

BOROUGH OF PORTLAND
COUNCIL MEETING SEPTEMBER 9, 2019

The Portland Borough Council Meeting of September 9, 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.
3. Mark Bahnick, Borough Engineer
4. Carol Hummel, Borough Secretary
5. Members of the Public

Action on Minutes:

A motion was made by Ralph Frasca, 2nd by William Godshalk approving the minutes of August 26, 2019, as presented. Motion carried 5-0-0

Secretary/Treasurer's Report: Carol Hummel

1. Bills Presented for Payment:

Borough Operations:	9,787.87
Sewer Operations:	10,854.52
Garbage Operations:	7,449.81
Ultra-Poly Improvement Escrow - Van Cleef	1,771.75
Community Events Account	66.07
Real Estate Taxes to Fire Tax Account (2 mills)	NONE
Police Capital Account	533.00
September Payroll & Taxes	7,500.00
September Sunoco Fleet Gas	400.00
TOTAL	38,363.02

A motion was made by Michael Sullivan, 2nd by Bridget Kenna approving the bills as presented in the amount of \$ 38,363.02. Motion carried 5-0-0

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

WWTP Contractor monthly services:	2,520.00
Other maintenance:	<u>1,009.00</u>
TOTAL	3,529.00

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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 \$ 3,529.00. Motion carried 3-0-2 (William Godshalk and Michael Sullivan abstained).

Application for Vacant Council Seat:

Kay Bucci, 104 Division Street, was interviewed for the vacant Council position. Ms. Bucci stated that she was motivated to apply because of the appearance of the downtown and the municipal playground. Concerning the downtown Ms. Bucci stated that the flags are faded and should be taken down.

- i. Ms. Bucci stated that she has military flags that she will be donating to the Borough.

A motion was made by Ralph Frasca, 2nd by Bridget Kenna appointing Kay Bucci to the remainder term of the vacant Council seat, which expires on January 1, 2020. Motion carried: 5-0-0

- ii. The meeting continued while Ms. Bucci completed the required forms.

Public Comment:

Jaims Chastain:

Safety Specialist for Air Liquide Advanced Materials

Mr. Chastain stated to Council that baseball is an important part of American History and cited the Portland Apollos. The closest ball field to the two (2) Air Liquide plant operations is the Portland Ball Field. Air Liquide employees have baseball teams at other plant operations. Mr. Chastain stated that he is interested in restoring the ball field if he could partner with a 501C3 community organization. Mr. Chastain asked Council if it would be feasible for the Portland employees to form teams and use the ball field. All employees are required to perform (24) hours of community service. Air Liquide would provide the man hours to restore the field and Mr. Chastain asked if Portland Council would supply the materials, estimated at approximately \$ 2,000. Mr. Chastain stated he would like to be ready for the spring 2020 season. President Steele stated she would provide him with information to contact the Portland Masonic Lodge.

Ms. Kay Bucci:

Ms. Bucci was sworn in as Councilwoman by Mayor Prator. Resolution 2019-9 will be prepared by Solicitor Gaul for adoption at the October 7, 2019 Council meeting.

Yudelky Schomberg

425 Delaware Avenue

a) President Steele updated Council on the delinquent sewer account of 425 Delaware Avenue. Discussion followed.

- Councilman Frasca stated to Mrs. Schomberg that Council wanted to review the account so that Council could be fair. Has Council heard your best argument?
- If Borough Council approved your request to delete your outstanding sewer charges the Borough would be flooded with requests to do the same for all delinquent accounts.
- Mrs. Schomberg stated that this is outrageous that she must pay for services that she has not used; she will not be able to open the restaurant if she must pay the \$ 17,000 delinquent amount.

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- Councilman Sullivan replied that there are 500 plus residents in Portland; this is how the sewer system was set up; you bought an abandoned building; everyone has a share, a shared cost, you have a share; it is not the fault of the Borough.
- Councilman Frasca asked if there was an incentive to help businesses' through Slate Belt Rising. President Steele replied that the property owner would not be eligible for any Slate Belt Rising program because the property owner is not current on its municipal bills.
- Jim Steele, from the audience, stated "you purchased a property for \$ 10,000, did not due your homework and failed to follow through with your obligations".
- Mrs. Schomberg called it "blackmail". Councilman Sullivan replied it is not blackmailing.
- Solicitor Gaul stated that all property owners received multiple notices to connect to the sewer system.
- Councilman Frasca suggested a payment plan be established and asked Mrs. Schomberg if she was willing to agree. Mrs. Schomberg replied, "it depends on the payment plan".

A motion was made by Ralph Frasca, 2nd by William Godshalk to draft a policy, in consultation with the billing clerk and the sewer committee, to research a payment plan structure.

- Councilwoman Bucci asked if Mrs. Schomberg is paying her water bill. Chairman Prator stated YES, she is on stand-by. Chairman Prator stated that stand by is half pay but using no water; the Borough has no such policy.

The motion was amended by Mr. Frasca, 2nd by Mr. Godshalk to draft a general policy payment plan that would apply to everyone equally, in consultation with the billing clerk and the sewer committee, to research a payment plan structure. Motion tied: 3-3-0 (voting NO was Steele, Kenna, Sullivan)

I. The motion was set aside while Solicitor Gaul researched the Borough Code concerning the tie vote.

705 Hillcrest Drive: Sewer Account No. 183

Karin Gettman, the spouse of the owner of record of 705 Hillcrest Drive was present and asked for an extension until Friday, September 13th, to make a payment towards the property's delinquent sewer bills so that the water would not be turned off tomorrow. President Steele replied that the last time Ms. Gettman was before Council and made a similar request, she put the secretary, President Steele and Vice President Kenna in an awkward position by not arriving to make the payment at the scheduled time. Ms. Steele asked that, if Council agrees to extend the time to Friday, "will Ms. Gettman be here at the scheduled time?" The amount owed is \$ 296.43. Ms. Gettman replied YES and understood the agreement stated by Ms. Steele.

A motion was made by Ralph Frasca, 2nd by Michael Sullivan,

- Councilwoman Gumaer entered the meeting at 7:50 PM.

approving the request of Ms. Gettman to make the required payment to avoid water shut-off to the Borough office not later than noon on Friday, September 13, 2019. Motion carried: 4-2-1 (Steele and Kenna voted NO; Yvonne Gumaer abstained).

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Back to Solicitor Gaul and the tie vote concerning 425 Delaware Avenue:

Solicitor Gaul stated that Mayor Prator can vote to break the tie to draft a general policy payment plan. Mayor Prator voted YES. Motion carried: 4-3-0 (voting NO was Steele, Kenna and Sullivan)

Sewer Matters and Borough Engineers Report:

- The Township Sewer Liaison Committee meets on Wednesday, September 25, 2019.
- Ultra-Poly is still working on their expansion.
- A letter was sent to Dunkin Donuts outlining what is not completed in the plan.
- Councilwoman Bucci referenced the August 26th minutes, "it is not clear if treated wastewater can be pumped into the Delaware River". Ms. Bucci stated that is where the treated water goes. Solicitor Gaul replied that Mr. Bahnick was referencing the potential treated wastewater from UMBT.

Mr. Bahnick explained:

- The plant has a permit to discharge 105,000 gallons a day.
- Would Portland be permitted to expand the WWTP and increase additional wastewater into the Delaware River? It would be possible that the DEP would not allow additional discharge into the river. UMBT would have to pump wastewater from the site and take back to UMBT for disposal.
- Ms. Bucci asked how much is discharged into the river. Mr. Bahnick replied 30,000 gallons per day. Ms. Bucci stated that the Borough still has 75,000 gallons in excess.
- There is potential capacity, but the Borough would need permission from the DEP and DRBC to expand the WWTP and extend the service area beyond the Borough. It is possible that the DEP and the DRBC would not allow the Borough to expand the service area, if the new service area increased discharge to the river.
- Ms. Bucci asked, "what is the proposal from UMBT"? Mr. Bahnick replied that UMBT is requesting 100,000 gallons per day for the Route 611 corridor, through Mount Bethel to the second Air Liquide site. A potential second service area, the vacant Met Ed/Reliant/Gen On property would need 220,00 gallons per day.

Drainage Problem:

Councilman Godshalk stated that there is a serious drainage problem at the area of Demi Road and River Road. Mr. Bahnick will investigate.

- Mr. Bahnick left the meeting at 7:58 PM.

Zoning Officer Report: Keller Zoning & Inspection Services

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

Zoning Hearing Board (ZHB):

- No hearings are scheduled at the present time.

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UCC Building Code Inspectors Report: Keller Zoning & Inspection Services

- None

Planning Commission:

- None

Portland Borough Authority (PBA): Lance Prator, Chairman

- Chairman Prator reported that a water tanker truck stole water from a water hydrant. The hydrant was not locked. The PBA lost about 7,000 gallons of water.

Legal:

- None

Subdivision and Land Development:

- None

Community Development, COG & Grants:

- The Slate Belt COG met on August 28, 2019 at 7 PM.
- The Executive Director, Sharol Lilly, will help anyone with writing grants. The GOG is looking for a host community for grant writing. More information is needed.

Community Events/Recreation Board:

- Portland Community Day will be held on Saturday, October 12, 2019 with a rain date of October 13, 2019 from 11:00 to 4:00 PM.
- The committee announced that Halloween Trick or Treat will be observed on Saturday, October 26th from 4 to 6 PM. The after-costume party will be held at Refiners Fire Ministry at 6:15 PM.

Police Report:

1. The police report was provided in writing by Chief Mulligan.
2. The chief has minimal leads on hiring two additional officers.
3. Officer Dean would like a new police shirt.
4. The Ford Explorer police vehicle's loan has been paid in full. Chief Mulligan has spoken with Reagle Dodge concerning the loan rate and stated the loan rate should be checked at Merchants Bank.
 - i. Council was polled by Chief Mulligan asking their preference on a new police vehicle.
 - ii. Ralph, car; Bill and Yvonne preferred an SUV.

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5. A motion was made by Michael Sullivan, 2nd by Yvonne Gumaer authorizing the purchase of a new police uniform shirt for Officer Dean, Motion carried: 7-0-0

5. Council is waiting on proposals from Service Electric for internet service for the Borough office and the police station.

Mayor's Report:

- Toured the Route 80 Rock Wall Mitigation Project with the Mayors of Knowlton & Hardwick Townships, the National Park Service and New Jersey Congressman Josh Gottheimer
- Attended the Plan Slate Belt Meeting on September 4, 2019 at Weona Park in Pen Argyl Borough. The committee meets the first Wednesday of the month.
- The secretary reported that Portland Borough's signed Intermunicipal Agreement for the Slate Belt Multi-Municipal Comprehensive Plan was received today.
- Attended Community Events Committee meeting on August 26, 2019.
- Met with UMBT today at their township meeting concerning Rails to Trails.
- Attended Nurture Nature Center on September 10, 2019 concerning NOAA Weather information.

Streets Department: William Godshalk

1. The Slate Belt COG will be contacted for an open date for the rental of the leaf vacuum.

2. Changes to the snow-ice removal contract was discussed by Council per the committee meeting of Michael Sullivan and Stephanie Steele.

- i. dispute of "in use".
 - ii. minimum use needs to be defined.
 - iii. billable while in use needs clarifying.
 - iv. negotiate "beyond two hours actual use of equipment". Councilman Sullivan stated that he is in favor of a two-hour minimum cost for each piece of equipment. Any work performed by the contractor should be a minimum cost of two hours.
- Councilman Frasca left the meeting at 8:42 PM.
 - v. add River Road to the contract.
 - Councilman Frasca re-entered the meeting at 8:45 PM.
 - vi. Councilman Sullivan stated that the streets do not need to be pre-treated with deicing salt; the contractor should start working on the streets beginning at any freezing rain event.
 - vii. no pre-payment of \$ 10,000 in the contract.

A motion was made by Ralph Frasca, 2nd by Michael Sullivan authorizing Solicitor Gaul to advertise the snow-ice removal contract request for proposals, per the agreed changes made by Borough Council, and award the contract at the October 7, 2019 Council meeting. Motion carried: 7-0-0

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3. A motion was made by William Godshalk, 2nd by Yvonne Gumaer to purchase lime green tee shirts for the street department employees. Motion Carried: 7-0-0

i. There has been no interest in the vacant part-time street department employee position.

4. William Godshalk stated that brush should be cut down around the playground and other areas of town.

5. Since the Borough has only one part-time street department employee it was suggested to increase the work hours of employee Fred Farleigh. A motion was made by Michael Sullivan, 2nd by Yvonne Gumaer to increase the weekly work hours of part-time employee Fred Farleigh up to (30) thirty hours per week. Motion carried: 7-0-0

6. Councilman Sullivan stated that he would like to volunteer to mow grass for the Borough since there is only one part-time employee. A motion was made by Yvonne Gumaer, 2nd by Ralph Frasca authorizing Mr. Sullivan to mow grass anywhere in the Borough. Motion carried: 6-0-1 (Michael Sullivan abstained)

7. A motion was made by Yvonne Gumaer, 2nd by Michael Sullivan authorizing street repairs, in the amount not to exceed \$ 11,000, from the Liquid Fuels Checking Account for the following streets.

- Portion of Delaware Avenue by the Catholic Church
- Hump on Jacoby Creek Road.
- Portion of Division Street
- Portion of Market Street
- Portions of Main Street
- Delaware Avenue by the Baptist Church parsonage
- Delaware Avenue at the boundary of Church Street
- Portion of Washington Street and 60 foot of curbing

Motion carried: 7-0-0

Sanitation:

- None

Building Committee:

- None

Budget, Finance, Insurance, & Cable TV Contract:

- Council members should contact the committee for items that they would like considered for the 2020 budget.
- The insurance committee will meet to review coverage for 2020.

Ordinance Update Committee:

- None

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Personnel, Policy & Procedure Committee:

- None

Slate Belt Rising Committee (SBRC):

Director Stephen Reider, and Stephanie Steele

- Slate Belt Rising will be hosting its second annual regional event, the "Slate Belt Bash" on September 29, 2019 at Weona Park.

i. Ms. Bucci replied, in her opinion, that the \$ 1,000 winner of the 2018 Bash, Bangor Mayor Brooke Kerzner, was ~~not ethical and a conflict of interest.~~ President Steele stated that she would relay the message as an anonymous complaint to the director of Slate Belt Rising.

*Corrected
10/7/2019
Strike and add:
gave the
appearance of being
unethical.
CA Hummel*

- A Tenants' Rights & Responsibilities Workshop, that was to be presented by the Housing Equality Center of Pennsylvania and North Penn Legal Services at the Wm. Pensyl Social Hall on September 11, 2019, was cancelled due to lack of interest.

Air Liquide Safety Committee:

A motion was made by Ralph Frasca, 2nd by William Godshalk appointing Stephanie Steele as the Borough representative to the Air Liquide Safety Committee meetings. Motion carried: 7-0-0

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 Portland Borough, UMBT and Delaware Water Gap are working on Memorandums of Understanding (MOU) for their respective counties, Northampton and Monroe.
- Mayor Prator stated that the Alliance is not allowed to have any money for its organization.
- A clean-up day along the proposed trail from Portland to DWG is being planned for the spring of 2020.

Correspondence:

- The Miracle League of Northampton County is conducting their annual fund-raising appeal. No action taken.
- The Community Action Committee of the Lehigh Valley (CAC-LV) is conducting their annual Municipal Fund Appeal. No action taken.
- 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:

- The secretary will be out of the office on Friday, September 20, 2019.

Old Business:

- None

New Business:

- The assistant director of the Northampton County Parks, Jim Wilson, informed Council that all county parks are receiving new signage. Portland Borough has a county park along the Delaware River behind the railroad station on Delaware Avenue near the Portland Walk Bridge. Mr. Wilson will contact the Borough in the spring for assistance opening the bollards for the installation of a new sign.
- The Bangor Area School District – Industrial Development Authority's (BASD-IDA) 2017 annual report was received in the mail today.
- The Main Street Market in Bangor PA will re-open under new management after site improvements are made to the property.
- William Godshalk complained about unkempt properties in the Borough. Mr. Godshalk was advised to make a list, take pictures and send the information to the zoning officer.

Public Comment, Non-Agenda:

- None

Executive Session:

A motion was made by Michael Sullivan, 2nd by Yvonne Gumaer to convene to executive session at 9:31 PM. Motion carried: 7-0-0

Discussion: personnel matters

A motion was made by Michael Sullivan, 2nd Yvonne Gumaer to reconvene from executive session at 9:37 PM. Motion carried: 7-0-0

Action taken:

A motion was made by Yvonne Gumaer, 2nd by Michael Sullivan authorizing an increase of the hourly rate of Officer Gregory Dean to \$ 20 per hour, effective the next payroll period beginning September 16, 2019.

- i. Councilwoman Bucci asked the weekly hours of Officer Dean. Ms. Steele replied, up to (24) hours per week.

Motion carried: 7-0-0

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Adjourn:

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

A motion was made by Ralph Frasca, 2nd by Michael Sullivan to adjourn the meeting at 9:40 PM. Motion carried 7-0-0.

Respectfully Submitted,

Carol A. Hummel

Carol A. Hummel, Secretary

