

BOROUGH OF PORTLAND
COUNCIL MEETING DECEMBER 6, 2021

The Portland Borough Council Meeting of December 6, 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*

- Council members Yvonne Gumaer and William Godshalk were absent.

Others Present:

1. Michael Gaul, Solicitor
2. Lance Prator, Mayor
3. Mark Bahnick, Borough Engineer
3. Carol Hummel, Borough Secretary

Public Present:

1. Patrick McHugh, resident
2. Heather Fischer, resident
3. Kyle Overfield, resident

Solicitor Gaul recommended the Secretary add to future agendas an announcement that the meeting is being recorded.

Approve Council Agenda and Amendments:

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

Agenda item numbers 5, 6, 7, and 9 concerning resolutions for the final budget, the 2022 tax resolution, the order for the 2022 real estate tax bills, and the 2022 residential garbage collection fees were tabled on a motion made by Kay Bucci, 2nd by Stephanie Steele, until the next regular meeting of December 27, 2021. Motion carried: 3-0-0

Resolution 2021-4:

A motion was made by Kay Bucci, 2nd by Stephanie Steele appointing Kirk, Summa & Co., LLP, temporarily to the office of Borough Auditor for purposes of the 2021 calendar year Borough Audit. Motion carried: 3-0-0

A motion was made by Kay Bucci, 2nd by Robert Ivancich authorizing President Steele to execute the Letter of Engagement between Kirk, Summa & Co., LLP, and the Borough of Portland, in the amount of \$5,100.00, for the 2021 audit. Motion carried: 3-0-0

BOROUGH OF PORTLAND
COUNCIL MEETING DECEMBER 6, 2021

Notice of 2022 Meetings Schedule:

Changes to the meeting schedule were addressed by Solicitor Gaul.

- There is no longer an Emergency Declaration for the Covid-19 pandemic.
- Borough Code requires that a quorum of Borough council members be physically present in order to have a meeting.
- The Sunshine Act also appears to require a physical meeting location that the public can attend.
- Moving forward Council shall have physical meetings.
- The Borough Council can also allow remote access. If the borough does not intend to provide remote access at each meeting, then a reference to remote access should not be included in the annual meeting notice.
- Solicitor Gaul reminded the Council that the Sunshine Act did not distinguish between regular meetings and workshops. All the meetings should be treated as a regular meeting for purposes of the Sunshine Act.

A motion was made by Stephanie Steele, 2nd by Kay Bucci approving the advertisement in the Pocono Record publication of the January 3, 2022, Council Reorganization Meeting and Regular Council Meeting, to be held at 7 PM at the Borough Municipal Building, 206 Division Street. Motion carried: 3-0-0

After some discussion about the Planning Commission's meeting schedule, the Borough Council, by consensus, decided that the advertising of the rest of the Council and Planning Commission meetings for 2022 would be tabled until the December 27, 2022 meeting.

Solicitor Gaul asked the Secretary to prepare him a list of 2022 Council members and their terms of office. Also, a list of any vacancy's that would exist in 2022.

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

Ms. Fischer stated that she is withdrawing her Letter of Intent for a vacant Council seat.

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

- Tabled until the January 3, 2022 Council Meeting.

Action on Minutes:

A motion was made by Kay Bucci, 2nd by Stephanie Steele approving the minutes of the regular meeting of November 1, 2021, as presented. Motion Carried 3-0-0

A motion was made by Stephanie Steele, 2nd by Kay Bucci approving the minutes of the regular meeting of November 22, 2021, as presented. Motion carried: 3-0-0

Secretary/Treasurer's Report: Carol Hummel

Bills Presented for Payment:

1. Approve the November 2021 Financial Report:

BOROUGH OF PORTLAND
COUNCIL MEETING DECEMBER 6, 2021

- Approve Payments of Bills Presented in the amounts of:

Borough Operations & Borough Operations Already Paid:	27,977.41
Sewer Operations & Sewer Operations Already Paid:	15,131.36
Garbage Operations & Garbage Operations Already Paid:	4,774.82
Dunkin Donuts Escrow: Van Cleef Engineering	146.00
Dunkin Donuts Escrow: McTish, Kunkle Associates	426.25
Slate Hills Enterprises Escrow: Ott Consulting	580.25
New Demi Road Escrow: McTish, Kunkle Associates	426.25
Real Estate Tax Acct. to Fire Tax Acct.: November (2) mill tax	87.40
General Checking Acct. to Fire Tax Acct. – Taxes in Trust delinquent 2019	351.40
General Checking Acct. to Fire Tax Acct. – Taxes in Trust delinquent 2020	87.40
December 2021 payroll & taxes, approximate:	6,500.00
December 2021 Sunoco Fleet Gas:	175.00
Annual budgeted allocation to the Bangor Public Library	<u>250.00</u>
	54,814.54

A motion was made by Kay Bucci, 2nd by Robert Ivancich approving the treasurer's report and the bills presented for payment in the amount of \$ 54,814.54.

Motion Carried 3-0-0

Bills Presented for payment to Portland Contractors Inc.:

WWTP monthly services: **2,660.00**

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 \$2,660.00. Motion carried: 3-0-0

Public Comment:

- None. 505 Northampton Street was not present.

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

a) There was no sewer report/activity from Mr. Bahnick.

b) Mr. Bahnick was aware that PennDOT has been reviewing the intersection with the Borough's traffic engineer and Dunkin Donuts.

c) Mr. Bahnick asked if there was anything he should know about, concerning the new Pole Building. Ms. Bucci replied she has heard nothing. The Borough has not received any bills to be paid from the contractor.

- Mr. Bahnick left the meeting at 7:33 PM.

d) A motion was made by Kay Bucci, 2nd by Robert Ivancich accepting the proposal of Innovative Control Solutions, in the amount of \$2,965.46, to add heat trace wire to the existing MBR manifold and authorizing President Steele to execute the proposal. Motion carried: 3-0-0

BOROUGH OF PORTLAND
COUNCIL MEETING DECEMBER 6, 2021

e) Ducklode Brothers: Barbara Townsend, 427 Delaware Avenue

A written letter was received from Ms. Townsend that the "Golden Eagle Inn" at 427 Delaware Avenue is closed and will be removing the toilet and sink. She asked that the sewer bill be deleted. Ms. Bucci replied that the sewer ordinance does not provide for disconnection, due to the Borough's obligation to pay debt service from the construction of the overall sewer system. All buildings were required to be connected to the sewer. A motion was made by Kay Bucci, 2nd by Robert Ivancich denying the request. Motion carried: 3-0-0

Zoning Officer Report/BCO Official: Keller Zoning & Inspection Services

a) Ms. Serfass' invoice and report is in the Council packet. The invoice was approved earlier on the list of bills to be paid.

b) Jacoby Creek Road Address:

Ms. Bucci explained that the former Smith property on Jacoby Creek Road was issued a new address of Boulder Drive by the Zoning Officer. The property parcel with the house located on it did not have a house number. The Smith property has three (3) parcels. The 400 Jacoby Creek Road address was assigned to the wrong parcel by Robert Cartwright back in 1999 when the 911 addresses were required by Northampton County. Ms. Bucci stated that the Zoning Officer does not have the authority to change a Borough address.

Ms. Steele explained that she was part of the discussion with Ms. Serfass when the address was changed. The property was recently sold. Because the parcel with the house did not have a correct number address Met Ed would not connect electrical power to the property. If a number address was not assigned to the property right away, Met Ed would not be able to connect the property until the end of January 2022. As a result, Ms. Serfass sent the address change certification to County 911. Solicitor Gaul agreed with Ms. Bucci and stated that Ms. Serfass cannot change the Borough addresses.

A motion was made by Kay Bucci, 2nd by Robert Ivancich to give the house address parcel as 402 Jacoby Creek Road. Motion carried: 3-0-0

- Ms. Serfass will be notified tomorrow of Council's decision of the address change.

UCC Building Code Inspectors Report: Keller Zoning & Inspection Services

- None

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.
- Solicitor Gaul stated that since the hearing is contested Council should have copies of the transcripts; the cost of the transcript, unfortunately, can be several dollars, each hearing. Ms. Steele stated that she is not available for the hearing since it is the same evening as Plan Slate Belt Steering Committee and must attend that meeting. Solicitor Gaul explained the testimonies that will take place; the plan will be to move forward without Ms. Steele and order the transcripts.

BOROUGH OF PORTLAND
COUNCIL MEETING DECEMBER 6, 2021

- Referencing the Slate Hills property, Mayor Prator stated that if he correctly heard the frontage of the Jacoby Creek property fronts Jacoby Creek Road; the Slate Hills property does not front North Delaware Drive as stated on the advertisement, it fronts Delaware Avenue. Solicitor Gaul replied that he did not think Council should be concerned about that. Council is not responsible for advertising the hearing, and has been able to attend all hearings.

Planning Commission:

- None

Portland Borough Authority (PBA):

Lance Prator, Chairman

- The PBA is having a special meeting on December 8, 2021 to discuss New Demi Road, LLC. water service.

Back to 402 Jacoby Creek Road:

Ms. Bucci asked why the property is not connected to water service. The purpose of the PBA is to provide water to all residents in the Borough.

- Mr. Prator stated that the Bridge Commission is connected
- Ms. Bucci asked if the PBA has discussed connecting the property to water service,
- Mr. Prator stated that if the property is more than 100 feet from a water main connection is not required; and the hump in Jacoby Creek Road is a problem.
- Ms. Bucci asked if the water connection can come from Main Street across the ball field.
- Mr. Prator stated that no one wants to be connected in the Middle Village section of UMBT.
- Ms. Bucci asked where the water line could be connected if the line does not go under the State Street bridge anymore.
- Mr. Prator stated the last stop of the water line is the fire hydrant on State Street; also, bedrock is a problem.
- Ms. Bucci stated that it is wonderful that the property has been purchased.

Legal:

Michael Gaul, Solicitor

- The cable modem installation agreement for the Park & Walk Lot continues to be tabled.

Subdivision and Land Development:

- None

Community Development. Slate Belt COG & Grants:

a) The Slate Belt COG met on Wednesday, November 17, 2021, at 7 PM. The next meeting will be held on Wednesday, January 26, 2022, at 7 PM.

b) Tentative date to sign the contract with Northampton County for the camera system is January 22, 2022.

BOROUGH OF PORTLAND
COUNCIL MEETING DECEMBER 6, 2021

c) URDC, Gymnasium Demolition Grant:

Ms. Bucci reported that they are working on the specifications; the water and sewer lines need to be disconnected before the advertisement of the bid specs. If the cesspool is found that needs to be emptied and filled in. The propane has been disconnected and the tanks are removed.

Air Liquide Safety Committee:

- The CAP Safety Committee meets on the second Wednesday, January 12, 2022, at 6 PM.

Community Events/Recreation Board:

- The Christmas Tree Lighting ceremony was held on Sunday, November 28, 2021, 6:30 PM at the Train Station Lot on Delaware Avenue.

Police Report:

- a) The police report was verbal and provided by Mayor Prator.
- One person who had expressed interest in employment is no longer interested.
 - The computer system networking is almost complete for the police department.

Mayor's Report:

- Reported on the Nurture Nature Center, Hazard Mitigation Plan Project. Two Portland residents provided mural projects on "Sherm and Sherma", of the PUMP Food Pantry. Looking for a permanent home in the Bangor Area School District.
- Three artists were contracted, one each from Wilson, Easton, and Bangor to provide a mural for a park in their area. Looking for a home for all the murals.
- All was done by grant money provided by NOAA, located in Easton PA.

Streets: William Godshalk

a) The Ordinance for the Elimination of Tractor Trailers and Large Trucks on various streets of the Borough was tabled.

b) A motion was made by Kay Bucci, 2nd by Stephanie Steele authorizing the purchase of (3) Borough maintenance tee shirts and (1) sweatshirt for street department employee, Randi Snook. Motion carried: 3-0-0

c) Crestmont Drive:

Discussion was held on a property owner's request for the Borough to maintain Crestmont Drive. There does not appear to be a Borough Ordinance ordaining the area as a Borough

BOROUGH OF PORTLAND
COUNCIL MEETING DECEMBER 6, 2021

Street. There are sewer manholes and sewer lines in the road areas. The Solicitor stated that the history of the road area and adjacent properties, and use of the area, would need to be researched, including any subdivision maps, before any conclusions could be drawn.

d) Backhoe/Loader Purchase:

Discussed was a bucket/backhoe/loader for use with winter maintenance. Ms. Steele reported that rentals are not available until at least (6) months. Bid specifications were discussed but no action was taken. Since the previous opportunity for the purchase of a 2004 LB90 New Holland backhoe/tractor did not materialize Mayor Prator suggested upgrading the John Deere tractor that was purchased through the DRJTBC auction. Ms. Steele replied, "who knows if anyone would have an attachment". Ms. Bucci replied that Council should investigate and approve a tentative dollar amount.

A motion was made by Kay Bucci, 2nd by Robert Ivancich to investigate the purchase of a bucket/backhoe attachment for the John Deere tractor for the cost not to exceed \$10,000. Motion carried: 3-0-0

e) Charlie Nansteel: Mr. Nansteel is still waiting for the drain box.

f) Winter Maintenance Staffing:

Ian Kelton is available to plow/cinder/salt and lease his equipment for snow removal. A motion was made by Kay Bucci, 2nd by Robert Ivancich authorizing the pay rate of \$25 per hour to Mr. Kelton and the lease truck agreement payable at \$75 per hour. Motion carried: 3-0-0

Sanitation Committee:

- None

Building Committee:

A quote was received for a new outside cedar message board with posts, for the municipal building at a cost of \$695 plus shipping.

I: Ms. Steele stated that new signage is needed because all pertinent paperwork is posted on the front door and the old message board is not watertight.

No action was taken. Tabled until the area for the new message board is measured for the correct size.

Budget, Finance, Insurance, & Cable TV Contract:

a) A motion was made by Kay Bucci, 2nd by Stephanie approving the Philadelphia Indemnity Company application for Volunteers Blanket Accident Insurance, in the amount of \$300 per annum, and authorizing President Steele to execute the contract. Motion carried: 3-0-0

b) Ms. Steele and the WWTP Operator, Craig LaBarre met to review and update the renewal insurance policy, January 19, 2022 through January 19, 2023. The increase will be (2) to (3) per cent, close to the current premium.

BOROUGH OF PORTLAND
COUNCIL MEETING DECEMBER 6, 2021

b) COVID-19 American Rescue Stimulus:

- None

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, January 13, 2022, at Bangor Borough. An alternate is needed.
- SBR with the help of the Community Action Lehigh Valley, who is committed to economic growth/improvements for the Boroughs of Bangor, Portland, Wind Gap and Pen Argyl is asking for a donation to support their efforts. No action was taken,

Plan Slate Belt:

- The next meeting will be held on Wednesday, January 5, 2022, 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 will meet quarterly for the calendar year 2022.

Correspondence:

- PA State Representatives Joe Emrick and Ann Flood are meeting in conjunction with the LVPC for a presentation and question and answer session on Tuesday, December 7, 2021, at 2 PM at the Hanover Township Community Center, Bethlehem, PA. Topic: Warehouse Growth.

Secretary's Announcements:

- None

Old Business:

- None

New Business:

- Emergency Management: NIMS certification for newly elected Council officials.

BOROUGH OF PORTLAND
COUNCIL MEETING DECEMBER 6, 2021

- A motion was made by Kay Bucci, 2nd by Robert Ivancich to ratify a letter of support for PCRB, workers' compensation rating bureau, filing 325, that proposes policies with effective dates of April 1, 2022, or later, containing a new classification and separate classification – Code 998- Volunteer Fire Company – Support Staff – be approved for all volunteer fire companies for exposures now covered pursuant to Act 108. Code 994, Volunteer Fire Company, will remain authorized for a volunteer fire company's first responders. Motion carried: 3-0-0
- A motion was made by Stephanie Steele, 2nd by Robert Ivancich approving a letter of support for Senate Bill 252 and House Bill 955, providing municipalities with greater advertising flexibility by providing a menu of both print and more cost-effective electronic advertising options. Motion carried: 3-0-0

Public Comment Non-Agenda:

- None

Executive Session:

A motion was made by Robert Ivancich, 2nd by Stephanie Steele to convene to executive session at 8:57 PM. Motion carried: 3-0-0

Discussion: legal matters with the Solicitor.

A motion was made by Stephanie Steele, 2nd by Kay Bucci to reconvene from executive session at 9:17 PM. Motion carried: 3-0-0

No action was taken.

Adjourn:

- a) The next Council Meeting will be held on Monday, December 27, 2021, at 7:00 PM.
- b) A motion to adjourn the meeting at 9:18 PM was made by Kay Bucci, 2nd by Robert Ivancich. Motion Carried 3-0-0

Respectfully Submitted,

Carol A. Hummel

Carol A. Hummel, Secretary