

BOROUGH OF PORTLAND
COUNCIL MEETING JANUARY 9, 2017

The Portland Borough Council Meeting of January 9, 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* Brian Kardos

Absent, for personal reasons was Heather Fischer.

Others Present:

1. Mayor Lance Prator
2. Michael Gaul, Borough Solicitor, who entered the meeting at 7:02 PM.
3. Carol Hummel, Borough Secretary

Appointments:

Recreation Board:

Stephanie Steele Expires 12-31-2016
Appoint to (3) year term 01-01-2017 to 12-31-2019

Motion by, Bridget Kenna 2nd by Lisa Prator appointing Ms. Steele to a (3) year term on the Recreation Board. Motion carried: 6-0-0

Planning Commission:

Robert Tust Expires 12-31-2016
Appoint to (4) year term 01-01-2017 to 12-31-2020

Motion by Lisa Prator, 2nd by Bridget Kenna appointing Mr. Tust to a (4) year term on the Portland Borough Planning Commission. Motion carried: 6-0-0

Zoning Hearing Board:

Hubert McHugh Expires 12-31-2016
Appoint to (3) year term 01-01-2017 to 12-31-2019

Motion by Lisa Prator, 2nd by Yvonne Gumaer appointing Mr. McHugh to a (3) year term on the Zoning Hearing Board. Motion carried: 6-0-0

Portland Borough Authority:

Steven Schoberl Expires 12-31-2016
Appoint to (5) year term 01-01-2017 to 12-31-2021

No action was taken on Mr. Schoberl's appointment.

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Public Comment: The (5) minute rule applies.

Alan Jennings: Community Action Committee of the Lehigh Valley (CACLV)

Mr. Jennings stated that the CACLV received approval for a new partnership that includes absorbing the Slate Belt Community Partnership (SBCP).

Discussion:

1. Portland did not contribute their third and fourth quarter dues to the SBCP for the 2016 calendar year.

- a) Councilwoman Prator asked if Portland would still be able to join the CACLV if they are no longer part of the SBCP. Mr. Jennings replied YES.
- b) Ms. Prator stated the Borough's dissatisfaction with the SBCP:
 - i. when asked for information none was supplied
 - ii. there has been no contact since June 2016 with Ms. Sharon Davis, Manager of the SBCP
 - iii. where were dues monies dispersed to
 - iv. Portland does not want to contribute dues to people that do want to work with us
- e) Mr. Jennings replied that his job is to manage the CACLV and does accept any responsibility for the SBCP.
- f) President Steele stated that she works in Bethlehem PA and knows that the CACLV program works. Mr. Jennings replied that the style of the CACLV is to be informal with low administration costs as possible.

2. Scott Parsons, Executive Director of the Slate Belt Council of Governments (COG), commented on the above discussion by giving a history of the SBCP.

3. No action was taken to join the CACLV.

- Borough Engineer Mark Bahnick entered the meeting at 7:28 PM.

Scott Parsons: Slate Belt Council of Governments

Discussion:

- a) Mr. Parsons stated that the COG has hired an Animal Control Officer (ACO) who began work in June 2016. The dog warden will attend a meeting of the COG to speak about the law. The ACO is for cats and dogs only, no other critters, because of licensing.
- b) A sub-committee has been established under the COG to work with the ACO. The committee met with (25) people in attendance.
- c) The ACO is not sworn in to collect fines. Police officers can issue fines.
- e) The Spay-Neuter Voucher Program is up and running. Feline traps will be purchased.
- d) Basically, every COG municipality is on board with the Regional Comprehensive Plan. Later this year Mr. Parsons, will verify that Lower and Upper Mount Bethel Townships are participating.
- e) The E-Cycle Event sponsored by the COG asked all COG municipalities to chip in \$150.00 each to help defray the cost. Ms. Steele replied that other municipalities sponsored e-cycle events which coincided with the COG event.

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Action on Minutes:

A motion was made by Lisa Prator, 2nd by Yvonne Gumaer approving the minutes of December 5, 2016, with the following corrections.

Page 6, top of page, (c) the PBA received a \$50K grant from the Northampton County DCED - CIPP Program.

Page 6, bottom of page, (f) strike the last (2) lines in the paragraph.

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:	30,644.82
Sewer Operations & Sewer Operations Already Paid:	13,732.53
Sanitation Operations & Sanitation Operations Already Paid:	4,722.82
Sandnes Land Development	1,111.50
TOTAL	\$ 50,211.67
a) add the January payroll and payroll taxes:	8,000.00
b) add Sunoco Fleet Gas:	350.00
TOTAL ALL BILLS ABOVE PRESENTED FOR PAYMENT:	<u>\$58,561.67</u>

A motion was made by Bridget Kenna, 2nd by Yvonne Gumaer approving the payment of bills, as presented, in the amount of \$58,561.67. Motion carried: 6-0-0

A motion was made by Bridget Kenna, 2nd by Yvonne Gumaer approving a \$ 5K loan from the General Checking Account to the Garbage Tax Account. Motion carried: 6-0-0

c) Included in the bills presented for payment was the \$7K insurance payment to Super Heat, Inc.

d) Included in the bills presented for payment was the 2016 budgeted amount of \$250.00 to the Bangor Public Library.

e) Included on the add-on bill list is the Met Ed electric bill for the Portland Gymnasium, in the amount of \$38.97.

f) Berkheimer Associates is providing Portland with an LST commission rate reduction by a full one and one half percent. The new rate is 2.25%.

Insurance Renewal 2017:

Brown & Brown of the Lehigh Valley has not firmed up the 2017 insurance premium, which expires on January 19, 2017. Brown & Brown is shopping around to various insurance companies for a lower rate. Brown & Brown Vice President Paul Pugelli stated to the secretary

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today that he would have the final figures by the end of the week. The 2016 insurance premium was \$46,890.00. Rather than schedule a special meeting, a motion was made by Lisa Prator, 2nd by Bridget Kenna authorizing the President of Council to secure the Borough's 2017 insurance renewal package, on the advice of the Borough's insurance carrier, not to exceed the amount of \$55K. Motion carried: 6-0-0

Sewer Matters:

1. The Waste Management EZ Profile, for the WWTP, expired on 11-28-2016. The secretary was not aware that the profile had expired because Ms. Hummel had not received a renewal notice by email. Ms. Hummel contacted the Borough Engineer who is taking care of the renewal.

2. A proposal was received from Lehigh Valley Fence Co. Bath, PA to install pipe and railing for the new concrete steps at the WWTP, in the amount of \$395.93 plus delivery charges. A motion was made by Lisa Prator, 2nd by Bridget Kenna accepting the proposal from Lehigh Valley Fence Co. in the amount not to exceed \$600.00. Motion carried: 6-0-0

3. The Borough is considering purchasing sugar by the pallet, for the WWTP operations, and opening an account at Pocono Foods, Stroudsburg PA. Pick -up cost \$14.86 per bag or delivery cost at \$15.66 per bag. Presently the Borough is purchasing from Sam's Club Easton or Bethlehem Clubs picking up the sugar but this entails borrowing a pick-up truck and Sam's Club often doesn't have a pallet of sugar available. A motion was made by Bridget Kenna, 2nd by Lisa Prator approving the purchase of sugar, by the pallet with delivery, from Pocono Foods, Stroudsburg PA. Motion carried: 6-0-0

4. PA-DEP-MS4 Storm Water Management Meeting:

PA State Senator Mario Scavello has invited Portland to participate in a special informational meeting regarding the new MS4 storm water management requirements under the PA-DEP on Thursday, January 26, 2017, 9:30 AM, at the Monroe Safety Center (100 Gypsum Road Stroudsburg, PA). Municipalities under 1,000 population aren't required to participate but Senator Scavello suggests someone attend for informational purposes. The Borough Engineer stated that the Borough is small enough to be exempt and advised that someone from the Borough attend. Mayor Prator volunteered.

Borough Engineer's Report: Mark Bahnick

1. Projects for 2017, if funds are available
a) second treatment unit piped and on-line
b) chemical feed building

2. Chemical solvent incident was received at the WWTP
a) the biomass was damaged but is recovering
b) President Steele stated another letter will be sent by council advising users to watch what they are discharging into the WWTP

3. Solicitor Gaul asked the status of the transmission fluid, from Mike's Auto, that was pooling at a storm drain on Main Street. Ms. Steele replied that the DEP was contacted and investigated.

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4. Park & Walk Restroom Facility:

- a) the water fountain was adjusted by Portland Contractors to provide the required clearance
- b) Custom Concrete will adjust the threshold at the restroom entrance
- c) for safety, the middle bollard will be removed

5. PA Bagel & Deli: 398 Delaware Avenue

- a) PA Bagel & Deli may be purchased and developed by Dunkin Donuts. A Scoping Meeting was held December 29, 2016 with PennDOT at their District Office in Allentown, PA.
- b) Mr. Bahnick stated if this project moves forward it may be a change of use, or considered land development and require reviews by Council and the Planning Commission. There are no plans submitted yet but this was listed as a topic of discussion at the Scoping Meeting.

- Mark Bahnick left the meeting at 8:22 PM.

Zoning Officer Report:

Ms. Serfass was absent but sent a report for the months of November and December 2016.

- a) Sent notice to 529 Delaware Avenue that if the water is turned off for delinquent sewer payments then the residence must be vacated until the water is turned back on. The property was posted and Ms. Serfass hand delivered a notice to vacate the property within (24) hours of notice.
- b) Answered several emails from President Steele regarding different issues.
- c) Answered calls from property owners who had specific zoning questions.

UCC Officer Report:

None

Zoning Hearing Board (ZHB):

No hearings scheduled.

Planning Commission:

None

Legal:

1. Borough of Portland vs. Paula Niera: Revival of Judgment

The principal amount of the judgment is \$300.00 and approximate interest amount is \$100.00. The judgment was last revived in 2012 and to keep it in lien status it will need to be revived again by July 2017 for another (5) years. The Borough's legal fees to revive the judgment will exceed the amount of the judgment and interest plus the added cost of filing and service costs.

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It was mentioned that Ms. Niera no longer lives at the property. The consensus of Borough Council was that the Borough Solicitor not revive the judgment as the costs exceeded the expected benefit.

2. The Barends lawsuit will be discussed in executive session.

3. It was discussed whether the sewer liens should be sent to the Sewer Solicitor, Tim McManus, for processing or remain with Solicitor Gaul. Council decided to continue with Solicitor Gaul.

Subdivision and Land Development:

None

Community Development & COG:

1. Draft Intergovernmental Cooperation Agreement establishing the Liberty-Water Gap Trail: PA Extension Alliance:

Solicitor Gaul stated that the agreement should be done by ordinance. A sample form ordinance was provided by Delaware Water Gap that can be used by Portland. Solicitor Gaul stated that he suggested two changes. Mayor Prator asked if the (3) municipalities involved in the intergovernmental agreement could advertise collectively instead of separately. Solicitor Gaul responded that the meeting to adopt the ordinance would not be held at a joint location. Also, each separate advertisement would contain the location, date, time where a copy of the ordinance could be reviewed by the public and municipality information. This would not be conducive to a joint advertisement.

The estimated cost for the Borough advertisement could be \$60.00.

a) A motion was made by Lisa Prator, 2nd by Yvonne Gumaer authorizing Solicitor Gaul to advertise the Intergovernmental Cooperation Agreement Establishing The Liberty-Water Gap Trail: PA Extension Alliance in the Pocono Record publication for consideration of adoption at the February 6, 2017 council meeting. Motion carried: 6-0-0

Portland Borough Authority (PBA):

Discussed was the Agreement to Shut-Off Water Service Between Portland Borough Authority (PBA) and the Borough of Portland. The issue that arose was the procedure to follow by the sewer billing clerk for water shut-off/on by the Authority. The property location was 529 Delaware Avenue for non-payment of sewer service. The Authority requires that a Request for Termination of Service form be submitted before water shut-off can begin. The request to turn the water back on was done through a telephone call by President Steele to Craig LaBarré, Water Superintendent. A disagreement arose over the fact that a telephone call for water turn-on was done after normal business of the PBA instead of during normal business hours of the Authority. Ms. Steele stated that a water turn-on policy is not listed in the Agreement to Shut-Off Water Service Between Portland Borough Authority and the Borough of Portland. Solicitor Gaul suggested a written policy. The conclusion is that the Sewer Committee and Councilwoman Prator will attend the PBA monthly Board Meeting on January 16, 2017 to try to find a solution.

The Spay Neuter Voucher Program for felines was discussed earlier under public comment.

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Community Events/Recreation Board:

- a) Funds raised at the Christmas Tree Lighting Event totaled \$171.43.
- b) the committee met last evening and has set up the 2017 schedule.
- c) Mayor Prator reported on a request to use the gymnasium for non-league basketball practice. No action was taken. Mayor Prator stated that this is a future discussion for the Recreation Board.

Police Report:

The December 2016 Police Report was provided in writing by Chief Mulligan.

1. Traffic citations issued 14 for \$15,961.50; Non-Traffic citations issued 1; Criminal Arrests 3; Parking Tickets 2. Incidents 31: Parking/Traffic 14; Theft 1; EMS 2; Warrants 3; Criminal Mischief 1; Civil 1; Animal 1; General Complaint 1; Domestic 1; Snow Removal 1; Suspicious Activities 2; Agency Assist 1; Narcotics 2; Vehicle mileage: Crown Ford Victoria 0, Ford Utility 993.

2. All the graphics were taken off the Ford Explorer due to peeling. Waiting for warmer weather to have it reinstalled under warranty.

3. There were 397 incidents and 153 citations for 2016.

4. Officer Kiefer is taking a "Managing Confidential Informants" drug products course. Officer Kiefer's other police department employer is paying for the course and Mayor Prator asked if council would pay for Officer Kiefer's (3) day work week hours that he would be missing by taking the course. Tabled to discuss in executive session

Mayor's Report:

None

Streets Department:

1. The Streets Department researched the cost of a (30) gallon concrete ash trash waste container with a liner for the Restroom Facility at the Park & Walk Lot. The cost is \$348.25 for the waste container, \$36.00 for the liner, plus freight of not less than \$125 and not more than \$150. No action was taken.

2. The secretary would like to update the Voyager Fleet Gas Account. A motion was made by Lisa Prator, 2nd by Bridget Kenna approving the addition of Stephanie Steele and Carol Hummel as authorized persons on the Voyager Fleet Gas Account. Motion carried: 6-0-0

3. Mr. Knott reported that the Portland Hook & Ladder Co. #1 installed new outside lights on the Social Hall and a new spot light for the veteran's flag pole/monument.

4. Fencing has been installed on the Borough's property line on Main Street across from Mike's Garage.

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Sanitation:

None

Building Committee:

None

Budget, Finance, Insurance & Cable TV Contract:

A motion was made by Brian Kardos, 2nd by Lisa Prator approving the rollover of CD #401112218, in the amount of \$20,226.44 for (12) months. The CD renews January 25, 2017.

Motion carried: 6-0-0

a) Ms. Kenna asked the interest rate. The secretary replied .2500%.

Ordinance Update Committee:

None

Council Policy & Procedure Committee:

None

CACLV:

Done earlier under public comment.

Correspondence:

a) The February Bi-County training is the G235 Emergency Planning to be held at the Lehigh County Joint Operations Center on the dates of February 18 & 19. This training is free with lunch on your own.

b) A letter from PUMP asking if council would consider a donation to their organization. No action taken.

c) The next Lehigh Valley Regional Partnership Meeting is scheduled for Thursday, February 9, 2017 at the PPL's Walbert Training Facility, Church Road, Allentown, PA from 9 –11 AM.

d) The Meyner Center is holding a free program entitled "The Legalization of Marijuana" on February 1, 2017 from 9A M to Noon in Phanning Hall on the campus of Lafayette College Easton, PA. Deadline for registration is January 18, 2017.

i. Councilwoman Gumaer is interested in attending.

ii. The Tri-County Regional Planning Commission has assembled a model ordinance to serve the anticipated need of member municipalities.

e) G-205(270.4): Recovery From Disaster: The Local Government Role Course provided by the PEMA Agency at no cost.

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Secretary's Announcements:

None

Old Business:

1. New Borough Letterhead:

None

2. Councilwoman Prator presented a sample tree ordinance for review by council. Ms. Prator explained what can and cannot be done to public trees. For discussion at the February 6, 2017 council meeting.

3. 425 Delaware Avenue: The secretary reported that the Schomberg's were notified by the Police Department to remove their dumpster (01-03-2017) on Delaware Avenue. Mrs. Schomberg called Friday AM, 01-06-2017, and said the contractor is still working there and needing the a few days.

New Business:

The secretary is the delegate to the Tax Collection Committee and asked Borough Council for direction on how to vote for the 2016 auditor selection and the forthcoming Keystone Collections Contract, which is potentially expiring December 31, 2017.

1. Tax Collection Committee Audit:

Solicitor Gaul, who is the Solicitor for the TCC, explained that the present auditor, Riley and Company, submitted a proposal for a (3) year audit period. For the last three years, the annual fee has been \$1,600.00 but their new proposal is significantly higher. Other proposals will be solicited by the TCC. The secretary was advised by council to vote to change the auditor

2. Tax Collection Committee Keystone Contract:

The TCC has contracted with Keystone Collections as the Northampton County's EIT tax officer since the inception of Act 32 mandated collection of (EIT) in 2012. The TCC must decide whether to stay with Keystone or accept other proposals from other firms such as Berkheimer Tax Associates, who have historically expressed interest in becoming the tax officer. Solicitor Gaul stated that, in addition to the rate of compensation to the Tax Officer, the Borough should also consider whether there would be any transitional burdens to filers and employers if the Tax Officer was changed. The secretary was advised by council to vote to stay with Keystone Collects.

3. Hubert McHugh, from the audience, complained that the street snow removal company is not plowing snow close enough to the curbs. President Steele explained that this is the company's first municipal snow removal contract and they are concerned that they would damage someone's property.

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5. Mayor Prator reported that Co-Stars Salt Contract has been locked in for 2017-2018.

6. Councilwoman Gumaer reported that she called the Zoning/Codes Officer with a complaint about 617 Washington Street. Ms. Gumaer stated that she left a message but Ms. Serfass did not return her call.

7. Councilwoman Prator reported there has been trash accumulation on the Kearney property next to the municipal building property and rear of the ball field behind the Keller property. Ms. Prator speculated possible dumping of trash. President Steele commented that the junk accumulation is starting again at 108 Division Street. Ms. Steele stated that she would contact Ms. Serfass.

Executive Session:

A motion was made by Lisa Prator, 2nd by Brian Kardos adjourning to Executive Session at 9:44 PM. Motion carried: 6-0-0

Discussion: personnel matters; Barend lawsuit; legal matters with Solicitor Gaul

A motion was made by Brian Kardos, 2nd by Yvonne Gumaer to reconvene from Executive Session at 10:04 PM. Motion carried: 6-0-0

Action Taken:

A motion was made by Lisa Prator, 2nd by Bridget Kenna approving that council will reimburse Officer Stephen Kiefer's payroll of (3) days or (24) hours at straight time from January 17, 18, 19, 2017 while he is attending a "Managing Confidential Informants" drug products course. Motion carried: 6-0-0

Adjourn:

The next council meeting will be held on February 6, 2017 at 7:00 PM.

A motion was made by Lisa Prator, 2nd by Steve Knott to adjourn the meeting at 10:06 PM. Motion carried: 6-0-0

Respectfully Submitted by,

Carol A. Hummel

Carol A. Hummel, Secretary

