

BOROUGH OF PORTLAND COUNCIL MEETING
AUGUST 22, 2022

The Portland Borough Council Meeting of August 22, 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 Zoom Communications.

Council Members Present for Roll Call to Order:

Stephanie Steele Kay Bucci* Robert Ivancich* Patrick McHugh* Kyle Overfield*

Councilwoman Karen Pfeiffer attended via Zoom Communications.

Others Present:

1. Michael Gaul, Solicitor:
2. Mark Bahnick, Borough Engineer
3. Heather Fischer, Mayor
4. Carol Hummel, Borough Secretary
5. Craig LaBarre, WWTP Operator
5. Vincent Behe, Director, Slate Belt Rising

Audience Present:

1. Hubert McHugh, resident
2. Laura Bocko, UMBT

Approval of the Meeting Agenda and any Amendments:

There were no amendments. A motion was made by Kay Bucci, 2nd by Patrick McHugh approving the agenda as presented. 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.

Public Comment:

a) Robert Teel, UMBT:

Mr. Teel had requested to be placed on the agenda but due to another commitment is absent. Council President Steele spoke on behalf of Mr. Teel, concerning an announcement that a Senior Forum would be held Saturday, September 10, 2022, at the UMBT Fire Company Social Hall from 1 to 3 PM. Local Government Officials will be present to assist seniors and veterans with any government matters. Mr. Teel is sponsoring the Forum.

b) Vincent Behe, Director of Slate Belt Rising (SBR):

Mr. Behe introduced himself to Borough Council and others present as the new director of SBR, which is a program of the Community Action Committee of the Lehigh Valley (CACLV). SBR operates in the Boroughs of the Slate Belt, i.e., Wind Gap, Pen Argyl, Bangor, and Portland to increase economic opportunity in the region, reduce poverty, eliminate blight, and improve the quality of life. SBR was founded through state programs and operates on a (6) year schedule. In May 2022 SBR began laying the groundwork for a new (6) year plan.

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Mr. Behe was appointed the director in June 2022; and is a former planner, grant writer with the CACLV. An invitation was extended to attend the SBR annual meeting luncheon on September 21, 2022, at the Wind Gap Fire Co. Social Hall.

Mayor Fischer stated that SBR will be hosting a RiverFest Event in the Borough of Portland on Saturday, August 27, 2022. Mayor Fischer stated that it is not advertised well and doesn't mention Portland; she is concerned that no one knows it is being held in Portland.

Councilwoman Bucci asked the other sources of revenue for SBR. Mr. Behe replied, Lehigh Valley Chamber of Commerce, CDBG state programs and donations.

Hire a Grant Writer: Kay Bucci

Ms. Bucci suggested that Council retain URDC, Ms. Joanne Conley, the grant writer for the gym demolition; to keep moving forward researching available grants for the Borough; for visitors using the numerous trails in the area; and to develop the vacant lot of the Borough Gym as a community gathering space/picnic area. Ms. Bucci stated that URDC designs plans for parks and recreational facilities. Ms. Steele suggested that the Borough start with consulting work.

Councilwoman Pfeiffer commented on storm drainage issues.

A motion was made by Patrick McHugh, 2nd by Kay Bucci to retain URDC, Ms. Joanne Conley, to begin consulting services/recommendations for available grants for the Borough, in the amount not to exceed \$ 1,000. Motion carried 6-0-0

A motion was made by Patrick McHugh, 2nd by Kyle Overfield confirming retroactively that Councilwoman Pfeiffer may participate and vote, via Zoom communications during the Council meeting. Motion carried 6-0-0.

Sewer/Garbage Clerk Computer:

Rather than hire tech services due of the age of the computer and the cost approximately at \$130 per hour, a motion was made by Kay Bucci, 2nd by Patrick McHugh to purchase a new computer for the Sewer/Garbage Operations in the amount not to exceed \$ 1,000. Motion carried 6-0-0.

Sewer Discussion Concerning Correspondence Received from the UMBT Engineer:

On behalf of UMBT, the engineer provided questions related to the Township's Draft Act 537 Plan Update.

- Request a coordination meeting to discuss the plan update.
- Key items for the Borough's consideration.
- Provide a written letter from Council of available sewer capacity or letter of intent to provide sewer service.
- The cost to upgrade the sewer plant.
- Confirm the township would be a bulk user; cost of the sewer tapping fees.
- The Borough's position regarding a Joint Sewer Authority.
- Status of conversations between Portland Borough, DEP and/or the DRBC.

The correspondence was dated June 20, 2022; handouts were provided by the Borough Engineer Mark Bahnick. Discussion:

- Tapping fees.
- Sewer rates.

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- Sewer capacity purchase from Portland.
- UMBT would pay for land disposal/pumping/pipelines for any effluent required by the DEP and DRBC, if river discharge is not permitted.
- Portland owns the plant and collection system.
- UMBT becomes a bulk user.
- Portland -UMBT Sewer Service Agreement.
- Regulatory Approvals: DEP, DRBC.

Response to correspondence:

- There is no available capacity until Portland amends its Act 537 Plan.
- A formal study needs to be done, payable by UMBT.
- Zoning needs to be studied.
- A formal study to justify an alternate plan.
- No joint sewer authority.
- No letter without an evaluation.

A motion was made by Patrick McHugh, 2nd by Karen Pfeiffer to inform the township that prior to responding to its request for sewer capacity, the Borough Engineer would need to conduct a formal analysis of the Borough's available capacity, which would have to be paid for by UMBT, pursuant to a written reimbursement agreement, secured by an escrow in an amount acceptable to the Borough.

A roll call vote was taken.

YES Steele, McHugh, Pfeiffer.

ABSTAIN Bucci, Overfield, Ivancich The members abstaining did not provide a reason for their abstention.

- Solicitor Gaul stated that he would have to research and analyze the effect of the vote, whether it was legally effective since it was not a majority of the members present, whether it constituted a tie vote since he knew of no reason why the abstaining members could not vote, and whether the Mayor was required to cast a vote to resolve the matter. Solicitor Gaul stated that the meeting could continue as he reviewed the Borough Code.

Public Non-Agenda:

The Preserve at Upper Mount Bethel Township: Laura Bocko, UMBT

Ms. Bocko addressed Council concerning the Steering Committee for a Master Plan of the Preserve. Ms. Bocko invited Portland to send a representative to attend committee meeting and be involved. The Preserve is 216 acres of the original 280 acres of the Eastern Industries Property in UMBT. The property has been preserved for environmentally walking trails.

Back to Response to correspondence:

Solicitor Gaul stated after reviewing the Borough Code he was not prepared to offer an opinion on the matter at tonight's meeting, and that another Council meeting may need to be called. He noted that a member of Borough Council should not abstain from voting on a matter unless he or she has a conflict. One or more of the abstaining members stated that they needed more time or information before casting a vote.

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A motion was made by Karen Pfeiffer, 2nd by Stephanie Steele to rescind the motion to respond to the Township's Draft Act 537 Plan Update correspondence, and to table the matter to the September 12, 2022, meeting, so Council members would have sufficient time to inform themselves of the issues. Motion carried 5-1-0 (McHugh opposed)

Ms. Steele stated to the Secretary to include the UMBT's Draft Act 537 Plan Update correspondence in the September 12, 2022, Council meeting agenda, and Council members should come prepared to vote.

Executive Session:

A motion was made by Kay Bucci, 2nd by Patrick McHugh to convene to executive session at 9:03 PM. Motion carried 6-0-0

Discussed: Personnel and Legal matters with Solicitor Gaul.

A motion was made by Kay Bucci, 2nd by Kyle Overfield to reconvene from executive session at 9:32 PM. Motion carried 6-0-0.

Action Taken:

A motion was made by Kay Bucci, 2nd by Kyle Overfield to increase the hourly rate of the police officers as stated, effective the next payroll cycle of August 29, 2022.

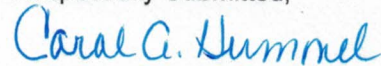
- Todd Pysher \$ 24.00
- Gregory Dean \$ 24.00
- Robert Mulligan, Chief \$ 25.00

Motion carried 6-0-0.

Adjournment:

A motion was made by Karen Pfeiffer, 2nd by Kay Bucci to adjourn the meeting at 9:25 PM. Motion carried 6-0-0.

Respectfully Submitted,


Carol A. Hummel, Secretary