

BOROUGH OF PORTLAND  
COUNCIL MEETING FEBRUARY 4, 2019

The Portland Borough Council Meeting of February 4, 2019 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\* Brian Kardos\* Ralph Frasca\* William Godshalk\* Michael Sullivan\*

Others Present:

1. Michael Gaul, Borough Solicitor.
2. Lance Prator, Mayor
3. Mark Bahnick, Borough Engineer
4. Carol Hummel, Borough Secretary
5. Irene Woodward, Stephen Kehs, Triad Associates
6. Members of the Public

Action on Minutes:

A motion was made by Ralph Frasca, 2<sup>nd</sup> by Bill Godshalk approving the minutes of January 7, 2019, as presented. Motion carried 4-0-3 (Michael Sullivan, Bridget Kenna and Yvonne Gumaer abstained).

Secretary/Treasurer's Report:

Carol Hummel

1. Bills Presented for Payment:

Borough Operations:	31,811.44
Sewer Operations:	9,081.65
Sanitation Operations:	4,774.82
Dunkin Dunkin Land Development Escrow	2,014.35
Tellus Underground Escrow	264.00
Portland Redevelopment Plan (SBR)	3,512.50
Ultra-Poly Escrow	11,290.25
LamTec Sanitary Sewer Escrow	393.25
February Payroll & Taxes	10,000.00
February Sunoco Fleet Gas	<u>500.00</u>
	73,642.26

A motion was made by Michael Sullivan, 2<sup>nd</sup> by Bridget Kenna approving the bills as presented in the amount of \$ 73,642.26. Motion carried 6-1-0 (Stephanie Steele opposed).

2. WWTP Bills Presented for Payment to Portland Contractors, Inc.:

WWTP Contractor monthly services:	2,520.00
WWTP Operations:	<u>1,040.50</u>
	3,650.50

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A motion was made by Bridget Kenna, 2<sup>nd</sup> by Yvonne Gumaer approving the bills presented for payment to Portland Contractors, Inc. in the amount of \$ 3,650.50. Motion carried 5-0-2 (William Godshalk & Michael Sullivan abstained).

3. The secretary reported the balance in the Real Estate Tax Account is \$ 7,807.38.

Public Comment:

a) Pastor Phil Karasiewicz: Refiner's Fire Ministry

- Pastor Phil thanked Council for their service to the community and offered prayer.

b) Triad Associates: Irene Woodward and Stephen Kehs

Ms. Woodward and Mr. Kehs reported the progress of the Portland Neighborhood Redevelopment Plan.

- A background analysis was done by Triad Associates and presented to Council.
- 50 % of housing in the Borough is rental units.
- 73% of the homes were built prior to 1939.
- The Delaware River and the Portland Pedestrian Bridge is a huge asset to the Borough.
- The highest numbers of employees are wholesale and retail.
- The stakeholder's interviews and surveys provided a lot of good feedback on the strength and assets of the Borough.

Questions and comments:

- Councilman Frasca asked the comparison of the Borough with the region, concerning the 73% of homes built prior to 1939. Ms. Woodward replied, "about the same".
- In addition to age, older communities have a large transformation from bigger homes to the number of rentals. The general trend is toward apartment living.
- Mr. Frasca stated that he would like to see more owner-occupied homes in the Borough because municipal stability is home ownership.
- Mr. Kehs replied that Portland is in a great location.
- Councilman Kardos replied that Portland is close to Manhattan, NY. The Borough is ripe for development.
- Triad Associates wants to identify short term and long-term projects.
- Mr. Kehs stated that all the communities in the Slate Belt have the same goals
- Jim Kenna and Hubert McHugh, in the audience, stated they were against development because it brings more people and higher taxes.

c) Tellus Underground Technologies: Frank Russo

A waiver from the Subdivision and Land Development Ordinance (SALDO), Section 104.A is requested by the applicant. The secretary reported that escrow monies have been received and the account has been opened.

Borough Engineer Mark Bahnick addressed the waiver request by the applicant.

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- The addition to their existing facility will be a 1,600 square feet addition; light manufacturing, truck chassis assembly.
- Current area is a stone parking lot. Expanding next door, similar to a garage.
- There is little or no storm water or land development impact.
- Mr. Bahnick recommended Borough Council process their plan through building code and zoning but not through land development.
- Mr. Russo stated that there is no electric in the building.
- Solicitor Gaul asked Mr. Russo about employee parking. Mr. Russo replied that there is sufficient parking; there will be (6) employees.

A motion was made by Michael Sullivan 2<sup>nd</sup> by Bridget Kenna granting Tellus Underground Technology the waiver from Section 104.A of the Borough Subdivision and Land Development Ordinance.

- Question: Hubert McHugh, from the audience, asked the hours of operation. Mr. Russo replied daily, operating Monday through Friday.

Motion carried 7-0-0.

d) Resolution 2019-2, Ultra-Poly Land Development Expansion, Building Number Two:

Peter Layman, Esquire, Michael Gaul, Esquire, Mark Bahnick, Borough Engineer

Mr. Bahnick stated that the Portland Planning Commission recommended conditional final approval at their January 2019 meeting.

1. Solicitor Gaul provided a verbal history and the benefits that the expansion will impact the Borough. Questions from Solicitor Gaul were:

- Are there designs for storm sewer infrastructure; the Borough Engineer replied, all are private.
- Storm water run-off, is anything being created; the Borough Engineer replied, all is private.
- The plans show some driveway improvements in the Township. How does Ultra-Poly intend to obtain Township approval? Attorney Layman replied that that can be included in the process.
- Can the Fire Pond be reliably used for storm water control; the Borough Engineer replied, the plans for reuse as a detention pond has been worked on for the last (6) months.
- Attorney Layman stated that the plans were recorded last Friday, February 1, 2019.
- Attorney Gaul stated that the fire pond still needs to be transferred. The plan needs meets and bounds.
- Easements on the plans; David Lopatka, Ultra-Poly Engineer, replied that the easements don't need to be dedicated because they are all on Ultra-Poly land. The Borough Engineer explained that the easements are from the old property to the new property in case the properties would be sold in the future.
- Solicitor Gaul replied he would like conditional approval and a statement about the easements stated on the plan,
- Excess material that is stored on the adjacent lot; David Lopatka replied a place was needed for storage; the adjacent lot will be cleaned up and re-seeded.

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- The property across from the railroad tracks is part of the original Ultra-Poly plan and is a separate parcel from Lot 6. The Ultra-Poly representatives explained that if the property is developed Ultra-Poly would have to come back before Council.
- Note on the plans that there is no Portland Sewer Authority; Portland Borough Council oversees the operation the sewer.
- The quarry is dedicated to the Portland Borough Authority (Water Company).
- The Borough Engineer questioned the NPDES DRJTBC Docket for discharge into protected waters. Attorney Laymen stated that the conditions need to be clarified.
- Prior covenants, the HOP Permit: Attorney Layman stated that Ultra-Poly's plan does not exceed the HOP limits. The traffic study is acceptable to the engineer.

A motion was made by Yvonne Gumaer, 2<sup>nd</sup> by William Godshalk adopting Resolution 2019-2, "Resolution Granting Conditional Approval of the Preliminary/Final Land Development Plans for Ultra-Poly Corporation Building Two; and Granting a Waiver to the Borough's Subdivision and Land Development Ordinance; and Authorizing Further Incidental Action by Borough Officials" with the added conditions stated,

- Transfer of the fire pond to the Portland Industrial Park (PIP).
- Noting (3) easements as restrictive covenants on the plans.
- Notation of conditional use zoning approval on the plan.

Motion carried: 7-0-0

2. Certify Reservation Capacity for the Ultra-Poly Corp. Expansion:

The sewer billing clerk, Diann Eden, was confused as to whether Ultra-Poly is being billed for tapping fees or reservation capacity. Mr. Bahnick replied that Ultra-Poly is beyond reservation stage and is requiring use. At this time tapping fees are to be billed in the amount of 9.5 EDU's.

e) Laura Miller: Slate Belt YMCA, Pen Argyl Branch

The Slate Belt YMCA will be expanding within the next year. Ms. Miller met recently with Mayor Prator who invited her to speak with Council. Ms. Miller explained that it is the Slate Belt YMCA, Pen Argyl Branch. The YMCA is looking to do a community outreach program and asking what Portland's needs and resources are.

Mayor Prator stated that the Borough has a vacant gymnasium that is presently used for storage. The Borough does not have the funds to rehabilitate the gymnasium. There are funds that may be available through the YMCA that could be used by Portland for that rehabilitation. The building would have to be assessed by the Slate Belt YMCA and what the Portland community could support. President Steele stated that Council can set up a meeting with Ms. Miller.

Letter of Interest, Vacant Planning Commission Seat: Rich Scott, 107 Main Street

President Steele stated that (3) years remain on the term, which expires January 1, 2022.

Mr. Scott stated that he attended the January meeting of the Planning Commission, as a resident, to get acquainted with the present members.

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Mr. Scott is a resident, homeowner and a personal trainer by trade. He is employed by the Slate Belt YMCA.

A motion was made by Ralph Frasca, 2<sup>nd</sup> by Michael Sullivan appointing Rich Scott to the vacant Planning Commission seat. Motion carried 7-0-0.

- i. Mayor Prator recommended that Mr. Scott attend the Lehigh Valley Government Academy. Mayor Prator stated he attended years ago, and it is a very good program.

EMC Commercial Insurance Renewal 01-19-2019 to 01-19-2020:

Heart & Lung Policy:

A Heart & Lung policy pays the additional portion of income replacement that workers' comp does not pay for injured police officers. Workers' comp benefits pay only 2/3 of salary but with coverage from Heart & Lung the policy provides full income replacement for the additional 1/3 of salary. The annual premium is \$ 1,500.

Questions:

- Does the policy cover the employee for their lifetime or only for one year?
- How does the policy apply to part-time police officers?
- Do other municipalities provide this coverage?

No action was taken. The secretary was directed to contact the insurance company for answers to the above questions.

KS State Bank, Portland Hook & Ladder Co. # 1:

The Portland Hook & Ladder Co. # 1 has rescheduled their fire truck loan payment to June 1, 2019.

Borough Engineers Report: Mark Bahnick

- a) The engineer's report is attached to these minutes.
- b) A draft copy of the Act 537 Plan for UMBT is available for review on the Council room table. There is no adoption at this time. UMBT is focusing on the Route 611 corridor as the service area. There are more options available for sewer service other than the Portland WWTP.
- c) The 2018 Act 94 Report is being prepared by Mr. Bahnick's office.
  - Mr. Bahnick left the meeting at 7:39 PM.

Sewer Matters:

1. Correspondence was received from Julyn and David Laforest, 713 Delaware Avenue, asking Council to waive their \$ 8.00 late fee from their sewer bill. Ms. Eden received no payment by the due date of December 31, 2018. Ms. Laforest stated that she did not receive her sewer statement until January 2, 2019, for her November service billed for December 1, 2018. Ms. Laforest stated that she never received her December 2018 statement. Ms. Eden spoke with Ms. Laforest and stated to her that she was not responsible for postal service delivery. The

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Borough received payment for the November and December bills from Ms. Laforest on January 18, 2019.

A motion was made by Michael Sullivan, 2<sup>nd</sup> by Ralph Frasca waiving the \$ 8.00 late fee from sewer account # 251 of Julyn and David Laforest. Motion carried 6-1-0 (William Godshalk voted NO)

- President Steele stated that late fees are waived only one time. Ms. Eden will send a letter to the Laforest's.

2. President Steele reported that there was an incident at the WWTP with the mixer being out of service. Without the mixer the plant cannot operate. Ms. Steele approved the equipment order as an emergency repair at the approximate cost of \$ 6,500.

A motion was made by Yvonne Gumaer, 2<sup>nd</sup> By Bridget Kenna authorizing the purchase of the mixer at the approximate cost of \$ 6,500.

Question: Hubert McHugh, in the audience, commented that an option could be a rebuilt part or having another on the shelf in case of emergencies.

Motion carried 6-0-2 (Michael Sullivan and William Godshalk abstained).

3. Hubert McHugh stated that he has been asked by the owner of 425 Delaware Avenue to prepare an estimate for sewer connection to the WWTP. Mr. McHugh asked the location of the sewer lateral. Mr. McHugh was told to come to the Borough office to review the sewer As-Built Plans.

Zoning Officer Report:

Ms. Serfass invoice and report are attached to these minutes.

1. Ms. Serfass was present to answer any questions that Council members may have with on-going property issues within the Borough.

- Councilwoman Gumaer questioned junk on a neighbor's porch. Ms. Serfass replied that windows and doors are not junk on an outside porch.
- Ms. Gumaer rebutted that it is okay to have junk on a porch but not a dresser (piece of furniture). Another neighbor of Ms. Gumaer was sent a Notice to remove the dresser from the porch within (30) days of the Notice.
- Ms. Serfass replied that she does not cite for stuff on a porch. The Property Maintenance Code states that inside furniture cannot be stored on an outside porch.
- Solicitor Gaul replied that if the article in question can be used inside the building it is not junk.
- Ms. Serfass stated that she cannot enter onto a person's property; that is considered trespassing. Ms. Serfass stated she can only report/cite from what she can view from the street.
- Solicitor Gaul stated that he would like to see photographs. President Steele replied that she takes the photos, if requested, and sends to Ms. Serfass.

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2. Ms. Serfass reported a trash complaint involving a resident of the Golden property at 108 Division Street. The complaint was received from the property owner of 501 Delaware Avenue, concerning trash being deposited into her dumpster by a neighbor. Ms. Serfass is investigating.

- Councilman Sullivan stated that Ms. Serfass was aggressive when she first became Zoning Officer. After complaints were received from the affected property owners Ms. Serfass backed off. Mr. Sullivan stated that the rules are for everyone. Councilman Frasca replied that Ms. Serfass should be consistent, there should be no favoritism.
- Paul Taylor, attending in the audience, asked whether Ms. Serfass should be aggressive or wait for complaints. Ms. Serfass replied that when she is in the UMBT office on Thursday's she will do a drive through Portland before she leaves for the day.
- President Steele replied that numerous households in Portland are not in compliance with the 911 ordinance (visible house numbers) and could be sent a Notice of Violation by the zoning officer.

UCC Building Code Inspectors Report:

Carl Faust

a) No report.

b) Discussed by Council was the unavailability issue of the UCC Official, Mr. Faust. Present was Dhruv Acharya, principle of Dunkin Donuts. Mr. Acharya stated that his temporary Certificate of Occupancy (CO) expired yesterday. Before the meeting, Mr. Acharya asked Ms. Steele if that meant he had to close Dunkin; Ms. Steele replied NO. Ms. Steele stated that Ms. Serfass' firm is licensed as a UCC/Building Code inspector.

Comments from Ms. Serfass:

- Ms. Serfass has provided her fee schedule to Council.
- Mr. Faust should finish the permit applications that need completion or if Ms. Serfass can take over the files if her firm is appointed the new Building Code Official.

A motion was made by William Godshalk, 2<sup>nd</sup> by Michael Sullivan terminating the appointment of Carl Faust, dba Blue Mountain Inspection Services and appointing Bettina Serfass, dba Keller Zoning and Inspection Services.

Question: Hubert McHugh, in the audience, stated that this problem can happen again. President Steele replied NO that it wouldn't because Ms. Serfass employs two (2) licensed inspectors in her firm.

Motion carried 6-0-1 (Councilman Frasca abstained).

A motion was made by Michael Sullivan, 2<sup>nd</sup> by Yvonne Gumaer directing the secretary to notify Mr. Faust, by certified mail, that his services are no longer needed and to return the open permit files to the Borough. Motion carried 6-0-1 (Councilman Frasca abstained).

A motion was made by Michael Sullivan, 2<sup>nd</sup> by Yvonne Gumaer to compensate Keller Zoning and Inspection Services for their services to the Borough based on the fee schedule presented. Motion carried 6-0-1 (Councilman Frasca abstained).

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A motion was made by Yvonne Gumaer, 2<sup>nd</sup> by Michael Sullivan adopting the fee schedule of Keller Zoning and Inspection Services as presented. Motion carried 6-0-1 (Councilman Frasca abstained).

Zoning Hearing Board (ZHB):

- No hearings are scheduled at the present time.

Planning Commission:

- None

Portland Borough Authority (PBA):

Lance Prator, Chairman

Mr. Prator stated that the PBA's Dodge Ram pick-up truck has been repaired and is back in service after an accident involving their maintenance employee.

Legal:

- None

Subdivision and Land Development:

- None

Community Development, Slate Belt COG & Grants:

1. Correspondence was received from Christine Cahill, Prestige Animal Control Services, expressing interest in contracting with Portland to perform animal control duties.

- Mayor Prator reported that two (2) new dog laws, the dog law and dog cruelty law, has been adopted by the state of Pennsylvania. Mayor Prator stated that the new dog laws provide better living accommodations for dogs than for prisoners or our armed service veterans.
- Anyone can have a kennel but because of the new laws Plainfield Township and Washington Township has closed their kennels.
- Washington Township, UMBT, Plainfield Township has discontinued their membership with the Animal Control Officer (ACO) program of the Slate Belt COG. Pen Argyl is considering whether to remain or not.
- Washington Township, UMBT, Plainfield Township has contracted with Prestige Animal Control Services.
- Portland no longer has an ACO. The police department can pick up dogs, but they can only be held for (48) hours. There is nowhere to shelter them in Portland. Ms. Cahill's charge is \$ 100 per dog.
- Ms. Cahill is the humane officer of Lehigh County. Ms. Cahill is not considered an ACO because she has no power to issue tickets.
- Pending answers to questions from Mayor Prator and Council members:
  - i. Where are the animals held for 48 hours?
  - ii. Where are the shelters located?
  - iii. Is the \$200 emergency vet care always needed?

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A motion was made by Ralph Frasca, 2<sup>nd</sup> by William Godshalk authorizing the Borough Council to engage in a (1) year contract with Christine Cahill, dba Prestige Animal Control Services, pending satisfactory answers to the questions raised by Mayor Prator. Motion carried 7-0-0.

2. Mayor Prator reported that the University of Penn student's plans, that were drafted about the Slate Belt through the Slate Belt Heritage Center, are being returned to the University of Penn. The plans are available at the Slate Belt Heritage Center in the form of a book and are copied on hard drive.

3. Mayor Prator reported that a street sweeper is really needed. The COG is considering the purchase. The MS-4 (storm water management permit) requirement will eventually come to Portland. We will then need to sweep the Borough streets four (4) times per year.

4. President Steele and Councilman Sullivan registered to attend an instructional grant workshop on February 27, hosted by the Northampton County DCED.

Community Events/Recreation Board:

1. The secretary asked permission to close the Recreation Fund Account. Ms. Hummel reported the balance in the account is \$ 583.51. The only activity in the account is twice a year when she deposits the Northampton County Election Board rental monies. Ms. Hummel stated that the Borough auditor suggested closing the many inactive banking accounts.

- Mayor Prator replied that Council should wait to see what UMBT will be doing this year concerning the use of the ball field for girl's soft ball.

Solicitor Gaul reviewed the bank accounts from the Balance Sheet report. Mr. Gaul stated the following accounts could be closed.

- Portland Industrial Park (PIP) Improvement Escrow Account. This account has no activity since 2009.
- PIP Lot 6 Subdivision III Escrow Account is either recorded or abandoned.
- PIP Lot 6B & 6C Land Development Escrow Account. The two lots have been combined for the PIP land development Expansion.
- Voltaix, LLC, HOP Escrow Account.

A motion was made by Michael Sullivan, 2<sup>nd</sup> by Yvonne Gumaer to close the above accounts per the advice of Solicitor Gaul.

Question: Mayor Prator questioned the Voltaix, LLC Escrow Account because of the PennDot HOP Permit. Council decided to review the accounts for discussion at the March 4 Council meeting.

The motion was withdrawn by Councilman Sullivan and Councilwoman Gumaer.

Police Report:

The January 2019 Police Report was provided in writing by Chief Mulligan:

- The report is attached to these minutes.

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- A motion was made by Ralph Frasca, 2<sup>nd</sup> by Brian Kardos accepting the resignation of Police Officer Stephen Kiefer, effective February 1, 2019. Motion carried 7-0-0.
- Chief Mulligan will be searching for a new candidate.
- Officer Ryan Sabatine will be working on a limited basis. Officer Sabatine has accepted a full-time position with the Bangor Police Department.

Mayor's Report:

1. Mayor Prator reported that he has been appointed to CAC-LV Board of Directors, but then was informed that he could not be on the Board because the number of governmental officials on the Board would exceed the allowed number.

2. Route 80 Rock Wall Mitigation Project Update:

Correspondence was received from Mayor Adele Starrs, Mayor of Knowlton Township, NJ, with an update of the Route 80 widening project. Mayor Starrs is asking the Borough to request additional consulting party status on the Route 80 Rock Wall Mitigation Project. A motion was made by Michael Sullivan, 2<sup>nd</sup> by William Godshalk authorizing Borough Council to submit a letter to Commissioner Diane Gutierrez-Scaccetti, NJ Department of Transportation, requesting that Portland Borough be considered consulting party status with copies being sent to NJ officials, National Park Service official, PA State Representatives and Mayor Starrs. Motion carried 6-0-1 (Councilman Frasca abstained)

3. Mayor Prator completed the Boundary Annex Survey for the US Census Bureau.

4. Mayor Prator registered the Borough for the 2019-2020 Co-Stars State Contract.  
Streets Department:

- William Godshalk reported that he would contact Martin Street Sweeping to make arrangements for street cleaning.

Sanitation:

- None

Building Committee:

- General Contractor, Hubert McHugh, is working on the repair of the municipal building handicapped ramp.

Budget, Finance, Insurance, & Cable TV Contract:

- None

Ordinance Update Committee:

- None

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Council Policy & Procedure Committee:

- None

Slate Belt Rising Committee (SBRC): Stephen Reider, Director

- The February committee meeting of the SBRC will meet Wednesday, February 20, instead of Thursday.

Air Liquide/Voltaix Safety Committee:

- Mr. Kardos reported that Air Liquide plans on starting up operations of their addition in March 2019. The added facility is located on Route 611 South in UMBT.

Liberty-Water Gap Trail Alliance: Cindy Fish

- The Liberty-Water Gap Trail Alliance will hold a special meeting on Tuesday, February 19 at the Delaware Water Gap (DWG) municipal building at 9 AM. A representative from the DCNR be attending.
- Mayor Prator attends the LVPC "Pizza" series and stated that it is a great class.

Correspondence:

- A motion was made by Brian Kardos, 2<sup>nd</sup> by Michael Sullivan authorizing a letter of support to the CAC-LV, Routes 512/611 corridor transportation study. Motion carried 7-0-0.

Secretary's Announcements:

- None

Old Business:

- None

New Business:

- None

Executive Session:

A motion was made by Michael Sullivan, 2<sup>nd</sup> by Brian Kardos to convene to executive session at 10:10 PM. Motion carried. 7-0-0.

Discussion: personnel

A motion to reconvene from executive session at 10:18 PM was made by Michael Sullivan, 2<sup>nd</sup> by Brian Kardos. Motion carried 7-0-0.

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- No action taken.

Public Comment, Non-Agenda:

- None

Adjourn:

The next Council Meeting will be held on Monday, March 4, 2019 at 7:00 PM.

A motion was made by Michael Sullivan, 2<sup>nd</sup> by Yvonne Gumaer to adjourn the meeting at 10:19 PM. Motion carried 7-0-0.

Respectfully Submitted,

*Carol A. Hummel*

Carol A. Hummel, Secretary