

BOROUGH OF PORTLAND  
COUNCIL MEETING DECEMBER 9, 2019

The Portland Borough Council Meeting of December 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\* Ralph Frasca\* Kay Bucci\* Yvonne Gumaer\* William Godshalk\*

- Michael Sullivan was absent.

Others Present:

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

Resolution 2019 -13:

A motion was made by Kay Bucci, 2<sup>nd</sup> by William Godshalk adopting Resolution 2019-13, "A Resolution Approving the Final Budget, including General Fund, Sewer Fund and Sanitation Fund. For the Borough of Portland for the Year 2020". Motion carried: 6-0-0

Ordinance 2019-2:

A motion was made by Bridget Kenna, 2<sup>nd</sup> by Kay Bucci adopting Ordinance 2019-2, "An Ordinance of the Borough of Portland, County of Northampton and Commonwealth of PA Levying for the Fiscal Year 2020 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".

Question: Councilwoman Bucci asked Ms. Steele to state to the audience that the real estate taxes are not increasing for 2020. President Steele replied that the 2020 taxes are status quo.

Motion carried: 6-0-0

Resolution 2019 -14:

A motion was made by Bridget Kenna. 2<sup>nd</sup> by Yvonne Gumaer adopting Resolution 2019-14, "A Resolution Regarding Fees and Charges Related to the Borough's Collection and Disposal of Garbage from Private Residences in the Calendar Year 2020". Motion Carried: 6-0-0

Resolution 2019 -15:

a) A motion was made by Kay Bucci, 2<sup>nd</sup> by Ralph Frasca adopting Resolution 2019-15 "A Resolution Approving Kirk, Summa & Co., LLP, Temporarily to the Office of Borough Auditor for Purposes of the 2019 Calendar Year Audit". Motion carried: 6-0-0

BOROUGH OF PORTLAND  
COUNCIL MEETING DECEMBER 9, 2019

b) A motion was made by Yvonne Gumaer, 2<sup>nd</sup> by William Godshalk authorizing President Steele to execute the Letter of Engagement between Kirk, Summa & Co., LLP and the Borough of Portland for the 2019 Audit.” Motion carried: 6-0-0

- Councilman Michael Sullivan entered the meeting at 7:10 PM.

Notice of 2020 Meeting Schedule:

A motion was made by Yvonne Gumaer, 2<sup>nd</sup> by Bridget Kenna authorizing the secretary to advertise the Notice of the 2020 Regular Meeting Schedule for the Borough of Portland in the Pocono Record. Motion carried: 7-0-0

Real Estate Tax Bills:

A motion was made by Yvonne Gumaer, 2<sup>nd</sup> by Bridget Kenna authorizing the secretary to order the 2020 Borough Real Estate Tax Bills from Berkheimer Associates. Motion carried: 7-0-0

Resolution 2019 -16:

a) A motion was made by Michael Sullivan, 2<sup>nd</sup> by Yvonne Gumaer adopting Resolution 2019-16, “Resolution Establishing Borough Health License/Inspection Fees”. Motion carried: 7-0-0

b) A motion was made by Yvonne Gumaer, 2<sup>nd</sup> by Michael Sullivan approving the health officer’s compensation at the rate of \$ 75 per application/inspection, and \$ 25 per hour for services not involving an inspection. Motion carried: 7-0-0

Creditech Resolutions:

Per Solicitor Gaul the Creditech resolutions are not ready for adoption.

Resolution 2019 -17:

A motion was made by Yvonne Gumaer, 2<sup>nd</sup> by Michael Sullivan adopting Resolution 2019-17, “Establishing New Permit Fees Under the Building Code”. Motion carried: 7-0-0

- i. The fee schedule is attached and is effective January 1, 2020.

Action on Minutes:

A motion was made by Yvonne Gumaer, 2<sup>nd</sup> by Bridget Kenna approving the minutes of November 4, 2019 as presented: Motion carried 7-0-0

Secretary/Treasurer’s Report: Carol Hummel

1. Bills Presented for Payment:

Borough Operations:	10,763.33
Sewer Operations:	12,108.38
Garbage Operations:	5,368.56
Ultra-Poly Improvement Escrow	1, 446.00
Ultra-Poly Escrow Account	54.00

BOROUGH OF PORTLAND  
COUNCIL MEETING DECEMBER 9, 2019

December Payroll & Taxes	6,500.00
December Sunoco Fleet Gas	<u>300.00</u>
<b>TOTAL</b>	<b>35,540.27</b>

A motion was made by Yvonne Gumaer, 2<sup>nd</sup> by Kay Bucci approving the bills as presented in the amount of \$ 35,540.27. Motion carried 7-0-0

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

WWTP Contractor monthly services:	2,520.00
Other maintenance:	<u>4,263.00</u>
<b>TOTAL</b>	<b>6,783.00</b>

A motion was made by Kay Bucci 2<sup>nd</sup> by Yvonne Gumaer approving the bills as presented for payment to Portland Contractors, Inc. in the amount of \$ 6,783.00. Motion carried 5-0-2 (Michael Sullivan and William Godshalk abstained).

3. A motion was made by Yvonne Gumaer, 2<sup>nd</sup> by William Godshalk authorizing the annual 2019 budgeted allocation of \$ 250 to the Bangor Public Library. Motion carried: 7-0-0

4. Escrow Accounts Closed per Solicitor Gaul and President Steele:

A motion was made by Kay Bucci, 2<sup>nd</sup> by Michael Sullivan approving the closing of the following escrow account:

- Voltaix LLC HOP Escrow Account.

Motion carried: 7-0-0

5. CD No. 40111360:

CD 40111360 matures on 12-24-2019 for (13) months, in the amount of \$ 20,630.59, at .50%. The secretary asked Merchants Bank for a better rate.

A motion was made by Ralph Frasca, 2<sup>nd</sup> by Yvonne Gumaer authorizing the CD to be moved to a (14) month term at 1.34 rate, 1.35 APY. Motion carried: 7-0-0

Public Comment:

a) Sharoll Lilly Managing Partner of the Slate Belt COG

Ms. Lilly was absent. Mayor Prator led the discussion concerning the COG's request that Portland Borough consider being the host municipality for a grant application of \$ 240,000 for the purchase of a street sweeper. Mayor Prator stated that the COG would be the administrator for the grant.

Discussion:

- President Steele's concern has been that being the host municipality would affect the Borough applying for grants. Ms. Steele spoke with several Northampton County

BOROUGH OF PORTLAND  
COUNCIL MEETING DECEMBER 9, 2019

Officials and was told NO, it would not affect the Borough, only if the Borough was applying for the same grant.

- Mayor Prator stated that currently the Borough is exempt from MS-4 requirements but that will eventually change, and Portland will be required to clean their streets several times a year in order to keep debris from entering the Delaware River. The grant is comprised from LSA funds, one-half from Monroe County and one-half from Northampton-Lehigh Counties.
- Ms. Bucci asked, "what does LSA stand for?" Mayor Prator replied Local Share Account, gambling revenue funds.
- Ms. Steele asked if the Borough would have to adopt a resolution. Solicitor Gaul stated that often the granting agency would want to see a resolution authorizing the application for the grant.
- Ms. Bucci wanted to know why other municipalities of the COG are not participating. Mayor Prator replied that Bangor Borough and Washington Township have left the GOG. There are things going on with the COG that other members don't like.
- Ms. Steele stated her concerns were not answered, thus Plainfield Township stepped up to the plate and hosted the previous COG grant application. Ms. Bucci commented on how the LSA funds are distributed and stated that she was skeptical that Portland wouldn't be penalized.

A motion was made by Yvonne Gumaer, 2<sup>nd</sup> by William Godshalk authorizing Portland Borough to accept the position of host municipality for the Slate Belt COG grant application. The vote was 3-3-1 with Councilman Frasca abstaining.

Ms. Steele stated that Mayor Prator would have to break the tie which puts him in an uncomfortable position as chairman of the COG.

Question: Ms. Bucci asked Mr. Frasca the reason for his abstention. Mr. Frasca replied that he did not want to vote YES but would prefer to delay the vote hoping that Ms. Lilly would appear at the meeting. Solicitor Gaul advised Mr. Frasca that he could vote NO; if Ms. Lilly does appear the issue can be revisited for discussion. Ms. Steele called for the vote individually.

(3) YES: Gumaer, Sullivan, Godshalk  
(4) NO: Bucci, Frasca, Steele, Kenna

Motion Failed: 3-4-0

b) 111 Main Street: : Steve Becker

Mr. Becker was absent but sent a letter requesting Council to revisit the late sewer fees decision on his property. No action taken.

c) Peter Layman, Esquire: Ultra-Poly Corp:

- A motion was made by Yvonne Gumaer, 2<sup>nd</sup> by Bridget Kenna to convene to executive session at 7:36 PM. Motion carried: 7-0-0

Discussion: Legal advice from Solicitor Gaul.

BOROUGH OF PORTLAND  
COUNCIL MEETING DECEMBER 9, 2019

- A motion was made by Michael Sullivan, 2<sup>nd</sup> by Yvonne Gumaer to reconvene from executive session at 7:56 PM. Motion carried: 7-0-0

The sewer committee, with Council members Stephanie Steele and Bridget Kenna attending, met with the officials of Ultra-Poly concerning the brown foam that has been entering the sewer system from their facility. The sewer committee is working with Ultra-Poly officials to resolve the issue. Borough Engineer, Mark Bahnick, invited the Ultra-Poly officials to the next sewer committee meeting to be held on Wednesday, December 11, 2019 in Borough Council Chambers. Mr. David LaFiura stated that he has another commitment scheduled but could briefly attend if the committee would meet at Ultra-Poly at noon.

- i. Solicitor Gaul stated that he is in the process of identifying all outstanding costs associated with the brown foam at the WWTP.

Sewer Shut-Off Notices:

- None

Sewer Matters and Borough Engineers Report:

a) The WWTP Operator's Agreement was reviewed by Solicitor Gaul for Council's approval and signature by President Steele.

A motion was made by Yvonne Gumaer, 2<sup>nd</sup> by Bridget Kenna approving the WWTP Operators Contract for the term of (4) years, January 1, 2020 – December 31, 2023. Motion carried: 5-0-2 (Michael Sullivan and William Godshalk abstained)

Scheduled Payments:

January – December 2020	\$ 2,590 monthly
January – December 2021	\$ 2,660 monthly
January – December 2022	\$ 2,730 monthly
January – December 2023	\$ 2,800 monthly

b) Mr. Bahnick's Report:

- UMBT is requesting a letter of intent to provide sewer service to portions of UMBT.
- Mr. Bahnick and the WWTP Operator, Craig LaBarre will meet with the DEP staff on January 10, 2020 to discuss the request. The DRBC will also provide a representative at the meeting.
- They have been working with WWTP equipment vendors to develop scope and cost estimates for expansion of the plant.
- The WWTP was adversely impacted this month due to a discharge from Ultra-Poly Corp.
- Site development activities are underway at the construction of the Ultra-Poly Building Number two expansion.
- Dunkin Donuts is still working on their punch list to close out site improvements.

Zoning/Codes Official:

Tina Serfass, Keller Zoning & Inspection Services

- None

BOROUGH OF PORTLAND  
COUNCIL MEETING DECEMBER 9, 2019

UCC Building Code Inspectors Report: Tina Serfass: Keller Zoning & Inspection Services

- None

Zoning Hearing Board (ZHB):

- No hearings are scheduled at the present time.

Planning Commission:

- None

Portland Borough Authority (PBA): Lance Prator, Chairman

a) Mayor Prator reported on the SR 1032 Bridge Replacement over the Jacoby Creek on State Street. The PBA has received reimbursement from PennDot.

b) Solicitor Gaul asked the status of the project. President Steele replied that the tentative schedule for work to begin and end is April 14, 2020 to April 14, 2021.

Legal:

- None

Subdivision and Land Development:

- None

Community Development, COG & Grants:

a) The Slate Belt COG met, Wednesday, November 20, 2019. There will be no meeting in December.

b) The COG received a CIPP Grant, in the amount of \$ 1,457, for a sewer jetter and a hot air lance.

c) Councilwoman Bucci stated that the Lehigh Valley Co-Op Purchasing Council is taking bids for playground mulch. Ms. Bucci suggested that Council respond.

Comments:

- i. Mayor Prator stated that the Borough would receive the same pricing from Co-Stars.
- ii. Councilman Sullivan stated that Council should consider that there is more than placing an order for mulch. Three or four inches of existing mulch would have to be removed; the Borough would need transportation for it to be delivered; where would the Borough store it; we do not need mulch at this time; there is no need to rush into a purchase if the cost stays stagnant.
- iii. Ms. Bucci replied that the project needs to be done. President Steele stated that approximately (5) years ago the Borough received a quote from Green Pond Nursery in the amount of \$ 5,000. Ms. Steele agreed with Ms. Bucci that the project does needs to be done. Mr. Sullivan replied that the project should be

BOROUGH OF PORTLAND  
COUNCIL MEETING DECEMBER 9, 2019

contracted out. Councilman Godshalk stated that the Borough should project to March 2020. Ms. Bucci replied that this is the perfect activity for grant funding.

d) Ms. Bucci commented on the condition of the Borough Christmas Lights and stated that they looked awful. Mr. Sullivan replied that the lights are not awful but do need attention. President Steele stated that she had previously done research and the lights could be re-strung. Commercial grade tinsel and lights are available for purchase. More discussion in the new year about this.

Community Events/Recreation Board:

a) The annual Christmas Tree lighting ceremony was held on Sunday, December 1, 2019 on the railroad station property of Jim & Stephanie Steele. Ms. Gumaer stated that due to inclement weather this was the fastest ceremony held to date.

b) Cookies, Cocoa & Holiday Karaoke will be held on Friday, December 20, 2019 at Refiner's Fire Ministry from 6 to 8 PM. Donations of Christmas cookies will be accepted.

Police Report:

- The police report was provided in writing by Chief Mulligan.
- Chief Mulligan has secured \$ 15,500 in donations towards the purchase of a 2020 Ford Explorer police vehicle. Monies are available from the 2019 Budget for the down payment since the police budget is under budget by \$ 15,000. Co-Stars pricing is available from the dealer, Koch 33 Ford in Easton PA. The commercial loan would be the same amount as the previous (5) year loan.

A motion was made by Michael Sullivan, 2<sup>nd</sup> by Yvonne Gumaer authorizing President Steele to inform Koch 33 Ford that the Borough is moving forward to purchase the 2020 Ford Explorer, in the amount of \$ 33,665, with extras including lights, cage, etc. (\$ 9,905); camera (\$ 2,903), and graphics (\$ 600); authorizing the President of Council to request that Koch 33 prepare and send a Retail Purchase Agreement, subject to pricing from Co-Stars, with the actual resolution and final approvals to be voted on at the January 6, 2020 re-organizational meeting. Motion carried: 7-0-0

A motion was made by Yvonne Gumaer, 2<sup>nd</sup> by Michael Sullivan authorizing President Steele to make application to Merchants Bank for a commercial loan to finance the purchase of a 2020 Ford Explorer police vehicle, with the final terms of the loan to be approved and executed at the January 6, 2020 organizational meeting.

Question: Councilman Frasca questioned the interest rate. Ms. Steele replied by explaining the loan and payment plan to Mr. Frasca.

Motion then carried: 7-0-0

- Mayor Prator stated that an additional police officer should be hired in January 2020.

BOROUGH OF PORTLAND  
COUNCIL MEETING DECEMBER 9, 2019

Mayor's Report:

- Discussed the National Park Service (NPS) about NPS beginning to charge fees for parking.
- One of the top three National Park visitations in the USA.
- The Liberty-Water Gap Trail is part of the link of all the US trails.

Other:

a) Council member, Bridget Kenna, who is attending her final meeting was recognized. Ms. Kenna stated that she spent (40) years in service to the Borough ending on a positive note; (30) years as an EMT with the Portland Ambulance Service and (10) years with Borough Council.

b) Councilwoman Bucci questioned the election of former Councilman Brian Kardos. What happens if he doesn't show up for swearing in of his Council seat. Solicitor Gaul replied that he would research for the re-organizational meeting.

Streets Department: William Godshalk

1. One estimate was received for the repair of the drain box at 600 Pennsylvania Avenue, Charlie Nansteel Tree & Excavating LLC, Bangor PA, in the amount of \$ 5,490. The previous motion made at the October 7, 2019 Council meeting was the cost not to exceed \$ 4,000.

After discussion by Council, a motion was made by Yvonne Gumaer, 2<sup>nd</sup> by Michael Sullivan approving the proposal of Charlie Nansteel Tree & Excavating LLC to repair the drain box at the corner of Pennsylvania Avenue and Market Street in the amount of \$ 5.490. Motion carried: 7-0-0

- i. Councilman Godshalk will contact Mr. Nansteel.

2. Because of a winter snow event on December 2 and 3, 2019, the scheduled curbside leaf pick-up was cancelled. Ultra-Poly will be contacted to re-schedule the truck and driver; the Borough will need another laborer to help the maintenance man, Fred Farleigh. Ms. Steele stated that a former employee is available; she will make the contact.

3. Ms. Steele reported that the snow-ice removal contractor, Lohman's Lawn Care & Landscaping, LLC, has provided the Borough with a certificate of insurance, per the Borough contract. Because Mr. Lohman is plowing public streets his insurance company has refused to insure him long term; the insurance company has extended the insurance certificate for another (62) days while Mr. Lohman is applying for other insurance. The insurance issue is the activity on the policy not the amount of coverage.

Sanitation:

- None

Building Committee:

- None



BOROUGH OF PORTLAND  
COUNCIL MEETING DECEMBER 9, 2019

Budget, Finance, Insurance, & Cable TV Contract:

The Borough's insurance coverage policy expires on January 19, 2020. The secretary was directed to contact the representative Tim Bacak of Brown & Brown of the Lehigh Valley.

Ordinance Update Committee:

- None

Personnel, Policy & Procedure Committee:

- None

Air Liquide Advanced Materials Safety Committee:

- None

Slate Belt Rising:

- A Christmas gathering will take the place of a December meeting.

Liberty-Water Gap Trail Alliance:

- The Liberty-Water Gap Trail Alliance met on November 20, 2019 at the DW Gap Municipal Building.
- The Alliance is asking that representatives from Portland Borough confirm their availability to serve for the year 2020.
- Mayor Prator stated that not one person from UMBT has attended a meeting since the former township manager left their employ.
- Mayor Prator praised vice chair Cindy Fish who takes her position with the Alliance very seriously.

Correspondence:

- The Slate Belt Heritage Center is asking for a donation. No action taken.
- Alan Jennings, CACLV, is asking for a donation. No action taken.
- A letter of interest was received from ACELA, a municipal engineering & architect firm from Allentown, PA, for the position of municipal engineer, architect, and/or MS-4 consultant. No action taken.

Secretary's Announcements:

- None

BOROUGH OF PORTLAND  
COUNCIL MEETING DECEMBER 9, 2019

Old Business:

1. Creditech Collection Agency:

The commission paid to Creditech was discussed and explained by Solicitor Gaul. President Steele reported that Creditech stated to her that the commission rate charged to Portland would be between 18 and 20 percent. Solicitor Gaul replied that Council decides the commission rate. Mayor Prator stated that the rate should be higher than 18 per cent.

A motion was made by Michael Sullivan, 2<sup>nd</sup> by Yvonne Gumaer approving the commission rate of 18 per cent, paid by Portland Borough to Creditech, for the collection of delinquent sewer and garbage accounts. Motion carried: 7-0-0

2. Mike's Auto:

It was questioned whether Mke's Auto was servicing any vehicles at the Northampton Street location since the collapse of the building's roof. Ms. Steele replied NO. Solicitor Gaul stated that his understanding, under the prior zoning decisions, is that vehicles can only be towed to the location for service there, and that an independent towing business would not be allowed. As a result, he expects that towing should not be occurring if the service station is not open.

New Business:

General Election of November 5, 2019:

Councilwoman Bucci stated that there should not be any vacancies on Borough Council with all the write-in votes. There were (6) seats open. Ms. Bucci stated she was elected by write-in votes and a drawing was held at the election board to break the tie. Michael Sullivan and Ralph Frasca each received write-in votes for Council.

Executive Session:

A motion was made by Yvonne Gumaer 2<sup>nd</sup> by Michael Sullivan to convene to executive session at 9:27 PM. Motion carried: 7-0-0

Discussion: legal advice to Council from Solicitor Gaul.

A motion was made by Michael Sullivan, 2<sup>nd</sup> by Yvonne Gumaer to reconvene from executive session at 9:35 PM. Motion carried: 7-0-0

Action taken:

- None

Public Comment, Non-Agenda:

Michael Sullivan stated that this is his last Council meeting and thanked everyone for the opportunity to serve these past (2) years.

The Re-Organizational Council Meeting will be held on Monday, January 6, 2020 at 7:00 PM.

BOROUGH OF PORTLAND  
COUNCIL MEETING DECEMBER 9, 2019

Adjourn:

A motion was made by Michael Sullivan, 2<sup>nd</sup> by Yvonne Gumaer to adjourn the meeting at 9:36 PM. Motion carried 7-0-0.

Respectfully Submitted,

Carol A. Hummel, Secretary