

BOROUGH OF PORTLAND
COUNCIL MEETING NOVEMBER 2, 2020

The Portland Borough Council Meeting of November 2, 2020 was called to order at 7:00 PM by Stephanie Steele, President of Borough Council.

The meeting was held in-person at the Portland Hook & Ladder Co. No. 1, William Pensyl Social Hall, 111 State Street.

Council Members Present for Call to Order:

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

- Council member Yvonne Gumaer was absent.

Others Present:

1. Michael Gaul, Solicitor
2. Lance Prator, Mayor
3. Mark Bahnick, Borough Engineer
4. Carol Hummel, Borough Secretary
5. Holly Fake, I-80 Rockfall Project Coalition
6. Tara Mezzanotte, I-80 Rockfall Project Coalition
7. Hubert McHugh
8. Jim Kenna
9. Cindy Fish

Resolution 2020-10:

A Resolution Supporting the NJ-DOT Fix the S-Curve Problem Statement Request.

A Similar resolution was presented at the October 5, 2020 Council meeting with no action taken. Ms. Fake and Ms. Mezzanotte presented an updated resolution for Council's consideration. Other area municipalities have adopted the resolution, i.e., Delaware Water Gap and UMBT in Pennsylvania and in New Jersey, the Warren County Board of Chosen Freeholders, the townships of Hardwick and Knowlton. Ms. Fake read the entire resolution to all in attendance.

- Ms. Mezzanotte left the room to attend a Virtual Zoom meeting with the Lower Mount Bethel Township Board of Supervisors presenting this resolution. Ms. Mezzanotte will return later in our meeting.

Councilwoman Bucci asked how the UMBT resolution is worded. Ms. Fake replied probably a little different, but similar; she does not have a copy of the resolution with her. Ms. Fake stated most likely addressing their concerns about their area of Rout 611 to Delaware Gap. Ms. Bucci asked about the expected next step and the desired outcome to be? Ms. Fake stated the coalition wants NJ-DOT to re-do their safety transportation report/transportation problem statement which NJ-DOT have been denying and ignoring any requests; NJ-DOT changed the whole scope of the work and never did any of the safety evaluations that should have been done along with the change of the scope of the work. Ms. Fake stated that action can be tabled until Ms. Mezzanotte returns later and can comment Ms. Steele asked if the resolution is the same as the one presented last month. Mayor Prator stated NO; the resolution has been modified. Ms. Fake replied that the coalition needs more municipalities to get on board to exert

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more pressure on NJ-DOT. Ms. Steele asked Council if there were any more questions, and did they want to table action until Ms. Mezzanotte returns or adopt the resolution.

A motion was made by Kay Bucci, 2nd by Robert Ivancich adopting Resolution 2020-10.

- Hubert McHugh from the audience stated that before making the decision should not Council have all the answers first. Ms. Bucci replied that Ms. Mezzanotte may not have the answers. Stephanie Steele said this is fact finding and you are asking for more facts. There may not be anything more that Ms. Mezzanotte can answer.

Motion then carried: 4-0-0

Action on Minutes:

A motion was made by Robert Ivancich 2nd Kay Bucci approving the minutes of October 5,, 2020, as presented. Motion Carried 4-0-0

Secretary/Treasurer's Report: Carol Hummel

1. Bills Presented for Payment:

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

Borough Operations & Borough Operations Already Paid:	8,325.65
Sewer Operations & Sewer Operations Already Paid:	7,736.61
Garbage Operations & Garbage Operations Already Paid:	158.48
Ultra-Poly Improvements Escrow: - Van Cleef Engineering	852.00
Weidman Minor Subdivision Escrow: - postage	7.00
NORCO Grant 2020 (COVID-19) – sneeze guard From Staples for Borough Office	119.99
Dunkin Donuts Escrow: Van Cleef Engineering	284.00
Real Estate Account To Fire Tax Account: October (2) mill tax	.00
November 2020 payroll & Taxes, approximate	7,000.00
November 2020 WEX Sunoco Fleet Gas, approximate	250.00
APPROVE	24,733.73

a) Comments from the secretary: The NORCO Grant also paid for the outside mailbox. This was before the grant money was received. The grant reimbursed the General Account \$313.60.

b) The Borough received the annual amount of \$4,411.10 from the Commonwealth of PA for the five (5) year winter maintenance agreement.

c) There was no real estate tax collection for the month of October.

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A motion was made by Kay Bucci, 2nd by Stephanie Steele approving the treasurer's report and the bills presented for payment in the amount of \$24,733.73. Motion Carried 4-0-0

Bills Presented for payment to Portland Contractors Inc.:

• WWTP monthly services:	2,590.00
• Maintenance issues:	<u>124.00</u>
APPROVE	2,714.00

A motion was made by Kay Bucci, 2nd by Robert Ivancich approving the bills presented to Portland Contractors, Inc., in the amount of \$2,714.00. Motion Carried 3-0-1. William Godshalk abstained.

Public Comment:

Timothy Hess, 406 Bruce Street: Vacating a Portion of Zeman Street

Mr. Hess was not in attendance but contacted President Steele concerning an update. Mr. Hess is working on the map mark ups of the adjacent property owners. One of the properties isn't owned by who he thought it was.

Farnaz Karimi, 517 Delaware Avenue:

Ms. Karimi expressed interest concerning applying for one of the vacant Council seats. Ms. Karimi was interviewed concerning residency and whether she is a registered voter; Ms. Bucci questioned the rental of her property as an AirB&B. Ms. Karimi works in New York and generally resides in the city temporarily during the work week and when the AirB&B is rented on week-ends. Ms. Karimi stated that she has owned her property on Delaware Avenue and lived in Portland for the past (6) years; and is a registered voter in the Borough. Solicitor Gaul stated that Ms. Karimi is eligible to serve on Council and if she is interested should send a letter of interest.

Sewer Shut Off Notices:

a) None

b) At the October sewer meeting it was discussed to purchase a diffuser valve for the WWTP at a cost of \$8,500. A motion was made by Kay Bucci, 2nd by Robert Ivancich authorizing the purchase from at the cost of \$8,500. Motion carried: 4-0-0

Sewer Matters and Borough Engineers Report: Mark Bahnick

a) The status of UMBT request for sewer service along the Route 611 corridor; no more information since last month.

b) The status of Dunkin Donuts' PennDOT improvements; met with the owner for the completion the curbing, sidewalk, and crosswalk improvements

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d) The status of the request from Ultra-Poly for a proposed plastic wash line; the impact that it would have on the WWTP; Ultra-Poly has asked for Council feedback on ideas, theirs and ours; at some point it may come before Council for consideration.

Weidman Minor Subdivision: 509-509 Delaware Avenue Mark Bahnick, Engineer

a) David Weidman, owner of the proposed subdivision, applied to the Planning Commission to subdivide the property. The single piece of property contains two (2) buildings that operate separately, the plan is to divide the single property into two (2) smaller parcels. Approval of the plan is subject to the review letter comments from Mr. Bahnick.

There are three (3) issues:

- A waiver is needed from SALDO for a minor item that would be granted.
- A more complicated issue is that the plan creates two (2) new lots; both less than 5,000 square feet; the minimum lot requirement for that area is 5,000 square feet; approval by Council can only be granted per a variance from the ZHB.

Solicitor Gaul replied that the application has to be filed; the ZHB can still hold a hearing even though there is a vacancy in one of the offices. Two members are enough to hold a hearing. If they split on their vote, the application is deemed denied.

- A letter was received from James Steele, adjacent property owner/partner of Knott Necessarily, LLC; the plan shows an issue with one of the lot lines that actually crosses over this adjacent building; this Weidman's surveyor also believes that those lot lines may intersect with adjacent buildings on other properties; this would have to be resolved between the two landowners.

Solicitor Gaul noted several issues with the plan.

Mr. Bahnick replied that the subdivision should be tabled; let the plan go before the ZHB to be resolved before Council's approval.

Solicitor Gaul replied that there is a deadline of (90) days from the first Planning Commission meeting to act on the plan which is December 21, 2020. Once the application is filed a ZHB Hearing occurs in (60) days. Solicitor Gaul stated he would prepare a plan extension document and reach out to Policelli Associates, Inc. for their signature. Policelli Associates, Inc., and Mr. Weidman should be notified to attend the next Council Meeting of December 7, 2021.

- Ms. Bucci asked the definition of a variance. Solicitor Gaul explained in detail.

A motion was made by Kay Bucci, 2nd by William Godshalk to table any action on the proposed Weidman Minor Subdivision until the next Council Meeting of December 7, 2020. Motion carried: 4-0-0

- Question from Hubert McHugh, ZHB Chairman: Will it be a conflict if he attends the Council Meeting. Solicitor Gaul replied NO.
- Mr. Bahnick left the meeting at 7:50 PM.

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Zoning Officer Report: Keller Zoning & Inspection Services

- None

Zoning Hearing Board (ZHB):

- No hearings are scheduled at the present time.

UCC Building Code Inspectors Report: Keller Zoning & Inspection Services

- None

Planning Commission:

- Action under the Borough Engineers' report.

Portland Borough Authority (PBA): Lance Prator, Chairman

a) Chairman Prator reported that two (2) bridges are out at Laurel Hill Road and National Park Drive leading to the wells; it will take two (2) years to replace the bridges; a bridge is also out on Slateford Road.

b) UMBT will not snow plow the road leading to the water service wells; the UMBT manager says it is unnecessary, but the PBA says it is necessary; Mr. Prator stated that the water system needs access. There are ongoing negotiations with the UMBT manager and supervisors.

Legal:

- The Solicitor reported that a petition would need to be filed with the court, for approval, if there is a desire to reduce the size of Council. It is not something Council could do on its own. No action was taken in furtherance of reducing Council to a (5) member board.

Subdivision and Land Development:

- None

Community Development, Slate Belt COG & Grants

- The Slate Belt COG met on October 28, 2020. Mayor Prator attended per a Hybrid and ZOOM meeting.
- An in-service day was held on October 21, 2020 for the COG communities for the storm jetty and the crack sealer machines; Borough maintenance staff attended. The COG is looking for a home to store the machinery.
- Grants Update: Kay Bucci

Ms. Bucci reported on the URDC proposal to identify projects and priorities for grant applications within the Borough. The cost to develop this information is a fee of \$2,500,

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pursuant to which URDC will provide between 26 and 30 hours of work to explore grants for the Borough. Ms. Bucci asked if the Borough needs a contract. Solicitor Gaul stated that the Borough usually has a contract for professional services but a formal contract was not necessary for this small amount of money.

A motion was made by Robert Ivancich, 2nd by Kay Bucci to proceed with the scope of the work provided by URDC.

- Ms. Bucci will make the contact
- Ms. Karimi, from the audience inquired about URDC. They are a local business from Bethlehem, PA. President Steele explained that the Borough and URDC worked together previously as past consultants on community planning; they are land use consultants. Ms. Steele stated that the Borough needs guidance applying for grants. Ms. Bucci stated that they have a high success rate.

Motion then carried: 4-0-0

Community Events/Recreation Board:

- a) Halloween Trick or Treat was a quiet event. There was a reasonable amount of residents. The costume party was well attended.
- b) The annual Tree Lighting Ceremony will be held on Sunday, November 29, 2020 at 6:30 PM.

Police Report:

- a) The October 2020 police report was provided in writing by Officer Gregory Dean, due to the absence of Chief Mulligan.
- b) The secretary reported that the graphics are completed on the new police car; \$950 was transferred from the Police Capital Account to the General Account to reimburse the cost of graphics.
- c) Mayor Prator stated there was not much activity; it does not look like there is any interest in merging to form a regional police department.
- d) Jim Kenna, 507 Pennsylvania Avenue, reported vandalism to his property at a cost of almost \$1,000. Mr. Kenna stated that he caught the vandal and reported the incident to the police after the fact.
- e) Solicitor Gaul asked about having a conversation with Northampton County concerning more police coverage for the 2021 summer season. Ms. Steele replied that she wants to work on NO PARKING signage for a portion of Route 611 on Delaware Avenue. Ms. Steele stated that her intention is to work on this over the winter; Ms. Steele has a handbook of rules and regulations from PennDOT; Ms. Steele stated that it is not a simple task and has met previously with the Northampton County Park officials.

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Mayors Report:

- The topic of NIMS/FEMA training 100/700 was discussed at the October COG meeting. The COG is looking for an instructor. Mayor Prator stated that all elected officials should have the 100/700 certification; it can be done on-line; it affects PEMA grant applications if all elected officials are not certified.

- The COG has ordered the street sweeper. It will arrive in the spring 2021.

Streets: William Godshalk

Leaf Vacuum Pick-Up by Slate Belt COG:

a) A motion was made by Robert Ivancich, 2nd by William Godshalk authorizing President Steele to execute the 2020 leaf vacuum lease agreement for November 9 and 10, at the cost of \$150 for two days. Motion carried: 4-0-0

- i. Ultra-Poly is supplying the dump truck and driver; one machine is stored at Lower Mount Bethel Township and the other at Plainfield Township.
- ii. Mr. McHugh asked if the Borough would initiate a one-call to remind residents.

b) A motion was made by William Godshalk, 2nd by Kay Bucci approving Ian Kelton as a day laborer to help with the leaf vacuum collection, at the hourly rate of \$11.00 per hour, for November 9 and 10. Motion carried: 4-0-0

c) Mr. Godshalk reported that the snow removal truck on order at Koch33 Ford has been pushed back due to the COVID-19 pandemic, not enough people working. Mr. Godshalk spoke with Avery Lohman, the Borough's snow removal employee for the 2018-2019 winter season, who supplied a quote.

- 2006 Chevy 2500HD 8'6" Plow & Salt Spreader - \$120 per hour
- 2020 John Deere 3039R 8" Plow - \$100 per hour
- 2020 John Deere 3039R Loader - \$85 per hour

The Borough would lease Mr. Lohman's equipment, and hire Mr. Lohman and helpers as employees at a cost equivalent to this rate. Mr. Lohman will only provide services until the Borough's snow removal truck is delivered and operational.

Concerns voiced by Council:

- The first bid proposal was July 2020.
- This would be back-up/temporary.
- Ian Kelton's quotes were cheaper.
- If it is a mild winter like last year the Borough will be fine with one dump truck.
- The ordered truck is now two (2) years old; to put the body and hydraulics on everything.
- Kay questioned the bid options for Lohman and the advertising.
- Mr. Lohman had insurance but not to cover public streets.
- Secure someone for back-up, Mr. Lohman and Mr. Kelton would be temporary.
- Mr. Kelton does not have a dump truck; he has a dump trailer.
- Mr. Kelton's bid did not have an insurance certificate attached; needs general liability.
- The Borough does not have a loader but Mr. Lohman and Mr. Kelton both have loaders.
- Neither Mr. Lohman nor Mr. Kelton bids will work for the Borough.

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- Public streets Insurance coverage is the problem for Mr. Lohman and Mr. Kelton.

Crack Sealing Quote:

a) Mr. Godshalk discussed with Council the COG's crack sealing machine which is rental free until the end of the year. The machine is not equipped for large jobs and does not have an air compressor. The most important streets to be done are Delaware Avenue and Main Street, up to Pennsylvania Avenue. Mr. Godshalk stated that the work can probably be done in one day.

A quote was received from Asphalt Maintenance Solutions in the amount of \$4,432.50; all is PennDOT approved material. The work can be done before the end of November. Ms. Steele stated that money is available for the job in the Highway Fund Account.

A motion was made by Kay Bucci, 2nd by William Godshalk accepting the quote from Asphalt Maintenance Solutions LLC in the amount of \$4,432.50 and authorizing President Steele to execute the proposal.

- Ms. Steele replied that the drain boxes still need to be addressed.

Motion carried: 4-0-0

b) No action was taken on the quote received from Central Jersey Equipment LLC for the purchases of a John Deere utility tractor at the cost of \$27,423.52 and a John Deere backhoe at the cost of \$9,055.69.

c) The quote of \$5,094 per sheet of new open steel grate decking was tabled from Chemung Supply Corp. This quote is per PennDOT specifications. Mr. Godshalk will contact Charlie Nansteel and Hallett Contractors, respectively, for quotes on repair of the drain boxes on Main Street.

Back to Snow Removal:

President Steele stated that a plan for snow removal will be devised for the December 7, 2020 Council meeting or an emergency meeting can be called if there is snow. Mr. Godshalk replied that Mr. Kelton may have accessibility for a loader.

Sanitation Committee:

- There are still ongoing issues with Waste Management driving their garbage trucks up and down Division Street to empty the dumpster. The drivers and supervisor were repeatedly told to use Jim Ginn Alley. The Waste Management garbage truck is gouging Division Street at the bottom of the hill. Solicitor Gaul will write a formal letter of complaint to Tom Stang, Public Sector Solutions Management.

Building Committee:

- None

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Budget, Finance, Insurance, & Cable TV Contract:

The Budget Committee of Stephanie Steele, Kay Bucci and Robert Ivancich presented the proposed 2021 budget with no increases.

- The General Fund remains at 18 mills.
- The Fire Tax Fund remains at 2 mills.
- The Sanitation Fund is based on collection.
- The Sewer Fund is based in EDU's.
- If more police officers would be hired for 2021, the millage will have to be increased.

A motion was made by Kay Bucci, 2nd by Robert Ivancich to accept the proposed General, Sewer and Sanitation Budgets. Motion carried: 4-0-0

A motion was made by Kay Bucci, 2nd by Stephanie Steele authorizing King, Spry, Herman, Freund & Faul to advertise the proposed 2021 budget in the Pocono Record publication. Motion carried: 4-0-0

Ordinance Update Committee:

- None

Council, Policy & Procedure Committee:

- None

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

a) The SBRC is still meeting via ZOOM. The next meeting will be held on November 15, 2020 at 6 PM. No one has volunteered to fill the vacant position of Mayor Prator.

b) The new WELCOME TO PORTLAND signs were installed in the downtown. Most of the funding was received from SBR.

Air Liquide/Voltaix Safety Committee: Stephanie Steele

- The safety committee will hold a virtual meeting on Wednesday, November 4, 2020 at 6 PM. Air Liquide has a Giving Fund and is reallocating funds. They do not donate to the Borough but do donate to the Portland Hook & Ladder Co. No 1. Being discussed at the meeting is giving to Portland and changing the funding around.

Liberty-Water Gap Trail Alliance: Cindy Fish

- Ms. Fish reported that Clean Up Day was held on October 24, 2020 along Route 611 from Portland to Delaware Water Gap; the event went very well; the event was coordinated with UMBT; the Alliance will pursue another clean up in the spring hoping to have more participation. Approximately (12) people attended.
- The Alliance will meet on November 18, 2020 at 5:30 PM. Ms. Fish is contacting the Portland Hook & Ladder Co. No. 1 for use of the Social Hall.

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- Ms. Fake replied that quarterly meetings were a good idea.

Correspondence:

- The Slate Belt Heritage Center, Bangor PA, is conducting their annual fund drive and have asked for a donation. No action taken.

Secretary's Announcements:

- The secretary will be out of the office on Tuesday, November 3, 2020.

Old Business:

a) Christmas Decorations:

1. Ms. Bucci explained how the original Christmas Lights CD Account was started by a local couple and past President of Council, William Cowell and his wife Mary Cowell, who owned the Village Barn, now Fuhrer's Tavern & Grill. The Cowell's donated \$10,000 to be placed in a certificate of deposit with only the interest being used towards Christmas lighting. The Cowell's also owned the corner building on Main Street and Delaware Avenue (Duckloe's lower showroom) as a tavern known as the Portland House.

The secretary stated that the first invoice for payment of \$1,013.63 has been received and would like to know how it should be paid; from the existing Christmas Tree Fund Account with a balance of 10,491.18 or the General Account. Ms. Hummel was directed to pay the invoice from the General Account.

2. Former Councilman Erin Long:

The secretary reported that she has been unable to reach Mr. Long for the return of the municipal building front door key and the Council room door key. Ms. Hummel stated that she sent a certified letter over thirty (30) days ago to Mr. Long requesting return of the keys or payment thereof. Mr. Long has not replied. The front door key requires a special blank therefore an expensive cost. Ms. Hummel is requesting permission to send a police officer to Mr. Long's residence to retrieve the keys. Solicitor Gaul stated sending a police officer is permissible.

New Business:

The Portland Hook & Ladder Co. No 1 has expressed interest in applying for an LSA Grant through the Borough, for a new pickup truck; they will pay for all the fees; prepare the scope of the work associated with the application, etc. The deadline is November 21, 2020. A motion was made by Kay Bucci, 2nd by Robert Ivancich authorizing an LSA Grant application by the Borough of Portland on behalf of the Portland Hook & Ladder No. 1. Motion carried: 4-0-0

Public Comment Non-Agenda:

1. Tara Mezzanotte, I-80 Rockfall Project Coalition re-entered the meeting. Ms. Mezzanotte thanked Council for passing Resolution 2020-10.

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Ms. Mezzanotte explained that the coalition is responding proactively to support their request asking for a study; by going on record now it gives the coalition the ability to be on record for further action; gives leverage against the plan.

2. All in attendance were reminded that tomorrow is general election day; the voting polls are open 7 AM to 8 PM.

Executive Session:

- None

Adjourn:

The next Council Meeting will be held on Monday, December 7, 2020 at 7:00 PM

A motion was made by William Godshalk, 2nd by Stephanie Steele to adjourn the meeting at 9:20 PM. Motion Carried 4-0-0

Respectfully Submitted,

Carol A. Hummel

Carol A. Hummel, Secretary