

BOROUGH OF PORTLAND
COUNCIL MEETING APRIL 3, 2023

The Portland Borough Council regular meeting of April 3, 2023, 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 and via Zoom Communications.

Council Members Present for Call to Order:

Stephanie Steele Kay Bucci* Karen Pfeiffer* Patrick McHugh* Lance Prator* Wendy Klug* Kyle Overfield*

- o Mayor Fischer attended via Zoom communications. The reason for attendance via Zoom was health issues.

Others Present:

1. Michael Gaul, Solicitor: King, Spry. Solicitor Gaul entered the meeting at 7:03 PM.
2. Mark Bahnick, Borough Engineer
3. Carol Hummel, Borough Secretary
4. James Potter, Fire Chief, EMS Coordinator

Approval of the Agenda and any Amendments:

A motion was made by Lance Prator, 2nd by Wendy Klug to approve the posted agenda with no amendments. Motion carried 7-0-0.

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? None.

Action on Minutes:

A motion was made by Lance Prator, 2nd by Patrick McHugh approving the minutes of the Regular Council Meeting of March 6, 2023, with the following correction. Ms. Bucci **corrected Page 4**, under Portland Borough Authority to "Chairman Prator reported that the PBA has applied for a USDA loan for the wells **and piping on Turkey Ridge Road**". Motion carried 7-0-0. *Carol A. Hummel 04-03-2023*

A motion was made by Lance Prator, 2nd by Patrick McHugh approving the minutes of the Regular Council Meeting of March 27, 2023, as presented. Motion carried 7-0-0.

Secretary/Treasurer's Report: Carol Hummel

Bills Presented for Payment:

a) Approve the March 2023 Financial Report, the bills presented for payment in the amounts of:

Borough Operations & Borough Operations Already Paid:	21,156.44
Sewer Operations & Sewer Operations Already Paid:	33,353.67
Portland Contractors, Inc.- WWTP monthly services:	2,800.00
Garbage Operations & Garbage Operations Already Paid:	5,034.13
Real Estate Tax Acct: refund of overpayment:	27.18

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Ultra-Poly Recycle Escrow Acct. Van Cleef Engineering	1,272.00
Dunkin Donuts Streetscape Escrow Acct: Van Cleef Engineering	318.00
RPL East LLC Escrow: Van Cleef Engineering	318.00
New Demi Road LLC Escrow: CDR Maquire (former McTish)	240.00
New Demi Road LLC Escrow: Van Cleef Engineering	477.00
April payroll & taxes, approximate:	8,000.00
April Sunoco Fleet Gas, approximate:	200.00
	73,196.42

A motion was made by Patrick McHugh, 2nd by Kay Bucci approving the financial report as presented, in the amount of \$ 73,196.42. Motion carried 6-0-1 (Lance Prator abstained due to conflict of interest) .

b) Solicitor Gaul questioned the balances of several of the escrow accounts on the Balance Sheet report.

- Slate hills Enterprises Escrow in the amount of \$5.55. The Secretary replied that the developer has filed an appeal of the Zoning Hearing Board decision; further she was not authorized to close the account. A motion was made by Lance Prator, 2nd by Patrick McHugh to return the remaining balance of \$5.55 to the developer, and close the escrow account. Motion carried 7-0-0.
- Ultra-Poly "Two" Escrow in the amount of \$10,000. Ms. Hummel replied that Ultra-Poly "Two" was the construction of a new building facility in the Portland Industrial Park. The funds were for improvements that may have needed completion after the new building facility opened for business. No funds have been expended from the account. Solicitor Gaul stated that Van Cleef Engineering and King, Spry will review the Ultra-Poly "Two" Escrow account.
- King, Spry and Van Cleef Engineering will also review the Ultra-Poly Improvements Escrow account.
- Ms. Bucci questioned the allotted water usage by Ultra-Poly Corp. for the proposed construction of a new recycle facility in the Portland Industrial Park. Ms. Bucci stated that there was not enough water available for the downtown business district during a recent fire in the Industrial Park. Mr. Bahnick replied that nothing has been submitted by the developer. Ultra-Poly representatives attended a recent meeting of the Portland Borough Planning Commission discussing water needs for their new facility. Mr. Bahnick stated that the Planning Commission was reviewing a submitted sketch plan.

c) A motion was made by Lance Prator, 2nd by Patrick McHugh authorizing the Secretary to advertise, in the Pocono Record publication, the annual audit and condensed financial report for the calendar year 2022. Motion carried 7-0-0.

d) A motion was made by Lance Prator, 2nd by Patrick McHugh authorizing President Steele to execute the Audit Representation Letter to Kirk, Summa, Co., LLP for the calendar year ending 2022. Motion carried 7-0-0.

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

James Potter: Fire Chief, EMS Coordinator

- Mr. Potter stated that he would like to speak with Council concerning a tree ordinance. President Steele replied that Council is convening to executive session. A tree ordinance will be discussed later in the meeting.

Executive Session:

A motion was made by Lance Prator, 2nd by Patrick McHugh to convene to Executive Session at 7:30 PM. Motion carried 7-0-0.

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Discussion: Legal matters with Solicitor Gaul.

A motion was made by Lance Prator, 2nd by Patrick McHugh to reconvene from Executive Session at 7:50 PM. Motion carried 7-0-0.

Action Taken: None

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

1. Sewer Shut Offs: None

President Steele explained the process of courtesy letters, certified mail, property postings of delinquent sewer accounts. The sewer/water shut off notices will begin May 1, 2023.

2. Engineer's Report and Sewer Committee Update Regarding Sewer Inspections:

a) Sewer Committee Report:

- Letters were delivered to the majority of the commercial businesses and inspections were conducted at most.
- The downtown business portion of the sewer collection system was video inspected.
- Letters were sent as follow-up to inspection process and MSDS Forms were requested from businesses owners.
- The Borough will pursue collections of samples from the sewer collection system.
- The Borough will continue efforts to educate the public on sewer disposal.

b) Lot 50 Demi Road:

- No new submissions have been received.

c) 400 Delaware Avenue Garage Repair Facility: No update from the garage owner.

- Mr. Bahnick left the meeting at 7:55 PM.

Streets Committee:

- The committee met on March 17, 2023.

Action Items:

Air Compressor: No action

Councilman Prator, Chairman of the Portland Borough Authority (PBA,) stated that he "thinks" the Borough could borrow the PBA's air compressor when needed.

Replacing Street Lights:

Councilman McHugh stated that some of the streetlights need replacing. Councilman McHugh stated that he and Councilman Prator found lights in the basement. Ms. Steele replied there may be lights in the basement, but they may not fit the lights that need replacing due to light bulbs having different electric connections. Further, Ms. Steele stated, the Borough has reached out to Bangor and PenArgyl Boroughs hoping that Portland could include a bulb order with them.

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Ms. Steele stated there is a minimum requirement for placing a bulb order; Portland is not able to purchase the minimum when the Borough only needs several bulbs at a time.

Purchasing of Street Signs:

Councilman McHugh reported that he researched the purchase of street signs on-line. Solicitor Gaul replied that there are requirements from PennDOT for street signage. No action was taken.

Brush Burning: No discussion. The Council should review the Burn Ordinance.

Crack Sealing Proposal:

A proposal was received from Asphalt Maintenance Solutions for 2,500 lbs. at \$7,050.00.

A proposal was received from Asphalt Maintenance Solutions for the rental of a Road Sealer Truck w/Operator at \$375 per hour, with one-way travel time charged each day. No action taken.

- o The maintenance laborer, Fred Farleigh, will contact Pocono Spray Patch for another estimate.

Street Sweeping:

A motion was made by Patrick McHugh, 2nd by Karen Pfeiffer approving the rental of the Slate Belt COG Street sweeper on April 20 and 21, 2023, at \$100 per day, and authorizing President Steele to execute the contract. Motion carried 7-0-0.

Approve \$1,000 spending up to \$5,000 per year for the street committee chairman to purchase necessary equipment, repair of equipment, etc.:

After discussion by Council, a motion was made and amended by Lance Prator, amended 2nd by Kay Bucci authorizing the street committee to spend \$1,000 between Council meetings, for emergency maintenance repairs of equipment. Motion carried 6-1-0 (Stephanie Steele opposed)

Replacing the Leaf Blower:

a) The estimate to repair the leaf blower is \$385.

b) The estimate for a new leaf blower is \$500 to \$550.

A motion was made by Lance Prator, 2nd by Patrick McHugh authorizing the purchase of a new leaf blower from Central Jersey Equipment. Motion carried 7-0-0.

Brush Burning:

a) Councilwoman Pfeiffer stated that she was concerned with the recent brush burning by the street department. Fire Chief Potter replied that the fire department was present and monitored the brush burning.

b) Ms. Bucci reported that her new neighbor was burning in his yard shortly after moving into the neighborhood. Ms. Bucci stated that she forwarded her complaint to the Fire Chief. President Steele suggested a "welcome packet" be provided to new property owners regarding these issues.

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

a) None

b) The Secretary was directed to contact Ms. Serfass that Council requests a monthly report in writing. The Secretary was asked if she receives copies of approved permits. The secretary replied yes; the Secretary will forward copies of permits to Council.

UCC Officer Report:

- o None

Zoning Hearing Board (ZHB): Slate Hills Enterprises

- o None

Planning Commission:

- o None

Portland Borough Authority (PBA): Lance Prator, Chairman

- o None

Legal: Michael Gaul, Solicitor

BAC-IDA Appointments:

Solicitor Gaul stated that the recent BAC-IDA minutes appeared to indicate that a new individual is serving on the BAC-IDA Board. His recollection of the BAC-IDA organizational documentation is that each BASD municipality is entitled to nominate an individual for appointment, and that the Borough then appoints the individual, as the BAC-IDA is a Borough incorporated authority. He recommended that the Borough send a letter to the participating municipalities requesting that each one confirm its current representative, and that the Borough Council then confirm the current Board appointments.

A motion was made by Lance Prator, 2nd by Wendy Klug authorizing Solicitor Gaul to prepare a letter from the Borough to the BAC-IDA participating municipalities requesting that each confirm the identity of its representative Board member. Motion carried 7-0-0.

Ms. Bucci replied that RPL East, LLC has formed an Authority and wanted all the municipal representatives to sign.

Subdivision and Land Development:

- o Extension of RPL East, LLC, Proposed Subdivision Plan and RPL East, LLC, Proposed Planned Industrial Park Plan to June 4, 2023.

Community Development, Slate Belt COG & Grants:

1. Slate Belt COG: Lance Prator, Chairman

a) The Slate Belt COG met on March 22, 2023. The next meeting is scheduled for April 26, 2023.

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b) Mr. Prator reported that the Borough of Roseto is selling their 40 x 60 ice skating rink. If Portland Borough is interested the rink could be installed in the ballfield and could begin operations in October.

Question: liability insurance. The Borough would need to inquire about the cost of insurance and maintenance.

Ms. Pfeiffer asked how the rink would be kept frozen. Ms. Steele replied that would depend on the weather since there would be no equipment to keep it frozen.

- o Roseto Borough: "Mom's Night Out" meets the first Tuesday of each month.
- o Roseto Borough also has a fund-raising group named "Helping Hands Through Roseto PA".

c) A Technology Manual on Storm Drains was provided by the COG to the municipalities.

d) Master Plan DCNR Grant for Recreation: URDC

- o The DCNR Grant application was signed electronically and submitted by URDC.

Community Events/Recreation Board:

- o The next committee meeting will be held on Sunday, May 7, 2023, at 7 PM.
- o The annual Community Easter Egg Hunt will be held on Saturday, April 8th at 12 Noon. The rain date is April 15, 2023.

Police Report:

- o The police reports for February and March were provided in writing by Chief Mulligan.

Mayor's Report:

a) Mayor Fischer discussed Northampton County's Founder's Day Event and the Hotel Tax Grant Application.

b) Solicitor Gaul suggested that Mayor Fischer request forfeiture monies from the Northampton County District Attorney's office for a police department project.

Sanitation Committee: Wendy Klug

The committee met on April 3, 2023, with little notice given, concerning a discussion with a local business owner (1) who reported that another business owner (2) is setting out business garbage for pick up as residential garbage. After meeting with business owner (2), there is no place to install a commercial dumpster at the business site. No action was taken.

Building Committee: Wendy Klug, Kay Bucci

Ms. Klug reported that she has been in contact with the Northampton County Registrar's Office concerning moving the site of the primary election from the Portland Council Chambers to another site in the Borough. Ms. Klug stated that a new site would need an inspection of the voting area.

Sites available are:

- o Baptist Church.

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- Refiner's Fire Ministry Church.
- Portland Hook & Ladder Fire Co.

The consensus of Council was the Portland Hook & Ladder Fire Co. A motion was made by Kyle Overfield, 2nd by Patrick McHugh authorizing the municipal election site of the Portland Hook & Ladder Fire Co. Engine House on Delaware Avenue, contingent upon Northampton County's inspection of the site. Motion carried 7-0-0.

- Solicitor Gaul exited the meeting at 9:02 PM.

Re-pointing Municipal Building:

Ms. Bucci reported that she contacted StoneCraft LLC asking for written specifications. There has been no response. Ms. Bucci stated she would contact the architect. Tabled.

- Solicitor Gaul re-entered the meeting at 9:05 PM.

2. Handicap Ramp

- Tabled

3. General Discussion of Repairing the Municipal Building (old school):

- The back of the building could be stucco instead of re-pointing the bricks, then it was that said stucco may not hold because the bricks are in bad shape.
- Consider demolishing the building and erecting a new one.
- The committee will consult for an estimate on all costs/options.
- Ms. Steele is not in favor of demolishing the building, but all options should be investigated.
- Solicitor Gaul stated bidding is required.
- Ask an architect for an analysis.
- Table for more discussion.

4. President Steele advised the committee that she would like the unsafe hand railing on the front steps of the municipal building repaired ASAP.

Budget, Finance, Insurance, & Cable TV Contract:

Rainy Day Fund Account:

- A job summary was handed out to Council members by Councilman McHugh.
- Councilman McHugh inquired about the policy of the Rainy-Day Fund. Solicitor Gaul replied there is no set policy. It is excess Borough money. It could be used for capital projects, unexpected costs, or to fund Borough operations prior to the receipt of tax revenues early in the calendar year.
- Ms. Steele replied that the Rainy-Day Fund Account cannot be budgeted because the Borough may need the monies if there is an emergency. The budget is balanced.
- Mr. McHugh stated that the police account is under budget. Ms. Steele replied that monies cannot be moved from the police budget to the streets budget.
- Mr. McHugh would like to advertise for another maintenance laborer. Ms. Pfeiffer replied that the Borough needs someone who is able to work more hours than the current part-time employee, Ms. Snook.

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- Solicitor Gaul stated that the streets committee should present a plan/proposal to Borough Council for this year and next year. The Borough should not use the money that is in reserve, if the use is not part of a long-term objective.

Ordinance Update Committee:

- None

Council Policy & Procedure Committee:

- None

Air Liquide Safety Committee:

- The committee meets on April 4, 2023, at 5:30 PM.

Slate Belt Rising Committee (SBRC): Stephanie Steele

1. The committee meets the second Thursday of the month at 9:00 AM.
2. One more representative from Portland needs to be appointed to the committee.
3. A motion was made by Lance Prator, 2nd by Patrick McHugh appointing Wendy Klug. Motion carried 7-0-0.
 - Councilwoman Bucci exited the meeting at 9:53 PM.

Plan Slate Belt Steering Committee: Stephanie Steele

- The April 6th meeting has been cancelled.
- The May 4th meeting will be held at the Wm. Pensyl Social Hall, Portland, PA.

Liberty-Water Gap Trail Alliance: Cindy Fish

The Alliance meets quarterly. The next meeting is April 26th with the National Park Service.

- Councilwoman Bucci re-entered the meeting at 9:56 PM.

Correspondence:

- A request from the North Bangor Fire Company for a letter of support. A motion was made by Patrick McHugh, 2nd by Wendy Klug approving the request for a letter of support to the North Bangor Fire Company for their emergency shelter expansion through the Community Project Funding Program. Motion carried 7-0-0.

Secretary's Announcements:

- A reminder from the Secretary that the agenda closes at 5 PM, the Wednesday before the Monday Council meeting.

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Old Business:

a) Rileigh's Outdoor Décor: No action. Remain on the agenda for discussion.

b) PA State Representative, Ann Flood, 138th Legislative District:

A Meet & Greet requested by Representative Flood is scheduled for Thursday, April 6th.

New Business:

a) Tree Ordinance:

Jim Potter, Fire Chief, inquired to Council earlier in the meeting concerning the enactment of a tree ordinance. Solicitor Gaul and Council discussed the example provided by Bangor Borough of a Nuisance Ordinance with Section 12 pertaining to the maintenance of trees and shrubs.

A motion was made by Lance Prator, 2nd by Patrick McHugh authorizing Solicitor Gaul to prepare a tree ordinance, based on Section 12 of the Bangor Borough Nuisance Ordinance, for review and enactment by Borough Council. Motion carried 7-0-0.

Public Non-Agenda:

- None

Executive Session:

A motion was made by Lance Prator, 2nd by Karen Pfeiffer to convene to Executive Session at 10:11 PM. Motion carried 7-0-0.

Discussion: Personnel

A motion was made by Patrick McHugh, 2nd by Kay Bucci to reconvene from Executive Session at 10:28 PM. Motion carried 7-0-0.

Action Taken:

- None

Adjourn:

- The Fourth Monday meeting of the Portland Borough Council will be held on Monday, April 24, 2023, at 7:00 PM, unless cancelled by President Steele.
- The next regular meeting of the Portland Borough Council will be held on Monday, May 1, 2023, at 7 PM.
- A motion to adjourn the meeting at 10:30 PM was made by Patrick McHugh, 2nd by Karen Pfeiffer. Motion carried 7-0-0.

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Respectfully Submitted,

Carol A. Hummel
Carol A. Hummel, Secretary