

BOROUGH OF PORTLAND
COUNCIL MEETING JULY 11, 2022

The Portland Borough Council regular meeting of July 11, 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 and via Zoom Communications.

Council Members Present for Call to Order:

Stephanie Steele Kay Bucci* Kyle Overfield* Patrick McHugh* Karen Pfeiffer*

- Councilman Robert Ivancich was absent.

Others Present:

1. Heather Fischer, Mayor
2. Michael Gaul, Solicitor; Zoom Communications
3. Carol Hummel, Borough Secretary

Public Present:

Livery Companies:

- Driftstone Campground
- Chamberlain Canoes

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.

AMENDED to ADD:

a) RPL East, LLC: Time extension to September 12, 2022, to review Plans.

- Planned Industrial Park
- Proposed Subdivision

b) Memorandum of Understanding (MOU) between the Portland Borough Authority and the Borough of Portland to equally share in the cost and use of the 2004 backhoe loader.

- The reason for the amendments was to allow expedient action by Borough Council. 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.

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Action on Minutes:

1) A motion was made by Karen Pfeiffer, 2nd by Patrick McHugh approving the minutes of June 6, 2022 with the following correction under Streets Department.

CORRECTED by Councilman McHugh, Charlie Nansteel proposal:

Page 5, 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.

Motion carried 5-0-0

2) A motion was made by Karen Pfeiffer, 2nd by Kay Bucci approving the minutes of June 27, 2022 as presented. Motion carried 5-0-0.

- Mark Bahnick, Borough Engineer entered the meeting at 7:22 PM.

Secretary/Treasurer's Report: Carol Hummel

Bills Presented for Payment:

1. Approve the June 2022 Financial Report:

- Approve Payments of Bills Presented in the amounts of:

| | |
|---|------------------|
| Borough Operations & Borough Operations Already Paid: | 26,160.30 |
| Sewer Operations & Sewer Operations Already Paid: | 10,546.41 |
| Portland Contractors, Inc.- WWTP monthly services: | 2,730.00 |
| Portland Contractors, Inc. -WWTP operations: | 1,425.00 |
| Garbage Operations & Garbage Operations Already Paid: | 5,424.19 |
| Dunkin Donuts Escrow - McTish, Kunkle Associates, PennDOT HOP | 155.00 |
| RPL East Escrow: King, Spry, Herman, Freund & Faul | 165.00 |
| Real Estate Tax Acct. to Fire Tax Acct: June (2) mills | 80.20 |
| July payroll & taxes, approximate: | 5,000.00 |
| July Sunoco Fleet Gas, approximate: | 250.00 |
| TOTAL | 51,936.10 |

Discussion:

Dunkin HOP: Ms. Bucci questioned the bill presented from McTish, Kunkle concerning the \$ 77.50 invoice regarding the garage owner of 400 Delaware Avenue, who requested assistance from the Borough to keep his highway access. Ms. Bucci stated that the Borough had previously agreed that there would be no further Borough monies spent on 400 Delaware Avenue.

Mr. Bahnick replied that the Borough stopped assisting the garage owner and then the owner's representative attended the June 6th Council meeting to discuss the matter further; there will be no further conversations with the garage owner.

The \$ 77.50 invoice remained on the bill list for payment. It was noted that the invoice is being paid from the Dunkin Escrow Account.

2004 New Holland Backhoe:

A bill was received from the Portland Borough Authority for one-half the cost of maintenance and troubleshooting for the backhoe in the amount of \$ 3,666.18.

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- Ms. Steele stated that the maintenance service should have been discussed with Council before proceeding.
- Mr. McHugh questioned whether the backhoe was in good working order before purchase.
- Wendy Klug, from the audience, stated that estimates should have been obtained before agreeing with the work order.

A motion was made by Kay Bucci, 2nd by Karen Pfeiffer approving the bills presented in the amount of \$ 51,936.10. Motion carried 5-0-0

2. RPL East Escrow Account:

The Secretary reported that she sent a letter to RPL East Escrow, Lou Pektor and John Kelly, Principals, requesting an additional \$ 1,500 for the escrow account. A motion was made by Patrick McHugh, 2nd by Karen Pfeiffer approving the request. Motion carried 5-0-0

Public Comment:

1. Allen Kumetz: 427 Delaware Avenue

Mr. Kumetz stated that he has a pending contract agreement to purchase the Duckloe Brother's Building at 427 Delaware Avenue. Mr. Kumetz has applied for a zoning permit but states there is a misunderstanding with the zoning officer concerning parking requirements under the Zoning Ordinance. The zoning officer has reached out to Solicitor Gaul for an opinion. Mr. Kumetz intends to use the street level as a commercial space and renovate the upper floors into one-bedroom apartments.

Solicitor Gaul replied that Mr. Kumetz's pending purchase and parking/zoning issues are not a matter for Borough Council until after the zoning officer makes her determination. As a result, Mr. Kumetz's apparent request that the Borough Council get involved is premature at this time.

2. Livery Company's:

Driftstone Campground and Chamberlain Canoes followed up on the parking issues on Delaware Drive with the unloading and loading of canoes for boating on the Delaware River. The Livery's provided pictures and stated that parking is tight but doable. Ms. Steele replied that parking is not as frequent since the No Parking signs have been installed, the Borough still must install the loading and unloading signs.

Sewer Matters & Borough Engineers Report:

Sewer Shut-Offs:

- None

b) WWTP Operations:

1. There are no problems with the WWTP Operations.

2. Discussed was the correspondence received from Carroll Engineering concerning the UMBT Draft Act 537 Plan Update and requested coordination meeting between the Borough and UMBT to provide sewer service to a portion of the township. Mr. Bahnick stated that UMBT is asking again if the Borough is interested. Mr. Bahnick replied that in a sense of service it is too complicated and not in the Borough's best interest; there is no sewer allocation available from the Borough. In a conversation with the WWTP Operator, Mr. LaBarre explained to Ms. Pfeiffer that it is quite costly to upgrade a sewer system. Ms. Pfeiffer replied that the monthly

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sewer user fee is already high, but she feels it is worth investigating. Ms. Steele replied that having more users opens the Borough to more problems. The sewer committee is recommending no action.

Ms. Bucci stated this discussion with UMBT's Act 537 Plan has been ongoing for (45) years. In Ms. Bucci's opinion, the reason the Borough continues to receive these letters of correspondence is because the Lehigh Valley Planning Commission keeps telling UMBT to send the letters; by contrast, there is only one sentence mentioning the railroad trestle on Route 611 by the LaFiura property. Ms. Bucci stated that nothing will happen at the Industrial Park unless the railroad trestle problem is addressed. The trestle cannot accommodate the tractor trailers.

Mr. McHugh commented on the cost. Ms. Steele replied on the cost to replace the membranes, the pumps, etc.

Ms. Bucci replied that any pollution that is flushed into the sewer lines is the responsibility of the Borough, even if the pollution would come from UMBT.

Ms. Steele stated that the Council Committee will evaluate the costs. By consensus of Council, this discussion was tabled until the August 1, 2022, Council meeting.

303 Demi Road: PennDOT Business Partner

Per communication from the Borough's traffic engineer, Christine Troxell, McTish, Kunkle Associates, the applicant's engineer is asking the Borough to register as a PennDOT Business Partner. PennDOT requires all HOP applicants to have a Business Partner ID. Ms. Troxell is recommending that the Borough obtain a Business Partner ID which would include the Borough in all conversations; the only issue at this time is the Route 611, Delaware Drive municipal intersection.

Solicitor Gaul explained that the Borough currently does not have a reimbursement agreement with the developer in regards to the costs of an HOP application, and improvements; instead, the Borough only has a reimbursement agreement for professional fees prior to an agreement on an HOP. Mr. Bahnick stated that the registration as a PennDOT Business Partner does not commit the Borough to anything, but instead allows the Borough and its representatives to receive copies of the communications between PennDOT and the developer.

A motion was made by Karen Pfeiffer, 2nd by Kay Bucci authorizing the President of Council to execute the M-950AA form and register as a PennDOT Business Partner. Motion carried 5-0-0.

Streets Department:

Proposal and Evaluation Process of the Borough's Storm Sewer System:

The Borough Engineer provided hand-outs of notes for the Portland Storm Sewer investigation and inspection project and a Draft Proposal for Council's review and evaluation. Mr. Bahnick explained that this is the beginning of the conversation, to evaluate the system which will tell Council how bad the system is. Mr. Bahnick stated that it is a very expensive process.

- Mr. Bahnick exited the meeting at 8:14 PM.

RPL East, LLC, Plans Extension:

Correspondence was received from RPL East, LLC. Louis Pektor, President, Developer, Landowner, granting the Borough an extension of the time to review the Developer's proposed Subdivision and Land Development Plans through September 12, 2022. A motion was made by Kay Bucci, 2nd by Patrick McHugh to accept the extension offered by RPL East, LLC with regards to RPL East, LLC Proposed Subdivision and RPL East LLC Planned Industrial Park. Motion carried 5-0-0.

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Adopt a Memorandum of Understanding (MOU) between the Portland Borough Authority (PBA) and the Borough of Portland to share equally in the operation and costs of the New Holland Backhoe.

Discussion: Solicitor Gaul reviewed the MOU prepared by Attorney Peter Layman, PBA. Solicitor Gaul explained to Council his proposed (red line) editing changes to Attorney Layman's original drafted agreement, making it a simpler document.

Patrick McHugh questioned whether the backhoe will be sent out for repairs. Ms. Steele stated that the maintenance man, Fred Farleigh, repairs the basics, belts, brake pads, etc.

Upon review and discussion by Solicitor Gaul and Council, a motion was made by Karen Pfeiffer, 2nd by Kay Bucci approving the substantial form of the MOU as revised, with such incidental modifications as the Council President may determine necessary or convenient, in consultation with the Solicitor, and authorizing the Borough President to execute the final version of the MOU.

Patrick McHugh asked the procedure if a bill is disputed. Solicitor Gaul replied that, if the repair is not pre-approved by the Borough Council in accordance with the revised MOU, presumably the Borough Council could refuse to reimburse the PBA.

Motion carried 5-0-0.

Solicitor Gaul will prepare the document for signatures; the Secretary will forward to Attorney Layman.

Street Concerns on Message Board for Fred Farleigh:

Patrick McHugh stated that he spoke with Mr. Farleigh concerning the memoes that he left on the message board about two months ago, for repairs to the streets. The repairs are not being done; what is the procedure to have them accomplished?

Ms. Steele explained Mr. Farleigh's seasonal helper has health problems and Mr. Farleigh is overwhelmed with extra work. Mr. Farleigh works part-time for the Borough and the PBA. The Market Street/Pennsylvania Avenue Street repairs will be completed in a few weeks with an update the week of July 25th per the contractor Charlie Nansteel.

Safety issues were discussed and drains that are located on private property.

Mr. McHugh stated that he wanted Mr. Farleigh to stop mowing grass for a week to complete the work listed on the message board. Ms. Pfeiffer suggested hiring another employee or a landscape contractor.

Tree on Northampton Street:

The hazardous tree limb on Northampton Street has not been resolved with the property owner. A motion was made by Kay Bucci, 2nd by Karen Pfeiffer to review the Borough Nuisance and Shade Tree Ordinances, and if the Ordinances permit such; the Borough Secretary is authorized and directed to send the property owner notice to remove the hazardous tree limb, and if the property owner fails to do so, the Borough will hire someone to do so at the property owner's costs. Motion carried 5-0-0.

- The Secretary was asked to review the books for a tree ordinance.
- The Secretary was asked to contact the property owner by telephone.

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

Ms. Serfass will issue a citation to the property owner who has failed to respond to the Property Maintenance Code Enforcement Notice issued by Ms. Serfass.

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UCC Officer Report:

- None

Zoning Hearing Board (ZHB):

- None

Planning Commission:

- None

Portland Borough Authority (PBA):

Jim Potter, Vice Chairman

- a) A motion was made by Kay Bucci, 2nd by Karen Pfeiffer accepting the resignation of William Godshalk from the Portland Borough Authority Board of Directors. Motion carried 5-0-0.
- b) Ms. Bucci commented that the PBA has stored piping outside at the Borough garage on Division Street. Ms. Bucci reminded Council that this is a residential district. Ms. Steele will review the lease agreement.

Legal:

Michael Gaul, Solicitor

- None

Subdivision and Land Development:

- None

Community Development, Slate Belt COG & Grants:

- a) The Slate Belt COG will meet on Wednesday, July 27, 2022, at 7 PM.
- b) Ms. Fisher attended the June 22, 2022, meeting and explained the Borough's position concerning the \$ 1,000 invoice sent to the Borough, for supposedly damaging the COG Street Sweeper in 2021. The invoice was withdrawn by the COG per the minutes of the meeting.

Community Events/Recreation Board:

- Sunday Sundae will be held on July 24, 2022, 6:30 to 8 PM at the Park & Walk Lot.

Police Report:

- The report was presented in writing by Chief Mulligan.

Mayor's Report:

1. Worked with the Livery Company's, once the No Parking signs were installed.
2. Arranged with Congresswoman Susan Wild's office, Megan Beste and Jessica Berger, for Jessica to meet with constituents in the Portland Council Chambers on July 8th from 1 to 3 PM for Federal Constituents Day.
3. Participated in the July 4th UMBT committee and parade.

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4. Will meet with Jessica O'Donnell at the Lehigh Valley Chamber to discuss what can be done for businesses in Portland without charging membership fees that they cannot afford.

5. The River, Boat Access and Park Area have been overrun again with people and garbage. Mayor Fischer was encouraging the people to support the local businesses and handing out garbage bags, working with the Police Department for the best approach. President Steele replied that she will contact Brian Cope, Northampton County Parks, if there is no response, she will attend a Northampton County Council meeting.

6. COG street sweeper discussed under Slate Belt COG. The COG has ordered cameras that can be used for stormwater, not sewer.

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 the invoice for gym demolition was sent to the Borough Engineer. The oil was pumped out of the oil tank.
- b) Ms. Bucci stated that bids should be sought to install the water fountain that was purchased for the municipal building foyer. Ms. Bucci will secure bids from several plumbers.
- c) The 50% electric usage for the new Borough Garage would be billed to the Borough by the PBA. Solicitor Gaul will review the lease agreement between the Borough and the PBA.

Budget, Finance, Insurance, & Cable TV Contract:

- None

Ordinance Update Committee:

- None

Council Policy & Procedure Committee:

- None

Air Liquide Safety Committee:

- Date to be decided.

Slate Belt Rising Committee (SBRC): Stephanie Steele

- SBRC will meet June 14th.
- Vincent Behe is the new director of SBR, replacing Stephen Reider who has been appointed to the position of Bangor Borough Manager.

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Plan Slate Belt Steering Committee: Stephanie Steele

- The committee is working on the Draft Plan. The Meeting was cancelled for the month of July.

Liberty-Water Gap Trail Alliance: Cindy Fish

- The next meeting is 9 AM, July 20th at the Mount Bethel Community Park pavilion.
- Another group will be formed to split projects between Northampton and Monroe Counties.

Correspondence:

- None

Secretary's Announcements:

- None

Old Business:

- None

New Business:

- None

Public Comment Non-Agenda:

Solicitor Gaul announced to Council that he would be on vacation from July 19th through July 29th. If Borough Officials are in need of attorney services, please contact associate Rich Campbell at King, Spry.

Executive Session:

- None

Action Taken:

- None

Adjourn:

The next Council Meeting will be held on Monday, July 25, 2022, at 7:00 PM, if necessary; and then Monday, August 1, 2022, at 7:00 PM

A motion to adjourn the meeting at 9:36 PM was made by Kay Bucci, 2nd by Patrick McHugh. Motion carried 5-0-0.

Respectfully Submitted,

Carol A. Hummel

Carol A. Hummel, Secretary