

BOROUGH OF PORTLAND
COUNCIL MEETING SEPTEMBER 12, 2022

The Portland Borough Council regular meeting of September 12, 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* Kyle Overfield* Patrick McHugh* Karen Pfeiffer*

Others Present:

1. Heather Fischer, Mayor
2. Michael Gaul, Solicitor
3. Mark Bahnick, Borough Engineer
4. Carol Hummel, Borough Secretary

Approval of the Agenda and any Amendments:

AMEND AGENDA:

A motion was made by Patrick McHugh, 2nd by Karen Pfeiffer to approve the agenda with the addition of four amendments.

AMENDED to ADD:

- a) Line Item # 10: From the Secretary to discuss RPL East Escrow Account.
- b) Line Item # 14: From the Secretary to discuss ZHB, Slate Hills Enterprises.
- c) Line Item #10: RPL East, LLC: Time extension to October 17, 2022, to review Plans.
 - Planned Industrial Park
 - Proposed Subdivision
- b) Line Item # 34: UMBT Draft Act 537 Plan Update: Move to Line Item #10 to discuss response from Portland Borough.
 - 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. Council President inquired whether anyone in the audience planned to record the meeting? There was none.

Adopt Ordinance 20221 or Resolution 2022-6: Act 57 of 2022

Tabled until the October 3, 2022 Council Meeting.

- Councilman Robert Ivancich entered the meeting at 7:12 PM.

Action on Minutes:

- 1) A motion was made by Kay Bucci, 2nd by Kyle Overfield approving the minutes of August 1, 2022 as presented. Motion carried 5-0-0.
- 2) A motion was made by Patrick McHugh, 2nd by Kay Bucci approving the minutes of August 22, 2022 as presented. Motion carried 5-0-0.

BOROUGH OF PORTLAND
COUNCIL MEETING SEPTEMBER 12, 2022

Secretary/Treasurer's Report:

Carol Hummel

Bills Presented for Payment:

1. Approve the August 2022 Financial Report:

- Approve Payments of Bills Presented in the amounts of:

Borough Operations & Borough Operations Already Paid:	12,699.92
Sewer Operations & Sewer Operations Already Paid:	29,919.66
Portland Contractors, Inc.- WWTP monthly services:	2,730.00
Garbage Operations & Garbage Operations Already Paid:	4,916.82
Taxes in Trust Delinquent to Fire Tax Account:	93.00
Real Estate Tax Acct. to Fire Tax Acct: August (2) mills	168.20
New Demi Road Escrow: Van Cleef Engineering Assoc.	750.00
New Demi Road Escrow: King, Spry, Herman, Freund & Faul	33.00
RPL East Escrow: King, Spry, Herman, Freund & Faul	82.50
RPL East Escrow: Van Cleef Engineering Assoc.	1,894.00
Dunkin Donuts Escrow - McTish, Kunkle Assoc.	120.00
September payroll & taxes, approximate:	9,000.00
September Sunoco Fleet Gas, approximate:	500.00
TOTAL	62,907.10

Discussion:

Ms. Bucci questioned the bill presented from Edward's Trading Post, in the amount of \$ 920.00, for two (2) metal plates for the street department. Ms. Steele explained that the purchase was discussed at the streets department committee meeting. Mr. Farleigh, maintenance man, contacted Edward's Trading Post and was told that the price fluctuates; Mr. Farleigh ordered the metal plates. Ms. Steele stated that one will be used for the drain in the municipal building parking lot and the other will be a back-up.

Ms. Bucci asked if the bill presented from McTish, Kunkle & Associates, in the amount of \$ 1,026.25, was itemized. The bill is for participation in the meeting with PA State Senator Mario Scavello concerning the repair shop garage at 400 Delaware Avenue. Ms. Steele read the bill to Council with the itemized hours and hourly rates and explained the charges.

A motion was made by Patrick McHugh, 2nd by Kyle Overfield approving the financial report as presented, in the amount of \$62,907.10. Motion carried 6-0-0.

Public Comment:

Time Allotted – (5) minutes per person

Robert Shoemaker, 116 State Street:

Application to Vacant Seat on the Portland Borough Authority Board.

- Mr. Shoemaker was absent.
- No Affidavit of Residency is needed, per Solicitor Gaul.
- Ms. Bucci stated that there is no background information on the application.

The appointment was tabled until the October 3, 2022 Council meeting. Mr. Shoemaker will be asked to attend.

Sewer Matters & Borough Engineers Report:

a) Sewer Shut-Offs:

- None

BOROUGH OF PORTLAND
COUNCIL MEETING SEPTEMBER 12, 2022

b) WWTP Operations:

1. Contaminates:

Potential contaminates had an adverse effect on the operations of the WWTP. The white chemical is still coming into the Pumping Station. The WWTP Operator will have a discussion with the commercial sewer accounts.

2. RE. the Dunkin HOP Permit:

The auto repair garage owner has applied for a zoning permit to expand the business out the back of the property at 400 Delaware Avenue.

3. RPL East, LLC, Plans Extension:

The secretary reported to Council that developer, Ashley Development, Lou Pektor, is not responding to numerous requests for additional escrow funds for the account. Mr. Bahnick replied that all activity will cease on the Subdivision and Land Development Plans second review until the escrow monies are received.

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 October 17, 2022. A motion was made by Patrick McHugh, 2nd by Karen Pfeiffer 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 6-0-0.

A motion was made by Karen Pfeiffer, 2nd by Patrick McHugh authorizing the Borough Engineer, Mark Bahnick, to contact the developer, Ashley Development, Louis Pektor, for additional escrow funds in the amount of \$ 1,500.00. Motion carried 6-0-0.

Mr. Bahnick stated that there will be no Engineer Review Letter presented to the Portland Planning Commission for the monthly meeting of Monday, September 19, 2022. The Secretary was directed to contact the Planning Commission.

4. UMBT Draft Act 537 Plan Update: Discussion/comments to provide a written letter of response.

- Ms. Bucci stated that Solicitor Gaul has previously mentioned that Council should consider its ability to take on a big project. Ms. Bucci further stated that it won't be done by Council approval but by an Authority, this project cannot be done by a small Council.
- Solicitor Gaul replied that council should consider what it is able to accomplish. It took a big effort for Council to respond to the Riverkeepers lawsuit over the Borough's Act 537 Plan prior to the Borough's installation of its WWTP in 2009, and also to resolve a recent incident where a sewer customer had improperly discharged to the Borough sewer system.
- Ms. Bucci stated that the Borough cannot currently find an answer to the contaminates being discharged into the WWTP.
 - Councilman Patrick McHugh exited the meeting at 7:42 PM re-entered at 7:45 pm.
 - Councilman Robert Ivancich exited the meeting at 7:45 PM.
- Ms. Pfeiffer stated that the study is worth exploring.
- Mr. Bahnick replied that the study will cost \$ 3,500.00 and will tell how much sewer capacity is available in the WWTP.
- Ms. Pfeiffer stated that the study does not commit the Borough to anything.

A motion was made by Patrick McHugh, 2nd by Karen Pfeiffer authorizing Solicitor Gaul to prepare a written letter of response to UMBT, stating Van Cleef Engineering Associates will conduct a study to evaluate current and future sewer capacity requirements of the Borough; that UMBT will be responsible for the cost, not to exceed \$ 3,500.00.

- Ms. Pfeiffer asked Mr. Bahnick "how do you determine the estimates?"
- Mr. Bahnick replied "by evaluating the plant performance flow".
- Ms. Bucci replied that the Lehigh Valley Planning Commission Comprehensive Plan referenced the projection.

BOROUGH OF PORTLAND
COUNCIL MEETING SEPTEMBER 12, 2022

Motion carried 4-1-0. Councilwoman Kay Bucci voted No.

Building Committee: LSA Grant Gymnasium demolition:

Ms. Bucci commented to Mr. Bahnick concerning the removal of rocks from the demolition site and the added topsoil. Mr. Bahnick replied if Borough Council is satisfied with the finished project the retainage from the original cost can be returned.

- Mr. Bahnick exited the meeting at 8:05 PM.

Streets Department:

Action/Discussion:

- The committee will meet Thursday, October 6th at 4 PM.
- The committee recommends the street department complete the storm sewer box repair at Collins, Jennings, and Main Street, with the purchase of a concrete drain box raiser, in the amount of \$250.
- The committee recommends the hire of a part-time employee for the streets department on an as needed basis; this will be discussed in Executive Session.
- The purchase of two (2) 4 x 6 metal plates to cover storm drain/work areas, at the cost of \$460 each, was approved on the bills presented list under the Financial Report. Total \$920.
- The committee recommends the purchase of a cart/wagon, in the amount of \$200.

A motion was made by Karen Pfeiffer, 2nd by Kay Bucci authorizing the purchases of the drain box raiser, in the amount of \$250, and the cart/wagon, in the amount of \$200, for a total of \$450. Motion carried 5-0-0.

- Council should consider hiring a small machine shop (Portland Auto Repair Shop) for the repair of small tools, tractor, maintenance repairs of the Borough pick-up truck, as needed. At present, Mr. Farleigh is maintaining the machinery and vehicles.
- Schedule a committee meeting.
- Review the zoning ordinance for parking.

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

1. Councilwoman Bucci stated that she would like to have a more detailed zoning report. Ms. Hummel replied that the April through July 2022 report was included in the August 1st meeting packet. Examples are needed from other municipalities.

2. Ms. Pfeiffer was concerned about 427 Delaware Avenue and the parking problems that will occur after the property has been converted to (12) apartments and (1) commercial space. Ms. Steele replied that when the 2015 Zoning Ordinance was approved no one had the foresight that this may happen. The Zoning Ordinance needs to be changed; one and one half (1 ½) parking spaces are required per apartment. Ms. Steele stated that the Zoning Ordinance and Parking Regulations are two separate items.

- Councilman McHugh asked who decides the parking issues. The reply was Borough Council.
- Council should discuss an amendment to the Zoning Ordinance.

UCC Officer Report:

- None

Zoning Hearing Board (ZHB):

- The secretary questioned the rescheduled March 23, 2022 advertisement of the ZHB meeting for the Slate Hills Enterprises development of a (6) unit apartment building on Delaware Avenue, in the Blue Valley Times publication of general circulation. President Steele stated that she would review the Secretary's paperwork.

BOROUGH OF PORTLAND
COUNCIL MEETING SEPTEMBER 12, 2022

Planning Commission:

- None

Portland Borough Authority (PBA):

Jim Potter, Vice Chairman

- None

Legal:

Michael Gaul, Solicitor

Nuisance Ordinance:

a) Tabled.

b) 310 Main Street Trees:

- President Steele reported that the property owner of 310 Main Street trimmed the trees after a complaint from the Fire Chief that it was difficult for the fire company to navigate Main Street with the fire truck.

Subdivision and Land Development:

- None

Community Development, Slate Belt COG & Grants:

a) There was no August meeting of the Slate Belt COG.

b) LSA Grant Update: Parks and Recreation

Ms. Bucci reported that she has contacted Joanne Conley, URDC Grant Writer, concerning an on-site meeting for the vacant lot of the former gymnasium. Ms. Conley replied that she is available September 14th or 15th. Council agreed on September 15th at 3:00 PM.

Community Events/Recreation Board:

- Trick or Treat for the Borough will be observed on Saturday, October 29, 2022 from 4 to 6 PM with an after costume party being held at the Train Station Lot on Delaware Avenue.

Police Report:

- The report was presented in writing by Chief Mulligan.

Mayor's Report:

1. Swore in the new police officer, Darryl Hatter, who has officially began patrol.
2. Helped promote and attended the Mt. Bethel-Portland Post 216 Retirement of Color.
3. Mayor Fischer and her sons met The Lenape Nation Tribe on their sojourn down the Delaware River. They made sure the bathrooms were cleaned and provided bottled water for everyone. Mayor Fischer and her sons returned the following day when they pushed off, signed the treaty, and attended the Smudging Ceremony. The Lenape Nation Tribe will return in four (4) years.
4. Met with a young resident and family after the tragic death of the husband/father. Knowing the family personally, Mayor Fischer brought gift cards from local businesses. Mayor Fischer stated that she will reply to these situations personally, making sure the Borough has the resources to respond.

BOROUGH OF PORTLAND
COUNCIL MEETING SEPTEMBER 12, 2022

Sanitation Committee:

Waste Management, 2018– 2022 Garbage Contract Extension for Municipal Solid Waste and Recycling:

After discussion by Solicitor Gaul and Council, a motion was made by Patrick McHugh, 2nd by Karen Pfeiffer authorizing the Secretary to send a letter requesting an extension of the garbage contract for one (1) additional two (2) year term, at the same annual cost as the initial contract, under the same terms and conditions, in accordance with Section 2 of the Contract, as per the provisions of the contract. Motion carried 5-0-0

Building Committee:

Discussed was the installation of the new water fountain in the foyer of the municipal building. No action was taken.

Budget, Finance, Insurance, & Cable TV Contract:

- The committee will schedule a committee meeting for the 2023 Budget.

Ordinance Update Committee:

- None

Council Policy & Procedure Committee:

- None

Air Liquide Safety Committee:

- There was no meeting in September.
- Ms. Steele followed up on incidents.

Slate Belt Rising Committee (SBRC): Stephanie Steele

- The committee is reevaluating the meeting schedule.
- A Pastie Festival will be held in downtown Bangor on Saturday, September 17, 2022, from 11 am to 7 pm.
- The 2022 Annual Meeting will be held Wednesday, September 21, 2022, from 12 to 1:30 PM at the Wind Gap Fire Co. Social Hall. Everyone is invited to attend this free event.

Plan Slate Belt Steering Committee: Stephanie Steele

- The committee met September 7, 2022, at the Plainfield Township Fire Co. banquet facility at 7 PM to review the draft plan. If the plan is adopted, it will replace the Borough's 2014 Comprehensive Plan. The plan must be adopted by unanimous vote.

Liberty-Water Gap Trail Alliance: Cindy Fish

- No meeting for the month of September. Quarterly meetings will resume.

Correspondence:

- A motion was made by Karen Pfeiffer, 2nd by Patrick McHugh authorizing Council to provide a letter of support to Pen Argyl Borough for their application to the Monroe County LSA Grant Program, to complete Phase 1 of their Regional Aquatic Recreational Facility. Motion carried 5-0-0.

BOROUGH OF PORTLAND
COUNCIL MEETING SEPTEMBER 12, 2022

- The Board of Directors of the PUMP Food Pantry is requesting a one-time or recurring donation. The Post Foundation will match each dollar raised up to \$30,000 until December 31, 2022. No action was taken.

Secretary's Announcements:

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

Old Business:

- The Act 537 Plan Update was moved to Page 3, after amending the agenda on Page One (1)..

New Business:

- The Street Committee will evaluate tenant parking in the Business District.
- Ms. Pfeiffer stated that she would like to see a change in the Zoning Ordinance concerning off-street parking during snow events and removal,
- Blight was discussed, i.e., the Portland Market property on Delaware Avenue.

Public Comment Non-Agenda:

Hubert McHugh commented on the Slate Hills Enterprises appeal to Northampton County Court. Solicitor Gaul replied that it takes time to be placed on the court schedule for disposition of the appeal..

Executive Session:

A motion was made by Patrick McHugh, 2nd by Karen Pfeiffer to convene to Executive Session at 9:27 PM. Motion carried 5-0-0.

Discussion: Personnel

A motion was made by Patrick McHugh, 2nd by Kay Bucci to reconvene from Executive Session at 9:51 PM. Motion carried 5-0-0.

Action Taken:

A motion was made by Kay Bucci, 2nd by Patrick McHugh to hire James Potter as a part-time street department employee, on an on-needed basis, at the hourly rate of \$20.00 per hour. Motion carried 5-0-0.

Adjourn:

The next meeting of the Portland Borough Council will be held on Monday, October 3, 2022, at 7:00 PM.

A motion to adjourn the meeting at 9:53 PM was made by Kay Bucci, 2nd by Patrick McHugh. Motion carried 5-0-0.

Respectfully Submitted,

Carol A. Hummel

Carol A. Hummel, Secretary