

**BOROUGH OF PORTLAND
COUNCIL MEETING NOVEMBER 6, 2017**

The Portland Borough Council Meeting of November 6, 2017 was called to order at 7:00 PM by Stephanie Steele, President of Borough Council.

Council Members Present for call to Order:

*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
5. John Bermingham, Jr., Chairman Upper Mount Bethel Township Supervisors

Action on Minutes:

- A motion was made by Bridget Kenna, 2nd by Steve Knott approving the regular monthly minutes of October 2, 2017 as presented. Motion carried: 5-0-2 (Heather Fischer and Yvonne Gumaer abstained)
- A motion was made by Heather Fischer, 2nd by Yvonne Gumaer approving the special meeting minutes of October 9, 2017 as presented. Motion carried: 7-0-0

Resolution 2017-16: Eagle Scout Award

A motion was made by Steve Knott, 2nd by Yvonne Gumaer adopting Resolution 2017-16 for Lucas Tanner Yanchok, Scout Troop 41, Prince of Peace Lutheran Church, Johnsonville, PA.
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:	16,020.77
Sewer Operations & Sewer Operations Already Paid:	16,501.68
Sanitation Operations & Sanitation Operations Already Paid:	5,299.32
Community Events Account	216.89
Ultra-Poly Escrow Account	1,945.50
Portland Market Escrow Account	980.85
TOTAL	\$ 40,965.01
a) add the November payroll and payroll taxes:	11,000.00
b) add Sunoco Fleet Gas:	500.00
TOTAL ALL BILLS ABOVE PRESENTED FOR PAYMENT:	\$ 52,465.01

a) Question from Councilwoman Heather Fischer: Ms. Fischer questioned the balance and the invoiced bill regarding the Ultra-Poly Escrow Account. The secretary explained that there are not enough funds in the escrow account to pay the invoiced bill from the Borough Engineer. A motion was made by Lisa Prator, 2nd by Heather Fischer approving the payment of bills, as presented, except to hold the Ultra-Poly invoice for payment approval at the December 4, 2017 council meeting. The total all bills presented for payment is amended to \$50,519.51. Motion carried: 6-1-0 (President Steele voted NO)

b) A motion was made by Lisa Prator, 2nd by Heather Fisher approval for the secretary to request \$5,000 from Ultra-Poly Corp. for their escrow account.

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i. Ms. Prator asked the Borough Engineer why the subdivision fees were not paid upon submittal of their plans. Mr. Bahnick explained that the subdivision plans were revised and submitted before the fee schedule was approved. Motion then carried: 7-0-0

c) A motion was made by Yvonne Gumaer, 2nd by Lisa Prator approval for the Real Estate Tax Account to loan the Garbage Tax Account \$10,000. Motion carried: 7-0-0

Public Comment:

1. Fred Duckloe: 427 Delaware Avenue (Parking on Delaware Avenue)

Mr. Duckloe reported that there are (58) parking spots, this does not count 513 Delaware Avenue and upwards. There are (10) businesses on the street. This calculates to (6) parking spaces per building. There are (9) apartments and (4) current businesses at the 500-block beginning at 501 Delaware Avenue. Councilwoman Prator stated that the most used spaces are at the motorcycle shop, 501 Delaware Avenue.

Councilwoman Prator gave a report of the workshop meeting with the business owners, tenants and the Citgo gas station. Discussed were:

- options of parking
- help to decrease the summer parking
- signage to direct the canoers to park at the Park & Ride Lot to deter long term parking in front of the business shops
- permits were suggested but are very complicated
- Ms. Prator's opinion is to take down all the signs and let all park wherever they want
- encourage parking at the Park & Ride Lot
- assigned parking spots were suggested by a tenant but Ms. Prator stated NO for safety reasons

Council asked what should be done with the parking ordinance. Solicitor Gaul stated that the Ordinance could be repealed, but the simplest and most cost-effective way to change the parking restriction, was to take down the No Parking signs and don't enforce the ordinance. If the signs were taken down, legally the ordinance could not be enforced even if it was not repealed.

- Mr. Duckloe replied that most of the business members present at the workshop meeting were in favor of no signage.

A motion was made by Lisa Prator to remove all the (2) and (3) hour signs that restrict parking. The motion was seconded by Bridget Kenna for discussion.

- Solicitor Gaul reminded council that there are parking limits at the Park & Ride and Park & Walk Lots due to the lots being paid for by the DRJTBC.
- Councilman Knott questioned whether all the signs and posts should be removed.
- Chief Mulligan questioned cars that will have to be removed for snow removal.
- Ms. Steele and Ms. Prator will research parking sizes for parking spaces.

The motion was amended by Ms. Prator, 2nd by Ms. Kenna to remove all the (2) and (3) hour signs only, not the sign posts, that restrict parking. Motion carried: 6-0-1 (Steve Knott abstained)

2. John Bermingham, Jr.: Chairman, Upper Mount Bethel Township (UMBT) Supervisors

a) Mr. Bermingham updated council on the RFP for twenty-four-hour ambulance coverage for UMBT and Portland Borough. Mr. Bermingham stated that there were (2) bid proposals presented for the UMBT Supervisors meeting on October 23rd but Wind Gap Ambulance put their bid on hold right before the meeting. All proposals were then rejected. Wind Gap Ambulance will be attending the November 13th UMBT Supervisors meeting.

- i. UMBT is still looking at Suburban EMS for (Advance Life Support) ALS coverage.

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- b) There was no update on the Regional Police Study.
- c) At the October 2, 2017 council meeting Supervisor David Due spoke to council about establishing a nature trail that would begin in Portland Borough and end at Lake Minsi in UMBT. Mr. Bermingham stated to council that Mr. Due would like council to provide a letter of support for the nature trail. A motion was made by Steve Knott, 2nd by Heather Fischer to provide a letter of support to the Upper Mount Bethel Township (UMBT) Supervisors for the establishment of a nature trail from Portland to Lake Minsi in UMBT. Motion carried: 7-0-0
 - i. Ms. Steele stated that a portion of the proposed nature trail in UMBT will be closed when the restoration of the Jacoby State Street Bridge begins.

Sewer Matters:

- 1. Carroll Engineering Corp. has been contacted by the UMBT Board of Supervisors to update the township's Act 537 Sewage Facilities Plan, which was last revised in 1990.
- 2. A motion was made by Lisa Prator, 2nd by Bridget Kenna approving the transfer of \$10,000 from the Sewer General Checking Account to the Sewer Savings Account. Motion carried: 7-0-0

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

- a) Ultra-Poly submitted Lot Line Adjustment Plans for review to the Portland Planning Commission at the October 16th meeting. Plans provide for the detention pond near the WWTP to be transferred from the Borough to Ultra-Poly. A Land Development Plan is to follow for the new building. Ultra-Poly is now dealing with DEP environmental issues.
- b) Met with Borough Officials to discuss the approval process for driveways and sidewalks. Most of these issues can be handled by the zoning officer. Mr. Bahnick will provide assistance as needed.
- c) The WWTP is operating well and currently using 30% capacity. Overall expenses for 2017 are all under budget.
- d) UMBT Act 537 Plan Update is underway. Their engineer will be in contact with Mr. Bahnick. Key issues are capacity needs and anticipated timing.
 - Mr. Bahnick left the meeting at 7:51 PM.

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

Ms. Seafass was absent but sent a report for September and October services. The report is attached to these minutes.

Zoning Hearing Board (ZHB):

- a) No hearings are scheduled.
- b) Correspondence was received from George Zalepa advising council that effective January 1, 2018 he will be changing his residency from Pennsylvania to Florida. Therefore Mr. Zalepa is ineligible to be a member of the ZHB and has submitted his resignation effective December 31, 2017. A motion was made by Lisa Prator, 2nd by Yvonne Gumaer accepting the resignation of Mr. Zalepa from the Zoning Hearing Board effective December 31, 2017 unless the position is filled prior to that date. Motion carried: 7-0-0

UCC Building Inspectors Report:

No Building Permits issued for the month of October.

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Planning Commission:

None

Portland Borough Authority (PBA):

1. Chairman Lance Prator:

- The Authority has ordered a new meter reader.
- The hydrants have been flushed.

Legal:

109 Division Street:

Explained by President Steele that the owner, Scott Zukowski, met with Mayor Prator and Councilman Knott and requested that the water be turned on for (2) hours so he could check the property for a water leak. Ms. Steele informed council that Mr. Zukowski has not made a payment on his sewer account since purchasing the property in 2016. Solicitor Gaul stated that the PBA cannot turn on the water to the property for even a couple of hours. There are no exceptions, except for an emergency until the sewer delinquency is paid in full.

501 Delaware Avenue:

a) Zoning Officer, Bettina Serfass, inspected the above property on October 31, 2017 regarding an unreported dwelling unit. The Portland Borough Authority requested the inspection. Solicitor Gaul advised council to send a bill to the owners of the property, Shamwatie and Amanda Rai Sawak, for the sewer tapping fee, sewer and garbage charges since their purchase of the property from Steve Schoberl in March 2017. President Steele asked Solicitor Gaul "who is responsible to pay for Ms. Serfass' time". Solicitor Gaul replied that it is the responsibility of the Borough because Ms. Serfass is the appointed zoning officer by the Borough Council. It appears that Mr. Schoberl added another apartment to 501 Delaware Avenue without reporting it to the Borough. Mr. & Mrs. Shamwatie are not responsible for the sewer and garbage services before their time of purchase from Mr. Schoberl.

b) Ms. Serfass suggested that the Borough's zoning permit rate be increased to \$75 in January 2018.

c) Correspondence was received from the PSAB Legislative Update that the PA General Assembly recently passed a gambling expansion law legalizing many new gambling forms and venues. Act 42 of 2017 authorizes the placement of ten (10) Category 4 casinos in the Commonwealth. These are defined as mini or satellite casinos with a minimum of 300 and maximum of 750 slot machines as well as up to 50 table games, to be owned by current casino licensees. Act 42 grants municipalities the authority to prohibit the location of a satellite casino within the limits of a municipality. To opt-out municipal officials must pass a resolution stating their desire to prohibit Category 4 casinos inside a municipality. The resolution has a short window of time to do so with the deadline to be passed and delivered to the Gaming Control Board no later than December 31, 2017.

i. Mayor Prator stated that if no action is taken the Borough would automatically be opted-in. No action was taken. Tabled for the December 4, 2017 council meeting agenda.

d) Thomas Fish, from the audience, asked council if there is a current Borough tenants/apartments list. The Borough secretary replied NO, that the Landlord/Tenant ordinance was repealed in 2007. Moving permits were also abolished.

Subdivision and Land Development:

None

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Community Development, Council of Governments (COG) & Grants:

1. COG Intermunicipal Regional Comprehensive Plan Agreement:

Mayor Prator stated that Portland's share of \$903.22 does not have to be paid until the COG and LVPC receive the Northampton County DCED grant monies, which should be received to the COG by the end of this year.

2. Mayor Prator reported that the Lehigh Valley Economic Development Corp.(LVEDC) is developing a program called "Grow Up Here, Live Here, Work Here & Stay Here". The LVEDC wants college graduates to stay in the Lehigh Valley after graduation.

Community Events/Recreation Board:

1. The Community Day Event of October 14th had an excellent turnout.

2. The Halloween "Trick or Treat" and After Party at Refiner's Fire Ministry was a huge success.

3. The annual Tree Lighting Ceremony will be held Sunday, November 26th at 6:30 PM.

4. The "Cookies, Cocoa, & Karaoke" Event will be held December 16th from 6:30 to 8:30 PM.

5. The next meeting of the committee is Sunday, November 12th at 7:30 PM.

6. Mayor Prator announced that the Christmas bus trip to Koziar's Village is looking for anyone to volunteer for the committee.

Police Report:

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

1. The October police report is attached to these minutes.

2. Mayor Prator reported that there have been a couple of recalls on the 2015 Ford Interceptor Utility Vehicle.

Mayor's Report:

1. Awards Presented:

- 2017 LVPC Community of Distinction Honoree, Commonwealth of PA.
- 2017 LVPC Multi-Municipal Honoree, Commonwealth of PA for the Portland-UMBT First Annual July 4th Parade.
- Fourth Annual Lehigh Valley Planning/Development Gala Awards.

2. Attended the Lehigh and Northampton Counties, with the assistance of the LVPC, kick-off meeting of the planning team for the update of the Lehigh Valley Hazard Mitigation Plan on October 19, 2017.

3. Presented the Community Action Committee of the Lehigh Valley annual report and fund appeal.

4. Presented brochures from the U.S. Communities Government Purchasing Alliance.

Streets Department:

1. Vacuum leaf pick-up is scheduled for November 13 and 14 beginning at 8 AM.

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2. PennDOT met with Portland and UMBT concerning the restoration/rebuilding of the Jacoby Creek Bridge on State Route 1032 on State Street. Work will begin in November 2019 and in March 2020 PennDOT will be in full work mode. State Street will be closed beginning at 301 State Street up to and including the upper side of the "hump" on Jacoby Creek Road. All of the detour will be in UMBT. PennDOT did not focus any of the tractor trailer issues only the road closures.

Sanitation:

Councilman Knott reported that Waste Management will not pick up vehicle tires. Tires are not in the garbage contract.

Building Committee:

None

Budget, Finance, Insurance, & Cable TV Contract Committee:

1 The proposed 2018 General, Sewer & Sanitation/Garbage budget was presented with a 2-mill tax increase to 15 mills.

a) Councilwoman Prator asked for clarification on the Local Service Tax (LST) payment to the fire company and the fire company truck loan. Ms. Steele explained that the proposed expense budget amount of \$24,245 is broken down into \$7,000 from the LST Account to the fire company toward the cost of their property insurance; the Fire Relief Association is a revenue and expense (washout) that is paid by the Commonwealth of PA; the fire hydrant expense is a Borough rental expense to the Portland Borough Authority. The Committee is recommending the refinancing of the Portland Hook & Ladder Co. #1 existing loan for their new fire truck, the refinanced loan would be for (15) years and the Borough would pay a set amount toward the payment, the refinanced payment would be \$34,491.54 with the Committee recommending paying \$17,246 toward the payment for the duration of the loan. This amount is equal to 1.3 mills.

b) The difference in the mill increase is \$8,830 which has been added to the General Borough Budget. There would be no increase to the sewer budget. The sanitation/garbage budget is a revenue and expense.

c) Ms. Keely Collins, Esq., of King, Spry, Herman, Freund & Faul has investigated with KS Bank the options of taking over the fire company loan or the refinancing the loan. Ms. Collins is contacting East Stroudsburg Savings and Loan for another proposal.

d) If the General Budget becomes maxed out the Borough could still add a Fire Tax.

A motion was made by Lisa Prator, 2nd by Yvonne Gumaer to accept the proposed 2018 General, Sewer and Sanitation/Garbage Budgets. Motion carried: 7-0-0

A motion was made by Lisa Prator, 2nd by Bridget Kenna to advertise the proposed 2018 Budget based on the millage required. Motion carried: 7-0-0

2. The 2017 Audit Services Terms of Engagement from Kirk, Summa & Co., LLP was tabled until the December 4th council agenda.

3. At the October 2nd council meeting CD #401110360 was approved for roll over for a term of (12) months at .2500%. The secretary was contacted by the Merchants Bank manager, Jill Lutri, that the bank was running a promotion for (13) months at 1.09%. The secretary contacted the Budget Committee for approval to enact the new transaction. Councilwoman Prator questioned the approval by the Budget Committee and does it not have to be presented to council for approval. The secretary replied that the window for enacting the new transaction would have passed before this council meeting occurred and the

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Borough would have not been able to accept the promotion. Solicitor Gaul stated that the Budget Committee can recommend the transaction, but it must be presented to full council for approval. A motion was made by Lisa Prator, 2nd by Heather Fischer approving that CD #401110360 be rolled over into the (13) month promotion at the interest rate of 1.09 %. Motion carried: 7-0-0

Ordinance Update Committee:

None

Council, Policy & Procedure Committee:

None

Slate Belt Rising Committee (SBRC):

a) A motion was made by Lisa Prator, 2nd by Yvonne Gumaer to provide a letter of support for the Slate Belt Rising 5K, 10K, 25K Running Event, to be held on June 9, 2018, which begins in Wind Gap and finishes in Portland Borough. Motion carried: 7-0-0

b) On November 14, 2017, Slate Belt Rising is planning a Press Conference to provide a progress update on the Neighborhood Partnership Program first year successes.

c) The Waste Management Chili Cook-Off is Saturday, November 11, 2017.

Correspondence:

None

Secretary's Announcements:

- The secretary will be out of the office tomorrow, November 7, 2017.

Old Business:

None

New Business:

Mayor Prator reported on the proposed PA House Bill 959 which will impose a fee for service on municipalities for municipal patrol services provided by the PA State Police. The Bill is currently referred to the Committee on Transportation.

Executive Session:

None

Adjourn:

1. The next meeting of the Portland Borough Council will be held on Monday, December 4, 2017 at 7:00 PM.

2. A motion to adjourn the meeting at 9:15 PM was made by Lisa Prator, 2nd by Heather Fischer. Motion carried: 7-0-0

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Respectfully Submitted by,

Carol A. Hummel
Carol A. Hummel, Secretary