

BOROUGH OF PORTLAND
COUNCIL MEETING APRIL 4, 2022

The Portland Borough Council Meeting of April 4, 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*
Karen Pfeiffer*

Others Present:

1. Heather Fischer, Mayor
2. Michael Gaul, Solicitor
3. Mark Bahnick, Borough Engineer
4. Joanne Conley, URDC Grant Writer
5. Carol Hummel, Borough Secretary

Public Present:

1. Hubert McHugh, resident
2. Pastor Phil Karasiewicz, resident
3. Richard Wilford-Hunt, UMBT

- Pastor Karasiewicz offered up prayer and blessed Council.

Approval of the Agenda and any Amendments:

AMENDED AGENDA: A motion was made by Kay Bucci, 2nd by William Godshalk, to approve the posted agenda with an amendment to add an item under Public Non-Agenda regarding 113 Main Street's request for the waiver of a sewer posting fee. The reason for the amendment was to allow expedient action by Borough Council. 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? There was none.

Opening of Bid Specifications for Gymnasium Demolition:

- Michael Gaul, Solicitor
- Joanne Conley, URDC Grant Writer

Ms. Conley stated that (the Borough received 3) three bids for the gymn demolition project that were lower than the estimate of \$100,000.

- F. R. Beinke Wrecking, Inc. - \$80,700
- Brdaric Excavating - \$41,025.
- E. F. Possinger and Sons, Inc. - \$63,615.46.

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Solicitor Gaul Remarks:

- Brdaric Excavating's signed bid did not contain any bid price information, which he believed made it defective, and non-responsive.
- The prices for removal of oil from the tank on the gym property is F. R. Beinke Wrecking, Inc. at \$15 per gallon; Brdaric Excavating at \$25 per gallon; and E. F. Possinger and Sons, Inc. at \$0.46 per gallon.
- Ms. Steele replied that if the paperwork is not properly worded someone could later contest the bid award. Solicitor Gaul stated that the defect in Brdaric Excavating's bid could jeopardize the Borough's ability to enforce its rights in the bid or the bond.
- Ms. Bucci replied that the other two (2) contractor bids are in compliance. Ms. Conley stated that there was an option to deconstruct. Possinger was the only contractor who provided an alternate for recycled items; the cost for the alternate was higher than the cost of the budget. Ms. Bucci commented on the cost to remove fuel oil.

A motion was made by Kay Bucci, 2nd by William Godshalk to disqualify the lowest bidder, Brdaric Excavating, Inc. as non-responsive based on no monetary amounts being listed on the signed copy of the bid form. Motion carried 7-0-0.

A motion was made by William Godshalk, 2nd by Kay Bucci to accept and award the bid to the lowest responsible bidder, E. F. Possinger and Sons, Inc, in the base bid amount of \$ 63,615.46, contingent upon the bonds, insurance, and the signed contract documents being received and reviewed to the satisfaction of the Solicitor.

- Hubert McHugh from the audience commented on the fuel oil disposal at \$ 0.46 per gallon.

The motion was amended by Mr. Godshalk, 2nd by Ms. Bucci to add the price of oil removal at \$0.46 per gallon to the bid award. Motion carried 7-0-0.

A motion was made by Kay Bucci, 2nd by William Godshalk authorizing President Steele to execute the contract; to proceed once all documents have been received and reviewed to the satisfaction of the Solicitor. Motion carried 7-0-0

- Hubert McHugh asked about access through Jim Ginn Alley. Ms. Steele replied that was discussed with the contractor.

Action on Minutes:

A motion was made by William Godshalk, 2nd by Patrick McHugh approving the minutes of March 7, 2022, as presented. Motion carried 7-0-0.

A motion was made by Kyle Overfield, 2nd by Patrick McHugh, approving the minutes of March 28, 2022, as presented. Motion carried 7-0-0.

Secretary/Treasurer's Report: Carol Hummel

Bills Presented for Payment:

1. Approve the March Financial Report:

- Approve Payments of Bills Presented in the amounts of:

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Borough Operations & Borough Operations Already Paid:	42,184.99
Sewer Operations & Sewer Operations Already Paid:	25,076.57
Garbage Operations & Garbage Operations Already Paid:	4,724.82
Dunkin Donuts Escrow: McTish, Kunkle Assoc: PennDOT review of crosswalk	116.25
Real Estate Tax Acct. to Fire Tax Acct: March (2) mills	20,192.00
April Sunoco Fleet Gas, approximate:	400.00
April payroll & taxes, approximate:	7,000.00
	<hr/>
	99,694.63

Question from Ms. Bucci:

Ms. Bucci questioned the Borough Operations total expenses; was the one-half cost of \$ 28,000, that will be invoiced to the Portland Borough Authority (PBA) for the New Holland Tractor, included in the total. Ms. Hummel replied, YES, when the Borough receives the reimbursement from the PBA the reimbursement will be deposited back into the General Checking Account.

A motion was made by Kyle Overfield, 2nd by Robert Ivancich approving the bills presented in the amount of \$ 99,694.63. Motion carried 6-0-1 (William Godshalk abstained)

Bills Presented for payment to Portland Contractors Inc.:

WWTP monthly services:	2,730.00
Other Maintenance:	<u>976.00</u>
	3,706.00

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 \$ 3,706.00. Motion carried: 6-0-1. (William Godshalk abstained).

2. Ms. Hummel reported that additional funds for the New Demi Road, LLC escrow account have been received on March 28, 2022.

Public Comment:

- None
- Richard Wilford-Hunt, UMBT resident, asked if he could address Council. The reply was NO. Mr. Wilford-Hunt was told he could speak at the end of the meeting under Public Non-Agenda.

Sewer Matters and Borough Engineers Report:

a) Sewer Shut-Offs:

- 407 Delaware Avenue: there is no work order; the water has already been shut-off by the PBA.
- 704 Hillcrest Drive: work order to be issued.

Councilman Patrick McHugh asked the criteria for water shut-off. Ms. Hummel replied, when the account is delinquent over (90) days; there are no shutoffs from December 1st through April 1st.

A motion was made by Kay Bucci, 2nd by Patrick McHugh authorizing a work order be issued to the PBA for a water shut-off at 704 Hillcrest Drive. Motion carried 7-0-0.

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b) BAS Census Survey:

Mr. Bahnick investigated the Boundary and Annexation Survey (BAS) Adjacency Question that was submitted by UMBT for a change to their boundary; this would also affect the boundary of Portland. The BAS wants to confirm that the change is accurate, and the update should be made. Images were attached to the email. Ms. Bucci replied that the Borough was never notified by UMBT. Solicitor Gaul stated a boundary change would need a survey.

A motion was made by Kay Bucci, 2nd by Patrick McHugh directing the secretary to inform BAS, by letter, that the Borough does not agree to the boundary change. Motion carried 7-0-0.

c) Dunkin Donuts HOP:

Mr. Bahnick reported that Dunkin is trying to close out the Dunkin HOP Permit, to improve their driveway and construct a crosswalk. To construct the crosswalk, the southern driveway of their neighbor at 400 Delaware Avenue (auto repair facility) would have to be eliminated. Since the affected landowner at 400 Delaware Avenue has chosen not to engage in the process, the Borough does not want the permit to remain in limbo. Mr. Bahnick stated that Borough Council tried to help the affected landowner to no avail.

Council's comments were the curbing height for the affected landowner and other businesses along Route 611; the auto repair facility may be outdated and unable to service a larger vehicle. Mr. Bahnick replied that he will work with PennDot to close out the permit. Ms. Bucci stated that the dumpster in the Dunkin parking lot must be moved to another location. Mr. Bahnick replied YES.

Zoning Officer Report/BCO Official: Keller Zoning & Inspection Services

a) None

b) Zoning Ordinance 2015-1:

Ms. Bucci stated that the zoning ordinance is hard to read on-line; the ordinance has 233 pages, and she would like a paper copy; the ordinance should also be accessible to Council members. Ms. Steele replied that she investigated the cost to purchase a machine that would bound copies that can be printed in house. The secretary could print the pages and the machine could bound the copies. The cost for the machine is approximately \$60 to \$90. The secretary received an estimate from Hess Copy Center, if the amount of pages to be printed is over 1,000 pages the cost is (11) cents per page. The secretary received an estimate of \$ 30 per bound book, including binding.

Ms. Bucci complained about the condition of 208 Northampton Street and all the junk cars littering the property. The property is a non-conforming use, looks like a junkyard. Ms. Bucci wants Council to enforce the ordinance.

Back to Zoning Ordinance 2015-1, other comments were that everything is read on-line; copies would require a lot of paper, ink and time. Solicitor Gaul suggested the easiest method would be to have them printed and bound professionally.

A motion was made by Patrick McHugh, 2nd by Kay Bucci to place the order for the printing and binding of (10) copies of Zoning Ordinance 2015-1 from Hess Copy Center.

Discussion: charge for outside copies to the public; there was no action on this matter.

Motion then carried: 7-0-0

UCC Building Code Inspectors Report: Keller Zoning & Inspection Services

- One (1) demolition permit was issued to 394 Delaware Avenue.

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Zoning Hearing Board (ZHB):

- The Slate Hills Enterprises ZHB variance has been continued to 6:30 PM, Thursday, April 21, 2022, at the William Pensyl Social Hall, State Street.

Planning Commission:

- None

Portland Borough Authority (PBA):

Jim Potter, Vice Chairman

- None

Legal:

Michael Gaul, Solicitor

- Table discussion of committee meetings open to the public.

Subdivision and Land Development:

- None

Community Development, Slate Belt COG & Grants:

- a) The Slate Belt COG met on Wednesday, March 23, 2022, at 7 PM.
- b) There was no reply from the COG to the Borough's letter regarding the COG street sweeper radiator repair.
- c) Ms. Steele and ~~Ms. Bucci~~ *STRIKE and CORRECT to: Mayor Fischer* attended a Northampton County Grants Workshop via Zoom on March 30, 2022. The workshop can be viewed on Zoom. *5/2/2022*
CAH

Community Events/Recreation Board:

- a) The next committee meeting will be held on Sunday, April 10, 2022, at 7 PM.
- b) The Community Easter Egg Hunt will be held on the ball field on Saturday, April 16, 2022, beginning at 1 PM.
- c) Borough Spring Clean-Up has been scheduled for Saturday, May 7, 2022. In 2021 Ms. Steele and volunteers from Refiner's Fire Ministry were the clean-up crew. School children are invited, as well as anyone in the community who would like to help. Solicitor Gaul is providing bottled water for the volunteers. The rain date is Saturday, May 14, 2022. Supplies needed are mulch and donations of flats of flowers for spring planting on May 21, 2022. The only cost to the borough will be the cost of mulch.

- Mayor Fischer left the meeting at 8:15 PM

The secretary will investigate the prior year's cost of mulch for the May agenda.

- Mayor Fischer returned to the meeting at 8:18 PM.

Police Report:

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

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b) Chief Mulligan reported that the police department is still shorthanded.

Mayor's Report:

- The department has had a few applicants, but they have not met all the requirements.
- Mayor Fischer created a new process for messages that are left on the police answering machine for responses by the officer.
- Attended the Slate Hills Enterprises Zoning Hearing.
- Attended the March 30, 2022, Northampton County Grant Workshop via Zoom.
- Attended Community Project Funded Webinar from Congresswoman's Susan Wild's office.
- Attended the Lehigh Valley Mayors' and Elected Officials Reception with Solicitor Gaul, Stephanie Steele, Kay Bucci and Patrick McHugh.

Streets: William Godshalk

a) Borough Streets Logo for Ford Mason Dump Truck:

Ms. Steele presented a quote from Scottie Designs & Lettering for the vinyl graphics for the dump truck, in the amount of \$200 installed for both doors.

A motion was made by William Godshalk, 2nd by Patrick McHugh to authorize the vinyl graphics logo, in the amount of \$200, be installed for both doors. Motion carried 7-0-0.

(b) COG Street Sweeper:

It was discussed whether Fred Farleigh should operate the street sweeper since he had an accident in 2021. Ms. Steele stated that she preferred someone else; that she had a conversation with Bangor Borough for rental of their equipment and laborer. Bangor Borough was hesitant to rent their machine since it is an older model plus the cost of fuel is higher.

A motion was made by William Godshalk, 2nd by Patrick McHugh to rent the Slate Belt COG's Street Sweeper for two (2) days at \$100 per day with Borough employee Fred Farleigh as the operator.

Discussion: Ms. Bucci stated that last year, after the Borough maintenance employee had a street sweeping accident, which was not his first, the Solicitor had stated a concern with the Borough continuing to allow the maintenance employee to drive vehicles for the Borough.

Ms. Bucci asked if there were other options/companies for street sweeping. Ms. Steele replied that the Borough previously contracted with Martins Street Sweeping but the last few times they were called to make an appointment, the call was never returned. Patrick McHugh asked if a sweeper attachment could be fitted on the tractor/backhoe instead of the COG rental. Mr. Godshalk replied that it could be done but it is a dusty-dirty job.

Motion carried 4-2-1

YES: McHugh, Overfield, Pfeiffer, Godshalk NO: Steele, Ivancich Abstain: Bucci

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Crack Seal Quote

A motion was made by Kay Bucci, 2nd by Patrick McHugh to accept the quote from Asphalt Maintenance Solutions, LLC for crack sealing various Borough streets; 2,500 Lbs x \$ 2.58 /Lbs = \$ 6,450, with the cost to be paid from the Liquid Fuels Account. Motion carried 7-0-0.

(c) Reliable Signs:

Reliable Signs is unable to locate a vendor for specialty street signs. Reliable Signs quoted a price of \$ 295 per sign to make a specialty street sign with the Borough's historic information and the covered bridge logo.

(d) Collapsed drain at 601 Pennsylvania:

Mr. Godshalk reported that UMBT has 20' of new 24" x 18" plastic piping left over from a street repair; will sell cheaper than the Borough could purchase from a vendor. Mr. Godshalk stated that 601 Pennsylvania Avenue needs at least 60' of piping to repair the collapsed drain.

It was discussed that the maintenance man, Fred Farleigh, could repair the drain with the help of an additional employee. Mr. Farleigh didn't express interest in tackling the project on his own.

Patrick McHugh stated that he walked the town streets noting where there are drain issues, measured the drains that need attention and marked the street mapping that was provided by Van Cleef Engineering.

No action was taken. Continue this discussion at the May 2, 2022, Council meeting.

- Mr. Bahnick left the meeting at 8:57 PM.

(e) Discussion concerning the opening of a fuel account for diesel fuel for the backhoe/tractor. The secretary replied that the Borough already has an account at Reimer Brothers in Pen Argyl, PA.

(f) Mr. Godshalk asked if all Council persons are FEMA certified. Council replied NO, Ms. Pfeiffer and Mr. Ivancich are not certified. Mr. Godshalk replied that 2022 is supposed to be a bad hurricane season.

Sanitation Committee:

- Mr. Farleigh reported to Council that the public garbage receptacle at 501 Delaware Avenue is at capacity and overflowing every week. It appears that tenants in the apartments are using the garbage receptacles for their personal trash. There is no property owner who is delinquent on garbage collection.
- Cindy Fish, from the audience commented "do you need a garbage receptacle at that location? What will it be like when summer approaches?"

Building Committee:

- a) The installation of electric in the new pole building will wait until warmer weather.
- b) A thank you was extended to Councilman Ivancich for replacing the flagpole at the "Pokey".

c) Return of Borough Keys:

Certified mail sent to former Councilwoman Yvonne Gumaer was signed by a postal carrier when delivered. The Borough does not know whether Ms. Gumaer actually received the certified mail. The front door keys are costly because they are made from a special Blank.

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Ms. Bucci asked if Ms. Gumaer signed for the keys when she was elected to Council. Ms. Hummel replied YES. Ms. Steele discussed changing the alarm security code.

A motion was made by Patrick McHugh, 2nd by Kay Bucci to change the policy for keys given out to elected officials; a refundable deposit of \$ 25 will be charged when the keys are given to an elected official; when the keys are returned the deposit will be refunded. Motion carried 7-0-0

Budget, Finance, Insurance, & Cable TV Contract:

- The committee is reviewing police salaries.

Ordinance Update Committee:

- None

Council Policy & Procedure Committee:

- None

Air Liquide Safety Committee:

- The CAP Safety Committee will meet April 13, 2022, Virtual at 6:30 PM.

Slate Belt Rising Committee (SBRC): Stephanie Steele

- The next committee meeting will be held on Thursday, April 14, 2022, Virtual at Bangor Borough.

Plan Slate Belt Steering Committee: Stephanie Steele

The committee will meet on April 6, 2022, in person at the Plainfield Twsp Fire Hall. The public is invited to attend.

Liberty-Water Gap Trail Alliance: Cindy Fish

- Ms. Fish reported the Alliance will meet April 20, 2022, at the Delaware Water Gap municipal building. The guest speaker will be John Donahue, former DWG Superintendent. Discussion will be the National Park Service.

Correspondence:

a) A motion was made by Stephanie Steele, 2nd by Robert Ivancich authorizing a letter of support to the PA-DCED and the PA-DCNR for the Grant Application of UMBT for a Minsi Lake Feasibility Study to connect the Minsi Lake Recreation Area with the Portland Borough – Columbia NJ Pedestrian Bridge that spans the Delaware River. Motion carried 7-0-0

i. Ms. Hummel replied that the application includes the Northern Tier Trail of Northampton County.

b) A motion was made by Kay Bucci, 2nd by Kyle Overfield authorizing a letter of support for East Bangor Borough's application to the Northampton County Living Landscape Grant, for the replacement of the Borough's (60) year old Park Pavilion. Motion carried 7-0-0.

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c) There was no action taken on a request for a resolution for PSATS Biosolids Regulations from Plainfield Township Manager, Tom Petrucci. The Solicitor stated that the resolution was not pertinent to the Borough because it was not a member of PSATS.

d) President Steele reported there is a special Greenways Grant for a trail head. This could be good for the Borough.

e) A trash complaint was received to the Borough of illegal dumping and trespassing.

f) A thank you was received from Marcus Statham for the Borough's help with the collapsed drain issue adjacent to 601 Pennsylvania Avenue.

Secretary's Announcements:

- Ms. Hummel reported that she attended two (2) meetings of the Northampton County TCC, February 24 and March 24, 2022, at the Bethlehem Township Municipal Building.

Old Business:

- None

New Business:

- None

Public Comment Non-Agenda:

113 Main Street, Sewer Account # 280:

a) The resident of 113 Main Street sent a letter of correspondence asking for the sewer posting fee of \$ 37.38 to be waived from her sewer account. The discussion of Council was that the sewer bill has been paid up to current and this is the first time she has received a posting notice. The waiving of a charge is at the discretion of Council.

A motion was made by Patrick McHugh, 2nd by Robert Ivancich waiving the sewer posting fee charge fee of \$ 37.38 from account # 280. Motion carried 7-0-0.

b) **AMENDED AGENDA:** A motion was made by Patrick McHugh, 2nd by William Godshalk, amending the agenda for consideration of the purchase of 2A modified for the Borough Street department. The reason for the amendment was to allow expedient Council action. Motion carried 7-0-0.

Councilman Godshalk reported on streets that need attention. A motion was made by William Godshalk, 2nd by Patrick McHugh authorizing the purchase of (1) one load of 2A modified form R. W. Moyer Excavating, not to exceed the cost of \$ 600. Motion carried 7-0-0

Executive Session:

- None

Back to Building Committee:

Mr. Godshalk commented that he walked around the municipal building and noted the repairs that need to be addressed, i. e., restoration of windows, repointing the bricks. Ms. Bucci replied that she has a contact for repointing. Ms. Steele replied that there may be monies available to municipalities from Slate Belt Rising.

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Adjourn:

- a) The next Council Meeting will be held on Monday, May 2, 2022, at 7:00 PM.
- b) A motion to adjourn the meeting at 9:51 PM was made by Kay Bucci, 2nd by William Godshalk. Motion carried 7-0-0.

Respectfully Submitted,

Carol A. Hummel

Carol A. Hummel, Secretary

