

BOROUGH OF PORTLAND
COUNCIL MEETING MAY 7, 2018

The Portland Borough Council Meeting of May 7, 2018 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* Yvonne Gumaer* Heather Fischer* Michael Sullivan*

- Councilpersons Brian Kardos and Lisa Prator were absent.

Others Present:

1. Michael Gaul, Borough Solicitor
2. Lance Prator, Mayor
3. Carol Hummel, Borough Secretary
4. Stephen Reider, Slate Belt Rising
5. Members of the Public

Action on Minutes:

A motion was made by Heather Fischer, 2nd by Michael Sullivan approving the minutes of April 2, 2018, with the following revision as requested by Councilwoman Fischer.

- Page 2, bullet 5, strike "why does someone have to be afraid to write something down when someone has something to say"

Motion carried: 4-1-0 (Stephanie Steele opposed)

Secretary/Treasurer's Report: Carol Hummel

1. Bills Presented for Payment:

Borough Operations Borough Add-On Bills & Borough Operations Already Paid	21,067.19
Sewer Operations & Sewer Operations Already Paid:	18,250.14
Sanitation Operations & Sanitation Operations Already Paid:	4,909.43
Community Events	45.00
Ultra-Poly Escrow	704.50
TOTAL	\$ 44,976.26

- | | |
|--|-----------|
| a) add the 2018 budget allocation to the Portland Hook & Ladder Co. #1 | 7,000.00 |
| b) add the May payroll and payroll taxes: | 11,000.00 |
| b) add Sunoco Fleet Gas: | 600.00 |

TOTAL ALL BILLS ABOVE PRESENTED FOR PAYMENT: \$ 63,576.26

A motion was made by Bridget Kenna, 2nd by Yvonne Gumaer approving the treasurers' report and payment of the bills totaling \$63,576.26.

Question from Ms. Gumaer concerning the billing of the Zoning Officers invoice. President Steele replied that Ms. Serfass does not bill every month.

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The motion was 3-1-1.

- Solicitor Gaul entered the meeting at 7:08 PM.

President Steele questioned the 3-1-1 motion on the treasurers' report because it was not a majority vote. Council moved forward with the agenda while Solicitor Gaul researched the Borough Code.

A motion was made by Bridget Kenna, 2nd by Heather Fischer approving the reimbursement of \$7,198.11 to the General Checking Account from the 2018 Liquid Fuels Allocation for winter maintenance costs and \$470.25 to the General Checking Account from the 2018 Liquid Fuels Allocation for repair to the Route 611 and State Street traffic signal. Total \$7,668.36. Motion carried: 5-0-0

- i. The secretary stated that she has prior approval from the Liquid Fuels Auditor, John Mazur. The funds were reimbursed back to the Borough on April 18, 2018.

Citizen's Agenda:

1. Bangor Area Middle School, Borough Clean-Up Day, May 23, 2018; rain date May 24, 2018:
 - i. Tamara Utess, teacher
 - ii. Elizabeth Korpics, student

Ms. Korpics presented a letter to council outlining the days clean-up activity. Twelve (12) middle school students will clean-up, plant flowers and mulch between the hours of 10:30 AM to 1:30 PM. A motion was made by Heather Fischer, 2nd by Yvonne Gumaer approving the Borough Clean-Up Day by the Bangor Area School District Middle School students. Motion carried: 5-0-0

- i. A request for a certificate of insurance was made by President Steele, owner of the 422-428 Delaware Avenue train station property. Ms. Steele stated that her property is insured but if the school students continue to plant flowers on the sidewalk side of her property she is requesting a certificate of insurance from the Borough because Solicitor Gaul has not clarified the ownership of the sidewalks in question.

2. Dennis Brady 955 Forest Drive Stroudsburg, PA:
 - i. Permission to set up a hot dog vendor cart in the business district.

Mr. Brady is a hot dog vendor with a portable machine. He is certified with the PA Department of Agriculture. Mr. Brady would like to set up by the Portland Pedestrian Bridge where the summer canoe people enter and exit the Delaware River. President Steele stated to Mr. Brady that he would not be allowed to set up on the Borough sidewalks in the PennDot Right-Of-Way. Solicitor Gaul stated that the Borough permit people to certain locations of Borough property and if they want to set up on Borough property then they need the Borough's permission. Mayor Prator suggested that he set up on private property with permission from the property owner. Ms. Fischer suggested the Port Mart Gas Station or other private property. Solicitor Gaul stated to Mr. Brady that he would need a zoning permit even on private property.

3. Slate Belt Rising: Stephen Reider, Director

Mr. Reider reported that the pole banners, brackets, and (2) decorative signs for the downtown will be delivered to the Borough tomorrow. The decorative signs will be installed near the Park & Ride Lot on Delaware Avenue and the bike Route 611 South facing Delaware Water Gap.

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The decorative signs are being installed by Signarama and the banners by Portland Borough. Mr. Reider asked that all council members be active in the project.

- Mr. Reider left the meeting at 8:00 PM.

4. Lehigh Engineering Associates, Inc.: Brian Gasda, P.E.
i. Re: Dunkin Donuts Land Development

Mr. Gasda was not present. In response to Solicitor Gaul's letter dated May 4, 2018 Mr. Gasda replied to Solicitor Gaul on Monday, May 7, 2018. Solicitor Gaul stated that he would review their response letter and respond back to Mr. Gasda.

5. Back to the Treasurers' Report:

Solicitor Gaul stated that the motion of 3-1-1 is acceptable for the vote. The Solicitor stated that the bills should be separated out, i.e., Portland Contractors, Portland Hook & Ladder Co. #1, so there are no conflicts of interest with Councilman Sullivan voting on the bills presented list.

Motion then carried: 3-1-1 (Stephanie Steele opposed; Michael Sullivan abstained due to invoices from Portland Contractors, Inc. and Portland Hook & Ladder Co. #1).

Ordinance 2018-1:

Ordinance of the Borough of Portland, Northampton County, PA, Authorizing Cable Franchise Agreement Between the Borough and Service Electric for a Fifteen (15) Year Term, With Optional Renewal; And Providing for Other Miscellaneous Matters.

A motion was made by Michael Sullivan, 2nd by Yvonne Gumaer to open the Public Hearing on Ordinance 2018-1. Motion carried 5-0-0

- Solicitor Gaul opened the hearing.
- The proposed ordinance was prepared by Solicitor Gaul.
- The proposed ordinance and agreement was advertised in the Pocono Record Publication.
- Solicitor Gaul stated that the proposed ordinance and agreement are comparable to Middle Smithfield Township's Blue Ridge Cable TV.
- Tim Himmelwright, representative of Service Electric Cable TV, was present to answer any questions.
- Solicitor Gaul asked if there were any comments about past performance and/or future needs from either Portland Borough Council or those individuals present in the audience. There were no comments.

A motion was made by Yvonne Gumaer, 2nd by Michael Sullivan to close the Public Hearing on Ordinance 2018-1. Motion carried: 5-0-0

A motion was made by Yvonne Gumaer, 2nd by Michael Sullivan to enact Ordinance 2018-1. Motion carried: 5-0-0

- i. Solicitor Gaul stated that the agreement needs to be finalized. The Borough Council President and/or the Vice President are authorized to execute and deliver the substantial

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form of the Cable TV Franchise Agreement with incidental modifications as the President and/or the Vice President may approve in consultation with the Borough Solicitor.
ii. A signed copy will be sent to Mr. Himmelwright.

Proposed Real Estate Tax, Sewer and Garbage Tax Certification Fees Ordinances:

- Solicitor Gaul stated the proposed ordinances are not ready.

Proposed Resolution Establishing New Permit Fees Under the Building Code:

- Solicitor Gaul stated the proposed resolution is not ready.

Sewer Matters:

A motion was made by Bridget Kenna, 2nd by Yvonne Gumaer authorizing the repair of the screener at the headworks of the WWTP in the amount of \$1,000. Motion carried: 4-0-1 (Michael Sullivan abstained due to estimate from Portland Contractors, Inc.)

Borough Engineers Report: Mark Bahnick

- a) Mr. Bahnick was absent.
- b) The engineers report is attached to these minutes.
- c) A motion was made by Heather Fischer, 2nd by Michael Sullivan approving the Ultra-Poly Corp. Building Two – Preliminary/Final Plan request of a (90) day time extension to August 6, 2018. Motion carried: 5-0-0
- c) No requests for escrow accounts are being submitted at this time by the Borough to the Dunkin Donuts Land Development Plan or the Tellus Underground Technology Land Development Plan per the direction of Solicitor Gaul.

c) Sewer Shut-Off Notices:

A motion was made by Yvonne Gumaer, 2nd by Bridget Kenna authorizing water shut-off notices to the following delinquent sewer accounts,

- Number 99
- Number 238
- Number 248

Motion carried: 4-0-1 (Michael Sullivan abstained due to Portland Contractors, Inc. who will be turning off the water service)

Zoning Officer Report:

The zoning officer's report and invoice was received today. The report is attached to these minutes.

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Zoning Hearing Board (ZHB):

No hearings are scheduled.

UCC Building Inspectors Report:

None

Planning Commission:

None

Portland Borough Authority (PBA):

The Borough has not received a diagram of the specifications for the installation of an electrical line to the pole barn in the municipal parking lot.

Legal:

None

Subdivision and Land Development:

None

Community Development, Slate Belt COG & Grants:

- The COG minutes of April 25, 2018 are in your packet.
- The Borough received notice from the Northampton County Gaming Revenue and Economic Redevelopment Authority of the receipt of a grant award of \$31,440. (37) municipalities each received the same amount of uncommitted gaming revenue. The original contract is due back to Northampton County in (20) days or May 21, 2018. The funds must be spent by May 30, 2019. A formal motion is needed.
- The Borough received notice from the Northampton County DCED of a funding opportunity for 2019 Hotel Tax Grant Program. Eligible projects will enhance tourism and/or promote community development. The application process opens April 16, 2018 at 8:30 AM and the deadline is Friday, June 15, 2018 at 4:00 PM.
- The Borough received notice from the Northampton County DCED that they are accepting applications for 2018 CIPP Grants, to improve the quality of life for older citizens and opportunities for economic development.
- The Borough received notice from Rural Development, US Department of Agriculture funding grant for Opioid Response Planning Grants in PA.

Community Events/Recreation Board:

- The next meeting of the Community Events Committee is Sunday, May 20th at 7 PM.

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- The first free movie of the season will be held on Saturday, May 19th at the Park & Walk Lot on Delaware Avenue.

Air Liquide/Voltaix Safety Committee:

- Councilman Kardos was absent.

Police Report:

The April 2018 Police Report was provided in writing by Chief Mulligan:

1. The police report is attached to these minutes.
2. A motion was made by Michael Sullivan, 2nd by Bridget Kenna to approve paying Officer Stephen Kiefer (24) hours of normal hourly rate for the week of May 21 through May 25, 2018 for the purpose of attending training classes at Fort Indiantown Gap, PA.
 - i. President Steele stated to Chief Mulligan that in the future a report should be submitted prior to the council meeting for questions asked by council on the training classes and what is being paid by any other officer's employer.

Motion carried: 5-0-0

3. New patrolman Austin Jones was sworn in prior to this council meeting.
4. Chief Mulligan reported on the proposed Portland – Upper Mount Bethel Regional Police Department. The meeting was held on Saturday, April 28, 2018.
 - i. Senator Scavello was present at the meeting and stated that he could probably help with financial aid in the amount of 300K. Chief Mulligan stated that UMBT inquired whether Portland was interested.
 - ii. Chief Mulligan stated that East Bangor Borough doesn't want to regionalize but would like to perhaps protect or enter into an agreement with UMBT. Senator Scavello and UMBT want to know if Portland is interested.
 - iii. President Steele questioned why Portland Council was not made aware of the meeting. Mayor Prator stated that he does not make the guest list and told Senator Scavello and Chairman John Bermingham there were other activities going on in the Borough on that same day. Ms. Steele stated that if she knew about the meeting she could have probably have left the Portland Community yard sale day and attended. Ms. Steele asked Chief Mulligan to keep council aware of future meetings.
 - iv. Ms. Steele asked council if anyone was interested in police regionalization. Councilwoman Kenna replied NO and Councilwoman Fischer replied she wanted more information.

Back to Portland Borough Authority (PBA):

Solicitor Gaul read the proposed electrical line agreement provided to Mr. Gaul by PBA Solicitor, Peter Layman. Solicitor Gaul stated that the agreement sounded good, but the question is, who the bear will the cost if the line would have to be moved. Solicitor Gaul questioned the size of the area involved. Solicitor Gaul stated it would have been helpful if there was a diagram to

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approve. President Steele instructed the secretary to keep this item on the council agenda and to request a copy of the diagram from the PBA.

Back to the Northampton County Gaming Revenue and Economic Redevelopment Authority:

A motion was made by Heather Fischer, 2nd by Bridget Kenna to accept the grant award of \$31,440 and authorizing President Steele to execute the agreement. Motion carried: 5-0-0

Mayor's Report:

- Attended a meeting at Delaware Water Gap PA on April 4th concerning the "Jurassic Park" style 60-foot rock wall and fence barrier to be constructed by the NJ-DOT which is planned for Interstate 80 West along the cliffs of the Delaware Water Gap National Recreation Area in Knowlton Township, NJ.
- Attended the Monroe County Tour Meeting on April 6th on parks and trails in Monroe County, which also included the Liberty-Water Gap Trail.
- Attended the Slate Belt Heritage Center opening reception for the 2018 spring exhibit on April 8th.
- The Mayor's and Municipal Officials Reception was held on Tuesday, April 17th at the MusicFest Café at Arts Quest. Mayor Prator won the award for the most entertaining Mayor.
- Attended the April 19th Hazard Mitigation meeting of the LVPC. Looking for a host location for the last meeting on October 5, 2018 when the current plan expires, and a new plan is adopted. A resolution will be provided by the LVPC.
- April 23rd, the first bicycle ride along the entire September 11th National Memorial Trail Alliance. The group rode through Portland in the afternoon and continued across the pedestrian bridge into Warren County NJ.
- National Day of Prayer was observed at noon on April 3rd, and evening at 7 PM.
- May 17th, 811 PA Seminar in Wilkes Barre PA.
- The secretary stated that she has not heard from the Slate Belt Relay for Life. Mayor Prator stated they have partnered with Nazareth PA.

Streets Department: Lisa Prator

Ms. Prator was absent.

1. A second request was received from Israel Colon for a permanent handicapped parking spot for a location in front of his residence at 218 State Street. Mr. Colon submitted documentation of his handicap. Solicitor Gaul replied that the Borough would need to adopt an ordinance for handicap parking if there is not already an ordinance on the books. Action was tabled for review of the current ordinances by the Street Committee.

2. The damage from the snow removal contractor's snow plow equipment to the Park & Ride Lot pavers was completed to the satisfaction of Councilman Sullivan, streets committee member.

3. The Borough has the right to renew the Snow Removal Agreement for an additional service term if the Borough provides the contractor with written notice of renewal no later than September 15, 2018. A decision will be made at the August 6th council meeting.

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4 The secretary reported that Martins Power Sweeping has not confirmed any dates for the sweeping of the streets.

5. Councilman Sullivan inquired if Portland Contractors, Inc. has been approved to repair the storm drains on Main Street & Market Street and Coffin Alley. A cost evaluation must be prepared by Portland Contractors, Inc. A motion was made by Yvonne Gumaer, 2nd by Heather Fischer authorizing Portland Contractors, Inc. to evaluate the drain boxes for repair. Motion carried: 4-0-1 (Michael Sullivan abstained due to Portland Contractors, Inc.)

Sanitation:

- Official notification was sent to all municipalities regarding the county's current revision to the Northampton County Municipal Waste Management Plan as provided by Act 101 of 1988, for the processing and disposal of municipal waste. The correspondence is in your packet.

Building Committee:

1. Roof Repair to the Municipal and Gymnasium Roof Buildings:

1. Estimates for ceiling repair to the second-floor hallway of the municipal building.
 - i. J. Abbott Carpentry, LLC \$ 869.96
 - ii. Lobb's Roofing & Metal Works \$ 2,500.00
 - iii. Hubert McHugh, General Contractor \$ 1,700.00
2. Estimate to cover the hole in the ceiling of the bell tower with fascia board.
 - i. Lobb's Roofing & Metal Works \$ 1,500.00
3. Estimate to screen the sides of the bell tower with chicken wire.
 - i. Lobb's Roofing & Metal Works \$1,500.00(We have black vultures living in the roof of the bell tower)

A motion was made by Yvonne Gumaer, 2nd by Michael Sullivan to accept the proposal of J. Abbott Carpentry, LLC., in the amount of \$869.96, pending receipt of his company's insurance certificate. Motion carried: 4-0-1 (Stephanie Steele abstained)

Estimates on #2 and #3 were tabled and are to be placed on the June 2018 agenda.

Budget, Finance, Insurance, & Cable TV Contract:

- Employee Raises: To be discussed in Executive Session.

Ordinance Update Committee:

None

Personnel, Policy & Procedure Committee:

None

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Correspondence:

1. The American Legion Mt. Bethel-Portland Memorial Post 216 invitation to the 33rd annual Memorial Day Observance on Monday, May 28, 2018, at 11 AM at the Mt. Bethel Memorial, Route 611 Mt. Bethel, PA.

2. AmeriGas Accounts:

- i. 100754539 police station
- ii. 100759475 council chambers
- iii. 100759477 Borough Office

AmeriGas wants the Borough to allow them to add 120-gallon propane tanks to each existing account. AmeriGas states that it will cut our current deliveries in half, thus saving \$67, \$67 and \$86 respectively. Tabled until more proposals can be obtained.

3. Ride for Relief Charity Motorcycle Ride:

- i. First United Methodist Church, Bangor PA Fundraiser motorcycle charity for United States disaster relief taking place on Saturday, July 14, 2018 with a 50+ mile tour of the Slate Belt. The church is asking if the Borough would like to be a sponsor. No action taken.

4. On Wednesday, May 16th the Inaugural Northampton County Ambulance Association Breakfast will be held at 8 AM at Dewey Fire Company, Hellertown, PA.

5. A motion was made by Michael Sullivan, 2nd by Bridget Kenna authorizing a letter of support opposing the NJ-DOT plans to install a series of high, industrial fences and a 60-foot concrete berm through the path of the National Delaware Water Gap Park along NJ Route 80.

Discussion:

- i. Cindy Fish, in the audience, stated that this project will have an impact on Portland tourism.
- ii. The Route 80 expansion project will be going on at the same time as the PennDot Jacoby State Street Bridge Project.
- ii. The secretary stated that the letter of support will be sent to the Acting Commissioner of NJ-DOT and other political officials of New Jersey and PA.

Motion then carried: 5-0-0

Secretary's Announcements:

The secretary will be out of the office on Tuesday, May 15, 2018.

Old Business:

None

New Business:

None

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Public Comment, Non-Agenda:

Dunkin Donuts:

The new owner of the PA Bagel & Deli, Dhru Acharya, which will become a Dunkin Donuts, was recognized by Ms. Steele. Mr. Acharya explained he Highway Occupancy Permit (HOP) plan. Solicitor Gaul replied that he was surprised that PennDot gave the HOP permit to the owner without notifying the Borough. Mr. Gaul stated that he doesn't understand why PennDot was allowing crosswalks in the PennDot Right-of-Way. Mr. Acharya stated that PennDot is asking him to fix the curbing. Mr. Acharya stated that the previous owners were doing business without a HOP. Mr. Acharya stated he has been dealing with PennDot for about (2) years. Dunkin Donuts will provide about (20) jobs. Ms. Steele stated that she was told there was going to be an office added to the plan. Mr. Acharya stated there would be no change of use therefore he only needed a zoning permit. The drive-up window will be staying in the same location. He will be keeping the footprint as of the PA Bagel & Deli. Mr. Acharya handed out to all a preliminary plan. There will be nothing on the outside of the building but a new name where the PA Bagel & Deli sign is located. The hours of operation will be 4 AM to 10 PM.

Other Business:

Ms. Steele announced the Northern Tier Trail Feasibility Study public meeting on May 14th beginning at 6 PM with a public tour of the Lock Tenders House. The Walnutport Canal Association 416 Lehigh Street Walnutport PA will host the public meeting at 7 PM.

Executive Session:

A motion to convene to Executive Session at 9:07 PM was made by Bridget Kenna, 2nd by Yvonne Gumaer. Motion carried: 5-0-0

A motion to reconvene from Executive Session at 9:25 PM was made by Heather Fischer, 2nd by Yvonne Gumaer. Motion carried: 5-0-0

Action Taken:

A motion was made by Michael Sullivan, 2nd by Heather Fischer to hire Austin Jones as a Borough police officer at the rate of \$15.00 per hour, with the hours to be determined by Chief Mulligan's schedule but not to exceed (24) hours per week. Motion carried: 5-0-0

Other Business:

President Steele asked Solicitor Gaul the status of the Health Officer, John Blick, concerning the difference between the inspections of the health officer and the PA Department of Agriculture. Solicitor Gaul stated that he spoke with Mr. Blick and the conversation should be discussed in Executive Session.

A motion to convene to Executive Session at 9:29 PM was made by Yvonne Gumaer, 2nd by Heather Fischer. Motion carried: 5-0-0

A motion to reconvene from Executive Session at 9:37 PM was made by Michael Sullivan, 2nd by Yvonne Gumaer. Motion carried: 5-0-0

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Discussion: Legal advice from Solicitor Gaul.

Adjourn:

The next council meeting will be held on Monday, June 4, 2018 at 7:00 PM.

A motion was made by Michael Sullivan, 2nd by Yvonne Gumaer to adjourn the meeting at 9:38 PM. Motion carried: 5-0-0

Respectfully Submitted by,

Carol A. Hummel

Carol A. Hummel, Secretary