

**BOROUGH OF PORTLAND  
COUNCIL MEETING DECEMBER 4, 2017**

The Portland Borough Council Meeting of December 4, 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\* Lisa Prator\* Yvonne Gumaer\* Heather Fischer\*

Councilman Brian Kardos was absent.

Others Present:

1. Keely Collins, Esquire, attending for Borough Solicitor, Michael Gaul
2. Mayor Lance Prator
3. Mark Bahnick, Borough Engineer
4. Carol Hummel, Borough Secretary
5. John Bermingham, Jr., Chairman of the Upper Mount Bethel Supervisors
6. David Due, Upper Mount Bethel Township Supervisor
7. Rick Fisher, Manager, Upper Mount Bethel Township

A moment of silence was observed for the late Councilman Steve Knott.

Resolution 2017-17:

A motion was made by Bridget Kenna, 2<sup>nd</sup> by Yvonne Gumaer adopting Resolution 2017-17, "Approving the Final Budget, including General Fund, Sewer Fund and Sanitation Fund, for the Borough of Portland for the year 2018". Motion carried: 5-0-0

Real Estate Tax Ordinance 2017-3:

A motion was made by Bridget Kenna, 2<sup>nd</sup> by Lisa Prator adopting Ordinance 2017-3, "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 2018; Affixing the Tax Rate; And Providing for Other Miscellaneous Matters". Motion carried: 5-0-0

Resolution 2017-18:

A motion was made by Lisa Prator, 2<sup>nd</sup> by Heather Fischer adopting Resolution 2017-18, "Regarding Fees and Charges Related to the Borough's Collection and Disposal of Garbage from Private Residences in the Calendar Year 2018". Motion carried: 5-0-0

Resolution 2017-19:

A motion was made by Lisa Prator, 2<sup>nd</sup> by Yvonne Gumaer adopting Resolution 2017-19, "Approving Kirk, Summa & Co., LLP, temporarily to the Office of Borough Auditor for Purposes of the 2017 Calendar Year Audit. Motion carried: 5-0-0

A motion was made by Lisa Prator, 2<sup>nd</sup> by Bridget Kenna authorizing President Steele to execute the Letter of Engagement between Kirk, Summa & Co., LLP and the Borough of Portland in the amount of \$3,950.00. Motion carried: 5-0-0



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Resolution 2017-20:

A "Resolution Prohibiting the location of a Category 4 Licensed Facility Within the Borough of Portland".

- i. Discussion: that the adoption of Resolution 2017-20 may limit the Small Games of Chance that are held by the Portland Hook & Ladder Co. #1. No action was taken.

Notice of 2018 Reorganizational Meeting for the Borough of Portland:

A motion was made Lisa Prator, 2<sup>nd</sup> by Bridget Kenna authorizing the secretary to advertise the Notice of January 2, 2018 Reorganizational Meeting for the Borough of Portland in the Pocono Record publication. Motion carried: 5-0-0

Notice of 2018 Regular Meeting Schedules for The Borough of Portland:

The **Portland Borough Council** will meet the first Monday of every month, except for the month of January, when council will meet on Tuesday, January 2, 2018 and September when the Portland Borough Council will meet the second Monday of the month. The Borough Council will also meet, as needed, the fourth Monday of every month, except in May.

The **Portland Borough Planning Commission** will meet the third Monday of every month.

All general business will be conducted at these Borough Council and Planning Commission meetings. The meetings will convene at 7:00 P.M. and will be held at the Municipal Building located at 206 Division Street, Portland, PA.

The **Liberty Trail Sub-Committee** will meet 9:00 AM on the third Wednesday of every month at the Delaware Water Gap Municipal Building, 49 Main Street Delaware Water Gap, PA 18327

A motion was made by Yvonne Gumaer, 2<sup>nd</sup> by Lisa Prator authorizing the secretary to advertise the Notice of the 2018 Regular Meeting Schedules for The Borough of Portland in the Pocono Record publication. Motion carried: 5-0-0

2018 Borough Real Estate Tax Bills:

A motion was made by Lisa Prator, 2<sup>nd</sup> by Bridget Kenna authorizing the newly elected tax collector and secretary to order the 2018 Borough Real Estate Tax Bills from Berkheimer Associates. Motion carried: 5-0-0

Action on Minutes:

A motion was made by Lisa Prator, 2<sup>nd</sup> by Heather Fischer approving the minutes of November 6, 2017 as presented. Motion carried: 5-0-0

Secretary/Treasurer's Report:

Carol Hummel

1. Bills Presented for Payment:



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Borough Operations, Borough Add-On Bills & Borough Operations Already Paid:	9,370.68
Sewer Operations & Sewer Operations Already Paid:	9,337.41
Sanitation Operations & Sanitation Operations Already Paid:	5,420.07
Community Events Account	419.68
Ultra-Poly Escrow	1,945.50
Ultra-Poly Escrow	1,610.00
Liquid Fuels 22.57 tons de-icing salt	1,262.79
<b>TOTAL</b>	<b>\$ 29,633.13</b>
a) add the December payroll and payroll taxes:	15,000.00
b) add Sunoco Fleet Gas:	500.00

**TOTAL ALL BILLS ABOVE PRESENTED FOR PAYMENT: \$ 44,866.13**

A motion was made by Lisa Prator, 2<sup>nd</sup> by Yvonne Gumaer approving the payment of the bills, as presented, in the amount of \$44,866.13. Motion carried: 5-0-0

2. A motion was made by Lisa Prator, 2<sup>nd</sup> by Yvonne Gumaer authorizing a 2% garbage discount for full yearly payment if made on or before March 1, 2018, Motion carried: 5-0-0

3. A motion was made by Lisa Prator, 2<sup>nd</sup> by Heather Fischer authorizing a 2% sewer discount for full yearly payment if made on or before March 31, 2018. Motion carried: 5-0-0

4. A motion was made by Lisa Prator, 2<sup>nd</sup> by Heather Fischer authorizing the secretary to close the Portland Market Sewer Lateral Escrow Account. Motion carried: 5-0-0

Letters of Interest for Vacant Council Seat:

President Steele stated that she spoke with Solicitor Michael Gaul prior to this evenings meeting and was advised to not appoint any applicant this evening but wait until the January 2, 2018 reorganizational meeting. Borough Council then asked each applicant to introduce themselves and state why they would like to be appointed.

a) Leeann Prator, 703 Delaware Avenue:

i. Ms. Prator stated that she has always been interested in local government and Portland would be a great place to start. Ms. Prator stated that her father, Mayor Prator, is a former member of council. The late Councilman Steve Knott also influenced her life.

b) Michael Sullivan, 709 Hillcrest Drive:

i. Mr. Sullivan stated that his interest stems from his own and family's history of public service. Mr. Sullivan's aunt, Ms. Sherma Godshalk, served on Borough Council in many capacities and was also the council president during Mr. Sullivan's childhood.

Councilwoman Lisa Prator commended both candidates on their interest in the positions and stated that they both would be an asset to the Borough Council.



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Election of Tax Collector:

Councilwoman Lisa Prator reported to Borough Council that she received (2) write-in votes for the office of tax collector at the general election of November 7, 2017. Ms. Prator was also reelected to a (4) year term as councilwoman on November 7, 2017. Ms. Prator stated that she has accepted the (4) year term of Portland Borough tax collector and cannot hold (2) elected positions at the same time. Ms. Prator submitted her letter of resignation to the Portland Borough Council effective December 31, 2017.

- i. A motion was made by Yvonne Gumaer, 2<sup>nd</sup> by Heather Fischer accepting the resignation of Councilwoman Lisa Prator. Motion carried: 4-0-1 (Lisa Prator abstained)

Public Comment:

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

1. EMS Update:

- Wind Gap Ambulance met with UMBT Supervisors at a meeting on November 13, 2017 for a proposal of 24/7 ambulance coverage for UMBT and Portland Borough.
- Wind Gap Ambulance quoted the price of \$175K for Basic Life Support (BLS) services for a (3) year term. This was negotiated down to \$160K if the diesel fuel for the vehicles would be provided.
- Parking of the EMS vehicles would be at the Mount Bethel Fire Company Station.
- UMBT is asking Portland Borough to pay \$24K or 15%.

Discussion:

- President Steele asked if Suburban EMS would not be providing any service. Mr. Bermingham replied NO, Suburban EMS would be providing Advanced Life Support (ALS). Mr. Bermingham stated that response time from Suburban EMS is 20-25 minutes which is a concern for Mr. Bermingham.
- There would be a BLS vehicle available at the Mount Bethel Fire Company Station and an ALS vehicle stationed at Bangor. Councilwoman Kenna replied that ALS service would be needed even if BLS service is already on the scene because ALS administers the drugs. Ms. Kenna stated that she would like to see a breakdown of BLS and ALS services.
- President Steele asked if Wind Gap Ambulance will offer subscription service and what is the cost.
- President Steele stated that UMBT is attending tonight's council meeting and asking the Borough for \$24K when the Borough has already passed their budget for 2018.
- Mr. Bermingham explained that he calculated the cost would be \$23 per person.
- Ms. Steele replied that the Borough has \$8,830 in the general budget from the (2) mill tax increase that is budgeted as a "slush fund".
- Councilwoman Prator stated that \$24K is a lot of money for Portland Borough who is only 1.1 square miles. Ms. Prator stated that Pocono-St. Luke's Hospital is closer at (7) miles up Route 611. Ms. Prator feels better with the \$8,830 proposal because that money has not been budgeted and is probably doable. Mr. Bermingham suggested that Portland commit \$8,830 and then depending on the finances of the Borough for the year 2018, try to give the remaining \$11,937 for a total of \$20,767.
- Councilwoman Prator asked about the other option for UMBT to take over the snow-ice removal for the Borough. Mr. Bermingham replied that this could not be a discussion at



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this time because new supervisors will be installed at the reorganization meeting of UMBT in January 2018. A new road master will then be appointed.

- Mr. Bermingham clarified that the agreement would include (1) Wind Gap ambulance with Suburban EMS as the back-up. Michael Sullivan, from the audience, asked if the proposed agreement would be the same if Wind Gap Ambulance would back-out and a new EMS provider would take over. Mr. Sullivan stated that this is a big commitment for (1) ambulance vehicle and doesn't know if the 20-25-minute response time is a big enough problem.
- Mr. Bermingham stated that UMBT discussed starting their own ambulance service but the cost was prohibitive.
- Ms. Leeann Prator, from the audience, asked if Suburban EMS could use the Mount Bethel Fire Company Station as a satellite station. Mr. Bermingham replied that there were not enough calls in the Portland-UMBT area, that is why Suburban EMS moved back to Bangor.
- Mayor Prator stated that the discussion of ambulance service was started by Fire Chief Potter a year ago.
- Councilwoman Kenna replied, that in her opinion, that there would not be any difference if Portland has ambulance service or not.
- Michael Sullivan questioned (1) ALS provider for (7) stations. Mr. Bermingham replied that the providers rotate stations.
- Ms. Kenna stated that she is not in favor of a (3) year contract.
- Councilwoman Prator stated that the \$8,830 "slush fund" calculates to approximately \$17 a person for Portland ambulance service for (1) year.
- Ms. Leeann Prator suggested that the proposed contract be renegotiated that Portland's share could be the \$7K cost for diesel fuel.
- Councilwoman Prator replied that council needs better data.

A motion was made by Lisa Prator, 2<sup>nd</sup> by Heather Fischer to move forward with a recommendation of \$8,830 commitment from the Borough of Portland conditioned upon final approval of a mutually agreed contract.

i. Motion failed: Prator, Fischer **Yes**. Kenna, Gumaer, Steele **NO**.

2. Letter of Intent for Regional Police Study:

A motion was made by Lisa Prator, 2<sup>nd</sup> by Yvonne Gumaer for the Portland Borough Council to submit a Letter of Intent to the Governor's Center for Local Government Services to request technical assistance for a Regional Police Consolidation. Motion carried: 5-0-0

3. Act 537 Plan: Rick Fisher, Manager, Upper Mount Bethel Township

Mr. Fisher had previously contacted the Borough Secretary regarding obtaining a copy of the Borough's Act 537 Plan.

- i. Borough Engineer, Mark Bahnick, asked Mr. Fisher the status of the UMBT Plan. Mr. Fisher replied that per the Department of Environmental Protection (DEP) Upper Mount Bethel Township must study adjoining communities. Mr. Fisher stated that the areas of concern are the Route 611 Corridor and the village of Slateford. UMBT will pay for the cost of a photocopy.

4. Upper Mount Bethel Township Supervisor David Due Thanked Borough Council for the letter of support for the proposed Portland to Lake Minsi Trail.



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Sewer Matters: Hach Annual Maintenance Contract

It was recommended by the Borough Engineer, Mark Bahnick, and the Waste Water Treatment Plant Operator, Craig LaBarre, that it is not cost effective to remain with the annual contract. Solicitor Collins stated that she cannot make any recommendations until she reviews the cancellation policy of the contract. The secretary will forward the contract to Solicitor Collins.

- i. A motion was made by Lisa Prator, 2<sup>nd</sup> by Bridget Kenna to terminate the annual Hach Maintenance Contract as soon as legally possible, pending review and approval by Solicitor Collins. Motion carried: 5-0-0

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

The Borough Engineer's report is attached to these minutes.

- Mark Bahnick left the meeting at 8:45 PM.

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

Ms. Serfass was absent but sent a monthly report.

- a) A zoning permit was issued for 501 Delaware Avenue for an additional rental unit.
- b) There was no billing invoice presented for the month of November 2017.

UCC Building Inspectors Report:

- a) One permit was issued to 109 First Street for the month of November.
- b) Mayor Prator stated that condemnation proceedings should again be started against 425 Delaware Avenue. No action was taken.

Zoning Hearing Board (ZHB):

No hearings scheduled.

Planning Commission:

None

Portland Borough Authority (PBA):

1. Report by Chairman Lance Prator:

- The cost of the water line project, associated with the Jacoby Creek Bridge replacement, totals \$495K. 75% of the cost will be paid by a grant from Northampton County and 25% paid by the PBA. The PBA is searching for another grant.
- The PBA is holding a Special Meeting on December 13, 2017.
- The PBA and their Engineer, Russell Scott, has asked the Borough for a letter of support for the Small Water & Sewer Program Grant from Northampton County. The secretary will provide the letter.



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- Water/fire hydrants were flushed several weeks ago.
- Someone damaged/hit and run a hydrant at Dr. DeCesare's and Laurel Hill Road. No one was apprehended, and no one came forward to claim responsibility.
- 501 Delaware Avenue needs to pay their tapping fee for their additional rental unit.

Legal: Refinance Loan for the Portland Hook & Ladder Co. #1:

Solicitor Collins has recommended that the Borough refinance with KS State Bank for a (15) year term at 3.46%. Total for the refinance loan is \$34,491.54 with the first payment date of February 1, 2018.

- i. Ms. Collins explained that Merchants Bank matched the quote presented by KS State Bank.
- ii. Ms. Collins stated that ESSA Bank & Trust wanted an (18) month held cash reserve and for the Borough to have a full relationship with ESSA, including a depository account, neither of which was required by KS State Bank.
- iii. Ms. Collins recommended KS State Bank for its overall more favorable terms.

A motion was made by Lisa Prator, 2<sup>nd</sup> by Yvonne Gumaer directing the Solicitor's office to complete the application process with KS State Bank. Motion carried: 5-0-0

- Ms. Steele reported that Borough Council is undertaking the entire refinance loan, provided that the fire company will enter into a subsidy agreement and that the final terms of the loan with KS State Bank are the same or substantially the same as the quote given to the Borough Solicitor.
- Ms. Steele has provided a fire company meeting schedule to Solicitor Gaul.
- Ms. Steele stated that the fire company will reimburse their portion of the refinance loan payment to the Borough in the amount of \$17,246.54.
- Solicitor Collins stated that Solicitor Gaul recommended that council hold off any action until the January 2, 2018 council meeting because the Borough Council and the fire company need to enter into an agreement.
- The fire company must also provide documentation of revenue to support their obligation to reimburse the Borough their portion of the refinance loan.

Subdivision and Land Development:

The Borough has received the SALDO fee of \$800 from Ultra-Poly Corp. for their building expansion and the \$5,000 for the escrow account.

Community Development, Slate Belt COG & Grants:

- a) The COG minutes of November 21, 2017 are in your packet.
- b) The Slate Belt COG will hold a press conference Tuesday, December 12<sup>th</sup> at 10 AM at the COG Office.

Topic: Slate Belt Animal Advocacy Group Animal Shelter.

- i. Councilwoman Prator reported that the COG has leased the former Ackermanville Sportswear building on Lower South Main Street in Bangor, PA for an animal shelter.



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c) The PA-DCED is accepting applications for PA Small Water and Sewer Program Grant through February 28, 2018. Eligible projects must have a total project cost between \$30,000 and \$500,000. Requires a 15% match which may come from any source.

i. President Steele directed the secretary to keep this on the agenda for the January 2, 2018 council meeting.

Community Events/Recreation Board:

1. The Annual Tree Lighting Ceremony of November 26<sup>th</sup> was a huge success.

2. The Cookies, Cocoa & Holiday Karoke Event was held on Saturday, December 16<sup>th</sup> at the Refiners Fire Ministry Church. This was a first-time event.

3. Mayor Prator reported that he received another inquiry about renting the Portland Gymnasium for girls' softball/basketball. Councilwoman Prator replied that it more of a liability than it is worth. President Steele stated that council can research the former costs of the gymnasium.

4. The next Community Events committee meeting is December 15<sup>th</sup>.

Police Report:

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

1. The police report is attached to these minutes.

2. Three (3) officers attended the funeral of Councilman Knott.

3. Three (3) officers attended the annual tree lighting ceremony.

4. A motion was made by Heather Fischer, 2<sup>nd</sup> by Lisa Prator authorizing the purchase a new police officer uniform shirt for Officer Stacy Smith. Motion carried: 5-0-0

5. Mayor Prator stated the Officer Sam Domenico is a "good fit" as a Borough Police Officer. Officer Domenico enjoys participating in the Community Events activities.

Mayor Prator Remarks:

- Attended the Eagle Scout Court of Honor for Lucas Tanner Yanchok on December 1, 2017.
- Attended the Lehigh Valley Mitigation Plan Update meeting on November 16, 2017.
- Reported that Adaline Van Althuis, a member of the Girl Scouts of Eastern PA, Troop 8240, built a large standing monument of the Maltese Cross as a firefighter memorial for the Portland Hook & Ladder Co. #1.
- Will attend the Lehigh Valley Planning Commission's Regional Comprehensive Plan meeting on December 6, 2017.
- Will attend the Community Action Committee of the Lehigh Valley meeting on December 6, 2017.
- Attended the sexual harassment training at Plainfield Township, that was sponsored by the Slate Belt COG. Mayor Prator stated this training may become mandatory by the PA State Legislature.



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Streets Department:

1. The curb-side leaf collection was a success. Ultra-Poly Corp. donated the use of a dump truck and employee to pull the leaf vacuum around the Borough for the (2) scheduled days. The secretary will send a thank you to Ultra-Poly.
2. Mayor Prator discussed with council all the "junk" that is stored in the municipal building basement. Also stored in the attic are the old school desks which may be able to be sold. No action was taken.

Sanitation:

The 2018-2022 sanitation/garbage contract with Waste Management has been executed.  
i. No tires or yard waste is accepted.

Building Committee:

Discussed under Streets Department.

Budget, Finance, Insurance, & Cable TV Contract:

- a) The Borough is waiting for the renewal package for the 01-19-2018 to 01-19-2019 insurance package.
- b) The Service Electric TV Cable Contract expires 12-31-2018.

Ordinance Update Committee:

None

Council, Policy & Procedure Committee:

None

Slate Belt Rising Committee (SBRC)

Stephen Reider, Slate Belt Rising Director, will be in residence at Portland Borough Hall every Wednesday from 10:30 AM to 4:00 PM.

Correspondence:

River Valley Recreation, 1178 Nursery Road Wrightsville, PA 17368 has announced special pricing on playground structures and surfacing for COSTARS members.

Secretary's Announcements:

None

Old Business:

None



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New Business:

The secretary reported that Merchants Bank has introduced credit cards to their portfolio of products. President Steele stated to council that the present Borough Discover credit card that was opened many years ago by the secretary has Ms. Hummel as the Primary card holder. This makes the secretary the responsible party of the card. The Merchants Bank card options are listed below.

- Business Platinum Classic – no fee
- Business Platinum Payback - \$29 fee each card
- Business Platinum Preferred - \$249 first card, \$49 each additional
- Reimbursement for lost or stolen cards, unauthorized purchases.

A motion was made by Yvonne Gumaer, 2<sup>nd</sup> by Bridget Kenna to close the current Discover Credit Card and apply for a Merchants Bank Business Platinum Classic No Fee Credit Card. Motion carried: 5-0-0

Executive Session:

A motion was made by Bridget Kenna, 2<sup>nd</sup> by Heather Fischer to adjourn to executive session at 9:47 PM. Motion carried: 5-0-0

Discussion: legal matters discussed with Solicitor Collins.

A motion was made by Lisa Prator, 2<sup>nd</sup> by Yvonne Gumaer to reconvene from executive session at 9:55 PM. Motion carried: 5-0-0

Action Taken from Executive Session:

None

Adjourn:

1. The Reorganizational Meeting of the Portland Borough Council will be held on Tuesday, January 2, 2018 at 7:00 PM.

2. A motion to adjourn the meeting at 9:56 PM was made by Lisa Prator, 2<sup>nd</sup> by Yvonne Gumaer. Motion carried: 5-0-0

Respectfully Submitted by,

Carol A. Hummel, Secretary