

BOROUGH OF PORTLAND COUNCIL MEETING
JANUARY 3, 2023

The Portland Borough Council regular meeting of January 3, 2023 was called to order at 7:02 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* Kyle Overfield* Patrick McHugh* Wendy Klug* Karen Pfeiffer*

Others Present:

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

Approval of the Agenda and any Amendments:

Ms. Bucci questioned line item # 16, (a) and (b), the Portland Borough Authority (PBA), MOU and the backhoe tractor. Why are these two (2) items still on the agenda when at the previous Council meeting of December 5, 2022, Council voted to end any further discussion with the PBA regarding possible joint use of the backhoe, and to repay the PBA for its one-half of expenses, to the date of December 5, 2022. The secretary replied that she was of the understanding that the two (2) items were to remain on the agenda.

Councilwoman Pfeiffer replied that the two (2) items should remain on tonight's agenda for follow-up discussion. The Secretary was directed to remove the two items beginning with the February 2023 agenda.

AMENDED TO ADD:

Keller Zoning & Inspection Services billed invoice, in the amount of \$ 1,783.50, and report for professional services from August 1, 2022 through December 30, 2022.

A motion was made by Kay Bucci, 2nd by Karen Pfeiffer to approve the posted agenda with the one (1) proposed amendment. The reason for the amendment was to allow expedient action by Borough Council. Motion carried 6-0-0.

- The Keller Invoice will be added to the Financial Report under Bills Presented for Payment

Announcement of Recording:

The meeting is being digitally recorded by the Secretary for assistance in preparation of the minutes.

Council President inquired whether anyone in the audience plans to record the meeting.

- There was none.

Council Appointments:

a) Portland Borough Authority Board of Directors (PBA):

A motion was made by Patrick McHugh, 2nd by Kyle Overfield appointing Lance Prator to a five (5) year term on the PBA Board, beginning January 1, 2023 and expiring December 31, 2028. Motion carried 6-0-0.

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b) Recreation Board:

Concerning the appointment of Stephanie Steele to a three (3) year term, Ms. Steele stated that the Borough does not have an active Board. Most activities/events are planned and held under the direction of the Community Events Committee. Solicitor Gaul replied that the Recreation Board Ordinance should be reviewed. The appointment was tabled.

c) Zoning Hearing Board (ZHB):

A motion was made by Kay Bucci, 2nd by Karen Pfeiffer appointing Hubert McHugh to a three (3) year term on the ZHB Board, beginning January 1, 2023 and expiring December 31, 2025. Motion carried 5-0-1. (Patrick McHugh abstained).

d) Portland Borough Planning Commission

A motion was made by Kay Bucci, 2nd by Patrick McHugh appointing William Zeman to a four (4) year term on the Portland Borough Planning Commission, beginning January 1, 2023 and expiring December 31, 2026. Motion carried 6-0-0.

Action on Minutes:

A motion was made by Karen Pfeiffer, 2nd by Patrick McHugh approving the minutes of the Regular Meeting of December 5, 2022, as presented. Motion carried 6-0-0.

A motion was made by Patrick McHugh, 2nd by Karen Pfeiffer approving the minutes of the Special Meeting of December 27, 2022, as presented. Motion carried 6-0-0.

Secretary/Treasurer's Report: Carol Hummel

Bills Presented for Payment:

1. Approve the December 2022 Financial Report and the bills presented for payment in the amounts of.
 - a) Question by Kay Bucci: Page (2) of Borough Operations, Bills Already Paid. ZOOM Communications. Delete \$ 601.00 and add \$ 15.89.

Borough Operations & Borough Operations Already Paid:	29,640.27
Sewer Operations & Sewer Operations Already Paid:	12,056.41
Portland Contractors, Inc.- WWTP monthly service agreement	2,730.00
Garbage Operations & Garbage Operations Already Paid:	4,948.28
Community Events Account; Christmas supplies	248.60
Real Estate Tax Acct. to Fire Tax Acct – December (2) mills	81.00
Real Estate Tax Acct. to Fire Tax Acct – December (2) mills	134.80
Real Estate Tax Acct. to Fire Tax Acct – December (2) mills	83.60
New Demi Road Escrow: McTish, Kunkle & Assoc. traffic engineer	1,120.00
New Demi Road Escrow: King, Spry	51.00
Ultra-Poly Recycle Facility Escrow: King, Spry	34.00
January payroll & taxes, approximate:	7,000.00
January Sunoco Fleet Gas, approximate:	500.00
AMENDED to ADD: Keller Zoning & Inspection Services	1,783.50
MINUS Borough Operations Already Paid (ZOOM)	- 601.00

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ADDITION Borough Operations Already Paid (ZOOM)

+ 15.89
59,826.35

A motion was made by Kay Bucci, 2nd by Patrick McHugh approving the financial report and bills presented for payment in the amount of \$ 59,826.35, with the above corrections,. Motion carried 6-0-0.

New Demi Road LLC Escrow:

The Secretary reported that additional funds are needed to pay outstanding bills from the New Demi Road, LLC Escrow Account. A motion was made by Karen Pfeiffer, 2nd by Patrick McHugh authorizing the Secretary to send a letter of request for an additional \$ 5,000. Motion carried 6-0-0.

Public Comment: Time Allotted – (5) minutes per person

None

Borough Engineer, Van Cleef Associates, Mark Bahnick:

1. Sewer Matters & Borough Engineers Report:

a) Portland Market: 407 Delaware Avenue, Rakesh Patel, Owner

Correspondence was received via email from Mr. Patel requesting EDU reduction from (2) EDU's to (1) EDU due to the markets closure and no current employees.

Solicitor Gaul replied that Mr. Patel should be made aware of the Sewer Rules & Regulations concerning decreasing and increasing Sewer EDU's. Solicitor Gaul stated that a certified letter should be sent by the Secretary to Mr. Patel explaining that by decreasing the EDU's and then adding employees at a later date new employees may increase the EDU's which will require the addition of another tapping fee.

b) UMBT, Carroll Engineering: Justin Coyle

An email correspondence letter was received from Justine Coyle, UMBT Engineer, on December 5, 2022, stating that the UMBT Board of Supervisors are in receipt of the Borough's October 19, 2022 letter regarding a formal engineering study, to be performed by the Borough's Engineer, of the Borough's Sewer Capacity, to evaluate the Borough's current and future sewer capacity requirements. Further, at a recent meeting of the UMBT Board of Supervisors meeting, the Board voted unanimously to have the Borough conduct the sewer survey. As was stated by the Borough in the letter of October 19, 2022, a fee of \$ 3,500 is payable prior to the study being completed. Ms. Hummel stated that the fee did not accompany the letter. Councilman McHugh replied that an invoice could be sent to UMBT for the payment.

WWTP Operations:

The monthly report was presented to Council by Mr. Bahnick.

a) Storm Water:

- Small water and sewer system grant for storm water.
- Replace on and off road storm lines – Main Street to the Dry Run.
- Grant submission is completed.

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b) Sanitary Sewer:

- Membrane and screen installations.
- Grant submission is completed.

c) Lot 50, Demi Road:

- Applicant has requested land owned by the Borough at the WWTP site.
- PennDOT traffic comments were received.
- The Borough traffic engineer issued a review letter to PennDOT.

d) RPL, Industrial Park:

- PennDOT has issued preliminary review comments.
- The Borough traffic engineer issued a review letter to PennDOT.
- The Borough issued a letter to PennDOT.

e) RPL East, LLC, Subdivision and Land Development Plan:

- Requested a time extension of the plan to March 6, 2023.
- There are no new submissions.

The Borough, by consensus, agreed to accept the offered time extensions for plan review.

f) Dunkin Donuts PennDOT Improvements:

- The auto repair facility at 400 Delaware Avenue is to determine if rear access is possible.

g) UMBT Sewer – Portland Sewer Capacity Study:

- Letter received from the UMBT Engineer.

Back to UMBT, Carroll Engineering:

Ms. Steele stated that she attended the UMBT Supervisor's meeting. Mr. Bahnick stated that he was asked to attend the UMBT meeting to update the Supervisors on the PennDOT HOP and the review of the proposed Ultra-Poly Recycle Facility.

Council reviewed its prior correspondence to the Township regarding the Sewage Capacity Study. The consensus of Council was that no action be taken regarding the Sewer Capacity Study until payment was received from the Township for the cost of the Study.

Municipal Building Handicapped Ramp:

Patrick McHugh began the conversation concerning the repair/replacement of the municipal building's handicapped ramp.

- The project should be put out to bid by the Borough Engineer.
- Councilwoman Bucci replied that the scope of the work and project should be presented by the engineer.
- Mayor Fischer stated that the Borough should research for smaller grant funding.
- Councilwoman Klug asked the requirements. Solicitor Gaul replied the handicapped ramp is required to be ADA compliant. A plan and permits are needed.
- Ms. Bucci stated that she was concerned about the Borough being sued. President Steele replied if that is a concern the ramp should be inspected for safety.
- Mr. Bahnick stated for ADA compliance the Zoning/BCO should be contacted.
- Councilwoman Pfeiffer questioned the code requirements. Solicitor Gaul agreed with the engineer that the Zoning/BCO should be contacted.

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- From the audience, Borough maintenance man, Fred Farleigh, stated that an elevator could be installed for an approximate cost of \$10,000.
- The project will be discussed by the committee.

Streets Department:

The streets committee met on Thursday, December 19, 2022

- Mr. Bahnick left the meeting at 7:59 PM.

Zoning Officer Report/BCO Official: Keller Zoning & Inspection Services, Tina Serfass

Lot 4B, Jennings Street:

1. The property was purchased for the construction of a new single family dwelling. The Zoning/BCO contacted the Borough Office stating the property needs an address to move forward.

Discussion:

- The front door faces Jennings Street.
- Property addresses of the neighbors.

A motion was made by Kay Bucci, 2nd by Patrick McHugh authorizing Borough Council to identify the property address of Tax Parcel Map C11-1-4B-0127, Portland Borough, Northampton County, PA. as 400 Jennings Street. Motion carried 6-0-0.

- President Steele will notify the Zoning/BCO.
- The Zoning/BCO will notify Northampton County 911.

2. Keller Zoning & Inspection Services, Tina Serfass

Since the 2023 Fee Schedule has not changed, the Secretary asked if Council needs to approve the schedule. Solicitor Gaul replied the 2022 resolution should be reviewed.

President Steele will discuss with Ms. Serfass her presence in the Borough for a few hours once a month.

UCC Officer Report:

- None

Zoning Hearing Board (ZHB):

- None

Planning Commission:

a) None

- Solicitor Gaul exited the meeting at 8:20 PM and re-entered at 8:22 PM.

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Portland Borough Authority (PBA): Jim Potter, Vice Chairman

a) Backhoe, Fuel Tank, Carport:

The Secretary was asked if she sent a letter to the PBA requesting that the carport materials be removed from the municipal parking lot. Ms. Hummel replied no.

Discussion:

- The maintenance man, Fred Farleigh, has the keys to the backhoe.
- The old compressor sitting in the lot will be taken to the junkyard.
- Remaining are the concrete blocks.
- Ms. Pfeiffer read the minutes regarding the discussion at the December 5, 2022, Council, stating the motion "to end any further discussion with the PBA regarding possible joint use of the backhoe". Ms. Pfeiffer stated that the Secretary should prepare the letter.
- President Steele stated that the concrete blocks can be moved and stored by the Borough salt pile.
- Ms. Bucci stated that all the items need to be removed.
- Ms. Steele stated that the letter should read that all carport materials be removed from the municipal parking lot; that an agreement is not being reached and the items are to be removed by February 1, 2023.

b) Request to Extend the Life of the Authority:

The request to extend the life of the Authority will remain on the agenda through March 6, 2023.

c) The confusion concerning the AmeriGas propane tanks between the PBA and the Borough was finally resolved by the PBA Administrative Assistant, Samantha Kindred.

Legal: Michael Gaul, Solicitor

a) Tabled. Additional changes to the Nuisance Ordinance.

- Councilman McHugh exited the meeting at 8:26 PM and re-entered at 8:28 PM.

b) Slate Hills Enterprises Appeal:

- Discussion for Executive Session.

Subdivision and Land Development:

- The extension of the RPL East, LLC Subdivision and Land development Plans remains on the agenda through March 6, 2023.

Community Development, Slate Belt COG & Grants:

a) The Slate Belt COG met Wednesday, November 16, 2022. The next meeting will be held January 25, 2023.

b) One day training for the Ques 550 camera system is scheduled for March 24, 2023.

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c) LSA Grant Update: Kay Bucci

- None. The grant consultant's office was closed for the Christmas/New Year's Holiday.

Community Events/Recreation Board:

- The Annual Holiday Yard Decorating contest returned with (38) public votes. A generous downtown merchant donated the monetary prizes.

Police Report:

- The report for the month of December was presented in writing by Chief Mulligan.
- The department is still seeking another officer.

Mayor's Report: Heather Fischer

a) Working with Tara Mezzanotta, I-80 Coalition, NJ Rockfall Project and the PA Route 611 North closure from the Borough's of Portland through to Delaware Water Gap.

- Councilman McHugh exited the meeting at 8:35 PM.

Mayor Fisher reported that Ms. Mezzanotta is meeting with Northampton County, PA State Representative Ann Flood. Representative Flood has the connections to keep the closure issue before the public and state. Ms. Fischer stated that the Borough of Delaware Water Gap businesses are suffering.

Councilwoman Bucci stressed that Portland Borough should draft a resolution and present it to PennDOT concerning the truck traffic on this stretch of Route 611 North and South. There is no room for trucks and cars traveling side by side. Route 611 cannot be widened in this area.

- Councilman McHugh re-entered the meeting at 8:42 PM.

Mayor Fisher commented that the focus is on safety. Further discussion continued on traffic and economic impact on the small businesses in the Borough's of Portland and Delaware Water Gap. Ms. Steele replied that she would draft a resolution.

b) Mayor Fischer stated that she does not have much 911 information on Borough residents who reside in rental properties. The billing clerk does provide Borough newsletters to rentals upon request. Mayor Fischer replied that the information can also be obtained by visiting door to door.

c) Hubert McHugh, from the audience, complained that vehicles are traveling Route 611 North even though the highway is closed. Mr. Farleigh replied that PennDOT needs to erect another sign for traffic exiting the DRJTBC-Portland toll bridge. Ms. Steele stated that a PennDOT dump truck, loaded with de-icing salt, continually hovers on Route 611 by the Deer Head Inn.

Sanitation Committee:

Waste Management, 2018– 2022 Garbage Contract Extension for Municipal Solid Waste and Recycling:

- The garbage contract has been extended through December 2024.

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Building Committee:

- The installation of the new water fountain is almost completed.
- Since the purchase of new office chairs all the old chairs have been deposited into the garbage.

Budget, Finance, Insurance, & Cable TV Contract:

a) The committee is reviewing the 2023 insurance coverage through agents Brown & Brown of the LV. The policy expires January 19, 2023.

- Councilwoman Klug exited the meeting at 8:55 PM.

A motion was made by Kay Bucci, 2nd by Karen Pfeiffer authorizing the Council President to secure the General Liability and Volunteers Insurance policies, execute the contracts and make the payments on receipt of the invoices. Motion carried 5-0-0.

- Councilwoman Klug re-entered the meeting at 8:58 PM.

Ordinance Update Committee:

- None

Council Policy & Procedure Committee:

- None

Air Liquide Safety Committee:

- No meeting is scheduled at this time.

Slate Belt Rising Committee (SBRC): Stephanie Steele

- The committee will meet January 12, 2023. A new Director should be appointed at this time.

Plan Slate Belt Steering Committee: Stephanie Steele

Solicitor Gaul exited the meeting at 9:06 PM and re-entered at 9:08 PM.

- The next meeting will be held virtually on January 4, 2023. The committee is working through the comments of the Borough's and Townships.
- Borough Council will be asked to vote on the Regional Comprehensive Plan. Solicitor Gaul asked how Council will be able to vote on the plan if they have not read it. Ms. Bucci objected to the plan.
- Ms. Steele stated that Plainfield Township is unhappy with the new draft plan; Portland is the smallest municipality in the group. Mayor Fischer again sent the link to Council to read.

Liberty-Water Gap Trail Alliance: Cindy Fish

- The Alliance meets quarterly.

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Correspondence:

- a) A Request from the Slate Belt Veterans for financial assistance for the erection of a housing facility at 428 Market Street, Bangor, PA. Their mission is to develop a facility for veterans with service connected, combat related disabilities. Tabled, no action taken.
- b) Correspondence from the Borough Health Inspector, that fees have not increased for the fiscal year 2023. Four (4) establishments were inspected on December 29, 2022. All passed.
- c) A thank you was received from the Bangor Public Library for the 2022 annual budgeted allocation of \$250.
- d) The Bangor HS College & Career Fair will be held on February 8, 2023, from 7:30 AM to 11AM.
- e) The LVC of C invitation to the 2023 Mayor's & Municipal Officials Reception will be held on Thursday, March 30, 2023.

Secretary's Announcements:

- o Councilwomen Pfeiffer and Klug need to complete their NIMS FEMA Training certification.

Old Business:

Councilwoman Bucci discussed with Council the \$198,000 balance in the Real Estate Tax Account. Ms. Bucci suggested that some of the balance should be transferred to the Rainy Day Fund Account. Also noted, the ARPA of 2021 Account, Covid-19 Stimulus Funds, have not been spent. No action was taken on either bank account.

New Business:

Councilman McHugh questioned the job descriptions of Borough employees and their working hours; a general complaint about the street department.

Public Non-Agenda: Fred Farleigh, Streets Department Employee

- o Mr. Farleigh stated that he has had 40 plus years experience in the construction business.
- o He cannot understand the problem that Borough Council has with the PBA and a proposed agreement for use of the New Holland Backhoe.
- o Demolishing the Borough gymnasium was a mistake.
- o Recommended that Council reconsider their decision and sit down with the PBA to resolve the issue.
- o Mr. Farleigh stated that the Borough will need another pick-up truck for the street department since it probably will not pass 2023 inspection. MacMobile has stated that the truck is rusting underneath.

Executive Session:

A motion was made by Kay Bucci, 2nd by Patrick McHugh to convene to executive session at 9:37 PM. Motion carried 6-0-0.

Discussion: Personnel, legal matters with Solicitor Gaul.

A motion was made by Kay Bucci, 2nd by Patrick McHugh to reconvene from executive session at 10:07 PM. Motion carried 6-0-0.

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- No action was taken.

Adjourn:

- Borough Council does not expect that it will be necessary to hold the (4th) Monday of the month scheduled for January 23, 2023.
- Portland Borough Council's first meeting in February will be held on Monday, February 6, 2023, at 7:00 PM.
- A motion to adjourn the meeting at 10:08 PM was made by Patrick McHugh, 2nd by Kay Bucci. Motion carried 6-0-0.

Respectfully Submitted,

Carol A. Hummel, Secretary

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