

BOROUGH OF PORTLAND
COUNCIL MEETING FEBRUARY 6, 2023

The Portland Borough Council regular meeting of February 6, 2023, 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* Karen Pfeiffer* Wendy Klug*.
- A motion was made by Kay Bucci, 2nd by Wendy Klug authorizing Councilman Patrick McHugh to attend and vote via Zoom communications. Motion carried 5-0-0. The reason for attendance via Zoom was health issues.

Councilman Patrick McHugh was present at the beginning of the meeting via Zoom communications. Councilman McHugh did participate in the meeting, but only after authorization by Council.

Others Present:

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

Approval of the Agenda and any Amendments:

AMEND AGENDA:

A motion was made by Karen Pfeiffer 2nd by Kay Bucci to approve the agenda with the addition of five (5) amendments.

AMENDED to ADD:

- a) Addition to the bills presented for payment, Dell Marketing, L. P., in the amount of \$1,661.40, for the purchase of (2) new computers for the Police Department.
- b) Quote for on-site maintenance and purchase of Laboratory Equipment for the WWTP, in the amount of \$1,207.65.
- c) RPL East, LLC: Time extension to June 4, 2023, to review Development Plans.
 - Planned Industrial Park
 - Proposed Subdivision
- d) Application for Vacant Council Seat.
- e) Discussion concerning rental unit on Delaware Avenue depositing household garbage in Borough Street garbage receptacles.

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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.

Is there anyone in the audience who plans to record the meeting? None.

Ordinance 2023-1: Approving the Extension of the Portland Borough's Authority Existence

Solicitor Gaul reported that the PBA Board had earlier this evening adopted a revised resolution proposing the extension of the PBA's existence. Solicitor Gaul inserted the revised resolution into the Borough's proposed Ordinance, as "Exhibit A", as intended, which completes the Ordinance. The PBA revised resolution does not change the length of the proposed extension of the existence of the PBA, which remained the same in the proposed Ordinance.

A motion was made by Wendy Klug, 2nd by Karen Pfeiffer adopting Ordinance 2023-1, as revised, "Borough of Portland, Northampton County, Pennsylvania, Adopting and Authorizing a Proposed Amendment to the Portland Borough Authority's Articles of Incorporation to Increase the Authority's Term of Existence".

Question:

Councilwoman Bucci questioned whether the name of the Authority could be changed due to the confusion with the similar name of the Borough. Solicitor Gaul replied, yes, by adopting another amendment.

Motion then carried 6-0-0.

Credit Card Payments On-Line:

Councilwoman Pfeiffer asked for information about paying Borough bills on-line. Ms. Steele replied that the Borough has a credit card payment option on the Borough website to pay garbage and sewer bills. The customer pays a credit card service fee and/or \$1.00 for an electronic check. The Borough's cost is \$25 per month for the on-line service.

Action on Minutes:

A motion was made by Karen Pfeiffer, 2nd by Kay Bucci approving the minutes of the Regular Council Meeting of January 3, 2023, as presented. Motion carried 6-0-0.

A motion was made by Kay Bucci, 2nd by Karen Pfeiffer approving the minutes of the Special Council Meeting of January 23, 2023, with the following correction.

Page 2, Comments from Council, Payment to URDC. Correct \$1,500 that was approved in 2022 for grant investigation opportunities by Joanne Conley, URDC, to \$3,450.

Motion then carried 6-0-0.

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Secretary/Treasurer's Report:

Carol Hummel

Bills Presented for Payment:

a) Approve the January 2023 Financial Report, the bills presented for payment in the amounts of:

Borough Operations & Borough Operations Already Paid:

56,934.36

Sewer Operations & Sewer Operations Already Paid:

16,978.60

Portland Contractors, Inc.- WWTP monthly services:

2,800.00

Garbage Operations & Garbage Operations Already Paid:

4,949.46

Real Estate Tax Acct. To Fire Tax Acct. -reassessment of 2022 taxes (2) mills

48.58

RPL East Escrow: King, Spry: December 2022 invoice # 173654

493.00

RPL East Escrow: King, Spry: November 2022 invoice # 172814

561.00

RPL East Escrow: Van Cleef Engineering Assoc: December 2022 invoice # 66002203-6

150.00

RPL East Escrow: Van Cleef Engineering Assoc: October 2022 invoice # 66002203-5

2,129.50

New Demi Road Escrow: McTish, Kunkle Assoc: December 2022 services

1,886.25

New Demi Road Escrow: King, Spry: December 2022 invoice # 173655

34.00

New Demi Road Escrow: Van Cleef Engineering Assoc: November 2022 invoice # 66002105-7

1,050.00

New Demi Road Escrow: Van Cleef Engineering Assoc: December 2022 invoice # 66002105-8

600.00

February payroll & taxes, approximate:

7,000.00

February Sunoco Fleet Gas, approximate:

400.00

ADDITION from AMENDED AGENDA (a): new police computers

1,661.40

97,676.15

A motion was made by Kay Bucci, 2nd by Karen Pfeiffer approving the financial report as presented, in the amount of \$ 97,676.15.

Motion carried 6-0-0.

b) The balance in the RPL East Escrow Account is \$2,186.18, tomorrow.

c) The balance in the New Demi Road Escrow Account is \$2,109.75, tomorrow.

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A motion was made by Kay Bucci, 2nd by Karen Pfeiffer authorizing the Secretary to send a letter of request for an additional \$ 5,000 to each account, RPL East, LLC, Escrow Account and New Demi Road Escrow LLC, Escrow Account. Motion carried 6-0-0.

d) The Secretary reported that the Borough received \$5,682.77 for the annual (5) year winter maintenance agreement between the Commonwealth of PA and the Borough of Portland.

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

Lance Prator, 703 Delaware Avenue: Addition from AMENDED AGENDA (d): Application for Vacant Council Seat.

Mr. Prator stated his qualification for the vacant Council position.

- Former Mayor, Borough of Portland.
- Former Council Member, Vice President and President of Borough Council.
- Presently the Chairman of the Portland Borough Authority.

Councilwoman Bucci inquired to Mr. Prator his intentions for application to the vacant seat. Mr. Prator replied that the seat is empty; there is no agenda on his part for returning as a Borough Council member.

A motion was made by Wendy Klug, 2nd by Karen Pfeiffer adopting Resolution 2023-1, appointing Lance Prator to Vacant Office on Borough Council. Motion carried 6-0-0.

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

Mr. Potter reported that he submitted the 2022 report to the Secretary.

Sewer Matters & Borough Engineers Report: Mark Bahnick, Van Cleef Engineering Associates

a) WWTP Operations:

1. Hach Company: Quote

A motion was made by Stephanie Steele, 2nd by Karen Pfeiffer accepting a quote from Hach Company for on-site maintenance and purchase of Laboratory Equipment for the WWTP, in the amount of \$1,207.65.

○ Ms. Klug questioned the travel charge; Ms. Bucci replied, the travel cost was reasonable. Motion then carried 6-0-0.

2. Lot 50 – Demi Road, Traffic, RPL Land Development:

- Correspondence from PennDOT was sent to the Borough's traffic engineer, Christine Troxell, McTish, Kunkle Associates, stating that they are waiting for a response from the applicant to their December 1, 2022, review comments.
- PennDOT states that the Industrial Park (IP) does not front on PennDOT roads but will need to complete improvements to PennDOT roads.

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3. Dunkin, HOP Permit: 400 Delaware Avenue Auto Repair Facility:

- The building permit application was filed with the BCO. Mr. Bahnick stated the challenges with the property owner's permit application that will enable both driveways near Dunkin to be closed. A letter can either be prepared by Ms. Troxell, Traffic Engineer, or the Borough, for the property owner to confirm in writing to PennDOT and the Borough. Once the letter is signed the traffic engineer can notify PennDOT that Dunkin should proceed with a plan for their site to eliminate the garage driveway.
- The rear of the building is in the flood plain.

Motion to Amend the Agenda to Add: Allow vote on two existing driveways/depressed curbing issue:

A motion was made by Wendy Klug, 2nd by Stephanie Steele amending the agenda to allow a vote on the two (2) existing driveways/curbing issues for 400 Delaware Avenue Auto Repair Facility. The reason for the amendment was expediency. Motion carried 6-0-0.

A motion was made by Karen Pfeiffer, 2nd by Kay Bucci authorizing the Borough Traffic Engineer, Christine Troxell, to prepare a letter to PennDOT that Portland Auto Repair Facility is confirming its intent to close one (1) existing driveway closest to the traffic light. Motion carried 6-0-0.

4. WWTP: Elevated BOD

Mr. Bahnick reported that the WWTP treatment process is being adversely affected by High Strength Waste (BOD). Until the Borough becomes aggressive to find the source of the contamination the cost will be prohibitive. Ms. Bucci stated that the contamination would be considered a criminal offense.

5. 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 a) Proposed Subdivision Plan and b) Planned Industrial Park through June 4, 2023.

A motion was made by Kay Bucci, 2nd by Karen Pfeiffer to accept the extension offered by RPL East, LLC with regards to RPL East, LLC Proposed Subdivision Plan through June 4, 2023. Motion carried 6-0-0.

A motion was made by Kay Bucci, 2nd by Karen Pfeiffer to accept the extension offered by RPL East, LLC with regards to RPL East, LLC Proposed Planned Industrial Park through June 4, 2023. Motion carried 6-0-0.

Streets Department: A Committee Report was provided to Council.

None.

- Mr. Bahnick exited the meeting at 8:07 PM.

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

- None

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UCC Officer Report:

- None

Zoning Hearing Board (ZHB): Slate Hills Enterprises

- None

Planning Commission:

- None

Portland Borough Authority (PBA): Lance Prator, Chairman

- a) Chairman Prator updated Council on the PBA's purchase of new water meter readers.
- The new system is fantastic. It cuts down on the work time of the Administrative Assistant.
 - The water bills can be paid on-line.
 - Water usage for every account can be viewed on-line.
 - The technology moving forward for water and sewer is phenomenal. It documents shut offs and clean outs.
- b) Councilwoman Bucci asked the status of RPL and the PBA.
- Mr. Prator replied, there are no added water sources and no water provided to RPL.
 - RPL promised to dig (5) or (6) new wells for the PBA; the developer is a "promise man".
 - Ms. Bucci asked if the PBA did their "due diligence". Mr. Prator replied yes.
 - Mr. Prator stated the water problem through Middle Village; the lines need to be replaced; this has nothing to do with RPL or the Industrial Park (IP).
 - Ms. Bucci asked, "why don't you cut off all talk with RPL".
 - Vice Chairman Jim Potter replied, the PBA would not give up their water when Portland Borough may need it for development. Mr. Prator stated that the PBA is responsible for the Borough.

Legal: Michael Gaul, Solicitor

Street Vacation Ordinance, Main Street, Lands of Hubert McHugh and Bonnie McHugh:

Solicitor Gaul stated the next step is adopting the proposed ordinance with two consecutive advertisements. Adoption is tentatively set for the March 6, 2023, Council meeting.

- Mr. McHugh, in the audience, replied that the advertisement was supposed to be done two weeks ago.

Subdivision and Land Development:

- Addressed under Line Item #10, sewer matters.

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Community Development, Slate Belt COG & Grants:

1. Slate Belt COG:

- a) The Slate Belt COG 's January meeting was cancelled due to inclement weather.
- b) Ques 550 Camera System training is scheduled for Friday, March 24, 2023.
- c) The COG is searching for more grant opportunities.
- d) The next meeting is scheduled for February 22, 2023.

2. LSA Grant Update: Master Plan for Recreation, URDC

Ms. Buuci reported that the amendment to the LSA Grant has been sent to the PA - DCED. There is \$39,998 funding available; the decision will be made at their March 1, 2023, meeting.

3. Northampton County DCED is hosting an instructional Zoom Grant Workshop on Thursday, February 23, 2023, from 10 AM – 11:30 AM. President Steele plans to attend.

Community Events/Recreation Board:

- o No events scheduled at this time.

Police Report:

- o The report was presented in writing by Chief Mulligan.
- o No response from Chief Mulligan's advertisement at the Police Academy to hire an additional officer.

Mayor's Report:

- a) Attended the Plan Slate Belt meeting held at Bangor Borough.
- (b) Attended meetings on the Route 611 North Closure Movement via Zoom or in person with the following:
 - o Delaware Water Gap small businesses with A & N Chocolates, Dunkin, and PORT2FLAVORS also attending.
 - o PA State Representative Ann Flood and her assistant and toured the Portland small businesses.
 - o Met with PennDOT concerning emergency services operations while road is closed.
 - o Northampton County with Tina Smith; concerning offers for exposure through their small business assistance program.
 - o Met with the LVC of Commerce and Portland's businesses for discussion; how they can help.
 - o Investigating the Workforce Initiative to supply businesses with interns who can cover shift gaps and social media assistance.
 - o Investigating local banks and their foundations for help.
 - o Contacted and received two (2) letters of support for the Borough's Small Water and Storm Sewer Grants application. One from PA State Representative Ann Flood and one from PA State Senator Lisa Boscola.

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- Met for the first time with the Nurture Nature Center of the CREATE Hub Municipal Partner Program.

Sanitation Committee:

- a) The Billing Clerk provided the 2022 delinquent garbage Accounts in the amount of \$1,561.36. A motion was made by Karen Pfeiffer, 2nd by Kay Bucci authorizing the delinquent accounts to be turned over to Credtech for collection. Motion carried 6-0-0.
- b) The public trash container at Delaware Avenue and Main Street was full again this week with trash from the apartment of 503-505 Delaware Avenue. The consensus of Council was that the Committee review the Garbage Ordinance with an official letter sent to the tenant.
- c) The committee assignments were discussed.

Building Committee:

- a) Councilwoman Bucci reported the committee met on January 27, 2023, at 3:00 PM.
- b) StoneCraft, LLC Masonry and Chimney, Cresco, PA met with the committee on February 1, 2023, to perform an in-person inspection. The company will provide an assessment for re-pointing of the municipal building. Ms. Bucci explained that StoneCraft has a waiting list and for the Borough to remain on the list a 25% deposit is required when the proposal is received.
- c) The water fountain in the vestibule has been installed by Fred Farleigh, the maintenance laborer.
- d) Patrick McHugh stated the three (3) priorities for the municipal building are a) re-pointing the municipal building, b) the handicapped ramp, c) the Bell tower. A temporary repair will be done to the handicapped ramp by the maintenance laborer, Fred Farleigh, for the upcoming Primary Election.

Budget, Finance, Insurance, & Cable TV Contract:

- None

Ordinance Update Committee:

- None

Council Policy & Procedure Committee:

- None

Air Liquide Safety Committee:

- The committee meets on March 8, 2023.

Slate Belt Rising Committee (SBRC): Stephanie Steele

- The committee meets the second Thursday of the month, February 9, 2023.

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- The Community Action Committee of the Lehigh Valley (CACLV) has hired a new director for SBR, Brian Fenstermaker, and former District Director for PA State Senator Mario Scavello.
- One more representative from Portland needs to be appointed to the committee.

Plan Slate Belt Steering Committee: Stephanie Steele

- The committee meets the first Thursday of the month at 7 PM. The February and March meetings will be held at the Jerry Brunetti Environmental Center, Bangor, PA. The April and May meetings will be held at the Wm. Pensyl Social Hal, Portland, PA.
- Borough Council will meet on Monday, February 27, 2023, at 7 PM. President Steele has invited the Lehigh Valley Planning Commission to attend and review the DRAFT Regional Comprehensive Plan.
- Councilman Prator reported he previously suggested that the Boroughs and Townships meet separately on their own.
 - Mayor Fischer exited the meeting at 9:20 PM.
- Mr. Prator continued; Roseto Borough has no interest in participating with the Regional Comprehensive Plan.
 - Mayor Fischer re-entered the meeting at 9:22 PM.

Liberty-Water Gap Trail Alliance: Cindy Fish

- No meetings are scheduled due to the closure of Route 611 North to Delaware Water Gap.
- Fallon Horan, Monroe County, representative has resigned.

Correspondence:

- Letters of Support were received from PA State Representative Ann Flood, 138th Legislative District and PA State Senator Lisa Boscola, 18th Senate District for the Borough's grant application to the Covid-19, small sewer and water grant.
- Meyner Center/Lafayette College Student Internship Opportunities were discussed under the Mayor's Report.
- Lehigh Valley Chamber of Commerce, Mayor's Reception to be held on March 30, 2023.
- The Slate Belt Chamber of Commerce is supporting PA Free Enterprise Week. The SBC of C is asking for a \$695 sponsorship for a local student to attend. 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.

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Old Business:

- A motion was made by Patrick McHugh, 2nd by Kay Bucci authorizing the Borough to subscribe to the PSAB Plus Subscription program, in the annual amount of \$450. Motion carried 6-0-0.

New Business:

- a) The committee assignments will be emailed to Council members.
- b) A motion was made by Kay Bucci, 2nd by Karen Pfeiffer authorizing the purchase of a new Brother HL-L8360CDWT color laser printer for the Borough office, in the amount of \$549.99 plus shipping and handling. Motion carried 6-0-0.
 - Ms. Steele stated the purchase replaces a (12) year old machine.
- c) Discussion was held concerning transferring monies from the Real Estate Tax Account to the Rainy-Day Fund Account. A motion was made by Kay Bucci, 2nd by Karen Pfeiffer authorizing the transfer of \$50,000.00 from the Real Estate Tax Account to the Rainy-Day Fund Account. Motion carried 5-1-0 (S. Steele opposed)

Public Non-Agenda:

- Councilman Prator informed Council that National Incident Management Systems (NIMS) is hosting a class at the Northampton County 911 Center.

Executive Session:

- None

Action Taken:

- None

Adjourn:

- The Fourth Monday meeting of the Portland Borough Council will be held on February 27, 2022, at 7:00 PM,
- Portland Borough's Council first regular meeting in March will be held on Monday, March 6, 2023, at 7 PM.
- A motion to adjourn the meeting at 9:45 PM was made by Karen Pfeiffer, 2nd by Patrick McHugh. Motion carried 6-0-0.

Respectfully Submitted,

Carol A. Hummel

Carol A. Hummel, Secretary