

BOROUGH OF PORTLAND  
COUNCIL MEETING NOVEMBER 1, 2021

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The Portland Borough Council Meeting of November 1, 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. Carol Hummel, Borough Secretary

Public Present:

1. Patrick McHugh, resident
2. Hubert McHugh, resident
3. Richard Wilford-Hunt, UMBT
4. Heather Fischer, resident
5. Kyle Overfield, resident

Approve Council Agenda:

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

Resolution 2021 3:

a) A Resolution Establishing General Rules for the Use of Recording Devices at Public Meetings of the Borough Council:

Solicitor Gaul read aloud the substance of the sections of the proposed Resolution. A person desiring to record an open public meeting should give notice to the Borough Secretary, either before or at the start of the meeting, so that those not wishing to be recorded have the opportunity to leave the meeting. At the start of any meeting that is to be recorded, the Borough Secretary shall notify the audience that the meeting will be recorded.

Solicitor Gaul noted that the Secretary records the meeting to assist her in the preparation of the minutes. Those recordings are later erased once the minutes are prepared. The proposed Resolution regulates recording of the meeting by a member of the public.

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Councilman Ivancich asked if Borough Council must allow the public to record meetings. Solicitor Gaul replies YES. Can we excuse ourselves, asked Councilman Ivancich? Solicitor Gaul replied that no one forces you to be on Council, but the expectation is that you will attend meetings and further stated that that individual cannot both be a councilperson and refuse to be recorded at public meetings. It is not consistent with the law. The Sunshine Law provides that the public can record.

Ms. Bucci asked, "if the resolution is not passed, the resolution is not approved"? Solicitor Gaul replied that people have a right to record meetings; Council has the right to regulate it. Before the meeting a person in attendance would tell the Secretary that he or she are recording the meeting, the secretary would then announce to all that the meeting is being recorded.

Heather Fischer, "do they have to record for the duration of the meeting"? Solicitor Gaul replied that the proposed Resolution does not require that an individual record the entire meeting.

A motion was made by Kay Bucci, seconded by Stephanie Steele adopting Resolution 2021-3, "Establishing General Rules for the Use of Recording Devices at Public Meetings of the Borough Council".

- Mayor Prator questioned #2 of the rules that says those not wishing to be recorded can leave the meeting, it does not specifically say a member of the public, the secretary, or Council person cannot leave, nor can anyone stop that person from leaving. Solicitor Gaul replied, no, this is in reference to the public leaving; it is the expectation that a Council member would attend the meetings. Council has the right to regulate the process of the public making recordings at the borough Council meeting. Mayor Prator stated that it should be included in the rules in black and white.

Motion carried: 3-1-0 YES, Steele, Bucci, Godshalk NO, Ivancich

Solicitor Gaul asked if there was anyone in attendance who desired to record the meeting. No one from the public indicated that they desired to record the meeting.

Ms. Bucci asked if the recording of the meeting by a member of the public a common occurrence. Solicitor Gaul replied, NO. Heather Fischer replied that there is a lot of what can and cannot be done. She has been told that people record because they cannot hear what is being said at meetings. Solicitor Gaul cited school districts that record their meetings and streaming of meetings for the public.

Letter of Intent for Vacant Council Seat: Heather Fischer, 504 Penna. Ave.

Letter of Intent for Vacant Council Seat: Kyle Overfield, 205 State Street

Ms. Bucci stated that she found the timing strange for the two applications. Tomorrow, November 2, 2021, is General Election Day. The two vacant seats may be filled with write in votes.

Discussion:

- Solicitor Gaul asked what the remaining terms were for the vacant seats? That would be important to determining how long the appointment would be for.
- Ms. Gumaer's (4) year term expires 12-31-2021.

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- Solicitor Gaul explained that, generally, the appointment is through the end of the prior elected officials' term, or the January following the next municipal election, whatever is shorter, but can be impacted by whether the appointment is within (60) days prior to a municipal election.
- Ms. Bucci replied that appointments are for a (2) year term.

A motion was made by Kay Bucci, 2<sup>nd</sup> by William Godshalk to table any action until the December 6, 2021, Council meeting. Motion carried: 4-0-0

Action on Minutes:

A motion was made by Kay Bucci, 2<sup>nd</sup> by William Godshalk approving the minutes of the regular meeting of October 4, 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:	34,989.32
Sewer Operations & Sewer Operations Already Paid:	4,765.61
Garbage Operations & Garbage Operations Already Paid:	4,909.84
Dunkin Donuts Escrow: Van Cleef Engineering	146.00
King, Spry, Herman, Freund & Faul – Slate Hills Escrow	165.00
Real Estate Tax Acct. to Fire Tax Acct.: October (2) mill tax	None
General Checking Acct. to Fire Tax Acct. – Taxes in Trust delinquent 2019	134.80
November 2021 payroll & taxes, approximate:	6,100.00
November 2021 Sunoco Fleet Gas:	275.00
MINUS CREDIT ON TAX CHARGED FOR POSTER COMPLIANCE	-3.60
<b>TOTAL</b>	<b>51,481.97</b>

Question: Ms. Bucci questioned the engineering invoice for the pole building from Van Cleef Engineering in the amount of \$8,673.50. Ms. Bucci stated there was no itemized bill and she was shocked. Solicitor Gaul noted that the quote from URDC was \$10,000 for the gymnasium demolition bid specifications. Ms. Bucci replied there were four (4) site meetings at the pole building. Discussed was the engineering for the Park & Walk, Park & Ride Lots downtown improvements many years ago. Solicitor Gaul stated that preparation of bid specification is unfortunately a cost of doing a project, and will be incurred regardless whether the project is a small one, or a large one.

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 \$ 51,481.97. Motion Carried 4-0-0

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Bills Presented for payment to Portland Contractors Inc.:

WWTP monthly services:	2,660.00
Other:	<u>664.00</u>
	3,324.00

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 \$3,324.00.

Mayor Prator asked if Portland Contractors WWTP contract was expiring. No, was the reply, the contract was renewed last year

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

Public Comment:

- None

Sewer Shut-Offs

- None

Borough Engineers Report: Mark Bahnick, Van Cleef Engineering

- Mr. Bahnick will be late.

Zoning Officer Report: Keller Zoning & Inspection Services

- No report.

UCC Building Code Inspectors Report: Keller Zoning & Inspection Services

- One (1) permit was issued to 206 Division Street.

Zoning Hearing Board (ZHB):

- The Slate Hills Enterprises ZHB variance has been continued to 6:30 PM, Wednesday, January 5, 2022, in the Borough Council Chambers, 206 Division Street.

Planning Commission:

- None

Portland Borough Authority (PBA): Lance Prator, Chairman

- The PBA is purchasing a front-end loader.

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Legal: Michael Gaul, Solicitor

- The cable modem installation agreement for the Park & Walk Lot is tabled until the December 6, 2021 Council meeting. Solicitor Gaul will follow up with his associate, Elizabeth Kelly, Esquire.

Subdivision and Land Development:

- None

Community Development, Slate Belt COG & Grants:

a) The Slate Belt COG met on Wednesday, October 27, 2021, at 7 PM. The next meeting will be held on Wednesday, November 27, 2021, at 7 PM, due to the Thanksgiving holiday. Someone from Portland will attend.

b) The COG received a grant for the purchase of a sewer jetty. The COG will provide a match the first of the year. They may hire an employee; after training the cost to rent the jetty will include the employee's wages. Mayor Prator stated that this purchase is a big win for the dues paying members of the COG, especially for Portland.

c) Mayor Prator reported that Plainfield Township is experiencing the same problems with supposedly "clean fill". Portland's neighbor, East Bangor Borough, has fill being trucked into the Capital Slate Quarry from out of state New York and New Jersey. Plainfield Township is considering a draft zoning amendment that would assist in carrying out State environmental regulations to prevent the use of contaminated fill. Mayor Prator suggested that Portland should investigate this.

d) Ms. Hummel reported that she did not send a letter of support to the COG for the camera equipment grant application. When Ms. Hummel contacted the administrative assistant, Laura McLain, the grant had already been awarded from the Northampton County Grow NORCO Round 2 Grant.

Pole Building Construction:

Councilwoman Bucci stated that URDC is working on the specifications. The bids are due to be advertised in November or December. AmeriGas has still not responded to disconnect and remove the gas propane tanks. Ms. Bucci read the specifications and the contract.

Air Liquide Safety Committee:

- The CAP Safety Committee meets on Wednesday, November 10, 2021, at 6 PM. The committee still meets virtually.

Community Events/Recreation Board:

- Trick or Treat that was held on Sunday, October 31, 2021, was a huge success.
- The Christmas Tree Lighting ceremony will be held on Sunday, November 28, 2021, 6:30 PM at the Train Station Lot on Delaware Avenue.

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- Rileigh Outdoor will install and take down the Christmas lights on the electric poles this season. Ms. Bucci replied that she had a compliment on the new lights.

Police Report:

- a) The police report was provided in writing by Chief Mulligan.
- TDS Technology has been on site and networked the police computers. They are working remotely to update and finish a few loose ends.
  - One person has expressed interest in employment.

Mayor's Report:

- Reminding all that tomorrow, November 2, 2021, is General Election Day and to go to the polls and vote.
- Attended the I-80 NJ Rockfall Mitigation Meeting.
- The Outstanding Business Award was presented to Janet Futchko, proprietor of Janet's Jems, Delaware Avenue, Portland, PA at the second annual Northampton County Festival held on October 16, 2021, at Louise Moore Park, Easton, PA. Outstanding Emergency Services Award was presented to James Potter, Portland, PA EMC Coordinator. Outstanding Volunteer Award was presented to Margie Bush, PUMP Food Pantry, Portland, PA.
- Borough Engineer, Mark Bahnick entered the meeting at 7:57 PM.

Streets:

William Godshalk

- a) Ordinance for the Elimination of Tractor Trailers and Large Trucks on various streets of the Borough was tabled until the December 6, 2021, Council meeting.
- b) A motion was made by William Godshalk, 2<sup>nd</sup> by Robert Ivancich authorizing President Steele to execute the 2021 Leaf Vacuum Lease Agreement for November 4th & 5th, 2021, at the cost of \$150. Motion carried: 4-0-0
- Ms. Steele will post on the Borough's Facebook page.
- c) Street Sweeping was completed on October 19, 2021.

- d) Linda Gross: 304 Crestmont Drive

Ms. Gross sent a letter of complaint on the condition of Crestmont Drive and would like it repaired. Discussion was that the Drive has never been ordained as a street and is not listed on the Liquid Fuels Map of the Borough. Solicitor Gaul suggested that the matter be researched and reviewed.

Councilman Godshalk replied that the Crestmont Drive should have been ordained when the sewer lines were installed. Solicitor Gaul stated an ordinance could be adopted but the Borough

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would need to ascertain who would be affected by it. Most people would want the municipality to take over a private road and become responsible for its maintenance.

Hubert McHugh, from the audience, asked if an ordinance is passed would it be a Liquid Fuels Road. Solicitor Gaul replied, if the road was built per PennDOT specifications.

No action was taken.

e) Backhoe/Loader rental or purchase:

Councilman Godshalk reported that he was waiting for a quote from Plaster Equipment on a new machine.

Two verbal quotes were received, (1) S. Jersey, a 1995 416B with 7,000 hours for \$19,950; (2) private sale from a gentleman in Gouldsboro, PA, 2004 LB90 with 3,786 hours for \$28,000.

Discussion:

- The costs are over the bidding thresholds. Mr. Godshalk stated that any bid can be rejected.
- Equipment rentals are out six (6) months or longer. Ms. Steele stated that the fire company is looking for a pick-up truck. No one will even take an order.
- Solicitor Gaul read the requirements from the Borough Code. Must be advertised twice in a publication of general circulation.
- Mr. Bahnick replied that a specific company should supply the Borough with bid specifications. Ms. Bucci stated that a spec sheet would most likely be supplied by the seller.
- Ms. Steele stated that she would attend the monthly PBA meeting to ask if they would be interested in splitting the cost and sharing the use.
- Discussed was placing a refundable deposit on the 2004 LB90 with 3,786 hours for \$28,000 to hold the equipment until the Borough meets with the PBA. Solicitor Gaul replied that the refundable deposit needs to be made clear to the seller.

A motion was made by Kay Bucci, 2<sup>nd</sup> by Robert Ivancich authorizing the Borough to place a refundable deposit of up to \$1,000 on the 2004 LB90 New Holland backhoe/tractor. Motion carried: 4-0-0

f) 505 Northampton Street:                      Hearing Impaired Street Signs

The quote for two (2) signs and posts from Reliable Signs is \$315.10. Earl Siple, the children's father, has also asked for two (2) speed bumps. President Steele stated that after the October Council meeting, she was approached and asked, "why does the Borough request a certification requirement for a handicapped parking sign but not for hearing impaired". Solicitor Gaul replied that Council should inquire about PennDOT policy. Mr. Bahnick replied that a letter from the children's doctor should suffice. Solicitor Gaul replied that he saw no problem with installing the signs. No action was taken, tabled until the December 6, 2021 Council meeting.

g) No report on the installation of the drain box for the municipal building parking lot. Ms. Steele will follow up with the contractor.

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h) The 2021-2022 Co-Stars Salt Contract is now available. Mayor Prator will review the contract and explained the procedure for ordering the salt. There should be a back-up person

i) No action of the pay rate for the maintenance laborer, Fred Farleigh, for snow plowing/cindering.

j) No action taken on call/stand-by snow plowing experienced operator.

Borough Engineers Report: Mark Bahnick, Van Cleef Engineering

WWTP:

a) The WWTP Operator, Craig LaBarre, has completed the installation required to put the second MBR Treatment Unit in service. Plant operations were good for the month of October. No issues with unusual flows or plant performance.

b) Dunkin Donuts:

The new owner of the 400 Delaware Avenue garage, Richard Diaz, was in attendance. Council stated their concerns to Mr. Diaz regarding the depressed curbing in front of the garage along Route 611. Ms. Bucci stated that the curbing is grandfathered. Mr. Bahnick replied to Mr. Diaz that he should make sure his attorney follows through to intervene with PennDOT. Ms. Bucci thanked Mr. Diaz for painting the garage.

The traffic engineer, Christine Troxell, from Kunkle, McTish Associates, submitted a letter to PennDOT requesting that the Dunkin pedestrian crossing be relocated so it will not have an adverse effect on the 400 Delaware Avenue garage.

c) New Demi Road, LLC., UMBT, Industrial Park:

PennDot held a scoping meeting for the proposed warehouse to be constructed at the end of Demi Road. PennDOT is requesting that Portland Borough be the permittee for the improvements that will be required for the intersection of Demi Road in the Borough and River Road in UMBT.

There has been no recent activity to the request for sewer service by the developer.

Mr. Bahnick stated that the New Demi Road, LLC and Industrial Park projects should be required to provide escrow monies to the Borough, related to sewer service request and PennDOT HOP permitting.

Workshop Meeting:

- Discussed was scheduling a meeting for November 22, 2021. The secretary stated that the fourth Mondays of the month are advertised yearly as workshop meeting dates. Ms. Steele stated that RPL had requested to make a presentation at the next Council meeting, but Ms. Steele stated that she did not want them to attend and jam up the Council meeting. All parties involved should be invited to a workshop meeting to have a conversation. No more money should be spent until RPL provides the Borough with escrow funds. Ms. Bucci agreed, Mr. Pektor has made no effort to provide the funds;



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that no meeting should take place until the escrow funds are provided before the meeting commences.

- Ms. Bucci stated that the developer needs the HOP permit for Demi Road where the road isn't wide enough; that Solicitor Gaul stated previously at a Council meeting that the Borough should be the applicant for the permit.
- To be clear, Solicitor Gaul stated, it is not unusual for PennDOT to require the municipality to be the applicant. Solicitor Gaul stated that he has not seen the HOP application and what the application involves. Solicitor Gaul thinks it is a good idea to have a meeting with all the parties involved.
- Discussed was a developer's agreement by Solicitor Gaul, even though RPL is not developing in the Borough. Mr. Bahnick stated a standard escrow agreement.
- A written invitation will be sent to all the parties involved to attend a workshop meeting on November 22, 2021, at 7:00 PM in Borough Council Chambers; requesting \$10,000 for escrow funds before any meeting commences.

A motion was made by Kay Bucci, 2<sup>nd</sup> by William Godshalk requiring the developer, New Demi Road, LLC, to execute a professional services agreement, satisfactory to the Solicitor, providing for the developer to reimburse the Borough for its professional fees in connection with review of the developer's request that the Borough be the applicant on an HOP application for changes to the intersection of River Road and Demi Road, and requiring the developer to deposit \$10,000 in escrow as security for the payment of such fees, prior to any meeting taking place, and authorizing the Borough to enter into such an agreement. Motion carried: 4-0-0

Pole Building:

Ms. Bucci complained about the pile of debris left by the contractor at the worksite. Debris left was metal with sharp edges and paper blowing all over the property. Debris was left for two or more weeks on the spot where the catch basin is to be installed. The Borough would be liable if anyone had been hurt, especially since the Borough playground is on the same piece of property. Ms. Bucci contacted the Borough engineer, and the debris was removed by the contractor. Ms. Bucci stated that Councilman Ivancich has documented the installation of the pole building with camera photo pictures; that Dutchman Contracting was not supposed to sub-contract unless approved by the Borough. Councilman Ivancich replied that Stony Ridge did the framework. Ms. Bucci said the work was good but was disappointed about the debris left. Mr. Bahnick replied that the Borough can make comments after construction is completed; a garage can't be funded by Co-Stars like Dutchman's, but Co-Stars can fund a shed. Co-Stars bid was \$88,000, Dutchman Contracting is the same for a bigger building.

- Mr. Bahnick left the meeting at 9:07 PM.

Sanitation Committee:

- None

Building Committee:

- Dacer Fire Protection serviced the fire extinguishers for all the Borough buildings.

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Budget, Finance, Insurance, & Cable TV Contract:

a) The committee presented the proposed 2022 budget. There are no changes to the budget. Everything stays the same except the addition of the line items for the American Rescue Stimulus funds and the LSA Grant funding. These revenue sources, and their expenditure, are budget neutral.

Ms. Steele asked if the Ultra-Poly Two Building has been reassessed by Northampton County. The secretary replied No, she is waiting for the tax assessor; Ms. Hummel will call again.

The Sanitation Contract expires 2022 with a two-year option for extension. Ms. Steele will review if there will be an increase in cost for the extension.

A motion was made by Kay Bucci, 2<sup>nd</sup> by William Godshalk approving the preliminary 2022 Borough, Sewer, and Sanitation budgets as discussed and its advertising. Motion carried: 4-0-0

b) COVID-19 American Rescue Stimulus:

- None
- The TCC met on Thursday, October 14, 2021, at the Bethlehem Township Municipal Bldg. Ms. Hummel attended. Discussed was the renewal of the Keystone Collects (3) year contract, with the option of extending for two. The contract expires December 31, 2022. The committee will negotiate for a lower commission rate.

Ordinance Update Committee:

- None

Council Policy & Procedure Committee:

- None

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

- The next committee meeting will be held on Thursday, November 11, 2021, at Bangor Borough. An alternate is needed.

Plan Slate Belt:

- Ms. Steele reported on the public survey. Some of the Kearney and Shumaker properties are listed as green space on the mapping. The next meeting will be held on Wednesday, November 3, 2021, at 7 PM at the Plainfield Township Fire Co. Social Hall. All meetings are open to the public.

Liberty-Water Gap Trail Alliance: Cindy Fish

- The LWG Trail Alliance met on October 20, 2021 at 9 AM at the Village Farmer & Bakery in DW Gap, PA. There will be a committee meeting in December.

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- Great News: President Biden has signed the bipartisan legislation on October 13, 2021, to designate the September 11<sup>th</sup> National Memorial 911 Trail linking New York City, the Pentagon Memorial, and the Flight 93 National Memorial in Pennsylvania.

Correspondence:

- The Slate Belt Heritage Center, Bangor PA, is conducting their annual fund drive. They are asking for a donation. No action taken.
- Bangor Slate Band Boosters are holding a Tricky Tray Event on November 21, 2021. They are asking for a monetary donation or a prize. No action taken.

Secretary's Announcements:

- The secretary will be out of the office on Tuesday, November 2, 2021.

Old Business:

- Ms. Bucci reported that some of bricks on the municipal building need re-pointing. A mason in the Pocono's, Stonecraft Masonry & Chimney, will give an estimate. The wait time is close to a year. Ms. Bucci stated a down payment is needed.

New Business:

- None

Public Comment Non-Agenda:

- General Election Day is tomorrow, November 2, 2021. Hours are 7 AM to 8 PM.

Executive Session:

- None

Adjourn:

- a) The next Council Meeting will be held on Monday, December 6, 2021, at 7:00 PM.
- b) A motion to adjourn the meeting at 9:25 PM was made by Kay Bucci, 2<sup>nd</sup> by Robert Ivancich. Motion Carried 4-0-0

Respectfully Submitted,

*Carol A. Hummel*

Carol A. Hummel, Secretary