

BOROUGH OF PORTLAND
COUNCIL MEETING JULY 5, 2021

The Portland Borough Council Meeting of July 5, 2021 was called to order at 7:00 PM by Stephanie Steele, President of Borough Council.

The meeting was held in-person at the Borough Hall, with the option for members of Council and the public to participate 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.

Council Members Present for Call to Order:

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

- Council member Yvonne Gumaer was absent.
- Mayor Lance Prator was absent.
- Borough Engineer Mark Bahnick was absent.

Others Present:

1. Michael Gaul, Solicitor
2. Carol Hummel, Borough Secretary

Public Present and/or Zoom Communications:

1. Elizabeth Kelly, Associate Attorney, Zoom Communications
2. Patrick McHugh, in person
3. Hubert McHugh, in person

Letter of Interest for Vacant Council Seat:

a) Patrick McHugh, 405 Pennsylvania Avenue:

Mr. McHugh's letter of interest stated that he has been a resident of Portland since he was four years old, except for a few years when he had moved to Stroudsburg, PA. He currently resides with his wife and two children at 405 Pennsylvania Avenue. Mr. McHugh has been a teacher at the Bangor Area School District for the past seventeen (17) years.

Ms. Bucci questioned Mr. McHugh about her concerns.

- Mr. McHugh wants to learn how and why things are done and to be involved in the community.
- Ms. Bucci asked Mr. McHugh if he had received a letter from the zoning officer about the run-off/dirt washing from his driveway onto Pennsylvania Avenue into the storm drain? Mr. McHugh replied YES
- What did the letter tell you to do? Ms. Bucci stated that the letter told Mr. McHugh to clean it up. Mr. McHugh replied that the storm water that is washing out his driveway is coming from behind the Borough Dumpster and along the stone wall. Mr. McHugh stated that he has taken a video.
- Do you feel an obligation to clean up the street? Mr. McHugh replied that he plans on fixing the problem in a couple of weeks.

BOROUGH OF PORTLAND
COUNCIL MEETING JULY 5, 2021

- Ms. Bucci stated that the Borough streets were just cleaned. Moving forward the federal government will require the Borough to abide by federal MS-4 regulations to sweep the streets of the Borough, four (4) times per year, to avoid polluting the nations waterways, or the Borough will be penalized. Mr. McHugh stated that he knows there are issues with Northampton and Main Streets and feels that storm drainage is a Borough issue.
- Mr. McHugh stated that he would like to be part of the voting process as to how Borough money is spent. Ms. Steele replied that the budget is available annually for review and comments on the Borough's website.
- Mr. Godshalk replied by advising Mr. McHugh how to remedy the runoff problem.
- There was no action taken by Council.

Action on Minutes:

a) A motion was made by William Godshalk, 2nd by Kay Bucci approving the minutes of the regular meeting of June 7, 2021, as presented. Motion Carried 4-0-0

b) A motion was made by Kay Bucci, 2nd by Robert Ivancich approving the minutes of the special meeting of June 28, 2021, as presented. Motion Carried 4-0-0

Secretary/Treasurer's Report:

Carol Hummel

Bills Presented for Payment:

1. Approve the May 2021 Financial Report

- Approve Payments of Bills Presented

Borough Operations & Borough Operations Already Paid:	15,588.24
Sewer Operations & Sewer Operations Already Paid:	19,909.50
Garbage Operations & Garbage Operations Already Paid:	4,873.12
Slate Hills Enterprises Escrow: postage for Ott Consulting; King, Spry	238.70
Dunkin Donuts Streetscape Escrow: Van Cleef Engineering	438.00
Weidman Minor Subdivision Escrow to General Checking Acct.- reimburse engineering fees	1,812.76
Real Estate Tax Account to D. S. Weidman property reassessment – 507-509 Delaware Ave.	226.06
Fire Tax Acct. to Real Estate Tax Acct. for (2) mills owed to D. S. Weidman reassessment	22.61
Real Estate Account to Fire Tax Account – (2) mills from Taxes in Trust delinquent	188.40
July 2021 payroll & taxes, approximate	6,700.00
July 2021 WEX Sunoco Fleet Gas, approximate	400.00
	<u>\$ 50,397.39</u>

A motion was made by William Godshalk, 2nd by Robert Ivancich approving the treasurer's report and the bills presented for payment in the amount of \$ 50,397.39. Motion Carried 4-0-0

Bills Presented for payment to Portland Contractors Inc.:

WWTP monthly services:	2,660.00
Other:	<u>2,746.00</u>
	5,406.00

BOROUGH OF PORTLAND
COUNCIL MEETING JULY 5, 2021

A motion was made by Kay Bucci, 2nd by Robert Ivancich approving the bills presented for payment to Portland Contractors, Inc., in the amount of \$5,406.00. Motion Carried 3-0-1. William Godshalk abstained.

Public Comment:

McTish-Kunkle and Associates:

Traffic Engineering Service, Christine M. Troxell, PE, PTOE: Senior Project Manager:

Ms. Troxell stated that the firm was referred to Council by the Borough's Engineer, Mark Bahnick, for review of the River Pointe Industrial Park traffic study and future HOP applications on behalf of the Borough. The firm is from Allentown, PA, and provides a lot of work for PennDOT, some private and municipal work. Ms. Troxell's background is in traffic studies, permits, and designs.

Discussion:

Ms. Troxell stated that after speaking with Mr. Bahnick he is not aware if an HOP permit has been submitted by the developer. Solicitor Gaul replied that the top portion of Demi Road is dedicated to UMBT, where the developer's access is at the cul-da-sac with the road. The lower half was dedicated to Portland Borough. Ultra Poly had previously received an HOP from PENNDOT for the intersection between Demi Road and River Road.

Ms. Bucci spoke about Ultra Poly Corp., who already had one building and has since constructed a new building which added traffic. 741 trucks a day is projected for the new development of the 303 Demi Road and Logistics Center development. That's a lot of traffic stated Ms. Bucci.

Solicitor Gaul stated that several big projects are being considered or proposed: the 303 Demi Road warehouse land development, the proposed Logistics Center, and the development of the former Gen-On property on River Road. Ms. Troxell replied that she agrees with the Borough's concerns. Solicitor Gaul further stated that there are other potential issues besides traffic that have arisen, including the developer's prior request to utilize the Borough's Wastewater Treatment Plant for sewage treatment.

Ms. Troxell stated that Demi Road is not listed on the Borough's Liquid Fuels Map. Solicitor Gaul replied that the area from River Road up to Ultra Poly, which is in the Borough, was already improved prior to the construction of the rest of Demi Road in the Industrial Park but was not initially owned by the Borough. Solicitor Gaul stated that the proposed land development plans for the 303 Demi Road project are scheduled to go before the UMBT Planning Commission on July 19; the issue is that the Borough has not been kept informed. The Borough attended the Lehigh Valley Planning Commission (LVPC) meeting in June 2020 and was surprised that no one had provided the Borough with plans for the Borough to review; the UMBT Act 537 Draft Plan, submitted by UMBT engineer, Carroll Engineering, has been rejected by the DEP.

Ms. Troxell stated that she is not sure what direction the Borough would like to proceed. Ms. Bucci also commented that there has been no decision concerning the UMBT zoning amendment that is proceeding in the Northampton County Court of Common Pleas.

BOROUGH OF PORTLAND
COUNCIL MEETING JULY 5, 2021

Ms. Troxell asked if the Borough has reached out to the LVPC. Solicitor Gaul replied that one or more Borough officials had recently participated in a meeting at which the LVPC was present. The situation should also be discussed with Ultra Poly Corp.

President Steele asked about the firm's fee schedule. Ms. Troxell replied that the schedule runs with the PennDOT calendar. Solicitor Gaul reviewed the rates and replied that the rate for the Senior Project Manager is \$155 per hour. Ms. Troxell explained all the other rates. A contract will be provided to Solicitor Gaul for review.

A motion was made by Kay Bucci, 2nd by William Godshalk to engage McTish-Kunkle and Associates as the traffic consultant for the 303 Demi Road land development, to authorize the President of Council to sign and engage in a letter of agreement with McTish-Kunkle and Associates, to the satisfaction of the Borough Solicitor, in an amount not to exceed \$5,000. Motion carried: 4-0-0

Ms. Troxell asked if the Borough would like her to reach out to PennDOT. Council replied YES, whatever you and the Borough engineer decide.

- Ms. Troxell left the meeting at 7:49 PM.

Sewer Matters:

a) Sewer Shut-Offs

- None

b) Borough Engineers Report: Mark Bahnick, Van Cleef Engineering

- Ms. Steele reported that the membranes have failed. The life of the membranes is (10) years and the Borough has realized (13) years.
- The second tank is up and running.

Zoning Officer Report:

Keller Zoning & Inspection Services

- None
- The Planning Commission will meet on July 19, 2021, to review the Slate Hills Enterprises proposed (6) Apartment Land Development on Delaware Avenue. The secretary was directed to invite the developer, Pete Iselo and the alternate engineer, Ott Consulting, Inc. to attend the August 2, 2021, Council meeting.

Zoning Hearing Board (ZHB):

- No hearings are scheduled at this time.

BOROUGH OF PORTLAND
COUNCIL MEETING JULY 5, 2021

UCC Building Code Inspectors Report: Keller Zoning & Inspection Services

- One (1) permit was issued to 115 State Street.

Planning Commission:

- None

Portland Borough Authority (PBA): Lance Prator, Chairman

- None

Legal: Michael Gaul

The BAC-IDA was discussed with regards to the development of the former GenOn property on River Road. Ms. Steele asked whether the Borough's appointee, Jack Bellis, needed to consult with the Borough Council and gets its approval, before voting on projects at the IDA meetings. Solicitor Gaul stated that his understanding was that Mr. Bellis is appointed by the Borough Council, but then makes his own decisions regarding voting on IDA matters, similar to the way the Board of the Water Authority operates. Ms. Steele stated that this development is a very hot topic now.

Ms. Steele explained the developer wants the BAC-IDA to obtain grant money to clean up the GenOn property by deeding the property to the BAC-IDA. After clean-up by the BAC-IDA will deed the property back to the developer.

Ms. Bucci referenced a clean-up associated with the Minsi Trail in Bethlehem, PA. by the Minsi Trail Bridge along the Lehigh River.

Subdivision and Land Development:

- None

Community Development, Slate Belt COG & Grants:

a) An Invoice was received from the Slate Belt COG, in the amount of \$1,000, for the replacement of the radiator for the COG street sweeper, due to an accident by the Portland Street department while in use. Ms. Steele stated that the Borough should pay the bill. Ms. Bucci asked if this was the total bill. Ms. Steele replied NO. Mayor Prator had stated to Ms. Steele at an earlier time that the Borough should just pay \$500. Ms. Bucci replied that the Borough is being blamed for the damage to the radiator because the maintenance man clipped a mailbox with the street sweeper. Councilman Ivancich stated to table the matter, which was agreed by consensus.

b) Northampton County continues to meet the threshold to be considered an "Urban Entitlement" for the purposes of HUD's Community Development Block Grant (CDBG) Program. Northampton County, with the inclusion of the City of Easton during FY-2019, has now become a direct entitlement of additional HUD programs. Every three years since 2006, Portland Borough, as a unit of local government, agreed to participate as part of the Urban County designation for a three-year qualification period. HUD directs the county to notify municipalities

BOROUGH OF PORTLAND
COUNCIL MEETING JULY 5, 2021

of its options to continue participation under the County's Urban Entitlement Program or to be excluded.

Discussion:

The Borough has been a participant since 2006. Previously an applicant could apply directly to the state but now Northampton County will receive the grant funds and distribute the funds. Solicitor Gaul stated that the police department should review their policies concerning "a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and a policy enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is subject of such non-violent civil rights demonstrations within jurisdictions".

A motion was made by Kay Bucci, 2nd by Robert Ivancich, approving the participation of the Borough of Portland in the County of Northampton's HUD's Community Development Block Grant (CDBG) Program; authorizing President Steele to execute the three (3) year agreement; and that the police department review their policies as stated in the agreement. Motion carried: 4-0-0

c) The COG met on Wednesday, June 23, 2021, at 7 PM. There will be no meeting in July. The next meeting is August 25, 2021.

d) LSA Grant Update, Gymnasium Demolition: Kay Bucci

Associate Attorney Elizabeth Kelly reviewed the LSA contract and stated there are several conditions that need to be addressed before signing the contract, which Ms. Kelly discussed with Council. Solicitor Gaul replied that he was aware of the conditions since the Borough has had a previous LSA contract, when the Park & Walk restroom was purchased and installed on Delaware Avenue.

A motion was made William Godshalk, 2nd by Robert Ivancich authorizing President Steele and Vice President Bucci to execute the LSA Grant Contract as presented. Motion carried: 4-0-0

Discussion:

Solicitor Gaul stated that the next step concerns a review by the Planning Commission. Ms. Bucci replied that the Planning Commission already provided a letter of support, along with the LSA application. Solicitor Gaul asked if Council would want to notify the Bangor Area School District (BASD), since the property was previous a BASD property deeded to the Borough. No action was taken.

Ms. Steele stated that a motion should be made for the disconnection of the Met Ed electric service and the AmeriGas propane heat. The water and the sewer also need to be disconnected. Mr. Hubert McHugh, in the audience, asked when the demolition will occur. Ms. Steele replied when the Borough gets all their "ducks in a row". Mr. McHugh stated that the gymnasium is an abandoned building and is a liability. Solicitor Gaul stated that Mr. McHugh was correct, that insurance can't be obtained on an abandoned building. Ms. Steele will contact the Borough's insurance carrier for general liability and what is considered an abandoned building. Disconnecting of utility services was tabled until the August 2nd Council meeting.

BOROUGH OF PORTLAND
COUNCIL MEETING JULY 5, 2021

Plan Slate Belt:

a) Plan Slate Belt will meet at the Weona Park Community Center in Pen Argyl on July 7, 2021. There will be a Roundtable discussion with the area police and fire chiefs.

Community Events/Recreation Board:

- The Borough wide community picnic, held on Sunday, June 13, 2021, was well attended.
- On Saturday, July 24th, a free ice cream social will be held at the Park & Walk Lot beginning at 6:30 PM.

Air Liquide Safety Committee:

- Meetings are postponed until September 2021.

Police Report:

- The June police report was provided in writing to Council by Chief Mulligan.

Mayors Report:

- None

Streets: William Godshalk

a) Discussed was adding more hours to street department employee, Randi Snook, who is working out very well.

Ms. Snook is presently working (10) hours per week at the rate of \$11.00 per hour. A motion was made by Kay Bucci, 2nd by Robert Ivancich increasing Ms. Snook's hours to twenty (20) per week at the rate of \$11.50 per hour. Motion carried: 3-0-1 (Councilman Godshalk abstained)

b) Ms. Steele met with a retired a PennDOT employee concerning the placement of (2) two-hour parking signage on Route 611, regarding the Waterfront Park. Reinstatement of two (2) hour parking in the downtown business district coincides with the Waterfront Park. The business owners are complaining that the "river people" are parking in front of their establishments all day long.

A motion was made by Robert Ivancich, 2nd by Kay Bucci to reinstall the two (2) hour parking signs in the downtown business district.

Discussion:

Hubert McHugh asked about the business owners. Ms. Bucci replied that several years ago Duckloe Brothers complained that two-hour parking was not beneficial to their business because the customers spend up to five hours shopping in their establishment. Ms. Bucci replied that Janet's Jem's also approached Council and complained. Mr. McHugh stated that tenant overnight parking is more of a problem. Patrick McHugh replied about the ordinance

BOROUGH OF PORTLAND
COUNCIL MEETING JULY 5, 2021

being enforced. Ms. Steele replied that is a discussion he should have with Mayor Prator and the police department.

Motion then carried: 4-0-0

Ms. Bucci asked if the hours are posted on the signs. Ms. Steele replied that she thinks it is just (2) hours, no time. Ordinance 192 will be reviewed and if needed can be amended.

c) Councilman Godshalk stated that paving needs to be done in the area of the salt bin on Division Street, Weidman, and Bruce Streets. Ms. Steele replied that Mr. Godshalk should seek quotes for the work. The backhoe rental was previously approved.

d) Mr. Godshalk would like No Parking for the west side of Northampton Street. Ms. Bucci complained that it is hard to maneuver around the dumpster that is parked there by Charlie Nansteel. Ms. Bucci stated that Mr. Nansteel should receive a letter from zoning. It was decided by Council that the ordinance will first be reviewed.

Building Committee:

The Pioneer Pole Building:

Solicitor Gaul stated that we need a review of the Pioneer's Co-Stars contract, the paperwork that was provided is not helpful. The salesman ought to provide the Borough with Co-Stars pricing. Ms. Bucci replied that the Co-Stars list only mentions sheds. The building may have to go out to bid.

Sanitation Committee:

- None

Budget, Finance, Insurance, & Cable TV Contract:

Ms. Steele spoke with Service Electric concerning the WIFI connection for the downtown business district. The representative will make a site visit to determine the placement and if there are any other options.

Ordinance Update Committee:

- None

Council, Policy & Procedure Committee:

- None

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

- The committee meets Thursday, July 8th at Bangor Borough at 6 PM.
- The committee is working on spending.

BOROUGH OF PORTLAND
COUNCIL MEETING JULY 5, 2021

- There is still funding monies for the Borough.

Liberty-Water Gap Trail Alliance:

Cindy Fish

- There is a problem with attendance. There is no representative from UMBT. Mayor Prator, Cindy Fish and Stephanie Steele attend from Portland.
- Monroe and Northampton Counties are speaking with PennDOT for more engineering studies.
- The Keep America Beautiful Program for the trail is very expensive. PennDOT has a program, as well.
- The Tunnels to Towers Foundation is commemorating the 20th anniversary of the September 11, 2001, tragedy of the Twin Towers in New York City. Mark Stiller, Chairman and CEO of the foundation will begin the walk at the Pentagon in Washington, DC, onto Schanksville, PA., and then through Easton, PA on September 4th to arrive in NYC on September 11th. Mr. Stiller will walk through Portland for a meet and greet. No date has been determined for his arrival in Portland.
- There will be no meeting in July.
- The next meeting is scheduled for August 18th at 5:30 PM at the UMBT Community Park.

Correspondence:

- Save the date of September 9, 2021, to honor Alan Jennings, Executive Director of the CAC-LV for his four decades of serving the community. RSVP is in the Council packets.

Secretary's Announcements:

- The secretary will be out of the office on Monday, July 12, 2021.

Old Business:

- None

New Business:

- The restored Jacoby Creek-State Route 1032 Bridge is scheduled for opening on July 9, 2021. A DVD of the road survey is being mailed to the Borough.
- The Borough has been in contact with PennDOT concerning the return of the original 1921 brass plaque that was removed from the bridge during reconstruction.

Executive Session:

- None

BOROUGH OF PORTLAND
COUNCIL MEETING JULY 5, 2021

Public Comment Non-Agenda:

- None

Adjourn:

The next Council Meeting will be held on Monday, August 2, 2021, at 7:00 PM

A motion to adjourn the meeting at 9:06 PM was made by Robert Ivancich, 2nd by Kay Bucci.
Motion Carried 4-0-0

Respectfully Submitted,

Carol A. Hummel

Carol A. Hummel, Secretary