

**BOROUGH OF PORTLAND
COUNCIL MEETING DECEMBER 5, 2016**

The Portland Borough Council Meeting of December 5, 2016 was called to order at 7:00 PM by Stephanie Steele, President of Borough Council.

Council Members Present:

*Stephanie Steele * Bridget Kenna* Steve Knott * Lisa Prator* Yvonne Gumaer* Heather Fischer* Brian Kardos

Others Present:

1. Michael Gaul, Borough Solicitor
2. Mayor Lance Prator
3. Mark Bahnick, Borough Engineer
4. Carol Hummel, Borough Secretary

Snow-Ice Removal Proposal: Super Heat, Inc., Paul & Jake Taylor

1. Mr. Taylor's proposal to council:
 - a) 7:30 AM to 4:00 PM weekdays - \$80.00 per hour per person
 - b) 4:00 PM to 7:30 AM weekdays – time and one-half
 - c) Saturday's – time and one-half
 - d) Sunday & Holidays – double time
 - e) \$7K up-front payment by the Borough for Super Heat increased insurance coverage
 - i. Mr. Taylor explained that higher insurance coverage is needed for road plowing in case a driver would hit a car during a snow storm
 - f) Jake Taylor explained that he has (7) years' experience plowing parking lots for a contractor in Allentown, PA,
2. Mayor Prator encouraged council to act on the proposal because of the snowfall last night and the prediction for snow tonight.
3. Solicitor Gaul read the conditions and list of equipment required for the Snow-Ice Removal contract. The conditions were acceptable to the Taylors' and they replied that they own all the required equipment.
4. Councilwoman Lisa Prator asked the Taylors if they would prefer a (1) year contract instead of a (2) year contract. If council is happy with your work performance, council can then make it a (2) year contract for the next term. The Taylors replied that a (1) year contract would be better since they have never plowed a municipality.
 - a) Ms. Prator asked the Taylors if they would consider \$80.00 per hour from 7:00 AM to 7:00 PM instead of 7:30 AM to 4:00 PM and then the next (12) hour shift would be time and one-half. The Taylors replied NO. Mr. Taylor explained that the employees of Super Heat would be the snow removal truck drivers. The price of \$80.00 per hour is just the flat rate per hour per employee regardless of the equipment used.
5. President Steele stated that the plowing of the engine house and social hall lot are the top priorities since this was an issue with the previous contractor.
 - a) Ms. Prator asked about the stipulation of not plowing until there is (2) inches of snow, since that was a contention with the previous contractor. It was stated that Councilman Knott is the liaison between council and the contractor and that Mr. Taylor will make all contact through Mr. Knott.

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A motion was made by Lisa Prator, 2nd by Heather Fischer authorizing a (1) year Snow-Ice Removal services contract between Super Heat, Inc. and the Borough of Portland based on the Snow-Ice Removal Specifications of the Borough with the hourly rate of \$80.00 per hour per person per vehicle, the hourly rate adjusted for time and one-half after (8) hours and Sundays and holidays at the rate of double time. Motion carried: 7-0-0

a) Solicitor Gaul stated he would prepare a written agreement for execution by the parties.

A motion was made by Lisa Prator, 2nd by Yvonne Gumaer authorizing the one-time payment of \$7,000.00 up front to compensate Super Heat, Inc. for additional insurance coverage. Motion carried: 7-0-0

a) The one-time up front insurance payment will be invoiced to the Borough by Super Heat, Inc.

b) Solicitor Gaul stated to the Taylor's that the job is not finished until Councilman Knott reviews and is satisfied with the job performance.

c) Solicitor Gaul stated that Council meets once a month to approve all bills. Bills should be presented to the Secretary no later than Friday before the council's regular monthly meeting.

Resolution 2016-21:

A motion was made by Lisa Prator, 2nd by Bridget Kenna adopting Resolution 2016-21, "Approving the Final Budget, including General Fund, Sewer Fund and Sanitation Fund, for the Borough of Portland for the year 2017". Motion carried: 7-0-0

Real Estate Tax Ordinance 2016-1:

A motion was made by Lisa Prator, 2nd by Bridget Kenna adopting Ordinance 2016-1, "An Ordinance of the Borough of Portland, County of Northampton and Commonwealth of PA, Levying a Tax On All Real Estate Within the Borough for General Borough Purposes for the Fiscal Year 2017; Affixing the Tax Rate; And Providing for Other Miscellaneous Matters". Motion carried: 7-0-0

Resolution 2016-22:

A motion was made by Steve Knott, 2nd by Heather Fischer adopting Resolution 2016-22, "Regarding Fees and Charges Related to the Borough's Collection and Disposal of Garbage from Private Residences in the Calendar Year 2017". Motion carried: 7-0-0

Resolution 2016-23:

A motion was made by Lisa Prator, 2nd by Brian Kardos adopting Resolution 2016-23, "Approving Kirk, Summa & Co., LLP, Temporarily to the Office of Borough Auditor for Purposes of the 2016 Calendar Year Audit and authorizing President Steele to execute the Letter of Engagement between Kirk, Summa & Co., LLP and the Borough of Portland in the amount of \$3,850.00. Motion carried: 7-0-0

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Resolution 2016-24:

A motion was made by Lisa Prator, 2nd by Heather Fischer adopting Resolution 2016-24, "Authorizing the Borough of Portland to Apply for a Local Shares Grant Through the Local Shares Account of Monroe County for the Purpose of Renovations and/or Repairs to the Portland Municipal Building, 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: 7-0-0

a) The final budget approved by the PA-DCED is \$334,857.00.

Notice of 2017 Regular Meeting Schedule for the Borough of Portland:

1. Council discussed that New Year's Day January 1, 2017, is on a Sunday and that Monday, January 2, 2017 is declared the legal federal holiday. A motion was made by Bridget Kenna, 2nd by Yvonne Gumaer authorizing the secretary to advertise, in the Pocono Record, the 2017 regular meeting schedule for the Borough Council, the Planning Commission, Liberty-Trail Sub-Committee, but changing the date of the January 2, 2017 monthly council meeting to the second Monday, January 9, 2017.

Question: Councilwoman Prator stated that Independence Day, July 4, 2017, is on a Tuesday in 2017 and council should meet the second Monday, July 10, 2017 instead of the first Monday, July 3, 2017.

The motion was amended by Ms. Kenna, 2nd by Ms. Gumaer authorizing the secretary to advertise, in the Pocono Record, the 2017 regular meeting schedule for the Borough Council, the Planning Commission, Liberty-Trail Sub-Committee, as presented, but changing the dates of the January 2, 2017 monthly council meeting to the second Monday, January 9, 2017 and changing the date of the July 3, 2017 monthly council meeting to the second Monday, July 10, 2017. Motion carried: 7-0-0

2017 Borough Real Estate Tax Bills:

A motion was made by Yvonne Gumaer, 2nd by Heather Fischer approval for the secretary to order the 2017 Borough Real Estate Tax Bills from Berkheimer Associates. Motion carried: 7-0-0

Action on Minutes:

A motion was made by Yvonne Gumaer, 2nd by Steve Knott approving the minutes of November 7, 2016 as presented. Motion carried: 7-0-0

Secretary/Treasurer's Report: Carol Hummel

1. Bills Presented for Payment:

Borough Operations, Borough Add-On Bills & Borough Operations Already Paid:	8,929.78
Sewer Operations & Sewer Operations Already Paid:	11,024.93
Sanitation Operations & Sanitation Operations Already Paid:	4,736.82
Community Events Account	158.45
Air Liquide/Voltaix Escrow	352.00
TOTAL	\$ 25,201.98
a) add the December payroll and payroll taxes:	10,000.00

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b) add Sunoco Fleet Gas: 360.00

TOTAL ALL BILLS ABOVE PRESENTED FOR PAYMENT: \$ 35,561.98

A motion was made by Bridget Kenna, 2nd by Yvonne Gumaer approving the payment of the bills, as presented, in the amount of \$35,561.98. Motion carried: 7-0-0

a) Included in the bill list was an added \$100.00 for shipping of the Bandit 14 police safe.

b) The Borough received reimbursement of \$90,319.00 for (3) payment requests to the Commonwealth Financing Authority (CFA) for the restroom facility.

c) Policelli Associates, Inc.: The property boundary on the Borough's west side has had the survey pins located. The cost of \$225.00 was included in the bill list.

- i. property pin under a cinder block until a permanent pin is installed
- ii. second pin is a wooden stake in the tall grass
- iii. presently there are no vehicles from Mike's Garage on Borough property
- iv. surveyor located the pin that the Borough could not find
- v. Councilwoman Prator stated the issue should be resolved now because the property is for sale and the Borough would later have to deal with a new owner.
- vi. Council discussed installing a chain link fence on the Borough's property line.
- vii. Councilwoman Prator preferred used fencing instead of new.

A motion was made by Lisa Prator, 2nd by Bridget Kenna approving the installation of used/second hand fencing repurposed material from the Portland Ball Field and installed by Borough employees, with Councilman Knott supervising. Motion carried: 7-0-0

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

None

Sewer Matters:

Borough Engineer Mark Bahnick reported that there are no issues at the WWTP.

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

Park & Walk Restroom Facility:

- a) Blue Mt. Inspection Services completed an ADA Compliance Inspection of the restroom facility. The restroom is not in compliance. The list has been given to Old Castle Precast to address.
- b) President Steele asked Mr. Bahnick who will be paying for the items that are not in compliance; Mr. Bahnick replied that he will wait to see the proposal from Old Castle Pre-Cast and that he would take care of what is best for the Borough.

WWTP:

- a) plant operations were good for the month of November
- b) concrete work is completed at the plant

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- c) operating budget shows a \$22,000 surplus to the end of November
- d) the engineer will be providing the EPA with water quality and operations data that has been requested relative to nutrient loading (volunteer program)
- e) hope to get the second treatment unit on line in 2017

Sandnes Land Development:

A sanitary sewer review was completed and Mr. Bahnick provided the review letter.

- Mr. Bahnick left the meeting at 8:15 PM.

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

1. Ms. Serfass was absent but sent a monthly report.

a) Ms. Serfass hand delivered a letter to the William Lane residence at 529 Delaware Avenue ordering the vacation of the property. The water was turned off for non-payment of sewer services. The property is inhabitable and in violation of the Property Maintenance Code. President Steele gave an overview of Mr. Lane's payment history.

b) Councilwoman Fischer asked what are the Borough's options since she and Councilwoman Gumaer agree that they do not want to spend thousands of dollars on a lawsuit.

c) Councilwoman Lisa Prator replied that there are ordinances to follow; it is not fair to council and to everyone else who pays their bills. Council must be fair to everyone in the community.

d) Ms. Steele stated that she would contact Ms. Serfass on how to move forward.

e) Ms. Serfass presented no invoice for the month of November.

2. Gianni & Yudkley Schomberg: 425 Delaware Avenue

a) The secretary gave a verbal report of the Schomberg's payment history.

UCC Building Inspectors Report:

No permits were issued for the month of November.

Zoning Hearing Board (ZHB):

No hearings scheduled.

Planning Commission:

None

Portland Borough Authority (PBA):

1. Report by Chairman Lance Prator:

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- a) Board member Steve Schoberl's term is up for re-appointment in January 2017.
- b) The PBA is purchasing a new Dodge dump truck through Co-Stars pricing for \$29K. The PBA is willing to sell their current used dump truck to the Borough for \$1.00 with the Borough paying for the transfer and registration fees.
- c) The PBA has received a grant of ~~\$495K~~ ^{\$50K} from Northampton County for the replacement of the water line that travels through the State Street/Jacoby Creek Bridge. The line will be routed through Hester Street. The PBA has also applied for a LSA Grant through the Monroe County Gaming Revenue.

*DCED CIPP
Corrected 01/09/2017.
Council meeting
CAH*

Legal:

None

Subdivision and Land Development:

PA Bagel & Deli may be purchased and developed by Dunkin Donuts. A Scoping Meeting is scheduled for December 13, 2016 with PennDOT, Engineers, Portland Borough Officials and Lehigh Engineering at the PennDOT District Office, Allentown PA.

Community Development, COG & Grants:

- a) The Slate Belt COG has billed the Borough \$150.00 for their portion of the cost to host the E-Cycle Event on October 22, 2016 at the Washington Township Elementary School. Mayor Prator stated that it was never stated at a COG meeting that the municipalities would be billed for this. No action was taken. Mayor Prator stated he would speak with Director Scott Parsons for clarification.
- b) The Slate Belt COG held their monthly meeting on November 30, 2016.
- c) The Borough did receive a bill, in the amount of \$300.00, from The Center for Animal Welfare in Easton, PA for stray animals that were taken to the shelter by state police officials. Mayor Prator turned the bill over to Mr. Parsons and the bill was exonerated.
- d) Mayor Prator stated that he received a telephone call from the Slate Belt Community Partnership (SBCP) about their concern that Borough Council may not participate in the Community Action Committee of the Lehigh Valley (CACLV), which is creating a new community partnership for the prior members of the SBCP.
- e) Mayor Prator reported that Patricia Day of 613 Delaware Avenue has been in contact with him concerning her proposal for the "green living" initiative that she presented to council at the November meeting. The committee will meet after the New Year's holiday.
- f) Councilwoman Prator commented that at a recent SBCP meeting it was stated that the SBCP was granting monies to the Pen Argyl tree lighting ceremony. At that meeting, Ms. Prator and Ms. Steele reported that the Portland annual tree lighting ceremony is self-funded. The Pen Argyl Borough Manager then stated that there was money available for Portland. ~~Ms. Prator stated that Portland should ask for Portland's tree lighting money from the SBCP. No action was taken.~~

*Stricken from minutes 01/09/2017 Council meeting
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g) As in previous years U.S. HUD will announce the availability of Federal Fiscal Year 2017 CDBG funding during March 2017.

Community Events/Recreation Board:

1. The Annual Tree Lighting Ceremony was a huge success. It was stated that attendance was triple from last year.
2. An email request from Max Dutt for use of the Portland Gymnasium was answered by Mayor Prator.
3. The next Community Events committee meeting is December 11th.
4. There is no report on the funds raised from the tree lighting event.
5. Ms. Cindy Fish asked for a status report on installing an ice rink at the ball field. The reply was that the committee is still considering it.

Police Report:

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

1. Traffic citations issued 9, in the amount of \$14,285.00 for Weights & Measures violations; Non-Traffic citations issued 0; Criminal Arrests 2; Parking Tickets 0.

Incidents 24: Parking/Traffic 12; Thefts 0; EMS 1; Warrants 2; Criminal Mischief 0; Civil 0; Weapons 0; Domestic 0; General Complaint 2; MVA 1; Disabled Motorist 2; Disorderly Conduct 0; Suspicious Activities 0; Found Property 0; Agency Assist 2; Fire Company 0; Harassment 0; Narcotics 1; Alarm 1. Vehicle mileage: Crown Ford Victoria 0, Ford Utility 1,025

2. The department had several arrests and enforced several truck Weights & Measures violations.

3. The winter jackets and the new safe were delivered.

4. Chief Mulligan qualified all officers on the shooting range and renewed their Taser Certificates.

5. The department missed (5) calls that were handled by the PA State Police.

Council Comments:

The Portland Officers, except Chief Mulligan, are working part-time in Freemansburg Borough, PA. The officers are getting lots of hours with more money and overtime. Chief Mulligan suggested adding hours and hiring additional officers. Councilwoman Gumaer questioned the work hours for the Portland Police. Solicitor Gaul explained that police officers have the option not to take on more work.

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Mayor Prator Remarks:

- a) Mayor Prator stated he met and toured the area with students from the University of Pennsylvania on December 15th.
- b) Mayor Prator attended the Regional Comprehensive Plan Update meeting on December 2, 2016 at the Sands Event Center. Mayor Prator stated that the Regional Comp Plan should be completed by 2020.

Streets Department:

- 1. The Upper Mount Bethel Township Supervisors were approached to provide snow-ice removal services to the Borough. The Supervisors declined.
- 2. (90) recycle paper leaf bags were given out to (5) households.
- 3. The streetlight installation at 406 Bruce Street has been completed by Met Ed.
- 4. Cindy Fish asked if signage has been ordered for the New Restroom Facility at the Park & Walk Lot. Ms. Steele stated NO, but the committee will discuss it at their next Community Events Meeting.

Sanitation:

Discussed at last month's council meeting was the setting up of Borough residents being able to pay their garbage account payments at Merchants Bank. Merchants Bank informed the secretary that they will no longer be opening and accepting new municipal payments. President Steele replied that council will be investigating a credit card machine.

Building Committee:

None

Budget, Finance, Insurance, & Cable TV Contract:

CD #401113927 will mature on 12-26-2016 in the amount of \$21,933.32 for an (8) months term. A motion was made by Brian Kardos, 2nd by Lisa Prator approving the roll-over of CD #401113927. Motion carried: 7-0-0

Ordinance Update Committee:

None

Council, Policy & Procedure Committee:

None

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Slate Belt Community Partnership (SBCP):

No reply was received from the SBCP with regards to the letter sent to the SBCP that the Borough would not be making contributions to the SBCP for the third and fourth quarter of 2016.

Correspondence:

1. Ott Consulting, Inc., Alternate Engineer and Sewage Enforcement Officer, provided their 2017 rate schedule, which includes a small rate adjustment. A motion was made by Lisa Prator, 2nd by Heather Fischer accepting the 2017 rate increase. Motion carried: 7-0-0

2. PennDOT ECMS, Local Project Training at no cost.

3. Santa's Elves Committee: Slate Belt Chamber

4. District Court 03-3-03: Open House Wednesday, December 21st from 1 to 3 PM.

5. Merchants Bank is sponsoring a Community Fund Drive for Northampton County food pantries. They are collecting at each branch, November 7th through December 9th.

Secretary's Announcements:

The secretary requested Wednesday, December 14, 2016 off from work. No objections were received from any council member.

Old Business:

a) The new Borough Letterhead will be ready for use in January 2017.

b) Councilwoman Prator is still working on a draft of a Shade Tree Commission.

c) The Schomberg's, 425 Delaware Avenue, were scheduled to replace the roof within two weeks of November 15th. No activity to date.

New Business:

a) PA EIT: Governor Chris Christie has withdrawn his proposal to end the Reciprocity Agreement between New Jersey and Pennsylvania.

b) Mayor Prator suggested that a paper folder be purchased for the billing clerk at a cost of \$200.00. Vice President Bridget Kenna stated that she is available anytime to help with the folding of bills and stuffing envelopes. No action was taken.

c) Ms. Cindy Fish thanked the Borough Council for approving the feasibility study and work involved for the Liberty-DWG Trail Alliance. Ms. Fish stated that there are bigger things going on "behind the scenes".

d) Councilwoman Gumaer asked about signage for the Portland Food Pantry (PUMP). Ms. Steele replied that the Portland Hook & Ladder must apply for the sign because the pantry is

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located on their property. Ms. Steele stated to Ms. Gumaer that there are specific sizes for signs and that the Zoning Ordinance Book is available on the Borough's website.

~~Ms. Fish left the meeting at 9:43 PM.~~

*Stricken from minutes 01/09/2017 Council meeting
CAH*

Executive Session:

A motion was made by Heather Fischer, 2nd by Yvonne Gumaer to adjourn to executive session at 9:44 PM. Motion carried: 7-0-0

Discussion: legal matters discussed with Solicitor Gaul.

A motion was made by Steve Knott, 2nd by Bridget Kenna to reconvene from executive session at 9:46 PM. Motion carried: 7-0-0

Action Taken from Executive Session:

None

Adjourn:

1. The next meeting of the Portland Borough Council will be held on Monday, January 9 at 7:00 PM.

2. A motion to adjourn the meeting at 9:47 PM was made by Lisa Prator, 2nd by Bridget Kenna. Motion carried: 7-0-0

Respectfully Submitted by,

Carol A. Hummel
Carol A. Hummel, Secretary

