

**BOROUGH OF PORTLAND  
COUNCIL MEETING JULY 10, 2017**

The Portland Borough Council Meeting of July 10, 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\* Brian Kardos\*

Councilwoman Yvonne Gumaer was absent.

Others Present:

1. Michael Gaul, Borough Solicitor
2. Lance Prator, Mayor
3. Carol Hummel, Borough Secretary
4. Mark Bahnick, Van Cleef Associates, Borough Engineer
5. Members of the Public

Resolution 2017-12: Recognizing Solicitor Gaul's Twenty (20) Years of Service to the Borough

A motion was made by Bridget Kenna, 2<sup>nd</sup> by Heather Fischer adopting Resolution 2017-12, "A Resolution Recognizing the Services of Michael Gaul, Esquire, to the Borough as Borough Solicitor, and Declaring the Borough Council's Appreciation for Michael Gaul's Services to the Borough". Motion carried: 6-0-0

Resolution 2017-13:

A motion was made by Steve Knott, 2<sup>nd</sup> by Bridget Kenna adopting Resolution 2017-13, "A Resolution Authorizing the Borough of Portland to Apply for a Community Investment Partnership Program Grant, designating a Borough Official to Execute all Documents and Agreements in Connection with the Requested Grant and Assist in Obtaining the Requested Grant, and Providing for Miscellaneous Matters". Motion carried: 6-0-0

Resolution 2017-14:

No Resolution was presented. Discussion of a potential resolution relating to Borough fees for the installation of sidewalks was tabled.

Action on Minutes:

A motion was made by Lisa Prator, 2<sup>nd</sup> by Bridget Kenna approving the minutes of June 5, 2017 with the following corrections.

Page 4, iv: Strike "that she had researched a loan that could be taken out in the Borough's name" to "asked if it's possible to take out a loan for the fire company if the deed is in their name. There was no reply".

Page 7, Back to Community/Recreation Board: Strike "YES, that it could be arranged through the Community Events Committee and that it is a good idea" to "that council would consider it".

Question: Councilwoman Heather Fischer asked Ms. Steele if she was writing the CIPP Grant? Ms. Steele replied YES.

*having any outside assistance*

*corrected 8/7/2017  
per Council motion*

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Motion then 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: | 15,852.89           |
| Sewer Operations & Sewer Operations Already Paid:                           | 15,494.85           |
| Sanitation Operations & Sanitation Operations Already Paid:                 | 5,476.82            |
| Community Events:   | 282.58              |
| Ultra-Poly Escrow   | 918.00              |
| <b>TOTAL</b>  | <b>\$ 38,025.14</b> |
| a) add the July payroll and payroll taxes:                                  | 8,000.00            |
| b) add Sunoco Fleet Gas:  | 425.00              |

**TOTAL ALL BILLS ABOVE PRESENTED FOR PAYMENT: \$46,450.14**

- Councilwoman Prator questioned the invoice for Rawle & Henderson LLP in the amount of \$1,193.75. Solicitor Gaul replied that it is legal services for the Mark D. Barends v. Northampton County lawsuit.
- Councilwoman Prator questioned the annual budgeted amount of \$550.00 to the Borough's ambulance provider, Suburban EMS. A motion was made by Lisa Prator, 2<sup>nd</sup> by Steve Knott to table any action until the August 7, 2017 council meeting and to deduct the \$550.00 from the bill list.
  - a) The final total for all bills presented for payment to be paid is **\$45,900.14**.  
Motion carried: 6-0-0
- Rocky Patel asked the secretary if he could have his remaining escrow monies returned in the amount of \$960.85.
  - a) The sidewalk at 409 Delaware Avenue has been completed.
  - b) The engineer plans for the proposed salon at 409 Delaware Avenue have been received to the Borough and forwarded to Carl Faust, UCC Inspector.

A motion was made by Lisa Prator, 2<sup>nd</sup> by Steve Knott to deny the request until a Certificate of Occupancy has been approved by Mr. Faust for 409 Delaware Avenue. Motion carried: 6-0-0

- a) The secretary will send a letter to Mr. Patel informing him that his request has been denied.

**NOTE:** The May electric service bill for the Portland Gymnasium has been paid out of the General Checking Account, in the amount of \$75.64.

Public Comment: The (5) minute rule applies to all speakers.

Daniel Deshler: Eagle Scout Project, Troop 41, Johnsonville, PA

Mr. Deshler presented to council a plan and pictures to erect a Free Lending Library at the Park & Walk Lot on Delaware Avenue. President Steele asked Mr. Deshler if his project was approved by the Minsi Trails Boy Scout Council. Mr. Deshler replied YES. A motion was made

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by Lisa Prator, 2<sup>nd</sup> by Heather Fischer approving the Eagle Scout Free Lending Library Project of Daniel Deshler. Motion carried: 6-0-0

Sewer Matters:

There were no sewer shut-off notices to report to council.

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

1. The WWTP operations were good for the month of June.
  2. There was no activity on the land development of PA Bagel & Deli turned into a Dunkin Donuts.
  3. The Portland Industrial Park proposed land development of Ultra-Poly, Corp.
    - a) The adjacent lot will be the site of expanded operations.
    - b) Will close the present site and move more work to the expanded site.
    - c) Mr. Bahnick met with the Portland Planning Commission and Ultra-Poly.
    - d) Comments from the Portland Planning Commission.
      - i. Noise levels.
      - ii. WWTP effluent re-use.
      - iii. The impact on the fire and rescue companies.
      - iv. The Portland Planning Commission will review a parking reduction request at the July meeting.
- Mr. Bahnick left the meeting at 7:30 PM.

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

1. Ms. Serfass met with Ms. Steele to discuss property maintenance issues.
2. Site visits to:
  - a) 304 Bruce Street
  - b) 108 Division Street
  - c) 403 Zeman Street
3. Sent several enforcement notices from complaints received regarding property maintenance issues.
4. Issued zoning permits to:
  - a) 110 Main Street, garage permit
  - b) 507 PA Avenue, front and back porch roof
  - c) 409 Delaware Avenue, sidewalk repair
  - d) 409 Delaware Avenue, proposed salon that will require a UCC permit.
5. President Steele informed council that Ms. Serfass is hesitant to issue notices because of her initial round of enforcement notices. Ms. Steele stated to council that Ms. Serfass wants to know if council is backing her up. Ms. Steele asked council if they want Ms. Serfass to drive around the Borough once a month. Councilwoman Prator suggested that Ms. Serfass do a drive-through every other week and that an available council person could ride with her. President

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Steele stated that she would ask Ms. Serfass to schedule her follow-up visits on Thursdays when she is done with work in Upper Mount Bethel Township.

- a) The secretary reported that Ms. Serfass is researching the previous permitting of 415 Delaware Avenue.

Zoning Hearing Board (ZHB):

1. No hearings are scheduled.
2. No applications are pending.

UCC Building Inspectors Report:

None

Planning Commission:

None

Portland Borough Authority:

RKR Hess has requested that Borough Council provide a letter of support for the State Street (SR1032) Bridge Waterline Replacement Project through a 2017 Community Investment Partnership Program (CIPP) Community Improvement Grant Application to the Northampton County DCED.

- a) A motion was made by Bridget Kenna, 2<sup>nd</sup> by Lisa Prator authorizing council to provide a letter of support to the Portland Borough Authority for the State Street (SR1032) Bridge Waterline Replacement Project. Motion carried: 6-0-0

Legal:

None

Subdivision and Land Development:

The secretary reported that after tonight's invoice payment to Van Cleef Engineering the balance in the Ultra-Poly Escrow Account is \$54.79. The secretary requests permission to ask for additional funds. A motion was made by Bridget Kenna, 2<sup>nd</sup> by Lisa Prator for the secretary to request \$2,500.00. Motion carried: 6-0-0

- a) The secretary will send a letter to Mr. David LaFiura, President of Ultra-Poly Corp.
- b) Solicitor Gaul requested that the secretary provide an accounting of all the Portland Industrial Park escrow accounts for the next council meeting.

Community Development, COG & Grants:

1. Northampton County Municipal Park Grant Program:
  - a) The secretary suggested that council investigate if playground certified mulch could be obtained from the grant. No action was taken.
2. The revised Intergovernmental Cooperation Agreement between the Boroughs of Portland, Delaware Water Gap, the Township of Upper Mount Bethel (UMBT) and the Liberty Water Gap

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Trail Alliance has been signed by the UMBT Board of Supervisors. UMBT now must appoint (2) representatives. Approval for President Steele and Vice President Kenna to sign the revised agreement.

- a) Solicitor Gaul has reviewed the agreement and stated the revision is acceptable.
- a) A motion was made by Steve Knott, 2<sup>nd</sup> by Lisa Prator authorizing President Steele and Vice President Kenna to sign the revised Intergovernmental Cooperation Agreement between the Boroughs of Portland, Delaware Water Gap, the Township of Upper Mount Bethel and the Liberty Water Gap Trail Alliance. Motion carried: 6-0-0

3. The Regional Lehigh Valley Comprehensive Plan is moving forward. Mayor Prator stated that the grants have been submitted to the State of PA.

4. Mayor Prator stated that the Slate Belt COG will provide a Human Resource Sexual Harassment Training Workshop for all members of the COG. Plainfield Township Manager Tom Petrucci will accommodate and facilitate the training. The fee will be based on the number of municipalities that would participate. Anyone attending will be responsible for their own fee.

5. There was no meeting of the Slate Belt COG for the month of July.

6. Mayor Prator reported that the Animal Control Officer, Christine Mammi, is doing a fantastic job. The Washington Pet Store in Bangor, PA is providing the service of inserting a micro-chip in the animals for a fee of \$10.00.

Community Events/Recreation Board:

1. President Steele stated that the UMBT Soft Ball Teams spectators have been parking their vehicles on the ball field while the teams are playing. Ms. Steele emailed a complaint to the UMBT Manager, Rick Fisher. The issue was addressed by UMBT.

2. Refiners Fire Ministry has offered to pay for the ball field porta-potty for the month of July while they are sponsoring their Community Kids program. Councilwoman Prator stated that the Borough should pick up the tab. A motion was made by Lisa Prator, 2<sup>nd</sup> by Bridget Kenna that the Borough pay for the porta-potty in the amount of \$130.00. Motion carried: 6-0-0

3. The Community Yard Sale event will be held on Saturday, July 15<sup>th</sup> from 8 AM to 2 PM.

4. The monthly Sunday Sundae event has been very successful and will be held again on Sunday, July 23<sup>rd</sup> from 6:30 PM to 7:30 PM.

Police Report:

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

~~1. Traffic citations issued 9 for \$12,001.00; Non-Traffic citations issued 0; Criminal Arrests 1; Parking Tickets 0; Incidents 28; Parking/Traffic 13; Theft Reports 1; EMS 3; CIVIL 1; Road Hazard 1; Warrants 1; Domestic 0; Disorderly Conduct 0; Suspicious Activities 0; Agency Assist 1; Harassment 1; Narcotics 1; Alarm 2; Fire Company 0; MVA 1; Foot Patrol/Building Checks 2; Vehicle mileage: Crown Ford Victoria 0, Ford Utility 1,049.~~

*delete per Council meeting  
motion 8/7/2017  
CAH*

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1. ~~Chief Mulligan reported that it was a good month, the department is down one (1) officer so the Chief would like to hire another officer.~~

- ~~• legal updates were completed~~
- ~~• annual MPOETC officer audit completed~~
- ~~• the annual DMV Crash Reporting Audit was completed~~
- ~~• six (6) criminal cases were expunged per the District Attorney's office.~~

2. ~~There is no wish list from Chief Mulligan.~~

3. ~~Chief Mulligan is reviewing two (2) cadets from the Allentown Police Academy.~~

- ~~a) A motion was made by Lisa Prator, 2<sup>nd</sup> by Steve Knott to hire one (1) part-time police officer for up to twenty-four (24) hours per week at the rate of \$15.00 per hour provided that after the Personnel Committee interviews the candidates and confirms that they are qualified one candidate (1) may be hired. Motion carried: 6-0-0~~

*delete per Council  
meeting motion  
8/7/2017 (CAH)*

Mayor's Report:

- Attended the Northern Tier Trail Feasibility Study Kick-Off Meeting on May 23, 2017.
- Attended the Lehigh Valley Transportation Study on June 28, 2017 sponsored by PennDOT.
- Discussed a mini cell tower for on top of the municipal building.
- Attended the Northampton County Heroin Drug and Opioid Task Force on May 2, 2017. Bethlehem Township PA and Bangor Borough PA are the two (2) pilot programs for the Slate Belt.
- Received a telephone call from Sandra Brodt, 203 Main Street, regarding a tree limb from a Borough tree behind her property that fell on the downspout of her house. Mayor Prator replied that Mrs. Brodt contact her homeowner's insurance to file a claim.
- Received from Gen-On Energy, Inc. Notice of Bankruptcy. Mayor Prator forwarded to Solicitor Gaul.
- The short notice July 4<sup>th</sup> Parade coordinated between UMBT and Portland Borough was a huge success. Plans are already being made for the July 4, 2018 combined parade.

Streets Department:

1. Report from Councilman Knott:

- Part-time maintenance employee, David Gonzalez, has verbally resigned.
- Former part-time maintenance employee, Steve Blume, may be interested in the position
- A friend of Councilwoman Prator, Joe Tonnie, a senior at East Stroudsburg High School may be interested in the position. Mr. Tonnie is seventeen (17) years old and would need working papers.

A motion was made by Lisa Prator, 2<sup>nd</sup> by Steve Knott to hire of a part-time streets department laborer for up to fifteen (15) hours per week at the hourly rate of \$10.00 per hour and that the Personnel Committee meet and discuss which of the two (2) above mentioned candidates would be hired for the part-time position. Motion carried: 6-0-0

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2. Snow/Ice Removal Contract:

Councilman Knott suggested that the Borough purchase a salt and cinder spreader for the 1998 GMC Dump Truck with Steve Frei as the truck operator. This would not be part of the snow/ice removal contract. Mr. Frei would be considered a Borough employee to snow/plow/cinder the Borough's parking lots. Solicitor Gaul stated that a decision is needed for the August 7<sup>th</sup> council meeting. Councilwoman Prator stated that the Streets Committee would meet to discuss the contract and the salt and cinder spreader. Tabled was the advertisement of the bid specifications until the August 7<sup>th</sup> council meeting.

3. President Steele has met with Met Ed concerning performing vegetation clearance, tree removal and brush disposal on the power lines right-of-way, at no expense to the Borough. A motion was made by Lisa Prator, 2<sup>nd</sup> by Steve Knott authorizing Ms. Steele to sign the permission form for the right-of-way maintenance to be performed by Met Ed. Motion carried: 6-0-0

4. Mr. Knott stated that the storm drains on Main Street are clogged with debris and the cement around them is breaking up. Mr. Knott recommends their removal and will secure estimates for the August 7<sup>th</sup> council meeting. This will also be discussed at the meeting of the Street Committee.

Sanitation:

1. Solicitor Gaul stated that the Five (5) Year Sanitation Contract does not need much revising. Solicitor Gaul suggested a five (5) year contract with the option to convert to two (2) more years to make a seven (7) year contract.

2. The secretary was asked to contact the Borough's insurance carrier, Brown & Brown of the Lehigh Valley, to review the insurance requirements of the bid specifications of the contract.

Building Committee:

The secretary reported that bats from the municipal building attic have infiltrated the main offices of the building. No action was taken. Council will investigate.

Budget, Finance, Insurance, & Cable TV Contract:

A motion was made by Lisa Prator, 2<sup>nd</sup> by Brian Kardos approving the rollover of CD #401108331, in the amount of \$20,279.96, for a period of (12) months. Motion carried: 6-0-0

Ordinance Update Committee:

None

Council, Policy & Procedure Committee:

None

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Slate Belt Rising Committee:

1. A motion was made by Lisa Prator, 2<sup>nd</sup> by Steve Knott authorizing President Steele to sign a letter of support for the Community Action Committee of the Lehigh Valley (CACLV) application to the Northampton County Community Investment Partnership Program (CIPP) to improve facades and to implement a regional branding strategy through Slate Belt Rising. Motion carried" 6-0-0
  
2. Ms. Steele presented three (3) estimates for the replacement of shade trees in the downtown business district. Emerald Garden Landscaping has been awarded the job to complete the work. The allocation to the Borough from Slate Belt Rising is \$2,500.00 and the quote from Emerald Garden Landscaping was \$2,350.00. Ben Salvatore, Principle, has been working with the Boroughs of Stroudsburg and Bangor PA. Emerald Garden Landscaping will be planting, warranting and will check and water the trees during their first year.
  - a) All the estimates have been forwarded to Stephen Reider, Manager of Slate Belt Rising. The Borough is waiting on final approval from the Slate Belt Rising Committee.

Correspondence:

1. Portland Citgo Facility: Site Characterization Report for incident dating November 29, 2016. No corrective actions have taken place. The facility has been referred for escalated enforcement action, to include pursuit of an assessment of civil penalties for failure to comply.
  
2. A thank you was received from Chief Robert Mulligan for the gift received from council while he was recuperating from outpatient surgery.
  
3. A thank you was received from Alexis Lamont, cleaning personnel, for the gift card after the birth of her son.
  
4. Mayor Prator received correspondence from:
  - a) Boyle Construction: proposal for a capital project.
  - b) CHEA Minority Business.

Secretary's Announcements:

None

Old Business:

None

New Business:

- The secretary reported that she and the billing clerk would like another internet provider rather than Frontier Communications. Ms. Hummel stated that the Borough office has internet problems every day with the internet shutting down on its own. Ms. Steele replied that council will investigate the problem with Frontier. No action was taken.



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Public Comment, None Agenda:

Warren Kearney: 400 Reimer Road

Mr. Kearney stated to council that he received a certified letter from the zoning officer regarding unauthorized vehicles from Mike's Auto that are parked on his property across the street from Mike's Auto, corner of Northampton and Main Streets, on land that is owned by Mr. Kearney.

Solicitor Gaul explained that Mike's Auto has taken their business and put it on Mr. Kearney's property. This is not an approved use of the Kearney property but a business use of the Kearney property. Mr. Gaul further stated that any kind of change of use of a property needs a zoning permit. The Kearney property is no longer classified as open space or recreation. Mike's Auto is a grandfathered business in a residential zone and can exist where it is but cannot expand onto someone else's property.

Mr. Kearney replied that Mike's Auto Garage and the previous owner is a pre-existing use of the Kearney property before zoning was established. Mr. Kearney was asked if he had spoken with the zoning officer? Mr. Kearney replied NO. Mr. Kearney stated that the cars could be parked on his property as long as they are licensed and insured. Mr. Kearney also stated that when he allowed Borough Council to store their salt and cinders on the same property, council had agreed to fill in the property with topsoil and grass seed after the salt and cinders were moved to another location on Borough property.

Councilwoman Prator apologized to Mr. Kearney that previous councils had not filled in the property with topsoil and grass seed. Mr. Kearney replied that when the Mike's Auto property is sold he will not allow anyone else to park on his property.

President Steele stated that she will contact the zoning officer to meet with Mr. Kearney.

Executive Session:

None

Adjourn:

The next meeting of the Portland Borough Council will be held on August 7, 2017 at 7:00 PM.

A motion to adjourn the meeting at 8:51 PM was made by Lisa Prator, 2<sup>nd</sup> by Brian Kardos.  
Motion carried: 6-0-0

Respectfully Submitted by,

*Carol A. Hummel*

Carol A. Hummel, Secretary

