that the cut-off for public comment at the beginning of the council meeting will be noon Friday before the regular scheduled council monthly meeting.

i. Discussion: Those requests calling after the cut-off time will be entitled to speak at the public comment provided at the end of the council meeting after Executive Session.

Motion carried: 5-0-0



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Old Business:

1. A new (11) gallon garbage receptacle has been purchased for the inside of the Park & Walk Lot Restroom Facility.

New Business:

1. Mayor Prator stated that he is unable to attend the Tornado Awareness AWR-326 Course on June 2, 2017, that is being presented by the Northampton County EOC, Nazareth PA.

Executive Session:

A motion was made by Lisa Prator, 2<sup>nd</sup> by Steve Knott to convene to executive Session at 10:09 PM. Motion carried: 5-0-0

Discussion: Personnel

A motion was made by Lisa Prator, 2<sup>nd</sup> by Steve Knott to reconvene from Executive Session at 10:23 PM. Motion carried: 5-0-0

No Action taken from Executive Session.

Other Business:

The Mayor's Reception Dinner will be sponsored by Solicitor Gaul on April 11, 2017 at SteelStacks, Bethlehem, PA.

Adjourn:

The next council meeting will be held on April 3, 2017 at 7:00 PM. A motion was made by Lisa Prator, 2<sup>nd</sup> by Steve Knott to adjourn the meeting at 10:25 PM. Motion carried: 5-0-0

Respectfully Submitted by,

*Carol A. Hummel*

Carol A. Hummel, Secretary

