

BOROUGH OF PORTLAND
COUNCIL MEETING APRIL 3, 2017

The Portland Borough Council Meeting of April 3, 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 *Yvonne Gumaer *Lisa Prator *

Heather Fischer and Brian Kardos were absent for personal reasons.

Others Present:

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

Action on Minutes:

A motion was made by Bridget Kenna, 2nd by Steve Knott approving the minutes of March 6, 2017, as presented. 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:	6,798.87
Sewer Operations & Sewer Operations Already Paid:	22,040.21
Sanitation Operations & Sanitation Operations Already Paid:	5,080.03
TOTAL	\$ 33,919.11

a) add the April payroll and payroll taxes:	9,500.00
b) add Sunoco Fleet Gas:	425.00

TOTAL ALL BILLS ABOVE PRESENTED FOR PAYMENT: \$43,844.11

A motion was made by Bridget Kenna, 2nd by Yvonne Gumaer approving the payment of the bills totaling \$43,844.11. Motion carried: 5-0-0

Public Comment:

Merchants Bank: Mount Bethel Office, Jill Lutrie, Manager

Ms. Lutrie was absent.

Bangor Area Middle School:

Madison Knight-Pearson, Student and Teacher, Tamara Utess

Madison Knight-Pearson stated that this year marks the BASD Middle School 14th Annual Community Pride Clean-Up Day which will be observed on Wednesday May 24, 2017 from

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10:30 AM to 1:30 PM. Rain date is scheduled for Thursday, May 25, 2017. The Borough Council agreed to provide the supplies that are needed.

- Borough, purchase flowers and mulch.
- Borough, provide snacks, safety vests and gloves.
- King, Spry, Herman, Freund & Faul (Solicitor Gaul), bottled water.

Mayor Prator thanked Ms. Knight-Pearson and Ms. Utesch and stated the Borough is happy to have you back again.

Sewer Matters:

1. A letter of complaint was received from Donald Cawley, Jr., 708 Delaware Avenue, with regards to the posting of his property due to delinquent sewer payment. The Portland Borough Authority (PBA) also received a letter of complaint. Solicitor Gaul stated that the PBA responded with a letter and that the Borough should do the same. Solicitor Gaul will edit the Borough's letter before it is mailed to Mr. Cawley.

2. William & David Lane: 529 Delaware Avenue

a) A motion was made by Lisa Prator, 2nd by Yvonne Gumaer authorizing the water shut-off notice for 529 Delaware Avenue for non-payment of delinquent sewer. Motion carried: 5-0-0

i. It was noted that the property is being shut-off of water service by the PBA.

ii. The Borough was made aware that the water shut-off and shut-on fees has been increased to \$55.00 per each shut-on and shut-off effective January 1, 2017. That cost is added to the water/sewer customer's billed invoice.

Borough Engineer's Report: Mark Bahnick

1. Mr. Bahnick informed council earlier in the day that he would be late to the meeting.

Zoning Officer Report:

1. Ms. Serfass was absent. No report was provided.

2. President Steele reported to council that she met with Ms. Serfass this past Friday, March 31, 2017. Ms. Steele stated that the complaint received at the March 6, 2017 council meeting from Ms. Kay Bucci was addressed with Ms. Serfass. The complaint concerned a property owner on Coffin Alley who owns approximately (10) chickens. Ms. Steele stated that the chickens are grand-fathered since they have been on the property before the new zoning ordinance was adopted. Ms. Serfass stated to Ms. Steele that she would visit the property to make sure the area is being kept clean will also send a letter to the property owner.

Zoning Hearing Board (ZHB):

1. No hearings are scheduled.

a) Chairman Hubert McHugh reported that a ZHB application was received but has since been pulled back by the property owner.

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CO & UCC Building Inspectors Report:

- None

Planning Commission:

1. The Portland Planning Commission reviewed the proposed Zoning Ordinance Amendment to Ordinance 2015-1, Regulations for Medical Marijuana Facilities.

a) Comments from the Planning Commission:

- i. The 8 AM to 8 PM hours might be extended to 9 PM.
- ii. The ordinance should specify if there is any restriction on days to be open, i.e., holidays.

2. The Lehigh Valley Planning Commission (LVPC) reviewed the proposed Zoning Ordinance Amendment to Ordinance 2015-1, Regulations for Medical Marijuana Facilities.

a) Comments from the Lehigh Valley Planning Commission:

- i. Recommends that the Borough and its Solicitor review the nature of grower/processor facilities and whether they are comparable to other permitted uses in the Mixed Commercial District either by right or through Special Exception. If these facilities are deemed to be comparable, then the LVPC recommends that the Borough list the uses included in under the definition "Medical Marijuana Facility" individually and assign grower/processor facilities to the same use category as comparable uses.

A motion was made by Lisa Prator, 2nd by Yvonne Gumaer authorizing Solicitor Gaul to revise the proposed Zoning Ordinance Amendment to Ordinance 2015-1, Regulations for Medical Marijuana Facilities; for the revised draft ordinance to be sent to the Portland Planning Commission and the LVPC for further review; and for Solicitor Gaul to advertise for a public hearing on the ordinance. Motion carried: 5-0-0

Portland Borough Authority (PBA):

Chairman Prator stated the PBA has partnered with Merchants Bank and will be taking payments for water service by Merchants Bank credit card.

Legal:

1. Sewer rentals will be discussed in Executive Session.

2. Solicitor Gaul commented on the attachment of Exhibit "A" to the Slate Belt Council of Governments minutes of March 22, 2017. Exhibit "A" is the proposed Intermunicipal Agreement between the members of the Slate Belt COG to create the proposed Slate Belt Comprehensive Plan Project. Solicitor Gaul stated that the participants will form a Steering Committee consisting of (3) members from each municipality. The participants are applying for a \$20,000 grant from the Northampton County DCED. The LVPC will administer the DCED funds. No action was taken.

- Mark Bahnick entered the meeting at 7:26 PM

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Borough Engineer's Report: Mark Bahnick

Sewer Report:

- a) The Chapter 94 report has been completed for the DEP and was submitted on March 30, 2017. The report shows that approximately one-third of the WWTP capacity is presently being used.
- b) The WWTP Operational Staff believes that a liner on one of the treatment tanks has come loose. The tank manufacturer is investigating.
- c) Plant operations were good for the month of March.

Park & Walk Restroom Facility:

- a) The facility is ready for an ADA evaluation by the Building Code Inspector.

PA Bagel & Deli – Proposed Dunkin Donuts:

- a) There has been no activity.

Subdivision and Land Development:

Mayor Prator reported that information from PA State Senator Mario Scavello revealed that there are "big" plans for the old Met Ed Property on Marshfield Drive off River Road in Upper Mount Bethel Township.

- Mr. Bahnick left the meeting at 7:34

Community Development, Slate Belt GOG & Grants:

1. Correspondence was received from the Commonwealth Financing Authority that the Borough's application for financial assistance under the Local Share Account (LSA) Program was denied due to demand exceeded the available funding.

2. The minutes of the February 22, and the March 22, 2017 COG meetings are in the council packet.

3. Mayor Prator reported that council is invited to the Slate Belt Heritage Center on April 23, 2017 for the Homefront Magazine Presentation "Letters to Homefront Magazine". The time is 2 to 4 PM.

4. The next meeting of the Northampton County COG will be held Wednesday, April 26, 2017 at the Northampton County Human Services Building, 2801 Emrick Blvd. Bethlehem, PA at 11:30 AM.

4. Mayor Prator stated that Tolino Vineyards will be hosting the student's designers of the University of Pennsylvania/LVPC/Slate Belt COG Pop-Up Exhibit, on May 12, 2017 from 5 to 8 PM/ The project is the reclamation of slate quarries.

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Community Events/Recreation Board:

1. The second annual Easter Egg Hunt will be held on Saturday, April 8, 2017 at 1 PM on the Portland Ball Field.
2. The Pet Awareness & Parade will be held Saturday, April 29, 2017 from 1 to 4 PM at the Park & Walk Lot on Delaware Avenue.
3. Legacy Global Sports inquired about use of the Portland Gymnasium. No action was taken.
4. Air Liquide/Voltaix CAP:
 - a) An email from Upper Mount Bethel Township (UMBT) that the Air Liquide/Voltaix Community Advisory Panel (CAP) is planning a community participation for clean-up projects on Wednesday, May 10th from 12 noon to 3 PM. The coordinator consultant, Mary Green, will contact Mayor Prator about a project in Portland. Ms. Steele stated that Councilman Kardos is the council representative to CAP but most likely did not attend the recent CAP meeting on March 22nd.
 - b) Lee Ann Prator asked if she could volunteer with the Easter Egg Hunt on April 8th. Ms. Prator stated there would be approximately (20) students involved. President Steele replied YES.
 - c) Back to Air Liquide/Voltaix CAP: Ms. Steele stated that she would contact UMBT that Portland would come up with a project. The CAP meeting is the fourth Wednesday of the month. Council will need to appoint another representative to attend the meetings.
5. The UMBT Supervisors have not signed 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. UMBT Solicitor Ronald Karesak is still not satisfied with the wording of the document.

Police Report:

The March 2016 Police Report was presented by Mayor Prator:

1. Traffic citations issued 26 for \$54,891; Non-Traffic citations issued 0; Criminal Arrests 2; Parking Tickets 1. Incidents 52; Parking/Traffic 38; Theft 0; EMS 0; Criminal Mischief 1; Civil Complaint 1; Abandoned Vehicle 1; Warrants 1; General Complaint 0; Domestic 0; MVA 1; Disabled Motorist 0; Suspicious Activities 2; Found Property 0; Agency Assist 2; Fire Company 0; Narcotics 1; Foot Patrol 4. Vehicle mileage: Crown Ford Victoria 78, Ford Utility 1,395.
2. Chief Mulligan entered the meeting at 7:48 PM to answer questions concerning the upgrading of the Portable Police Radios. Chief Mulligan stated that the current radios are failing with the microphones and antennas breaking, the batteries are getting weaker and reception is getting worse. This is a big safety issue. The police department tested (2) two brands for (2) two weeks and the brand that worked the best is the most affordable. Chief Mulligan presented a quote from TuWay Communications in the amount of \$5,205.00.
 - a) Questions from Councilwomen Prator and Kenna were answered by Chief Mulligan:
 - i. The radios are fire resistant, water proof and drop proof.

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- ii. They have identifiers and are programed to each individual police officer.
- ii. All conversations are recorded.

A motion was made by Bridget Kenna, 2nd by Lisa Prator authorizing the purchase of (5) five Tait TP9355 UHF Portable Radio; (5) five Tait TP9355 Pro Speaker Microphone w/305 mm Audio; (5) five Leather Swivel Carry Case from TuWay Communications at a cost of \$5,205.00. Motion carried: 5-0-0

Mayor's Report:

- a) LVPC Annual Transportation Summit is scheduled for June 8, 2017.
- b) Mayor Prator received a certificate of appreciation for his participation in the 2017 Meals on Wheels of Northampton County's annual March for Meals Campaign.
- c) Mayor Prator spoke at the Slate Belt Heritage Center.
- d) Mayor Prator updated council on the Regional Comprehensive Plan.
- e) Mayor Prator attended the 2017 LVEDC Annual Meeting at Steel Stacks in Bethlehem, PA. The Mayor commented that the Slate Belt needs a representative. Mayor Prator stated he attends so that the Slate Belt's voice can be heard.

Streets Department:

1. Report from Councilman Knott:

- a) The secretary reported to council that the cost of title, tags and fees for the 1998 GMC Dump Truck is \$441.06. This was approved on the bill list at the beginning of this meeting.
- b) The DRJTBC has notified the Borough that they will no longer be able to clean the Borough Streets for spring clean-up.
- c) Seasonal employee David Gonzalez will be called back to work on an as-needed basis.
- d) Mr. Knott presented a quote from "The Flag Store", Sciota, PA for American Flags, poles and brackets for the downtown business district, in the amount of \$741.15. President Steele reminded Mr. Knott that he was given approval at the March 6th council meeting that he could spend up to \$1,000 for the flags and accessories.
- e) Mr. Knott reported that the Borough has not received a snow plow/removal bill from Super Heat, Inc. for the month of March 2017.
- f) Northampton County has notified the Borough that they did not qualify for PEMA/FEMA Snow Assistance Cost Reimbursement for Winter Storm "Stella".
- g) Mr. Knott stated that he will be contacting Martin Street Sweeping for a quote to clean the Borough Streets. The Martin Street Sweeping Co. is used by UMBT.
- h) The red-light signal lamp on the stationary post at Delaware Avenue and State Street will be changed tomorrow.

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Sanitation:

2016 Delinquent Garbage Accounts:

1. Correction from March 6, 2017 meeting.
 - i. (2) property owners live out of state. Civil Complaints cannot be filed by District Court. 116 Main Street and 117 Main Street had liens filed by Solicitor Gaul. Delinquent garbage total \$2,358.24. The Borough paid \$405.21 to District Court.
2. Delinquent garbage accounts of Knox and LaBar.
 - i. LaBar paid the bill of \$11.50 before the complaints were filed.
 - ii. After research by Ms. Eden it is permissible to file the 2016-2017 delinquent garbage in 2018.
 - iii. Knox paid the bill of \$70.00 today.

Building Committee:

1. Estimate for replacement of the front door for "the Pokey". Jason Abbott
 - a) composite door - \$1,700. Install gutters - \$1,300.
 - b) wood door - \$775. Install gutters - \$1,300
2. Estimate for replacement of the front door for "the Pokey". Hubert McHugh
 - a) pine door - \$557.00
 - b) maple door - \$675.00
 - c) oak door - \$750.00
3. Estimate for replacement of the front door for "the Pokey". John Utess
 - a) Received quote today via email.
 - b) fiberglass (4) panel entry door 1 3/4" thick 32"x80"; labor & materials \$1,085.
 - c) douglas fir (4) panel entry door 1 3/4" thick 32"x80"; labor & materials \$1,170.
 - d) custom made mahogany (4) panel entry door 1 3/4" thick 32"x80" (made by Starke Millwork, the company that made the entry doors for the municipal building; labor & materials \$1,785.

Discussion:

- a) Mr. McHugh was present and stated that a composite door, long term would hold up; it needs no maintenance except the initial cost of paint; a wood door needs maintenance. A wood door should be painted every (2) years with good quality paint.
- b) Philip Karasiewicz, Filo's Tree Service, stated that fir is a soft wood; the strongest wood is oak.
- c) Councilwoman Prator suggested that council purchase the strongest door.
- d) Councilwoman Kenna agreed with the purchase of the strongest door which is oak and that a sealer be applied.
- e) the estimate provided tonight by Mr. McHugh states a (6) panel door but Mr. McHugh has agreed to change the estimate to a (4) panel door.

A motion was made by Lisa Prator, 2nd by Yvonne Gumaer to accept the proposal of Hubert McHugh; to remove the old 32" front door; install a (4) panel oak door with primer, (2) coats of good quality paint, put the door knob and hinges back on the door for a total cost of \$750.00.

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Ms. Steele will sign to accept the proposal after Mr. McHugh has changed the proposal from a (6) panel door to a (4) panel door. Motion carried: 5-0-0

- i. Mr. McHugh stated that new steel gutters can be purchased and painted to look like copper.
- ii. The secretary stated to Mr. McHugh that she would need a copy of his insurance certificate.
- iii. Mr. McHugh was asked if he had any employees. Mr. McHugh replied he would be working alone to install the door.

Budget, Finance, Insurance, & Cable TV Contract:

a) A motion was made by Bridget Kenna, 2nd by Lisa Prator authorizing President Steele to execute the Representation Letter, to the Borough Auditor, Kirk, Summa & Co., LLP, regarding the 2016 Annual Audit and Financial Report. Motion carried: 5-0-0

b) A motion was made by Lisa Prator, 2nd by Yvonne Gumaer authorizing the Secretary to advertise the Annual Audit and Financial Condensed Statement for the year ended December 31, 2016 in the Pocono Record publication. Motion carried: 5-0-0

c) President Steele stated to council that the Borough Office will need to replace its All-In-One Copier, Fax, Scanner. The machine has been cleaned and the other alternative is to have it looked at by Access Office. Ms. Steele stated that the machine was purchased for approximately \$800 on 11-30-2011. Ms. Steele suggested that a new copier be purchased.

- i. A motion was made by Lisa Prator, 2nd by Steve Knott for Ms. Steele to research and purchase a new laser jet all-in-one copier, scanner, fax, color printer machine for a list price not to exceed \$700. Motion carried: 5-0-0

Personnel, Policy & Procedure Committee:

None

Slate Belt Rising Committee:

1. Stephen Reider, Director of Slate Belt Rising, could not be present this evening but sent an email message outlining that are funds available and ready to be spent for the Borough of Portland.

2. Ms. Steele reported that the Borough's community message sign located in the downtown business district has been vandalized.

Correspondence:

a) A letter of support has been requested by Lower Mount Bethel Township for their application to Northampton County Open Space and DCNR for the purchase of (3) properties from Talen Energy. These properties are the location of the existing Talen Trails.

- i. A motion was made Lisa Prator, 2nd by Steve Knott authorizing a letter of support to be sent by Borough Council. Motion carried: 5-0-0

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b) Resolutions for Consideration from the PSAB Steering Committee:

- i. Games of Chance Prize Limit: raise of pay-out ceilings by local charitable service clubs.
- ii. Support the Coalition to Eliminate the Prohibition Against Municipal Police Using Rader to change from only PA State Police to any police officer.

A motion was made by Lisa Prator, 2nd by Yvonne Gumaer authorizing Borough Council to support the PSAB Steering Committee and to write the resolutions and forward onto the committee. Motion carried: 5-0-0

Secretary's Announcements:

Ms. Hummel will be out of the office Tuesday April 18, 2017, and Wednesday, April 19, 2017 for personal reasons.

Old Business:

All council members present agreed to donate toward a \$50 baby gift card for the cleaning lady, Alexis Lamont.

New Business:

Council discussed the set-up of a credit card machine from Merchants Bank, Mount Bethel Office, for payments of sewer and garbage accounts.

- i. set-up fee of \$199
- ii. 4% customer surcharge fee per transaction
- iii. a separate dedicated telephone line would need to be installed or need a secure wi-fi connection
- iv. monthly fee of \$10 to the Borough; \$.06 per transaction
- v. all credit card transactions would be deposited into one (1) Borough bank account

Discussion: Councilwoman Prator stated that she was not in favor of the machine. Ms. Prator stated that it is more work for the Borough office and it is not worth the cost. No action taken.

Executive Session:

A motion was made by Lisa Prator, 2nd by Yvonne Gumaer adjourning to Executive Session at 8:51 PM. Motion carried: 5-0-0

Discussion: Personnel and legal advice from Solicitor Gaul.

A motion was made by Yvonne Gumaer, 2nd by Lisa Prator to reconvene from Executive Session at 9:34 PM. Motion carried: 5-0-0

Action Taken:

None

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Public Comment/Non-Agenda:

- a) Pastor Philip Karasiewicz stated that National Day of Prayer is Thursday, May 4, 2017.
- b) The next council meeting is May 1, 2017 at 7:00 PM.

Adjourn:

A motion was made by Lisa Prator, 2nd by Yvonne Gumaer to adjourn the meeting at 9:38 PM.
Motion carried: 5-0-0

Respectfully Submitted by,

Carol A. Hummel

Carol A. Hummel, Secretary