

BOROUGH OF PORTLAND
COUNCIL MEETING AUGUST 3, 2020

The Portland Borough Council Meeting of August 3, 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 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* Robert Ivancich* William Godshalk*

- Council members Bridget Kenna, Yvonne Gumaer and Erin Long were absent.

Others Present:

1. Michael Gaul, Solicitor
2. Mark Bahnick, Borough Engineer
3. Lance Prator, Mayor
4. Carol Hummel, Borough Secretary
5. Bryan Cope, Northampton County Parks Superintendent
6. George Zalepa, 502 Delaware Avenue
7. Cindy Fish, 307 State Street
8. Ian Kelton, 109 Washington Street
9. Brady Welch, 517 Delaware Avenue

Action on Minutes:

A motion was made by William Godshalk, 2nd Kay Bucci approving the minutes of July 6, 2020, as presented.

Roll call of votes,

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

Motion Carried 4-0-0

Secretary/Treasurer's Report: Carol Hummel

1. Bills Presented for Payment:

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

Borough Operations & Operations Already Paid:	14,527.64
Sewer Operations & Operations Already Paid:	28,616.64
Garbage Operations & Operations Already Paid:	9,834.82
Ultra Poly Improvements Escrow: Van Cleef	1,816.00

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Real Estate Tax Account to Fire Tax Account – 2 mills	617.95
Real Estate Tax Account to Fire Tax Account – reimburse overpaid tax bill	118.60
August 2020 payroll & Taxes, approximate	9,000.00
August 2020 WEX Sunoco Fleet Gas, approximate	<u>400.00</u>
APPROVE	64,931.65

A motion was made by William Godshalk, 2nd by Robert Ivancich approving the payments of bills as presented, in the amount of \$ 64,931.65.

Roll call of votes,

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

Motion Carried 4-0-0

- Bills Presented for payment to Portland Contractors Inc.:
 - i. WWTP monthly services: 2,590.00
 - ii. Maintenance issues: 2,606.08

APPROVE **2,807.00**

A motion was made by Robert Ivancich, 2nd by Kay Bucci approving the payments of bills to Portland Contractors, Inc., as presented, in the amount of \$2,807.00.

Roll call of votes,

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

ABSTAIN: W. Godshalk

Motion Carried 3-0-1

Snow-Ice Removal Bids:

No bids were received.

Solicitor Gaul asked the status of 2019 F-350 SD Regular Cab (base vehicle) and configured vehicle (upfit) which has been ordered from Koch33 Ford. Ms. Steele replied the vehicle will not be delivered until December 2020.

Solicitor Gaul asked the status of the previous year's snow removal contractor, Avery Lohman. Ms. Steele replied that Mr. Lohman did not respond with a bid.

- Brady Welch asked for an explanation of the bid process. Ms. Steele explained the Borough's numerous advertisements in local newspaper publications; that insurance is prohibitive for a private contractor. Craig's List was suggested by Mr. Welch. Mr. Godshalk stated that if needed the Borough can rent a snow plow vehicle.

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Public Comment:

Northampton County Parks Superintendent: Bryan Cope

Discussion:

- Ms. Steele stated that the Northampton County Park signs are lovely but there is menacing activity taking place down by the river. A letter was received to Ms. Steele and Council by Mr. Cope stating that the park will remain closed until numerous items are resolved by Northampton County and the Borough. Ms. Steele asked, "how does the Borough move forward if the park is to remain open to the public?"
- Ms. Bucci responded that Northampton County did not buy the park land, that the land was donated to the county by Cramer's Home Centers. Gordon Heller was the park superintendent at that time. The land was a greenway for passive recreation; businesses were doing very well (28) years ago until it became "party central". The park did not work then, and it does not work now. Ms. Bucci suggested to Mr. Cope that the county sell back the land to the Borough for one dollar.
- Mr. Cope replied that that is not an option; the county will keep the park open and regulate it for passive recreation; the county is taking steps to keep the park safe and clean. Mr. Cope stated that he has spoken with the county constable and sheriff; there are no Portland signs that control street parking, i.e., no parking signs limiting parking hours; there are on-going opportunities from the county to all the towns along the river.
- Ms. Bucci replied that if signs are the problem why is Portland having this problem now; these same problems exist in other parks. It is a sign of the times; Delaware Water Gap was mobbed over this past weekend with an overabundance of out of towners. Ms. Steele replied that Council could reverse their motion of removing the parking signs from the downtown; Ms. Steele stated that she spoke with officials at Delaware Water Gap and was informed that they have a four-hour parking limit and parking permits. Ms. Steele has also spoken with PennDot and may be able to secure help with signage since Route 611 is a state highway.
- Discussed reinstalling the two-hour parking limit signs; discussed charging for parking in the Park & Walk lot; no action was taken.
- The public bathroom at the Park & Walk lot has been closed since March due to COVID-19 and remains closed; the Borough has not been able to purchase enough disinfectant supplies and does not have the staffing to clean the bathroom several times a day; Solicitor replied the bathroom is closed for public safety.
- Ms. Steele asked Mr. Cope for suggestions and stated that the situation was so bad a few weeks ago that the out of towners parked across the river in Columbia NJ. Ms. Steele asked how the county will regulate the park. Mr. Cope replied that there are no park rangers to monitor the park, that the PA State Police have other things to do rather than write parking tickets; this is the issue with all the county parks; police is an issue in all county parks; there has been no answer on training law enforcement.

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- Ms. Bucci asked the role of the county sheriffs; why are they not available to help. Mr. Cope replied that this is not their duty; he did not know if county council could override the county sheriff. Solicitor Gaul inquired if the county could give grants to the affected municipalities to help the Boroughs with the added expenses of police, trash pick-up, etc. Mr. Cope replied that that could be an option moving forward; that he would like to have that conversation to make this work for everyone. Ms. Bucci asked if the Borough can issue parking tickets. Yes, replied Police Chief Mulligan if parking is within Borough limits.
- Ms. Bucci replied that someone from the county needs to work on this problem. Solicitor Gaul asked what is allowed in a passive park? Mr. Cope replied small picnics, no organized sports, boating, fishing, biking, hiking, No swimming is allowed. Ms. Bucci asked how is this regulated in other parks? It is uncontrollable for a small town. Mr. Cope replied these are the issues that need to be figured out. Ms. Bucci stated that everyone is trespassing over Norfolk Southern railroad tracks. Mr. Cope replied that he has no policing authority over private property.
- George Zalepa asked what are the county regulations? Mr. Zalepa stated that alcohol beverages, drinking and swimming are taking place. The Borough cannot sustain these problems and the county should give control of the park back to the Borough. Mr. Cope replied that this is another conversation.
- Brady Welch replied that the immediate issue is the large amount of trash that these people leave behind; could the trash cans in the downtown be moved closer to the park or down by the river to reduce the slightly trash. Mr. Cope replied that he spoke with the gas station attendant and that the county is willing to help with the costs of the station's dumpster and weekly trash pick-up. Mr. Cope stated that he did make a telephone call to the property owner at the number provided by the attendant, but the call was not returned. No trash cans will be placed down by the river.
- The two hour parking limit with signage was discussed again; business owners use the parking spaces and spaces could be free for the businesses; two hour parking was waived years ago because of business owners complaints; the conversation with the county could include the Borough, DRJTBC, and the police department.
- Ms. Steele asked Mr. Cope if the county has easements to enter the park over other private properties; Mr. Cope replied, "not at this time". Ms. Bucci stated that the only easement is over the railroad tracks at the bollards entrance to the river; all other crossing over railroad tracks is considered trespassing on Norfolk Southern railroad property. Mr. Cope replied that he will be ordering a survey of the park property boundaries so that a permanent fence can be installed.
- Mr. Cope asked that Ms. Steele keep him informed; that he needs other contact information for the gas station property owner. Mr. Cope stated that the county can assist with contacting PennDOT to place no parking and 15/30-minute parking signs if the Borough does not have the resources to do so. Borough police cannot enforce no parking unless parking is signed and enforced.

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- Ms. Bucci reminded Mr. Zalepa that they both signed the Borough resolution establishing a county park in the Borough in 1992 along with Council President Dan Wilkins. She as Mayor and Mr. Zalepa as Secretary. Mr. Zalepa replied that he has an easement over the railroad and DRJTBC property to enter his driveway. Mr. Zalepa stated that the county is advertising a park where there is no legal public entrance.
- There was no action to reinstate the two-hour parking in the downtown business district; Mr. Godshalk replied that there are only another five weeks of summer. Ms. Steele stated that all parties will have an on-going conversation on resolving the issue. Ms. Steele stated it is a challenge and a safety issue for Borough police officers who work alone on their shifts.

Sewer Shut Off Notices:

Correspondence was received from the Portland Borough Authority (PBA) that at its regular meeting of July 20, 2020 the Authority Board motioned and passed to resume water shut offs beginning the end of July. The Borough of Portland can also resume posting for delinquent sewer accounts.

A motion was made by Kay Bucci, 2nd by Robert Ivancich to resume delinquent sewer account postings for water shut offs, beginning with notification in the latter part of August.

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

Motion Carried 4-0-0

Solicitor Gaul: Clerical Error by Secretary on the agenda

Solicitor Gaul stated that there is a clerical error on page 1 of the agenda concerning action on the minutes and the secretary-treasurer report. The date should be corrected to July 6, 2020.

Sewer Matters and Borough Engineers Report: Mark Bahnick

- Nothing to report from the WWTP; all is working fine
- Mr. Bahnick reported that he received correspondence from Mr. Prator that a 300,000 square foot plus warehouse is being developed by a developer of the PIP; it is a single lot at the top of Demi Road in UMBT. The developer approached the PBA for water service and later sent an email asking for sewer service. There may be consideration at some point for the Borough for a sewer module planning amendment.
- Mayor Prator inquired if there was any information on the UMBT Act 537 Plan. Mr. Bahnick replied NO.
- Solicitor Gaul asked Mr. Prator if he knew the exact date when UMBT officially submitted their Act 537 Plan to the DEP. Mr. Prator replied that it was last year (2019) sometime; Mr. Bahnick replied it was 6 or 8 months ago.

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- President Steele reported that Portland Contractors had a sudden death of one of its employees. Ms. Steele stated that some of the piping work at the WWTP may need to be outsourced.
- Ms. Steele asked how invoices are handled that Mr. Bahnick presents for payment when working on the UMBT request for sewer service along the Route 611 corridor? Mr. Bahnick replied that he bills Portland for the services, the billing clerk pays Mr. Bahnick; Ms. Eden then bills UMBT for reimbursement.
- Ms. Bucci asked Mr. Bahnick if he had seen the Lehigh Valley Live article concerning UMBT amending their zoning ordinance; the LVPC made comments not agreeing on some of changes. Mr. Bahnick replied NO.

Zoning Officer Report:

Keller Zoning & Inspection Services

Two complaints were received.

- One, in writing, from Chad Stevens at 300 Main Street concerning the on-going issues at Mike's Auto at 208 Northampton Street. The secretary forwarded the complaint to the Zoning Officer.
- One, not in writing, but a telephone call to Mayor Prator, from Aline Haddad, Johnsonville Farm & Garden, that the motorcycle club was flying Nazi flags at their recent rally in Portland. Mayor Prator spoke with Chief Mulligan, who attended the rally, and stated that he did not see any Nazi flags. Ms. Steele replied that she also attended for five hours and did not see any Nazi flags. Ms. Steele stated that three police officers were on duty all day, if Ms. Haddad wants to complain she should send time stamped photos with the complaint.

Zoning Hearing Board (ZHB):

- No hearings are scheduled at the present time.
- The secretary reported that there is one vacant seat on the ZHB since the resignation of Ms. Amber Sarivan. The seat expires January 1, 2021.
- Solicitor Gaul asked about the status of the conditional use hearing of development company River Points Logistics concerning a proposed 725-acre manufacturing development in the UMBT industrial zoning district. Ms. Bucci read from the Express-Times newspaper article; Ms. Hummel replied the hearing is scheduled for the end of August.

UCC Building Code Inspectors Report:

Keller Zoning & Inspection Services

- None

Planning Commission:

- None

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Portland Borough Authority (PBA):

Lance Prator, Chairman

- The garage property at 106 Division Street has been cleaned by employee Fred Farleigh. Ms. Bucci agreed that the property is looking much better.
- Mr. Godshalk stated that he would like to use the Borough Council room for the PBA public meetings. Chairman Prator replied that the PBA could meet in the Borough Council room but that he would not be in attendance. President Steele replied that the PBA could meet there if that was their desire.
- Mr. Godshalk stated that he would like the PBA to permanently repave the street area in front of the gymnasium, at 204 Division Street, where the PBA dug up the street to repair a water leak. Mr. Prator stated that he would see that the work is completed.

Legal:

- None

Subdivision and Land Development:

- None

Community Development, Slate Belt COG & Grants

- The Borough received an invoice, in the amount of \$50, from UMBT for the July 4, 2020 parade advertisement. Ms. Steele stated that she was annoyed since no one from the township had asked if Portland would like to participate. Mayor Prator replied that he does not know where the advertisement was placed and suggested that Portland not pay the invoice. Ms. Steele also stated that no one asked if the parade route could start in Portland. Mayor Prator replied that he has not seen the invoice except on Facebook.
- Ms. Bucci and President Steele are working on another grant application, "Northampton County 2021 Hotel Tax Grants Funding "for exterior painting, clapboard repairs, facia, windows, camera system, plexiglass to protect the period furnishings, direction and information signage" for The Pokey. The announcement will be made December 2020.
- The Slate Belt COG had no meeting for the month of July. The next meeting is scheduled for August 26. Mayor Prator reported that the street sweeper grant has been placed on hold.

Community Events/Recreation Board:

a) Ms. Bucci stated that Councilman Erin Long and Councilwoman Yvonne Gumaer should receive letters from Council stating that they fail to attend meetings. They also do not have the courtesy to call President Steele to say they will not be attending.

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A motion was made by Kay Bucci, 2nd by Robert Ivancich authorizing the secretary to send letters to Councilman Long and Councilwoman Gumaer for lack of attendance and for failure to notify the Council President when they will be unable to attend.

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

Motion Carried 4-0-0

b) Ice Cream Social Celebration:

Will be held on August 22 at the Park & Walk Lot from 6:30 – 8:30 PM. Pre-packaged ice cream will be served. No cost to the public.

d) Gymnasium Abatement:

A proposal, in the amount of \$53,880, was received from Tru-Colors Restoration for the mold remediation project of the Portland Gymnasium at 204 Division Street. Richard McGinnis, who addressed Borough Council July 6 for use of the gymnasium, was notified by Mayor Prator of the cost. President Steele stated that she does not foresee the Borough renting the gymnasium to anyone. The mold spores must be removed; the gymnasium has become a liability. Ms. Bucci replied that she agreed with demolition and to erect a new building in the future. Mayor Prator stated that all items of any value that are stored in the building should be removed.

Air Liquide/Voltaix Safety Committee:

- Committee meetings will resume via ZOOM, Wednesday, August 5, 2020.

Police Report:

- The July 2020 police report was provided in writing by Chief Robert Mulligan.
- Chief Mulligan is still searching for a part-time police officer; week-end coverage is sparse.

Mayor's Report:

- Mayor Prator reported that he attended the Virtual Meeting of the Route 80 Bi-State Leadership Summit concerning the NJ DOT Rockfall Mitigation Project on Wednesday, July 22, 2020. Mayor Prator stated that NJ DOT already has their mind made up concerning the proposed construction work. The estimated project cost has grown from \$5 million for a few months' work into a \$60 million five-year project.
- Councilwoman Bucci replied that there are several legislators who have requested that a hold be placed on federal funding for the project.
- Mayor Prator stated that University of Penn /students will be returning to the Slate Belt to pursue a slate quarry project that would turn it into a recreation area.

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Streets:

a) Recent hire Ashley Potter resigned the streets maintenance position after accepting a full-time job. The committee contacted Robbie Shoemaker, also an applicant who was interviewed and accepted the position.

A motion was made by Kay Bucci, 2nd by William Godshalk hiring Robbie Shoemaker for the part-time streets maintenance position at the hourly rate of \$11.50 per hour, for 10-15 hours work per week.

YES: R. Ivancich, K. Bucci, W. Godshalk

ABSTAIN: S. Steele

Motion Carried 3-0-1

b) No estimate was received for the cost to replace the drain grates.

c) Quote for Snow-Plow Truck:

The Borough received a municipal lease quote and terms proposal from Koch33 Ford for the 2019 F-350 SD Regular Cab (base vehicle) and configured vehicle accessories at the cost of \$76,656.

- The first annual payment is \$12,613.46 payable in December 2020.
- The vehicle will be delivered in December 2020.
- Amount to finance \$76,656.

Solicitor Gaul stated that he reviewed the municipal lease quote and terms proposal.

- William Godshalk explained that the color of the truck is white; to have it painted red the cost would be \$5,000.

A motion was made by William Godshalk, 2nd by Kay Bucci accepting the Retail Purchase Agreement from Koch33 Ford, subject to receiving financing from Municipal Finance in accordance with its June 4, 2020 Municipal Lease Quote and Terms.

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

Motion Carried 4-0-0

A motion was made by William Godshalk, 2nd by Kay Bucci accepting the Municipal Lease Quote & Terms from Koch33 Ford with the first payment due upon lease commencement.

Solicitor Gaul noted to Borough Council that interest on the municipal lease is expressed as "rate factor", as opposed to typical percentage rate.

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

Motion Carried 4-0-0

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A motion was made by William Godshalk, 2nd by Kay Bucci authorizing President Steele to execute the Client Proposal in the amount of \$76,656, pursuant to Koch 33 PA Co-Stars contract 25-234.

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

Motion Carried 4-0-0

Discussion:

President Steele stated that the Council should discuss what the Borough should do if there is a blizzard before the new truck arrives? Ms. Steele stated that she wants to be prepared to answer questions posed by residents.

- Mr. Godshalk replied that Hallett Contractors stated to him that the Borough could use his snowplow vehicles. Solicitor Gaul replied that the Borough would need an agreement with Mr. Hallett.
- Solicitor Gaul stated that the Borough could inquire with Avery Lohman, last year's snowplow contractor, if he would be available on a backup basis.
- Mr. Ian Kelton, who provided a bid for snowplow services, asked why are you not offering the same to the contractor who already applied? Solicitor Gaul replied that both contractors should be contacted about the backup positions.
- William Godshalk stated that the Borough will be good, Portland Contractors has a loader and spreader and would help the Borough in an emergency.

Parklane Replacement Lamp Parts:

Ms. Steele reported that four (4) decorative lamp globes had the bulbs replaced by the maintenance man; one globe with a black top is broken and needs replacing. The cost for one is \$245. Ms. Steele would like to purchase two, one for replacement and one as a spare.

A motion was made by William Godshalk, 2nd by Kay Bucci authorizing the purchase of two replacement globes and metal vent assemblies at the cost of \$245 each plus shipping and handling.

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

Motion Carried 4-0-0

Robin Schroeder, Mount Bethel, PA.

Ms. Schroeder contacted the Borough with a request to voluntarily pick up garbage/litter along the sides of the road in the Borough. She has been picking up garbage/litter in Mount Bethel, Delaware Water Gap and Blairstown, NJ. Ms. Schroeder asked if Council would be willing to participate.

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- Mr. Godshalk replied that he has seen her in Delaware Water Gap and wondered what she was doing.
- Ms. Steele stated that she has no problems with her request and will put her in touch with the Adopt A Highway Program.

Sanitation Committee:

- None

Building Committee:

- None

Budget, Finance, Insurance, & Cable TV Contract:

- None

Ordinance Update Committee:

- None

Personnel, Policy & Procedure Committee:

- None

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

a) Ms. Steele reported that \$1,700 in COVID-19 community relief funds is still available for each participating Borough. Council will forward the request to Stephen Reider, Director. As part of their COVID-19 Relief efforts, Ms. Steele will contact PUMP for a list of needed items for the food pantry and Rustico Food Truck vendor for the cost of prepared food for eligible Borough residents.

c) There will be no August monthly meeting of SBR.

e) Ms. Steele and Ms. Bucci met with Mr. Reider to discuss available monies for new "Welcome to Portland" signs. Matching funds would have the Borough contribute approximately \$1,000 towards the purchase, which includes installation. The remaining posts would be used for the new signs eliminating that cost.

A motion was made by William Godshalk, 2nd by Kay Bucci authorizing the purchase of two Portland Gateway signs, at the approximate cost of \$1,000 with installation.

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

Motion Carried 4-0-0

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Liberty-Water Gap Trail Alliance: Cindy Fish

- Mayor Prator and Cindy Fish reported that the Alliance met on July 15, 2020 at the Village Farmer and Bakery in Delaware Water Gap PA at 9 AM, at picnic tables outside by the creek. The Alliance has sent a letter of request to UMBT supervisors asking them to appoint Ms. Judy Henckel as their township representative.
- The next meeting of the Alliance will be held on August 19, 2020 at the UMBT Park Pavilion on Potomac Street.
- Cleanup along the highway from Portland to Delaware Water Gap has been scheduled for October 23, 2020. UMBT Chairman John Bermingham will remind all with an email.

Correspondence:

- The 2019 Portland Hook & Ladder Co. #1 annual report was submitted by Chief James Potter. Ms. Steele read the report to all in attendance.

Secretary's Announcements:

- None

Old & New Business:

- a) William Godshalk reported that a tree on Hester Street should be taken down. Council will evaluate the tree before deciding. Ms. Steele also reported two trees near Market Street.
- b) The Mike's Auto complaint will be addressed at the September 14, 2020 Council meeting. Ms. Serfass, zoning officer, will evaluate the complaint tomorrow.

Executive Session:

- None

Public Comment Non-Agenda:

- None

Adjourn:

- a) Due to the Labor Day holiday, the next Council Meeting will be held on Monday, September 14, 2020 at 7:00 PM.
- b) A motion was made by William Godshalk, 2nd by Kay Bucci to adjourn the meeting at 9:49 PM.

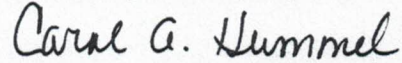
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Roll call of votes,

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

Motion Carried 4-0-0

Respectfully Submitted,

A handwritten signature in cursive script that reads "Carol A. Hummel".

Carol A. Hummel, Secretary