

BOROUGH OF PORTLAND
COUNCIL MEETING NOVEMBER 22, 2021

The Regular Meeting of the Portland Borough Council of November 22, 2021 was called to order at 7:00 PM by Stephanie Steele, President of Borough Council.

The meeting was held in person at the Municipal Building, 206 Division Street, in Borough Council Chambers. Two requests for a ZOOM link were provided.

Council Members Present for Call to Order:

Stephanie Steele* Kay Bucci*William Godshalk*

- Council members Robert Ivancich and Yvonne Gumaer was absent.

Others Present:

1. Michael Gaul, Solicitor
2. Lance Prator, Mayor
3. Mark Bahnick, Borough Engineer
4. Carol Hummel, Borough Secretary
5. Christine Troxell, Borough Traffic Engineer

Public Present:

1. Erv McLain, Attorney, New Demi Road, LLC
2. Tim Edinger, Engineer, New Demi Road, LLC
3. Justin Coyle, Carroll Engineering, UMBT
4. Edward Nelson, Manager, UMBT
5. Richard Wilford-Hunt, public UMBT
6. David Clunie, public UMBT
7. Judy Henkel, public UMBT
7. ZOOM Communications, Peter Layman, Attorney, Ultra-Poly Corp.
8. ZOOM Communications, David LaFiura, President, Ultra-Poly Corp.

Approval of the Agenda and Amendments:

A motion was made by William Godshalk, 2nd by Kay Bucci approving the agenda as presented. There were no amendments. Motion carried: 3-0-0

Public Bid for Backhoe/Loader:

Councilman Godshalk and maintenance laborer Fred Farleigh inspected a used backhoe/loader that was advertised for sale. They both were satisfied with the condition and operation of the machine. The Portland Borough Authority (PBA) was asked to split the cost and usage 50/50 with the Borough. They agreed at the November 2021 PBA monthly meeting.

A motion was made by William Godshalk, 2nd by Kay Bucci authorizing Solicitor Gaul to prepare the bid specifications, and to work with the PBA Solicitor in the preparation of a shared ownership/work agreement for the vehicle. Motion carried: 3-0-0

- i. Peter Layman, attorney for the Portland Borough Authority, will prepare the original draft of the joint ownership/use agreement.

BOROUGH OF PORTLAND
COUNCIL MEETING NOVEMBER 22, 2021

- Richard Wilford-Hunt, in the audience, asked Solicitor Gaul if he was allowed to tape record the meeting. The reply was YES, but he could not move around the room to make the recording.

Sewer Shut-Offs:

A motion was made by William Godshalk, 2nd by Stephanie Steele authorizing sewer shut-off notices for the following properties, if the delinquent amount is not paid by November 30, 2021.

- 110 Division Street
- 407 Delaware Avenue
- 704 Hillcrest Drive
- 533 Delaware Avenue

Motion carried: 3-0-0

New Demi Road, LLC, HOP for 303 Demi Road:

a) The Secretary announced that before the meeting commenced, a Professional Services Agreement between New Demi Road, LLC and the Borough of Portland was finalized with signatures, date, and Borough Seal, and the developer delivered a \$10,000 check made payable to New Demi Road, LLC Escrow Account. The secretary will open the escrow account with Fidelity Bank.

b) Attorney McLain and Engineer Tim Edinger spoke concerning the following:

- They would like to obtain a copy of any resolution or ordinance regarding the Borough's acceptance of the deed of dedication of Demi Road.
- Their understanding is that PennDOT will require that any application for an HOP for changes to the intersection of River Road and Demi Road be in the name of Portland Borough, if in fact Portland is the owner of Demi Road right-of way.
- They confirmed that all costs will be covered by the developer, New Demi Road, LLC.
- They indicated the following Issues were raised by PennDOT at the Scoping Meeting.
 - i. a right-hand turn lane is needed
 - ii. site distance and visibility
 - iii. how the Railroad Trestle property will be handled; currently being investigated; best to be addressed by Norfolk Southern

Ms. Bucci asked Attorney McLain if he has ever dealt with Norfolk Southern. Attorney McLain replied, YES. He indicated that Norfolk Southern has shown interest in the overall RPL project due to the possibility of increased business from the development. Ms. Bucci replied that the railroad trestle over Route 611 heading south out of Portland is an issue, but nothing was ever done about it. Mayor Prator stated that was twelve (12) years ago.

c) Solicitor Gaul inquired to Mr. LaFiura if it was true that Portland Industrial Park, LP (PIP) desires to develop another lot in the Industrial Park. Mr. LaFiura replied that PIP did not have plans currently to do so but could consider that possibility in the future. The potential lot they would consider would be the one across the street from the current Ultra-Poly building. That lot is in UMBT.

BOROUGH OF PORTLAND
COUNCIL MEETING NOVEMBER 22, 2021

d) Attorney Layman asked Mr. Bahnick about letters pertaining to traffic figures from Van Cleef Engineering and McTish, Kunkle, and whether he could have copies? Mr. Bahnick replied that he would provide them.

e) Solicitor Gaul provided some history of the Northampton County Grant that was used to pay the cost of the installation of infrastructure in the PIP, including a portion of the sewer treatment plant costs. The grant funds were utilized to provide as much infrastructure that could be accomplished at the time, with the funds available. Access needs for future development of the PIP was to be the responsibility of Portland Industrial Park, LP, the owner of the park property, and who would be the seller of the lots in the park.

Attorney Layman replied that Ultra-Poly is not opposed to the New Demi Road, LLC development, and commented that the New Demi Road, LLC project is not within the area of the original Portland Industrial Park project.

Mayor Prator asked what happens if the Borough refuses to allow the application for the HOP in its name. Solicitor Gaul replied that any discussion regarding such a topic should preferably occur in executive session, as it could involve discussion with legal matters with the Solicitor. Attorney Gaul also noted that such discussion would involve speculation at this point, and as a result, it did not seem practical to discuss now.

Mayor Prator replied that he has no inside information or no vote on this matter but if this is a "dead fish in the water", the Borough is wasting all this time and all the parties are wasting at least \$1,000 or more in attorney and engineering fees tonight at this meeting. Mr. Bahnick replied that Council has the ability to have that conversation. Mayor Prator stated that he wanted to know what would happen; Ms. Troxell replied that PennDOT could say it has the right to close access.

Ms. Troxell stated that PennDOT requires a traffic study if there are (750) or more trips a day under the Ultra-Poly HOP. The existing count is not known at this time. Ms. Bucci asked if PennDOT commented on the initial HOP permit. Ms. Troxell replied that the permittee was to maintain the intersection. Ms. Bucci stated that Ultra-Poly was on site before the PIP was formed.

e) Justin Coyle, Carroll Engineering, UMBT, stated that the 303 Demi Road Land Development Plans have been given conditional preliminary plan approval from UMBT. One of the conditions is that the developer obtain an HOP in the name of the Borough for changes to the River Road and Demi Road intersection. There was a traffic impact assessment, which is in the process of being revised, overall traffic impact study, which then goes to the DRJTBC, PennDOT, to UMBT and hopefully to the Borough. Mr. Bahnick asked if a copy of the overall study could be provided to him. Mr. Coyle replied YES.

f) Ms. Steele stated that the important item right now is locating the deed of dedication to Demi Road.

g) Attorney McLain asked if River Pointe and UMBT could be placed on the December Council agenda to continue discussion. Ms. Steele replied that the December meeting is already a full

BOROUGH OF PORTLAND
COUNCIL MEETING NOVEMBER 22, 2021

meeting because of the end of the year financial matters that need to be addressed. It would be better for them to attend the January meeting.

Adjourn:

A motion to adjourn the meeting was made by Kay Bucci, 2nd by William Godshalk at 7:57 PM.
Motion Carried 3-0-0

Respectfully Submitted,

Carol A. Hummel
Carol A. Hummel, Secretary