

BOROUGH OF PORTLAND
COUNCIL MEETING MAY 2, 2022

The Portland Borough Council Meeting of May 2, 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. Carol Hummel, Borough Secretary

Public Present:

James Potter: Fire Chief, EMC, Portland Borough Authority

Approval of the Agenda and any Amendments:

A motion was made by Karen Pfeiffer, 2nd by Robert Ivancich approving the posted agenda as presented. 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.

Action on Minutes:

A motion was made by Kyle Overfield, 2nd by Karen Pfeiffer approving the minutes of April 4, 2022, as presented, with a single correction.

Page 5 under Community Development, COG and Grants: Strike Ms. Bucci attended a Northampton County Grants Workshop via Zoom on March 30, 2022 and correct to Mayor Fischer. Motion carried 7-0-0.

Secretary/Treasurer's Report: Carol Hummel

Bills Presented for Payment:

1. Approve the April Financial Report:

- Approve Payments of Bills Presented in the amounts of:

Borough Operations & Borough Operations Already Paid:	13,615.39
Sewer Operations & Sewer Operations Already Paid:	16,198.97
Garbage Operations & Garbage Operations Already Paid:	5,028.04
Dunkin Donuts Escrow: McTish, Kunkle Assoc: PennDOT communication 400 Delaware Ave.	77.50
New Demi Road Escrow: King, Spry; Van Cleef Engineering; McTish, Kunkle Assoc.	2,837.25
Community Events: Easter supplies	41.99
Real Estate Tax Acct. to Fire Tax Acct: April (2) mills	3,110.00

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General Acct. to Fire Tax Acct: Taxes in Trust Delinquent 2020	168.20
May payroll & taxes, approximate:	5,700.00
May Sunoco Fleet Gas, approximate:	<u>350.00</u>
	47,127.34

A motion was made by Robert Ivancich, 2nd by Patrick McHugh approving the bills presented in the amount of \$ 47,127.34. 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>570.00</u>
	3,300.00

A motion was made by Kay Bucci, 2nd by Patrick McHugh approving the bills presented for payment to Portland Contractors, Inc., in the amount of \$ 3,300.00. Motion carried: 6-0-1. (William Godshalk abstained).

2. KS State Bank Loan Payment:

Remarks: Fire Chief Potter requested \$ 30,000 as the Borough's portion of the payment. Mr. Potter stated that the remaining \$ 11,000 payment would be taken from the fire company's ARPA Covid funds. Ms. Steele stated the balance in the Fire Tax Account is \$ 38,725 leaving a balance of \$ 8,000 plus.

Question: Patrick McHugh asked if the loan payment was paid from the Fire Tax Account. Ms. Steele replied yes.

A motion was made by Kyle Overfield, 2nd by William Godshalk authorizing the Borough's payment portion of \$ 30,000 from the Fire Tax Account to KS State Bank for the Portland Hook & Ladder Co. # 1 loan contract purchase of their 2015 Emergency One Typhoon Rescue Pumper. Motion carried 7-0-0.

3. Local Service Account (LST):

A motion was made by Robert Ivancich, 2nd by William Godshalk authorizing the 2022 budget allocation of \$ 7,000 to the Portland Hook & Ladder Co. # 1, from the Local Services Account.

Question: Patrick McHugh asked if the \$ 7,000 was part of the \$ 30,000 KS State Bank loan payment. Ms. Steele replied no.

Motion carried 7-0-0.

Public Comment:

1. Tara Mezzanotte: I-80 NJ DOT Rockwall Update

Ms. Mezzanotte stated the committee has changed its focus to the S-Curve.

- The I-80 wall repair is projected to cost in the million of dollars.
- There is massive erosion to the wall. The wall is floating on soil.
- The last drainage inspection was completed in 2011; all drainage is under the highway.
- Knowlton Township is one of (17) counties that sit on the NJ Board.
- Ms. Mezzanotte attended the monthly Slate Belt COG meeting and provided an update.
- The Slate Belt COG will prepare a letter asking NJ-DOT for an independent engineer's review.
- Knowlton Township has become a member of the Lower Delaware Management Council with Ms. Mezzanotte as the representative.

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- Discussed and met with Ms. Bucci, Ms. Steele and Mr. Ivancich recommending that Portland join the Management Council and adopt a Resolution to appoint a Borough representative.
- Grant opportunities are available; prepare a statement that Portland is a river municipality. Ms. Bucci replied that Portland previously had been awarded grants from the Management Council.
- Meetings are traditionally held on a Thursday morning.
- Ms. Mezzanotte stated that Knowlton Township, as part of the National 911 Trail, has no signage; she suggested that Portland could help Knowlton Township tap into grants for signage and a map giving directions of the National 911 Trail and the Flight 93 Memorial.
- Councilwoman Pfeiffer volunteered to attend Management Council Meetings with Mayor Fischer.
- Ms. Bucci replied that Knowlton Township assisted the Borough in the first year of the pandemic with crowd control and boating on the PA side of the river.

2. Bill Kramer: 702 Delaware Avenue

Mr. Kramer provided a letter requesting support from the Borough Council concerning the ongoing issue of slope failures along PA State Route 611. A large stretch of Delaware Avenue properties, located on the northeast side, have steep slopes that drop down onto Delaware Drive.

As a result of heavy rains that occurred from April 6 through April 8, 2022, a massive amount of soil slid down the hill from behind the property at 702 Delaware Avenue. Additionally, another neighbor experienced slope failure on April 9, 2022.

Another overnight storm occurred on April 19, 2022, resulting in another slope failure that impacted PA State Route 611 and caused the undermining of Delaware Avenue and a power line.

Mr. Kramer stated he has been in contact with Northampton County, PennDOT District 5, filed an on-line report citing the problem as a safety issue for residents and vehicles.

Mr. Kramer asked Council to recognize the slope instability; recognize that a band-aid approach is not the solution; and to help maintain contact with other local, county and state officials. Mr. Kramer thanked the Council for considering his request for support and assistance,

1. Sewer Matters:

a) Sewer Shut-Offs: 394 Delaware Avenue:

There is no work order; the water has already been shut-off by the PBA and will remain off until the sewer debt has been paid.

b) Proposal for Cleanout of Sewer Tank: Portland Contractors:

A motion was made by Kay Bucci, 2nd by Karen Pfeiffer approving the estimate presented by Portland Contractors to cleanout the sewer tank in the amount of \$ 13,896.00, by three (3) separate contractors.

- Portland Contractors, Inc. \$ 5,976.00
- Crane \$ 2,000.00
- Allstate \$ 5,920.00

Solicitor Gaul questioned whether there should be three (3) separate service contracts. Ms. Steele replied that Crane and Allstate will be paid directly by Portland Contractors.

Motion then carried 6-0-1. (William Godshalk abstained)

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c) Due to the increasing cost of fuel, Portland Contractors, Inc. notified Council that beginning May 1, 2022, they will be adding a surcharge of \$ 5.00 per facility visit on all invoices at the end of each month, until further notice.

Borough Engineers Report:

Mark Bahnick

Dunkin Donuts HOP:

a) Mr. Bahnick reported that the Borough traffic engineer is working with PennDOT on closing out the Dunkin HOP approval. Ms. Bucci asked Mr. Bahnick if PennDOT has notified the property owner of 400 Delaware Avenue concerning the installation of curbing. Mr. Bahnick replied, No. Mayor Fischer replied that it is wrong what PennDOT is doing to the garage property owner, but Council did all they could do to help.

Ms. Bucci stated that PennDOT has not communicated with the garage property owner. Mr. Bahnick replied that the property owner failed to engage in the conversation concerning the traffic signal being installed in front of his garage bay.

b) There is no update from PennDOT on the Demi and River Road intersection process.

c) Mr. Bahnick assisted with the repairs to the Delaware Avenue washout from the recent rainstorms of April 6 through April 8 and April 19.

d) The new unit is in service at the WWTP.

e) Will attend the Portland Planning Commission meeting on May 16, 2022.

f) Two plans were submitted for the subdivision of the GenOn property.

g) Gymnasium Demolition: The property owners adjacent to the gym will be notified by regular postal mail and door hangers. Patrick McHugh asked about truck traffic. Ms. Steele replied that Council will coordinate with the contractor.

Streets:

a) Street sweeping was completed and paid.

b) Vinyl graphics for the lettering of the F-350 dump truck completed and paid.

c) No action was taken on signage for tractor trailers on Borough streets. Other issues are truck weight.

d) 601 Pennsylvania Avenue estimates to be continued on the agenda.

Discussion by Patrick McHugh and Mr. Bahnick continued with drainage issues down Main Street. Mr. Bahnick stated that he has no idea where drainage pipes are located in property owner's yards.

Mr. Bahnick presented an estimate from Biros Septic & Drain Cleaning Inc. for crawler camera service at \$ 3,200 per day for a television camera inspection of the storm sewer lines. Mr. Bahnick stated that the worst problems must be identified. No action was taken.

Other matters concerning sewer lines are priorities, budgets, and grant programs.

Executive Session:

A motion was made by Kay Bucci, 2nd by Karen Pfeiffer to convene to executive session at 8:19 PM. Motion carried 7-0-0.

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Discussion: Legal and Stormwater issues with Solicitor Gaul.

A motion was made by Kay Bucci, 2nd by Patrick McHugh to reconvene from executive session at 8:49 PM. Motion carried 7-0-0

- Mr. Bahnick left the meeting at 8:51 PM.

Repair of Traffic Signal at Route 611 and State Street:

Discussion: Apparently the traffic signal needs to be reset; the signal is not tripping to rotate the lights off and on. The secretary stated that the controller had been previously replaced.

A motion was made by Kay Bucci, 2nd by William Godshalk authorizing the secretary to contact Telco, Inc. for a quote to repair the traffic signal at the cost not to exceed \$ 2,000. Motion carried 7-0-0.

Emergency Repair of Delaware Avenue Washout from April 6 through April 8, 2022:

Solicitor Gaul advised Council that when an emergency arises the emergency should be documented in a Borough file along with the pertinent paperwork, in the event that the circumstance of the expenditure needs to be reviewed later. In this circumstance, a portion of Delaware Avenue had collapsed due to heavy rains and the erosion of an adjacent steep slope, and was unstable. Part of the collapsed material ended up in Route 611 due to the steep slope. There remained an ongoing risk of additional damage to property, or risk of injury to persons. Motor vehicles were observed not heeding warning/restriction signage placed in the area of the collapse. The Borough Engineer concluded that an emergency existed, the Borough should act as quickly as possible, and the cost to of the contractor's proposal to fix the collapse was reasonable.

A motion was made by Kay Bucci, 2nd by Patrick McHugh ratifying the emergency repair of Delaware Avenue, by contractor L. Marki & Son, in the amount of \$ 18,252 to be paid from the Liquid Fuels Account. Motion carried 7-0-0. Borough Council initially approved the emergency repair through email correspondence.

Route 611 Closure from Slateford through Delaware Gap Borough:

Ms. Bucci stated that a resolution be prepared and sent to the local politicians and PennDOT. Traffic and trucks should be rerouted to avoid Route 611 through the DW Gap. Route 611 North from Slateford to Delaware Water Gap has been closed since the rainstorms of April due to washout of the highway and rockslides. PennDOT has begun to repair the road and the road should be open in late spring. Chief Potter spoke about the detours from Route 80 to 611 North.

R.W. Moyer Excavating:

Discussion: Ms. Steele stated that she was opposed to the invoice because when Moyer Excavating and the Borough maintenance man arrived for pickup of the tractor the tractor would not start. Moyer and the maintenance man remained at the site of pickup until the tractor was repaired to be transported, thus the billed invoice for 9 ½ hours.

A motion was made by Kay Bucci, 2nd by Patrick McHugh approving payment of the invoice for transport of the New Holland Tractor from Gouldsboro, PA to Portland PA, in the amount of \$ 950.00, with one-half of the cost being billed to the Portland Borough Authority. Motion carried 6-1-0 (Ms. Steele opposed)

601 Pennsylvania Avenue:

William Godshalk stated that the piece of drain that needs replacement at the street site should be repaired, or the Borough would be held responsible. Discussion tabled.

Drain issues on various streets. Tabled

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

Ms. Bucci complained about the condition of 208 Northampton Street and all the junk cars littering the property. Ms. Bucci asked who the liaison is to the Zoning Officer /BCO Official.

Ms. Serfass explained the process for filing complaints, to put it in writing and give to the Borough Secretary to forward to Ms. Serfass. Ms. Serfass stated when she was hired as the zoning officer and filed property maintenance complaints against several homeowners the Council room was full at the next meeting with complaints from property owners who were not happy that she was doing her job. From that time forward, Council took the position that complaints would be acted on after filing the written complaint and forwarding onto Ms. Serfass.

Ms. Bucci replied that the property is a non-conforming use for a repair shop and looks like a junkyard. The owner purchases the vehicles at auction, repairs the vehicles on site and then sells them off-site. Ms. Serfass stated that the present zoning book cannot be used for non-conforming use. Solicitor Gaul replied that his recollection was that the property had been deemed a non-conforming service station in the past, and that a typical service station may be considered different than a property owner using a property to store cars that the property owner owns and repairing them for resale by the property owner. But the matter would need to be researched, including the prior zoning approvals for a non-conforming use of the property. Ms. Bucci replied that the new owner was to have a business like the former Mike's Garage, not make it a junkyard in a residential area.

Ms. Steele replied, "how many times do you pick on someone before they sue you", referring to the Borough. It took a lot of time and meetings to update the new Borough Ordinance.

Ms. Serfass replied to Ms. Bucci that she should file a complaint form and turn it in to the Borough. Ms. Serfass stated as an independent officer she decides to enforce the ordinance and does without your approval; you decide, as a Council, if you want me to ride through town once a week to check on properties. Mr. McHugh stated that he was opposed to the zoning officer driving through the borough once a week.

A motion was made by Kay Bucci, 2nd by Robert Ivancich authorizing the Solicitor to research whether the use of the 208 Northampton Street property complies with the Borough zoning regulations.

Ivancich, Overfield, Bucci, Steele; **Yes**. Godshalk, McHugh; **No**. Pfeiffer; **Abstain**. Motion carried 3-2-1

Zoning Ordinance Books 2015-1:

Ms. Hummel reported that ten (10) books were copied and bound at the cost of \$ 138.20.

UCC Building Code Inspectors Report: Keller Zoning & Inspection Services

- One (1) UCC permit was issued to 413 and 501 Delaware Avenue.

Zoning Hearing Board (ZHB):

- The Slate Hills Enterprises ZHB variance has been continued to 6:30 PM, Thursday, June 23, 2022, at the William Pensyl Social Hall.

Planning Commission:

- A courtesy review of the subdivision plans for 5027 River Road. Mount Bethel PA will be on the Portland Planning Commission's agenda for the next scheduled meeting of May 16, 2022.

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Portland Borough Authority (PBA):

Jim Potter, Vice Chairman

- Mr. Potter reported that Peter Layman, Esquire, attorney for the PBA, is drafting an agreement between Portland Borough and the PBA for the shared cost and usage of the New Holland Tractor. The tractor was purchased by the Borough.

Legal:

Michael Gaul, Solicitor

- None

Subdivision and Land Development:

- None

Community Development, Slate Belt COG & Grants:

- a) The Slate Belt COG met on Wednesday, May 25, 2022, at 7 PM.
- b) Table until the June 2022 meeting discussion on the invoice received from the COG, in the amount of \$ 1,000, for the repair of the street sweeper radiator.
- c) Mr. McHugh inquired about grant funding. Ms. Steele stated the process:
 - Find out the schedules.
 - Check to see if the Borough can apply.
 - Some of the time a grant requires matching funds.
 - Look for a planning grant.
 - If you find a grant, bring to Council for discussion.

Community Events/Recreation Board:

- a) The next committee meeting will be held on Sunday, May 15, 2022, at 7 PM.
- b) The Community Easter Egg Hunt that was held on the ball field on Saturday, April 16, 2022, was well attended.
- c) Borough Spring Clean-Up has been scheduled for Saturday, May 7, 2022, from 8 AM – 12 noon. The rain date is May 14th.
 - Ms. Bucci exited the meeting at 9:54 PM
- d) The purchase of mulch was discussed. Between 2019 and 2020, the cost of mulch was \$100 to \$260. Ms. Steele received a quote from Gray's Recycle, Delaware NJ of \$ 25 per yard. Robert and Sue Ivancich volunteered to help with clean-up.
 - Ms. Bucci re-entered the meeting at 9:56 PM.

A motion was made by Patrick McHugh, 2nd by William Godshalk approving the purchase of mulch, at the cost not to exceed \$ 300. Motion carried 7-0-0

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e) American Legion Post 216:

An invitation was received from Post 216 to the annual Memorial Day Services at the Mount Bethel War Memorial, Monday, May 30, 2022, beginning at 11 AM. Ms. Steele replied if anyone would like to walk in the procession meet at the Portland Hook & Ladder Co. at 10:30 AM.

Police Report:

- a) The report was presented in writing by Chief Mulligan.
- b) Chief Mulligan asked if Council would be interested in the purchase of an extended warranty for the 2020 Ford police vehicle. No action was taken.
- c) Council members Overfield, Bucci and Steele met to discuss the police budget.
- d) The police committee will meet potential candidates next week.

Mayor's Report:

- The department had a few complaints that were handled by Officer Pysher.
- Part-time police positions were posted on FaceBook.
- Attended the Slate Belt COG meeting on April 27, 2022. More discussion on their camera system. The PBA is not comfortable with allowing the Slate Belt COG use of their tax exemption number for the purchase; the COG is investigating the purchase of a bucket truck.
- Attended press conferences concerning the closure of Route 611 North.
- Ms. Fischer is working with PA State Senator Mario Scavello's office to facilitate a meeting with the LV Chamber of Commerce for funding resources for Portland businesses.

Sanitation Committee:

2018– 2022 Garbage Contract Renewal OR Option to Extend the Contract:

- Council discussed arranging for bulk dumpsters at different locations throughout the Borough, i. e., Park & Walk Lot, Park & Ride Lot, municipal building.

Building Committee:

- None

Budget, Finance, Insurance, & Cable TV Contract:

- None

Ordinance Update Committee:

- The Fire - Safety Committee will meet with the fire department to review and update Ordinance 190, Outdoor Fires. There is an ongoing complaint concerning Division Street. Chief Potter replied that the ordinance should define certain hours, burning barrels.
- Solicitor Gaul exited the meeting at 10:16 PM

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Council Policy & Procedure Committee:

- None

Air Liquide Safety Committee:

- The CAP Safety Committee will meet June 8, 2022, possibly in person.

Slate Belt Rising Committee (SBRC): Stephanie Steele

- The next committee meeting will be held on Thursday, May 12, 2022, Virtual at Bangor Borough.

Plan Slate Belt Steering Committee: Stephanie Steele

- The committee will meet on Wednesday, May 4, 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 9 AM on May 18, 2022, at the Village Farmers' Market, DW Gap, PA.
- Ms. Fish stated that no one attended from UMBT, including the secretary Ed Nelson, therefore there are no minutes of the meeting. Ms. Steele replied that it is possible that someone could tape record the meeting. Lance Prator is the chairman. David Due attended as a member.
- Solicitor Gaul reentered the meeting at 10:20 PM.

Correspondence:

- None

Secretary's Announcements:

- None

Old Business:

AMENDED AGENDA: A motion was made by Kay Bucci, 2nd by Karen Pfeiffer, amending the agenda for consideration of the purchase of American flags and poles for the downtown business district. The reason for the amendment was to allow expedient Council action. Motion carried 7-0-0.

A motion was made by Kay Bucci, 2nd by Karen Pfeiffer to purchase the American Flags and poles with the cost not to exceed \$ 500. Motion carried 7-0-0.

New Business:

- Primary Election Day will be observed on Tuesday, May 17, 2022. The polling location is the Council Chambers room in the municipal building.

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Public Comment Non-Agenda:


Councilman Robert Ivancich:

- Mr. Ivancich asked that pet owners clean up after their dogs. Could a notice be put in the paper? Ms. Steele replied that she would place a notice in the newsletter. Also, that no pets be allowed at Borough events.
- The next Council Meeting will be held on Monday, June 6, 2022, at 7:00 PM.

Adjourn:

A motion to adjourn the meeting at 10:29 PM was made by Patrick McHugh, 2nd by Kay Bucci. Motion carried 7-0-0.

Respectfully Submitted,



Carol A. Hummel, Secretary