

BOROUGH OF PORTLAND
COUNCIL MEETING FEBRUARY 7, 2022

The Portland Borough Council Meeting of February 7, 2022 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* Patrick McHugh* Kyle Overfield*

Others Present:

1. Michael Gaul, Solicitor
2. Heather Fischer, Mayor
3. Mark Bahnick, Borough Engineer
4. Carol Hummel, Borough Secretary

Public Present:

1. Karen Pfeiffer, resident
2. UMBT Supervisors Martin Pinter and Robert Teel
3. Several Residents of Upper Mount Bethel Township (UMBT)

Approval of the Agenda and any Amendments:

Question By Ms. Bucci:

Ms. Bucci stated that she was confused as to why the UMBT Supervisors were on the agenda. Ms. Bucci thought UMBT was here to speak about Air Liquide, instead it is listed as UMBT's Act 537 Plan, which speaks of sewer.

Ms. Bucci handed out to attendees, prior to the opening of the meeting, copies of two (2) letters sent from Portland Borough, one which was sent to the UMBT Supervisors and one which was sent to their Solicitor, Ronold Karasek. Both letters were dated January 19, 2021 and sent by Solicitor Gaul on behalf of Portland Borough Council stating that the Borough is not interested in further discussions with UMBT regarding a potential sewer service agreement. The letter further states that Borough Council considers the discussion concluded. Ms. Bucci thought the UMBT Supervisors were coming to talk about Air Liquide and their antiquated equipment and danger to the community; Air Liquide's plant is located in the Industrial Park in UMBT. Ms. Bucci stated she was confused; she asked the UMBT Supervisors if they had received the letters sent from Portland Borough. Mr. Pinter replied YES. Ms. Bucci asked if these letters of correspondence were shared with the constituents/public of UMBT. Mr. Pinter replied NO.

Solicitor Gaul asked Ms. Bucci if she wanted to amend public comment section of the agenda. Ms. Bucci replied NO, that she objects to the approval of the agenda concerning line item Number 10, Public Comment, regarding discussion with Supervisors Martin Pinter and Robert Teel about the Townships Act 537 Plan.

Ms. Steele replied that this discussion would continue under Public Comment of Mr. Pinter and Mr. Teel after approval of the agenda and any amendments.

Approval of the Agenda and any Amendments:

President Steele presented three items for amendments to the agenda.

- i. Karen Pfeiffer, resident, inquiring about a vacant Council seat, under Public Non-Agenda.
- ii. Electric quote for the new pole building under Building Committee.
- iii. Invoice balance of the pole building of \$8,000 received today, under the Bill List.

BOROUGH OF PORTLAND
COUNCIL MEETING FEBRUARY 7, 2022

A motion was made by Stephanie Steele, 2nd by Robert Ivancich to approve the amendments to the agenda. Council members present did not move forward to approve the motion.

Roll call of votes was taken:

Yes: S. Steele, K. Overfield

No: K. Bucci, W. Godshalk, R. Ivancich, P. McHugh

Motion failed: 2-4-0

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? Yes.

- Richard Wilford-Hunt: UMBT resident
- Mark Metzgar: UMBT resident

Solicitor Gaul reviewed the rules of recording with Mr. Wilford-Hunt and Mr. Metzgar.

Resolution 2022-2: Appointment of Kyle Overfield to Vacant Office on Borough Council

A motion was made by Kay Bucci, 2nd by William Godshalk adopting Resolution 2022-2, "Confirming the Appointment of Kyle Overfield to Vacant Office on Borough Council". Motion carried 6-0-0.

Resolution 2022-3: Condemning Preliminary 2021 State House Map

Ms. Bucci explained that Portland and the Slate Belt will be moved to the PA 138th State Legislative District including Ross Township and Chestnut Hill Township.

A motion was made by Kay Bucci, 2nd by Stephanie Steele adopting Resolution 2022-3, "Condemning Preliminary State House Map". Motion carried 6-0-0.

Solicitor Gaul left the meeting 7:03 PM

Action on Minutes:

A motion was made by William Godshalk, 2nd by Kay Bucci approving the minutes of the Regular and Reorganizational meeting of January 3, 2022 as presented. Motion Carried 6-0-0

Solicitor Gaul returned to the meeting at 7:10 PM.

Secretary/Treasurer's Report: Carol Hummel

Bills Presented for Payment:

1. Approve the January Financial Report:

- Approve Payments of Bills Presented in the amounts of:

Borough Operations & Borough Operations Already Paid:	134,943.33
Sewer Operations & Sewer Operations Already Paid:	14,867.12
Garbage Operations & Garbage Operations Already Paid:	5,180.79
Dunkin Donuts Escrow: Van Cleef Engineering	146.00
Slate Hills Enterprises Escrow: Ott Consulting	22.25
February 2022 Sunoco Fleet Gas, approximate:	500.00

BOROUGH OF PORTLAND
COUNCIL MEETING FEBRUARY 7, 2022

February payroll & taxes, approximate: 5,500.00
161,159.49

A motion was made by William Godshalk, 2nd by Kay Bucci approving the treasurer's report and the bills presented for payment in the amount of \$ 161,159.49.

Question from Ms. Bucci:

- i. Is the Dutchman pole building payment part of the total bills? Yes
- ii. And the dump truck payment? Yes

Motion Carried 6-0-0

Bills Presented for payment to Portland Contractors Inc.:

WWTP monthly services:	2,730.00
Other:	<u>415.78</u>
	3,145.78

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 \$3,145.78. Motion carried: 5-0-1. William Godshalk abstained.

Portland Hook & Ladder Co. #1:

The fire company is requesting that late fees of \$16 be waived from their sewer bill.

Ms. Steele explained that the Portland Post Office was "accidently" holding their mail. No one told the fire company treasurer or provided an explanation.

A motion was made by Kay Bucci, 2nd by Kyle Overfield authorizing the removal of the \$16 late fees from the Portland Hook & Ladder Co. #1 Sewer Account. Motion carried 6-0-0.

Public Comment:

UMBT Supervisors: Chairman Martin Pinter and Supervisor Robert Teel to discuss UMBT's Act 537 Plan.

Ms. Steele stated that the UMBT Supervisors received two letters from Portland Borough Council that there would be no further discussion with UMBT concerning sewer. Ms. Steele, nonetheless, supported hearing comment from the UMBT Supervisors because Portland needs to be neighborly.

Chairman Pinter began by stating that he apologizes for the townships engineering group who did not perform well concerning their draft Act 537 Plan. Mr. Pinter stated that he previously attended a Borough Council meeting in 2021 when it was held at the Portland Hook & Ladder Social Hall. Mr. Pinter continued that it is about working together, entering into an inter-municipal agreement for 50,000 gallons a day for 303 Demi Road and parts of an adjoining property. This would be the first step, to be open and come to the table and to have a conversation with the two (2) Boards, Portland and UMBT.

Ms. Bucci replied that as a Council member and the previous Mayor for twenty-one (21) years, the sewer discussion has been ongoing for forty-five (45) yeas. Ms. Bucci continued that it does not matter who the Supervisors are, nothing ever gets done. When sewer service was initiated forty-five (45) years ago UMBT decided not to come on board to solve the problems of the Route 611 corridor. This is ridiculous. At every meeting the question was "who is going to run the sewer plant". Ms. Bucci stated that it is disgusting; you should solve your own problems. Ms. Bucci stated that after a meeting with the PBA, a River Pointe Logistics engineer stated that UMBT had plans to build a sewer plant on Potomac Street in the Township. Ms. Bucci stated that UMBT now wants to use Portland. Mr. Pinter stated that the

BOROUGH OF PORTLAND
COUNCIL MEETING FEBRUARY 7, 2022

Township has no plans to build a WWTP; but the developer may have plans for their own WWTP. Mr. Pinter replied, the problem with the Township's previous draft Act 537 Plan is that UMBT tried to solve too much at one time, UMBT could help Portland Borough maximize their WWTP.

Mr. Pinter stated that asking for 50,000 gallons of sewer service has nothing to do with residential use or the Route 611 Corridor. Solicitor Gaul stated that his recollection is that the permitted capacity of the Portland sewer plant is based on the Borough's Act 537 Plan, which is based on the projected sewer needs of the Borough, and not those of the Township. Solicitor Gaul expected that the Borough's Act 537 Plan would need to be amended before Council could accept sewage from UMBT at the plant. That could be a long process. He expects that additional analysis and studies would need to be performed. Solicitor Gaul also noted that the Borough sewer system is financed through PennVest, which may also need to be consulted.

Fire Chief Jim Potter commented on the meeting with the PBA concerning Air Liquide and water pressure.

Supervisor Robert Teel replied that UMBT has no interest in owning the Portland WWTP or the Portland Borough Water Authority. If Portland has the capacity and would consider selling 50,000 gallons per day, UMBT would need an inter-municipal agreement; Mr. Teel would take that information back to the Township Supervisors. Solicitor Gaul replied that Portland's Act 537 Plan currently provides only for Borough sewage. Ms. Bucci stated that there is nothing for sale, those gallons must be reserved.

Mark Bahnick, Borough Engineer, stated that the Borough's Act 537 Plan provides sewer to the Borough; there is a very limited-service area. UMBT is asking for service for the first warehouse and the Industrial Park. The Borough's Act 537 Plan would have to be modified. The Borough's Act 537 Plan only involves Portland Borough. Service could not move forward without approval from the DEP. Solicitor Gaul stated that, as a practical matter, the Borough's WWTP is very small, compared to other plants such as Allentown.

Mr. Teel continued to ask if Portland would still consider looking at this. Ms. Bucci asked Mr. Pinter and Mr. Teel if a resident survey was done by UMBT. Ms. Bucci stated that that should have been done to see if there have been any sand mounds installed. Mr. Teel stated that he is really interested in providing sewer to the Route 611 Corridor.

President Steele commented that when she came to Council, she sat for two (2) or three (3) years with former Council members and former Mayor Prator; the Portland residents don't want to go through the sewer experience again; and Ms. Steele stated that she is not interested in going down that road again. Ms. Steele asked if Council had any other questions. Patrick McHugh stated that he has a lot of questions which would take a lot of time tonight. Ms. Steele stated that Council can meet the fourth Monday, on February 28, 2022, for a question-and-answer session with the Borough Engineer. Hubert McHugh asked the procedure for the meeting. Solicitor Gaul replied that it will be a public meeting for sewer discussion.

Denise Domotor, property owner at 605 Delaware Avenue and a twenty-five-year resident stated that the installation of sewer service in the Borough was a hardship. Ms. Domotor stated that she is opposed to the Borough providing any sewer service to UMBT.

- Mr. Pinter and Mr. Teele left the meeting at 7:55 PM.

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

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

b) Ms. Bucci reported that she contacted PA State Senator Mario Scavello for assistance concerning 400 Delaware Avenue, an existing business property adjacent to Dunkin Donuts which has been at that site for as long as Ms. Bucci can remember. The Dunkin property needs to complete work to finish their

BOROUGH OF PORTLAND
COUNCIL MEETING FEBRUARY 7, 2022

Highway Occupancy Permit (HOP). PennDOT wants to install high curbing along PA Route 611 which will render the owner of the garage no access to the two (2) bay garage that fronts Delaware Avenue/Route 611. This will make his investment worthless. The entrance to this garage business has always been from Delaware Avenue/Route 611 with depressed curbing. Ms. Bucci stated to Senator Scavello that the depressed curbing needs to be grandfathered as to provide justice to the property owner.

- Mr. Bahnick left the meeting at 8:00 PM.

Zoning Officer Report/BCO Official:

Keller Zoning & Inspection Services

- None

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, Monday, February 14, 2022, at the William Pensyl Social Hall, State Street.

Planning Commission:

- None
- Solicitor Gaul commented that Slate Hills Enterprises purchased the Louis Mayer property at 403 Jennings Street and paid the delinquent sewer account of \$15,000 plus. This is wonderful news. Ms. Bucci replied that there is quite a bit of land to that property, an acre and one-half.

Portland Borough Authority (PBA):

Lance Prator, Chairman

- a) Correspondence was received from the PBA asking if they would have use of the right-side garage bay in the new pole building after construction is complete. Council replied YES.
- b) James Potter, Vice Chairman of the PBA, Portland Fire Chief and EMC Coordinator, reported on fire protection for the Borough and the Industrial Park; that the developer of the Met Ed property has given access to the property and is a great asset for fire protection with ponds, dams, and the Delaware River. Mr. Potter explained the supply chain of water as per a request from President Steele. During a fire call the wells at National Park Drive are called to draw water; depending on the severity of the fire the water pressure becomes low for residents.
- c) Mayor Fischer questioned and commented on the water reserves.
- d) Mr. Potter stated that Air Liquide, a world leader in gases, which is in the Industrial Park, is not a good neighbor; they have an antiquated system fire system. After five (5) weeks of moving into the Industrial Park there was an explosion and a fire. Mr. Potter continued by saying that there is no emergency egress for the whole of the Industrial Park. Ms. Domotor voiced concerns about Air Liquide, the gases, potential fires, and low water pressure. Ms. Domotor was advised to voice her concerns to the PBA at their monthly meeting.

Legal:

Michael Gaul, Solicitor

- None

BOROUGH OF PORTLAND
COUNCIL MEETING FEBRUARY 7, 2022

Subdivision and Land Development:

- None

Community Development, Slate Belt COG & Grants:

a) The Slate Belt COG met on Wednesday, January 26, 2022 at 7 PM.

b) COG Street Sweeper:

An invoice was received from the COG, in the amount of \$1,000, for repairs of the COG's street sweeper's radiator that allegedly occurred when the Borough rented the sweeper to clean the streets. The maintenance man did have an accident with the sweeper by hitting a mailbox. The sweeper was repaired and paid for out of pocket by the Borough. Council's opinion is that the sweeper was used by municipalities other than Portland; that when the sweeper left Portland to be used by East Bangor the sweeper was in working order with no visible signs that the radiator was damaged. The secretary was directed to send a letter to the COG explaining why the bill has not been paid; and asking the COG for an explanation as to why they are accusing the Borough of damage to the street sweeper.

c) Borough Representative to the COG:

The COG has requested that the Borough reconsider the Borough's representative and appoint Lance Prator, as he has been instrumental in preparing grants and the implementation of the progression of the COG. Mayor Fischer was appointed at the Borough Reorganizational Meeting of January 3, 2022. Mayor Fischer stated that she was fine with Mr. Prator continuing as the COG representative and would serve with Stephanie Steele as an alternate.

A motion was made by Kay Bucci, 2nd by William Godshalk rescinding the appointment of Mayor Fischer and appointing Lance Prator as the Borough's COG representative, with Stephanie Steele and Mayor Heather Fischer as alternate. Motion carried 6-0-0.

d) URDC, LSA Gymnasium Demolition Grant:

Ms. Bucci stated that Solicitor Gaul has been working with URDC on the specifications for the demolition of the gymnasium. Solicitor Gaul asked for direction as to what type of bid security would be acceptable. Ms. Bucci replied, a bond. Advertising was discussed; the ads will be published in the Pocono Record with the bid results, from PennBid, forwarded to Solicitor Gaul and Stephanie Steele. The date for opening the bids will be the April 4, 2022, Council meeting. Solicitor Gaul will speak with URDC to set the advertising dates.

Community Events/Recreation Board:

- The committee met on January 9, 2022. Events planned for the year is the Easter Egg Hunt on April 16, 2022, at the Portland Ball Field. The next meeting will be held on February 20, 2022.

Police Report:

a) The police report was provided in writing by Chief Mulligan.

- The department is off to a slow start for 2022.
- Mayor Fischer and Chief Mulligan will look into ways to reach out to potential police candidates since no one has showed any interest.

BOROUGH OF PORTLAND
COUNCIL MEETING FEBRUARY 7, 2022

Mayor's Report:

- Reported on the redistricting maps and Resolution that was adopted this evening. With the PA House redistricting the Borough has lost State Representative Joe Emrick and State Senator Mario Scavello. State Senator Lisa Boscola will be the Borough's PA State representative.
- Received an email concerning the census and suggests the Borough ask for a review.
- Attended the Plan Slate Belt Steering Committee meeting.
- Met with Chief Mulligan reviewing the Standard Operating Procedures (SOP).
- Researching other ways to recruit officers.
- Moving forward to update the Pokey.
- Started a tracker for available grants.

Streets: William Godshalk

- a) The secretary reported that there has been no reply from Northeast Fleet Service for the requested return of the \$1,000 deposit for the New Holland Backhoe/Tractor. Mr. Goshalk replied that Northeast Fleet Service may provide a bid through the bid specifications advertising.
- b) Mr. Godshalk has ordered winter de-icing salt from the Co-Stars vendor.
- c) Solicitor Gaul is working on the bid specification for the sale of a new or used backhoe/loader to the Borough through the bid specifications process. There will be no bid bonds. The secretary will provide tax exempt status to the seller. Bids will be opened at the March 7, 2022, Council meeting.
 - i. The secretary was directed to call Crane's Auto Tags for the process of registering a backhoe.
- d) There have been no official complaints concerning snow plowing.

Sanitation Committee:

- None

Building Committee:

- None

Budget, Finance, Insurance, & Cable TV Contract:

- a) The 2021 audit has been completed.
- b) The auditor suggested that the Borough move the ARPA Stimulus Funds from the General Checking Account into its own separate checking account. A motion was made by Kay Bucci, 2nd by Stephanie Steele authorizing the secretary to open the account, in the amount of \$26,847.65. Motion carried 6-0-0.

Ordinance Update Committee:

- None

BOROUGH OF PORTLAND
COUNCIL MEETING FEBRUARY 7, 2022

Council Policy & Procedure Committee:

- None

Air Liquide Safety Committee:

- The CAP Safety Committee will meet virtually on the second Wednesday, February 9, 2022, at 6 PM.

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

The next committee meeting will be held on Thursday, February 10, 2022, at Bangor Borough.

CORRECTED 03-07-2022, HEADING ADDED: Plan Slate Belt Steering Committee:

Ca Hummel

Plan Slate Belt Steering Committee:

Ms. Steele stated that the committee requires one (1) representative from the Borough and two (2) elected officials. The appointments are made annually.

A motion was made by Robert Ivancich, 2nd by Kay Bucci appointing the two (2) elected officials, Stephanie Steele and Mayor Heather Fischer; and appointing one (1) community representative, Lance Prator.

Question: Ms. Bucci asked what happens after Plan Slate Belt. Ms. Steele replied that a Regional Comprehensive Plan will be adopted. Ms. Steele reported that the Nazareth, PA COG formally adopted a Regional Comprehensive Plan with nine (9) municipalities. The Nazareth COG started with eleven (11) municipalities. All comments are sent to the Lehigh Valley Planning Commission (LVPC).

Motion then carried 6-0-0.

Liberty-Water Gap Trail Alliance: Cindy Fish

a) The LWG Trail Alliance met January 19, 2022. Ms. Fish reported that new officers were elected.

- Chair, Lance Prator
- Vice Chair, Susan Cooper
- Secretary, Ed Nelson. Ms. Cindy Beck will record the minutes.

The next meeting is February 16, 2022 at UMBT, 5:30 PM.

Correspondence:

a) PA State Police Trooper, Ryan Seiple: "When Force is Used".

A presentation of Social, Organizational, and Legal Considerations at Zoellner Arts Center, Lehigh University, Bethlehem, PA on February 17, 2022, from 12 noon to 5 PM. Reservations are required.

b) Sydney Schreck, Pen Argyl High School:

Ms. Schreck is requesting financial support to attend the National Student Leadership Conference in Washington, DC. No action was taken.

BOROUGH OF PORTLAND
COUNCIL MEETING FEBRUARY 7, 2022

Secretary's Announcements:

- None

Old Business:

a) Councilman Patrick McHugh questioned the criteria to be appointed to a vacant Council seat. Mr. McHugh suggested that a list of requirements or a policy be established. Councilman McHugh was referring to his application for a vacant seat, for which he was not appointed. Mr. McHugh stated that he would like to sit on a committee.

Ms. Bucci replied that a Council appointment is at "the Pleasure of Council" after the resident meets the PA State requirements. Hubert McHugh, in the audience, commented that it could be prejudicial because someone doesn't like you, your nationality, etc. Solicitor Gaul replied that he did not think that future Borough Council appointments could be constrained by a prior policy adopted by Borough Council. Further, because a Council appointment was political in nature, Solicitor Gaul thought that the only restrictions that would apply would be those set by Pennsylvania law. As a practical matter, if a resident did not like the appointments made by Council, the ultimate remedy would be the ballot box.

b) A question arose concerning the order of the John Deere bucket attachment for the John Deere 220R Loader. Ms. Steele replied that the order was cancelled.

New Business:

a) Hubert McHugh, in the audience, questioned the former Cramer property at 394 Delaware Avenue concerning remediation. There are numerous questions as to when the property will be remediated.

b) There were concerns about the former Mike's Garage, at 401 Northampton Street and clean up regarding junkyard vehicles.

Public Comment Non-Agenda:

Ms. Karen Pfeiffer, 521 Delaware Avenue, attended the Council meeting to inquire about the remaining vacant Council seat. Ms. Steele and Solicitor Gaul questioned Ms. Pfeiffer concerning residency, qualifications, etc. Ms. Pfeiffer responded that she has time on her hands and would like to see the downtown revitalized. Ms. Pfeiffer was told to provide a letter of interest and to attend the next Council meeting of March 7, 2022, at 7 PM.

Executive Session:

- None

Other Business:

The Secretary inquired about the first payment invoice to Dutchman Contracting, LLC for the construction of the new pole building, that was approved earlier on the bill list. From what account do you want the Secretary to withdraw the funds to make the payment?

A motion was made by Kay Bucci, 2nd by Robert Ivancich to transfer the funds from the Rainy-Day Account to the General Checking Account to pay invoice no. 2151, in the amount of \$80,438. Motion carried 6-0-0.

BOROUGH OF PORTLAND
COUNCIL MEETING FEBRUARY 7, 2022

Adjourn:

- a) The next Council Meeting will be held on Monday, February 28, 2028, at 7:00 PM for discussion of sewer matters and operations.
- b) A motion to adjourn the meeting at 9:37 PM was made by Kay Bucci, 2nd by Robert Ivancich. Motion carried 6-0-0.

Respectfully Submitted,

Carol A. Hummel

Carol A. Hummel, Secretary