

BOROUGH OF PORTLAND
COUNCIL MEETING SEPTEMBER 13, 2021

The Portland Borough Council Meeting of September 13, 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 Council Chambers.

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, Van Cleef Engineering Associates
4. Carol Hummel, Borough Secretary

Public Present:

1. Patrick McHugh, resident
2. Hubert McHugh, resident

Approve Council Agenda and Amendments:

A motion was made by Kay Bucci, 2nd by William Godshalk approving the amended agenda, as presented, i.e., street repairs, potholes, and street sweeper. Motion carried: 4-0-0

- i. The secretary was reminded to post the amended agenda on the municipal front door and Borough website, tomorrow September 14, 2021.

Pole Building: PennBid Program

Two bids from the PennBid Program were received from Van Cleef Engineering. The low bidder is Dutchman Contracting, LLC.

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|------------------------------|------------|
| i. Dutchman Contracting, LLC | \$88,438. |
| ii. Kobalt Construction | \$109,100. |

Solicitor Gaul stated that he did not review the bids today but would like to review them again. Solicitor Gaul asked if Council wanted to move forward.

Ms. Bucci stated that she reviewed the Dutchman Contracting website which has a list of the municipal projects that Dutchman has completed, a pole building for Middle Smithfield Township and a shed for the City of Easton. Ms. Bucci stated that the site preparation wasn't supposed to be included in the specifications because it is to be done in house, but a concrete pad was to be added to the specifications. Mr. Bahnick replied that the Borough can ask for a change order. Ms. Bucci stated that the question is would the Borough save any money. Ms. Steele asked if Council wanted to move forward. Ms. Bucci replied Yes.

A motion was made by Kay Bucci, 2nd by Robert Ivancich to move forward with the notice of intent to award the contract to the lowest bidder, Dutchman Contracting, LLC., in the base

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amount of \$88,438., subject to the review and approval of Solicitor Gaul and Engineer Mark Bahnick.

Discussion: Solicitor Gaul stated once the bids, performance bonds and insurance are approved President Steele can sign the contract.

Motion carried: 4-0-0

Mr. Bahnick replied that construction should be completed as soon as possible; in (75) days or sooner, per the contractor's schedule.

Action on Minutes:

A motion was made by William Godshalk, 2nd by Robert Ivancich approving the minutes of the regular meeting of August 2, 2021, as presented. Motion Carried 4-0-0

Secretary/Treasurer's Report: Carol Hummel

Bills Presented for Payment:

1. Approve the August 2021 Financial Report

- Approve Payments of Bills Presented

Borough Operations & Borough Operations Already Paid:	28,398.95
Sewer Operations & Sewer Operations Already Paid:	14,690.64
Garbage Operations & Garbage Operations Already Paid:	4,925.81
Slate Hills Enterprises Escrow: King, Spry; Ott Consulting	453.00
Real Estate Tax Acct. to Jeanne VanDenkooy: property reassessment	10.87
Fire Tax Acct. to Real Estate Tax Acct: Jeanne VanDenkooy return (2) mills	1.09
Real Estate Tax Acct. to Fire Tax Acct.: July (2) mills	110.00
Real Estate Tax Acct. to Fire Tax Acct: August (2) mills	28.60
August 2021 payroll & taxes, approximate	<u>6,500.00</u>
	55,118.96

A motion was made by Kay Bucci, 2nd by Willilam Godshalk approving the treasurer's report and the bills presented for payment in the amount of \$ 55,118.96. Motion Carried 4-0-0

Bills Presented for payment to Portland Contractors Inc.:

WWTP monthly services:	2,660.00
Other:	<u>6,925.00</u>
	9,585.00

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 \$9,585.00. Motion Carried 3-0-1. William Godshalk abstained.

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Public Comment:

1. Patrick McHugh, 405 Pennsylvania Avenue:

Mr. McHugh addressed the vacancies on Council and his desire to be appointed a councilmember. Mr. McHugh stated that Council has (30) days to make an appointment, which was not done. If no action is taken, the vacancy can be filled by the Vacancy Board and/or the mayor can petition the Court of Common Pleas. Solicitor Gaul replied that the mayor has no authority to file a petition with the court; that the Borough Code says nothing about the mayor. Someone must vote you to the position. Mr. McHugh countered that Council should appoint someone in (30) days.

Solicitor Gaul explained that while the Borough Code authorizes the Borough Council to make an appointment, nowhere does it state that Borough Council must appoint Patrick McHugh. No one on Council has made a motion to appoint you.

President Steele asked Mr. McHugh "why do you want to be appointed to Council?" Mr. McHugh replied that Council is spending taxpayer money for a new garage building when the streets need attention and there are water runoff issues. Council is spending money where it is not needed, said Mr. McHugh. Ms. Bucci replied that the new garage building has been on the Council agenda numerous times, and you made no comments.

Sewer Shut-Offs

- None

Sewer Matters & Borough Engineers Report: Mark Bahnick, Van Cleef Engineering

a) Letter of Validation for Sewer Connection:

A vacant lot on Jennings Street was recently sold and the purchasers requested a letter of validation for a sewer connection. Mr. Bahnick replied that the sewer tapping fee should first be paid and the rest will follow.

b) 303 Demi Road – River Pointe Industrial Park:

- The review of the updated plan was completed by the Borough's traffic engineer.
- Escrow monies should be posted by the developer.
- PennDot will have to make a right turn lane into Demi Road.
- The representatives of River Pointe Industrial Park met with the sewer committee on August 25, 2021. They offered to make their request in writing. To date, none has been received.

c) Dunkin Donuts:

The Dunkin HOP will be reviewed by the Borough's traffic engineer.

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d) Xylem Water Solutions USA, Inc.:

A motion was made by Kay Bucci, 2nd by William Godshalk approving the purchase of repair parts for 3152 pumps, in the amount of \$5,270.75. Motion carried: 4-0-0

Back to the Pole Building:

Mr. Bahnick stated that he would notify Dutchman Contracting of the change in the specifications.

e) Slate Hills Enterprises Land Development:

Ms. Bucci questioned Mr. Bahnick concerning Van Cleef Engineering's involvement with the development. Ms. Bucci stated that when she attended the ZHB Hearing for the Slate Hills variance request she noticed there was a plan attached from the Van Cleef firm. Mr. Bahnick replied, initially YES. Van Cleef Engineering could work in the Borough with a special engineer, but the client has since changed firms to Keystone Consulting Engineering. Ms. Bucci replied that she feels it is a conflict of interest. Ms. Bucci also stated that the attorney for Slate Hills is Peter Layman who is also the attorney for the Portland Borough Authority, which is not a conflict of interest, but appears as a conflict. Ms. Bucci stated that she found it offensive, that what appears as a conflict of interest is a conflict of interest, because perception is reality. Ms. Bucci asked Mr. Prator, the PBA Chairman, if the board members have any opinion concerning Attorney Layman serving in both capacities. Mr. Prator replied that no one has expressed an opinion. Ms. Bucci stated that the neighbors of Slate Hills are not in favor of this development. Mr. Prator replied that no one in the Borough is in favor of it.

- Hubert McHugh asked Solicitor Gaul about the above comments concerning Attorney Layman. Solicitor Gaul replied that Mr. McHugh should speak with the ZHB Attorney, Scott Amori, for direction of what he can and cannot do
- Mr. Bahnick left the meeting at 7:48 PM.

Zoning Officer Report:

Keller Zoning & Inspection Services

- None

Zoning Hearing Board (ZHB):

- The Slate Hills Enterprises ZHB variance request continuance will be discussed in executive session.

UCC Building Code Inspectors Report:

Keller Zoning & Inspection Services

- None

Planning Commission:

- None

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Portland Borough Authority (PBA): Lance Prator, Chairman

- Chairman Prator reported that the Northampton County bridge repair work on Laurel Hill Road is almost completed.

Legal: Michael Gaul, Solicitor

- There was no action by Borough Council to terminate the PA Disaster Emergency Declaration by Resolution.

Subdivision and Land Development:

- None

Community Development, Slate Belt COG & Grants:

a) The COG met on Wednesday, September 22, 2021, at 7 PM. The next meeting will be held on Wednesday, October 27, 2021, at 7 PM.

b) The COG applied for a Grow NORCO Grant through Northampton County for camera equipment. The equipment will be shared with other COG members and could be used for the Borough sewer lines.

c) The COG Street Sweeper has been repaired by Easton Auto Body, paid for by the Borough and was picked up today. Discussed was operation of rental/borrowed equipment. A motion was made by Robert Ivancich, 2nd by Kay Bucci that Borough staff cannot operate any rental/borrowed equipment without Council approval. Motion carried: 4-0-0

LSA Grant – Gymnasium Demolition:

a) After confirming with the Borough's insurance carrier concerning the disconnection of utility services, a motion was made by Kay Bucci, 2nd by William Godshalk to make the arrangements for the disconnection of utility services to the Portland Gymnasium. Motion carried: 4-0-0

i. Ms. Steele replied that there is a foot of standing water in the basement.

ii. Hubert McHugh, from the audience, remarked that the electric meter should be removed.

iii. Ms. Bucci reported that the asbestos inspection found no asbestos.

c) Urban Research & Development (URDC): Grant Administrator

The secretary commented that an invoice payable to URDC will be outstanding in a few days. Solicitor Gaul explained that there are rules about the grant and reimbursement, and that there could be a problem with the Borough receiving grant reimbursement for the URDC contract, if it wasn't restructured.

A telephone call was placed to URDC Administrator Joanne Conley, at 8:14 PM, to discuss the portion of the contract that specifies compensation for URDC services. Solicitor Gaul asked whether URDC was willing to accept compensation for basic services, including expenses, for a flat fee amount of \$10,000. Ms. Conley replied YES.

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A motion was made by Kay Bucci, 2nd by Robert Ivancich approving the revision to the URDC contract, with the fixed amount of \$10,000 compensation for all services. Motion carried: 4-0-0

d) T-Mobile is offering Hometown Grants. Small towns are eligible to apply. Winter applications open October – December 2021.

i. Ms. Steele stated that if the Borough would apply, she would not participate in any way because her husband's employer is T-Mobile.

Community Events/Recreation Board:

- Trick or Treat will be held on Sunday, October 31, 2021, from 3 to 5 PM. A Halloween Costume After Party will be held on the train station lot, 422 Delaware Avenue, from 5:30 – 7:00 PM.
- The Christmas Tree Lighting Ceremony will be held Sunday, November 28, 2021, at 6:30 PM.

Air Liquide Safety Committee:

- The CAP Safety Committee met on Wednesday, September 8, 2021. Ms. Steele stated that she missed the meeting.

Police Report:

- The police report was provided in writing by Chief Mulligan.
- There was no report whether the police department reviewed policies for the HUD's Community Development Block Grant (CDBG) from Northampton County.

Mayors Report:

- Mayor Prator reported that police officer Gregory Dean has secured full time employment with the municipality of West Easton, PA.
- The Lehigh Valley Gala & Awards will be held Virtually, October 12, 2021, at 5:30 PM. Solicitor Gaul replied that the event may be rescheduled.
- Mayor Prator reported that UMBT Supervisor John Bermingham will hold a meeting for all officials and Mayors at TK's Restaurant, Delaware Drive, Mount Bethel PA on Thursday, September 30, 2021. Discussion will be the Riverpoint Logistics planned land development in UMBT. Mayor Prator stated that Mr. Bermingham is against the development.
 - i. Mayor Prator stated that the development projects approximately 4,000 employees; there will be increased traffic and it will affect the proposed Liberty-Water Gap Trail.
 - ii. Ms. Bucci commented that the property was beautiful farmland in the 1990's.

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Streets: William Godshalk

a) Ms. Steele reported that during a recent downpour/storm water ran down the railroad tracks from Duckloe's in the downtown, and when it reached the storm drain, the drain couldn't handle all of the water. The lines should be checked and cleaned all the way to the Borough boundary line.

i. Mr. Godshalk replied that he was told that PennDOT was responsible for the inside of the drains. Solicitor Gaul replied that the matter would need to be researched, PennDOT would like to require all municipalities to be responsible for PennDOT drains.

b) Discussed was setting a date for the rental of the COG leaf vacuum for the Borough's annual residential leaf pick-up. Ms. Hummel was asked to confirm the dates of November 4 & 5 with the COG secretary. Mayor Prator stated that if the Borough would "house" the leaf vacuum there would be no rental fee.

c) Mr. Godshalk presented quotes, but no proposal, for repairing various streets in the Borough, i.e., by the salt storage area on Division Street, two areas of Northampton Street, Washington Street, Delaware Avenue and Weidman Street. Discussed was the cost of Weidman Street quoted at \$10,000. Council will discuss Weidman Street at a later date.

Curbing on streets was also discussed. Ms. Bucci stated that curbing is a very important part of streets.

- i. Curbing is required on the sides of Weidman Street.
- ii. Property owners are responsible for the installation of curbing and should be notified.
- iii. No action was taken on street curbing.

A motion was made by Kay Bucci, 2nd by Robert Ivancich to repair various streets in the Borough, at the cost not to exceed \$6,500.

- i. Solicitor Gaul stated that insurance must be provided.
- ii. The Borough of Portland must be added as "additional insured" on the certificate of insurance.
- iv. The contractor must provide a signed form that they comply with the Workers' Compensation Act.

Motion carried: 4-0-0

d) Street Sweeping:

Street sweeping should be done several times a year. Ms. Steele stated she was hesitant to borrow/rent the COG street sweeper. Ms. Bucci replied that the Borough could rent Bangor Borough's Street Sweeper and operator for a day.

- i. Mr. Godshalk was opposed to renting from Bangor Borough and stated that Mr. Farleigh, Portland Borough's maintenance man, had an accident with the COG street sweeper. Mr. Godshalk asked if the repair of the COG street sweeper was paid for by the insurance company. Ms. Bucci replied NO, that if the Borough had turned in a claim to the Portland Borough's insurance carrier Mr. Farleigh would have become uninsurable.
- ii. Councilman Ivancich replied that he was in favor of rental from Bangor Borough.

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A motion was made by Kay Bucci, 2nd by Robert Ivancich to contact Bangor Borough for rental of their street sweeper and operator, for one day only; and for Council to make arrangements with the Portland Borough Authority for water use for the street sweeper. Motion carried: 3-1-0 (Mr. Godshalk voted NO)

Sanitation Committee:

- None

Building Committee:

- None

Budget, Finance, Insurance, & Cable TV Contract:

a) COVID-19 American Rescue Federal Stimulus Funds:

Ms. Steele provided the dates for compliance to spend the funds. Solicitor Gaul replied that Council must change the budget with a new line item for the funds.

- i. Council discussed spending the stimulus funds on sewer items.

b) Cable Modem Installation at the Park & Walk Lot:

The agreement between the Borough of Portland and Knott Necessarily LLC., 413 Delaware Avenue, that was approved at the August 2, 2021, Council meeting has not been completed by Solicitor Gaul.

c) The insurance committee needs to review coverage for the fire department.

Ordinance Update Committee:

- None

Personnel, Policy & Procedure Committee:

- Retention of Council Meeting Recordings: Solicitor Gaul recommended that the PA Historical Commission Museum should be contacted.

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

- The September to Remember Fall Vendor Festival will be held on September 25, 2021, at the Bangor Memorial Park.
- The Road Rally Scavenger Hunt was cancelled on September 25, 2021, due to lack of entries

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Plan Slate Belt:

- Ms. Steele will discuss the maps to support Policy Development at the next Council meeting. Every municipality has a map that shows future development and growth and where the Borough may want to see growth.
- The next meeting of Plan Slate Belt will be held on Wednesday, October 6, 2021.

Liberty-Water Gap Trail Alliance: Cindy Fish

- The LWG Trail Alliance met on August 25th, 5:30 PM at the UMBT Community Park.
- Quarterly meetings will begin in the spring of 2022.
- Monroe and Northampton Counties are working on their RFP's.
- There is no PA TIP number for the project; it is already budgeted for a bike trail.
- Clean -up date along the trail route is scheduled for Saturday, October 2, 2021.
- Mayor Prator and Cindy Fish are active members of the Alliance. Supervisor David Due of UMBT has retired and will be attending the meetings.
- Delaware Water Gap was well represented at the Portland Riverfest event.

Correspondence:

- Meals on Wheels is asking for a donation. No action taken.
- Natural Lands is asking for a donation. No action taken.
- Turning Point of Lehigh Valley is asking for a donation. No action taken.
- Correspondence on Pipeline Awareness.
- Public meeting of the Lake Minsi Corridor on September 22, 2021, from 6:30 to 8:00 PM at the Pocono-Slate Belt Shooting Clubhouse, 774 Lake Minsi Drive, Bangor PA.
- A request to speak with ArchiveSocial, a public records law and social media representative. No action taken.
- A written complaint was received from John and Sandra Biersack, 506 Collins Avenue, concerning tractor trailers who get lost and end up on the no-outlet street. The trucks hit the electric poles, drive over lawns, back into fences and tear down the cable lines because they cannot get out of the street without help. The Biersack's request street signs be placed on Collins Avenue, Division, Main, Bruce, and Northampton Streets.
A motion was made by Kay Bucci, 2nd by Robert Ivancich authorizing Solicitor Gaul to prepare an ordinance for the elimination of large trucks on various Borough streets. Motion carried: 4-0-0

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Secretary's Announcements:

- None

Old Business:

- None

Executive Session:

- A motion was made by William Godshalk, 2nd by Kay Bucci to convene to executive session at 9:33 PM. Motion carried: 4-0-0

Purpose: Discuss pending legal matters with the Solicitor.

- A motion was made by Kay Bucci, 2nd by William Godshalk to reconvene from executive session at 10:00 PM. Motion carried: 4-0-0

Action Taken:

- A motion was made by Kay Bucci, 2nd by William Godshalk to confirm that Solicitor Gaul attend the Zoning Hearing Board hearing on the Slate Hills variance and other requested zoning relief and oppose Slate Hills' application. Motion carried: 4-0-0

Public Comment Non-Agenda:

- None

Adjourn:

The next Council Meeting will be held on Monday, October 4, 2021, at 7:00 PM

A motion to adjourn the meeting at 10:01 PM was made by Kay Bucci, 2nd by William Godshalk.

Motion Carried 4-0-0

Respectfully Submitted,

Carol A. Hummel

Carol A. Hummel, Secretary