

BOROUGH OF PORTLAND
COUNCIL MEETING JUNE 6, 2022

The Portland Borough Council regular meeting of June 6, 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* Patrick McHugh* Karen Pfeiffer*

- Councilman William Godshalk was absent.

Others Present:

1. Heather Fischer, Mayor
2. Michael Gaul, Solicitor
3. Mark Bahnick, Borough Engineer
4. Rich Campbell, Esq., King, Spry
4. Carol Hummel, Borough Secretary

Public Present:

Hubert McHugh
Joseph Schwartz
George Estevez
Wendy Klug

Approval of the Agenda and any Amendments:

AMEND AGENDA:

A motion was made by Kay Bucci, 2nd by Karen Pfeiffer, to approve the agenda with the addition of two amendments.

- a) Council to consider the letter of resignation from Councilman William Godshalk.
- b) Under line-item No.20, Council to consider the hiring of a grant writer for the Borough.

The reason for the amendments was to allow expedient action by Borough Council. Motion carried 5-0-0.

Letter of Resignation:

A motion was made by Patrick McHugh, 2nd by Kay Bucci to accept the letter of resignation from Councilman William Godshalk. Motion carried 5-0-0.

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 2022-6:

Supporting Portland as a Lower Delaware Wild & Scenic Municipality:

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Solicitor Gaul stated that he couldn't recommend that the Borough Council pass this resolution unless they review the Lower Delaware River Management Committee Plan and the referenced Memorandum of Understanding.

Ms. Bucci replied that prior to year 2000 there was a resolution passed. Then the Borough was sued by the Riverkeepers, no further action was taken.

Mr. Bahnick asked, "what is the benefit to the Borough"? Solicitor Gaul replied, "possibly to obtain grants". The resolution was tabled for review by Solicitor Gaul.

Action on Minutes:

A motion was made by Kay Bucci, 2nd by Karen Pfeiffer approving the minutes of May 2, 2022, as presented. Motion carried 5-0-0

Secretary/Treasurer's Report: Carol Hummel

Bills Presented for Payment:

1. Approve the May 2022 Financial Report:

- Approve Payments of Bills Presented in the amounts of:

Borough Operations & Borough Operations Already Paid:	31,136.12
Sewer Operations & Sewer Operations Already Paid:	9,811.90
Garbage Operations & Garbage Operations Already Paid:	4,899.29
New Demi Road Escrow: Van Cleef Engineering; McTish, Kunkle Assoc.	227.50
RPL East Escrow: King, Spry, Herman, Freund & Faul	148.50
Real Estate Tax Acct. to Fire Tax Acct: May (2) mills	421.00
General Acct. to Fire Tax Acct: Taxes in Trust Delinquent 2020	90.20
Fire Tax Acct. to KS State Bank: PH & Ladder loan payment on the pumper	30,000.00
Liquid Fuels Acct. to L. Marki Sons, Inc. Delaware Avenue Highway Construction	18,252.00
Liquid Fuels Acct. to Asphalt Maintenance Solutions: crack sealing streets	6,450.00
June payroll & taxes, approximate:	5,000.00
June Sunoco Fleet Gas, approximate:	300.00
MINUS – APPROVED ON MAY BILL LIST THAT WAS INCORRECT	49.50
TOTAL	106,687.01

A motion was made by Patrick McHugh, 2nd by Robert Ivancich approving the bills presented in the amount of \$ 106,687.01. Motion carried 5-0-0

Bills Presented for payment to Portland Contractors Inc.:

WWTP monthly services:	2,730.00
Other Maintenance:	<u>2,784.00</u>
	5,514.00

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 \$ 5,514.00. Motion carried: 5-0-0.

2. Ultra Poly Escrow Account:

Remarks: The Secretary stated that she would like to close the escrow account since there has been no activity since 2019. The balance in the account is \$ 189.17. The Borough still holds two escrow accounts from Ultra Poly Corp., the Improvements Escrow Account, and the Building Two Escrow Account.

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A motion was made by Karen Pfeiffer, 2nd by Kay Bucci to close the account and return the balance of \$ 189.17 to Ultra Poly Corp. Motion carried 5-0-0

Public Comment:

1. Joseph Schwartz: 501 Pennsylvania Avenue

Mr. Schwartz presented Council with a letter of request for the reduction of two (2) EDUs to one (1) EDU for the residential property of 501 Pennsylvania Avenue. The property has been converted to a one (1) family residence. Documentation was provided in the form of a zoning permit approved by Keller Zoning & Inspection Services.

A motion was made by Patrick McHugh, 2nd by Kay Bucci authorizing the reduction of two (2) EDUs to one (1) EDU for the property located at 501 Pennsylvania Avenue; the reduction will be reflected in the minutes and the sewer and garbage billing clerk will be notified of the reduction of the EDUs. Motion carried 5-0-0

2. Richard Diaz: 400 Delaware Avenue

Mr. Diaz was represented by George Eztevez, a friend from Upper Mount Bethel Township, who presented correspondence from Mr. Diaz and his attorney, Mark Malkames, Esq. of Allentown, PA. Mr. Diaz is the new owner of 400 Delaware Avenue, an auto repair business. Mr. Diaz purchased the 400 Delaware Avenue property unaware of the Dunkin Donuts handicap and PennDOT right-of-way access. Mr. Diaz objects to the loss of one garage bay; he needs access of the bay to remain in business.

Mr. Bahnick replied that he had discussed this previously with PennDOT; Mr. Diaz was encouraged to engage in the conversation with PennDOT to plead his case but failed to do so. Mayor Fischer replied that she reached out to the permit supervisor of PennDOT. Council did all they could to help.

Sewer Matters & Borough Engineers Report:

a) Sewer Shut-Offs:

394 Delaware Avenue:

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

704 Hillcrest Drive:

A motion was made by Kay Bucci, 2nd by Stephanie Steele to execute the work order for the water shut-off of 704 Hillcrest Drive.

Question: Councilwoman Pfeiffer asked if the bills stop when the water is turned off. Ms. Steele replied, no, the bills continue.

Motion carried 5-0-0

b) WWTP Operations:

There is no update.

5027 River Road Proposed Subdivision, Former GenOn Property:

Mr. Bahnick attended the Portland Planning Commission meeting on May 16, 2022. There are some small details the developer needs to work out.

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Solicitor Gaul gave an overview of the Bangor Area Commercial and Industrial Development Authority (BAC-IDA) which was originally incorporated by the Borough of Portland pursuant to a cooperation agreement between the municipalities of the Bangor Area School District and the School District. Legal services were provided by the School District's Solicitors.

Solicitor Gail asked questions about the subdivision and land development plans. Ms. Bucci replied that the plans were sent to the Borough as a courtesy for review. Mr. Bahnick stated that two plans were submitted; there will be no land development or construction on the Portland portion of property. Ms. Bucci asked, "why was a perc test done?". Mr. Bahnick replied that the developer was looking to install on-lot sewer system but was told by the Borough that they would have to connect to public sewer, which is provided by Portland Borough. Also discussed was the improvement of the railroad trestle since there is an issue with height and width. The Borough is part of that discussion. The plans will be brought back to the Portland Planning Commission for review.

Streets:

1. A proposed ordinance for No Trucks Signs for various Borough Streets was tabled.

2. Adopt a Memorandum of Understanding between the Borough and the Portland Borough Authority (PBA) to share equally in the operation and costs of the New Holland Backhoe that was recently purchased by the Borough. No action was taken, further review by Solicitor Gaul.

3. Telco, Inc., Traffic Signal Repair:

President Steele reported that Telco came to the Borough twice to assess the problem. There are two (2) control boxes that operate the signal, one (1) for Delaware Avenue and one (1) for State Street. There are sensing strips under the pavement that are tripped when a vehicle pulls up to the traffic light. The State Street signal sensors are bad, which shorts the control box. The control box has been disconnected. As a result, the traffic light will turn on and off on its own. Because this is part of the traffic light system, the Borough is responsible to fix the signal. Ms. Bucci replied that PennDOT originally put the signal on a timer in 2008.

Ms. Pfeiffer asked the cost to correct the signal. Ms. Steele replied, approximately \$ 2,500. Ms. Steele stated she would secure a quote for the next Council meeting.

- Councilman McHugh stated that the Borough can't afford to fix drains and curbing. A five (5) year plan should be established.
- Wendy Klug asked if the Borough could address Mr. McHugh's concerns about a five (5) year plan.

4. 601 Pennsylvania Avenue: Estimates from previous meeting are:

- Charles Nansteel: Option 1, \$ 3,970; Option 2, \$ 20,980
- R. W. Moyer: \$ 3,600, each 20' section after \$ 2,400

Councilman McHugh's conversation continued with a conceptual plan of streets and drains. Action needs to be taken on a plan. Mr. McHugh was advised to prepare a five (5) year plan.

Solicitor Gaul replied that there are procedures that must be followed.

- A survey of the Borough lines; municipality's stormwater mapping.
- Start with a proposal, assessment from the Borough engineer.
- Need to prepare a budget, look for a grant.
- The engineer to evaluate the drainpipes already in place.
- Camera proposal for one (1) day.

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- Follow the recommendations of the Borough engineer.

The estimates/proposals from the previous Council meeting were discussed again. Discussed was to table action again. Mayor Fischer disagreed, the area in need of repair is not safe.

A motion was made by Patrick McHugh to accept the proposal of Charlie Nansteel, Option 2, in the amount of \$ 20,980.

Discussion:

- The proposal will need three (3) telephone bids.
- Performance and maintenance bonds to be provided by the contractor.
- Look to the Borough engineer to provide direction on the work to be done.
- Ms. Bucci stated to accept Option 1 and evaluate if further work needs to be done after excavation at the site. Mr. Bahnick, Ms. Pfeiffer, and Mr. Ivancich agreed.
- Option 1 is more expensive per foot that Option 2. **CORRECTED 07-11-2022 by Councilman McHugh. The 20' repair to the collapsing drain on Market Street was going to cost \$200 per foot vs \$80 a foot to fix the entire section of drain.**
- An updated certificate of insurance is needed. *Callummel*

Mr. McHugh's motion died for lack of a second.

A motion was made by Kay Bucci, 2nd by Stephanie Steele to accept Option 1 of the proposal presented by Charlie Nansteel, in the amount of \$ 3,970. Motion carried 4-0-1 (Patrick McHugh opposed)

5. Prepare a Resolution:

At the previous Council meeting, Ms. Bucci, suggested a resolution be prepared to politicians and PennDOT officials expressing Council's concern to detour traffic away from PA Route 611 when NJ Route 80 is closed.

Council discussed forming a committee to create and propose a resolution. Steele, Bucci, Mayor Fischer, and Pfeiffer volunteered to be the committee.

6. Back to Streets:

- a) Mr. Bahnick will prepare a proposal for storm drains, storm water mapping, surveying.
- b) There was no action on a camera rental.
- c) Question: Does the PBA have a camera? No, was the reply.
 - Mr. Bahnick left the meeting at 8:51 PM.

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

1. Portland Hook & Ladder Co. #1 is planning a survey of the social hall property at 111 State Street to erect a fence. Fire Chief Potter has requested that the Borough waive the \$60 permit fee.

Question:

- Ms. Cindy Fish explained that the fire company has an on-going dispute with its neighbor at 115 State Street over the boundary lines.
- Councilman McHugh objected that someone else has asked for a permit fee to be waived.

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A motion was made by Kay Bucci, 2nd by Karen Pfeiffer to waive the permit fee of \$ 60 for the Portland Hook & Ladder Co. #1. Motion carried 5-0-0

2. The Keller Zoning & Inspection Services invoice and report was in the Council packet for review.

3. Mayor Fischer commented on the enforcement notices sent by the zoning officer concerning two (2) property owners who have failed to keep the exterior of their property in a clean and sanitary condition; and that the exterior of the property shall be maintained free from weeds and grass in excess of twelve (12) inches.

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:

- None

Portland Borough Authority (PBA):

Jim Potter, Vice Chairman

- None

Subdivision and Land Development:

- None

Legal:

Michael Gaul, Solicitor

- Discussion in executive session.

Community Development, Slate Belt COG & Grants:

- a) The Slate Belt COG met on Wednesday, June 22, 2022, at 7 PM.
- b) Discussion of the \$1,000 damage to the COG Street Sweeper from 2021.
 - Solicitor Gaul exited the meeting at 9:02 PM.

Council has disputed the \$1,000 invoice for the replacement of the street sweeper radiator, alleged by the COG to have resulted from an accident by the maintenance man while in use in the Borough. The damage to the street sweeper did not involve the radiator, only body work repair, which the Borough already paid to repair. The street sweeper was returned to East Bangor Borough after the repair. It was discovered that the radiator was leaking while in use in East Bangor.

A motion was made by Kay Bucci, 2nd by Patrick McHugh authorizing Solicitor Gaul to draft a letter to the Slate Belt GOG that Portland Borough disputes the charges of \$1,000. Motion carried 5-0-0.

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

Amended from Page 1:

c) Council considers the hiring of a grant writer for the Borough:

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LSA Grant: URDC, Grant Writer: Kay Bucci

Ms. Bucci reported on the progress of the gym demolition. URDC was previously hired by the Borough and was successful in acquiring an LSA Grant through Monroe County Gaming Funds; the Borough has issued a notice to proceed to the general contractor.

Ms. Bucci suggested to Council that Ms. Joanne Conley, URDC Grant Writer, be invited to attend, and speak with Council to explain grants that are/may be available.

Ms. Steele replied that Council could meet on Monday, June 27th, since the fourth Monday of every month is an advertised meeting. Ms. Bucci stated she would contact Ms. Conley for availability.

Community Events/Recreation Board:

- a) The committee met on Sunday, June 5, 2022, at 7 PM.
- b) The Community Picnic will be held Sunday, June 12th, 12 to 3 PM on the ball field.
- c) Sunday Sundaes will resume June 26th, 6:30 to 8 PM at the Park & Walk Lot.
- d) Councilwoman Bucci donated military flags for the downtown.

Police Report:

- The report was presented in writing by Chief Mulligan.

Mayor's Report:

1. Chief Mulligan recently requested new body cameras; the Chief is researching grant funding.
2. Two candidates were recommended for hire by Chief Mulligan and Mayor Fischer. Both are available for nights and weekends. The salary recommendation is \$ 22.00 per hour. Ms. Steele stated that the general budget covers all expenses with the police budget under budget.
3. Mayor Fischer spoke at the annual Mt. Bethel -Portland American Legion Post 216 Memorial Day service. Ms. Fischer stated that she will be assisting the Post with membership and Post events.
4. Small Business Week went well highlighting the Portland businesses.
5. Mayor Fischer met with PennDOT and press contacts concerning the closure of Route 611 North. The repairs were completed ahead of schedule.

Sanitation Committee:

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

- Tabled until the August Council meeting.

Building Committee: Gymnasium

a) Ms. Bucci reported that all the paperwork is in order with the gym demolition. There were problems with the submission of the drawdowns. Request # 1 was reimbursed the \$ 10,000 cost of the grant writing contract. Rejected invoices, approximately \$ 4,000, were professional services, i.e., disconnect the water and sewer, asbestos inspection and report, advertising costs. King, Spry invoices for legal services was approved. Ms. Bucci stated that for future reference all services should be included in the contractor bid specifications.

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b) The electric installation discussion to the new pole building was tabled. Councilman McHugh will contact the maintenance man, Fred Farleigh.

- Ms. Bucci exited the meeting at 9:33 PM

c) Mayor Fischer: Federal Casework Days:

- Ms. Bucci re-entered the meeting at 9:36 PM.

Mayor Fischer was contacted by Congresswoman Susan Wilde's office concerning the Borough hosting federal caseworkers in Council Chambers two (2) or three (3) hours per week, to assist residents with any federal matter. One (1) weekend day and one (1) weekday.

- Councilman McHugh exited the meeting at 9:38 PM.

Council discussed to do a trial run of two (2) days to see how it works out.

- Councilman McHugh reentered the meeting at 9:40 PM.

Budget, Finance, Insurance, & Cable TV Contract:

Councilman McHugh discussed adopting a policy for items and costs to be voted on at meetings. Ms. Steele explained the procedure of approving an item by stating in the motion "the cost not to exceed", a certain dollar amount. There is no discretionary work and not many items are approved using that procedure.

Ordinance Update Committee:

- Tabled the Fire - Safety Committee, concerning Ordinance # 190.

Council Policy & Procedure Committee:

- None

Air Liquide Safety Committee:

- The CAP Safety Committee will meet June 8th in person.

Slate Belt Rising Committee (SBRC): Stephanie Steele

- SBRC will meet June 9th, via ZOOM communications.

Plan Slate Belt Steering Committee: Stephanie Steele

- Meeting cancelled for the month of June.

Liberty-Water Gap Trail Alliance: Cindy Fish

- Met 9 AM on May 18th at the Village Farmers' Market, DW Gap, PA.
- The next meeting is June 15th at the Mount Bethel Community Park pavilion.
- The quarterly meeting will be July 20th.

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- Ms. Steele reported on the 9/11 map/trail signage at the Portland footbridge. She will review the upgrade to the sign being done by Knowlton Township before the existing Portland sign is replaced.

Correspondence:

- None

Secretary's Announcements:

- The Borough Secretary will be on vacation June 28, 29 and 30.

Old Business:

- None

New Business:

- None

Public Comment Non-Agenda:

- a) A reminder to Council that the agenda closes at 5 PM, the Wednesday before the Monday Council meeting.
- b) Hubert McHugh: 306 – 308 Main Street, land of Bonnie McHugh

Mr. McHugh presented a map to Council and Solicitor Gaul of the property of Bonnie McHugh. The McHugh's would like the Borough to vacate its rights in the alley between the two (2) properties. There are two (2) adjoining property owners that have access to enter and exit the alley. Council was not opposed to vacating the Borough's rights in the alley.

Solicitor Gaul advised the McHugh's to having the two (2) adjoining property owners sign a formal statement memorializing their consent.

Executive Session:

A motion was made by Patrick McHugh, 2nd by Kay Bucci to convene to executive session at 10:04 PM. Motion carried 5-0-0.

Discussion: Personnel; Litigation; Legal matters with the Solicitor

A motion was made by Kay Bucci, 2nd by Patrick McHugh to reconvene from executive session at 10:46 PM. Motion carried 5-0-0

Action Taken:

A motion was made by Karen Pfeiffer, 2nd by Patrick McHugh directing the Secretary to prepare a letter to the property owner of 623 Washington Street, delivered by hand and postal mail, notifying the owner that a single dwelling unit cannot be used as a duplex without an additional paid tapping fee for sewer service. Motion carried 5-0-0.

AMEND AGENDA, RETROACTIVELY:

A motion was made by Stephanie Steele, 2nd by Kay Bucci, retroactively, to amend the agenda, for purposes of expediency, to reflect the Borough Council's action on 623 Washington Street. Motion carried 5-0-0.

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AMEND AGENDA:

A motion was made by Kay Bucci, 2nd by Karen Pfeiffer amending the agenda for purposes of expediency to consider the purchase of body cameras for the police department. Motion carried 5-0-0.

A motion was made by Kay Bucci, 2nd by Karen Pfeiffer authorizing the purchase of three (3) body cameras for the police department, with the cost not to exceed \$1,600. Motion carried 5-0-0.

Other Action Taken: Hire Additional Police Officers

By consensus of Borough Council, the agenda was amended, for purposes of expediency, to consider the hiring of additional officers. A motion was made by Kay Bucci, 2nd by Karen Pfeiffer to hire Darryl Hatter as a part-time police officer at the hourly rate of \$ 22.00, not to exceed twenty (20) hours per week, conditioned upon proof of required Pennsylvania certification. Motion carried 5-0-0.

A motion was made by Kay Bucci, 2nd by Karen Pfeiffer to hire Christopher Davish as a part-time police officer at the hourly rate of \$ 22.00, not to exceed twenty (20) hours per week, conditioned upon proof of required Pennsylvania certification. Motion carried 5-0-0.

Adjourn:

The next Council Meeting will be held on Monday, June 27, 2022, at 7:00 PM, if necessary; and then Monday, July 11, 2022, at 7:00 PM

A motion to adjourn the meeting at 10:56 PM was made by Kay Bucci, 2nd by Karen Pfeiffer. Motion carried 5-0-0.

Respectfully Submitted,

Carol A. Hummel
Carol A. Hummel, Secretary

