

BOROUGH OF PORTLAND COUNCIL MEETING
DECEMBER 5, 2022

The Portland Borough Council regular meeting of December 5, 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* Karen Pfeiffer*

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: **AMENDED TO ADD**

a) Police Department: Discuss purchase of computers, monitors and chairs.

b) Street Vacation Agreement: Petitioners, Bonnie McHugh and Hubert McHugh.

 Tax Parcels: 306 Main Street, C11NE2A1 2A 0127
 308 Main Street, C11NE2A1 3 0127

c) McTish, Kunkle & Associates: Letter to PennDOT, District 5-0, on impact of proposed River Road Developments.

A motion was made by Patrick McHugh, 2nd by Kyle Overfield to approve the posted agenda with the three (3) proposed amendments. The reason for the amendments was to allow expedient action by Borough Council. Motion carried 6-0-0.

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.

- o There was one. Richard Wilford-Hunt, UMBT Resident, granted approval from Council.

Adopt Resolution 2022-7: Borough Engineer, Van Cleef Associates, Mark Bahnick

Mr. Bahnick presented Resolution 2022-7, whereby the Borough of Portland of Northampton County hereby requests a PA Small Water and Sewer Program grant of \$ 425,000 from the Commonwealth Financing Authority (CFA) to be used for improvements to the existing Portland sewer treatment plant through the installation of modern membranes and influent screens to improve the quality of the water discharged to the Delaware River.

Discussion: The Borough of Portland commits to provide \$ 75,000 in local matching funds by using monies from its own funds.

Solicitor Gaul stated that Paragraph two (2) of the resolution be changed to read that two (2) Borough officials, the Borough Council President, Stephanie Steele, and the Borough Council Vice President, Kay Bucci, be designated to

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execute all documents and agreements between the Borough of Portland and the CFA to facilitate and assist in obtaining the requested grant.

A motion was made by Karen Pfeiffer, 2nd by Patrick McHugh adopting Resolution 2022-7, with the changes per Solicitor Gaul. Motion carried 6-0-0.

Adopt Resolution 2022-8: Borough Engineer, Van Cleef Associates, Mark Bahnick

Mr. Bahnick presented Resolution 2022-8, whereby the Borough of Portland of Northampton County hereby requests a PA Small Water and Sewer Program grant of \$ 424,709 from the Commonwealth Financing Authority (CFA) to be used for the replacement of failing storm sewer catch basins, manholes, pipes and other appurtenances, within existing Borough owned roadways and through privately owned lands.

Discussion: The Borough of Portland commits to provide \$ 74,948 in local matching funds by using monies from its own funds.

Solicitor Gaul stated that Paragraph two (2) of the resolution be changed to read that two (2) Borough officials, the Borough Council President Stephanie Steele and the Borough Council Vice President Kay Bucci, be designated to execute all documents and agreements between the Borough of Portland and the CFA to facilitate and assist in obtaining the requested grant.

Mr. Bahnick cited the streets that have issues; the Borough should stay the course and apply for the grants.

Hubert McHugh, from the audience, commented that some sewer lines go through private lands. Solicitor Gaul replied that under the grant program will have to own and maintain the sewer lines that are built or repaired with grant funds.

A motion was made by Patrick McHugh, 2nd by Kay Bucci adopting Resolution 2022-8, with the changes per Solicitor Gaul. Motion carried 6-0-0.

Adopt Resolution 2022-9:

a) Resolution Approving Kirk, Summa & Co., LLP, temporarily to the Office of Borough Auditor for the Purposes of the 2022 Calendar year Audit.

b) Authorize President Steele to execute the Letter of Engagement between Kirk, Summa & Co., LLP, and the Borough of Portland in the amount of \$ 6,000 for the 2022 Audit.

- o Both items were tabled until the next Council meeting of December 27, 2022.

2023 Borough Real Estate Tax Bills:

- o Approval for the secretary to order the 2023 Borough Real Estate Tax Bills from Berkheimer Associates. Action tabled until the next Council meeting of December 27, 2022.

Notice of 2023 Meetings Schedule Presented:

The secretary asked if Council would like to reschedule any of the dates. Rescheduled dates follow after discussion.

- o The first Monday of January 2023 is a Federal Holiday due to New Years Day falling on Sunday, January 1, 2023. The consensus of Council was to meet on Tuesday, January 3, 2023.

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- There are (5) Mondays in May. The fourth Monday is May 22, 2023. The consensus of Council was to let that date stand for the fourth Monday May Council meeting.
- July 3, 2023 is the first Monday. The consensus of Council was to let that date stand for the July Council meeting.
- Due to the Labor Day Holiday of September 4, 2023, Council will meet September 11, 2023, the second Monday of September.
- December 25, 2023 is the fourth Monday. The consensus of Council was to re-schedule for Wednesday, December 27, 2023.
- The 2022 Christmas holiday falls on a Sunday. The Federal Holiday is Monday, December 26, 2022. The consensus of Council was to reschedule the fourth Monday meeting date of 2022 to Tuesday, December 27, 2022.

A motion was made by Patrick McHugh, 2nd by Kay Bucci to approve the re-scheduled Tuesday, December 27, 2022, Council meeting date and the Notice of 2023 Meetings Schedule, in the Pocono Record. Motion carried 6-0-0

- Solicitor Gaul will advertise the Notice of Re-scheduled Council meeting date of December 27, 2022 and the Notice of 2023 Council Meetings Schedule.

Letter of intent for Vacant Council Seat: Wendy Klug, 404 Pennsylvania Avenue

Due to illness, Ms. Klug was absent. Councilwoman Pfeiffer stated that Ms. Klug has attended Council meetings in the past and saw no reason that the appointment could not take place.

A motion was made by Karen Pfeiffer, 2nd by Kay Bucci appointing Wendy Klug to the vacant Council seat of William Godshalk, whose term expires January 1, 2024. Motion carried 6-0-0

- Solicitor Gaul will prepare a confirming resolution for adoption at the December 27, 2022, Council meeting, provided, however Ms. Klug will need to submit all the necessary paperwork and be sworn in, prior to taking her office.

Action on Minutes:

A motion was made by Patrick McHugh, 2nd by Kay Bucci approving the minutes of November 7, 2022, as presented. Motion carried 6-0-0.

A motion was made by Patrick McHugh, 2nd by Kyle Overfield approving the minutes of November 28, 2022, as presented. Motion carried 6-0-0.

Secretary/Treasurer's Report: Carol Hummel

Bills Presented for Payment:

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

Borough Operations & Borough Operations Already Paid:	16,988.80
Garbage Operations & Garbage Operations Already Paid:	4,840.06

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Sewer Operations & Sewer Operations Already Paid:	14,808.64
Portland Contractors, Inc.- WWTP monthly service agreement	2,730.00
Liquid Fuels Account: AMS, LLC, crack sealing various streets	6,450.00
New Demi Road Escrow: McTish, Kunkle & Assoc. traffic engineer	3,320.00
New Demi Road Escrow: Van Cleef Engineering	150.00
RPL East Escrow: King, Spry	136.00
RPL East Escrow: Van Cleef Engineering Assoc.	150.00
December payroll & taxes, approximate:	7,200.00
December Sunoco Fleet Gas, approximate:	300.00
Annual budgeted allocation to the Bangor Public Library	<u>250.00</u>
TOTAL	57,323.50

Questions:

- a) The Borough Engineer questioned the final payment to E. F. Possinger & Sons for the demolition of the gymnasium. Ms. Hummel replied that it is on the Unpaid Bills Detail List under Borough Operations.
- b) Ms. Pfeiffer asked the function of Portland Contractors, Inc. Ms. Steele replied "the WWTP Operator". The contract expires December 31, 2023.

A motion was made by Patrick McHugh, 2nd by Kyle Overfield approving the financial report and bills presented for payment in the amount of \$ 57,323.50. Motion carried 6-0-0.

1. RPL East, LLC Escrow:

The secretary reported that additional funds are needed to pay outstanding bills from the RPL East, LLC Escrow Account. A motion was made by Patrick McHugh, 2nd by Karen Pfeiffer authorizing the secretary to send a letter of request for an additional \$ 5,000. Motion carried 6-0-0.

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

None

Sewer Matters & Borough Engineers Report: Mark Bahnick, Borough Engineer

- a) Borough Traffic Engineer, Christine Troxell, McTish, Kunkle & Associates: 303 Demi Road HOP Permit

Mr. Bahnick provided a hand-out for Council members of the letter prepared to PennDOT District 5-0 by Ms. Troxell, concerning the impact of the Proposed River Road Developments, SR 1039, and the summary table of proposed trip generation. The concerns of Council are:

- Route 611 back-up.
- Route 611 and 512 turn lanes
- NJ Route 80 is closed due to accidents and construction.
- The ability of State Routes 611 and 1039 to support this increase in traffic.
- The enforcement of speed limits and conditions of roads.

The letter to PennDOT District 5-0 states that the developer has prepared four (4) separate studies for the project. The developer generally recommends minimal improvements at intersection locations only and does not access the

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ability of Delaware Avenue/SR 611 to handle the massive proposed increase in traffic. The River Points Logistics development will collectively generate an additional 3,875 truck trips and 20,487 passenger car trips per day. All of this traffic will need to utilize existing infrastructure within the Borough of Portland, namely the intersection of Demi Road and SR 1039. Council advocates to PennDOT District 5-0 that comprehensive improvements to existing infrastructure within the Borough must be required as part of the approval of the HOP Application for off-site improvements for the RPL Logistics Center.

A motion was made by Karen Pfeiffer, 2nd by Kay Bucci approving the letter and authorizing President Steele to execute the letter to Michael W. Rebert, District Executive, PennDOT District 5-0, Allentown, PA 18101 with copies to the National Park Service, Delaware Water Gap Borough, Upper Mount Bethel Township, DRJTBC, and Knowlton Township, NJ. Motion carried 6-0-0.

b) RPL East, LLC, Proposed Subdivision Plan 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 Plan through March 6, 2023. A motion was made by Patrick McHugh, 2nd by Kay Bucci to accept the extension offered by RPL East, LLC with regards to RPL East, LLC Proposed Subdivision Plan. Motion carried 6-0-0.

c) RPL East, LLC, Proposed Planned Industrial Park Plan 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 Planned Industrial Park Plan through March 6, 2023. A motion was made by Patrick McHugh, 2nd by Kay Bucci to accept the extension offered by RPL East, LLC with regards to RPL East, LLC Proposed Planned Industrial Park Plan. Motion carried 6-0-0.

d) 400 Delaware Avenue Update:

The auto repair facility is trying to determine if rear access is possible. The secretary reported that the owner, Richard Diaz, has submitted a Zoning application and a Uniform Construction Code (UCC) application to the Borough Code Official (BCO). Ms. Steele will contact Mr. Diaz about changes to the auto facility.

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

Streets Department: A Committee Report was presented to Council.

- At their monthly meeting, the streets committee discussed the PA Small Water and Sewer Program grant application for the replacement of the Borough's failing storm sewer infrastructure.

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

- None

UCC Officer Report:

- None

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Zoning Hearing Board (ZHB):

- None

Planning Commission:

- None

Portland Borough Authority (PBA):

Jim Potter, Vice Chairman

a) Request to Extend the Life of the Authority:

Correspondence was received from the PBA Attorney, Peter Layman. The PBA was created by the Borough of Portland (BOP) in March 1973 with a lifespan of (50) years, which will end March 6, 2023. The Borough may extend the term another (50) years by adopting an ordinance approving an Amendment to the Articles of Incorporation to extend the term of the PBA.

Solicitor Gaul explained the Municipalities Authorities Act and the process. Patrick McHugh questioned the policies from the 1970's.

The consensus of Council was that the Borough Solicitor should work with the Authority Solicitor to prepare the necessary paperwork for further Council review and possible action. The secretary was directed to keep the request to extend the life of the Authority on the agenda through March 6, 2023.

b) MOU Agreement between the Borough of Portland and the Portland Borough Authority (PBA):

Ms. Steele stated that she contacted the Chairman and Vice Chairman of the PBA concerning the installation of a carport. Discussion by Council:

- The erection of the carport on Borough property was not formally decided by Council.
- There is no lease agreement for the area.
- There are questions about the installation of a fuel tank; who will install the tank?
- Councilwoman Bucci stated that Council was never consulted about the purchases of the carport and the fuel tank.
- Solicitor Gaul stated that the carport has nothing to do with the backhoe MOU.
- Councilman Patrick McHugh stated that there are disagreements about the installation of a fuel tank.
- Councilwoman Karen Pfeiffer stated there is a communication problem and wanted to know how often the PBA would be using the backhoe. Mr. Potter replied, "as a temporary".
- President Steele replied that the Borough could purchase the cement blocks that were part of the carport purchase.
- Councilwoman Karen Pfeiffer asked who will maintain the backhoe. Mr. Potter replied that a company would travel to do the repairs.

A motion was made by Patrick McHugh, 2nd by Kay Bucci to end any further discussion with the PBA regarding possible joint use of the backhoe, and to repay the PBA for its one-half of the expenses and repairs to the backhoe, to date, in the amount of \$18,633.22. Motion carried 5-1-0. President Steele opposed.

Legal: Michael Gaul, Solicitor

Proposed Street Vacation Agreement between the Borough and Bonnie and Hubert McHugh.

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The agreement represents a preliminary step toward formal consideration of a vacation of the Paper Alley and the enactment of a Borough Council Ordinance in accordance with the procedures of the PA Borough Code.

Discussion:

- Access rights by residents.
- Who are the parties of the agreement. Just Bonnie McHugh, the property owner.
- A map is required for what is being proposed, to be attached to the ordinance. A tax map is acceptable with the street names and the area involved.
- No survey is required.
- There is a Right-Of Way involved, right now it is a Paper Alley.
- Does the Borough need an escrow account? No.
- Does the vacation interfere with any sewer lateral or installation? No.
- The petitioners agree to pay all reasonable and actual administrative costs incurred by the Borough, as listed in the Street Vacation Agreement.

A motion was made by Karen Pfeiffer, 2nd by Kay Bucci approving the draft Street Vacation Agreement with Bonnie McHugh in regards to the paper alley between Tax Parcels: 306 Main Street, C11NE2A1 2A 0127 and 308 Main Street, C11NE2A1 3 0127, as discussed, per final review by Solicitor Gaul. Motion carried 5-0-1 (Patrick McHugh abstained)

Subdivision and Land Development:

- Addressed previously under Line Item #15.

Community Development, Slate Belt COG & Grants:

- a) The Slate Belt COG met Wednesday, November 16, 2022. The next meeting will be held January 25, 2023.
- b) Tabled, one day training for the Ques 550 camera system that will be held on March 24, 2023.
- c) Tabled, no action taken to store the GOG Leaf Vacuum inside the gate of the WWTP property.
- d) LSA Grant Update: Parks and Recreation, URDC
 - Ms. Bucci reported that the grant expects to close out by the end of the year. Unused grant funds could be used for Parks and Recreation.
- e) Former Mike's Auto Property: 208 Northampton Street
 - Solicitor Gaul asked the status of the property. Ms. Steele replied that the new owner had a tenant who moved out; then it was rented to another tenant who has also left. Ms. Steele stated that the property is for sale at \$265,000. Someone asked if apartments could be built on the property. Solicitor Gaul replied "if the property could be re-zoned".

Community Events/Recreation Board:

- The Annual Tree Lighting Ceremony was held on Sunday, November 27, 2022, downtown Portland, at 6:30 PM, at the Train Station Lot. The event included cookies, hot cocoa, Carols and Santa Claus. It was noted that there was a better turn out, even in the rain.

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- The Annual Holiday Yard Decorating contest returns with the public voting.

Police Report:

The report for the month of November was presented in writing by Chief Mulligan

Mayor's Report:

Purchase Request from Mayor Fischer for (2) new desktop computers, (2) new monitors, and (3) new desk chairs.

Mayor Fischer researched the costs through items that are on sale, and promo codes to stay with the police budget. Dell Technologies also offers a discount for government agency purchases. Mayor Fischer asked for Council approval of the purchases, up to the amount of \$3,500, once it is confirmed that the purchases will keep the police department within the 2022 budget.

It was confirmed that the police department is way under budget. Patrick McHugh stated that more officers could be hired. Mayor Fischer replied "it is not more officers, but the hours of the officers". Councilman McHugh stated that if there is money in the police budget, the Borough could take on extra projects.

A motion was made by Kay Bucci, 2nd by Karen Pfeiffer authorizing the purchase of (2) new desktop computers, (2) new monitors, and (3) new desk chairs, not to exceed the cost of \$3,500. Motion carried 6-0-0.

- Attended the PSAB Right-To-Know Law and Sunshine Act Training, via Zoom.
- Attended the Nurture Nature Center CREATE Hub Forum, via Zoom.
- Attended with President Steele the Portland Planning Commission meeting on December 19, 2022: The Lehigh Valley Planning Commission (LVPC) presented their Plan Slate Belt Steering Committee findings for a Regional Comprehensive Plan.
- Attended the Tree Lighting Ceremony on November 27, 2022, with Officer Pysker lighting the Christmas tree.
- The Christmas North Pole Mailbox will be installed this week-end.

Solicitor Gaul replied that the PSAB provides training to Borough/Appointed officials through virtual webinars. The Borough can pay an annual fee to subscribe to the PSAB Plus Subscription Program, whereby officials can attend all webinars for free. Ms. Steele and Mayor Fischer have paid for their webinars out of pocket. The secretary will research the program and benefits.

Sanitation Committee:

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

- Ms. Steele states that the garbage contract has been extended through December 2024.
- Adrienne Fors, Sr. Community Relations Specialist, has agreed to present a recycle tutorial to Council.

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Building Committee:

The committee met at the municipal building. Ms. Bucci provided the name of a contractor, StoneCraft LLC Masonry and Chimney, Cresco, PA, that she could contact for a proposal to re-point various sections of the municipal building's (old School) brick façade. Patrick McHugh provided approximately (20) pictures for a rough estimate of costs. Mr. McHugh stated that the Borough could apply for another LSA Grant.

Budget, Finance, Insurance, & Cable TV Contract:

- The committee is reviewing the 2023 insurance coverage, which expires January 19, 2023.
- The secretary will post the proposed 2023 Budget at the Portland Post Office and at the Borough Municipal Building.

Ordinance Update Committee:

- None

Council Policy & Procedure Committee:

- None

Air Liquide Safety Committee:

- The committee meetings for 2023 TBA.

Slate Belt Rising Committee (SBRC): Stephanie Steele

- The committee will meet January 12, 2023.

Plan Slate Belt Steering Committee: Stephanie Steele

- The committee will meet virtually on December 7, 2022.

Liberty-Water Gap Trail Alliance: Cindy Fish

- The Alliance will meet December 14, 2022, at the UMBT Municipal Building at 9 AM.
- The committee is working on trying to establish the Borough as a Trail Town.

Correspondence:

- None

Secretary's Announcements:

- The Secretary complained that the deadline for agenda items is not being adhered to.

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Old Business:

- Ms. Bucci questioned Solicitor Gaul whether there will be a "no trucks on various streets" ordinance presented for adoption. Solicitor Gaul replied, yes.

New Business:

- None

Public Non-Agenda:

1. Hubert McHugh complained that his physical address does not exist according to Northampton County 911 records. On numerous occasions, Emergency Services have arrived at his residence on Market Street, Portland, PA, instead of Market Street in Bangor, PA.
2. Mayor Fischer asked about a new street sign for PA. Avenue with the historic Portland Logo. President Steele replied that the Borough's sign vendor reported that his supplier is no longer making those signs.
3. Ms. Pfeiffer commented on the PBA and the backhoe tractor; and the (2) hour parking signs that have been reinstalled on Delaware Avenue.

Executive Session:

- None

Adjourn:

- The next meeting of the Portland Borough Council will be held on Monday, December 27, 2022, at 7:00 PM.
- A motion to adjourn the meeting at 9:49 PM was made by Patrick McHugh, 2nd by Kay Bucci. Motion carried 6-0-0.

Respectfully Submitted,

Carol A. Hummel

Carol A. Hummel, Secretary