

BOROUGH OF PORTLAND  
COUNCIL MEETING JUNE 3, 2019

The Portland Borough Council Meeting of June 3, 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\* William Godshalk\* Ralph Frasca\* Yvonne Gumaer\*  
\*Brian Kardos\*

Councilman Michael Sullivan was absent.

Others Present:

1. Michael Gaul, Borough Solicitor
2. Mayor Lance Prator
3. Mark Bahnick, Borough Engineer
4. Bettina Serfass, Zoning Codes Official
5. Carol Hummel, Borough Secretary
6. Members of the Public

Action on Minutes:

A motion was made by Ralph Frasca, 2<sup>nd</sup> by Bridget Kenna approving the minutes of May 6, 2019, as presented. Motion carried 6-0-0

Secretary/Treasurer's Report: Carol Hummel

1. Bills Presented for Payment:

Borough Operations:	15,227.99
Sewer Operations:	13,513.50
Sanitation Operations:	5,528.06
Ultra-Poly Improvement Escrow	1,149.00
Portland Neighborhood Development Plan	7,850.00
Community Events Account	70.00
Real Estate Taxes to Fire Tax Account (2 mills)	1,118.20
June Payroll & Taxes	12,000.00
June Sunoco Fleet Gas	500.00
<b>TOTAL</b>	<b>56,956.75</b>

A motion was made by Bridget Kenna, 2<sup>nd</sup> by William Godshalk approving the bills as presented in the amount of \$ 56,956.75. Motion carried 6-0-0

Question from Mayor Prator: What is the \$ 70.00 bill from Community Events? The secretary replied town wide yard sale advertising \$ 45 and Easter Bunny \$25.

Motion then carried: 6-0-0

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Community Easter Egg Hunt: Yvonne Gumaer

Ms. Gumaer asked to be reimbursed in the amount of \$ 270 for the costs of an order of 270 stuffed Easter eggs that she purchased for the Borough's Easter Egg Hunt Community Event. Ms. Gumaer explained that she no longer has a receipt, or a packing slip from the order, and cannot find her credit card statement to document the cost. Mayor Prator and other committee members were present when the order was unpacked. There is no dispute that the eggs were purchased, but the treasurer indicated that she needed a receipt prior to reimbursing the costs. Solicitor Gaul stated that there should be a solution for such cases, and suggested that Ms. Gumaer, and other borough witnesses, sign sworn statements, reciting history of the matter, and that the Treasurer reimburse the costs, based on that documentation.

A motion was made by William Godshalk, 2<sup>nd</sup> by Bridget Kenna authorizing the payment of \$ 270 to Councilman Gumaer from the Community Events Account, contingent upon Ms. Gumaer submitting a sworn statement that she purchased the Easter eggs, the costs, and that they were used for the Easter Egg Hunt, and those committee members who was present, submit sworn statements confirming that the eggs were used for the event. Motion carried: 5-0-1 (Ms. Gumaer abstained)

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

WWTP Contractor monthly services:	2,520.00
Other maintenance:	<u>1,380.00</u>
<b>Total</b>	<b>3,900.00</b>

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 \$ 3,900.00. Motion carried 5-0-1 (William Godshalk abstained).

Public Comment:

503 High Street: Cindy Nelson

Not in attendance.

Sewer Shut-Off Notices:

705 Hillcrest Drive:

Solicitor Gaul stated, after research of the Utility Service Tenants Rights Act, the Act is not applicable to the spouse and children of the owner of record. Solicitor Gaul stated that, in his opinion, the spouse and children of the owner of record are not tenants under a rental arrangement, as defined in the Act..

The total amount owed to date is \$ 1,116.85. Solicitor Gaul asked if Borough Council accepted payment plans. President Steele replied that Borough Council decides on a case by case basis. Mayor Prator replied that if water shut-off was important to a resident they would be in attendance to make arrangements for a payment plan.

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- Comment from Councilman Frasca: the residents may move out after school is closed for the summer.
- Comment from Councilwoman Gumaer: to accept an \$ 80 payment on Friday, June 7, 2019.

Solicitor Gaul asked Mayor Prator how does the Portland Borough Authority (PBA) handle a matter like this. Mayor Prator replied that the PBA would accept the payment but if the customer defaults the water is shut-off the next day.

Councilman Frasca stated that he was concerned that the Borough is making its own law for water shut-off procedures. Solicitor Gaul replied that there is a statute, the Water Service Act, which provides the procedures for water shut offs. Councilman Frasca was also concerned that Borough Council is setting a precedent and that he is disinclined to do so.

A motion was made by Brian Kardos, 2<sup>nd</sup> by Bridget Kenna to (1) postpone a decision on the water shut off until the next Borough Council meeting, provided that the occupant of the property pay \$ 80, and (2) notify the occupant via letter that she is not a tenant under the Utility Service Tenants Rights Act, and that if she disagrees, she should attend the next Borough Council meeting of July 1, 2019, and make her case to the Borough Council. Motion carried: 4-1-1 (Stephanie opposed; Ralph Frasca abstained)

- Councilman Kardos stated that when the property is sold at sheriff sale the Borough can recoup the monies owed for taxes, sewer and garbage, etc. The secretary replied that if the property is sold at Judicial Sale all liens, money owed is wiped clean. Solicitor Gaul explained that Judicial Sale procedure to Council.

Sewer Matters and Borough Engineers Report:

Mark Bahnick: Van Cleef Engineering Associates:

a) Mr. Bahnick stated that Upper Mount Bethel Township (UMBT), in a letter to Borough Council, agreed to pay the invoice that was submitted to Portland Borough Sewer for payment regarding analysis/information provided by Mr. Bahnick to UMBT. The letter also stated that the Township Supervisors voted to formally request to begin inter-municipal sewer planning discussion with Portland Borough Council. Solicitor Gaul was asked what the next step would be. Solicitor Gaul asked that the matter be discussed in an executive session because it possibly involved legal issues.

b) Ultra-Poly Expansion, Building Two:

- Site clearing and blasting are underway.
- Van Cleef Associates providing limited construction observation.
- Final plans for pre-recording check delivered to the Van Cleef Associates office.
- Van Cleef Associates will review and confirm all outstanding conditions have been met and the plans are suitable for recording.

c) The primary sewer tank needs to be cleaned and maintained. Mr. Bahnick confirmed that the work and materials were for maintenance of the existing facility, and not enlargements or additions to existing facilities. Concerning the cost, Portland Contractors has ordered the piping and fittings and will install upon arrival.

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d) Plant operations were in compliance for the month of May.

Zoning Officer Report:

Ms. Serfass was present.

- A letter of complaint was received from the US Post Office at 403 Delaware Avenue concerning the condition of the parking lot in the rear of the building, potholes, etc.; difficult for mail delivery. A letter was sent by Ms. Serfass to the property owner.
- A complaint form was filed by the owner of 400 Bruce Street regarding trash, junk, vehicle with no license plate at neighboring 304 Bruce Street.
- Councilwoman Gumaer made a verbal complaint concerning her neighbor whose tree roots are pulling up the sidewalk and makes walking uneven and unsafe. Ms. Serfass stated that she would send a letter citing Property Maintenance issues. Ms. Gumaer was directed to provide the property address to the secretary.

UCC Building Code Inspectors Report:

Tina Serfass

- 400 Bruce Street: Building a garage.
- 200 Hester Street: Erecting a pole barn.

Zoning Hearing Board (ZHB):

- No hearings are scheduled at the present time.

Planning Commission:

- None

Streets Department (1):

William Godshalk

Mr. Godshalk stated that he would like to pave the north bound lane of Delaware Avenue from Janet's Jems Thrift Store (511 Delaware Avenue) up to the corner of Delaware Avenue and Northampton Street (Walter Emery's house, 535 Delaware Avenue) in the verbal amount of \$ 10,999 from Hallett Contractors. A written proposal is needed.

- Solicitor Gaul asked about the bidding thresholds. Ms. Hummel provided the list which states "purchases and contracts below \$ 11,100 require no formal bidding or written telephone quotes".

Executive Session:

A motion was made by Yvonne Gumaer, 2<sup>nd</sup> by William Godshalk to convene to executive session at 7:54 PM. Motion carried: 6-0-0

- Mark Bahnick left the meeting at 8:24 PM during executive session.

A motion was made by Yvonne Gumaer, 2<sup>nd</sup> by Ralph Frasca to reconvene from executive session at 8:29 PM.

Discussion: Legal advice from Solicitor Gaul on pending Borough matters.

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Action Taken:

A motion was made by Yvonne Gumaer, 2<sup>nd</sup> by Ralph Frasca establishing a Township Sewer Liaison Committee, whose purpose is communication and discussion with representatives of Upper Mount Bethel Township, concerning possible inter-municipal sewer planning matters. The committee would have no decision-making authority and would merely report back to Council. Motion carried: 6-0-0

A motion was made by Yvonne Gumaer, 2<sup>nd</sup> by Ralph Frasca appointing the following individuals to the Township Sewer Liaison Committee.

- Borough Engineer, Mark Bahnick
- Wastewater Treatment Operator, Craig LaBarre
- Mayor Lance Prator
- Council President, Stephanie Steele

Motion carried: 6-0-0

- Referenced by Solicitor Gaul that this is not the Portland Sewer Committee that meets monthly for the operations of the WWTP.

Action Taken; Police Payroll:

A motion was made by Yvonne Gumaer, 2<sup>nd</sup> by Bridget Kenna authorizing the Holiday Memorial Day payroll of \$ 75 to Officer Austin Jones. Motion carried: 6-0-0

Portland Borough Authority (PBA): Lance Prator, Chairman

a) Chairman Prator reported that the PBA applied for a CIPP Grant for a proposed Turkey Ridge Road Waterline Extension Project.

b) The Jacoby Creek-State Street Bridge water line restoration project will be paid mostly by grant funds. The project should begin soon.

c) The PBA is in discussion with the National Park Service trying to locate another water source on National Park property.

Legal:

- None.

Subdivision and Land Development:

- None

Community Development, Slate Belt COG & Grants:

- The Associate Executive Director of the CAC-LV is the acting Executive Director of the Slate Belt COG on a temporary basis. Ms. Sharol Lilly is pursuing grants for the COG.

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- The Slate Belt COG met on May 22, 2019.
- The Northampton County 2019 CIPP Grant Applications are now open. No action was taken.
- Information in the Council packet concerning the C-Pace Program: The program encourages clean energy financing. Mayor Prator replied that the program is part of the Northampton County COG. Loans are available at a very low rate.

Community Events/Recreation Board:

- A successful Yard Sale Daze was held on Saturday, May 18, 2019.
- The Portland Community Picnic will be held on Saturday, June 22, 2019 beginning at 2 PM on the Portland Ball Field.
- The free movie at the Park & Walk is "Home Alone" and will be held on July 14, 2019 at dusk.
- Sundae Sunday is scheduled for June 23, 2019 and July 28, 2019 at the Park & Walk Lot.
- Lights of Hope will be observed on August 17, 2019.
- "Home Alone 2" and sundaes will be held on August 18, 2019 at the Park & Walk Lot.
- The next committee meeting will be held on Sunday, June 9, 2019 at Portland Borough Hall.
- Ms. Cindy Fish, from the audience, questioned the treasurer's report on Community Events. Ms. Steele explained each savings/checking account is listed on the monthly Balance Sheet report. All bills that are presented for payment are listed on a spread sheet for each account.
- Ms. Fish gave a report on the Community Yard Sale Daze. Ms. Fish stated that other municipalities require permits for yard sales. There were (15) houses on the street map, (1) refused to pay, Ms. Fish paid for (1) resident because she forgot to return to the house to collect the money, paid advertisements were done with The Press, Belt & Beyond and Focus. Ms. Fish stated that resident's want to see the collective ads in the free paper publications. Mayor Prator stated that UMBT allows (2) yard sales per year.

Police Report:

1. The police report was provided in writing by Chief Mulligan.
2. Another slow month due to lack of police officers.
3. The Crown Victoria still needs repairs.

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4. Previously hired patrolman Rui Macedo will not be working for the Borough. Officer Macedo has accepted a full-time position with the Bethlehem PA Police Department.

5. Officer Austin Jones has accepted a full-time position with another municipality and will be leaving Portland at the end of the week.

5. The EOP Plan Update is still a work in progress.

6. The police report is attached to these minutes.

Mayor's Report:

- At the first annual Northampton County Festival on May 25, 2019, Secretary Carol Hummel was one of many award recipients honored as a 2018 Outstanding Municipal Employee. Ms. Hummel was nominated by Mayor Prator and Stephanie Steele. The event was held at Louise Moore Park, Easton, PA.
- Mayor Prator stated that Northampton County officials do not realize that there is a county park located in Portland Borough.
- Portland Community Day was a success. Mayor Prator thanked all who participated.
- There was a good turnout for the Memorial Day Parade and ceremony.
- Attended the April 2019 LVPC General Assembly meeting.
- Attended the April 2019 Northampton County COG meeting.
- Reported on the 2020 census count for Northampton County. The census provides funding; if residents are not counted there is a loss of \$ 2,300 per year until the next counting in (10) years. The census bureau is hiring at \$ 16.00 per hour. The census count starts this time in 2020; Northampton County needs an accurate count because the funds are used for county districts.

Streets Department 2:

Report from William Godshalk:

1. Mr. Godshalk reported the cost of a Backhoe rental from Anthony DeFranco in the amounts of \$ 200 per day or \$ 800 per week.
2. Discussed again was the paving of the north bound lane of Delaware Avenue from Janet's Jems Thrift Store (511 Delaware Avenue) up to the corner of Delaware Avenue and Northampton Street (Walter Emery's house, 535 Delaware Avenue).
  - Councilwoman Gumaer left the meeting at 9:13 PM.
3. Two or three catch basins need to be repaired. At the May 6, 2019 Council meeting \$ 4,000 was approved to repair the drain boxes. Mr. Godshalk replied that the shoulder washouts should be repaired first.

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- The motion from the May 6, 2019 Council meeting was changed by Ralph Frasca, 2<sup>nd</sup> by Bridget Kenna to repair the shoulder washouts instead of the drain boxes with the cost not to exceed \$ 4,000; the monies for the repairs will be spent from the Liquid Fuels Account.

This motion was amended by Mr. Frasca, 2<sup>nd</sup> by Ms. Kenna to include the cost of the backhoe rental from Anthony DeFranco.

Motion then carried: 5-0-0

4. Mr. Godshalk stated that the Borough should investigate the purchase a one-ton dump truck with a snowplow and cinder spreader. Mr. Godshalk stated that a front-end loader could be rented to move the piles of snow left after snowstorms. Mr. Godshalk needs to get information on Co-Stars pricing.
  - The secretary was asked the cost of snow removal, anti-skid and de-icing salt for the 2018-2019 winter season. Spent to date, \$ 49,070.77.
  - Councilman Frasca suggested that a cost comparison be done on a truck purchase.
  - Mr. Godshalk will research prices to do snow removal in house.
5. The secretary provided Council with a copy of the 2017-2019 snow removal contract for their review.
6. A motion was made by William Godshalk, 2<sup>nd</sup> by Bridget Kenna authorizing the purchase of chaps and helmet for use with tree removal at the cost of \$ 150. Motion carried: 5-0-0

Sanitation:

- None

Building Committee:

- AmeriGas Accounts for propane heat for the upstairs scout rooms will now be serviced by an on-call basis. No one is using the rooms at the present time.

Budget, Finance, Insurance, & Cable TV Contract:

- No action was taken on raises for Borough employees. The budget committee will discuss for the July 1, 2019 Council meeting.

Air Liquide/Voltaix Safety Committee:

- Mr. Kardos reported that he did not attend the monthly meeting of the Air Liquide/Voltaix Safety Committee.

Liberty-Water Gap Trail Alliance:

Cindy Fish

- A Facebook page was set up for the Liberty-Water Gap Trail Alliance.
- A social media policy needs to be established.
- Mayor Prator set up a Facebook page for the Borough.



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- The monthly meeting of the Alliance will be held on Wednesday, June 19, 2019 at 9 AM at the Delaware Water Gap (DWG) municipal building.
- More information will be forthcoming for a clean-up day along the proposed trail route.

Ordinance Update Committee:

- None

Council Policy & Procedure Committee:

- None

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

- Triad Associates will present the final plan at the July 1, 2019 council meeting.
- The May 30, 2019 Networking Event held at Weona Park in Pen Argyl, PA had (70) persons registered.
- (21) residents attended the public meeting of the Neighborhood Redevelopment Plan that was held at the Portland Hook & Ladder Fire Co. #1 Social Hall on May 15, 2019.

Correspondence:

- Correspondence was received from Heather Costello, Shawnee PA. Ms. Costello requested permission from Council to rent the Girl Scout room in the upstairs of the municipal building to home school her two children. Mayor Prator stated that Ms. Costello previously lived in Portland for (5) or (6) years. Councilman Frasca suggested to offer Ms. Costello "here is what you have to do to rent the room". Mayor Prator advised Council to err on caution. The consensus of Council members present was that the Building Committee will review the request and present recommendations.

Secretary's Announcements:

- None

Old Business:

- None

New Business:

a) The Borough clerk, Diann Eden, will be out of the office for the following dates; July 10, 11, 12, 15 & 16.

b) President Steele reported that the owner of Dunkin Donuts, Dhru Acharya, approached Ms. Steele about placing a coupon or ad in the Borough Newsletter. After discussion, the consensus from Council was that there should be a cost. No action taken.

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c) The secretary will send a sympathy card to the family of Sherman LaBarre after the passing of Barbara LaBarre.

Public Comment, Non-Agenda:

- Richard Wilford-Hunt of Lower Mount Bethel Township asked Solicitor Gaul if the Township Sewer Liaison Committee meetings will be open to the public. Solicitor Gaul replied the committee would not be subject to the requirements of the Sunshine Act, since it did not represent a committee of Borough Council and did not have any decision-making authority. This committee will report back to Council. Any vote by Borough Council on a pending agreement, however, would have to occur at an open meeting, and would be subject to public comment.
- Thomas Wagersreiter, 308 State Street, asked the status of the closed Jacoby Creek-State Street Bridge. President Steele replied that Borough Council will not have any information until they are contacted by PennDOT.
- Mayor Prator stated that the PBA is working on installing a new water line.
- Ms. Steele stated there is no impact to the Borough's sewer system.
- PennDOT did core drilling.

Adjourn:

The next Council Meeting will be held on Monday, July 1, 2019 at 7:00 PM.

A motion was made by Ralph Frasca, 2<sup>nd</sup> by Brian Kardos to adjourn the meeting at 10:00 PM. Motion carried 5-0-0.

Respectfully Submitted,

*Carol A. Hummel*

Carol A. Hummel, Secretary