

**BOROUGH OF PORTLAND  
BOROUGH COUNCIL  
REORGANIZATION AND REGULAR MEETING JANUARY 3, 2022**

The Swearing In of Public Officials:

Mayor Fischer

Mayor Heather Fischer performed the swearing in of the newly elected Borough Council members, Kay Bucci and Robert Ivancich, prior to the Borough Council Meeting. District Court 03-3-03 Judge Alicia Rose Zito previously swore in Mayor Fischer to a four-year term.

District Court 03-3-02 Judge Douglas Schlegel previously swore in Patrick McHugh to a four-year Council term.

Mayor Fischer called the meeting to order at 7:06 PM.

Council members present:

\* Stephanie Steele\* Kay Bucci\* Robert Ivancich\* William Godshalk\* Patrick McHugh\*

Announcement of Recording:

The meeting is being digitally recorded by the Secretary for assistance in preparation of the minutes. Is there anyone in the audience who plans to record the meeting? There was none.

Election of President and Vice President of Borough Council:

Mayor Fischer

Mayor Fischer called for nominations of Council President. William Godshalk nominated Stephanie Steele. There were no other nominations. The nominations were closed,

Yes for Stephanie Steele as Council President: K. Bucci, R. Ivancich, W. Godshalk, P. McHugh.  
Abstain S. Steele.

Stephanie Steele was elected Council President.

Mayor Fischer called for nominations of Council Vice President. William Godshalk nominated Kay Bucci. There were no other nominations. The nominations were closed.

Yes for Kay Bucci as Council Vice President: R. Ivancich, W. Godshalk, P. McHugh, S. Steele. Abstain: K. Bucci

Kay Bucci was elected Council Vice President.

Mayor Fischer turned the gavel over to the Council President, Stephanie Steele.

Others Present.

1. Michael Gaul, Solicitor
2. Mark Bahnick, Borough Engineer
3. Carol Hummel, Secretary
4. Kyle Overfield, Resident

Action on Minutes:

A motion was made by Kay Bucci, 2<sup>nd</sup> by Robert Ivancich approving the minutes of a regular Council meeting of December 6, 2021 as presented. Motion carried 5-0-0.

A motion was made by Kay Bucci, 2<sup>nd</sup> by Stephanie Steele approving the minutes of a regular Council meeting of December 27, 2021 as presented. Motion carried 5-0-0.

The following individuals and firms were appointed to the offices and positions noted:



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Secretary/Treasurer: A motion was made by Kay Bucci, 2<sup>nd</sup> by William Godshalk appointing Carol Hummel. Motion carried 5-0-0.

Assistant Secretary-Treasurer: A motion was made by Kay Bucci, 2<sup>nd</sup> by William Godshalk appointing Diann Eden. Motion carried 5-0-0.

Solicitor: A motion was made by William Godshalk, 2<sup>nd</sup> by Kay Bucci appointing the law firm of King, Spry, Herman, Freund & Faul, LLC., with the primary representative being Michael Gaul. Motion carried 5-0-0.

Alternate Solicitor: A motion was made by Kay Bucci, 2<sup>nd</sup> by William Godshalk appointing the law firm of Cramer, Swetz, McManus & Jordan, with the primary representative being Timothy McManus. Motion carried 5-0-0.

Borough Engineer & Sewer Engineer: A motion was made by Kay Bucci, 2<sup>nd</sup> by William Godshalk appointing Van Cleef Associates, with the primary representative being Mark Bahnick. Motion carried 5-0-0.

Borough Alternate Engineer & Sewer Engineer: A motion was made by Kay Bucci, 2<sup>nd</sup> by Robert Ivancich appointing Ott Consulting, Inc., with the primary representative being Jeffrey Ott. Motion carried 5-0-0.

Sewage Enforcement Officer: A motion was made by William Godshalk, 2<sup>nd</sup> by Robert Ivancich appointing Ott Consulting, Inc., with the primary representative being Jeffrey Ott. Motion carried 5-0-0.

Zoning Officer: A motion was made by Kay Bucci, 2<sup>nd</sup> by William Godshalk appointing Keller Zoning & Inspection Services, with the primary representatives being Bettina Serfass and Sean Cory. Motion carried 5-0-0.

Building Code Official: A motion was made by Kay Bucci, 2<sup>nd</sup> by William Godshalk appointing Keller Zoning & Inspection Services, with the primary representatives being Bettina Serfass and Sean Cory. Motion carried 5-0-0.

Uniform Construction Code Inspector: A motion was made by Kay Bucci, 2<sup>nd</sup> by William Godshalk appointing Keller Zoning & Inspection Services, with the primary representatives being Bettina Serfass and Sean Cory. Motion carried 5-0-0.

Flood Plain Administrator: A motion was made by Kay Bucci, 2<sup>nd</sup> by William Godshalk appointing Keller Zoning & Inspection Services, with the primary representatives being Bettina Serfass and Sean Cory.

- i. Question from Ms. Bucci: What are the administrator's duties? Solicitor Gaul replied that typically the flood plain administrator is the zoning officer. The Flood Plain Ordinance has restrictions on building in the floodway and the flood plain zone.

Motion carried 5-0-0.

Planning Commission: A motion was made by Kay Bucci, 2<sup>nd</sup> by Stephanie Steele appointing Rich Scott to a (4) year term, 01/01/2022 – 12/31/2025. Motion carried 5-0-0.

Zoning Hearing Board Solicitor: A motion was made by Kay Bucci, 2<sup>nd</sup> by William Godshalk appointing Amori & Associates, with the primary representative being Scott Amori. Motion carried 5-0-0.

Health Officer: A motion was made by Kay Bucci, 2<sup>nd</sup> by William Godshalk appointing Anita Einolf. Motion carried 5-0-0.

Recreation Board: A motion was made by Robert Ivancich, 2<sup>nd</sup> by William Godshalk appointing Pastor Phil Karasiewicz to a (3) year term, 01/01/2022 – 12/31/2024. Motion carried 5-0-0.

Right-To-Know Officer: A motion was made by Kay Bucci, 2<sup>nd</sup> by Robert Ivancich appointing Carol Hummel. Motion carried 5-0-0.



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Assistant Right-To-Know Officer: A motion was made by Kay Bucci, 2<sup>nd</sup> by William Godshalk appointing Diann Eden. Motion carried 5-0-0.

Tax Collection Committee (TCC) Representative: A motion was made by Kay Bucci, 2<sup>nd</sup> by William Godshalk appointing Carol Hummel. Motion carried 5-0-0.

Tax Collection Committee (TCC) Alternate Representative: No action taken.

Council of Government (COG) Representative: A motion was made by Kay Bucci, 2<sup>nd</sup> by William Godshalk appointing Mayor Heather Fischer. Motion carried 5-0-0.

Council of Government Alternate (COG) Representative: A motion was made by Kay Bucci, 2<sup>nd</sup> by Robert Ivancich appointing Stephanie Steele. Motion carried 5-0-0.

Air Liquide Safety Committee Representative: A motion was made by Kay Bucci, 2<sup>nd</sup> by Robert Ivancich appointing Stephanie Steele. Motion carried 5-0-0.

- Ms. Steele reported that the committee meeting schedule is the second Wednesday of the month, starting with dinner at 5:30 PM. Since the Covid Pandemic, the meetings have been infrequent. Ms. Bucci asked what is discussed at these meeting. Ms. Steele replied, safety. The representatives are the neighboring municipalities, PUMP food pantry, Bangor School District, the 911 Center.

Slate Belt Rising (SBR) Representatives: A motion was made by Kay Bucci, 2<sup>nd</sup> by William Godshalk appointing Stephanie Steele and Robert Ivancich. Motion carried 5-0-0.

Ms. Steele reported the requirements are two representatives from each municipality for a two-year term. The committee meets the second Thursday of the month at 6 PM at the Bangor Borough municipal building.

Plan Slate Belt Steering Committee: Tabled until the February 7, 2022 Council Meeting.

Ms. Steele stated that two (2) elected officials and one community representative are required. The public is invited to attend. The committee meets the first Wednesday of the month at 7 PM at the Plainfield Township Fire Company Social Hall. There are ten (10) municipalities involved. Virtual meetings have not worked out since there must be a unanimous vote on all matters or the committee has to stay in attendance until a unanimous decision has been reached. Lance Prator wishes to continue as the community representative. Needed is a second elected official. Plan Slate Belt is a committee overseen and run by the Lehigh Valley Planning Commission (LVPC).

Determination of the Bond Amount for the Borough Treasurer and Assistant Treasurer:

A motion was made by Kay Bucci, 2<sup>nd</sup> by William Godshalk approving the treasurer's and assistant treasurer's bond, as the same approved in 2020, with the cost to be determined by the bonding agent, Kressler, Wolff & Miller. Motion carried 5-0-0.

Resolution 2022-1: Adoption of 2022 UCC Fee Schedules

A motion was made by Kay Bucci, 2<sup>nd</sup> by Stephanie Steele adopting Resolution 2022-1, "Establishing New Permit Fees Under the Building Code". Motion carried 5-0-0.

Portland Borough Authority (PBA):

A motion was made by Kay Bucci, 2<sup>nd</sup> by Robert Ivancich reappointing Robert Waldron to another (5) five-year term on the PBA Board of Directors, 01/01/2022 – 12/31/2026. Motion carried 5-0-0.



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Council Vacancy Appointment: Kyle Overfield, 205 State Street

Patrick McHugh asked the requirements for a Council appointment. Ms. Steele replied, a registered voter in the Borough, a resident of the Borough for one year. Solicitor Gaul replied the same, a letter of interest, an elector and resident of the Borough.

Questions for Mr. Overfield:

Ms. Bucci : Why do you want to serve? To serve the community. Does your work schedule allow you to attend meetings? Mr. Overfield replied YES.

Mayor Fischer: Are you interested in serving on Council committees? Mr. Overfield replied YES.

A motion was made by Kay Bucci, 2nd by William Godshalk appointing Kyle Overfield to a vacant Council seat for a two (2) year term.

Question from Solicitor Gaul to Ms. Bucci:

What are the open terms for a Council vacancy? Ms. Bucci replied it is a two-year term. Solicitor Gaul asked whose vacant position would Mr. Overfield be appointed. Who was originally elected to the vacant seat? Ms. Bucci replied a two-year term because both Councilman Ivanchich and Ms. Bucci were both appointed and served to 2 two-year terms, and in 2021 each were elected on the ballot to a 4 year term. Mr. McHugh accepted a 4 year term on write in votes.

Solicitor Gaul summarized that on the November 2021 ballot there were 5 positions on the ballot, 3 four years and 2 two years. There are 2 two year terms remaining. Someone will be appointed the First Monday in January following the next general election.

Motion carried 5-0-0.

Solicitor Gaul replied to Mr. Overfield that he could not sit today as a Councilman due to filing the necessary paperwork and taking the oath of office. He will be able to take his Council seat for the February 2022 Council meeting. Ms. Bucci replied that there is still one empty 2 year Council seat.

Mr. Overfield was asked whether he had taken the NIMS test for certification. Mr. Overfield replied YES. Mr. Godshalk asked if Council still has to be certified by NIMS. Ms. Steele replied that all persons who took the NIMS test and received their certification are still certified.

Approval of the Meeting Agenda and Any Amendments:

There are no amendments to the meeting agenda. A motion was made by Kay Bucci, 2nd by William Godshalk approving the meeting agenda as presented. Motion carried 5-0-0.

Secretary/Treasurer Report:

Bills Presented Payment:

Borough Operations & Borough Operations Already Paid:	10,064.88
Sewer Operations & Sewer Operations Already Paid:	3,831.67
Sanitation Operations & Sanitation Operations Already Paid:	4,674.82
Real Estate Tax Account to Fire Tax Account:	190.70
Approximate Payroll & Taxes:	5,000.00
Approximate Sunoco Fleet Gas:	<u>360.00</u>
	22,808.07

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A motion was made by Kay Bucci, 2nd by Stephanie Steele approving the bills presented for payment in the amount of \$ 22,808.07. Motion carried 4-0-1. (Bill Godshalk abstained)

New Demi Road Escrow Account (NDR):

The secretary reported to Council that additional funds are needed to replenish the escrow account. A motion was made by Kay Bucci, 2<sup>nd</sup> by Robert Ivancich authorizing the secretary to request additional funds up to \$10,000, as stated in the Professional Services Agreement between the Borough of Portland and New Demi Road, LLC., Motion carried 5-0-0.

Public Comment:

- None

Engineers Report and Sewer Matters: Mark Bahnick

- a) The doors for the pole building have not arrived for installation.
- b) There is no new development between Dunkin Donuts and PennDOT except the last conversation concerning curbing.
  - Mr. Bahnick left the meeting at 8:01 PM.

Zoning Officer Report:

- None

UCC Officer's Report:

- None

Zoning Hearing Board:

- The developer has canceled the date for the Slate Hills Enterprises hearing, scheduled for January 5, 2022. There will be a continuance.
- The transcript that the Borough requested has arrived.

Planning Commission:

- None

Portland Borough (Water) Authority (PBA):

James Potter, Vic Chairman

- a) Mr. Potter reported that the PBA is investigating the installation and use of solar panels at the National Park Drive's water wells; this would save on the cost of electric to run the water pumps.
- b) Ms. Bucci asked the status between the PBA and the River Point Logistics Land Development. Mr. Potter replied that the developer would be digging his own wells. The developer requested 185,000 gallons of water a day. This would max out the PBA water supply.



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Legal:

Solicitor Gaul stated that there are numerous resources in this month's issue of the Borough News for the newly elected and appointed Council members and Mayor.

Subdivision and Land Development:

- None

Community Development, COG & Grants:

a) The Slate Belt COG meets the fourth Wednesday of the month at 7 PM.

b) Pole Building:

The opening and closing of the doors are not practical for manual operation. Mr. Farleigh met with Ms. Steele concerning the installation of electric service either from the PBA garage or new power connected to the municipal building. A conversation will begin with the PBA. Mr. Farleigh will seek quotes for the February Council meeting.

c) LSA Grant: Gymnasium Demolition

Ms. Bucci reported that letters should be sent to the adjoining property owners that the gymnasium is scheduled for demolition. The sewer and water has been disconnected. The bid specifications are almost ready for advertising.

Mr. McHugh questioned the on-site cesspool. The reply was that if the cesspool is in the area of disturbance it will be filled in.

A motion was made by Kay Bucci, 2nd by William Godshalk authorizing Solicitor Gaul to review the specifications for the demolition prepared by URDC and authorizing President Steele to execute the documents. Motion carried 5-0-0.

The drain box in the parking lot has been installed by Charlie Nansteel.

Community Events/Recreation Board:

- The Christmas tree lighting was held in November.
- The holiday residents Christmas lighting contest was a success.
- The committee will meet on January 9, 2022 at 7 PM.

Police Report:

(a) Chief Mulligan provided the December 2021 police report in writing.

b) Chief Mulligan provided the 2021 yearly report in writing.

c) The Chief will continue to search for potential police officer candidates.

Mayor's Report:

- None



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Streets Department:

Council has rented a backhoe for (12) weeks of the winter season with a lease agreement with RP Equipment. The backhoe was delivered December 30, 2021. The delivery fee is \$275 each way. The lease agreement can be cancelled at any time.

Sanitation:

There are (28) delinquent sanitation accounts for 2021 totaling \$\$4,931.34. Whatever amount is not collected by the billing clerk will be sent to the collection agency.

Building Committee:

- Ms. Bucci stated that the water fountain, that was included in the LSA Grant application, was removed by the grant officials. Since the 2021 profit and loss budget shows that the Borough has an excess of \$27,000 Council could take \$3,000 of that amount to purchase the water fountain. The work could be completed by the maintenance man. Solicitor Gaul was concerned about the cost of the gymnasium demolition. Ms. Bucci stated it is not that much money and the money is there. Ms. Steele stated if Council wants to spend any money the agenda needs an amendment. It was discussed to take \$5,000 instead of \$3,000 from the profit and include the purchase of an outside bulletin board.

**AMENDED AGENDA:** A motion was made by Kay Bucci, 2<sup>nd</sup> by Robert Ivancich to amend the agenda, in accordance with the Sunshine Act, to consider approval and the purchase of a water fountain and a bulletin board both for the Borough Municipal building. The reason for the amendment was to allow expedited consideration and approval of previously discussed minor improvements. Motion carried 5-0-0.

A motion was made by Kay Bucci, 2<sup>nd</sup> by Robert Ivancich authorizing the purchase of a water fountain for the foyer of the municipal building and a bulletin board for the outside of the municipal building, at the cost not to exceed \$5,000.

Discussion: Mr. McHugh asked for clarification of the funds. Ms. Bucci explained it is income in excess of the 2021 budget. Also, the LSA draw downs that will be submitted for the demolition of the gymnasium are to be returned to the General Account.

Mr. McHugh asked the difference between the accounts. Ms. Bucci replied that the Rainy Day Fund is a savings account that was excess profit from a budget several years ago. It was used to open the Rainy Day Fund as a savings account. Solicitor Gaul replied that the 2022 real estate taxes will soon start to be paid.

Motion carried 5-0-0.

Budget, Finance, Insurance & Cable TV Contract:

A motion was made by Kay Bucci, 2<sup>nd</sup> by Robert Ivancich to move the excess of the P & L, after the purchase of the water fountain and the bulletin board, to the Rainy Day Fund Account. Motion carried 5-0-0

A motion was made by Kay Bucci, 2<sup>nd</sup> by Robert Ivancich approving the acquisition of Borough insurance coverage from Brown & Brown of the Lehigh Valley, based on the 01-19-2022 to 01-19-2023 term; and authorizing President Steele to execute the renewal of the policy. Motion carried 5-0-0.



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Personnel Committee:

Ms. Steele discussed the duties of the secretary. Since there is an over abundance of work and the secretary has fallen behind, the assistant secretary/billing clerk (Ms. Eden) will assist the secretary one (1) day per week. Ms. Eden was hired for up to (15) hours per week.

Slate Belt Rising:

The committee meets the second Thursday of the month.

Plan Slate Belt Steering Committee:

The committee meets January 5, 2022 at the Plainfield Township Social Hall.

Liberty Water Gap Trail Alliance:

The Alliance will meet January 19, 2022 at 5:30 PM. Location TBA.

Correspondence:

A thank you was received from the Bangor Public Library for the 2021-budgeted allocation.

Secretary's Announcements:

- None

Old Business:

Mr. Godshalk further discussed a backhoe loader, which the Borough has previously placed a down payment to purchase. The Council must advertise bid specifications for the equipment in order to comply with bidding thresholds.

Ms. Bucci replied that the Borough is covered for this winter season since the Borough has rented a backhoe loader until March 2022. Mr. McHugh asked the budgeted amount; \$25K to \$28K was the reply. Hubert McHugh, from the audience, asked if the backhoe loader could be used for removal of the snow piles that accumulate in the downtown after a winter storm. Mr. Godshalk replied, YES, it is a wheel loader. Patrick McHugh questioned the bill that was on the bills presented list for payment. Mr. Godshalk replied that that was the bill for the backhoe loader machine rental. Mr. McHugh asked about sewer equipment; Ms. Steele replied that sewer equipment is only used for sewer operations.

Ms. Steele stated that if Council wants do a bid specification for a backhoe loader the agenda will have to be amended.

**AMENDED AGENDA:**

A motion was made by William Godshalk, 2<sup>nd</sup> by Patrick McHugh to amend the agenda, in accordance with the Sunshine Act, to expediate advertising specifications for the purchase of a backhoe loader. Motion carried 5-0-0

A motion was made by William Godshalk, 2<sup>nd</sup> by Patrick McHugh authorizing Solicitor Gaul to prepare and advertise bid specifications for a backhoe loader for the street department.

Discussion: Ms. Bucci replied that the LSA Grant bid specifications for the demolition of the gymnasium should be the priority. Ms. Steele stated that the Borough is covered for the winter season with a backhoe rental already in place; that Council must keep moving forward because of the grant money that has been provided. Solicitor Gaul



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agreed by stating that there are rules and regulations that must be met with the grant. The bid specifications for the backhoe loader can be done after the gymnasium.

Motion then carried 5-0-0

Hubert McHugh asked, "why did the Borough order a bucket for the backhoe that was purchased at auction from the DRJTBC?" Patrick McHugh asked if there was an option to cancel this order. Ms. Steele replied that she would check to see if the order could be cancelled and thought it could.

Old Business:

- None

New Business:

- None

Public Comment, Non-Agenda:

Mr. Godshalk complained about his neighbor who is feeding feral cats. There are cats and cat food all over the front porch. Ms. Steele replied that she would take a picture and refer the matter to the Animal Warden.

Executive Session:

- None

Adjournment:

The next Council meeting is Monday, February 7, 2022 at 7 PM.

A motion was made by Kay Bucci, 2<sup>nd</sup> by William Godshalk to adjourn the meeting at 9:20 PM.  
Motion carried 5-0-0.

Respectfully Submitted By,

  
Carol A. Hummel, Secretary