

BOROUGH OF PORTLAND  
COUNCIL MEETING OCTOBER 4, 2021

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The Portland Borough Council Meeting of October 4, 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:

A motion was made by Kay Bucci, 2<sup>nd</sup> by William Godshalk approving the agenda, as presented. Motion carried: 4-0-0

Ordinance 2021-2:

a) Ordinance for the Elimination of Tractor Trailers and Large Trucks on Various Streets of the Borough.

Solicitor Gaul stated that the ordinance has not been prepared, Council and the Solicitor are to meet to combine all the street ordinances. Ms. Steele stated that Council would like to add more Borough streets. Councilman Godshalk stated that the streets must be posted, except for local deliveries. No action taken; the ordinance was tabled but to keep it on the agenda.

Resolution 2021-1:

A motion was made by Kay Bucci, 2<sup>nd</sup> by Robert Ivancich adopting Resolution 2021-1, "Establishing Procedures for the Standard Destruction of Both Public Meetings Audio Tapes and Audio-Video Tape Recordings or Digital Recordings, Upon the Adoption of the Written Approved Minutes by Borough Council". Motion carried: 4-0-0

Resolution 2021-2:

A motion was made by William Godshalk, 2<sup>nd</sup> by Kay Bucci adopting Resolution 2021-2, "Authorizing the Borough of Portland to Apply for a Local Shares Grant through the Local Shares Account of Lehigh and Northampton Counties on Behalf of Portland Hook & Ladder Co.

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#1, Designating Borough Officials Authorized to Execute all Documents and Agreements in Connection with the Requested Grant, and Providing for Miscellaneous Matters". Motion carried: 4-0-0

Action on Minutes:

A motion was made by William Godshalk, 2<sup>nd</sup> by Kay Bucci approving the minutes of the regular meeting of September 13, 2021, as presented. Motion Carried 4-0-0

Secretary/Treasurer's Report: Carol Hummel

Bills Presented for Payment:

1. Approve the September 2021 Financial Report:

- Approve Payments of Bills Presented in the amounts of:

Borough Operations & Borough Operations Already Paid:	10,309.89
Sewer Operations & Sewer Operations Already Paid:	4,888.18
Garbage Operations & Garbage Operations Already Paid:	4,882.99
General Acct. to Portland Hook & Ladder Co. #1: Fire Relief Allocation 2021	2,590.29
Dunkin Donuts Escrow: McTish, Kunkle & Associates:	232.50
Real Estate Tax Acct. to Fire Tax Acct: September (2) mills:	NONE
October 2021 payroll & taxes, approximate:	7,700.00
October 2021 Sunoco Fleet Gas:	<u>300.00</u>
<b>TOTAL</b>	<b>30,903.85</b>

- Correction to the Borough Bills Presented was the fire relief allocation year of 2021, not 2020.

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 \$ 30,903.85. Motion Carried 4-0-0

Bills Presented for payment to Portland Contractors Inc.:

WWTP monthly services:	2,660.00
Other:	<u>1,807.00</u>
	4,467.00

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 \$4,467.00.

Hubert McHugh asked what the other expenses for Portland Contractors were. Ms. Steele replied:

- i. pull pump at pump station
- ii. 3 hours OT to respond to alarms
- iii. clean pump station
- iv. 4 hours rebuild screener & install

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Motion Carried 3-0-1. William Godshalk abstained.

Public Comment:

1. Patrick McHugh, 405 Pennsylvania Avenue:

Mr. McHugh stated that at the September 13<sup>th</sup> Council meeting a council member commented that "perception is reality". Mr. McHugh stated he had previously submitted a Right-To-Know (RTK) public record request for the Council meeting tape recordings. He asked what is the perception that a month after a public meeting the Borough Council votes to have a policy providing for the regular destruction of the meeting recordings going forward after meeting minutes are approved? Ms. Steele replied that the perception is that there is no reason to keep them once the minutes have been approved. Ms. Steele further stated since you made a RTK request for the last four years of the tape recordings, those will be kept but all previous years will be destroyed. Mr. McHugh stated that a subscription can be purchased for a \$100 a year for electronic storage of Borough meetings and records.

Solicitor Gaul replied it is a policy matter and any one can make a proposal. Mr. McHugh stated he thought it was interesting that procedures to destroy the recordings were brought before the Council tonight.

Ms. Steele asked Mr. McHugh that since the vote was taken to destroy the recordings why did he not question or reply before the motion was approved? Why are you questioning it now when it should have been done when the Council President asked if there were any more discussion/questions from Council or the audience? Mr. McHugh replied he was already on public comment.

Mr. McHugh also asked why public comment non-agenda is not in the same line item tonight as it was on the September Council meeting agenda; public comment non-agenda was a line item before executive session at the September meeting. Solicitor Gaul asked if Mr. McHugh attended the meeting after executive session. Mr. McHugh replied Yes. Did he want to speak? Why didn't he say something then? if it is listed on the agenda say something; he has the ability to speak up. The Borough Council has been very accommodating, and open to public comment.

Solicitor Gaul asked if any Council member wanted to make a comment or make a motion to change the motion to keep the tapes. There was none.

Hubert McHugh commented that since the tapes have been kept all these years they should not be destroyed.

Patrick McHugh asked if was legal for him to record Council meetings. Solicitor Gaul replied YES, but Mr. McHugh should disclose he is doing so. Furthermore, the Council can adopt rules governing the logistics of how audience members record the meeting, such as where the recording devices must be located. Solicitor Gaul recommended that the Council adopt a policy at the November Council meeting.

Sewer Shut-Offs

- None

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Borough Engineers Report:

Mark Bahnick, Van Cleef Engineering

Pole Building Construction:

- Dutchman Contracting, LLC, Reinholds, PA was awarded the contract. The contract documents have been processed. A pre-construction meeting was held on September 24, 2021.
- The shop drawings have been received. The target is to complete the building within (30) days of receipt of the building permit.

Portland Industrial Park, River Pointe, LLP (RPL):

- RPL representatives met with the sewer committee on August 25, 2021, and offered to put their request for sewer in writing. None has been received to date.
- Ms. Bucci commented on the bills the Borough taxpayers are paying. Ms. Bucci stated that the developer should provide the Borough with funds to pay the bills being incurred. Mr. Bahnick replied that at an earlier Council meeting he had advised that the developer supply the Borough with escrow funds. Solicitor Gaul stated that an application/agreement should be drafted in conjunction with the HOP permit and how the Borough wants the traffic engineer to be involved with the permit. Ms. Bucci stated that the HOP permit at this intersection is a "big deal". Mr. Bahnick replied that the project is in UMBT and not in the Borough this is somewhat a grey area, but the fact is the Borough is being requested to process the permit. Ms Bucci replied, "what if the Borough says NO". Fire Chief Jim Potter replied that it would shut down the Industrial Park. Solicitor Gaul stated that somewhere along the line PennDot will want to know that the Borough is authorizing the application. Mr. Bahnick stated that there is no re-filing at this time, but discussions are on-going with PennDOT. Ms. Christine Troxell, the traffic engineer, has seen the permit and bonds and commented on the discussion on behalf of the Borough. Ms. Troxell has said that when the permit is processed it should be in the Borough's name. Ms. Bucci stated that no one has come to the Borough asking the Borough to be the applicant. Mr. Bahnick stated that UMBT has been processing the application. Jim Potter, fire chief, stated that Ultra-Poly (PIP) currently owns the permit and should turn it over to the developer, UMBT or the Borough, whoever wants to maintain the road.
- Ms. Bucci stated that she and Ms. Steele have been invited to a virtual joint meeting of the Lehigh Valley Planning Commission, this Wednesday, October 6<sup>th</sup> at 3:00 PM, in regards to the project, but she does not know specifically what the agenda for the meeting is.
- Patrick McHugh asked if the conversation is about sewer service for the Industrial Park. Solicitor Gaul replied NO, it is RPL. Mr. McHugh stated he would like to have free sewer service; the developer is supposed to create 4,000 jobs. Solicitor Gaul explained the Borough's installation of the WWTP, how the Borough was sued, and the significant expense involved in defending the legal challenge.

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- It is not a simple solution. The WWTP was built for the Borough's future needs, not to supply other municipalities.

Dunkin Donuts HOP:

- The review has been completed by the Borough Traffic Engineer.
- A draft letter was presented to Council by the traffic engineer concerning the Supplemental HOP Plan for the Dunkin Donuts medium volume driveway on Route 611 in the Borough. The proposed curbing extends north along the Madej property at 400 Delaware Avenue and ties into the existing depressed curbing. The proposed ADA landing area and the proposed vertical curb along Route 611 will restrict access to the southern garage bay of the Madej building. The Borough Council is not in favor of the proposed improvements because it will compromise access to the Madej property, located on the northeast corner of the intersection. The letter further states that the applicant can make minor adjustments to the ADA ramp, the crosswalk, and the pushbutton location in the intersection.

Questions:

- i. Ms. Bucci asked if the proposed new owner's lawyer of the Madej property has contacted the Borough engineer. Mr. Bahnick replied, NO.
- ii, Mr. Hubert McHugh asked if DABCO machine shop across the street has to be notified. Ms. Steele replied that handicapped access is already there.

A motion was made by Kay Bucci, 2<sup>nd</sup> by Robert Ivancich, authorizing Christine Troxell, traffic engineer of McTish-Kunkle Associates, to send the draft letter to the PA Department of Transportation, Engineering District 5-0, requesting that the department maintain access to the Madej property, regarding the Supplemental HOP Application #153556. Motion carried: 4-0-0

- Mr. Bahnick left the meeting at 7:46 PM.

Zoning Officer Report:

Keller Zoning & Inspection Services

- No report.
- As part of the discussion at the monthly Slate Belt Rising Committee meeting the Borough managers approached the committee asking if they would be interested in forming Regional Code Enforcement between the Boroughs of Bangor, Pen Argyl, Wind Gap and Portland. Ms. Steele asked if Council would like her to proceed. Right now, they are looking at a preliminary plan, i.e., hire someone full time at one of the municipalities, then the other municipalities could contract that full time officer for the hours allotted to that municipality. They are looking for a vehicle, to divide the hours up to what each municipality would need. Ms. Bucci asked what codes would be enforced; local ordinances was the reply. Mayor Prator stated that this was tried years ago with the Slate Belt COG, and it didn't work out. The mayor suggested to wait a year or so until the Slate Belt Comprehensive Plan is adopted. Ms. Steele stated that she would



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available as operator for the Borough. Ms. Bucci suggested that the Borough send a letter of support.

- i. A motion was made by Kay Bucci, 2nd by Robert Ivancich for the Borough to send a letter of support to the Slate Belt COG for their application through Northampton County's Grow NORCO Round 2 Grant. Motion carried: 4-0-0

d) Ms. Bucci asked if the URDC contract has been signed concerning the demolition of the Portland Gymnasium; Ms. Steele replied YES. Ms. Bucci replied that the Borough can now work on the specifications. Ms. Steele stated that she attended the PBA monthly board meeting, formally asking the PBA to disconnect water service. Sewer service also needs to be disconnected. Ms. Steele spoke with Craig LaBarre who will hire an excavator to come out for the day. The PBA agreed to split the cost with the Borough.

- i. Ms. Hummel reported that electric service and the meter has been disconnected from the building. Still waiting on AmeriGas to disconnect and remove the propane tanks used for heating.

e) Mayor Prator reported that he attended the Lehigh Valley Greenways meeting. Mayor Prator stated that American Relief Stimulus covid-19 funds could be used for open space left by the gym removal and even as a match for a different grant. Ms. Bucci replied that she and Ms. Steele were researching grants that could be used to fill the open space once the gymnasium is gone; the open space could be used for the community since Portland is located near open space trails.

Air Liquide Safety Committee:

- The CAP Safety Committee met on Wednesday, October 13, 2021 at 6 PM.

Community Events/Recreation Board:

- Trick or Treat will be held Sunday, October 31, 2021, from 3 to 5 PM. The After Halloween Costume Party will be held from 5:30 to 7 PM at the train station lot, 422 Delaware Avenue. There will be tent if there is inclement weather.

Police Report:

- a) The police report was provided in writing by Chief Mulligan.
  - i. Mayor Prator reported that Bork, PC uses a sub-contractor for IT services. The sub-contractor will need to be PA certified as well as Bork, PC. TDS is already PA certified, who also services Roseto Borough, Freemansburg and more municipalities.

b) AMEND AGENDA:

A motion was made by Kay Bucci, 2<sup>nd</sup> by William Godshalk to amend the agenda to allow Council to consider action on IT services for the police department computers; to switch from Bork, PC, Bangor, PA to TDS Technologies, Allentown, PA. Motion carried: 4-0-0

- i. The reason for the amendment was to allow expedient action on a minor matter.

A motion was made by Kay Bucci, 2<sup>nd</sup> by Robert Ivancich to upgrade the police department computers from Bork, PC to TDS Technologies with the original budget that was previously approved. Motion carried: 4-0-0

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Mayors Report:

- Mayor Prator stated that the Borough's longtime resident, Walter Emery, has passed away. Mr. Prator stated that a memorial recognition should be conferred to Mr. Emery posthumously, whether it is on a Borough building or another memorial. Mr. Emery was a Mason, local volunteer, announcer for the Bangor Schools and our own local historian.
- Correspondence to Mayor Prator from Meals on Wheels of the Greater Lehigh Valley announced that they have received a Keystone Communities Grant, in the amount of \$500,000, from the Commonwealth of PA to renovate the parking lot and roof of their new building.
- Correspondence to Mayor Prator from the Warren County NJ Planning Department that the Warren County Board of Commissioners passed Resolution 420-21, on September 22, 2021, requesting that the NJ-DOT initiate a problem statement to study the safety, mobility, and congestion issues on I-80 from Exit/4Columbia to the Delaware Water Gap Bridge on Route 611.
- Mayor Prator attended the Lehigh Valley Greenways meeting last week.

Streets: William Godshalk

a) Back-up snow plowing operator:

Ms. Steele stated that it is unreasonable that Fred Farleigh, maintenance laborer, would be able to do everything all the time without a break in the action. The forecast is an early winter. The Borough needs someone from November through April; we need a back-up in case Fred gets sick, truck breaks down, etc.

Mr. Godshalk suggested that Hallett Contractors would help us. Ms. Bucci replied, "the Borough has a new truck, and we have to hire a contractor"? Ms. Steele replied that the Borough needs another driver for our truck. Ian Kelton, who plowed snow for the Borough last winter season, contacted Ms. Steele.

Discussed was the pay rate for an on-call/stand-by experienced operator. Mr. Potter stated PennDOT starts at \$20 per hour for seasonal drivers. Ms. Steele stated that an ad can be placed at the post office and on the Borough's face book page. Mr. Potter suggested that the ad state salary negotiable. Ms. Steele will start with face book; Council will discuss the applications and Fred's pay rate at the November meeting.

b) Backhoe/Loader Rental:

Mr. Godshalk stated that last winter season the Borough received a good price on a 110 loader/tractor from Plasterer Equipment. Mr. Farleigh called the company and there are none available for this winter season. Mr. Godshalk suggested that the Borough purchase a new machine, at the approximate cost of \$22,000 to \$28,000, and ask the Portland Borough Authority (PBA) to split the cost with us. Mr. Potter agreed that this was a good idea and that the PBA would be interested; where to house the machine was discussed. Mr. Potter replied that a carport could be erected. Ms. Bucci commented that the Borough is acquiring a lot of equipment



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with no one to operate it. Mr. Godshalk agreed to get a solid price for the November meeting. In the meantime, the PBA will discuss the cost at their regular monthly meeting.

i. Ms. Steele replied that the Borough needs to be more self-sufficient.

c) Mr. Godshalk reported on the cleaning of the drains on Route 611. Mr. Farleigh requested that the Borough provide for another person with another vehicle and flashing lights, to accompany him for safety reasons while the drains are being cleaned. Discussed were asking a retired fire fighter or fire police.

c) Leaf Vacuum Pick-Up:

The dates for the leaf vacuum rental for pick-up will be November 4<sup>th</sup> and 5<sup>th</sup>. Randi Snook, seasonal maintenance laborer, will assist Mr. Farleigh.

d) Mr. Godshalk apologized for the confusion concerning the Hallett Contractors paving proposal for the various streets. The salt storage area was paved at the cost of \$6,500.

Ms. Steele had a conversation with Mr. Hallett concerning the remaining streets that need patches/potholes fixed. The remaining items on the estimate list will cost \$7,416. Ms. Steele asked Mr. Godshalk if there is anything else that definitely needs to be done before winter sets in. Mr. Godshalk replied that he will drive around town, check the streets and report back at the November meeting.

e) Earl Siple, 505 Northampton Street:

Letter of Request

- Mr. Siple stated in his letter that he has twin daughters who are hearing impaired; that he had called the PA State Police address for a speeding car incident, and was advised to contact Borough Council.
- Requests (2) hearing impaired/deaf child area warning signs.
- Requests speed bumps.

Discussion: Mr. Farleigh discussed with Ms. Steele the cost of stop signs which are \$80 each. Mr. Godshalk stated that he is not in favor of speed bumps. Mayor Prator searched on his internet/telephone for signage costs.

f) Ms. Steele stated that the Borough will follow up with Bangor Borough concerning a street cleaning date with their sweeper and operator.

g) Ms. Hummel reported that the Borough received notice of the 2022 Liquid Fuels Allocation estimate in the amount of \$17,344.67.

Back to deaf child/hearing impaired signs:

Mayor Prator reported the cost of a 24-inch reflective sign is \$50 each. A motion was made by William Godshalk, 2<sup>nd</sup> by Kay Bucci to purchase (2) hearing impaired/deaf child area warning signs at the cost of \$100. Motion carried: 4-0-0

i. Patrick McHugh commented that there should be signage for school bus stops. Ms. Steele stated that this is the responsibility of the Bangor Area School District,

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h) A quote was received from Charlie Nansteel Tree & excavating, LLC for the installation of a drain box in the municipal parking lot between the new pole building and the existing PBA garage, at the cost of \$3,160. Ms. Steele stated that Mr. Nansteel can complete the drain box before the new building is erected.

i. Ms. Steele stated that contractor Rich Moyer was not available; can we pay the cost from the Liquid Fuels funds?

ii. Ms. Hummel complained that the new PennDOT representative, who replaced the previous representative, has never contacted her to introduce himself or to find out if anything was needed by the Borough. Mr. Potter replied that the new representative is Kevin O'Donnell and he will contact him to telephone the Borough office. Mr. Potter spoke highly of Mr. O'Donnell, and said he was in the process of introducing himself to his various municipalities Ms. Hummel stated she would ask if the drain box can be paid from Liquid Fuels funds.

A motion was made by Kay Bucci, 2<sup>nd</sup> by William Godshalk approving the quote from Charlie Nansteel Tree & excavating, LLC to install the drain box in the municipal parking lot in the amount of \$3,160, subject to a certificate of insurance that the Borough is included as additional insured on general liability with respect to work performed by the name insured and a workers' compensation addendum signed by Mr. Nansteel. Motion carried: 4-0-0

Curbing for Property Owners:

Hubert McHugh addressed Council's remarks that was discussed at the previous meeting concerning curbing on both sides of Weidman Street. Mr. McHugh asked if there are no sidewalks, why a tar berm can't be installed instead of curbing. This is a big expense for property owners. Ms. Bucci replied that Borough code allows the Borough to require sidewalks and curbing for property owners. Mr. McHugh stated that berms will be needed all over the town. Ms. Steele replied that cars run over them, and they don't hold up; if the Borough improves the streets why not make the total improvements; Ms. Steele agrees it is big expense, but the Borough would give notice to the property owners, and they can approach Council to air their grievances; Council will discuss/look into this in the spring.

Patrick McHugh also questioned curbing. Mr. Godshalk replied that when streets are reconstructed curbing is also installed.

Sanitation Committee:

- None

Building Committee:

- Mayor Prator reported that the Borough buildings fire extinguishers need to be upgraded. Ms. Hummel will contact Dacer Fire Equipment for service.

Budget, Finance, Insurance, & Cable TV Contract:

a) COVID-19 American Rescue Federal Stimulus Funds:

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Ms. Steele reported that a line item will be created in the 2022 budget for the stimulus funds that were received to the Borough.

b) Ms. Steele will discuss with Ms. Bucci and Mr. Ivancich a date that they can meet to review the budget.

Ordinance Update Committee:

- None

Personnel, Policy & Procedure Committee:

- None

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

- The next committee meeting will be held on Thursday, October 14, 2021 at Bangor Borough.

Plan Slate Belt:

- Ms. Steele reported on the maps that were drawn up by the committee to support policy development. Ms. Steele and Mayor Prator attend the meetings as representatives from Portland and are asking for feedback from the community; not all municipalities are looking for growth. The next meeting will be held on Wednesday, October 6, 2021, at 7 PM at the Plainfield Township Fire Co. Hall.

Liberty-Water Gap Trail Alliance: Cindy Fish

- The LWG Trail Alliance will meet on October 20, 2021 at 9 AM at the Village Farmer & Bakery in DW Gap, PA. Quarterly meetings will begin in the spring of 2022.
- Clean-Up date along the trail on Saturday, October 2, 2021, was a success. There were approximately (50) bags of garbage, (5) persons attended and there were (2) vehicles.

Correspondence:

From Northampton County:

The 2<sup>nd</sup> Annual Northampton County Festival will be held at Hugh Moore Park, 151 Country Club Road, Easton PA on Saturday, October 16, 2021, from 11 AM to 5 PM.

Secretary's Announcements:

- None

Old Business:

- None

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New Business:

- The Tax Collection Committee meets in person on October 14, 2021, at 8:30 AM at the Bethlehem Township Municipal Building. Ms. Hummel will attend.

Public Comment Non-Agenda:

- Hubert McHugh asked Council if he could use the modified that sits in a pile behind the gymnasium to repair Market Street; Mr. McHugh stated he would need about (3) loads. Council replied YES.

Executive Session:

- A motion was made by Kay Bucci, 2<sup>nd</sup> by William Godshalk to convene to executive session at 8:59 PM. Motion carried: 4-0-0

Purpose: Discuss pending legal matters with Solicitor Gaul.

- A motion was made by William Godshalk, 2<sup>nd</sup> by Kay Bucci to reconvene from executive session at 9:38 PM. Motion carried: 4-0-0

Action Taken:

- None

Adjourn:

- a) The next Council Meeting will be held on Monday, November 1, 2021, at 7:00 PM.
- b) General Election Day will be held on Tuesday, November 2, 2021.
- c) A motion to adjourn the meeting at 9:49 PM was made by Kay Bucci, 2<sup>nd</sup> by William Godshalk. Motion Carried 4-0-0

Respectfully Submitted,

*Carol A. Hummel*

Carol A. Hummel, Secretary