

BOROUGH OF PORTLAND  
COUNCIL MEETING MARCH 7, 2022

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The Portland Borough Council Meeting of March 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. Heather Fischer, Mayor
2. Carol Hummel, Borough Secretary

Public Present:

1. Tara Mezzanotte, I-80 Rockwall Project, Knowlton Township, NJ
2. Residents: Karen Pfeiffer, Lance Prator, Hubert McHugh, Wendy Kluge, Holly Fake
3. UMBT Resident: Cori Eckman

Approval of the Agenda and any Amendments:

The Approval of the Agenda was made on a motion by Kay Bucci, 2<sup>nd</sup> by William Godshalk. There were no amendments. Motion carried 6-0-0.

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? There was none.

Resolution 2022-4: Resolution Recognizing the Services of Former Mayor Lance Prator:

A motion was made by Kay Bucci, 2<sup>nd</sup> by Kyle Overfield adopting Resolution 2022-4, "Recognizing the Services of Lance Prator to the Borough as Borough Mayor and Borough Council Member, and Declaring the Borough's Appreciation for His Services to the Borough."

Mayor Heather Fischer presented Mr. Prator with the resolution. Mr. Prator thanked everyone for the honor and stated that he had great people to work with, the Borough Council and Solicitors.

Motion carried 6-0-0.

Solicitor Gaul entered the meeting 7:06 PM

Invitation to Bid Specifications for New or Used Backhoe:

President Steele stated that two (2) bids were submitted. Ms. Steele opened the bids.

- Northeast Fleet Service, 71 Seneca Drive, Shickshinny, PA in the amount of \$ 28,000.
- Plasterer Equipment Co., Inc., 400 Stoke Park Road, Bethlehem, PA, in the amount of \$ 87,900.

Discussion:

- Solicitor Gaul stated the bid must be awarded to the lowest bidder.
- Councilman Godshalk asked if the Borough can purchase the backhoe now.
- Solicitor Gaul replied that Council should review the bid specifications. The bids must comply with the requirements of the bid specifications.

BOROUGH OF PORTLAND  
COUNCIL MEETING MARCH 7, 2022

---

- Ms. Steele read the instructions from The Crane Group concerning the title and transfer of the backhoe to the Borough. Hubert McHugh, from the audience, stated there may not be a title, if the machine is more than ten (10) years old, it could be a paper bill of sale.
- Solicitor Gaul read the bid specifications. Councilman Patrick McHugh replied that he wanted all the information before he votes. Ms. Steele stated that the bid specifications can be approved this evening; a Council meeting can be held on Monday, March 28, 2022, to award the bid.
- Lance Prator, Chairman of the Portland Borough Authority (PBA), suggested that the Borough wait to make a decision until after the PBA meets at their March monthly meeting; they may want to inspect the machine. At a previous PBA meeting the Authority expressed interest about paying half of the cost and use of the machine.

A motion was made by William Godshalk, 2<sup>nd</sup> by Patrick McHugh to receive the bids and authorize Borough officials to inspect the backhoe. Motion carried 6-0-0.

Action on Minutes:

A motion was made by Kay Bucci, 2<sup>nd</sup> by Patrick McHugh approving the minutes of February 7, 2022 per a correction by Stephanie Steele.

**Page eight (8)**, under Slate Belt Rising Committee, the announcement of the next committee meeting date at Bangor Borough, **Add the next header, Plan Slate Belt Steering Committee**, which was omitted.

Motion Carried 6-0-0.

A motion was made by Kay Bucci, 2<sup>nd</sup> by Patrick McHugh, approving the minutes of February 28, 2022, as presented. Motion carried 5-0-1. William Godshalk abstained.

Secretary/Treasurer's Report: Carol Hummel

Bills Presented for Payment:

1. Approve the February Financial Report:

- Approve Payments of Bills Presented in the amounts of:

Borough Operations & Borough Operations Already Paid:	33,846.12
Sewer Operations & Sewer Operations Already Paid:	12,651.03
Garbage Operations & Garbage Operations Already Paid:	5,353.12
Dunkin Donuts Escrow: Van Cleef Engineering, PennDOT issues:	150.00
Real Estate Tax Acct. to Fire Tax Acct: February (2) mills	3,413.20
Real Estate Acct. to Fire Tax Acct: (2) mills reassessment from 2021	1,518.76
New Demi Road Escrow Acct: Ott Consulting, Inc: testing Demi Road for future septic	42.50
New Demi Road Escrow Acct: McTish, Kunkle Assoc.: Dunkin Plan Status regarding PennDOT	116.25
March Sunoco Fleet Gas, approximate:	6,600.00
March payroll & taxes, approximate:	400.00
	<u>64,090.98</u>

Question from Ms. Bucci:

- The Ott Consulting bill for New Demi Road, in the amount of \$42.50, does not belong to the Borough; the Borough is not responsible for septic for New Demi Road. This bill should be removed from the bill list and sent to Upper Mount Bethel Township (UMBT).

A motion was made by Patrick McHugh, 2<sup>nd</sup> by Kyle Overfield removing from the bill list, New Demi Road Escrow Acct., Ott Consulting, Inc., testing Demi Road for future septic \$42.50; approving the treasurers' corrected bills presented for payment, in the amount of \$ **64,048.48**. Motion carried 5-0-1. William Godshalk abstained.

BOROUGH OF PORTLAND  
COUNCIL MEETING MARCH 7, 2022

---

Bills Presented for payment to Portland Contractors Inc.:

WWTP monthly services: \$ **2,730.00**

A motion was made by Robert Ivancich, 2<sup>nd</sup> by Kay Bucci approving the bills presented for payment to Portland Contractors, Inc., in the amount of \$2,730. Motion carried: 5-0-1. William Godshalk abstained.

2. Ms. Hummel reported that the final payment to Dutchman Contractors for the construction of the new pole building, in the amount of \$ 8,000, was approved for payment on the bill list.

Public Comment:

1. Tara Mezzanotte: Update of I-80 Rockfall Project, Knowlton Township, NJ, Public Advisory Group

Ms. Mezzanotte updated Council on the coordinating effort against the Rockfall Mitigation Project. When the project began in 2011 it was announced as a nine (9) month project with a cost of \$ 9.5 million dollars. Today the project has ballooned to a (5) five year project with the cost of \$ 65 million dollars.

- The Inspector General has begun an investigation into the project.
- When completed, there will be no correction to the S-Curve.
- Additional studies have been requested by the Sovereign Nations.
- Ms. Mezzanotte thanked Portland Council for their help and support against the project by providing resolutions when requested.
- Ms. Mezzanotte met with Mayor Fischer, Ms. Steele and Ms. Bucci in January.
- Tara Zrinski Northampton County Councilwoman has become involved as well as PA State Senator Lisa Boscola.
- The committee is shifting focus to get enough agencies involved to have a big study completed on the proposed project.
- Ms. Bucci replied that the project must be stopped. When an accident occurs on I-80 Portland is impacted by all the New Jersey traffic.
- Ms. Steele stated that the Public Advisory Group has a facebook page to keep all informed.

2. Karen Pfeiffer, 521 Delaware Avenue: Vacant Council Seat

Councilwoman Bucci asked Ms. Pfeiffer why she would like to be considered for the position. Ms. Pfeiffer presented a resume to Council stating that she has been a resident and homeowner in the Borough since 1981; has been busy with her career, as an elementary school teacher, and raising a family, now has more time to give back to the community. Some of Ms. Pfeiffer's concerns are the potential traffic issues with the I-80 Rockfall Mitigation Project, the proposed River Pointe Warehouse Project at the Industrial Park, the recent chemical fire at Air Liquide in the Industrial Park. She would like to see improvements in the downtown business district.

A motion was made by Willaim Godshalk, 2<sup>nd</sup> by Kay Bucci appointing Ms. Pfeiffer to the Vacant Council Seat.

Solicitor Gaul stated that Ms. Pfeiffer could take her seat beginning with the next Council Meeting after the necessary paperwork has been completed; a resolution has been prepared and adopted and Ms. Pfeiffer is sworn in. Discussed were the years remaining on the vacancy. Ms. Bucci replied that the appointment would be for (2) two years. Motion carried 6-0-0.

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

- Mr. Bahnick entered the meeting at 8:04 PM.

BOROUGH OF PORTLAND  
COUNCIL MEETING MARCH 7, 2022

---

a) Storm Sewer Issues in the Borough:

Storm sewer issues are being investigated in the Borough. Most of the existing piping is 30+ years old. Mr. Bahnick will work with the streets committee. Mapping will be prepared to assist with the evaluation.

b) 400 Delaware Avenue Curbing Issue with PennDOT:

PennDOT has indicated that they want to signalize the driveway access to the auto repair shop at 400 Delaware Avenue.

Ms. Bucci replied that the curbing is grandfathered and that PennDOT does not have the right to ruin the owner's business. Ms. Bucci stated that she has contacted PA State Senator Mario Scavello for assistance. Senator Scavello is the Chairman of the Transportation Committee.

c) Replacement Submersible Pumps for the WWTP:

The sewer committee is recommending the purchase of two (2) replacement pumps for the WWTP, one (1) purchased now and one (1) purchased in six months. The cost is \$ 8,679 per pump or \$ 17,358 for two, plus \$ 444 each seal-fail/overtempt relay or \$ 888 for two (2), plus freight. Discussed was whether to purchase both now. Ms. Steele asked the balance in the sewer savings account; there is ample amount to cover the cost for two (2) pumps

Solicitor Gaul asked whether Council intended purchase through Co-Stars or are three (3) bids needed. Ms. Steele replied that the pumps are specific to the WWTP, or sole sourced. Solicitor Gaul replied that he would need a written statement from the WWTP Operator and the Borough Engineer.

A motion was made by William Godshalk, 2<sup>nd</sup> by Robert Ivancich to purchase two (2) replacement pumps and the seal-fail/overtempt relays for the WWTP, in the amount of \$ 18,246 plus freight. Motion carried 6-0-0.

c) 303 Demi Road:

Mr. Bahnick reported that PennDot and the developer of 303 Demi Road was notified that there would be no further work processed for the HOP Permit until the Borough's escrow account has been replenished.

d) Back to Storm Sewer Issues: The streets committee arranged to meet with Mr. Bahnick on March 15, 2022, at 4 PM.

- Mr. Bahnick left the meeting at 8:31 PM.

Zoning Officer Report/BCO Official:

Keller Zoning & Inspection Services

- The report is in the Council packet. Ms. Steele questioned the Zoning Officer's report regarding the Variance Hearing for the Slate Hills Enterprises land development. Ms. Serfass will be asked to provide a more detailed bill.
- Hubert McHugh, from the audience, inquired about 394 Delaware Avenue, Portland Steel. Ms. Steele replied that Portland Steele has applied for a demolition permit.

UCC Building Code Inspectors Report: Keller Zoning & Inspection Services

- None

BOROUGH OF PORTLAND  
COUNCIL MEETING MARCH 7, 2022

---

Zoning Hearing Board (ZHB):

- The Slate Hills Enterprises ZHB variance has been continued to 6:30 PM, Wednesday, March 23, 2022, at the William Pencil Social Hall, State Street.
- Hubert McHugh, from the audience, inquired to Solicitor Gaul if there is any kind of time limit for postponements. Solicitor Gaul replied that Mr. McHugh should contact the ZHB Solicitor, Scott Amori.

Planning Commission:

- None

Portland Borough Authority (PBA):

Jim Potter, Vice Chairman

- Mr. Potter reported the water advisory from the PBA after the fire on Morningside Drive located in UMBT.
- Mayor Fischer and Ms. Steele commented on the PBA's face book page where water information is provided.
- Mr. Potter stated that 1,700 feet of piping needs replacing; the piping is rotten from the inside out.
- Bid information will be provided to the PBA for the proposed purchase of a back hoe by the Borough. The PBA has expressed interest to engage into a joint purchase and agreement with the Borough. The street department and the PBA will arrange a visit to inspect the machine.

Legal:

Michael Gaul, Solicitor

- None

Subdivision and Land Development:

- None

Community Development, Slate Belt COG & Grants:

a) The Slate Belt COG met on Wednesday, February 23, 2022 at 7 PM.

b) Mayor Fischer attended and reported that the COG has applied for a Grow NORCO Grant for a storm sewer camera system. The COG would like the Borough to provide their PA tax exemption number for the grant application.

Mr. Potter replied that the PBA would agree to provide their tax exemption number if the COG will let the PBA use the camera.

BOROUGH OF PORTLAND  
COUNCIL MEETING MARCH 7, 2022

---

d) URDC, LSA Gymnasium Demolition Grant:

The Pre-Bid Meeting will be held on-site March 9, 2022 at 1 PM..

Ms. Steele and Ms. Bucci are investigating funding sources through Northampton County CDBG.

- Solicitor Gaul exited the meeting at 8:55 PM.

Community Events/Recreation Board:

a) The committee met on Sunday, February 20, 2022.

b) The Community Easter Egg Hunt will be held on the ball field on Saturday, April 16, 2022.

- Solicitor Gaul returned to the meeting at 8:58 PM.

Police Report:

a) The report was presented in writing by Chief Mulligan.

b) Chief Mulligan and Mayor Fischer worked on advertising for the hiring of more officers. A starting wage needs to be finalized. The committee will meet and report to Council their recommendations.

c) Zoning violations have occurred.

d) Ms. Wendy Klug 404 Pennsylvania Avenue commented on the speeding cars on Route 611, Delaware Avenue.

e) Several police officers are certified for overweight trucks.

Mayor's Report:

- Created a more extensive job description to appeal to a bigger audience for police candidates.
- Looking for grants that may cover the cost of required police gear.
- Attended the Plan Slate Belt Steering Committee meeting on February 23, 2022.
- Attended the March 2, 2022 monthly meeting of Portland Hook & Ladder Fire Co. to swear in the fire police.
- Attended the last twenty (20) minutes of the virtual meeting of Plan Slate Belt. Meetings will return to in-person next month.
- Helped with the Grand Opening of Port2Flavors, 425 Delaware Avenue, on Tuesday, March 1, 2022. Created the graphics and grand opening video that was shared on the Borough's face book page. The local press attended as well as PA State Representative Joe Emrick and Congresswoman Susan Wild's office aide.
- Completed the updates on social media for the Easter Egg Hunt. Created signs for the candy donation buckets that were placed outside two (2) locations.

BOROUGH OF PORTLAND  
COUNCIL MEETING MARCH 7, 2022

---

Streets: William Godshalk

Asphalt Spray Patching for Borough Streets:

a) Borough Council discussed the estimate received from Pocono Spray Patching, Inc. A motion was made by William Godshalk, 2<sup>nd</sup> by Kay Bucci approving the proposal of one (1) load of asphalt spray patching, in the amount of \$ 2,400, to be applied to the Borough streets at the discretion of the streets department. Motion carried 6-0-0.

c) Discussed by Council was whether to rent the COG street sweeper or hire Bangor Borough to clean the streets with their machine and employee. No action taken. Bangor Borough will be contacted for the cost per hour.

d) Mr. Godshalk stated that the crack sealing machine can be leased from the COG. No rental fee, the only cost is for the tar bricks at \$ 45 each.

e) Collapsed drain at 601 Pennsylvania:

601 Pennsylvania Avenue is under contract for sale. The mortgage company and the real estate inspector will not accept responsibility for the collapsed drain and asked the Borough for a letter stating that the Borough would be responsible and repair the drain. The Borough provided a letter to that effect, but it was not accepted.

Two (2) contractors replied with estimates for the repair.

Charlie Nansteel with two (2) options:

i. excavate collapsed area and replace 20' section with 24" additional pipes at \$ 3,970; repave disturbed area and reclaim lawn area.

ii. replace pipe run from new inlet to existing inlet approximately 260'; excavate area and place with 24" additional pipes at \$ 20,980; repave disturbed area and reclaim lawn area.

R. W. Moyer:

i. replace 20' section with 24" additional pipe and coupling; backfill and reclaim disturbed area at \$ 3,600.

ii. alternate bid is each additional 20' section will be \$ 2,400. This estimate would be over the threshold for PA Department of Labor & Industry and would require public bidding.

Councilman Godshalk stated that the compromised area should be repaired; there may be more than 20' that requires repair. Councilman McHugh replied that the area looks like it may be 220' and would rather select Option 2 from Charlie Nansteel in the amount of \$ 20,980

A motion was made by William Godshalk, 2<sup>nd</sup> by Kay Bucci to accept the proposal of R. W. Moyer to replace the 20' section with 24" additional pipe and coupling; backfill and reclaim disturbed area at the cost of \$ 3,600; providing an insurance certificate, with the Borough as additional insured and worker's compensation. Motion carried 4-2-0 (Steele and McHugh opposed)

Discussion:

Ms. Steele stated that she preferred Option 2, replacing 260' of piping, from Charlie Nansteel, in the amount of \$ 20,980. Mayor Fischer replied that there are a lot of "ifs" involved with this project.

BOROUGH OF PORTLAND  
COUNCIL MEETING MARCH 7, 2022

---

Solicitor Gaul stated if Council wants additional action on the matter the prior motion should be rescinded.

A motion was made by Patrick McHugh, 2<sup>nd</sup> by Kay Bucci to rescind the prior motion of William Godshalk and Kay Bucci accepting the proposal of R. W, Moyer at the cost of \$ 3,600. Motion carried 5-1-0 (William Godshalk opposed)

Discussion:

- i. Advertising the project for bidding
- ii. Ms. Steele stated that the bidding process will hold up the sale of the property.
- iii. Solicitor Gaul explained the bidding process, i.e., bid specifications, wage determination, contract.

Action was tabled until the Council Meeting of March 28, 2022. The streets committee will meet on-site with the Borough Engineer on March 15<sup>th</sup>.

Sanitation Committee:

- None

Building Committee:

a) Ms. Bucci reported that the Borough's order of a refillable water station, for the municipal building, was received but the company sent two (2) water stations, both were the wrong order. Ms. Bucci made arrangements with the company for their return.

b) A motion was made by Kay Bucci, 2<sup>nd</sup> by Robert Ivancich to accept the proposal of Cooper Electric, Stroudsburg, PA, in the amount of \$ 3,397.26, for electric supplies for the new pole building garage located at 206 Division Street. Motion carried 6-0-0.

c) Former Councilwoman Yvonne Gumaer has failed to return municipal building keys supplied to her when she was elected as a Council member. The secretary notified Ms. Gumaer through certified mail but has had no response or the return of the keys. Mayor Fischer replied that she would contact Ms. Gumaer for the keys.

Budget, Finance, Insurance, & Cable TV Contract:

a) A motion was made by Patrick McHugh, 2<sup>nd</sup> by Kay Bucci authorizing the secretary to advertise the Condensed Financial Statement for the 2021 Audit in the Pocono Record publication. Motion carried 6-0-0.

b) A motion was made by Kay Bucci, 2<sup>nd</sup> by Patrick McHugh authorizing President Steele to execute the 2021 Management Representation Letter for auditor Kirk, Summa & Co., LLP. Motion carried 6-0-0.

Ordinance Update Committee:

- None

Council Policy & Procedure Committee:

- None

Air Liquide Safety Committee:

- There will be no meeting of the CAP Safety Committee for the month of March.



BOROUGH OF PORTLAND  
COUNCIL MEETING MARCH 7, 2022

---

- A motion was made by William Godshalk, 2<sup>nd</sup> Kay Bucci appointing James Potter the alternate Borough representative to the CAP Safety Committee of Air Liquide. Motion carried 6-0-0

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

- a) The next committee meeting will be held on Thursday, March 10, 2022, at Bangor Borough.
- b) Ms. Steele reported on funding, the plan to date, revitalization of the downtown and ideas for a new plan.

Plan Slate Belt Steering Committee: Stephanie Steele

The committee met on March 2, 2022. Beginning April 6, 2022, all meetings return to in-person at the Plainfield Twsp Fire Hall.

Liberty-Water Gap Trail Alliance: Cindy Fish

- None

Correspondence:

- a) There was no action taken on the summer intern program, "Municipal Government Student Internship Program" sponsored by Lafayette College Meyner Center.

Secretary's Announcements:

- None

Old Business:

Kay Bucci complained about the number of cars stored at 208 Northampton Street, formerly Mike's Garage. Ms. Steele replied that she would follow up with the BCO on the number of vehicles allowed at the location.

New Business:

- a) Fire Chief James Potter presented to Council the 2021 Portland Hook & Ladder Annual Report.
- b) The Council committee assignments handed out by President Steele.

Public Comment Non-Agenda:

- None

Executive Session:

- None

Adjourn:

- a) The next Council Meeting will be held on Monday, March 28, 2022, at 7:00 PM.

BOROUGH OF PORTLAND  
COUNCIL MEETING MARCH 7, 2022

---

b) Items for discussion/approval:

- i. Approval of Council Resolution for Karen Pfeiffer, recent appointed councilwoman.
- ii. Streets department drain issues at 601 Pennsylvania Avenue and other locations of Market and Main Streets.
- iii. Approval and award of the bid for the purchase of the 2004 New Holland used loader/back hoe.

b) A motion to adjourn the meeting at 10:02 PM was made by Patrick McHugh, 2<sup>nd</sup> by Kyle Overfield. Motion carried 6-0-0.

Respectfully Submitted,

*Carol A. Hummel*

Carol A. Hummel, Secretary