

**BOROUGH OF PORTLAND  
COUNCIL MEETING JUNE 5, 2017**

The Portland Borough Council Meeting of June 5, 2017 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\*

- Councilman Brian Kardos was absent for personal reasons.
- Borough Engineer Mark Bahnick was absent due to a conflict of another meeting.

Others Present:

1. Michael Gaul, Borough Solicitor
2. Mayor, Lance Prator
- 3.. Carol Hummel, Borough Secretary
4. Stephen Reider, Manager, Slate Belt Rising
5. Members of the Public

PUBLIC HEARING:

RE: Proposed Ordinance 2017-2:

An Ordinance of the Borough of Portland, Northampton County, Pennsylvania, Amending the Borough of Portland Zoning Ordinance, Ordinance #2015-1, to Provide for Regulations for Medical Marijuana Facilities.

A motion was made by Steve Knott, 2<sup>nd</sup> by Bridget Kenna to open the Public Hearing. Motion carried: 6-0-0

Solicitor Michael Gaul presented the exhibits for the hearing.

- Exhibit 1: A copy of the proposed ordinance
- Exhibit 2: The Public Notice that was posted at the Borough municipal building.
- Exhibit 3: Notice of Public Hearing advertisement in the Pocono Record newspaper publication.
- Exhibit 4: Proof of Publication from the Pocono Record newspaper publication.
- Exhibit 5: Notice of Intent to adopt the proposed ordinance by certified mail correspondence to the Northampton County Law Library.
- Exhibit 6: Correspondence to the Lehigh Valley Planning Commission asking for review and comment on the proposed zoning ordinance amendment.
- Exhibit 7: Correspondence from the Lehigh Valley Planning Commission providing comments on the proposed zoning ordinance amendment.
- Exhibit 8: Email correspondence from Robert Tust, a Portland Planning Commission member, with a comment about restricted hours of operation for holidays.

Comments from those in attendance.

- a) Solicitor Gaul stated that the proposed ordinance amendment is based on the model of the Lehigh Valley Planning Commission.
- b) Solicitor Gaul stated that the question from Mr. Tust regarding restricted hours of operation is not specified in the proposed ordinance amendment. The hours of operation is 8 AM to 8 PM. By adopting local zoning regulations, you permit local

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enforcement of zoning. By assigning a location the Borough avoids the argument that medical marijuana is not regulated at all by zoning ordinance.

c) Mayor Prator commented that he thinks the proposed ordinance is a good thing and it is good to update our zoning ordinance occasionally.

d) Mr. Billie Golden, in the audience, opposed the proposed zoning ordinance amendment because his opinion is that marijuana leads to harder drug use. Mr. Golden stated that the Borough shouldn't be talked into doing something it doesn't want to do. Solicitor Gaul replied that the Borough has not legalized marijuana, the state has legalized marijuana.

e) Solicitor Gaul replied that the Borough cannot pass any regulations that are stricter than state regulations.

A motion to close the Public Hearing was made by Lisa Prator, 2<sup>nd</sup> by Yvonne Gumaer. Motion carried: 6-0-0

A motion was made by Lisa Prator, 2<sup>nd</sup> by Heather Fischer adopting Ordinance 2017-2 "An Ordinance of the Borough of Portland, Northampton County, Pennsylvania, Amending the Borough of Portland Zoning Ordinance, Ordinance #2015-1, to Provide for Regulations for Medical Marijuana Facilities". Motion carried: 6-0-0

Action on Minutes:

A motion was made by Lisa Prator, 2<sup>nd</sup> by Yvonne Gumaer approving the minutes of May 1, 2017 with the following correction by the secretary.

a) Correct the total bills presented from May 1, 2017. The secretary forgot to add the May 2017 payroll of \$9,500 and the May 2017 WEX Sunoco Fuel of \$450. The correct total should have been \$52,829.66. 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: | 32,607.95           |
| Sewer Operations & Sewer Operations Already Paid:                           | 16,742.75           |
| Sanitation Operations & Sanitation Operations Already Paid:                 | 5,059.82            |
| Community Events:                                                           | 269.27              |
| <b>TOTAL</b>                                                                | <b>\$ 54,679.79</b> |

|                                            |           |
|--------------------------------------------|-----------|
| a) add the June payroll and payroll taxes: | 11,000.00 |
| b) add Sunoco Fleet Gas:                   | 675.00    |

**TOTAL ALL BILLS ABOVE PRESENTED FOR PAYMENT: \$ 66,354.79**

A motion was made by Bridget Kenna 2<sup>nd</sup> by Yvonne Gumaer approving the payment of the bills totaling \$66,354.79. Motion carried: 6-0-0

**NOTE:** QuickBooks Enhanced Payroll will be renewed on July 6. The annual subscription rate is 565.00. This was included in the bill list.

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**NOTE:** The Portland Gymnasium electric bill has been paid out of the General Checking Account in the amount of \$37.93. This was included in the bill list.

**NOTE:** The Portland Gymnasium yearly propane tank rental has been paid out of the General Checking Account in the amount of \$155.00. This was included in the bill list.

Public Comment:

1. Super Heat, Inc: Jake Taylor and Paul Taylor

a) Regarding action taken by council at the monthly meeting of May 1, 2017 directing the secretary to contact Super Heat, Inc. to provide a new invoice with the correct invoicing requirements of the Snow-Ice Removal Contract, Mr. Jake Taylor provided copies of all the bills with the correct invoicing requirements. Mr. Taylor deleted the names of the drivers on all the bills and corrected to the truck equipment used.

i. Councilman Steve Knott, Chairman of the Street Department, had an issue with the date of March 10, 2017 on the invoice concerning salting when there was nothing on the streets to salt and that the sun was out the rest of the day.

ii. Mr. Knott stated that the Borough was billed for (2) persons per snow removal vehicle when (1) person per snow removal vehicle is to be billed. Mr. Jake Taylor replied that the (4) hour minimum applied to the salting. Mr. Jake Taylor stated that he checked in with the surrounding municipalities and all were out salting their roads.

iii. Solicitor Gaul replied that he didn't recall about the (4) hour minimum but Councilwoman Prator confirmed Mr. Jake Taylor's statement. Councilman Knott replied, "Wasn't that my responsibility to make the call on the salting as the Chairman of the Street Department?" Solicitor Gaul replied NO because the agreement allows the contractor to begin work without the Chairman's approval, until such time as the Borough gives notice to the contractor not to. Councilwoman Prator stated that the contract is not specific with snow and ice, that the Borough was billed for (4) hours per snow removal vehicle not persons in the vehicle.

iv. President Steele stated that the Borough received a complaint from PennDOT about the piles of snow left on State Route 611 in front of the Frederick Duckloe sign.

v. Mayor Prator replied that the salting issue of March 10, 2017 is a moot point. There is nothing in the May 1, 2017 minutes about salting the streets on March 10, 2017. The minutes state that a motion was made for Super Heat, Inc. to provide a new invoice with the correct invoicing requirements of the Snow-Ice Removal Contract and Super Heat, Inc. has complied. Mayor Prator stated that Super Hart, Inc. should be paid for their corrected March 2017 invoice. A motion was made by Lisa Prator, 2<sup>nd</sup> by Bridget Kenna authorizing the payment of invoice #1888-21632 in the amount of \$10,920.00 for snow removal services for the month of March 2017. Motion carried: 5-1-0 (Steve Knott voted NO)

2. Portland Hook & Ladder Co. #1: James Potter, Chief

a) Chief Potter stated that the Portland Hook & Ladder Co. #1 has been researching the purchase of a new fire engine. Mr. Potter stated that they need help with the financing.

i. The cost of insurance for their (3) buildings is \$30K per year.

ii. Total income from donations, grants and private party's is approximately \$22K.

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*Correct to:  
7/10/2017  
CAA*

- iii. Chief Potter asked if the Borough would be willing to take out a loan in the Borough's name for the purchase. Solicitor Gaul replied that the Borough as tax exempt would receive a better interest rate on the loan.
- iv. President Steele stated that she had researched a loan that could be taken out in the Borough's name. The Borough's property taxes would have to increase by (2) mills. Ms. Steele asked if the deeds to the fire company properties would have to be changed for a loan in the Borough's name. There was no reply.
- vi. Councilwoman Kenna replied that if the taxes were raised the fire company would be guaranteed.
- vii. Chief Potter stated that the Portland Hook & Ladder Co. #1 has (7) trucks, (4) boats and a trailer. If the Portland Hook & Ladder Co. #1 would cease operations all of their property would revert to the Borough except anything that has been purchased through the PA State Fireman's Relief Association.
- viii. Ms. Steele stated that the Borough is already halfway through 2017. If the Borough can secure a loan then the first payment on a new fire engine would be made in 2018.
- ix. Fireman Thomas Fish, in the audience, suggested that if the Borough and the fire company could combine insurance coverage and they may be able to receive a discount on the insurance premium.
- x. Solicitor Gaul stated that if the Borough does the financing an ordinance will have to be adopted and that will take (60) days.
- xi. President Steele replied that the Budget and Finance Committee will work with the fire company to secure the financing.

*asked if its possible to take a loan for the fire company if the deed is in their name. There was no reply.*

A motion was made by Heather Fischer, 2<sup>nd</sup> by Yvonne Gumaer indicating the Borough Council's intent to support the Portland Hook & Ladder Co. #1 desire to finance a new fire truck for the company.

b) Question: Billie Golden, from the audience, asked which fire department vehicle would be the next to be replaced.

- Councilwoman Lisa Prator left the meeting at 8:04 PM.

Chief Potter replied that the fire company has implemented a long-range plan. Mr. Potter stated that he has been in touch with PA State Senator Mario Scavello and PA State Representative Joe Emrick every three (3) months for the past (4) years pursuing a federal grant. If a grant is secured then (3) fire department vehicles will have to be decommissioned. It will take approximately (5) to (7) years to replace the vehicles. The pick-up truck is the only vehicle that is owned by the PA State Fire Relief Association. Mr. Potter also replied that other municipalities have expressed interest in purchasing the decommissioned vehicles.

The motion then carried: 5-0-0

- Councilwoman Lisa Prator re-entered the meeting at 8:10 PM.

Solicitor Gaul asked Chief Potter if the fire company needed anything from the Borough, i.e., any kind of signed document. Chief Potter replied that a letter of intent to financially assist the fire company would be sufficient.

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3. Ultra-Poly Corp: David LaFiura, President

a) Mr. LaFiura stated that Ultra-Poly needs room to expand their operations in the Portland Industrial Park (PIP).

- i. Ultra-Poly is scheduled to meet with the Portland Planning Commission on June 19, 2017.
- ii. Mr. LaFiura wanted to meet personally with council to present the plans.
- iii. Ultra-Poly is considering a building project of 125 thousand square feet adjacent to their already existing operations.
- iv. The project will phase in over the next seven (7) years and increase capacity by 50%.
- vi. Mr. LaFiura gave an overview of the sketch plan by positioning the plan on the chalk board for everyone to view. Solicitor Gaul asked if the expansion would be completely in Portland Borough. Mr. LaFiura replied YES.
- vii. Ground would be broken in the winter 2017-2018.

Sewer Matters:

1. Information on Fees:

a) The new annual monitoring and coordination fee for all wastewater discharge projects subject to DRBC review and approval, including those for which permits have been issued under the One Process/One Permit will have an annual indexed inflation adjustment which will range from \$300 to \$1,000.

2. 615-617 Washington Street: Joan Dry, Property Owner

a) The Borough was made aware that there was sewage water emitting from the outside sewer pipe next to the driveway of the property. The property owner was sent a letter from the Borough Secretary advising them that if the problem was not fixed they would be subject to sewer enforcement by the Sewage Enforcement Officer. The property owner complied, it was a clogged sewer pipe.

Borough Engineer's Report: Mark Bahnick

1. Mr. Bahnick was absent but sent a report via email.

- a) A liner in one (1) of the treatment tanks has come loose. The company, Dutchland, was on site May 23<sup>rd</sup> to complete an investigation with Mr. Bahnick and the WWTP Operator, Craig LaBarre. The tank was drained, the liner evaluated, loose portions of the liner were removed and the tank was put back into service.
- b) The WWTP operations are good for the month of May.
- c) No activity on the proposed Dunkin Donuts Land Development at the PA Bagel & Deli.
- d) Ms. Steele reported of the on-going issue of grease coming into the WWTP. Ms. Steele stated a letter will again be mailed to all property owners and Ms. Steele and Ms. Serfass will inspect the business establishments again.

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

1. Ms. Serfass was absent.

- a) Enforcement Notices were sent to the following during the month of May.
  - i. Al & Phyllis Bush: high grass and weeds
  - ii. Brian Liqouri: brush pile on the street Right-Of-Way
  - iii. Dawn Pivovar-Butler: high grass and weeds

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iv. Warren Kearney: unregistered and inoperative vehicles  
v. Mike's Auto: unregistered and inoperative vehicles

- b) 409 Delaware Avenue: Beauty Salon  
i. No progress.  
ii. Ms. Serfass determined that two (2) EDU's are required.

Zoning Hearing Board (ZHB):

1. No hearings scheduled.

UCC Building Inspectors Report:

One (1) permit was issued for the month of May.

Planning Commission:

None

Portland Borough Authority (PBA):

1. Report from Chairman Lance Prator:  
a) No electric to the PIP on Friday June 2, 2017. The issue may be underground.  
b) Turkey Ridge Road in UMBT lost power on Saturday.  
c) Ended up with power lost on the mountain.  
d) Mr. Craig LaBarre, the WWTP Operator and PBA Water Superintendent, was never notified by the power company, Met Ed. Therefore, there was no water service.
2. The next meeting of the PBA has been changed from June 19, 2017 to June 14, 2017.

Legal:

District Judge Alicia Zito ruled in favor of the Borough on the civil complaint filed against Gianni & Yudelky Schomberg, 425 Delaware Avenue for delinquent 2016 garbage. The Schomberg's have thirty (30) days to file an appeal. This will be discussed in Executive Session.

Subdivision and Land Development:

Done earlier during Public Comment.

Community Development, COG & Grants:

There was no meeting of the Slate Belt COG on May 24, 2017 due to a lack of quorum.

Community Events/Recreation Board:

1. Refiner's Fire Ministry has planned a program for every Thursday night in July from 6:30 to 8:00 PM titled "Community Kids". A non-religious event organized by Pastor's Phil and Jessica Karasiewicz who would like to use the Portland Ball Field. Ms. Steele stated that this is not a

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Borough sponsored program. Refiner's Fire Ministry will provide the insurance. It is for children from kindergarten through sixth (6<sup>th</sup>) grade.

i. A motion was made by Bridget Kenna, 2<sup>nd</sup> by Yvonne Gumaer authorizing Refiner's Fire Ministry use of the Portland Ball Field, for the non-religious program titled "Community Kids" for the month of July 2017 from 6:30 Pm to 8:00 PM, on the condition that the Borough of Portland is named as additionally insured on their insurance policy. Motion carried: 6-0-0

2. Mayor Prator reported that after the combined annual Memorial Day Service of May 29, 2017 with UMBT he and the chairman of UMBT, John Birmingham, discussed how Portland and UMBT could hold more events together. Mayor Prator and Mr. Birmingham have decided to hold a 4<sup>th</sup> of July Parade in Portland. The proposed route would begin at the Portland Baptist Church on Delaware Avenue and end at Kelly's Ice Cream on Route 611, North Delaware Drive. Mayor Prator and Mr. Birmingham will meet again on Thursday at 3:30 PM.

3. The annual Borough Picnic, sponsored by the Community Events Committee, will be held on Saturday, June 24, 2017 from 2 to 6 PM on the Portland Ball Field. In the event of rain the picnic will re-locate to the Portland Gymnasium.

Police Report:

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

1. Traffic citations issued 15, in the amount of \$4,200.00; Non-Traffic citations issued 0; Criminal Arrests 4; Parking Tickets 0. Incidents 36: Parking/Traffic 15; Theft 0; EMS 2; Criminal Mischief 0; Animal 0; Road Hazard 1; Warrants 0; General Complaint 1; Public Drunk 1; MVA 1; Disable Motorist 0; Suspicious 1; Found Property 2; Agency Assist 3; Harassment 1; Narcotics 3; Foot Patrol/ Building Checks 5. Vehicle mileage: Crown Ford Victoria 65, Ford Utility 1,350.

1. The department worked with the National Park Service on May 5<sup>th</sup> for traffic detail. Two (2) arrests were made for drugs.

2. The new portable radios have arrived and are working great.

3. A letter of resignation was received from Police Officer Larry Miller due to being hired full-time by the Pocono Township PA Police Department. A motion was made by Lisa Prator, 2<sup>nd</sup> by Yvonne Gumaer to accept the resignation of Larry Miller effective June 1, 2017. Motion carried: 6-0-0

4. The police department needs their older computer replaced. President Steele stated that a new computer was budgeted for 2017. A motion was made by Lisa Prator, 2<sup>nd</sup> by Yvonne Gumaer authorizing President Steele to purchase a new computer for the police department not to exceed the amount of \$700.00. Motion carried: 6-0-0

Back to Community/Recreation Board:

Billie Golden, from the audience, asked if council would consider spearheading a "fish fry" event for Friday or Saturday evenings. Ms. Steele replied ~~YES, that it could be arranged through the Community Events Committee and that it is a good idea.~~ *Correct to:*

*that council would look into it.*

*7/10/2017  
CAH*

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Mayor's Report:

1. Attended the University of Penn Students "Pop-Up Exhibit" on May 12<sup>th</sup> at Tolino Vineyards. The exhibit is now on display at the Slate Belt Heritage Center.
2. Attended the annual Relay for Life at Bangor Memorial Park. Approximately 200 people participated.
3. Attended the Mayor's Conference meeting on May 20<sup>th</sup>, sponsored by Congressman Matt Cartwright.
4. Will be attending the Meyner Center Annual Forum on Local Government on Wednesday, June 7<sup>th</sup> at Lafayette College.
5. Will be attending the Annual Transportation Summit on June 8<sup>th</sup>, sponsored by the LVPC.
6. Mayor Prator reported that the Slate Belt Photo Club exhibit of "Portland Through Twelve Stranger's Eyes" is on Facebook. Mayor Prator stated he will ask the club for a few pictures for the council room.

Streets Department:

1. Report from Councilman Knott:

- a) Mr. Knott stated he received complaints about the river-canoe people parking in the business district all day taking up business customers parking spaces.
  - i. After discussion by council the consensus was for Mr. Knott to order more No Parking signs for the downtown.
- b) The sinkholes on Delaware Avenue and the catch basin on Main Street have been repaired by Portland Contractors, Inc.

Sanitation:

1. The five (5) year Sanitation Contract with Waste Management expires on December 31, 2017. The specification changes will be ready for the July 10<sup>th</sup> council meeting and plans are for the bids to come in to the Borough for the August 7<sup>th</sup> meeting.

Building Committee:

1. Alexis Lamont, cleaning personnel will be returning to the position on Tuesday, June 13<sup>th</sup> after a personal leave.

Budget, Finance, Insurance, & Cable TV Contract:

Done earlier under Public Comment.



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Ordinance Update Committee:

1. Regarding the installation of sidewalks:

a) The cost of a sidewalk permit is \$40 but the Sidewalk Ordinance #155 states that the sidewalks must be inspected by the Borough Engineer upon completion. The Borough's engineer stated to President Steele that the Borough should budget \$250 for the inspection by the engineer. The Building Inspector, Carl Faust, gave a quote of \$165 for walk through and inspection.

b) Solicitor Gaul replied that the ordinance can be changed by amendment or repealed and adopt a new one. A resolution will be adopted at the July 10<sup>th</sup> council meeting for the fees for the sidewalk ordinance.

b) Sidewalk Installation: 409 Delaware Avenue

Discussed at the May 1<sup>st</sup> council meeting was the sidewalk between 409 and 413 Delaware Avenue that was never replaced following the water connection project at 409 Delaware Avenue. Owner of the property, Rocky Patel, was sent a letter to have the sidewalk replaced within thirty (30) days of the date of the letter or the Borough would replace the sidewalk and use the remaining Portland Market Escrow Account funds of \$960.85; if the funds are exhausted and should the cost of the sidewalk exceed the balance Mr. Patel will be billed the difference. Mr. Patel has hired Todd Constantine for the installation. Council discussed whether a contract was signed between Mr. Patel and Mr. Constantine. The secretary was directed to contact Mr. Constantine for a copy of the signed contract. A motion was made by Steve Knott, 2<sup>nd</sup> by Yvonne Gumaer granting an extension of the thirty (30) day sidewalk installation for Mr. Patel to produce a copy of a signed contract. Motion carried: 6-0-0

1. Use of Cell Towers in the Public Rights-of-Way:

a) Correspondence was received that reported the Public Utility Commission (PUC) has decided in favor of Pennsylvania municipalities on whether wireless contractors that install cell towers and antennas in the public's right-of-way should be classified as utilities. The PUC upheld its prior decision that companies do not qualify as utilities.

b) It was discussed by council that cell phone service would be better served if there was a cell tower antenna in the Borough. Ms. Steele stated that she must connect to cell phone service from the other side of the Delaware River in New Jersey. Ms. Steele stated that the Borough Municipal Building is the highest building in the Borough. A motion was made by Lisa Prator, 2<sup>nd</sup> by Yvonne Gumaer authorizing President Steele to investigate the installation of a wireless facility for the Borough Municipal Building. Motion carried: 6-0-0

Council, Policy & Procedure Committee:

None

Slate Belt Rising Committee:

Stephen Reider, Manager

1. President Steele and Mr. Reider reported that they are working together to apply for a \$20K Community Investment Partnership Program (CIPP) Grant for streetscape design, economic strategy for the business district. It will be a two (2) year project. There will be a \$10K match

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from Slate Belt Rising. Mr. Reider stated that a 100K municipal grant for facades will be available throughout the whole program. Mixed use and residential will be eligible.

a) A motion was made by Lisa Prator, 2<sup>nd</sup> by Bridget Kenna authorizing President Steele to send a letter of intent to Northampton County DCED that Portland Borough is applying for a \$20K CIPP Grant. Motion carried: 6-0-0

i. Solicitor Gaul replied that the Borough may need to adopt a resolution. The deadline to apply for the CIPP Grant is July 15, 2017.

2. Ms. Steele stated that there is \$2,500 in funds available to replace trees in the downtown business district. Ms. Steele has finally identified the trees as Japanese Lilac White Silk and Service Berry. Ms. Steele will talk to PNC Bank to find out if the Borough needs permission to plant a new tree in front of the bank since the original tree has died.

a) Ms. Steele has been in contact with Emerald Garden Landscaping who has been working with the Boroughs of Stroudsburg and Bangor. These funds must be spent by the end of September 2017. Ms. Steele will meet with the landscaper this week.

b) Councilwoman Prator suggested installing some type of stone, etc., around the base of the tree cutouts in the sidewalk in front of PNC Bank to help keep the winter salting, dogs, etc., out of the newly planted trees.

3. With another \$2K the Community Events Committee is considering the purchase of an ice cream cart. The cost is slightly over \$2K. Ms. Steele suggested sending letters to the area businesses for donations.

4. Mayor Prator thanked Mr. Reider for his hard work and participating in all the events.

Correspondence:

1. An inquiry from the service manager of the Red Cross of the Poconos. The Red Cross needs blood drives for the months of July and August. The secretary forwarded the inquiry onto Chief Potter and Assistant Chief Steele.

2. Mayor Prator received correspondence from Communication Systems for a seminar to upgrade telephone systems.

Secretary's Announcements:

The secretary will be out of the office the week of June 26, 2017 for vacation. Ms. Diann Eden, Billing Clerk, will be available to meet the publics needs from 4 PM to 6:45 PM every day.

Old Business:

The message sign in the downtown business district has been vandalized. Ms. Fischer stated that the Borough should be looking for better signage. Mayor Prator replied that Roseto has a "60" inch digital sign. No action was taken.

- Councilwoman Gumaer left the meeting at 9:51 PM.

New Business:

1. Solicitor Gaul was congratulated for his 20<sup>th</sup> year anniversary as Solicitor to the Borough.

