The Portland Borough Council Meeting of July 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* William Godshalk* Ralph Frasca* Yvonne Gumaer* Michael Sullivan*

Councilman Brian Kardos, Solicitor Michael Gaul and Borough Engineer Mark Bahnick were absent.

Others Present:

- 1. Keely Collins, Borough Solicitor
- 2. Mayor Lance Prator
- 3. Carol Hummel, Borough Secretary
- 4. Triad Associates, Stephen Kehs
- 5. Members of the Public

Action on Minutes:

A motion was made by Bridget Kenna, 2nd by Yvonne Gumaer approving the minutes of June 3, 2019, as presented. Motion carried 5-0-1 (Michael Sullivan abstained)

Secretary/Treasurer's Report:

Carol Hummel

1. Bills Presented for Payment:

Borough Operations:	10,484.30
Sewer Operations:	5,742.47
Sanitation Operations:	5,338.82
Triad Associates, Neighborhood Redevelopment Plan	3,200.00
Ultra-Poly Improvement Escrow	4,836.25
Portland Neighborhood Development Plan	7,850.00
Robert Shaw, Vendor	189.79
Real Estate Taxes to Fire Tax Account (2 mills)	72.20
Liquid Fuels – Anthony DeFranco	800.00
Liquid Fuels – R/ W. Moyer	760.00
Community Events Account - Community Picnic - Mayor P	rator 25.32
Community Events Account - Community Picnic - Yvonne	Gumaer 152.94
July Payroll & Taxes	7,000.00
July Sunoco Fleet Gas	450.00
TOTAL	39,052.09

A motion was made by Yvonne Gumaer, 2nd by Michael Sullivan approving the bills as presented in the amount of \$ 39,052.09. Motion carried 6-0-0

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

WWTP Contractor monthly services:

2,520.00

Other maintenance:

1,380.00

Total

3,900.00

A motion was made by Bridget Kenna, 2nd by Yvonne Gumaer approving the bills presented for payment to Portland Contractors, Inc. in the amount of \$ 3,900.00. Motion carried 4-0-2 (William Godshalk and Michael Sullivan abstained).

Public Comment:

Triad Associates, Portland Redevelopment Plan Update:

Stephen Kehs

Triad Associates was engaged in August 2018, through a grant from Slate Belt Rising, to put together a neighborhood redevelopment plan. The next step is the implementation of the plan. Mr. Kehs presented an overview of the plan from its inception and stated that resources are limited. He suggested that Portland develop partnerships with LVPC, LV-EDC, the Borough's congressman and local state representatives. A steering committee has been formed.

i. Yudelky Schomberg, owner of 425 Delaware Avenue, asked Mr. Kehs if the plan could help her open a restaurant at the above-mentioned site. Mrs. Schomberg stated that she has an outstanding sewer bill in the amount of \$ 16,000. Mr. Kehs stated that the plan will not address her concern. Mrs. Schomberg will have to work with Borough Council.

Mr. Kehs stated that the Borough Solicitor and Council can reach out to him with any questions. President Steele replied that no one from the steering committee had any questions at the last planning meeting. The project intends to expand and once finalized will be added to the Borough's website.

A motion was made by Yvonne Gumaer, 2nd by Michael Sullivan to adopt the Portland Neighborhood and Redevelopment Plan pending review from Solicitor Gaul. Motion carried. 5-0-1 (Stephanie Steele abstained)

Sewer Shut-Off Notices:

705 Hillcrest Drive:

At the previous Council meeting of June 3, 2019 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 spouse at 705 Hillcrest Drive was notified by mail of the opinion by Solicitor Gaul and was by asked by Council to attend tonight's Council meeting.

The status of the property is that water shutoff will occur tomorrow morning, June 4, 2019, if the over (90) day delinquent amount is not paid tonight.

i. Solicitor Collins cautioned Council that the Borough, as a government entity, must comply with the Equal Protection Clause, and if someone else would come forward with the same request the Borough would have to apply the same standards used in this

case, which may require that they grant relief to that person as well. Council denied the property owner's request.

<u>Public Comment:</u> 704 Hillcrest Drive, Laura Rhodes

Ms. Rhodes addressed Council pertaining to holding a "block party" during the Labor Day weekend. The neighbors have been contacted and agreed. President Steele stated that she spoke with Solicitor Gaul earlier in the day and he advised Council that even though Hillcrest Drive is a dead-end street it is still a public street and thus Ms. Rhodes will be required to provide special events insurance if the street would be closed. Ms. Steele stated that a police officer must be on duty as well. Ms. Rhodes replied that she was not aware that she would need to provide special events insurance.

Councilwoman Gumaer asked how many persons would be in attendance. Ms. Rhodes replied family members, friends and neighbors. Councilman Sullivan stated that he is one of Ms. Rhodes neighbors and as a firefighter he is concerned if an emergency should occur if the street was blocked off. Mr. Sullivan asked if the party would be held in the street. Ms. Rhodes replied that the party could be held in the back yard. Councilman Frasca replied that the key is whether it would be held on public or private property.

Ms. Rhodes asked about fireworks and was reminded that setting off fireworks must be 150 feet from a public building. Ms. Rhodes agreed that Hillcrest Drive will be used for public parking and the party will be held in the back yard. No action was taken.

Back to Sewer Shut-Off Notices on the Following Properties:

A motion was made by Ralph Frasca for President Steele to execute the water shut-off notices to 705 Hillcrest Drive and 208 Northampton Street. Yvonne Gumaer 2nd the motion for discussion.

Ms. Gumaer asked the spouse of 705 Hillcrest Drive if she could pay half of the total owed of \$1,053.43 and the balance later. The spouse stated that since she went back to work she is working as many hours as she can, has three small children, has not received any child support; the money that she makes is being used to pay the sewer, water company and household utilities. She cannot pay that amount because there is nothing left of her paycheck. She is also trying to save money to rent an apartment.

Ms. Gumaer stated that her second on the motion stands for the water shut-off notices of 705 Hillcrest Drive and 208 Northampton Street. Carried: 6-0-0

Sewer Matters and Borough Engineers Report:

Mark Bahnick: Van Cleef Engineering Associates: Mr. Bahnick was absent.

208 Northampton Street: Mike's Auto

a) Correspondence was received from Mike's Auto requesting suspension of sewer service due to the business closing pending repairs by their insurance company after the collapse of the garage roof. The building has been declared unsafe by the insurance company engineers.

President Steele stated that if you own property in the Borough you are obligated to pay for sewer service because it is a service provided by the Borough.

i. Mayor Prator stated that if a business or a homeowner gave up their sewer rights, they would have to pay re-tapping fees as in past practice. Mayor Prator referenced the PBA, that has a temporary shut-off and stand-by policy. The Borough does not provide for this.

b) A motion was made by Yvonne Gumaer, 2nd by Ralph Frasca authorizing Fred Farleigh and Hunter Treloar to be inoculated by Dr. Jon Raso, against the HEP virus due to working at the WWTP during the month of July 2019.

Back to 208 Northampton Street Discussion:

Richard Wilford-Hunt, from the audience, asked Mayor Prator if a property gives up their sewer rights is the property reassessed. Mayor Prator replied NO, it goes along with the property.

Motion then carried pertaining to Fred Farleigh and Hunter Treloar: 6-0-0

Zoning Officer Report:

Keller Zoning & Inspection Services

Ms. Serfass was absent.

UCC Building Code Inspectors Report:

Keller Zoning & Inspection Services

None

Zoning Hearing Board (ZHB):

No hearings are scheduled at the present time.

Planning Commission:

None

Portland Borough Authority (PBA):

Lance Prator, Chairman

a) Chairman Prator reported that construction will begin on the State Street - Hester Street water-line project in a few weeks. Construction will take approximately (2) to (2 ½) months of actual construction. No PBA monies are being used for the project therefore the water rates will not increase. The grant paperwork has been signed. Hopefully PennDOT will begin restoration of the State Street Jacoby Creek Bridge Project after the new water line is installed.

Legal:

None.

Subdivision and Land Development:

None

Community Development, Slate Belt COG & Grants:

 The Slate Belt COG will not meet during the month of July. The Slate Belt COG corrected/amended Articles of Agreement were discussed. Mayor Prator stated that minor changes were made, i. e., spelling errors, deletions. The public comment period has expired.

A motion was made by Michael Sullivan, 2nd by Yvonne Gumaer adopting Resolution 2019-7, "Approving the Proposed Corrected/Amended Slate Belt Council of Government Articles of Agreement". Motion carried: 6-0-0

- The COG has a part-time executive director who has applied for two CIPP Northampton County Grants.
 - i. Sewer jetty in the amount of \$ 1,464. Portland Borough is exempt from MS-4 requirements, at the present time, due to population guidelines. MS-4 requirements are the implementation of a stormwater management program for minimizing the impact of water runoff.
 - ii. Crack seal machine in the amount of \$ 1,450.
 - iii. The total grant is \$ 2,914.
 - iv. A \$ 1.00 match for every dollar granted is required.
 - v. Participating municipalities will be asked to contribute approximately \$ 200 each to satisfy the match requirement
- The Plan Slate Belt Steering Committee will meet on July 17th at Weona Park in Pen Argyl, PA. The public is invited.
- Mayor Prator stated that the proposed Slate Belt Regional Comprehensive Plan is a winwin situation. Portland has approximately (5) acres that can be utilized.

Community Events/Recreation Board:

- The Portland Community Picnic held on Saturday, June 22, 2019 had approximately (60) in attendance.
- The free movie at the Park & Walk is "Home Alone" and will be held on July 14, 2019 at dusk.
- The first Sundae Sunday of June 23, 2019 at the Park & Walk Lot had approximately (75) in attendance.
- The free movie "Home Alone 2" will be held on August 18, 2019 at the Park & Walk Lot at dusk.
- The second Sundae Sunday will be held on July 28, 2019 at the Park & Walk Lot.
- The ice cream cart needs a new home and is presently being stored at Refiner's Fire Ministry

Air Liquide/Voltaix Safety Committee:

None

Police Report:

- 1. The police report was provided in writing by Chief Mulligan.
- 2. Another slow month due to lack of police officers.
- 3. A motion was made by Michael Sullivan, 2nd by Yvonne Gumaer accepting the resignation of Officer Austin Jones. Officer Jones has accepted a full-time position at Forks Township Police Department.
 - i. Previously hired Rui Macedo has declined the patrolman position after being hired full-time by the Stroud Regional Police Department.
 - ii. The final payment on the 2015 Ford Utility police vehicle comes due in February 2020. Council will investigate the purchase of a new vehicle.

Motion then carried: 6-0-0

4. Chief Mulligan has (2) candidates for police officers ready for interview by Council.

i. A motion was made by Ralph Frasca, 2nd by Michael Sullivan to offer the pay scale of \$ 15 to \$ 18 per hour, based on experience, for up to (24) hours per week, pending final approval by Borough Council.

<u>Comment from Patrick McHugh, from the audience:</u> Mr. McHugh stated that police officers leave the Borough's employ because they are not paid enough.

- I. President Steele replied that most of the Borough's part-time officers are looking for full-time positions.
- ii. Officers right out of the police academy are paid \$ 15 per hour by the Borough but the recently hired (2) experienced police officers are paid \$ 18 per hour. Ms. Steele stated that she agreed that the police officers should be paid better but it is what the Borough can afford.
- i. Councilman Sullivan replied that Portland is very lucky to have any part-time police officers. It is very rare. Most municipalities our size rely on PA State Police coverage.

Motion then carried: 6-0-0

Mayor's Report:

- More information is coming every day for the 2020 census. Mayor Prator attended the Complete Count Committee meeting at the Northampton County Human Services on May 22, 2019. The county is preparing for a complete/accurate count. The census count begins in March 2020.
- A thank you to Michael Gaul and King, Spry for sponsoring Council and guests to the Lehigh Valley Iron Pigs baseball game on June 15th.
- Attended the LVPC municipal government picnic. Mayor Prator stated that we're not heard in the Slate Belt. The Slate Belt area needs to be promoted.

- The LV-EDC was invited by Mayor Prator to attend a Slate Belt Chamber of Commerce meeting. No one replied.
- A tractor trailer pulled down telephone wires from a pole on Division Street. The PA State Police were called to file a report.
- The third annual UMBT-Portland 4h of July parade will be held beginning at 11 AM at Church Street in Portland and ending at the Portland Hook & Ladder Social Hall parking lot. Fireworks will be held at the UMBT Community Park beginning at dusk.

Streets Department (1):

William Godshalk

- a) Street Department employee, Fred Farleigh, reported to Council that a truck is parking on the corner of PA Avenue and Division Street right up to the yellow line. The street department can't make the swing when turning the corner to come up or down Division Street when pulling the carry-on trailer or trucks either trying to make the turn. Mr. Farleigh asked if Council can make it all yellow curbing with no parking on the corner. Solicitor Gaul stated to Ms. Steele earlier today that the process will require an ordinance.
 - i. Per advice from Solicitor Collins, a motion was made by William Godshalk, 2nd by Yvonne Gumaer directing the solicitor's office to advertise and draft a new ordinance or amend the existing ordinance for no parking on the corner of PA Avenue and Division Street. Motion carried: 6-0--0
- b) Who is responsible to trim trees that hang over sidewalks? Per Solicitor Gaul, who spoke with Ms. Steele earlier today, typically it is the property owner's responsibility to trim the trees. Solicitor Gaul suggested that letters be sent to the property owners whose trees need trimming. William Godshalk questioned whether the Borough should be the one trimming the trees. Solicitor Collins stated that the sidewalks are in the Borough's right-of-way and property owners are responsible to clear the sidewalks of debris and tree trimming. The street committee will check the properties in question and get a list to the Borough secretary.
 - i. A motion was made by William Godshalk, 2nd by Michael Sullivan that letters be sent, by the Borough Secretary, to homeowners whose trees need trimming over sidewalks; that the trees must be trimmed within (30) days of notification or the trees will be trimmed by Borough employees and a lien will be placed on the property. Motion carried: 6-0-0
- c) Mr. Godshalk stated that he would like to have paving done on 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).
 - i. President Steele and Councilman Frasca replied that they would like the committee to provide a priority list of (5) to (8) street improvements; to make a list and attach a dollar amount to them; provide the list to Council with the cost; this is how much money we have to spend. Council can then decide whether to spend the money all on one item or fix numerous items. Ms. Steele stated if a grant could be obtained a portion of the Liquid Fuels monies could be used as a match. Crestmont Street needs the manhole covers repaired and the drain boxes need replacing on Main Street. The secretary stated that the balance in the Liquid Fuels Account is \$ 18,000. Councilman Sullivan replied that the committee could come up with a list and approximate costs for the next Council meeting.

- d) Mr. Godshalk would also like to purchase a one-ton dump truck with a snowplow and cinder spreader. The Borough could make monthly payments. Councilman Sullivan replied the initial cost is greater for a startup; maintenance man, Fred Farleigh, is a lot cheaper than a contractor for the operation of snow removal.
 - i. Ms. Steele stated a back-up plan is needed.
 - ii. Ms. Steele stated the budgeted amount for snow removal is \$ 55,000.
 - iii. Hubert McHugh asked the cost of liability insurance. Ms. Steele replied that the Borough's insurance carrier replied that the Borough is already covered if we do the snow removal in house.
 - iv. Mr. Sullivan stated that if the investigating of the dump truck doesn't work out would it be unreasonable to start reviewing the snow removal contract for advertising. Ms. Steele replied that the contract should be reviewed for any changes for the August 5th Council meeting.

Sanitation:

109 Division Street: District Court Civil Complaint, Delinquent Garbage:

- a) Judge Zito found in favor of the Borough. The (30) day appeal expires July 10.
- b) Richard Wilford-Hunt, from the audience, asked if sanitation is different than sewer. Ms. Steele replied YES. Mr. Hunt asked if there was any correspondence between UMBT and the Borough concerning the Township Sewer Liaison Committee that was established at the June 3rd Council meeting.
 - i. Ms. Hummel replied that the Borough received a letter from the UMBT manager stating who the representatives are from UMBT. Ms. Hummel replied with a letter to UMBT stating that the Borough had formed the Township Sewer Liaison Committee and who the representatives were from Portland Borough.
 - ii. Ms. Steele read the correspondence from UMBT and the Borough. No meetings have been scheduled.

Building Committee:

 President Steele reported that a dehumidifier has not been run this year in the gymnasium. Ms. Steele would like to purchase (2) dehumidifiers and have them connected directly to drainage instead of an employee who would have to empty them daily. Mayor Prator researched the cost from his cell phone and stated the cost can be from \$ 800 plus to \$ 3,000. Ms. Steele will get estimates for the August 5th Council meeting.

Budget, Finance, Insurance, & Cable TV Contract:

<u>a)</u> Ms. Steele and Ms. Hummel met with Merchants Bank on June 26th to discuss the Borough's inactive bank accounts. Ms. Hummel has been trying to convince Solicitor Gaul and Council for permission to close accounts that have been inactive for years, Merchants Bank suggested transferring these Public Funds Checking Accounts, which require a minimum balance of \$1,000, to savings accounts that only require a \$100 minimum balance. If a check would be needed Merchants could issue a cashier's check. The information from the meeting was sent with Solicitor Collins for review by Solicitor Gaul. Council will discuss this again at the August 5th Council meeting.

- b) A motion was made by Yvonne Gumaer, 2nd by Michael Sullivan authorizing the secretary to close out the Merchants Bank Account "Northampton County Gaming Authority Grant Funds 2018" pending final approval of the close-out report submitted to Northampton County DCED by Ms. Hummel. Motion carried: 6-0-0
- c) A motion was made by Yvonne Gumaer, 2nd by Michael Sullivan to renew CD #401108331, in the amount of \$ 20,355.95, per instructions that if Merchants Bank is offering a special CD rate the CD can be renewed at the special rate and maturity; if no special rate is offered then the CD will be rolled over at the current rate and maturity. Motion carried: 6-0-0

Ordinance Update Committee:

None

Personnel, Policy & Procedure Committee:

None

Slate Belt Rising Committee (SBRC):

Stephen Reider, Director/Stephanie Steele

- The Slate Belt Rising committee meeting will be held on July 11, 2019 at Bangor Borough.
- The second annual "Slate Belt Bash" will be held on September 29, 2019 at Weona Park.

Liberty-Water Gap Trail Alliance:

Cindy Fish

- The monthly meeting of the Alliance will be held on Wednesday, July 17, 2019 at 5:30 PM at the Portland Borough Hall.
- More information will be forthcoming for a clean-up day along the proposed trail route.
- Mayor Prator attended the Founders Day Celebration in Delaware Water Gap Borough on June 29th.
- Ms. Fish is organizing a clean-up day along the proposed trail from Portland to DWG.

Correspondence:

- Correspondence was received to Mayor Prator from Meals on Wheels of the Greater Lehigh Valley asking for a donation. The letter stated that 2000 meals were served to Portland residents. Mayor Prator, who volunteers with delivery of the meals, stated that this is incorrect. Only (3) residents in Portland received meals. Mayor Prator stated that the Meals on Wheels program is not a bad organization. They are looking for a large donation. No action was taken.
- pa.gov contacted the secretary concerning invasive pest the "spotted lanternfly".
 Northampton County is listed in the quarantine zone and businesses in the zone are required to have permits to move anything out of or around in the zone. The secretary

stated to pa.gov that Mayor Prator had taken the permit course through the Penn State Extension. The secretary volunteered Mayor Prator to be the trainer for the vehicle drivers.

Secretary's Announcements:

• The secretary sent a thank you to Council and Solicitor Gaul for the delicious Edible Fruit arrangement after Ms. Hummel's recent hospital stay.

Old Business:

- a) Mayor Prator reported on the NJ-DOT Route 80 Rockwall Mitigation Project.
 - The project has been assigned \$65 M to build a Jurassic style fence.
 - There have been (90) accidents in the past.
 - (1) incident from a rock fall in the past (20) years.
 - There will be one lane traffic on Route 80 during the project; if the project is approved. it will last (4) years.
 - The traffic that will be re-routed will wreak havoc on all the roads of the Slate Belt, DW Gap and Portland including the Jacoby Creek-State Street Bridge.
 - 1,500 people attended the informational meeting.
 - There are (7) options on how to build the wall.
 - Mayor Prator stated that anyone who is opposed should contact our local State Representatives, Senators, etc.; our local politicians are opposed to the project and want support from the citizenry.
 - The wall is expected to be 60 plus feet tall.
 - If anyone is opposed, you can attend a meeting to make your concerns known.

New Business:

a) Councilman Godshalk commented that other municipalities were the recipients of CDBG grant monies. It was discussed the possibility of hiring a grant writer for the Borough. Mayor Prator suggested Victor Rodite. Ms. Steele stated that Slate Belt Rising has a grant writer. Mayor Prator and Ms. Steele will make the contacts.

Executive Session:

A motion was made by William Godshalk, 2nd by Michael Sullivan to convene to executive session at 9:26 PM. Motion carried: 6-0-0

Discussion: personnel

A motion was made by Yvonne Gumaer, 2nd William Godshalk to reconvene from executive session at 9:40 PM. Motion carried: 6-0-0

No action taken.

Public Comment, Non-Agenda:

Patrick McHugh: 405 Pennsylvania Avenue

Mr. McHugh asked the requirements of the Portland Hook & Ladder's fire siren? What is the purpose of the siren? After (5) years of no siren, what is the purpose?

- a) Ms. Steele replied that Northampton County is presently integrating to a new system.
 - i. The alarm is on a timer from 10 PM to 10AM.
 - ii. Alert residents that the fire company is replying to a call.
 - iii. The biggest concern is for the children.
 - iv. The siren is a public service.
- b) Councilman Sullivan replied.
 - i. Not every fireman has a smart phone, therefore they cannot receive texts alert from the county.
 - ii. We need every fireman to be notified because as a small community we don't have that many firemen, especially during the day.
 - iii. We have technology; technology is wonderful, not every fireman has a smart phone.
 - iv. We have pagers, the cost is \$ 700 without programming. Not every fireman has a pager.
 - v. Portland does not do well with the county radio system; the county is not always reliable because of the transition; we have a lot of obstacles.
- c) Mr. McHugh stated that his dog took off during the siren alarm and Mr. McHugh's daughter proceeded to run out in the street after the dog. Mr. McHugh had to grab his daughter to keep her from running into the street and possibly be hit by a car. Mr. McHugh was advised by Ms. Steele that he should leash his dog and keep him tied until the fire siren subsides.
- d) Mr. McHugh: The siren has not been working for (5) years and we all survived; has anyone's home burned down because the siren was off? Councilman Sullivan replied not yet but that doesn't mean that it could not happen.
- e) Ms. Steele stated that Borough Council does not control the siren. Ms. Steele suggested that Mr. McHugh should write a letter to the fire company; attend the fire company monthly meeting and state his concerns there.
- f) Mr. McHugh would like to have a police officer stationed at the intersection of PA Avenue and Main Street because of driver's failure to stop at the stop sign. Ms. Steele replied the Borough has had a police officer stationed there and the people who are not stopping are residents of the Borough.
- g) Mr. McHugh stated his concern about his neighbors parking space that is being taken away in front of his house because of a carry-on trailer that can't make the turn. Mr. McHugh was told that the space does not belong to the neighbor, the space is public parking. Ms. Steele replied that the truck in question cannot make the turn with the car being parked so close to the intersection. Ms. Steele stated that there is public parking in the lot on lower Division Street.

Adjourn:

The next Council Meeting will be held on Monday, August 5, 2019 at 7:00 PM.

A motion was made by Michael Sullivan, 2nd by William Godshalk to adjourn the meeting at 9:52 PM. Motion carried 6-0-0.

Respectfully Submitted,

Carol A. Hummel, Secretary

oral a. Hummil