

BOROUGH OF PORTLAND
COUNCIL MEETING AUGUST 1, 2022

The Portland Borough Council regular meeting of August 1, 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* Robert Ivancich

- Councilpersons Karen Pfeiffer and Patrick McHugh were present at the beginning of the meeting via Zoom communications. Ms. Pfeiffer and Mr. McHugh are out of town and unable to attend in person. As noted further in the minutes, Council member Pfeiffer did not participate in the meeting as a member of Council. Council member McHugh did participate in the meeting, but only after authorization by Council.

Others Present:

1. Heather Fischer, Mayor
2. Mark Bahnick, Borough Engineer
3. Carol Hummel, Borough Secretary
4. Solicitor Gaul arrived at the meeting after its commencement as noted below.

Public Present:

- James Potter, Chief, Portland Hook & Ladder Co. #1, and other members of the public.

Approval of the Agenda and any Amendments:

AMEND AGENDA:

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

AMENDED to ADD:

a) Sewer Service Proposal from RIORDAN Materials Corporation:

- routine service for (2) Kaeser blowers with (2) extra filters.

b) 400 Delaware Avenue Commercial Garage:

- Reverse the previous decision of the July 11, 2022, Council meeting to stop the discussion of 400 Delaware Avenue, concerning the Dunkin HOP; permit the discussion.

The reason for the amendments was to allow expedient action by Borough Council. Motion carried 4-0-0.

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.

- Solicitor Gaul entered the meeting at 7:06 PM.

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Action on Minutes:

A motion was made by Kay Bucci, 2nd by Robert Ivancich approving the minutes of July 11, 2022, as presented. Motion carried 4-0-0.

Legal Opinion from Solicitor Gaul:

Determination whether Councilpersons Pfeiffer and McHugh can participate in the Council meeting via Zoom communications.

Solicitor Gaul stated that persons participating remotely are not counted in determining whether there is a quorum. There is no right to attend remotely. Borough Council determines whether it is appropriate or not. Borough Code specifically states that the Borough Council is only authorized to allow it under the following circumstances.

- Illness or disability of the Council member.
- care for the ill or newborn in the member's immediate family.
- emergency.
- family or business travel.

Councilwoman Pfeiffer was interviewed by Solicitor Gaul and stated that she is on vacation. Ms. Pfeiffer then voluntarily exited the meeting by disconnecting from Zoom.

Mr. McHugh was interviewed by Solicitor Gaul and stated that he is traveling with his family. Solicitor Gaul replied that Mr. McHugh must be able to hear everyone in the Council Chambers. Mr. McHugh replied YES that he can hear everyone.

A motion was made by Kay Bucci, 2nd by Robert Ivancich authorizing Councilman McHugh to participate and vote, via Zoom, on Borough matters during the Council meeting while traveling with his family. Motion carried 4-0-0.

Secretary/Treasurer's Report: Carol Hummel

Bills Presented for Payment:

1. Approve the July 2022 Financial Report:

- Approve Payments of Bills Presented in the amounts of:

Borough Operations & Borough Operations Already Paid:	79,456.85
Sewer Operations & Sewer Operations Already Paid:	8,800.38
Portland Contractors, Inc.- WWTP monthly services:	2,730.00
Garbage Operations & Garbage Operations Already Paid:	4,790.82
Taxes in Trust Delinquent to Fire Tax Account:	.60
Real Estate Tax Acct. to Fire Tax Acct: July (2) mills:	100.00
New Demi Road Escrow - McTish, Kunkle: review & coordinate HOP application thru July 2, 2022	255.00
Approximate August payroll & taxes:	6,500.00
Approximate August Sunoco Fleet Gas:	225.00
Minus R. W. Moyer billed invoice entered twice on bill list	<u>420.00</u>
TOTAL	102,438.65

Discussion:

Ms. Bucci stated that Borough Operations presented for payment included the first payment to the Gymnasium demolition contractor in the amount of \$ 57,752.46.

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Ms. Bucci questioned the Park & Ride Lot electric bill, in the amount of \$ 172.25, as bring high. It was stated that the streetlights at the Park & Ride Lot are operated by timers. Ms. Bucci will review the electric bill.

A motion was made by Kay Bucci, 2nd by Robert Ivancich approving the bills presented, in the amount of \$ 102,438.65. Motion carried 5-0-0.

Public Comment:

1. Hubert McHugh, Lands of Bonnie McHugh: Vacating Alley, 306-308 Main Street

Hubert McHugh presented to Solicitor Gaul a survey of the properties and the two (2) adjoining property owners who have signed a formal statement memorializing their consent.

No action was taken. Solicitor Gaul will review the survey and plan for street vacation

2. James Potter, Chief: Portland Hook & Ladder Co. #1

a) Chief Potter suggested that Portland Council enact a tree ordinance. The fire company engine has problems with trees on various streets, especially noted was Main Street, on the passenger side of the engine. Solicitor Gaul was directed to prepare a draft ordinance for the maintenance of trees and shrubs.

b) Chief Potter reported that a SWIF Workers' Compensation Claim was filed for a member of the fire company after responding to a fire call on July 4, 2022. Chief Potter stated that the claim was filed with the insurance company on July 10, 2022, and the claim was denied on July 18, 2022. Chief Potter stated that the SWIF adjuster has been unresponsive. Mayor Fischer replied that she would contact the claims adjuster if she is provided with copies of the claim.

Solicitor Gaul asked the process of filing a workers' comp claim. Chief Potter replied that the employee completes the forms and the Officer in Charge, which is Chief Potter, submits the claim.

Sewer Matters & Borough Engineers Report:

Sewer Shut-Offs:

a) 502 Pennsylvania Avenue:

It was stated that the water has been previously shut-off by the Portland Borough Authority (water company). There is no recorded shut-off by the Borough.

b) WWTP Operations:

1. A white liquid with no chemical odor has been detected in the downtown system. It has made an adverse impact on the function of the WWTP. The WWTP Operator believes that someone is contributing something other than "domestic waste". Further evaluation is needed.

2. Discussed again was the request for WWTP capacity from UMBT. The preliminary evaluation was completed. The existing sewer rates numbers will change as was discussed at a previous meeting. Ms. Steele asked if the Borough Council should respond to 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. Solicitor Gaul replied that is a decision for Borough Council.

Councilman Patrick McHugh replied "if UMBT is willing to pay for everything, Council can move forward to save money". Ms. Steele replied it is not as simple as moving forward.

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Ms. Bucci stated that River Pointe Logistics (RPL) now wants land from the Borough WWTP lot to install a right turn lane from Delaware Avenue to Demi Road; and yet the developer has no plans for the railroad trestle on Route 611 south in the Borough.

Solicitor Gaul replied that UMBT would be interested in any communication from the Borough.

Mayor Fischer asked about the sewer capacity that the Borough is not using. Solicitor Gaul again explained Portland's Act 537 Plan to the Council members. Ms. Bucci replied that the Riverkeepers environmental organization lawsuit claimed that there was too much capacity in Portland's WWTP. Ms. Bucci also stated that UMBT has repeatedly ignored Council's letter that there would be no more discussion concerning sewer capacity with UMBT. Councilman McHugh replied that the Borough and UMBT should meet and have a discussion.

A motion was made to table the above discussion concerning the Portland and UMBT sewer capacity issue; for Council to meet for its regular scheduled fourth Monday meeting as needed on August 22, 2022, at 7:00 PM, in Borough Council Chambers. Motion carried 4-1-0 (Kay Bucci opposed)

(c) Stormwater Collection System:

1. The repair to the drain at 601 Pennsylvania Avenue was completed on July 28, 2022.

2. The upstream drain lines look good, but the downstream lines have yet to be determined. A comprehensive evaluation of the stormwater system needs to be evaluated, i.e., a survey of the existing system, crawler camera service to film the storm lines, and grant funding.

Dunkin PennDot Improvements:

A meeting will be held with PA State Senator Mario Scavello on August 4, 2022, at 3:00 PM, concerning the Dunkin HOP Permit and the impact on the auto repair facility at 400 Delaware Avenue. The goal is to minimize the impact on the auto repair garage facility. A motion was made by Kay Bucci, 2nd by Robert Ivancich for the Borough to pay the expense of having its professional attend the meeting. Motion carried 5-0-0.

303 Demi Road:

Mr. Bahnick met with the traffic engineer, Christine Troxell, McTish, Kunkle Associates, on July 27, 2022, concerning the right turn lane proposed on Delaware Avenue and Demi Road.

The developer has made a request to land use from the Borough WWIP lot to create a right turn lane from Delaware Avenue onto Demi Road. James Potter replied that Demi Road should have stayed with Ultra-Poly Corp. Solicitor Gaul explained the grant money that was awarded to the Portland Industrial Park (PIP) during the land development of the Industrial Park.

- Mr. Bahnick exited the meeting at 8:20 PM.

Streets Department:

a) Councilman McHugh complained that street items on the message board have not been addressed by maintenance. A motion was made by Patrick McHugh, 2nd by Kay Bucci to secure bids for the repair of the Main and Collins Street drain box. Motion carried 5-0-0.

b) Mr. McHugh suggested that the Borough look for a back-up employee for the street department. Ms. Steele replied that the PBA has one applicant for part-time employment; work on the 2023 budget will begin soon.

c) Hallett Contractors provided proposals for street paving.

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Ms. Steele stated that the Liquid Fuels Account could pay for the paving; the account balance is \$ 37,014. Jim Potter, Vice Chairman of the PBA, stated that the PBA could share the cost of the paving by the salt area.

1. Garage Area: \$ 4,700

2. Lane by Salt Area:
 - Option A 13 'x 14' \$ 900 only
 - Option B 13' x 80' \$ 3,700

3. Northampton Street: Scratch Coat Shoulder: \$ 2,200

4. First Street: Scratch Coat up to 2" overlay \$ 3,700

A motion was made by Kay Bucci, 2nd by Stephanie Steele to accept the Hallett Contractors proposals stated below in the total amount of \$ 8,400, with the Borough's portion in the amount of \$ 7,500, and the Portland Borough Authority's portion in the amount of \$ 900. Motion carried 5-0-0.

1. Garage Area at \$ 4,700:

mill two-foot-wide area along concrete x 70 foot long; meet the door height; pave around catch basin.

2. Lane by salt area at \$ 3.700.

Option B, 12 x 80 feet, 2 inch overly.

Discussion: Patrick McHugh complained that the drains needing repair weren't being addressed.

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

Ms. Serfass provided a report from April through July 2022.

- Six (6) zoning permits were issued.
- Two (2) resale inspections were completed.
- Zoning Hearing Board decision finalized-denied (6) unit building on Delaware Avenue.
- Zoning Review for twelve (12) unit apartments and one (1) commercial space in existing structure.
- Two (2) UCC permits issued.
- Two (2) Property Maintenance Code notices sent; prepared one (1) citation to file at magistrate.

Planning Commission:

- None

Portland Borough Authority (PBA): Jim Potter, Vice Chairman

a) No action on the MOU between the Borough and the Portland Borough Authority, regarding the New Holland Tractor/Backhoe. Tabled until the September 12, 2022. Council meeting.

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b) Mr. Potter suggested a carport and fuel tank be installed at the municipal lot. Councilman McHugh replied that he is not against installing one at a later date, but monies are now needed for the storm sewer proposal from the Borough Engineer.

Mr. Potter stated he is securing proposals on the carport and fuel tank; the PBA wants their equipment under cover.

Legal: Michael Gaul, Solicitor

a) The Secretary provided the information of Act 57 of 2022 which amends the Local Tax Collection Law. The Act further provides for effect of failure to receive tax notice when a property or mobile home transfer has taken place within the previous (12) months. A taxing district is required to authorize such action by ordinance or resolution within (90) days of the effective day of the Act, which is October 11, 2022.

b) Nuisance Ordinance:

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 Kyle Overfield directing the Secretary to send the property owner notice to remove the hazardous tree limb, within (5) days of receipt of notification, and if the property owner fails to do so, the Borough will hire someone to remove the hazardous tree limb at the property owner's costs. Motion carried 5-0-0.

A motion was made by Robert Ivancich, 2nd by Patrick McHugh authorizing the President of Council to contract for removal of the tree limb, at the cost not to exceed \$ 3,000, if the property owner fails to remove the hazardous tree limb within the (5) days' notice. Motion carried 5-0-0.

Subdivision and Land Development:

- None

Community Development, Slate Belt COG & Grants:

a) The Slate Belt COG met on Wednesday, July 27, 2022, at 7 PM.

b) Grant Writer; Gym Demolition: Kay Bucci

- What is the next step forward? Ms. Bucci contacted the grant writer, Joanne Conley, URDC.
- Ms. Bucci stated that the Borough does not know how much funding will be left over from the grant after the demo bills have been paid. The leftover funds may be used for planning and design of a picnic area at the site, that could be used by hikers using the already named trails.
- Ms. Conley replied to Ms. Bucci that URDC does planning for all sorts of land uses.
- Ms. Steele suggested that Slate Belt Rising be contacted for any available funds for parks.

Community Events/Recreation Board:

- The next Sunday Sundae event will be held on August 28, 2022, 6:30 to 8 PM at the Park & Walk Lot.

Police Report:

- The report was presented in writing by Chief Mulligan.
- There are computer issues with two computers.

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Mayor's Report:

1. The repair of the sinkhole on Market and Division Streets has been completed.
2. Arranged a meeting with PA State Senator Mario Scavello to find out if a Signal Technologies Grant Program can provide an opportunity to correct issues with the traffic signal at Delaware Avenue and State Street.
3. The Lenape Indian Tribe will be arriving for their Rising Nation River Journey on Monday, August 7th and departing at 9 AM on Tuesday, August 8th. Mayor Fischer is attending the ceremony.
4. One of the two (2) recently hired police officers has declined the position due to family matters. The second officer's new hire paperwork is moving forward.
5. Mayor Fischer has designed artwork for a monument sign upon entering the Borough. The sign will list the businesses. Mayor Fischer is soliciting quotes for the project.
6. Attended the Slate Belt COG met on Wednesday, July 27, 2022, at 7 PM.
7. Met the company that is overseeing the maintenance of 502 Pennsylvania Avenue; the property has been repossessed by the bank

Sanitation Committee:

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

- Borough Council discussed whether they should advertise for bids for a new contract. Tabled until the September Council meeting.

Building Committee:

Gymnasium

- a) Ms. Bucci reported that 1,100 gallons of oil was pumped out of the gym oil tank during demolition. Lots of rocks were left behind.
 - b) The maintenance man presented costs for the installation of ceiling insulation in the new garage building at the cost of \$ 2,824; it would make a difference in the temperature inside the garage.
 - c) The maintenance man presented costs for the installation of shelving in the new garage building at \$ 296.
- A motion was made by Patrick McHugh, 2nd by Robert Ivancich approving the installation of shelving in the new garage building at the cost of \$ 296. Motion carried 5-0-0.

Budget, Finance, Insurance, & Cable TV Contract:

- None

Ordinance Update Committee:

- Discussed enacting a tree ordinance under Public Comment.

Council Policy & Procedure Committee:

- None

Air Liquide Safety Committee:

- Meets Wednesday, August 3rd at 5:30 PM in person at UMBT.

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Slate Belt Rising Committee (SBRC): Stephanie Steele

- SBRC will meet Thursday, August 11th, in person and virtual.
- The River Fest Event will be held on Saturday, August 27th from 10 AM to 3 PM at 422 Delaware Avenue.

Plan Slate Belt Steering Committee: Stephanie Steele

- Meets Wednesday, August 3rd, 7 PM, at the Plainfield Township Fire Co. social hall.

Liberty-Water Gap Trail Alliance: Cindy Fish

- The July meeting was cancelled. The next meeting is 9 AM, August 17th 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:

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

Old Business:

- None

New Business:

- Pictures will be taken of the painted kayaks with artwork. Notices will be sent to all business owners.
- Councilman McHugh questioned employee salaries for 2023. Ms. Steele replied, the order of business is that the Personnel Committee meets and then recommends their findings to the Budget Committee.

Public Comment Non-Agenda:

a) Ms. Bucci commented on the George Ennis artwork that was profiled in the Pocono Magazine; the artwork is displayed in the Metropolitan Museum of Art, New York City.

b) Hubert McHugh, from the audience, commented about the Portland Post Office closing two days a week, Monday and Tuesday. A motion was made by Kay Bucci, 2nd by Patrick McHugh to send a letter to the United States Postal Service (USPS) objecting to the closure. Motion carried 5-0-0.

c) Mr. McHugh asked Solicitor Gaul the status of the Slate Hills Enterprises variance denial decision of the six (6) unit apartment building proposed on vacant land on Delaware Avenue. Solicitor Gaul replied that Slate Hills Enterprise has (30) days to appeal; if the variance denial decision is appealed the ZHB Solicitor will notify the ZHB.

A motion was made by Kay Bucci, 2nd by Patrick McHugh directing Solicitor Gaul to defend the decision of the ZHB, if Slate Hills Enterprises appeals the ZHB decision.

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Discussion:

Ms. Bucci stated that she is offended that Attorney Peter Layman is defending Slate Hills Enterprises while he is the attorney for the Portland Borough Authority.

Motion carried 5-0-0.

Executive Session:

- None

Action Taken:

- None

Adjourn:

The next Council Meeting will be held on Monday, August 22, 2022, at 7:00 PM.

A motion to adjourn the meeting at 9:44 PM was made by Kay Bucci, 2nd by Stephanie Steele. Motion carried 5-0-0.

Respectfully Submitted,



Carol A. Hummel, Secretary