

BOROUGH OF PORTLAND  
COUNCIL MEETING APRIL 5, 2021

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The Portland Borough Council Meeting of April 5, 2021 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, including telephone option, 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 or telephone option. Notice of the meeting location was posted at the Borough Hall, and on its Facebook page. Members of Borough Council, the Borough Secretary, Engineer, and Solicitor attended the meeting in person at the Borough Hall.

Council Members Present for Call to Order:

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

- Council member Yvonne Gumaer was absent.

Others Present:

1. Lance Prator, Mayor
2. Mark Bahnick, Borough Engineer
3. Carol Hummel, Borough Secretary
4. Solicitor Gaul entered the meeting at 7:10 PM.

Public present Zoom internet communication or telephone option:

Jesse & Tina Geiger  
Jean Nottle  
Heather Fischer  
Samantha McHugh

Action on Minutes:

A motion was made by Kay Bucci, 2<sup>nd</sup> by Robert Ivancich approving the minutes of the regular meeting of March 1, 2021 with the following correction.

Correction, Page (12), Select Security; A motion was made by Kay Bucci approving the final payment of \$412.32 to Select Security under protest; motion 2<sup>nd</sup> by Robert Ivancich.

Roll call of votes,

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

Motion Carried 4-0-0

- Another member of the public entered the meeting via telephone communication. 610-365-1082

Secretary/Treasurer's Report:

Carol Hummel

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Bills Presented for Payment:

1. Approve the March 2021 Financial Report

- Approve Payments of Bills Presented

Borough Operations & Borough Operations Already Paid:	30,658.17
Sewer Operations & Sewer Operations Already Paid:	14,863.00
Garbage Operations & Garbage Operations Already Paid:	9,538.61
Ultra-Poly Improvements Escrow: King, Spry	4,471.50
Ultra-Poly Improvements Escrow: Van Cleef Engineering	4,708.50
General Checking Account to Fire Tax Account: Taxes in Trust	67.00
Real Estate Tax Account to Fire Tax Account: 2020 Audit	134.40
Real Estate Tax Account to Fire Tax Account: March 2021 (2 mills)	20,245.00
April 2021 payroll & taxes, approximate	10,500.00
April 2021 WEX Sunoco Fleet Gas, approximate	<u>300.00</u>
	95,486.18

- Ms. Bucci commented that she was disappointed that the Borough received a bill from the URDC grant writer concerning the LSA grant application for the demolition of the gymnasium; a professional grant writer should have submitted a complete application. The PA-DCED contacted the URDC, requesting more information concerning the comments of the Portland Planning Commission who in turn contacted the Borough.

A motion was made by William Godshalk, 2<sup>nd</sup> by Kay Bucci approving the treasurer's report and the bills presented for payment in the amount of \$ 95,486.18.

Roll call of votes,

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

Motion Carried 4-0-0

Bills Presented for payment to Portland Contractors Inc.:

• WWTP monthly services:	2,660.00
• Other miscellaneous:	<u>1,024.00</u>
	3,684.00

A motion was made by Kay Bucci, 2<sup>nd</sup> by Robert Ivancich approving the bills presented for payment to Portland Contractors, Inc., in the amount of \$3,684.00.

Roll call of votes,

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

ABSTAIN: W. Godshalk

Motion Carried 3-0-1

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Public Comment:

1. Jesse & Tina Geiger: 710 Hillcrest Drive

Water Shut-Off Notice:

Mr. Geiger stated that he and his wife do not reside at 710 Hillcrest Drive, they own the property and presently rent to tenants. Under the rental agreement, the tenant is responsible to pay the sewer bill, which is now delinquent; the Geiger's have initiated eviction proceedings due to owing other bills against the property. The Geiger's maintain they are not responsible for the Borough sewer bill.

Mr. Geiger cited the PUC and questioned how he can be penalized by one utility and not the other. Ms. Steele replied that the Borough does not get involved with other utilities. The Borough is not governed by the PUC. Solicitor Gaul explained and stated that state law allows the water shut offs. You cannot shut off sewer operations and cause a backup of sewer.

Solicitor Gaul replied that property owners are responsible for the bills against the property. The billing of the sewer utility must be in the name of the property owner for financial accountability reasons. The Borough cannot place a lien against a tenant therefore the Borough places liens against the property owner whose property is delinquent.

The Geiger's exited the Zoom meeting.

2. James Steele, partner with Ms. Stephanie Steele: 413 Delaware Avenue

Mr. Steele was unable to attend due to another commitment. Vice President Kay Bucci presided over this portion of the Council meeting.

- Knott Necessarily, LLC recently purchased 413 Delaware Avenue, at which time the monthly sewer rate is \$120 per month. Before the purchase, the property was owner occupied and per the sewer ordinance the prior owner was only responsible for 1.5 EDU's. The property will no longer be owner occupied. Mr. Steele is requesting that ½ EDU be added to the property so that going forward there will be (1) EDU for the commercial portion and (1) EDU for the second-floor apartment. Mr. Steele is asking Council to allow Knott Necessarily, LLC to pay \$750 which is one-half of the current tapping fee rate of \$1,500. Knott Necessarily, LLC will then be responsible for (2) EDU's at the cost of \$160 per month.

Solicitor Gaul replied that he did not know you could purchase ½ EDU. Ms. Bucci explained that it was a special discussion at a Council meeting when Arthur Kardos, who was the prior owner, addressed Council at the infancy of the sewer project and requested ½ EDU for the commercial portion of the property. Mr. Kardos received approval to pay ½ EDU for the commercial portion and (1) EDU for the apartment portion of the property.

Ms. Steele stated that researching the sewer ordinance, an owner-occupied business can be billed at 1.5 EDU. Questions were asked by Mr. Godshalk and the Borough engineer who asked, "why does this require council action". Ms. Steele replied that she did not know if council action was required so a formal request was made.

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Solicitor Gaul stated that the Steele's should make a sewer application explaining the use and the EDU request of the property in case there is a question in the future. No action was taken.

Sewer Matters and Borough Engineers Report:

Sewer Shut-Offs                      710 Hillcrest Drive

1. There will be no sewer shut off tomorrow for the above-mentioned property. There are different rules for tenants and owner-occupied properties. The tenants have another (37) days before a sewer shut off.

- Mr. Bahnick reported that WWTP operations have been impacted by unusual wastewater discharge. The WWTP operator is working to resolve the issue.
- The annual Chapter 94 report has been completed and submitted to the DEP.
- The Weidman Minor Subdivision is finalized and suitable for signature by Borough officials.
- Dunkin Donuts needs to complete the PennDOT HOP Improvements to their driveway entrance and to install crosswalks. A meeting will be held April 26<sup>th</sup> with PennDOT and Dunkin to discuss details prior to construction. Site work should begin in a few months. Mr. Bahnick stated that he told Dunkin the dumpster has to be removed from its present location.

2. A quote was received from Super Heat, Inc. for the installation of wall mounted ductless heat pumps to supply heat and air conditioning for the WWTP operations single room, in the amount of \$5,019.50.

A motion was made by Kay Bucci, 2<sup>nd</sup> by Robert Ivancich accepting the quote in the amount of \$5,019.50.

Roll call of votes,

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

Motion Carried 4-0-0

Back to Dunkin and the Borough Engineer:

Councilman Godshalk stated that the drain in the Dunkin parking lot needs grate work. Mr. Godshalk reported that drains are the responsibility of PennDOT if in the PennDOT right-of-way. Mr. Godshalk asked if someone could find out if the Borough or Dunkin is responsible for the drain in the Dunkin parking lot. Mr. Bahnick replied that he would speak with Dunkin since his intuition is that the drain is Dunkin's problem.

Zoning Officer Report:

Keller Zoning & Inspection Services

- None

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UCC Building Code Inspectors Report: Keller Zoning & Inspection Services

- One (1) permit was issued for signage at the Ultra-Poly Building Two project.

Zoning Hearing Board (ZHB):

- No hearings are scheduled at this time.

Planning Commission:

- None

Borough Engineer:

- Mr. Bahnick left the meeting at 7:39 PM.

Portland Borough Authority (PBA): Lance Prator, Chairman

1. A motion was made by William Godshalk, 2<sup>nd</sup> by Kay Bucci to accept the resignation of Thomas Fish, with regret. It was noted that Mr. Fish served on the Portland Borough Authority for 21 or 22 years.

Roll call of votes,

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

Motion Carried 4-0-0

2. Ms. Holly O'Brien of 402 Hazen Avenue has applied to fill the vacant position on the PBA. Ms. O'Brien had previously served on the Board.

- Ms. Bucci asked if the position was advertised. Chairman Prator replied that the vacancy has been posted on Facebook. Ms. Bucci stated that it should be advertised properly and also announced in the Borough newsletter. The appointment was tabled. The secretary was directed to place on the May agenda.

3. William Godshalk:

- Mr. Godshalk stated that he is disappointed that the Borough and the PBA do not work together concerning the sharing of equipment; that the Borough and the Authority are one. Mr. Godshalk asked Solicitor Gaul if it was correct that the PBA can now borrow money on their own. Solicitor Gaul replied that to his knowledge, the PBA has borrowed money on its own in the past.
- Ms. Bucci replied that Mr. Godshalk is correct about being one. Ms. Bucci complained about the PBA possibly meeting privately with developers and not sharing information with Borough Council. Will this benefit the Borough to get involved with the River Pointe Logistics developers? How is this going to benefit the Borough? Who is going to benefit besides developer Mr. Lou Pecktor. This is what should be shared with

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Borough Council even though we are separate entities, we are still one Borough of Portland. Ms. Bucci stated that these remarks are her personal opinion.

- The Borough still has control over the PBA and who serves on the Board. One board member from UMBT is allowed on the PBA board. Solicitor Gaul replied that, generally speaking, the Borough has ultimate authority over whether the PBA will continue in existence.
- Ms. Steele asked about intermunicipal agreements for use of equipment. Solicitor Gaul replied that separate legal entities require an agreement.
- Ms. Steele asked the secretary if the Borough was billed by the PBA for use of their dump truck for snow plowing this past winter. The secretary replied that she did not recall receiving or paying any bill for use of the truck. Ms. Steele stated that she would investigate with the PBA secretary.
- Ms. Bucci asked if the PBA would decide on an expenditure to run water pipes up State Route 611 to Middle Village would Borough Council have to approve. Solicitor Gaul replied that the articles of incorporation would have to reviewed.

Legal: Michael Gaul

Ms. Steele brought up the issue of signage for Delaware Avenue. Solicitor Gaul stated that to install No Parking signs downtown it should be done by ordinance in order to be able to enforce a violation. Solicitor Gaul questioned if this could be done on a state highway. Ms. Steele replied that she was gifted with a publication of PennDOT official rules for traffic control devices and in that publication, it states as long as it is done by ordinance. She will have the maintenance man, Fred, measure the signage distance. Solicitor Gaul replied he will have the ordinance advertised and ready for the May 3, 2021 Council meeting.

Ms. Steele stated that the signage may be able to be paid for by Slate Belt Rising (SBR) since the Borough's budgeted allocation from SBR is \$10,000 for 2021. Stephen Reider is also working on quotes for digital and speed signs.

Subdivision and Land Development:

- None

Community Development, Slate Belt COG & Grants:

1. The Borough has made arrangements for use of the COG street sweeper for April 19 & 20, 2021. Mr. Godshalk stated that the sweeper is stored in Pen Argyl Borough.

A motion was made by William Godshalk, 2<sup>nd</sup> by Robert Ivancich authorizing President Steele to execute the Inter-Municipal Lease Agreement with the Slate Belt COG and authorizing the payment of \$100 per day rental fee.

Discussion: Mayor Prator suggested that the Borough reserve rental dates for 2022 since the COG secretary is scheduling on whichever municipality contacts her first. Ms. Steele reported that Portland Borough is not currently subject to the MS4 requirements, due to the Borough's small population, but someday may be subject to the requirements,

Roll call of votes,

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YES: R. Ivancich, W. Godshalk, K. Bucci, S. Steele  
Motion Carried 4-0-0

2. Ms. Steele stated that (17) Christmas banners were taken down by Rileigh's Outdoor and (17) Portland banners were put in their place. The holiday wreaths had already been taken down. Council approved the expenditure of \$45 per banner switch out by telephone communication. Ms. Steele suggested that the Borough get on a schedule with Rileigh's Outdoor to put up and take down the banners annually. This will alleviate a headache for the Borough. Ms. Steele stated she would ask Rileigh's for a quote. They also will take down Christmas wreaths.

i. Ms. Bucci was disappointed that the Christmas banners were still up in March. Ms. Bucci replied that the Portland Hook & Ladder Co. #1 should put up and take down the banners since the Borough contributes funding toward the loan payment of their fire truck. The fire company assisted Knowlton Township (26) times in 2020. How long would it take the fire company to remove the banners. Ms. Bucci noted that until a few years ago the fire company was self-supporting.

3. There is no report about the LSA grant for the demolition of the gymnasium, except the bill presented for payment for supplemental information that was requested by the DCED.

4. Mayor Prator reported on the Northampton County COG meeting which was held by Zoom on March 24, 2021.

Community Events/Recreation Board:

- The Easter Egg Hunt was held April 3, 2021 on the ball field with (14) children ages three to six and (10) children for the drive around with the fire company and the Easter Bunny.
- A town wide yard sale has been planned for May 29, 2021.
- Slate Belt Rising Litter clean-up day will be held on April 10, 2021 from 9 AM to 12 Noon. The clean-up will begin at the Park & Ride and work its way up Route 611.
- The monthly committee meeting will be held Sunday, April 11, 2021.

Police Report:

1. The March police report was provided in writing by Chief Mulligan.

2. The police desk computer crashed. Ms. Steele explained that everything was recovered, and a new computer was quickly purchased. The cost for a server was approved at the March Council meeting.

- President Steele stated that she is very frustrated with the police department. The police do not need a server for the new computer to function. The server is a means for back-up.
- Ms. Steele stated that she received complaints about the police sitting in their patrol car in the lot on Demi Road on their telephones.
- Two quotes were received for tech services. No hardware replacements are included in these costs. Bork PC, Bangor PA at \$125 hourly rate. Access office, Stroudsburg, PA \$145 per hour, plus plan options that can reduce the hourly rate.

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Bork PC was recommended by Mayor Prator who stated the firm is used by Refiner's Fire Ministry and the Slate Belt Chamber of Commerce.

A motion was made by Kay Bucci, 2<sup>nd</sup> by Robert Ivancich to hire Bork PC, Bangor PA for tech issues/services at the hourly rate of \$125 per hour.

Discussion:

Samantha McHugh replied via Zoom Communications that she wanted to file a police report but was told by the on-duty Portland police officer that a report could not be filed because of computer tech issues. Solicitor Gaul replied that if the Portland police are not available or cannot assist you then you must call the PA state police. The PA state police cover the Borough when no Portland officer is on duty. Solicitor Gaul advised Ms. McHugh to contact the PA state police to file her report.

Mayor Prator stated that he will meet with Chief Mulligan tomorrow. Ms. Bucci stated that the Chief or another officer should be present when Bork PC is working on the tech issues.

- The above motion was not approved by roll call of votes.

Further discussion was held concerning Bork PC and setting a cost limit on the work that will be provided. A motion was made by Kay Bucci, 2<sup>nd</sup> by William Godshalk to hire Bork PC, Bangor PA for tech issues/services at the cost not to exceed \$1,500.

Roll call of votes,

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

Motion Carried 4-0-0

3. The secretary spoke with Solicitor Gaul concerning a question/answer in the monthly Borough News publication that police departments can appoint their own Right-To-Know (RTK) officer. Ms. Hummel, as the Borough RTK officer, would like the police to handle any requests that involve police department records.

A motion was made by Kay Bucci, 2<sup>nd</sup> by William Godshalk appointing Chief Mulligan as the RTK Officer for the Portland Police Department records.

Roll call of votes,

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

Motion Carried 4-0-0

4. Nuisance Ordinance:           2002-2

Ms. Bucci reported that previously Mayor Prator stated that the police department was keeping a log of vehicles in the Borough without registration. Ms. Bucci cited the nuisances that she has observed. Solicitor Gaul added that a nuisance situation could also be possibly addressed



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under the zoning ordinance, or Property Maintenance Code, which may be a more effective route.

Ms. Bucci replied that having the Codes Officer respond costs too much when the police are available to enforce the ordinance. This a residential district and needs attention. Ms. Bucci stated that the bottom line is that nothing is being done. After (90) days an unregistered vehicle should receive a letter and given (5) days to respond by removing the cars. Ms. Bucci wants the town cleaned up.

Mayors Report:

Mayor Prator's report provided via email.

- Reported on the i-80 Rockfall Coalition
- Borough Council Meeting
- Link Trail Meeting
- PBA Board Meeting
- SBCOG training for the street sweeper
- Northampton County COG meeting
- Slate Belt COG Meeting
- LVPC General Assembly meeting

Streets: William Godshalk

a) 405 Zeman Street:

a) An email was received from the property owner that Zeman Street needs to be cleaned up or replace the stones that the snowplow removed when plowing. Council members stated that the street is not ordained even though the street is plowed. Mr. Godshalk replied that a backhoe/tractor could be rented. Ms. Steele stated that the Borough should make a list of streets that need attention.

b) Mr. Godshalk would like to meet one-half hour before the monthly Council meeting to discuss street issues.

- Mud flaps and seat cover for the new dump truck.
- Decals for the doors of the new dump truck.
- Patch potholes.
- Crack Seal Main Street & Pennsylvania Avenue and do along the sidewalk downtown.  
Need the streets swept first.

A motion was made by William Godshalk, 2<sup>nd</sup> Robert Ivancich approving the crack sealing of Main Street, Pennsylvania Avenue, and along the sidewalks downtown, not to exceed the cost of \$8,000.

Roll call of votes,

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

Motion Carried 4-0-0

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c) One catch basin is left to be repaired.

d) Mr. Godshalk stated that the Borough already has the gymnasium building that can be repurposed as a garage for the vehicles/equipment. The building has a lot of potential. There is not enough room in the Borough parking lot next to the municipal building for another garage.

- Ms. Steel suggested a walk through by a contractor to give the Borough a quote on rehabilitation of the gymnasium.

e) Ms. Bucci provided quotes for two buildings with sites prepared.

- Pioneer Pole Building – 30' wide x 48' long x 12' 4" high - \$23,845
- Starcrest Builders – 30' wide x 48' long x 12' high - \$29,958.

Ms. Bucci stated that the small garage would have to be moved, a quote is needed; the threshold for prevailing wage is \$25,000; the Borough could do some of the work ourselves so that the work would not go over bid; the federal stimulus funds that the Borough has been allocated could pay for the building. Councilman Ivancich replied that there are shed businesses that will deliver to the site. Ms. Bucci stated that the deadline should be the next winter season.

f) Mr. Godshak stated that the street department needs a part-time employee to help with mowing grass, other street duties and to clean the Park & Walk restroom.

A motion was made by Robert Ivancich, 2<sup>nd</sup> by William Godshalk to advertise for a seasonal employee for up to (20) hours per week with the hourly rate of \$11.00 per hour.

Roll call of votes,

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

Motion Carried 4-0-0

g) Hallett Contractors contacted Ms. Bucci and asked if Borough Council would be interested in purchasing the former Mike's Garage on Northampton Street. Mr. Hallett purchased the garage from Mike Harman. No action was taken.

Sanitation Committee:

- There have been no more complaints from residents that their garbage has not been picked up.
- The last loan to the Garbage Tax Account, in the amount of \$5,000, has been paid in full to the Real Estate Tax Account on March 2, 2021.

Building Committee:

a) The municipal building, sewer, Park & Walk keys have been returned to the Borough office by the former seasonal employee.

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Budget, Finance, Insurance, & Cable TV Contract:

a) The secretary reported that she still has not received a reply from the Olav Sandnes Subdivision Escrow Account concerning any plans for Lot 6A in the Portland Industrial Park and the return of their escrow account funds.

b) Ultra-Poly Corp has paid the sewer reservation fee for LOT 6A in the Portland Industrial Park, in the amount of \$576.

c) The 2020 audit is complete and sent to the PA-DCED. A motion was made by Kay Bucci, 2<sup>nd</sup> by Robert Ivancich authorizing President Steele to execute the Representation Letter from Kirk, Summa, LLP for the 2020 audit.

Roll call of votes,

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

Motion Carried 4-0-0

d) A motion was made by Kay Bucci, 2<sup>nd</sup> by Robert Ivancich to advertise the condensed version of the 2020 audit in the Pocono Record publication.

- Solicitor Gaul replied that the version is not in the correct format. Ms. Hummel will contact the auditor to correct the condensed version before advertising.

Roll call of votes,

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

Motion Carried 4-0-0

e) Covid-19 Federal Stimulus Funds:

The secretary reported that the Borough will be receiving Covid-19 federal stimulus funds from the US Treasury in the amount of \$50.72K. There will be two (2) payments, (12) months apart.

f) Ms. Steele has been in contact with the Service Electric Cable TV representative regarding the installation of one (1) free wi-fi cable modem for the Park & Walk Lot.

Ordinance Update Committee:

- None

Council, Policy & Procedure Committee:

- None

Air Liquide Safety Committee:

- Air Liquide has changed their meeting to every month on the second Wednesday, via ZOOM Communications at 6 PM.

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

- Meets 2<sup>nd</sup> Thursday, of every month via ZOOM Communications at 6 PM.

Liberty-Water Gap Trail Alliance: Cindy Fish

- No meeting is scheduled until April 2021.

Correspondence:

- None

Secretary's Announcements:

- None

Old Business:

- There are two (2) vacant Council seats and one (1) vacant ZHB seat.

New Business:

- The 2020 report of the Portland Hook & Ladder Co. #1 is included in your Council packet.

Executive Session:

- None

Public Comment Non-Agenda:

Jesse Geiger, 710 Hillcrest Drive, returned to the Zoom meeting. Mr. Geiger stated that he would call the Borough office tomorrow to make arrangements to pay the delinquent sewer bill. Mr. Geiger was informed by Council that the water will not be turned off tomorrow, April 6, 2021, due to a tenant residing in the property.

Adjourn:

The next Council Meeting will be held on Monday, May 3, 2021 at 7:00 PM

A motion to adjourn the meeting was made by Kay Bucci, 2<sup>nd</sup> by Robert Ivancich at 9:34 PM.

Roll call of votes,

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

Motion Carried 4-0-0

Respectfully Submitted,

*Carol A. Hummel*  
Carol A. Hummel, Secretary