

BOROUGH OF PORTLAND
COUNCIL MEETING MAY 4, 2020

The Portland Borough Council Meeting of May 4, 2020 was called to order at 7:00 PM by Stephanie Steele, President of Borough Council.

The meeting was held via video and audio advanced communication technology ("ACT"), using ZOOM internet communication, due to the national COVID-19 Pandemic emergency. Each Council member and other attendees of the meeting were able to hear each other attendee and be heard by each other attendee. The public could also participate in the meeting via ACT, using the ZOOM internet application.

Council Members Present for Call to Order:

Stephanie Steele* Kay Bucci* Bridget Kenna* William Godshalk* Robert Ivancich*

- Council members Yvonne Gumaer and Erin Long were absent.

Others Present:

1. Michael Gaul, Solicitor
2. Lance Prator, Mayor
3. Mark Bahnick, Borough Engineer
4. Carol Hummel, Borough Secretary
5. Members of the Public
Hubert McHugh, James Potter, Steve Becker, Cindy Fish, Samsung Galaxy 908-319-9758

Resolution 2020-4:

A Resolution of the Borough of Portland, County of Northampton, and Commonwealth of PA, requesting an Environmental Impact Statement (EIS) for the Route 80 Rockfall Mitigation Project in Knowlton and Hardwick Townships.

Discussion: Councilman Godshalk stated that he did not understand why the Borough was becoming so involved in the project. President Steele replied that Portland is staying actively involved because Portland will be a part of the self-detouring from New Jersey through the Boroughs of Delaware Water Gap and Portland.

Ms. Steele asked if the project was slated for (2) years of construction; Mayor Prator replied that it will be a (4) year project.

Councilwoman Bucci replied it is part of the Wild & Scenic River Designation of protected waters. The Delaware River corridor encompasses one-quarter mile on each side of the river.

Mr. Godshalk stated that a lot of the problems start with PennDOT; that they do not do any maintenance on Route 611 through Portland into Delaware Water Gap. PennDot should be contacted to get Route 611 in number one shape before construction begins in New Jersey. Mayor Prator replied that PennDot is aware of this concern.

- i. the National Park Service is also involved
- ii. the project will most likely be pushed back.

Ms. Bucci replied that the public does not want this project to move forward; the main reason is that the Delaware Water Gap Park Service has millions of visitors a year and this will spoil that. The purpose of this resolution is to let the agency's copied on this resolution know that we do not want this project to happen.

A motion was made by Kay Bucci to adopt Resolution 2020-4.

- i. Mr. Godshalk stated that our elected legislators should be contacted because (4) years is a long time. President Steele replied that our legislators are actively involved.

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Bridget Kenna 2nd the motion.

President Steele asked if there were any other comments from Council; none.

President Steele asked if there were any public comments from the audience; none.

Roll call of votes,

YES: Steele, B. Kenna, K. Bucci, R. Ivancich

Abstain: Godshalk

Motion Carried 4-0-1

Resolution 2020-5:

A Resolution to Implement Act 15 of 2020's Property Tax Relief Provisions.

Councilwoman Bucci stated that she was not in favor of the real estate tax discount period extending through to August 31, 2020.

Discussion: Ms. Steele explained, with respect to the COVID-19 pandemic, that Act 15 concerns property tax relief and is also limited to the COVID-19 emergency. For property taxes due by December 31, 2020, a municipal taxing district has the option to collect the tax at the prescribed discount rate through August 31, 2020, or to extend the base period with no fees or penalty if payment is made in full by December 31, 2020. Such action would require the adoption of a resolution.

Councilwoman Kenna stated that she also was not in favor of the real estate tax discount period extending through to August 31, 2020.

Ms. Steele commented, in her opinion, it is not fair to those taxpayers that paid their discounted tax bill by April 1st to change the discount period to August 31st. Ms. Steele stated she is not super in favor of extending the base period to December 31st because of working with the budget every year. Usually the garbage account asks for a loan from the general fund and she does not want the Borough to be short of funds.

Ms Bucci asked when does the penalty phase begin. Ms. Hummel replied June 2nd until December 31st. Ms. Bucci stated that the base amount could be extended for a few more months.

Mayor Prator stated those who pay the discount will pay their bills whether COVID-19 is around or not.

Councilman Godshalk stated that he was in favor of extending the discount period through to August 31st and the base amount to December 31st.

A motion was made by Kay Bucci, 2nd by Bridget Kenna adopting Resolution 2020-5 with revision, extending the real estate base tax period to August 31, 2020, with no extension of the discount period.

William Godshalk stated that is not fair because of the discount period. Ms. Steele replied that the tax bills were mailed in January well before the COVID-19 situation and that taxpayers had four (4) months to pay the discount amount. Mr. Godshalk stated that Council has to think about the residents of Portland, there are a lot of people who do not have a lot of money.

Hubert McHugh asked if this motion would carry from year to year or just for this year. Ms. Steele replied just for the current calendar year 2020.

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Roll call of votes,

YES: K. Bucci, B. Kenna, , R. Ivancich, S. Steele

NO: W. Godshalk

Motion carried: 4-1-0

Action on Minutes:

The secretary stated to Council that she needed to make a correction to the April 6, 2020 minutes concerning the (2) mill March payment from the Real Estate Tax Account to the Fire Tax Account. The corrected amount should be \$13,120.80. Solicitor Gaul replied that this can be amended in the treasurer's report.

A motion was made by Kay Bucci, 2nd by Robert Ivancich approving the minutes of April 6, 2020, as presented.

Roll call of votes,

YES: B. Kenna, K. Bucci, W. Godshalk, R. Ivancich. S. Steele.

Motion Carried 5-0-0

Secretary/Treasurer's Report: Carol Hummel

1. Bills Presented for Payment:

- Approve the April 2020 Financial Report.
- Approve Payments of Bills Presented:

Borough Operations & Operations Already Paid:	23,353.99
Garbage Operations & Operations Already Paid:	4,882.41
Sewer Operations & Operations Already Paid:	18,572.17
Dunkin Donuts Streetscape Escrow: Van Cleef	1,453.75
May 2020 payroll and taxes, approximate:	12,000.00
May 2020 Sunoco Fleet Gas, approximate:	<u>500.00</u>
	60,762.32

A motion was made by Robert Ivancich, 2nd by William Godshalk approving the payments of bills presented, in the amount of \$ 60,762.32.

Roll call of votes,

YES: K. Bucci, B. Kenna, W. Godshalk, R. Ivancich, S. Steele

Motion Carried 5-0-0

- Bills Presented for Approval to Portland Contractors Inc.:
 - i. WWTP monthly services: 2,590.00
 - ii. Other maintenance 85.00
- 2,675.00**

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A motion was made by Kay Bucci, 2nd by Robert Ivancich approving the payments of bills to Portland Contractors, Inc., as presented, in the amount of \$2,675.00.

Roll call of votes,

YES: K. Bucci, B. Kenna, R. Ivancich, S. Steele

ABSTAIN: William Godshalk

Motion Carried 4-0-1

A motion was made by Bridget Kenna, 2nd Kay Bucci authorizing the transfer of \$ 5,666.20 from the Real Estate Tax Account of the Fire Tax Account, collection of April 2020 (2) mill tax.

Roll call of votes,

YES: K. Bucci, B. Kenna, W. Godshalk, R. Ivancich, S. Steele

Motion Carried 5-0-0

A motion was made by William Godshalk, 2nd by Bridget Kenna approving amendment of the March 2020 treasurer's report in regards to the Fire Tax Account; the amount transferred from the Real Estate Tax Account to the Fire Tax Account was \$ 13,120.80; collection of March 2020 (2) mill tax.

Roll call of votes,

YES: K. Bucci, B. Kenna, W. Godshalk, R. Ivancich, S. Steele

Motion Carried 5-0-0

KS State Bank:

a) Approval to pay KS State Bank, in the amount of \$ 18,000, for the Borough's portion of the Portland Hook & Ladder Co. #1 loan contract purchase of their 2015 Emergency One Typhoon Rescue Pumper, account # 3351826.

- i. President Steele stated that Portland Hook & Ladder has requested another \$ 7,000 towards the payment to KS State Bank due to their loss of income concerning COVID-19. Ms. Steele stated that the additional monies can be taken from the Fire Tax Account, bringing the Borough's total 2020 portion to \$ 25,000.

Ms. Bucci asked how money is replaced in the Fire Tax Account. Ms. Steele explained the account is replenished when real estate taxes are paid, and the (2) mill portion of the tax amount is added. Ms. Steele stated that the figures are documented on the Real Estate Tax Report that is provided to Council.

A motion was made by Kay Bucci, 2nd by William Godshalk approving the \$ 25,000 payment to KS State Bank, to subsidize a portion of the Portland Hook & Ladder Co. #1 scheduled loan payment, for their 2015 Emergency One Typhoon Rescue Pumper.

Roll call of votes,

YES: K. Bucci, B. Kenna, W. Godshalk, R. Ivancich, S. Steele

Motion Carried 5-0-0

Local Service Account:

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A motion was made by William Godshalk, 2nd by Robert Ivancich approving the 2020 budget allocation of \$ 7,000 to the Portland Hook & Ladder Co. #1, from the Local Service Account.

i. This allocation pays for a portion of the fire company's insurance premium.

Roll call of votes,

YES: K. Bucci, B. Kenna, W. Godshalk, R. Ivancich, S. Steele

Motion Carried 5-0-0

Rescind Resolution 2020-5:

Solicitor Gaul explained that while the meeting was proceeding, he had reviewed the provisions of Act 15 of 2020, and that the Borough's authority under Act 15 was to move the tax base deadline to December 31st, as opposed to other possible dates. As a result, he recommended that Council's prior resolution be rescinded and a new one considered.

A motion was made by Kay Bucci, 2nd by Bridget Kenna to rescind Resolution 2020-5 per the advice of Solicitor Gaul.

Roll call of votes,

YES: K. Bucci, B. Kenna, W. Godshalk, R. Ivancich, S. Steele

Motion Carried 5-0-0

Resolution 2020-6:

A motion was made by William Godshalk, 2nd by Bridget Kenna adopting "Resolution 2020-6 to Implement Act 15 of 2020's Property Tax Relief Provisions", with no extension of the real estate tax discount period; to waive any fees or penalties associated with the late payment of the imposed tax on the assessed value of real estate, provided that the tax is paid in its entirety by December 31, 2020; the waiver is only applied for the calendar year 2020.

Roll call of votes,

YES: K. Bucci, B. Kenna, W. Godshalk, R. Ivancich, S. Steele

Motion Carried 5-0-0

Public Comment:

Barbara Duckloe Townsend: Duckloe Brothers, Delaware Avenue Portland PA

Not present. Ms. Townsend called the secretary concerning the Borough real estate taxes and sewer fees. Ms. Townsend stated that she needed a (3) month extension on the payment of her real estate taxes and sewer fees due to COVID-19 and the lockdown of the family business. The secretary stated that she explained the discount, base and penalty phases of the real estate tax payments to Ms. Townsend and also that Borough Council has waived sewer late fees, interest and penalties for the (90) day period beginning April 6, 2020. Ms. Hummel was directed by Ms. Steele to contact Ms. Townsend concerning Resolution 2020-6 and the waiving of late fees and penalties with regard to the 2020 real estate tax payments.

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Sewer Matters and Borough Engineers Report: Mark Bahnick

- Ongoing discussion regarding the UMBT Act 537 Plan at the monthly sewer committee meeting; more details and cost are forthcoming.
- A recommendation will be provided on the number of EDU's that the Borough can provide at the July 2020 council meeting.
- President Steele reported that the WWTP is running smoothly.

Zoning Officer Report: Keller Zoning & Inspection Services

- None

UCC Building Code Inspectors Report: 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

- None

Legal:

Follow-up on Ultra-Poly Notice of Violation: Solicitor Gaul

- To be discussed in executive session.

Subdivision and Land Development:

- None

Community Development, Slate Belt COG & Grants

- Slate Belt COG: None
- Lower Delaware Wild & Scenic Grant: Kay Bucci
 - i. The grant was submitted April 30, 2020 for "Painting Portland's Pokey".

Community Events/Recreation Board:

a) Councilwoman Gumaer is absent. Ms. Steele stated that she reached out to Ms. Gumaer but has had no reply. Ms. Steele assumes that all activities are on hold due to COVID-19. This was confirmed by Mayor Prator.

b) The Memorial Day services for Monday May 26, 2020 have been cancelled due to COVID-19, per correspondence from the American Legion Post 216.

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Police Report:

a) The police report was provided in writing by Chief Robert Mulligan. President Steele read the report to Council.

b) Chief Mulligan reported the department is still having computer issues and could he hire someone for networking. The Chief has found an individual who is willing to charge \$ 75 per hour. A motion was made by Robert Ivancich, 2nd by Bridget Kenna to hire the individual for computer networking for not more than (3) hour's work or \$ 225.

Roll call of votes,

YES: K. Bucci, B. Kenna, W. Godshalk, R. Ivancich, S. Steele

Motion Carried 5-0-0

c) A graphic designer is willing to design the graphics for the new police car at the cost of \$ 100. A motion was made by Robert Ivancich, 2nd by William Godshalk to spend the \$ 100 to see her presentation.

Roll call of votes,

YES: K. Bucci, B. Kenna, W. Godshalk, R. Ivancich, S. Steele

Motion Carried 5-0-0

Hubert McHugh asked if this was a flat fee. Ms. Steele replied YES.

Mayor's Report:

- None

Streets:

a) Bangor Borough will be street sweeping on Monday, May 18, beginning at 8:00 AM. Rain date will be Tuesday, May 19, 2020. Cost is the same as last year at \$ 110 per hour. A motion was made by William Godshalk, 2nd by Robert Ivancich authorizing Bangor Borough to sweep the streets at a cost of \$ 110 per hour.

Discussion: Kay Bucci asked the hours that it will take to complete the work. Ms. Steele replied approximately (7) or (8) hours; the work should go quickly because the Borough did not have a hard winter. Ms. Steele stated to Council that the Borough will eventually have to comply with MS-4 regulations and sweep the streets (4) times a year.

Roll call of votes,

YES: K. Bucci, B. Kenna, W. Godshalk, R. Ivancich, S. Steele

Motion Carried 5-0-0

b) A complaint from the maintenance man that the motorcycle club at 415 Delaware Avenue is depositing their garbage into Borough garbage receptacles on Delaware Avenue. Solicitor Gaul advised Council to send a letter to the property owner reminding him that Borough garbage receptacles are not at their disposal. Solicitor Gaul will approve the letter before mailing by the secretary.

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c) Co-Stars Salt Contract Storage Fees Discussion:

- Total salt used for season 45.03 tons
- 79.97 tons to store; Riverside Construction @ \$ 3 per ton = \$ 240.
- Have until July 31, 2020 to notify the supplier
- The Borough does not have a place to store the salt.

A motion was made by William Godshalk, 2nd by Kay Bucci authorizing the notification of Riverside Construction, the Co-Stars salt provider, and payment in the amount of \$ 240 for the storage of approximately (80) tons of streets de-icing salt.

Roll call of votes,

YES: K. Bucci, B. Kenna, W. Godshalk, R. Ivancich, S. Steele

Motion Carried 5-0-0

d) Snow-Ice Removal Contract:

Ms. Steele stated to Council that she wanted to start advertising the 2020-2021 contract. Solicitor Gaul replied that the Borough saved a lot on money this past season because there was not much snow.

Councilman Godshalk stated that he wants to look for prices for a snow-plow truck so that the Borough can do their own removal in house.

Solicitor Gaul asked how much money the Borough saved on winter maintenance this past season. Ms. Steele stated she did not have a total, but it is a significant amount.

Solicitor Gaul asked if the Borough would like to advertise in the Pocono Record and/or the Express Times. The secretary reported that last contract season the Borough advertised in both publications. Mr. Godshalk stated that the Borough should advertise in the local free papers, Blue Valley Times and The Press. Ms. Steele also suggested The Key, based out of Nazareth PA. A motion was made by William Godshalk, 2nd by Robert Ivancich to advertise the snow-ice removal contract in the Blue Valley Times, The Press and the The Key local publications for (1) month.

- Hubert McHugh commented that it is not that simple; who will drive the truck and plow the roads? What about a cinder spreader, plow, and backhoe? Mr. Godshalk replied that that the truck would have a plow and cinder spreader. Ms. Steele replied other equipment would also be needed.

Roll call of votes,

YES: K. Bucci, B. Kenna, W. Godshalk, R. Ivancich, S. Steele

Motion Carried 5-0-0

e) Mr. Godshalk stated he would get estimates for the rental of a crack sealing machine for the June 2020 meeting.

Sanitation:

Creditech:

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Solicitor Gaul asked the status of the delinquent garbage accounts; Ms. Hummel provided the list of (13) accounts. Solicitor Gaul suggested that the billing clerk send a letter to all delinquents advising them of the delinquency and that they have (30) days to settle the delinquency or face legal action.

Building Committee:

a) The secretary called Lobb's Roofing for an emergency repair estimate for the municipal building (old school) roof; a wind and rainstorm had blown off caps, loosened and blown shingles off the roof. Mr. Lobb showed up immediately and before I knew it the roof was repaired. The \$ 450 cost was listed and approved on today's bill list.

b) President Steele advised all to check out the municipal playground. New rubber mulch looks great!

Discussion: email communications from other area municipalities state that their playgrounds/parks are closed until further notice. Those that are open are working to keep their equipment sanitized and playing at your own risk. Mr. Godshalk asked about liability if the playground opens. Solicitor Gaul stated the bigger issue is people congregating in one spot; advised to keep it closed. Councilwoman Bucci replied that the playground should be kept closed until the Governor gives the order to open more of the area.

Budget, Finance, Insurance, & Cable TV Contract:

President Steele stated that she does not want to change anything in the budget except to keep an eye on the receipts and expenses. The real estate taxes base amount has been extended until December 31, 2020; that is a loss of penalty income. The garbage account usually borrows from the general account at the end of the year to get them through the first couple months of garbage service. The Borough does not want to be short at the end of the year. The secretary replied that the EIT income is down about \$ 5K from last year this time because of COVID-19. COVID-19 has caused high unemployment.

Solicitor Gaul replied that the extension of the deadline for final 2019 local EIT returns, and first quarter 2020 estimate tax payments, will have contributed to some of the current decrease in local EIT collection.

Ordinance Update Committee:

- None

Council Policy & Procedure Committee:

- None

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

- The committee continues with web-based meetings.
- SBR has discussed possibly changing their 2020 budget to benefit COVID-19 relief efforts within the four Boroughs. The monies would be given back to the communities, i.e., donations to food pantry, Salvation Army and gift cards to the needy.

Air Liquide/Voltaix Safety Committee:

- No monthly committee meetings.

Liberty-Water Gap Trail Alliance: Cindy Fish

- Monthly committee meetings are suspended until further notice.

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Correspondence:

- None

Secretary's Announcements:

- Reminder that several 2019 Ethics Forms have not been returned to the Borough office. Solicitor Gaul replied that the State Ethics Commission has announced that it will not seek enforcement of penalties for non-filing by the usual deadline if the form is filed by July 31, 2020. He did not know whether there were other individuals that could bring enforcement actions in addition to the State Ethics Commission itself.
 - .ii. Ms. Steele asked the repercussions; Ms. Bucci replied, a \$ 200 fine if the form is asked for and can't be produced by the Borough office; the responsibility to pay the fine is the official who fails to file.

Old Business:

- No update from Solicitor Gaul on Portland Market, 407 Delaware Avenue, and the Health Officer.

New Business:

- Primary election day has been rescheduled to June 2, 2020 due to COVID-19. The polls are open 7 AM – 8 PM. State and local officials are strongly encouraging voters to apply and vote via mail-in ballot.
- Ms. Steele reminded everyone to respond to the 2020 census. Approximate \$ 3K per person is generated in state funding when you reply.

Executive Session:

- Ms. Steele stated that the public will now logout from ZOOM Video and can rejoin the meeting after executive session is over. Members of the public should immediately re-join the meeting and wait in the waiting room until re-admitted.
- A motion was made by William Godshalk, 2nd by Robert Ivancich to convene to executive session at 8:39 PM.

Roll call of votes,

YES: K. Bucci, B. Kenna, W. Godshalk, R. Ivancich, S. Steele

Motion Carried 5-0-0

Discussion: legal advice from Solicitor Gaul concerning the Ultra-Poly Notice of Violations.

- A motion was made by William Godshalk, 2nd by Robert Ivancich to reconvene from executive session at 8:57 PM.

Roll call of votes,

YES: K. Bucci, B. Kenna, W. Godshalk, R. Ivancich, S. Steele

Motion Carried 5-0-0

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Public Comment Non-Agenda:

a) Mayor Prator announced that he just now received a text from Fire Chief Jim Potter that the fire department will split the cost with the Borough for the rental of the crack sealing machine.

b) Fire Chief Potter thanked Council for the extra \$ 7K towards the KS State Bank fire truck loan payment.

Adjourn:

a) The next Council Meeting will be held on Monday, June 1, 2020 at 7:00 PM.

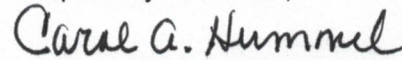
b) A motion was made by Kay Bucci, 2nd by Robert Ivancich to adjourn the meeting at 8:59 PM.

Roll call of votes,

YES: K. Bucci, B. Kenna, W. Godshalk, R. Ivancich, S. Steele

Motion Carried 5-0-0

Respectfully Submitted,



Carol A. Hummel, Secretary