

BOROUGH OF PORTLAND
COUNCIL MEETING OCTOBER 22, 2018

FINAL

The Portland Borough Council Meeting of October 22, 2018 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* Heather Fischer* Michael Sullivan
i. Council members absent were Brian Kardos and Yvonne Gumaer.

Others Present:

1. Michael Gaul, Solicitor
2. Lance Prator, Mayor
3. Mark Bahnick, Borough Engineer
4. Carol Hummel, Borough Secretary
5. Bettina Serfass, Zoning Codes Officer
6. Ultra-Poly Corp. Officials
7. Donna Kenderdine, Reporting
8. Members of the Public

PUBLIC HEARING ON ULTRA-POLY CORP. CONDITIONAL USE APPLICATION REGARDING
NORTHAMPTON COUNTY TAX PARCELS C11-26-15E & C11-26-15F:

A motion to open the hearing was made by Michael Sullivan, 2nd by Bridget Kenna. Motion carried:
4-0-0

Solicitor Gaul facilitated the hearing. Present on behalf of Ultra-Poly were Attorney Peter Layman, David LaFiura, President and David Lopatka, Reuther & Bowen Engineering.

Ms. Donna Kenderdine prepared a stenographical record of the hearing. The stenographical record is available at the Borough offices, and incorporated into these minutes by reference.

A motion was made by Stephanie Steele, 2nd by Michael Sullivan to approve the Conditional Use application, in accordance with the presented testimony and exhibits with the following conditions.

- i. The approval is only for the proposed use. In the event the property owner desires to modify the use of the property in the future, the Borough Council may review and possibly modify the conditional use approval, and its conditions, based on the proposed new use.
- ii. No employee parking on Demi Road.
- iii. No employee parking in the Borough's Park & Ride Lot. If this would become an issue the Borough may require that Ultra-Poly monitor the parking.
- iv. No Certificate of Occupancy (CO) for the proposed building shall be issued until the requirements for noise reduction contained in Exhibit Engineer-1 are met.
- v. The blowers for the proposed building must be located inside the building.

Motion carried: 4-0-0

Solicitor Gaul stated that, upon receipt of the transcript from Ms. Kenderdine, he will prepare a written decision for Borough Council review and approval

A motion to close the hearing was made by Michael Sullivan, 2nd by Heather Fischer. Motion carried:
4-0-0

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David LaFiura provided hand-outs to Solicitor Gaul and Council that was presented to the Portland Planning Commission, regarding the noise abatement plan. Mr. LaFiura explained the procedure and stated that two more acoustic abatement kits are on order. Mr. LaFiura stated that this noise abatement plan will work.

Peter Layman, Esquire: Waiver Request from SALDO

Solicitor Layman requested Council to grant a waiver of §1003. D.9, which states that fill slopes are to be no steeper than 3:1. The waiver request would be to allow 2:1 maximum fill slopes instead of the required 3:1. The waiver is requested due to the size of the proposed building in relation to the topography of the existing lot. Solicitor Layman stated that it will be very difficult on that site, which is near the lime kilns.

Mr. Bahnick replied that the plan has not yet been finalized. The Portland Planning Commission has not expressed their opinion officially on this waiver. There were some concerns with the plan from the planning commission. Mr. Bahnick stated that the waiver request is reasonable and not an engineering concern. Solicitor Layman's concern is that if the waiver is not granted Ultra-Poly would have to go back to the drawing board. Solicitor Gaul asked if the current pending plan has been created based on the waiver being granted. Solicitor Layman replied YES. Solicitor Gaul stated that the waiver request could be considered within the context of consideration of the whole plan. Solicitor Gaul stated that this does not have to be done now, and that the developer's request was premature, unless Borough Council desired to take action in advance of consideration of the final plan.

Comments: Mayor Prator stated that Ultra-Poly is a good neighbor and council should make a motion to approve the waiver from 2:1 maximum fill slopes instead of the required 3:1. Councilman Sullivan asked for confirmation that the slope area was in the rear of the building. David Lopatka replied that this is a small area and not a major issue. Solicitor Layman stated that the concern to Ultra-Poly would be if the waiver would be denied Ultra-Poly would have a hard time developing. Councilman Sullivan asked if the hold-up was the Portland Planning Commission.

President Steele stated that the waiver would be considered at the time of the Borough Council's review of the rest of the plan unless someone would like to make a motion now. No action was taken by Council.

Solicitor Layman replied that Ultra-Poly is providing a letter of time extension request.

A motion was made by Michael Sullivan, 2nd by Heather Fischer approving Ultra-Poly's request for a (90) day extension, from November 5, 2018 to February 4, 2019, on the Borough's decision on the Ultra-Poly Corp. Building Two-Preliminary/Final Plan. Motion carried: 4-0-0

William Godshalk, 623 Washington Street, was interviewed by Council. Mr. Godshalk stated that he has been a resident of Portland for the past (32) years, a past member of the Board of Directors of the Portland Borough Authority; and his experience as an employee on the Upper Mount Bethel Township (UMBT) Road Department and as Road Department Supervisor would be beneficial to the Borough. Mr. Godshalk stated that he has reviewed the Borough budget and has ideas for the Borough.

President Steele replied that the appointment to the vacant seat is to complete the unexpired term of Ms. Lisa Prator, who herself had been filling a previously vacant Borough Council position. Ms. Steele stated that Mr. Godshalk would have to file a petition for the spring primary election of 2019 to

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be placed on the November 2019 general election. The secretary stated that Mr. Godshalk has completed all the necessary forms. Mayor Prator asked if Mr. Godshalk has NIMS certification. Mr. Godshalk replied YES and will request the certification from UMBT.

Resolution 2018-13:

A motion was made by Bridget Kenna, 2nd by Michael Sullivan adopting Resolution 2018-13, appointing William Godshalk to the vacant office on Borough Council. Motion carried: 4-0-0

Mayor Prator administered the Oath of Office to Mr. Godshalk, who then took his Council seat.

Resolution 2017-11:

A motion was made by Michael Sullivan, 2nd by Bridget Kenna adopting Resolution 2018-11, "A Resolution in Honor of Eagle Scout, Tyler Loren Lee, a member of BSA Troop 41, Forks of the Delaware District, Bangor PA". Motion carried: 5-0-0

Resolution 2018-12:

A motion was made by Michael Sullivan, 2nd by Bridget Kenna adopting Resolution 2018-12 "A Resolution adopting the Lehigh Valley Hazard Mitigation Plan of 2018 as the official hazard mitigation plan of Portland PA." Motion carried: 5-0-0

- i. Mayor Prator stated that to date (38) municipalities have adopted the plan.

Action on Minutes:

A motion was made by Bridget Kenna, 2nd by Heather Fischer approving the minutes of September 10, 2018 as presented. Motion carried: 4-0-1 (Bill Godshalk abstained)

Secretary/Treasurer's Report: Carol Hummel

1. Bills Presented for Payment:

Borough Operations	18,296.25
Sewer Operations	4,476.59
Garbage Operations	4,872.52
Dunkin Donuts Escrow	2,496.50
Ultra-Poly Escrow	5,405.16
LAMTEC Sanitary Sewer Escrow	151.25
Portland Hook & Ladder Co. #1 Relief Assoc.	2,706.27
October Payroll & Taxes	9,500.00
October Sunoco Fleet Gas	600.00
	<u>48,504.54</u>

A motion was made by Bridget Kenna, 2nd by Michael Sullivan approving the bills presented for payment in the amount of \$ 48,504.54. Motion carried: 4-0-1 (Bill Godshalk abstained)

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

WWTP Operations: 4,100.35

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Replace drain on Main Street	<u>2,900.00</u>
	7,000.35

A motion was made by Bridget Kenna, 2nd by Heather Fischer approving the bills presented for payment to Portland Contractors, Inc, in the amount of \$ 7,000.35. Motion carried: 3-0-2 (Michael Sullivan and Bill Godshalk abstained).

A motion was made by Michael Sullivan, 2nd by Bridget Kenna approving the bill presented by Triad Associates, invoice #49579 in the amount of \$4,000 with due date of 10-30-2018, for the preparation of the Neighborhood Redevelopment Plan. Motion carried: 5-0-0

Permission for the secretary to close the Merchants Bank Portland Industrial Park Improvement Escrow Account in the amount of \$ 2,501.12, on the recommendation of the Borough Engineer, and return the balance to Ultra-Poly Corp. Solicitor Gaul stated to table any action until he had time to review the account.

Permission for the secretary to close the Merchants Bank Liquid Fuels Account, in the amount of \$ 851.39, and open an interest-bearing account with PLGIT (PA Local Government Trust).

i. The secretary explained that when the Liquid Fuels Account was recently audited for 2017 the PA State Auditor stated that Liquid Fuels must be deposited into an interest-bearing account. The secretary explained to council that Merchants Bank requires a \$ 1,000 minimum in a public funds account to generate interest. Council directed the secretary to ask the auditor if the Borough could deposit the difference of \$ 148.61 into the Liquid Fuels Account to make the account balance \$ 1,000. No action was taken. Bring back to the November 5, 2018 agenda.

The secretary reported that the Ultra-Poly Escrow Account has a balance of \$ 4, 616.92 and (2) bills totaling \$ 8,152 for vendor's payment. A motion was made by Michael Sullivan, 2nd by Bridget Kenna authorizing the secretary to contact Ultra-Poly Corp. for another \$ 10,000 for the escrow account. Motion carried: 5-0-0

Public Comment:

None

Sewer Matters:

a) Portland Industrial Park, Ultra-Poly Corp. and Sandes Land Development have had their sewer reservation fees invoiced for payment.

b) The WWTP Insurance Claim for the damage to electric components due to voltage fluctuations that occurred in January 2018, has been paid in full by the Borough's insurance carrier, in the amount of \$30,866.57, after the Borough's deductible of \$1,000.

c) A motion was made by Bridget Kenna, 2nd by Stephanie Steele authorizing the Borough Council President and Vice-President to approve emergency repairs on the sewer system, including specifically the WWTP, in an amount not to exceed \$ 7,500, in between Council meetings, if immediately necessary to protect and operate the system. To the extent that time permits, Council President will attempt to contact Borough Council members prior to making such a decision about emergency repairs. Motion carried: 3-0-2 (Michael Sullivan and Bill Godshalk abstained)

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i. Any emergency repairs, and their costs, will be subject to review and ratification at the Council's next public meeting.

d) A motion was made by Heather Fischer, 2nd by Bridget Kenna approving of the WWTP Pump #2 repair, in the amount of \$ 2,897.35. Motion carried: 3-0-2 (Michael Sullivan and Bill Godshalk abstained)

- i. Borough Council was polled by President Steele for approval to make the repairs.
- ii. Pump #2 was repaired in early October,

Engineers Report: Mark Bahnick, Van Cleef Engineering

a) Upper Mount Bethel Township (UMBT) manager, Rick Fisher, attended the September 26, 2018 sewer meeting. UMBT is confirming areas in the township that will be planned for sewer service and capacity needed by UMBT. Based on DEP criteria Mr. Bahnick will be looking to define the available capacity at the WWTP.

b) WWTP operations were satisfactory for the month of September.

The NPDES renewal application is being submitted to the DEP by the end of the month.

Dunkin Donuts Land Development: Engineer Mark Bahnick

a) Land Development Plans, a Building Permit Application and escrow monies have been submitted by the applicant.

b) Mr. Bahnick prepared a draft resolution, proposed Resolution 2018-14, for approval of the Land Development Plan by Borough Council. Mr. Bahnick reviewed the resolution for Council and Solicitor Gaul.

c) The streetscape improvements need to be completed or in progress before a CO is issued.

Comments from Solicitor Gaul:

a) Some language must be added to the plan concerning the Highway Occupancy Permit (HOP), concerning access to the State Highway, Route 611.

b) Improvements done prior to signing of the plan. Mr. Bahnick replied that the improvement agreement was previously signed and recorded. The improvement agreement is to be referenced on the plan.

c) Noted on the plan that the whole property is in the flood plan.

d) Request of waivers from SALDO. Mr. Bahnick stated that no waivers were requested or issued because the property is in compliance with SALDO.

e) The existing sanitary sewer easement must be shown on the plan.

f) Added to the plan, the statements required by B-1 and B-3 of the Borough SALDO.

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A motion was made by Michael Sullivan, 2nd by Heather Fischer adopting Resolution 2018-14 "Dunkin Donuts Preliminary/Final Land Development and Lot Consolidation Plan" with additional conditions stated by Solicitor Gaul.

Question: Hubert McHugh from the audience stated that he had no comment on Dunkin Donuts but asked the definition of sewer usage. He asked whether the Borough's current usage for purposes of its available plant capacity is, based on a certain amount allowed per EDU or the usage of the persons who occupy the house or if the house is not occupied. Mr. Bahnick replied that the sewer committee and Borough Council are going to discuss this to define how much capacity is available in the system, based on actual flows that are received plus an allowance needed in the future.

Motion then carried: 5-0-0

- Mr. Bahnick left the meeting at 9:05 PM.

Zoning Officer Report: Bettina Serfass

A report for professional services from May 1, 2018 through September 28, 2018 was presented by Ms. Serfass. The report is attached to these minutes.

Zoning Hearing Board (ZHB):

- No hearings are scheduled.

UCC Building Inspectors Report:

- One (1) permit was issued to 422-428 Delaware Avenue.

Planning Commission:

- None

Portland Borough Authority (PBA): Lance Prator, Chairman

A motion was made by Bridget Kenna, 2nd by Michael Sullivan accepting the resignation of Costel Sarivan from the Portland Borough Authority Board of Directors. Motion carried: 5-0-0

Legal:

- None

Subdivision and Land Development:

- None

Community Development, Slate Belt COG & Grants:

a) Curbside leaf pick-up has been scheduled for November 26 and 27, 2018. The rental for the COG leaf vacuum is \$75 per day or \$150 for (2) days. Ultra-Poly Corp. has agreed to provide the truck and

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driver to pull the leaf vacuum for the street department employees. Phil Karasiewicz will assist Bob Shaw with the manual leaf pick-up.

A motion was made by Michael Sullivan, 2nd by Heather Fischer authorizing President Steele to sign the COG leaf vacuum rental agreement and to pay the cost of (2) days rental at \$75 per day for the total amount of \$150.

I. Question from Jim Kenna, 507 Pennsylvania Avenue. Are all the leaves going to be picked up this year on all streets? President Steele replied that the leaves on Coffin Alley cannot be picked up because the leaf vacuum is too big to maneuver through the street.

Motion then carried: 5-0-0

b) Council needs to appoint an alternate COG representative. The COG meets the fourth Wednesday of the month at the Slate Belt Chamber Office. Mayor Prator stated that a representative does not have to be a council member. Mayor Prator attends all meetings. President Steele volunteered to be the alternate if Mayor Prator is unable to attend.

i. A motion was made by Heather Fischer, 2nd by Michael Sullivan appointing Stephanie Steele as the Alternate COG Representative. Motion carried: 5-0-0

c) The monthly meeting of the Slate Belt COG was held on September 26, 2018.

d) Mayor Prator announced that John Birmingham, Sr. resigned unexpectedly as the Executive Director of the Slate Belt COG. The COG is advertising for the open position. Salary is \$ 9,000 per year.

e) The COG has hired an ACO, Christine Cahill, effective September 18, 2018. Ms. Cahill is a Humane Police Officer in Lehigh Township. She may be sworn in by the end of the month.

f) Bangor Borough has decided to leave the COG membership. Mayor Prator commented that Bangor Borough may be able to sweep the Portland Borough streets, not through the GOG but maybe through an agility agreement. Mayor Prator will speak with the Bangor Borough Manager about the possibility, and asked Solicitor Gaul whether an intermunicipal agreement would be necessary? Solicitor Gaul replied that all that would be necessary is a work order, indicating a price, and the usual proof of insurance.

g) The Re-scheduled Planning Action Team meeting for the Slate Belt COG Comprehensive Plan will be held on Tuesday, November 13, 2018 at the Pen Argyl Community Center at 5:30 PM. Mayor Prator stated that the COG is looking for everybody and anybody to attend.

h) Portland Borough received a Northampton County Gaming Revenue & Economic Redevelopment Authority Grant in the amount of \$31,440. Deadline to spend the funds is May 30, 2019. Suggested uses:

- i. Whole building air conditioning for the municipal building.
- ii. Pave municipal building parking lot.
- iii. Request from Hubert McHugh to pave the top of Market Street.
- iv. Re-point portions of the bricks on the municipal building.
- v. Upgrade the municipal building playground.

Council must decide by December 31, 2018 to meet the deadline to spend the funds by May 30, 2019.

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Community Events/Recreation Board:

a) Trick or Treat will be held on Saturday October 27th from 4 to 6 PM followed by a costume contest and free refreshments at Refiner's Fire Ministry. The secretary has sent notices to the free papers with the day and time only.

i. Councilman Godshalk asked if there was a rain date. NONE was the reply.

b) Councilman Sullivan reported that he had numerous complaints from residents that the Borough Community Day was cancelled this year. Councilwoman Fisher replied, in her opinion, that the Slate Belt Bash Event and the Community Day Event would be held to close to each other. Plus, the Slate Belt Bash Event had much better activities for the children.

Police Report:

The September 2018 Police Report was provided in writing by Chief Mulligan: (The report is attached to these minutes)

Mayor's Report:

- Attended the 2018 Eastern PA Greenways and Trail Summit on October 1st and 2nd at the ArtsQuest Center at SteelStacks, Bethlehem PA.
- Attended the Lehigh Valley Gala and Awards sponsored by the LVPC on Wednesday, October 10, 2018 at DeSales University, Center Valley PA. Portland Borough received two Honorable Mentions from the Commonwealth of PA House of Representatives.
 - i. Multi-Municipal Honoree for the 4th of July Fireworks Show.
 - ii. Multi-Municipal Honoree for Slate Belt Regional Branding.
- Will be attending the Liberty-Water Gap Trail Alliance meeting at UMBT on Wednesday, October 24, 2018.
- Followed up on the information with File Bank management for Borough records. The cost is prohibitive.
- Attended the Northampton County Blight Seminar on October 22, 2018.
- The sewer committee meets the fourth Wednesday of every month.
- Eagle Scout, Tyler Loren Lee, Court of Honor was well attended. Mayor Prator presented a resolution from Borough Council.
- From the re-scheduled October 1, 2018 council meeting.
 - i. The Portland Borough Authority received another \$ 100,000 grant for the State Street water line relocation project from the Commonwealth Financing Authority's PA Small Water and Sewer Grant Program.
 - ii. Attended the September 24, 2018 meeting with Triad Associates concerning the downtown façade improvement grant.
- Attended the Congressional Forum on Economic Development on Thursday evening, October 18, 2018 at Coca-Cola Park in Allentown PA, hosted by the LVEDC.

Streets Department:

a) Councilman Godshalk was appointed to the street committee by President Steele. The committee can determine who should be the chair or all work together as long as everything is running smoothly.

b) Councilman Sullivan will be the liaison to the snow removal contractor.

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- i. Ms. Steele directed the secretary to ask for (2) separate estimates.

Budget, Finance, Insurance Committee & Cable TV Contract: Stephanie Steele

1. The budget committee has been meeting every Wednesday.
2. The 2019 proposed budget was presented with an increase of (3) mills for the Borough general fund budget and enacting a (2) mil separate fire tax. The committee recommends that the Liquid Fuels Allocations be earmarked to repair streets, not for snow removal expenses. The winter maintenance in the general fund budget has been increased to pay for snow removal.
3. The general fund budget has been "loaning" the sanitation fund \$ 10,000 for each of the past (3) years with no repayment from the sanitation fund. The committee recommends increasing the residential garbage collection to \$ 289 per year with a proposed 2% discount amount of \$ 283.22 per residential unit.
4. The committee is not recommending an increase in the sewer fund budget.
5. The committee would like to approve the proposed 2019 Budget at the next council meeting of November 5, 2018 so that the budget can be adopted by ordinance at the December 3, 2019 council meeting. The fire tax would be levied separately from the general real estate tax.
6. Ms. Steele stated that the WWTP Operators (4) year contract expires December 31, 2019. The committee will begin meeting with the operator.

Comments:

- a) Jim Kenna, 507 Pennsylvania Avenue, asked for an explanation of the increase to the sanitation budget. Ms. Steele replied because of the residential delinquencies.
- b) Police Officer Sam Domenico entered the meeting and reported that the police department needs a new breathalyzer. The police department is using their breathalyzer more often; it is outdated and has major issues. Officer Domenico stated that the cost would be approximately \$ 400 to \$ 600. President Steele replied that DA Morganelli is attending the November 5, 2018 council meeting and the police department could make a request of funds from Mr. Morganelli.

Ordinance Update Committee:

- None

Personnel, Policy & Procedure Committee:

- None

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

President Steele stated that Slate Belt Rising is holding their annual volunteer's recognition dinner at the Wind Gap Fire Company, Wind Gap PA. Invitations will be extended to council.

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Air Liquide/Voltaix Safety Committee:

Mayor Prator stated that Air Liquide/Voltaix held an open house at their new location, 1379 South Delaware Drive, Mount Bethel PA on October 19, 2018. It was well attended.

Liberty-Water Gap Trail Alliance:

Ms. Cindy Fish stated that the next meeting of the Alliance will be held on October 24, 2018 at the UMBT Municipal Building at 5:30 PM

Correspondence:

- a) Met Ed has installed smart meters at the WWTP and the Park & Ride Lot. Met Ed will also be installing the new meters at your home and business.
- b) Northampton County and Plainfield Township hosted an electronic recycling collection event on Saturday, October 6, 2018 at the Grand Central Landfill parking lot from 9 AM to 12 PM.
- c) Correspondence from the PA Humanities Council seeking a donation. No action taken.
- d) Correspondence from the 37th Wildlands Conservancy invitation to the Green Gala at DeSales University on Friday, November 16, 2018.

Secretary Announcements:

The secretary will be out of the office on November 6, 2018.

Old Business:

DA John Morganelli will be addressing Borough Council at the next meeting of November 5, 2018.

New Business:

- a) Ms. Nina Cerulli personally purchased two 2019 desk calendars for the police officer's desks since council would not approve calendars for them last year.
 - b) Ms. Heather Fischer submitted her resignation from Borough Council, effective October 22, 2018.
 - i. A motion was made by Bridget Kenna, 2nd by Michael Sullivan accepting the resignation, with regret, of Heather Fischer from the Portland Borough Council, effective October 22, 2018. Motion carried: 5-0-0
- Ms. Fischer left the meeting at 10:22 PM.

Executive Session:

A motion was made by Michael Sullivan, 2nd by Bridget Kenna to convene to executive session at 10:23 PM. Motion carried: 4-0-0

Discussion: personnel matters

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A motion was made by Michael Sullivan, 2nd by Bridget Kenna to reconvene from executive session at 10:34 PM. Motion carried: 4-0-0

Public Comment: Non-Agenda:

- None

Adjournment:

- The next meeting of the Portland Borough Council will be held on Monday, November 5, 2018 at 7 PM.
- A motion to adjourn the meeting at 10:36 PM was made by Michael Sullivan, 2nd by Bridget Kenna. Motion carried: 4-0-0

Respectfully Submitted by,

Carol A. Hummel

Carol A. Hummel, Secretary