

BOROUGH OF PORTLAND  
COUNCIL MEETING AUGUST 26, 2019

The Portland Borough Council Meeting of August 26, 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\* Michael Sullivan\*

Councilwoman Yvonne Gumaer was absent.

Others Present:

1. Michael Gaul, Borough Solicitor
2. Mayor Lance Prator will be late.
3. Mark Bahnich, Borough Engineer
4. Carol Hummel, Borough Secretary
5. Members of the Public

Council Resignation:

A motion was made by Michael Sullivan, 2<sup>nd</sup> by Ralph Frasca accepting the resignation of Councilman Brian Kardos, with regret. Motion carried: 5-0-0

- i. The secretary will post fliers at the Portland Post Office advertising the vacancy.

Action on Minutes:

A motion was made by Michael Sullivan, 2<sup>nd</sup> by Bridget Kenna approving the minutes of July 1, 2019, as presented. Motion carried 5-0-0

Secretary/Treasurer's Report: Carol Hummel

1. Bills Presented for Payment:

Borough Operations:	8,570.17
Sewer Operations:	7,759.97
Garbage Operations:	5,775.06
Ultra-Poly Improvement Escrow - Van Cleef	3,606.00
Ultra-Poly Improvement Escrow - King, Spry	121.50
Community Events Account – Easter supplies & Video License	515.99
Robert Shaw, Vendor	111.28
Real Estate Taxes to Fire Tax Account (2 mills)	103.20
August Payroll & Taxes	7,000.00
August Sunoco Fleet Gas	480.18
Minus – QuickBooks annual payroll from July	- 650.00
Add – QuickBooks Payroll because of \$ 130 credit	+ 559.00
<b>TOTAL</b>	<b>33,677.30</b>

A motion was made by Michael Sullivan, 2<sup>nd</sup> by Bridget Kenna approving the bills as presented in the amount of \$ 33,677.30. Motion carried 5-0-0

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

WWTP Contractor monthly services:	2,520.00
Other maintenance:	<u>1,147.50</u>
<b>Total</b>	<b>3,667.50</b>

A motion was made by Bridget Kenna, 2<sup>nd</sup> by Ralph Frasca approving the bills presented for payment to Portland Contractors, Inc. in the amount of \$ 3,667.50. Motion carried 3-0-2 (William Godshalk and Michael Sullivan abstained).

Close Bank Account:

A motion was made by Ralph Frasca, 2<sup>nd</sup> by Michael Sullivan to close out the Slate Belt Rising CIPP Planning Grant Account. Motion carried: 5-0-0

- i. The grant has been closed out by Northampton County DCED.

Public Comment:

Yudelky Schomberg                      425 Delaware Avenue

a) Mrs. Schomberg requested, through an email letter to Council, to change the EDU's of the property from (4) to (3). Two for the first-floor commercial use and one for the second-floor residential apartment. Solicitor Gaul replied that Mrs. Schomberg will have to submit a formal written request to the Borough Code Official, Keller Zoning & Inspection Services.

i. Solicitor Gaul stated that if Mrs. Schomberg decides to revert back to having (2) apartments, she will need to pay additional tapping fees, and also comply with the applicable building code requirements. She will be losing permanently one of her current EDUs. President Steele also noted that there was no guarantee in the future that capacity would be available for Mrs. Schomberg to obtain an additional EDU for a second apartment.

b) Mrs. Schomberg requested, through the same email letter to Council, that her delinquent sewer account balance in the amount of \$ 17,000 be reviewed, brought up to date up, and to bill her property for sewer service beginning on the month that her sewer service was connected, which is the month of June 2019.

- Councilman Godshalk disagreed that Mrs. Schomberg needed to pay the delinquent \$ 17,000 and that the property should have been connected before she purchased the property.
- Solicitor Gaul and President Steele stated that there are still two properties that are not connected to the sewer system; the Twomey property at 506 Coffin Alley and the former Smith property on Jacoby Creek Road. Councilman Godshalk replied that everyone should have been connected. President Steele stated that Borough Council opted not to have the properties connected and lien them because Council would have lost the money spent due to judicial sales.
- President Steele stated that the Sewer Ordinance states that whether you use the sewer service or not you are still responsible to pay for the service. Ms. Steele cited properties that are unoccupied and continue to pay their service fees.

Mayor Prator entered the meeting at 7:24 PM.

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- Mrs. Schomberg stated that the property was vacant long before she purchased it; that she has worked hard on the building so that she can open a restaurant; Mrs. Schomberg does not feel she needs to pay for services that she did not use. President Steele replied and asked Mrs. Schomberg “do you remember when you attended Council meeting and were considering purchasing the property. I told you to do your homework, that there is a lot of debt with the purchase”. (The property was purchased in 2016).
- Councilman Frasca asked if there could be a compromise? Solicitor Gaul then read the letter that was sent by Mrs. Schomberg to Council via email; that Council could offer a payment plan as has been done in the past; President Steele stated that Council makes the determination on a case by case basis. Councilman Frasca asked Mrs. Schomberg if she had any proposals to present to Council. There were no proposals; that she wants the \$ 17,000 to be taken off her outstanding sewer bill.
- Councilman Sullivan stated that it is not right for the municipality to make exceptions, that everyone should be treated fairly, a precedent will be set, and Council will have to do the same for anyone else. Mrs. Schomberg replied that she has become involved with the Community Events Committee, attending the meetings and helping with the events. Ms. Steele stated her opinion is to set up a payment plan; she will note vote to delete the \$ 17,000 delinquent amount.
- Councilman Frasca replied that he agreed with Mr. Sullivan that everyone should be treated fairly; that maybe Council can help a new business open downtown. Is there some way we could come to a compromise? Mayor Prator replied that the Borough will have to make up the \$ 17,000 somewhere if it not paid by Mrs. Schomberg; all homeowners sewer bills would have to be increased; somewhere the \$ 17,000 would have to be recouped.
- Hubert McHugh asked if the \$ 17,000 included interest and late fees. Ms. Steele replied YES.
- Ms. Steele stated that the billing clerk, Diann Eden, could review the account, break down all the charges and Council can discuss at the next meeting of September 9, 2019. Ms. Steele stated that historically Council has set up payment plans, but the property owners did not live up to their part of the agreement. Mayor Prator explained the Portland Borough Authority (water) shut-off policy and appreciated that Mrs. Schomberg attended the Council meeting to discuss her delinquent sewer service.

Comment from James Steele, audience:

Mr. Steele asked, “how could he get an interest free loan from the Borough”? Mr. Steele stated that if Mrs. Schomberg’s fees are waived from her property he will stop paying all charges on his unoccupied properties; he will ask to be placed on Council’s agenda and ask Council to clear his debt.

- Solicitor Gaul stated that this is not personal. Mrs. Schomberg has stated she does not want to pay for sewer and water if she is not using it. Solicitor Gaul explained that similar to garbage service, a property owner is required to pay for the service, even if they don’t use it, because the Borough has a financial cost in making the service available. Under the Borough Code, the Borough can undertake such projects on behalf of the whole Borough, even if some property owners do not agree with the project. Councilman Sullivan stated that water is metered but sewer is more difficult to meter. The Borough broke down the sewer cost and everyone shares that cost. Once you have an EDU you

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are obligated to pay. Councilman Sullivan stated he is willing to review Mrs. Schomberg's sewer account breakdown but he not willing to delete the \$ 17,000 delinquent charges.

A motion was made by William Godshalk, 2<sup>nd</sup> by Ralph Frasca directing the billing clerk to review the Schomberg account; itemize all costs so that Council can see how she accumulated the \$ 17,000 debt; for the billing clerk to have the information available previous to the next Council meeting; and for Council to review the account and discuss at the September 9, 2019 Council meeting. Motion carried: 3-2-0 (Stephanie Steele and Bridget Kenna opposed)

- i. Solicitor Gaul stated that often municipalities have minimum charges for services whether you use them or not.
- ii. Mayor Prator stated to Mrs. Schomberg, to make her aware, that EDU's costs for a restaurant are based on the number of seats.

405 Pennsylvania Avenue: Hubert McHugh for Patrick McHugh

Patrick McHugh complained, through an email letter to Council, that the rain is beginning to wash out the side of PA Avenue in front of 405 PA Avenue and the yard at 403 PA Avenue. Mr. McHugh asked this to be remedied. President Steele stated that she walked past the properties on her way to this Council meeting and noticed that the house gutters are directed out towards the street. Hubert McHugh replied that the rain is washing out down below the cement line.

- i. Mr. Godshalk replied that he and Mr. Sullivan will review the complaint.

Sewer Matters and Borough Engineers Report:

- There are no delinquent sewer shut offs.

1. Rodent Control at the WWTP:

Ehrlich Pest Control:

The startup cost is \$ 840; quarterly maintenance at \$ 175; month to month contract; no annual fee.

Viking Advantage Pest Control:

The start cost is \$ 499; monthly maintenance of \$ 135; two-year contract; annual fee.

President Steele stated that the maintenance man, Fred Farleigh, accompanied both companies through their site visits and stated that Ehrlich was very clear with their estimate and the pest control procedure.

A motion was made by Ralph Frasca, 2<sup>nd</sup> by William Godshalk to accept the Ehrlich Pest Control Contract for the WWTP with quarterly maintenance at \$ 175; month to month contract; and no annual fee. Motion carried: 5-0-0

2. The maintenance employees were given their Hepatitis B booster shots from Dr. Raso.

3. Water shut-off charges billed to the sewer account from the Portland Borough Authority are currently \$ 55 each. Several times in the past year the cost has exceeded \$ 55 because

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Portland Contractors charged more to the PBA for his services. This was questioned by the office staff. Solicitor Gaul stated that this is the cost of doing business. The Borough is responsible to pay any additional fees.

4. Letter of Intent from Borough Council to UMBT to provide sewer service/treatment to UMBT.

The first meeting of the Township Sewer Liaison Committee was held on August 15, 2019. UMBT officials have requested a formal letter of intent to provide sewer service to a portion UMBT.

- Solicitor Gaul recommended a letter of intent not be sent at this time, until the Borough had a better understanding of what the potential costs would be to the Borough, and how it would be paid for. Solicitor Gaul recommended that the Borough have its engineer prepare an analysis of the costs.
- Mark Bahnick, Borough Engineer, stated it is not clear if treated wastewater can be pumped into the Delaware River at this time. A second building, a pump station, may be needed. The Portland WWTP has a current capacity of 105,000 gallons per day, GenOn, presently in bankruptcy, has a serious buyer looking at the old Reliant property on River Road. GenOn or its buyer may also need additional treatment capacity in the future.
- Mr. Bahnick stated that UMBT asked for a formal evaluation of sewer capacity and the cost to expand the Portland WWTP to serve UMBT
- The committee meets again September 25, 2019.
- There is no public input at present, discussion only by the committee.
- Solicitor Gaul asked if there is enough property to expand the Portland WWTP. Mr. Bahnick replied they could expand and double the capacity of the current property.
- President Steele replied that UMBT is asking for things that Portland cannot project. Mr. Bahnick stated that UMBT needs information from the Borough because they cannot adopt their Act 537 Plan without it. The plan also must have the cost data to combine with their cost for the submission.
- Solicitor Gaul replied that his concern is not necessarily providing sewer service/treatment to UMBT, but instead that the Borough only send a letter of intent when the Borough better understood the consequences of doing so. There appeared to be a lack of information at this point.

5. Dunkin Donuts Streetscape:

President Steele stated that the PennDOT Dunkin Donuts Streetscape Plan calls for grass, but mulch has been used instead. Mr. Bahnick replied that if an adjustment is made the Borough has to approve the plan change.

6. Mayor Prator spoke about weed control and trees.

- Mr Bahnick left the meeting at 8:20 PM.

Zoning Officer Report: Keller Zoning & Inspection Services

- Ms. Serfass was absent. There was no invoice or report.

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- Ms. Steele reported that a complaint was received about the dumpster located in front of 404 Pennsylvania Avenue and when it would be removed. Ms. Steele stated she would follow up with the property owner.

Zoning Hearing Board (ZHB):

- No hearings are scheduled at the present time.

UCC Building Code Inspectors Report: Keller Zoning & Inspection Services

- One permit was issued to 702 Hillcrest Drive.

Planning Commission:

- None

Portland Borough Authority (PBA): Lance Prator, Chairman

Water Line Project:

- The water line has been installed and finished.
- President Steele stated that the Borough received certified mail from the PennDOT engineers, Erdman Anthony, that the start date for the State Street/Jacoby Creek SR 1032 Bridge replacement will be April 13, 2020 and the end date will be April 13, 2021.

Legal:

- None.

Subdivision and Land Development:

- None

Community Development, COG & Grants:

- The Slate Belt COG submitted a CIPP Grant application for the purchase of a Sewer Jetter and a Crack Seal Machine. This is a match grant requiring \$ 1.00 for every \$ 1.00 granted. They are asking each COG member to contribute \$ 146 of the match.
  - i. A motion was made by Michael Sullivan, 2<sup>nd</sup> by Ralph Frasca stating that the Borough would contribute the \$ 146 matching funds upon the receipt of the grant funds to the Slate Belt COG. Motion carried: 5-0-0
- The next meeting of the Slate Belt COG will be held on August 28, 2019 at 7 PM.
- President Steele and Cindy Fish attended the Northampton County Historic and Cultural Assets Plan presentation on Wednesday, July 31, 2019 at the Northampton County Department of Human Services Building, Bethlehem PA.

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- President Steele contacted several entities inquiring about potential grant writers.
  - i. Anne Evans, CACLV.
  - ii. Chad Helmer and Barry Issett, referrals from Mark Hartney, Northampton County.
  - iii. Victor Rodite, self-employed consultant/planner.

The grant committee will meet with the candidates.

- The Slate Belt Chamber of Commerce is hosting its 20<sup>th</sup> annual Specialty Bingo on Sunday, September 8, 2019. The event supports the chamber's event programs through-out the year. No action taken.
- FutureLV: The Regional Plan: A copy prepared by the Lehigh Valley Planning Commission (LVPC) and the Lehigh Valley Transportation Study (LVTS). The plan is available for your review in the Borough Council Chambers.

Community Events/Recreation Board:

- Portland Community Day will be held on Saturday, October 12, 2019 with a rain date of October 13, 2019. There is no charge for vendors.
- President Steele commented that she has received many verbal complaints from senior citizens because community events are only advertised through facebook and social media. No fliers are posted for an event.
- The free movie "Home Alone" was held on July 14, 2019 at the Park & Walk Lot at dusk.
- The free movie "Home Alone 2" was held on August 18, 2019 at the Park & Walk Lot at dusk.
- Sundae Sunday was held on August 25, 2019 at the Park & Walk Lot.
- \$ 91.50 in donations was collected at the above events.
- The next committee meeting will be held on Sunday, September 8, 2019.

Police Report:

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

2. The final payment on the (5) year loan of the Ford Explorer police vehicle will be made in February 2020. A new vehicle purchase was discussed and disposing of the Ford Crown Victoria.

3. President Steele, Chief Mulligan and Fire Chief Potter met with FirstNet, the national first responder broadband wireless network. This wireless network is designed to give first responders a Quality of Service that is needed to keep them fully connected with voice and data services at all times. Borough Management, Police Department, Fire Department, EMS Services and Public Works would qualify for this program. President Steele stated that the service is very inexpensive. The police department is presently using Verizon at \$ 95 per month;

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FirstNet is \$ 80 per month.

Chief Mulligan would like to try FirstNet since the police department has had a lot of problems with Frontier. Through the Service Electric Cable TV franchise agreement, no charge shall be made for installation or service to the Borough's public facilities.

A motion was made by Michael Sullivan, 2<sup>nd</sup> by Ralph Frasca to switch from Verizon wireless mobile to FirstNet wireless network for the police vehicles if the Borough is satisfied with the (30) day free trial period from FirstNet. Motion carried: 5-0-0

Council will investigate the cost to change internet providers from Frontier to Service Electric. This will be placed on September 9, 2019 Council agenda.

Mayor's Report:

- Attended free movie nights and Sundae Sunday events.
- Attended the Plan Slate Belt Meeting on July 17, 2019. Good attendance from the Slate Belt.
- Attended the Liberty-Water Gap Trail Alliance on July 17 and August 21, 2019. Monroe and Northampton Counties are working together.
- Met with UMBT today at their Township Meeting concerning Rails to Trails.
- The UMBT Manager, Rick Fisher, has accepted a job opportunity in the state of Maine. A farewell party will be held at the UMBT Offices on Wednesday, August 28, 2019.
- Attended the YMCA Phase II groundbreaking on July 23, 2019 in Pen Argyl Borough.
- Attended PA Senator Mario Scavello's Outdoor Event on August 10, 2019.
- Attended and manned the Slate Belt Rising Information Tent at the Blue Valley Farm Show on August 17, 2019.
- Attended the UMBT/Northampton County District 5 meeting on August 28, 2019.
- Attended Portland Borough Sewer Committee Meeting on August 28, 2019.
- Met with the National Park Service representative and Mayor Adele Starrs of Knowlton Township, NJ concerning the Route 80 Rockfall Mitigation Project.
- Attended the King, Spry reception.

Streets Department:

William Godshalk

1. Councilman Sullivan reported that he and Councilman Godshalk drove through the Borough and compiled a list of the streets that need the bad spots fixed. They will get estimates for the September 9, 2019 Council meeting.

2. The Borough will move forward to do its own snow plowing/cindering. The 2019-2020 winter snow removal contract will be reviewed for changes at the September 9, 2019 Council meeting. All comments should be in writing.

3. Mr. Godshalk replied that a workshop meeting should be scheduled. None was scheduled, instead a streets committee meeting will be held.

4. A motion was made by Michael Sullivan, 2<sup>nd</sup> by Ralph Frasca authorizing the purchase of one HT 131 telescoping pole pruner with the cost not to exceed \$ 800. Motion carried: 5-0-0



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5. A motion was made by Ralph Frasca, 2<sup>nd</sup> by Michael Sullivan authorizing the street committee Chairman, whoever that person is from time to time, to spend up to \$ 1,000 for street department purchases, subject to Borough Councils approval at its next regular Council meeting. Motion carried: 5-0-0

6. There are sinkholes and drain boxes that need repair on Pennsylvania Avenue and Market Street.

7. The secretary stated that according to the Liquid Fuels Map, posted in the municipal building hallway, Crestmont Street is not a Liquid Fuels Street. Mr. Sullivan stated a skirt should be paved around the sewer manholes for protection.

8. Mr. Godshalk asked Solicitor who is responsible for the upkeep and repair of property owners sidewalks and curbing. Solicitor Gaul replied, "the property owner".

9. The (5) Year Winter Services Agreement will be approved by resolution at the next Council Meeting of September 9, 2019.

10. Art Kardos asked if the trees in front of 407 and 413 Delaware Avenue could be replaced. The current trees make a mess on the sidewalk dropping their berries. President Steele stated that it would be better to replace the trees in the spring. The Budget Committee will work the cost into the 2020 budget.

- i. The tree in front of 425 Delaware Avenue appears to be dead. It was discussed that the business property owners in the downtown are responsible for the trees.
- ii. Hubert McHugh replied that instead of a tree the property owner could install a sidewalk.

Sanitation:

- None

Building Committee:

- President Steele volunteered her time and tractor to prepare the municipal playground for new wood mulch. The Borough would be responsible for the cost.
  - i. Ms. Steele asked Mr. Sullivan to measure the area for cost estimates.

Budget, Finance, Insurance, & Cable TV Contract:

- CD #401108331 matured in the amount of \$ 20,355.95 on July 25, 2019 and was rolled over into a (14) month CD at 2.00 %.
- Merchants Bank Escrow Accounts for closure was tabled for review by Solicitor Gaul.
- Credit card payments for sewer and garbage fees was discussed. Ms. Steele will invite Merchants Bank to the September 9, 2019 Council meeting for information and costs.

Ordinance Update Committee:

- None

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Personnel, Policy & Procedure Committee:

- President Steele reported that a street department employee was smoking in the Borough streets vehicle. Ms. Steele told him that smoking was not allowed. She will check with other municipalities concerning their policies.

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

- The Slate Belt Rising committee meeting will be held on September 12, 2019 at Pen Argyl Borough.
- Slate Belt Rising will be hosting its second annual regional event, the "Slate Belt Bash" on September 29, 2019 at Weona Park.
- A Tenants' Rights & Responsibilities Workshop will be presented by the Housing Equality Center of Pennsylvania and North Penn Legal Services, at the Wm. Pensyl Social Hall on September 11, 2019 from 6 to 9 PM.

Liberty-Water Gap Trail Alliance: Cindy Fish

- The monthly meeting of the Alliance will be held on Wednesday, September 18, 2019 at 9 AM at the Delaware Water Gap municipal building. Bryan Cope, Northampton County Director of Parks, will be the speaker. The National Parks Service will also be represented.
- Mayor Prator stated that Monroe and Northampton Counties, Portland Borough, UMBT and Delaware Water Gap are working on Memorandums of Understanding (MOU) for the counties.
- Mayor Prator stated that the Alliance is not allowed to have any money for the organization.
- A clean-up day along the proposed trail from Portland to DWG is being planned for the spring of 2020.

Correspondence:

- A thank you was sent to Bonnie Due for the donation of the (municipal building) old school painting done by local artist Mary Jane Starner. Donated from the estate of Mary Moreken, Bonnie's mother. Bonnie Due is the East Bangor Borough secretary.
- The annual meeting of the Community Action Committee of the Lehigh Valley (CAC-LV) will be held on September 25, 2019.
- The 2019 Good Scout Award Recipients, through the Minsi Trails Council, are Mayor Prator and Attorney Ron Karasek. The reception to honor them will be held on Thursday, October 17, 2019 at 7 PM at the Wind Gap Social Hall.

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Secretary's Announcements:

- None

Old Business:

- Route 80 Rock Fall Mitigation Project: The Borough has been identified as a consulting party. Do we need a motion to inform Environmental Specialist 4 that we want to continue as a consulting party? Portland must respond by September 1, 2019.

A motion was made by Michael Sullivan, 2<sup>nd</sup> by Ralph Frasca directing the secretary to respond to the NJ-DOT that the Borough of Portland wishes to remain a consulting party. Motion carried: 5-0-0

New Business:

- Borough Health Inspection Official, John Blick:

The secretary recently contacted Mr. Blick concerning a commercial business complaint. As in the past, Mr. Blick does not respond in a timely fashion. Council discussed looking for someone else. Solicitor Gaul stated that he would contact East Stroudsburg Borough to find out who their inspector is.

Public Comment, Non-Agenda:

Councilman Godshalk reported that there was a huge mess in the public restroom at the Park & Walk Lot. Mr. Godshalk suggested the installation of an automatic flush for the toilet.

Executive Session:

A motion was made by Michael Sullivan, 2<sup>nd</sup> by Ralph Frasca to convene to executive session at 9:59 PM. Motion carried: 5-0-0

Discussion: personnel matters

A motion was made by Michael Sullivan, 2<sup>nd</sup> Bridget Kenna to reconvene from executive session at 10:21 PM. Motion carried: 5-0-0

No action taken.

Adjourn:

The next Council Meeting will be held on Monday, September 9, 2019 at 7:00 PM.

A motion was made by Michael Sullivan, 2<sup>nd</sup> by Ralph Frasca to adjourn the meeting at 10:22 PM. Motion carried 5-0-0.

Respectfully Submitted,

*Carol A. Hummel*

Carol A. Hummel, Secretary