

BOROUGH OF PORTLAND
COUNCIL MEETING NOVEMBER 7, 2022

The Portland Borough Council regular meeting of November 7, 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* Robert Ivancich*

- o Councilwoman Karen Pfeiffer was absent.

Others Present:

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

Approval of the Agenda and any Amendments:

A motion was made by Patrick McHugh, 2nd by Kyle Overfield to approve the agenda as presented. 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 plans to record the meeting? There was none.

Adopt Resolution 2022-6: Act 57 of 2022

Solicitor Gaul explained Act 57 of 2022, which amends the Local Tax Collection Law. The law allows taxing districts that impose real estate taxes to adopt a resolution or ordinance, directing the tax collector to waive certain penalties, interest and additional charges for real estate taxes when the property owner does not receive a notice of a tax bill within the first year of ownership, subject to certain requirements. By adopting the resolution, the Borough tax collector will comply with the provisions of Act 57 for tax years beginning on or after January 1, 2023.

A motion was made by Patrick McHugh, 2nd by Kyle Overfield adopting Resolution 2022-6 as presented. Motion carried 5-0-0.

Action on Minutes:

A motion was made by Patrick McHugh, 2nd by Kay Bucci approving the minutes of September 12, 2022, as presented. Motion carried 5-0-0.

A motion was made by Patrick McHugh, 2nd by Kay Bucci approving the minutes of October 3, 2022, as presented. Motion carried 5-0-0.

BOROUGH OF PORTLAND
COUNCIL MEETING NOVEMBER 7, 2022

Secretary/Treasurer's Report: Carol Hummel

Bills Presented for Payment:

1. Approve the October 2022 Financial Report and the bills presented for payment in the amounts of:

| | |
|--|------------------|
| Borough Operations & Borough Operations Already Paid: | 26,277.43 |
| Sewer Operations & Sewer Operations Already Paid: | 15,246.80 |
| Portland Contractors, Inc. - WWTP monthly services: | 2,730.00 |
| Garbage Operations & Garbage Operations Already Paid: | 5,624.70 |
| Real Estate Tax Acct. to Fire Tax Acct. – October (2) mills | 1.20 |
| General Checking Acct. to Fire Tax Acct. - Taxes in Trust delinquent 2020-2021 | 300.20 |
| General Checking Acct. to Fire Tax Acct. - Taxes in Trust delinquent 2020-2021 | 226.80 |
| New Demi Road Escrow: McTish, Kunkle & Assoc. | 160.00 |
| RPL East Escrow: Van Cleef Engineering Assoc. | 750.00 |
| November payroll & taxes, approximate: | 7,500.00 |
| November Sunoco Fleet Gas, approximate: | <u>300.00</u> |
| TOTAL | <u>59,117.13</u> |

A motion was made by Kay Bucci, 2nd by Patrick McHugh approving the financial report and bills presented for payment in the amount of \$ 59,117.13. Motion carried 5-0-0.

Public Comment: Time Allotted – (5) minutes per person

Daniel Wilkins, 511 Northampton Street: Mr. Wilkins called earlier and stated he would be late.

Sewer Matters & Borough Engineers Report:

a) Sewer Shut-Offs:

- o None

b) WWTP Operations:

1. Sewer Capacity Study Proposal Contract:

Mr. Bahnick inquired of Council if the sewer study proposal contract correspondence has been sent to Upper Mount Bethel Township (UMBT). Ms. Steele replied yes and stated that she sent a follow-up email on Friday, November 4, 2022, to the UMBT Manager and the Township Engineer, requesting confirmation that they had received the correspondence. There has been no response to date.

2. Mr. Bahnick provided Council with an engineer's report and a Topography Map of the Stormwater System of the Borough. The topography mapping shows the locations of inlets, manholes, outfalls, pipelines, roads, and contours.

Mr. Bahnick stated that grant funding is available for small water, sewer, and storm water infrastructure projects; 105.6 million dollars is allocated, and projects must be between \$ 30,000 and \$ 500,000; matching funding of 15% is required; applications for grants must be submitted by December 21, 2022.

Ms. Bucci asked who was providing the grant funds. Mr. Bahnick replied, "from the federal government, providing grant funds to Pennsylvania". Mr. Bahnick stated that the application period is a short window of time but worth considering.

BOROUGH OF PORTLAND
COUNCIL MEETING NOVEMBER 7, 2022

Patrick McHugh commented about rerouting drains from property owners' yards to Main Street. Ms. Steele replied that Council can discuss this further at the Monday, November 28th Council meeting. Ms. Bucci stated that the topography map is inaccurate.

Lot 4B Jennings Street:

Discussed was the sewer permit application for new residential construction of Lot 4B, Jennings Street. Ms. Bucci questioned the application. President Steele replied that Council will be working through the process of sewer and construction permits for new development; this is only the second application to come before Council for approval. Mr. Bahnick will review the permit and application per the direction of Council.

Lot 50, Demi Road:

- There will be significant truck and car traffic as the project moves forward.
- Access to and from the Borough will be significantly impacted, as will Delaware Avenue through the Borough. The traffic projections are 26,224 trips per day: 2,414 trips during peak hour.

Erv McClain, Attorney for Ashley Development, was present and was recognized by Council. Mr. McClain stated that Ashley Development has no plans to develop the proposed Borough lot in the submitted proposed Subdivision Plan for the PPL East development.

Dunkin Donuts Update:

- None, to be continued.

Gymnasium Demolition:

Ms. Bucci questioned again whether the rocks were removed by the contractor at the gym site. The Borough will not know until spring when the grass is mowed.

Mr. Bahnick stated that the Borough can process the final payment to the contractor, E. K. Possinger & Sons. Ms. Hummel questioned the retainage that is owed. Mr. Bahnick will forward the information.

- Mr. Bahnick left the meeting at 7:35 PM.

Streets Department: A Committee Report was presented to Council.

- The streets committee met on October 20, 2022, at 4 PM.

COG Leaf Vacuum Rental:

A motion was made by Patrick McHugh, 2nd by Kay Bucci authorizing President Steele to execute the leaf vacuum lease agreement for two (2) days, November 28 and November 29, 2022, and approve the cost of \$ 150.00.

- Mayor Fischer stated that the vacuum has already been damaged.

Motion carried 5-0-0.

BOROUGH OF PORTLAND
COUNCIL MEETING NOVEMBER 7, 2022

Back to Public Comment:

- Daniel Wilkins entered the meeting at 7:20 PM.

Mr. Wilkins stated that he was interested in purchasing the vacant land that abuts his property on First Street and questioned Council on several points of interest. Solicitor Gaul informed Mr. Wilkins that the Borough Council could not provide him any assurances in regards to matters he may consider important in possibly purchasing the property.

- Are there any plans for sidewalks or curbing.
- There is no sewer and water service at the property sight. Is sewer connection required? Council replied yes. Mr. Wilkins was directed to contact the PBA for questions related to water service.
- Solicitor Gaul replied that there are no pending zoning amendments; there are no assurances from Council because members change due to vacant seats and the election cycle.
- Mr. Wilkins was advised to visit the Borough website to view the sewer ordinance.

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

- None

UCC Officer Report:

- None

Zoning Hearing Board (ZHB): Slate Hills Enterprises

- None

Planning Commission:

- The Planning Commission has requested that Solicitor Gaul review the language in the second review of the RPL East, LLC Plan. No report.
- The Lehigh Valley Planning Commission (LVPC) is presenting their "Draft Plan Slate Belt" Comprehensive Plan at the next meeting of November 21, 2022. The LVPC is presenting the plan to Bangor Borough on Wednesday, November 9, 2022. The committee is working on the third draft.

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

- There has been no correspondence/action concerning the MOU between the Borough and the Portland Borough Authority from the PBA Attorney, Peter Layman. Vice Chairman James Potter reported that there has been no update. Councilwoman Bucci replied that the PBA needs to apply pressure to Attorney Layman.
- Mr. Potter reported that new water meters were purchased due to some of the older meters not giving accurate readings.
- Mr. Potter reported that an estimate for the installation of a carport to house the New Holland Backhoe is \$ 5,100; an approximate cost for a fuel tank with the pump is \$ 1,900. The discussion of the carport and fuel tank was tabled. To be placed on the agenda for the December Council meeting.

BOROUGH OF PORTLAND
COUNCIL MEETING NOVEMBER 7, 2022

Legal: Michael Gaul, Solicitor

1. Nuisance Ordinance: Tabled.

2. Portland Market: 407 Delaware Avenue

President Steele reported on the vacant property that now is inhabited by rats. The tenant vacated the property with the doors locked, leaving the owner unable to access the building. Ms. Steele stated that the owner, who appeared before Northampton County Court, was granted access and changed the locks. Mayor Fischer asked if the building was safe; the response was the building is in disrepair.

The BCO issued a Property Maintenance Code violation with the owner and his attorney responding. An exterminator was contracted by the property owner to control the rats. Mayor Fischer asked about inspection; the response was the Health Inspector inspects the market for reopening.

Subdivision and Land Development:

- Addressed under Line Item #10, sewer matters, engineers report
- Addresses under Line Item #11, streets department, engineers report.

Community Development, Slate Belt COG & Grants:

- a) The Slate Belt COG met Wednesday, October 26, 2022.
- b) The camera system has arrived. The COG will advise on the next training session.
- c) LSA Grant Update: Parks and Recreation, URDC

Ms. Bucci reported that an LSA Grant reimbursement of \$ 60,000 was received. The Borough will have approximately \$ 30,000, that will be available from the grant, in matching funds that can be used for a Master Plan for recreation.

Community Events/Recreation Board:

- Trick or Treat for the Borough was held on Saturday, October 29, 2022, from 4 to 6 PM with an after-costume party held at the Train Station Lot on Delaware Avenue.
- The Annual Tree Lighting Ceremony will be held on Sunday, November 27, 2022, downtown Portland, beginning at 6:30 PM with cookies, hot cocoa, Carols and Santa.
- The Annual Holiday Yard Decorating contest returns.

Police Report:

- The report was presented in writing by Chief Mulligan.

BOROUGH OF PORTLAND
COUNCIL MEETING NOVEMBER 7, 2022

Mayor's Report:

- Attended COG meetings.
- Attended Focus Group for CACLV. Provided feedback on what is important to residents and their struggles.
- Attended Senator Scavello's retirement party and connected with several candidates on the ballot that would support Portland.
- Chief Mulligan and Mayor Fischer will present a package for Council approval on new computer upgrades within the police budget prior to years end.
- Attended the Northampton County Festival. Samantha Kindred, Administrative Assistant for the PBA, was presented with a plaque and honored for Outstanding Northampton County Municipal Employee.
 - i. Mayor Fischer introduced herself to several programs that provide resources, i.e., Star Community Health, that provides food, housing, employment, education, and transportation resources to the community.
 - ii. Connected with Rachel Hogan Carr, Executive Director of the Nurture Nature Center. Mayor Fischer will attend their Roundtable discussion forum as well as the new Municipal Resilience Planning Partnership Program.
- Concerning conversations with several residents, Mayor Fischer will establish a Mayor's Corner, to be up and running soon. Issues are broadband and home heating costs.

Councilman Robert Ivancich:

Councilman Ivancich reported that someone stole the "doggie do do" sign in front of the Pokey.

- Mayor Fischer received correspondence from the Bangor Public Library concerning their annual fund drive. The mayor inquired about the annual donation. The Secretary replied that it will be included on the December Council meeting agenda for approval.

Sanitation Committee:

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

- Waste Management was notified by certified mail that the Borough wishes to extend the solid waste and recycling contract for one (1) additional two (2) year term. Ms. Steele stated that Waste Management is in receipt of the Borough's correspondence.
- Ms. Steele reported that a neighboring township has received one (1) bid for a sanitation contract, with an increase of seventy-five (75) percent.

Building Committee:

Discussed was the hiring of a plumber to install/replace the men's urinal in the municipal building bathroom. No action was taken.

BOROUGH OF PORTLAND
COUNCIL MEETING NOVEMBER 7, 2022

Budget, Finance, Insurance, & Cable TV Contract:

- The committee presented the proposed 2023 Budget with President Steele explaining the facts and figures. Councilman Patrick McHugh stated that he wanted to discuss employee salaries. The budget was tabled until after Executive Session.
- The Secretary reported that she attended the Tax Collection Committee (TCC) meeting on Thursday, October 13, 2022, at the Bethlehem Township municipal building. The 2023 meeting dates are March 9 and October 12, 2023.

Ordinance Update Committee:

- None

Council Policy & Procedure Committee:

- None

Air Liquide Safety Committee:

- The committee meeting TBA.

Slate Belt Rising Committee (SBRC): Stephanie Steele

- There was no meeting in October.
- The committee meets the second Thursday of the month.
- The CACLV is searching for a new director. An interim director presides.

Plan Slate Belt Steering Committee: Stephanie Steele

- The committee met virtually on November 2, 2022. Several townships have reservations to the draft plan. Ms. Steele will circulate the link again.

Liberty-Water Gap Trail Alliance: Cindy Fish

- The Alliance met on November 16, 2022, at the UMBT Municipal Building at 5:30 PM.

Correspondence:

- Correspondence from Portland Hook & Ladder Co. #1 announcing the officers for 2023.

Secretary's Announcements:

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

BOROUGH OF PORTLAND
COUNCIL MEETING NOVEMBER 7, 2022

Old Business:

- Items to be completed by Council: Tree Maintenance Ordinance and Truck Signage Ordinance.

New Business:

- The Ninth (9th) Annual Lehigh Valley Outlook and Awards will be held on Tuesday, November 15, 2022, 8 AM – 10 AM at the Lehigh University Iacocca Conference Center Wood Dining Room.
- General Election Day is tomorrow, November 8, 2022. The polls are open 7 AM – 8 PM.
- Mayor Fischer inquired if anyone asked Council about changing Coffin Alley to one-way traffic. Solicitor Gaul replied no, not that he was aware. Changing the traffic pattern would require an ordinance.

Public Non-Agenda:

1. James Potter asked if the Borough is moving forward with a tree ordinance. Solicitor Gaul replied yes.
2. RE: RPL East LLC Subdivision and Land Development Plans:
 - i. Erv McClain, Attorney for Ashley Development, asked for confirmation that the developer is not being asked to sign an extension of the proposed plans at this time. Solicitor Gaul replied that is correct. An extension was already previously given. The subdivision plans are kept on the agenda as a reminder to Council.
3. Hubert McHugh, from the audience stated that he prefers Borough property taxes be raised one-half percent 0.5 ½%) every year instead of three (3) or four (4) percent every few years.

Executive Session:

A motion was made by Patrick McHugh, 2nd by Kay Bucci to convene to executive session at 8:38 PM. Motion carried 5-0-0.

Discussion: legal advice from the Solicitor.

- Councilwoman Bucci exited the meeting at 8:55 PM.

A motion was made by Patrick McHugh, 2nd by Kyle Overfield to reconvene from executive session at 9:03 PM. Motion carried 4-0-0.

Action Taken:

- None

Adjourn:

- The next meeting of the Portland Borough Council will be held on Monday, November 28, 2022, at 7:00 PM. For discussion: 2023 budget; traffic studies.
- A motion to adjourn the meeting at 9:07 PM was made by Patrick McHugh, 2nd by Robert Ivancich. Motion carried 4-0-0.

BOROUGH OF PORTLAND
COUNCIL MEETING NOVEMBER 7, 2022

Respectfully Submitted,

Carol A. Hummel

Carol A. Hummel, Secretary