

BOROUGH OF PORTLAND
COUNCIL MEETING DECEMBER 3, 2018

The Portland Borough Council Meeting of December 3, 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* Yvonne Gumaer* Brian Kardos* Michael Sullivan

- Councilman William Godshalk was absent.

Others Present:

1. Michael Gaul, Borough Solicitor
2. Lance Prator, Mayor
3. Carol Hummel, Borough Secretary
4. Members of the Public

Resolution 2018-15:

Resolution Approving the Final Budget, including General fund, Sewer Fund and Sanitation Fund, for the Borough of Portland for the Year 2019.

A motion was made by Bridget Kenna, 2nd by Yvonne Gumaer adopting Resolution 2018-15.

- i. There were no comments from Borough Council.
- ii. There was discussion and questions from Ms. Kay Bucci and Mr. Ronald Angle.

Kay Bucci, 104 Division Street, addressed Council regarding the increase in the tax millage for the year 2019. Ms. Bucci stated that the residents of Portland cannot afford another tax increase.

- President Steele explained that the previous year (2018) tax millage was increased by (2) mills with the Borough providing the equivalent of (1.3) mills in funding to the Portland Hook & Ladder Co. #1 to defray the costs of the new fire truck. Council will increase the fire tax millage to (2) mills and increase the General Budget by (3) mills for 2019.
- Ms. Steele further noted the cost of snow plow/cinder/removal, which is budgeted at \$55,000 for 2019. Ms. Bucci replied that \$55,000 is ridiculous; the Borough should buy a truck and teach the street department employees to plow.
- Councilman Sullivan stated that the Borough received only one snow removal bid. Ms. Bucci stated that Council should not have accepted the bid. Ms. Steele replied that the Borough would also have to purchase the snow plow/cinder/removal equipment.
- Councilman Sullivan stated that \$55,000 would not cover equipment, insurance, payroll, supplies. The contractor is now using a 50/50 mix of salt/cinders.
- Solicitor Gaul stated that Borough Council spent a lot of time with this contract the last several years. This is the best for this year.
- Ms. Bucci stated that since the Portland Hook & Ladder Co. #1 has a pick-up truck with a plow they could plow the snow.
- Ms. Bucci suggested a mutual agreement with Upper Mount Bethel Township (UMBT). Ms. Steele replied that UMBT does not have enough employees to take care of their own snow removal.

Ms. Bucci addressed Council concerning the Portland Police Department.

- Ms Bucci stated that the police department is patrolling in UMBT. Ms. Bucci stated that she read the article in the Allentown Morning Call.

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- Councilman Sullivan rebutted that comment stating that was the East Bangor police department patrolling.
- Mr. Sullivan stated to Ms. Bucci that her comments should be directed concerning the budget.
- Chief Robert Mulligan entered the meeting and stated that Ms. Bucci's comments are incorrect. Portland Borough is providing mutual aid coverage to UMBT, not taking calls for UMBT.
- Ms. Bucci replied that UMBT should be giving back to Portland.

Ronald Angle, UMBT resident and owner/landlord of numerous properties in Portland Borough.

- The Borough Council should receive an annual financial report from the Portland Hook & Ladder Fire Co. #1.
- Ms. Steele replied that the Borough does receive an annual report on calls and could receive an annual financial report upon request.
- Ms. Steele explained that Portland's fire company equipment is older; the volunteer numbers are down.
- Mr. Angle replied that the opinion of many is that the fire companies of UMBT and Portland have large amounts of money. They are not destitute.
- Mr. Angle stated that the residents of Portland cannot afford this tax increase. Mr. Angle asked Council to go back and review the proposed budget before passing it. Portland residents are struggling; this is not the time for a tax increase.
- Ms. Steele replied that previous Councils were "stingy". The Borough needs funding for infrastructure work.
- Mr. Angle replied about the maintenance of this monstrous building (old school municipal building). Mr. Angle stated that the Borough should take out a bond and build a new municipal building.
- Ms. Steele replied, "where will the Borough get the money to pay to construct a new municipal building".
- Mr. Angle complained about the cost of the snow plow/cinder/removal. Who is making the judgment call to plow? Councilman Sullivan replied that he and Councilman Godshalk make the call.
- Councilman Kardos stated that the residents suffer but not Ultra-Poly and Voltaix. These corporations' benefit from the Wastewater Treatment Plant.
- Ms. Steele stated the Ultra-Poly expansion should provide a sizable increase to the Portland budget.

The discussion ended and there were no more comments from the Council members present. The motion adopting Resolution 2018-15 carried 5-0-0.

Ordinance 2018-3:

A motion was made by Bridget Kenna, 2nd by Yvonne Gumaer adopting Ordinance 2018-3, "An Ordinance of the Borough of Portland, County of Northampton and Commonwealth of PA, Levying for the Fiscal year 2019, taxes on all Real Estate within the Borough for General Borough Purposes and Fire Prevention and Protection; Affixing the Tax Rates and Providing for Other Miscellaneous Matters". Motion carried 5-0-0.

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Resolution 2018-16:

A motion was made by Yvonne Gumaer, 2nd by Michael Sullivan adopting Resolution 2018-16, "Resolution Regarding Fees and Charges Related to the Borough's Collection and Disposal of Garbage from Private Residences in the Calendar Year 2019".

Discussion:

- President Steele reviewed the fees and charges of the sanitation fund. The per residential unit would increase to \$289 per year; if paid by March 31, 2019 a 2% discount would be realized; quarterly payments would be \$ 72.25; late fee of \$10; one and one-half percent finance charge.
- Ms. Steele stated that for numerous years the General Fund has been loaning the Sanitation Fund \$10,000 per year, but the Sanitation Fund has been unable to pay back the General Fund.
- Solicitor Gaul replied that the Sanitation Fund should be able to stand on its own.
- Ms. Steele reported the over (90) days outstanding balances total \$12,760.50. A civil complaint will be filed with the District Magistrate's office for those accounts outstanding in 2019.
- Solicitor Gaul read the property owner names and the current outstanding amounts.
- Ms. Bucci suggested posting the names and delinquent amounts in the Borough's monthly newsletter.
- Ms. Steele stated that we all live in the Borough and we all share the cost.

Back to discussion about the General Fund Proposed Budget:

- Ms. Cindy Fish, in the audience, rebutted Mr. Angle's comments alleging that the Portland Fire Department is sitting on a lot of money of their own; that young couples cannot afford this tax increase. Ms. Fish stated that young couples are protected by the fire company. The fire company is required to keep their equipment updated and updates are only good for a few years. That is why the fire company started actively fundraising.

The discussion ended and there were no more comments from the Council members present. Motion carried 4-0-1. (Councilman Kardos abstained)

Resolution 2018-17:

A motion was made by Michael Sullivan, 2nd by Yvonne Gumaer adopting "Resolution 2018-17, Approving Kirk, Summa & Co., LLC, Temporarily to the Office of Borough Auditor for Purposes of the 2018 Calendar Year Audit". Motion carried 5-0-0.

A motion was made by Michael Sullivan, 2nd by Bridget Kenna, authorizing President Steele to execute the Letter of Engagement between Kirk, Summa & Co., LLP and the Borough of Portland in the amount of \$4,000 for the 2018 audit. Motion carried 5-0-0.

Regular Meeting Schedule 2019:

A motion was made by Yvonne Gumaer, 2nd by Michael Sullivan authorizing the secretary to advertise the 2019 Regular Meeting Schedules in the Pocono Record. Motion carried 5-0-0.

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Borough Real Estate 2019 Tax Bills:

A motion was made by Yvonne Gumaer, 2nd by Bridget Kenna authorizing the secretary to order the 2019 Real Estate Tax Bills from Berkheimer Associates, as one tax bill, not broken down into the General Fund millage and the Fire Tax Fund millage.

Comment from Ronald Angle:

- Mr. Angle stated that Portland Borough property owners might not want to pay the Fire Tax millage. Solicitor Gaul replied that they must pay.

Motion then carried 5-0-0.

Action on Minutes:

A motion was made by Stephanie Steele, 2nd by Yvonne Gumaer approving the minutes of November 5, 2018, with the following correction.

- Page 8, under Action Taken from Executive Session.

The promotion of Police Officer Stephen Kiefer to Sergeant, within the Police Department, is contingent upon the current Borough Police Ordinance.

Motion carried 5-0-0.

Secretary/Treasurer's Report:

Carol Hummel

1. Bills Presented for Payment:

Borough Operations:	11,594.21
Sewer Operations:	17,302.24
Sanitation Operations:	4,840.81
Dunkin Dunkin Land Development Escrow	1,377.00
Ultra-Poly Escrow	961.50
Community Events	61.87
Portland Redevelopment Plan (SBR)	5,525.00
December Payroll & Taxes	9,000.00
December Sunoco Fleet Gas	<u>600.00</u>
	51,262.63

A motion was made by Michael Sullivan, 2nd by Yvonne Gumaer approving the bills as presented for payment in the amount of \$ 51,262.63. Motion carried 5-0-0.

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

WWTP Contractor Services:	2,440.00
WWTP Operations:	152.00
Streets – Excavate Swale at salt pile:	<u>850.00</u>
	3,442.00

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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 \$ 3,442.00. Motion carried 4-0-1 (Michael Sullivan abstained).

A motion was made by Yvonne Gumaer, 2nd by Michael Sullivan approving the budgeted allocation of \$ 250.00 to the Bangor Public Library. Motion carried 5-0-0.

- Ms. Steele read the 2018 outstanding Portland real estate taxes owed in the amount of \$ 26,473.69.

Letter of Interest for the Vacant Council Seat to fill the unexpired term of Heather Fischer:

Ralph Frasca, 110 Main Street, is a Portland homeowner and has been a resident of the Borough for more than one year,

- Occupation, Professor and Chair, Department of Communication, College of Saint Elizabeth, New Jersey. Education PhD., M, A., B. A.
- President Steele read the letter of interest to Council and the audience.
- The letter is attached to these minutes.
- Ms. Steele explained the process of an unexpired Council seat term per the request of Mr. Frasca.

A motion was made by Brian Kardos, 2nd by Michael Sullivan appointing Ralph Frasca to the unexpired Council term of Heather Fischer. Motion carried 5-0-0

- Mayor Prator administered the Oath of Office to Mr. Frasca.

Citizen's Agenda:

1. Ronald Angle: PO Box A, Portland PA, UMBT Resident, Portland property owner.

Mr. Angle's advice to Borough Council concerning the "old school", that is the present municipal building, is that the Borough should have constructed a new municipal building at the time it was given to the Borough by the Bangor Area School District (BASD). Mr. Angle cited the cost of maintenance. Solicitor Gaul stated that the BASD still has a remainder interest in this building. Ms. Steele replied that she knows the building is not efficient but there is no one on council at the present time who made the decision to use the "old school" as the municipal building. Ms. Bucci was asked by Solicitor Gaul to provide the history of the taking over of the "old school" since she was Mayor at that time. Ms. Bucci stated that renovations were completed to the "old school" in the late 1990's through a PA State Grant and additional funding was provided by the Borough. The building has now been in use for over (20) years. Ms. Bucci stated that there are grants available for upgrade.

Sewer Matters and Borough Engineers Report:

Mark Bahnick

- Mr. Bahnick was absent but provided a written report that is attached to these minutes.
- Ms. Steele read the engineer's report to Council and the audience.

Zoning Officer Report:

- Ms. Serfass was absent. No invoice or report was provided.

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- There was no follow-up by Ms. Serfass on Mike's Auto storing vehicles on the Kearney property on Main Street.
- Ms. Serfass' office, Keller Zoning and Inspection Services, did present a letter of interest to continue as the Borough's Zoning/Code Officer for 2019 at an hourly rate of \$ 61.50. President Steele stated that Keller Zoning and Inspection Services was appointed in 2018 for a (2) year term and questioned if the hourly rate was an increase. Solicitor Gaul replied that Ms. Serfass could ask for an increase of the firm's hourly rate. The secretary will investigate and place this on the January 2019 agenda for discussion.

UCC Building Inspectors Report:

- None

Zoning Hearing Board (ZHB):

- No hearings are scheduled at the present time.

Planning Commission:

A letter of resignation was received from Planning Commission member Michael Kovonuk effective January 1, 2019. A motion was made by Yvonne Gumaer, 2nd by Ralph Frasca accepting the resignation with regret. Motion carried: 6-0-0

Portland Borough Authority (PBA):

Lance Prator, Chairman

- There is a vacant seat on the PBA Board of Directors.
- There will be no increase in the water rates for 2019.
- State Street water relocation project info: A 75/25 grant from PennDot with 75% coming from Northampton County and 25% from the PBA. The PBA received grants of \$ 100K and \$ 50K.
- Five (5) years ago a request was received from the Mayor of Knowlton Township, NJ asking if it was feasible for the PBA to provide them with water service to Columbia NJ. Mr. Prator was contacted again today by the Mayor of Knowlton Township. The Columbia NJ wells are contaminated. Mr. Prator stated it is less expensive to connect to the PBA than it is to dig new water wells. Portland has the capacity.
- Ron Angle asked about the capacity at the WWTP. Mr. Angle stated that the UMBT Supervisors are discussing connecting the Middle Village – Route 611 Corridor to Portland's WWTP and that the line could go as far as Stone Church. UMBT is currently updating their Act 537 Plan. Mayor Prator replied that the wells in Middle Village are polluted with fecal matter. Mr. Angle verified that.
- Kay Bucci asked the status of the water relocation project of the State Street – Jacoby Creek Bridge. Mayor Prator replied the project is still in the design stages. President Steele stated that the project has been pushed back to 2021.

Legal:

- None

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Subdivision and Land Development:

- None

Community Development, Slate Belt COG & Grants:

1. The Slate Belt COG met Wednesday, November 28, 2018.
2. USDA Rural Development, a federal government agency, whose mission is to improve the quality of life in rural America through the financing of various projects serving populations under 20,000. Loan and grant programs are available for communities.
3. A decision should be made tonight on where to spend the monies of the Northampton County Gaming Revenue & Economic Development Authority Grant. The balance in the bank account is the original deposit of \$ 34,440.

i. President Steele reported on the problem with the ventless propane heaters for the offices of the municipal building. Ms. Steele engaged Super Heat, Inc. to evaluate the heaters of the police station, council room and the Borough Office. Super Heat stated that the unvented heaters are not designed for rooms where they are occupied all day long; the ventless heaters eat up all the oxygen in the room. An incident occurred in November when a heater in the council room shut itself off and the building was filled with the smell of gas. Research found that three of the heaters were installed sometime in the early 1990's when this building was renovated for use. The heaters are unsafe.

ii. Quotes: 50,000 BTU Unit at \$ 3,250 each installed; 40,000 BTU Unit at \$ 3,020 each installed.

iii. Ms. Stelle suggested that a portion of the gaming grant monies be used to purchase (3) new heaters.

A motion was made Yvonne Gumaer, 2nd by Michael Sullivan authorizing using a portion of the Northampton County Gaming Revenue & Economic Development Authority Grant monies to purchase (3) vented propane heaters, 50,000 BTU at \$ 3,250 each installed, with the cost not to exceed \$ 10,000. Motion carried 6-0-0

iv. Councilman Sullivan suggested re-pointing portions of the bricks of the municipal building and/or repair of the handicap ramp of the municipal building. Mr. Sullivan was asked by President Steele to get estimates.

v. Councilwoman Gumaer suggested repairs to the municipal building or the repaving of the municipal building parking lot.

vi. Playground mulch was suggested.

Community Events/Recreation Board:

1. Councilwoman Gumaer reported that the Christmas Tree Lighting Event was a huge success. There were a lot of positive comments concerning the Christmas display at the Park & Walk Lot.

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2. Ms. Gumaer reported the income for the Halloween Trick or Treat Event and the Christmas Tree Lighting Event was \$ 68 each.

3. The Cookies, Cocoa & Karaoke Event will be held on Saturday, December 15, from 6:30 to 8:30 PM at Refiner's Fire Ministry.

Police Report:

The November 2018 Police Report was provided in writing by Chief Mulligan:

1. The report is attached to these minutes.

2. The Northampton County District Attorney, John Morganelli, was present and spoke at the November 5, 2018 Council Meeting. During that meeting Police Chief Mulligan presented a letter to DA Morganelli asking for funds for the purchase of a new breathalyzer and a body camera. Chief Mulligan reported that the police department received a \$ 1,500 check from DA Morganelli's drug seizure monies for the above purchase. The Boroughs of East Bangor and Roseto also received funds.

Mayor's Report:

- The Hazard Mitigation Plan is ongoing until October 31, 2019.
- The LVPC General Assembly met October 13, 2018. Well attended with (35) people. Northampton County has monies available for blight reversal and remediation plans. The County is looking to rehab properties and plan to come to the Slate Belt.
- LVEDC Education & Talent Supply Report. The biggest job market in the next five years will be for CDL truck drivers.
- LVEDC is looking at parts of UMBT for development especially the Portland Industrial Park (PIP).

Streets Department:

1. The leaf vacuum pick-up was accomplished in one day.

2. No estimates were received for the repairs of Crestmont, First Street and Delaware Avenue. The contractor had some suggestions and Councilman Sullivan passed them onto Councilman Bill Godshalk.

3. No update, estimates for the repair of the small police garage in the municipal parking lot.

4. There was a complaint from Ms. Kay Bucci, 112 Main Street, concerning the snow plow removal contractor digging up a portion of her yard when snow plowing (corner of Coffin Alley and Main Street). Bob Shaw, street department maintenance, took care of fixing the problem per the direction of Councilman Godshalk. Mr. Sullivan spoke with the snow plow contractor concerning the problem.

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Sanitation:

1. The secretary was directed to invite Tom Stang, Public Sector Solution Manager, to the January 7, 2019 Council Meeting for the discussion of various issues concerning sanitation collection.
2. A motion was made by Yvonne Gumaer, 2nd by Michael Sullivan authorizing the re-payment of a \$ 5,000 loan given to the Garbage Account from the Real Estate Tax Account from October 20, 2015. Motion carried 6-0-0.

Building Committee:

1. There was no interest from R. J. Hoffman to give an estimate for the repair of the second-floor ceiling lights in the municipal building. Bob Shaw, maintenance man, contacted Barry Hoffman Co., Allentown PA, for an estimate.
2. The Streetscape Lamps on Delaware Avenue are blinking on-off. Bob Shaw will ask Barry Hoffman Co. to evaluate the problem for (2) lamps that may need repair.

Budget, Finance, Insurance, & Cable TV Contract:

1. President Steele is meeting with Tim Bacak of Brown & Brown Insurance to review the insurance renewal package for the term 01-19-2019 to 01-19-2020.
2. CD # 401113927 matures on December 26, 2018 in the amount of \$ 21,995.55. The secretary would like Council to approve cashing in the CD and opening a public funds checking account to be kept for back-up until the Real Estate Tax monies start to come in, in March 2019. The secretary explained that there are a number of large bills coming due in January, February and March.
 - i. Ms. Gumaer questioned the use of the CD monies. The secretary replied that there are large bills coming due January, February and March, i.e., insurance premiums in January, the police car annual payment in February and the Fire Company truck payment in March. Ms. Hummel stated that she would like to have that money available if the Borough runs short of funds in the Real Estate Tax Account. Today's balance in the account is \$ 65,433. Ms. Gumaer asked if only a portion of the CD funds are used. Ms. Steele stated that if a portion or none is used the funds can be deposited back into a CD.

A motion was made by Michael Sullivan, 2nd by Yvonne Gumaer authorizing the secretary to cash in CD # 401113927 and open a public funds checking account to be kept for back-up until the Real Estate Tax monies start to come in, in March 2019. Motion carried 6-0-0.

Ordinance Update Committee:

- None

Council Policy & Procedure Committee:

- None

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

- President Steele reported that SBRC had their first annual meeting.
- Volunteer of the Year was held in November.
- There will be no meeting in December 2018.
- A cocktail party will be held on Thursday, December 13, 2018, at 6 PM.

Liberty-Water Gap Trail Alliance: Cindy Fish

- Ms. Fish reported that no meeting will be held in December 2018.
- A workshop meeting will be held January 9, 2019.
- If anyone has any pictures for the Liberty-Water Gap Trail Alliance website, please send to Ms. Fish.
- The Liberty-Water Gap Trail Alliance public meeting is scheduled for January 16, 2019 at the Delaware Water Gap (DWG) municipal building at 5:30 PM.

Correspondence:

Correspondence concerning insurance proposals from various insurance companies was forwarded onto the Budget/Finance Committee.

Secretary's Announcements:

The secretary will be out of the office on Monday, December 10, 2018.

Old Business:

- None

New Business:

1. Jim Kenna, 507 PA Avenue, asked Council about vehicles that are parked on the Kearney property by Mike's Auto across from the Mike's Auto business on Main Street. President Steele stated that she would follow up with the Zoning Officer, Ms. Serfass.

- i. Mr. Ron Angle commented that the Mike's Auto property is the most disgraceful property in Portland. Mr. Angle commented about the Mike's Auto dogs that run loose.
- ii. Ms. Steele stated that Warren Kearney allows Mike's Auto to park vehicles on his property but not junk cars.
- iii. Solicitor Gaul replied that Council has addressed the vehicle issue with Mr. Kearney and Ms. Serfass numerous times.

2. Ms. Bucci questioned the "Jurassic" style wall that was proposed for Route 80 in Knowlton Township NJ. Mayor Prator replied that no one wanted the wall. The Slate Belt is also opposed.

Executive Session:

- None

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Public Comment, Non-Agenda:

None

Adjourn:

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

A motion was made by Michael Sullivan, 2nd by Brian Kardos to adjourn the meeting at 9:16 PM.
Motion carried: 6-0-0.

Respectfully Submitted by,

Carol A. Hummel

Carol A. Hummel, Secretary