

BOROUGH OF PORTLAND
COUNCIL MEETING APRIL 1, 2019

The Portland Borough Council Meeting of April 1, 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* Brian Kardos* William Godshalk* Michael Sullivan* Ralph Frasca*

Council member Yvonne Gumaer was absent. Mayor Lance Prator was absent.

Others Present:

1. Michael Gaul, Borough Solicitor
2. Mark Bahnick, Borough Engineer
3. Carol Hummel, Borough Secretary
4. Members of the Public

Ordinance 2019-1:

A motion was made by Michael Sullivan, 2nd by William Godshalk adopting Ordinance 2019-1, "An ordinance of the Borough of Portland, County of Northampton and Commonwealth of PA, Amending and Restating, in its Entirety, Portland Borough Ordinance No. 116; Re-establishing the Portland Police Department and Providing for Other Miscellaneous Matters". Motion carried: 6-0-0

Action on Minutes:

A motion was made by William Godshalk, 2nd by Bridget Kenna approving the minutes of March 4, 2019, as presented. Motion carried 4-0-2 (Ralph Frasca and Michael Sullivan abstained)

Secretary/Treasurer's Report:

Carol Hummel

1. Bills Presented for Payment:

Borough Operations:	21,750.42
Sewer Operations:	6,484.77
Sanitation Operations:	5,077.11
Tellus Underground Escrow	136.00
Ultra-Poly Escrow	2,967.25
Community Events Account	318.21
April Payroll & Taxes	9,000.00
April Sunoco Fleet Gas *	250.00
TOTAL	45,983.76

A motion was made by Michael Sullivan, 2nd by Bridget Kenna approving the bills as presented in the amount of \$ 45,983.76. Motion carried 5-1-1 (William Godshalk abstained; Stephanie Steele opposed).

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

WWTP Contractor monthly services: 2,520.00

A motion was made by Bridget Kenna, 2nd by Stephanie Steele approving the bills presented for payment to Portland Contractors, Inc. in the amount of \$ 2,520.00. Motion carried 4-0-2 (William Godshalk and Michael Sullivan abstained).

3. Bill presented for Payment from the Real Estate Tax Account to the Fire Tax Account:

A motion was made by Bridget Kenna, 2nd by William Godshalk authorizing the transfer of \$ 1,946.00 from the Real Estate Tax Account to the Fire Tax Account; collection of February 2019 (2) mill tax. Motion carried: 5-0-1 (Michael Sullivan abstained)

Public Comment:

705 Hillcrest Drive, Sewer Account No. 183:

The resident of Account No. 183 contested the water shut-off notice scheduled for Tuesday, April 2, 2019. After discussion, Council Members and the resident agreed that an \$ 80.00 monthly payment would be made by Friday, April 5, 2019.

A motion was made by Michael Sullivan, 2nd by Ralph Frasca removing 705 Hillcrest Drive from the April 2, 2019 water shut-off list, conditioned upon making an \$ 80.00 monthly payment by Friday, April 5, 2019, and for Council to revisit the issue at the May 6, 2019 Council meeting.

Question from Borough Engineer Mark Bahnick concerning the sewer rules and regulations.

Solicitor Gaul replied that a principle basis will have to be established in case there is another sewer account that makes the same request. Research will be done by Solicitor Gaul concerning future payments.

Motion then carried: 6-0-0

Sewer Shut-Off Notice: 394 Delaware Avenue

President Steele explained the water shut-off policy, property posting and mailings.

A motion was made by Bridget Kenna, 2nd by Ralph Frasca authorizing President Steele to execute the work order of April 2, 2019 to the Portland Borough Authority for the water shut-off of 394 Delaware Avenue. Motion carried: 5-0-1 (Michael Sullivan abstained)

Borough Engineers Report/Sewer Report: Mark Bahnick

a) Van Cleef Engineering Associates:

The secretary requested that Van Cleef invoice 66001902-1 be broken down into two (2) invoices. One (1) for Mr. Bahnick's review for sewer capacity availability for UMBT; UMBT should be billed for this portion of the invoice. One (1) billed to Portland Borough for Mr. Bahnick's attendance at the monthly Portland sewer committee meeting.

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Discussion: President Steele reported that since UMBT has been updating their Act 537 Plan Ms. Steele and the WWTP Operator have been fielding telephone calls from residents of UMBT who oppose the Act 537 Plan and the extension of sewer connections into UMBT. The secretary has prepared a Right-To-Know request concerning costs, grants received, and loan information associated with the building of the Portland WWTP, to those opposed. Two (2) of these opposition gentlemen wanted to attend the monthly sewer committee meetings. Two (2) UMBT engineers showed up at Borough Hall April 27 at 7 PM to attend one of these meetings but no meeting was scheduled at that time.

Ms. Steele consulted with Solicitor Gaul before contacting the opposition gentlemen informing them that the sewer committee meetings are not an advertised committee meeting for the public but a committee that oversees the operations of the waste water treatment plant. Ms. Steele informed them that they could not attend. Ms. Steele stated that the sewer committee is not authorized to make decisions for the waste water treatment plant, only Borough Council makes the decisions and authorizations.

Mr. Bahnick will revise the bill for Council.

A motion was made by Ralph Frasca, 2nd by Brian Kardos authorizing Solicitor Gaul to draft correspondence notifying Upper Mount Bethel Township (UMBT) supervisors that any further work requested of Portland Borough must be done through a formal request to Borough Council. Motion carried: 5-0-1 (Michael Sullivan abstained)

- b) The engineer's report is attached to these minutes.
- i. The flow capacity is one-third.
 - ii. UMBT has asked for 255K gallons a day; Mr. Bahnick stated that the benefits to Portland have to be reduced user cost fees to Portland residents.
 - iii. The Act 537 Plan of UMBT has not been finalized.

- Mr. Bahnick left the meeting at 7:48 PM.

Zoning Officer Report:

Ms. Serfass was absent but submitted a report for the months of February and March 2019.

- A Zoning permit was issued to Ultra-Poly, 104 Demi Road, Building Two expansion.
- Attended March 4, 2019 Council meeting.

UCC Building Code Inspectors Report:

Tina Serfass

- UCC Audit by PA Labor & Industry for accessibility, Dunkin Donuts.
- Discussion concerning the former UCC Official, Carl Faust, regarding building inspections. Solicitor Gaul will speak with Ms. Serfass, from a legal standpoint, to find out what the Borough actually needs. The only property in question is 425 Delaware Avenue. The Borough may incur some costs with this inspection.

Zoning Hearing Board (ZHB):

- No hearings are scheduled at the present time.

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Planning Commission:

- None

Portland Borough Authority (PBA): Lance Prator, Chairman

- None

Legal:

- None

Subdivision and Land Development:

Ultra-Poly Land Development Storm Water Best Management Practices Operations and Maintenance Agreement:

- a) The parties are working on finalizing the agreement.
- b) A check was given to the secretary by John McCallum, Vice President of Ultra-Poly, in the amount of \$ 53,025.00 for the Storm Water Agreement, financial and improvements security.
 - i. The secretary asked where she should deposit the \$ 53,025; in the existing Ultra-Poly Escrow Account or open a new Escrow Account, Solicitor Gaul replied to open a new escrow account titled "Ultra-Poly Improvements Escrow Account".
- c) The Building UCC Permit has been issued and the permit and inspection fees have been paid to Keller Zoning and Inspection Services.
- d) Permit fees have been paid to the Borough.

Community Development, Slate Belt COG & Grants

1. The balance in the Northampton County Gaming Revenue & Economic Development Authority Grant is \$ 18,915. The monies must be spent by May 30, 2019.

- a) Proposals presented by President Steele:
 - i. Hallett Contractors: pave municipal building parking lot; \$ 19,972
extra section of parking lot \$ 2,410
 - ii. Hicks Paving: waiting on proposal
 - iii. Tri-County: no PA permit
 - iv. JH Sons: left message, did not return call
 - v. Inter-County: no PA permit
 - vi. Barker & Barker: no proposal
 - vii. Select Security for municipal building \$ 4,909.11
 - viii. 21st Century Security \$ 1,980.00
 - ix. APT: no proposal
 - x. Jelly Bean Mulch for playground \$ 25,948.00
 - xi. Police Car, 2019 Dodge Charger \$ 25,070.00
 - xii. Traffic Safety Warehouse: electronic speed sign \$ 4,402.20
(needs PennDOT approved sign)

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b) Ms. Steele met with Donald Cawley, General Contractor, concerning security cameras for the municipal building. Mr. Cawley did not submit a proposal because he stated to Ms. Steele that he was not satisfied with the wiring of the current system.

c) William Godshalk provided a written proposal from Asphalt Maintenance Solutions for crack sealing of various streets throughout the Borough at \$ 11,050.

d) Discussed a drain box where the water pools in the parking lot. Hicks stated to Ms. Steele that there is a drain pipe in the corner of the lot. Enough pitch could be generated to move the water off the parking lot.

e) Councilman Sullivan stated that the mulch for the playground would be nice but agreed with Ms. Steele that Council could search for grant monies for the mulch and the speed sign.

f) Ms. Steele stated that two (2) security cameras are bad. She will speak with Mr. Cawley about possible inclusion in the 2020 budget.

g) On the Hallett Contractors proposal two areas were shown for repaving. Area 1 in the amount of \$ 19,972 and Area 2 in the amount of \$ 2,410. A motion was made by William Godshalk, 2nd by Ralph Frasca accepting the proposal of Hallett Contractors; making sure the pitch would be corrected; re-paving of Area 1, in the amount of \$ 19,972; the balance of the repaving, in the amount of \$ 1,057 not being paid by the gaming grant funds, would be paid from the General Checking Account. Motion carried: 6-0-0

2. Christine Cahill, Prestige Animal Control Services:

- The contract for services and certificate of insurance was received from Ms. Cahill and reviewed by Solicitor Gaul
- The contract was revised by Solicitor Gaul.

A motion was made by Michael Sullivan, 2nd by Bridget Kenna authorizing the execution of the agreement subject to Solicitor Gaul's approval. Motion carried: 6-0-0

- i. Solicitor Gaul will send the revised contract to Ms. Cahill for approval and signature.

3. The Slate Belt COG met on March 27, 2019. A special meeting will be held on April 4, 2019.

4. Ms. Steele reported that three (3) representatives from Portland are needed to sit on and attend the LVPC Slate Belt Multi-Municipal Comprehensive Community and Economic Development Plan. Ms. Steele stated that she and Mayor Prator currently attend and a third person is needed. The meetings are held the third Wednesday of the month at 7 PM. Ms. Steele stated that she has several candidates that she will speak with. The third person will be appointed at the May 6th Council meeting.

A motion was made by Ralph Frasca, 2nd by Brian Kardos appointing Lance Prator and Stephanie Steele to the LVPC Slate Belt Multi-Municipal Comprehensive Community and Economic Development Plan. Motion carried: 6-0-0

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Community Events/Recreation Board:

1. Annual Easter Egg Hunt: Sponsored by the Community Events Committee, will be held on Saturday, April 13, 2019 beginning at 1 PM. There will be prizes are for all age groups. Anyone from any municipality is welcome to attend.

i. Ms. Steele reported that a police officer will not be on duty for the event.

2. Annual Yard Sale Daze: Saturday, May 18, 2019.

3. UMBT – Portland Ball Field User Agreement: April, May, June 2019

i. Ms. Steele stated the only sticking point with the agreement is that no parking on the ball field is not stated in the agreement. Council agreed that the gate to the ball field will be locked to keep the cars off the field.

ii. Mr. Godshalk stated that the plastic that protects the fencing around the field is broken. This is a safety issue with the uncovered wires. The fencing should be cordoned off with yellow safety tape.

iii. Mr. Godshalk stated that a felled tree should be removed.

A motion was made by Ralph Frasca, 2nd by William Godshalk authorizing President Steele to execute the UMBT – Portland Ball Field User Agreement. Motion carried: 6-0-0

A motion was made by Michael Sullivan, 2nd by William Godshalk authorizing the rental of a handicapped porta-potty for use on the ball field for girls' soft ball. Motion carried: 6-0-0

i. UMBT will reimburse the Borough the cost of the porta-potty.

3. Recreation Fund Account:

The secretary asked Council to approve the closure of the Recreation Fund Account. The account was previously used for paying the electric and heat for the gymnasium before the gymnasium was winterized. The balance in the account is \$ 583.51.

i. A motion was made Michael Sullivan, 2nd by Brian Kardos authorizing the secretary to transfer the balance of \$ 583.51 to the General Fund Checking Account; the secretary to prepare a monthly report to Council of expenses for the gymnasium. Motion carried: 6-0-0

Police Report:

1. The police report was provided in writing by Chief Mulligan.

2. Chief Mulligan reported that he met with the two new police officers, Dean and Pysker, that were hired following the Personnel Committee interviews (March 4, 2019 Council minutes).

Chief Mulligan stated that he met with another candidate from the police academy and recommended to Council that the officer be hired.

i. A motion was made by Michael Sullivan, 2nd by Bridget Kenna hiring Rui Macedo as a part-time patrolman, for up to (24) hours per week, at the pay rate of \$ 15.00 per hour; contingent upon graduation from Lackawanna College Police Academy and passed the MPOETC certification; approved to wear the Portland Police Officer uniform, or Mr. Macedo can purchase his own uniform; to wear for ceremonial purposes only for his academy graduation. Motion carried: 6-0-0

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3. The updated EOP Plan is still a work in progress.

Mayor's Report:

None

Streets Department:

1. William Godshalk reported that he has contacted Martin Street Sweeping three (3) times to make arrangements for street cleaning. No returned telephone calls.

2. Robert Shaw has now decided to retire from the Street Department. The position was advertised in the Borough Newsletter, on Facebook and posted at the Portland Post Office. Mr. Shaw will continue to be the cleaning personnel for the municipal building.

Two (2) applications were received for the part-time position.

- i. Frederick Farleigh 2713 No. Delaware Drive, Mount Bethel PA
- ii. Hunter Treloar 603 Delaware Avenue, Portland PA 18351

Neither candidate has been interviewed. President Steele asked if Council would like to advertise a paid ad in the local publication. Councilmen Godshalk and Sullivan replied that Council should move on. Councilman Sullivan stated no paid ad is necessary.

A motion was made by Ralph Frasca, 2nd by Brian Kardos authorizing the hire of Frederick Farleigh and Hunter Treloar per the Personnel Committee's satisfaction, after interviewing both candidates; approving the pay rate of \$ 12.50 per hour for Mr. Farleigh (senior employee) up to (20) hours per week, year round employment; approving the pay rate of \$ 11.50 per hour for Mr. Treloar (junior employee) up to (20) hours per week, year round employment. Motion carried: 6-0-0

3. A motion was made by William Godshalk, 2nd by Michael Sullivan authorizing the purchase of a new Weed Wacker Trimmer with the cost not to exceed \$ 250. Motion carried: 6-0-0

Sanitation:

District Court Hearing:

The hearing for the 2018 delinquent garbage serviced at 109 Division Street will be held on Monday, April 8, 2019 at 9 AM. Solicitor Gaul, President Steele and Ms. Hummel will attend to defend the Borough.

Building Committee:

- None

Budget, Finance, Insurance, & Cable TV Contract:

a) Authorizing President Steele to sign the Auditor Management Representation Letter; moved to later in the meeting while Solicitor Gaul reviews the letter.

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b) Authorizing the advertising of the Audit Condensed Financial Statement in the Pocono Record; moved to later in the meeting.

c) Merchants Bank Certificate of Deposit:

Discussed was the closing of checking account "Funds from CD #401113927" and depositing into a new CD. Balance is \$ 22,020. Two options are available, 15-month CD @ 2.00%- or 21-months CD @ 2.25%. Councilman Frasca stated that he was made aware that interest rates would be increasing.

- i. A motion was made by Ralph Frasca, 2nd by Brian Kardos authorizing the purchase of a 15-month CD at the interest rate of 2.00%. Motion carried: 6-0-0

Ordinance Update Committee:

Councilman Godshalk asked if there were any ordinances pertaining to Washington Street. The secretary replied that Mr. Godshalk was welcome to read the ordinance books that are stored in the Borough office.

Council Policy & Procedure Committee:

- None

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

a) Ms. Steele reported:

- Bangor, Wind Gap, Portland and Pen Argyl have received their signs and banners.
- \$ 650 is available in Portland's "pot of money".
- Ms. Steele suggested more banners with logo for Portland at the new State Street Bridge when the project is completed; funding supplied by Slate Belt Rising.
- Façade funding is still available.
- The consensus of the Council members present was that Portland should order more banners.
- The Portland Plan will be completed by the end of the month.
- The committee meets the second Thursday of every month.
- The annual networking event will be held on May 30, 2019 from 6 to 8 PM in Pen Argyl at Weona Park.

Air Liquide/Voltaix Safety Committee:

- Mr. Kardos reported that he attended the monthly meeting of Air Liquide/Voltaix. The committee's focus is safety.

Back to the 2018 Borough Audit:

Solicitor Gaul stated that he was satisfied with the Management Representation Letter from Kirk, Summa & Co., LLP.

- A motion was made by Michael Sullivan, 2nd by Ralph Frasca authorizing President Steele to execute the Management Representation Letter and for the secretary to advertise the Condensed Financial Statement in the Pocono Record publication. Motion carried: 6-0-0

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Fire Tax Account:

Solicitor Gaul discussed with Council the Real Estate Tax Account (2) mills that are earmarked for the Fire Tax Account. Ms. Hummel replied that the motion to dispense the February 2019 funds was done earlier in the meeting during the payment of bills.

President Steele directed the secretary to add to the May 6, 2019 bill list the \$ 18K payment to KS State Bank for the Portland Hook & Ladder Co. # 1 fire truck payment.

Liberty-Water Gap Trail Alliance: Cindy Fish

- The monthly meeting of the Alliance will be held on Wednesday, April 17, 2019 at the Delaware Water Gap (DWG) municipal building.

Correspondence:

Correspondence was received from the Totts Gap Art Institute announcing their Tenth Annual Arts Fair & Competition to be held on May 5, 2019. They are asking for financial support for the program. No action was taken.

Secretary's Announcements:

- A reminder to Council members that their ethics forms for 2018 are due to the secretary.
- The secretary attended the Tax Collection Committee meeting in Bethlehem Township on March 14, 2019.
- The secretary asked if the health inspector, John Blick, could bill the Borough's food establishments directly instead of Mr. Blick billing the Borough for the inspections. Solicitor Gaul replied NO.
- The secretary explained the reason for the above question. Portland Market owes the Borough \$ 225 for three (3) failed health inspections; the secretary was directed to send letters to the Portland Market and to the property owner that if the bill is not paid within ten (10) business days the Borough will revoke the health license.

Old Business:

William Godshalk asked the secretary if the Borough is reimbursed the tax-exempt fuel gas tax back from WEX Sunoco. The secretary replied that WEX Sunoco deducts the tax-exempt fuel gas tax from the Borough's monthly billing.

New Business:

- None

Executive Session:

- None

Public Comment, Non-Agenda:

- None

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Adjourn:

The next Council Meeting will be held on Monday, May 6, 2019 at 7:00 PM.

A motion was made by Michael Sullivan, 2nd by Brian Kardos to adjourn the meeting at 9:33 PM.
Motion carried 6-0-0.

Respectfully Submitted,

Carol A. Hummel

Carol A. Hummel, Secretary