

**Portland Borough Council
Meeting of July 24, 2023**

Call to Order: Council President, Stephanie Steele, called the meeting to order at 7:00 p.m.

Council Members Present: Wendy Klug, Kyle Overfield, Lisa Prator, Lance Prator and Karen Pfeiffer. Councilman Patrick McHugh was absent.

Others present: Mayor Heather Fischer; Attorney Richard Campbell, of the King Spry law firm, Borough Solicitor; Mark Bahnick, Borough Engineer; Diann Eden, Assistant Borough Secretary. No members of the public were present.

Approval of the Agenda and Amendments: President Steele called for a motion to approve tonight's agenda and amendments. **Lance Prator made the motion to approve the agenda as prepared; seconded by Karen Pfeiffer. Motion carried 6-0**

Announcement of Recording: President Steele asked if anyone, besides the recording secretary, would be recording tonight's meeting. The recording secretary records the meeting for assistance in preparation of the minutes. Mayor Heather Fischer stated she would be recording.

Editor's note: Recording of the meeting by Mayor Heather Fischer, Borough Council members or members of the public are for personal use only, and do not constitute official Borough action, or an official record, unless expressly authorized by specific Borough Council action.

Public Comment: None

Community Development, COG & Grants- Opportunities and Challenges:

Wendy Klug said that former borough councilwoman, Kay Bucci, had recommended the borough hire a grant writer. Wendy Klug was in contact with Katy Shoemaker, grant writer, and forwarded some reading material for council to review. Wendy Klug added that if Council has questions for Katy Shoemaker, Council can meet with her face to face, but she does have to travel far. Katy Shoemaker has done five grant applications for the Portland Fire Department; therefore, Wendy Klug feels Katy Shoemaker would be an excellent candidate. Discussion took place by Council as they did not have the information pertaining to the grant writer. Lisa Prator added she also did not receive any information on the grant writer. Wendy Klug asked Lisa Prator if she (Lisa) was now "officially" on Council. President Steele confirmed that Lisa Prator is. It was determined the information regarding Katy Shoemaker had been placed in the meeting folder for the August 7, 2023, Council meeting's agenda. Council will then review the information that Wendy Klug had forwarded to the borough and at that time, Council will discuss whether Katy Shoemaker needs to be present at the next meeting.

Community Events/Recreation Board- Founder's Day 2023:

President Steele indicated the borough was successful in getting the County's "Hotel Tax Grant." President Steele is asking Council to authorize her to sign the grant award paperwork. The borough will be having its first Founder's Day, which will be held this year on October 21st. The funds can be used for a band, porta johns, food, etc. The grant is \$ 10,000 and the borough will match 25% (\$ 2500). The event

will be townwide and the trolley will also be here to give rides around town. President Steele said they will ask the fire company to direct traffic. **Lance Prator made a motion to authorize President Steele to sign the grant award paperwork; Karen Pfeiffer seconded the motion. Motion carried 6-0**

Streets Department-Discuss and Review quotes received for drain repair on Market Street:

Bids received:

Charlie Nansteel \$ 21,680 (all included)

Charlie Nansteel \$ 19,780 (borough to supply stone and asphalt)

L. Marki & Son, Inc. \$ 21,010 (borough supplies pipe, stone, and asphalt)

Moyer Excavating – Declined to bid job.

President Steele asked Mark Bahnick if he would like to go over this with the group since he visited the site. Mark Bahnick said that of the bids we got, the bid from Charlie Nansteel in the amount of \$21,680.00 seems to be preferred in his perspective. The bid is complete in place; the borough does not have to provide any pipe or materials. Mark Bahnick commented that he did not understand why the Charlie Nansteel estimate, at the bottom of the page, had an estimate total of \$ 0.00. President Steele added that before the agreement is signed, she will have Charlie Nansteel correct his estimate total.

Mark Bahnick's interpretation of this bid is that for 260 feet, you're going to take out old pipe, dispose of it, as well as the unsuitable backfill material, then provide stone backfill and repave the disturbed areas/roadway and also restore the lawn area that was destroyed. That would be complete in place from Mark Bahnick's perspective. Those are his comments regarding the bids themselves. The 260 feet is about \$83 a linear foot which is reasonable price for that type of work.

Mark Bahnick had a couple of general comments regarding the site. It is not visible that there is a hole in the pipe or that the pipe collapsed. Around the pipe, water collected, and enough water had been flowing adjacent to the pipe, creating a void that had allowed the backfill to erode. Enough water seemed to have been flowing outside of the pipe, washing the stone away, resulting in the road collapsing. Mark Bahnick suggested that part of the reconstruction process, besides the stone backfill, you could put in a foot or two of clay dams to prevent this from occurring again. The video work that was done showed the portion of the pipe where this had happened, and to Mark's surprise, the pipe seemed to be in pretty good shape. The majority of the pipe is at the end of its design life, being that the metal pipe has been there for almost 50 years, but it has not actually failed. No evidence of bottom or top pipe collapse; however, there is a 10-foot section downstream from where the new HDPE pipe was put in, that has a hole in the bottom of the pipe. That area has, in fact, collapsed. The majority of the pipe from there on up is not in horrible shape. Eventually, all storm sewers in the town need to be replaced, however, right now, if we can afford it, to have that section replaced would make sense.

You have a collapsed paved area and a void, so this isn't a bad area to focus on. Replace the pipe, add the clay dams, and hopefully, this will stop the collapse of the pavement adjacent to the house.

Mark Bahnick said we have this grant application in, and we got some feedback from the grant guys. Two reasons that they haven't taken action: One, it's the state government and no one takes action when

you're in a hurry and currently, there is no state budget allocation for this project. Mark Bahnick was told there might be action taken (by the state) in September.

Wendy Klug asked that relative to the grant, if it was an emergency, could we fix the pipe now and get this repair as part of the grant funds, could we get reimbursed? Mark Bahnick said if you fixed it before the grant was awarded, it would not be reimbursed. If we had grant money and this was part of a larger project and this was part of the project, yes, you would be able to include this job. Lisa Prator asked who applied for the grant. President Steele said it was VanCleaf Associates in conjunction with the Borough. Two applications were submitted to the state in conjunction with the borough by VanCleaf Associates. Stephanie added that the two grant applications were for the sewer system and storm water. Mark Bahnick said this is a onetime program. It's Rescue Fund money that the state is trying to dispose of in some sort of rational fashion. Lisa Prator asked whose house is adjacent? Stephanie Steele replied when you turn to go to Hubert's house, it's next to the little Cape Cod house.

Lance Prator asked Mark Bahnick about the clay dams not being mentioned in the Nansteel bid for \$ 21,680. Is that included in Nansteel's price? Mark Bahnick replied that this was not discussed with them. If they bring in stone and one load of some clay that it wouldn't be a large increase, but he'd have to discuss it with them. President Steele added the upper limit of the bidding is \$ 22,500. Lance Prator asked Attorney Campbell how would we go about awarding it to Nansteel but adding on the clay with it? Attorney Campbell said you have to be careful with the \$ 22,500. Lance asked can we do one for clay and one for this? Attorney Campbell said it feels like one job. Mark Bahnick said for this job, this is a bid that defines the scope. There are going to be things that will be discussed out there in the field. Attorney Campbell believes it would be a single job. You are not allowed to piecemeal it. It is fixing a drainage pipe. Mark Bahnick said it could be a change order once you get out there.

Lisa Prator asked how do we pay for it if we don't get the grant? Stephanie Steele said if we do the repair before September, it will come out of the Borough's budget. After that, then we take our chances. Friday, a metal plate was placed over the area by Portland Contractors.

President Steele said a bid was also received for just that small area, but we felt for the price, it was more economical to do the whole thing and Patrick McHugh preferred to get the price for the whole thing. This bid is to just do the portion where Charlie Nansteel made the repair prior down to the drain box in where the actual the actual space is, in the amount of \$ 13,800. Replace pipe from the new inlet from Market and Pennsylvania Avenue up to the repair made prior; it's approximately 100 feet. Same as other: excavate, remove/dispose all galvanized, install 24" pipe, install fittings, repave the surface, seed, and straw. Stephanie Steele said the \$21,680 bid is from drain box to drain box (260 LF); this smaller bid for \$ 13,800 (100LF) is from the location of the prior repair last summer to the drain box. Cost wise, it makes more sense to replace the 260 linear feet.

Mark Bahnick discussed the overall funding of this project. President Steele said she did not know what is in the Street's Budget, but in the Rainy Day \$ Fund \$ 195,000 but some of that is promised to the grant match. The grant is for around \$ 400,000. The borough must come up with a match of 15%.

President Steele had a discussion with PennDOT District 5 representative, Kevin O'Donnell. If the material used for this project, such as stone, blacktop, and pipe is PennDOT certified, the borough could

use Liquid Fuels funds. Mark Bahnick said we are below the prevailing wage number and Attorney Campbell agreed (under \$ 25,000). Attorney Campbell added it could be designated as an emergency and a resolution can be made by Borough Council. Mark Bahnick added we are also below the bidding threshold. Mark Bahnick said this is not a formally bid project, with contract documents, bid specs, etc. The scope of the project is not insignificant, but it isn't a huge project. We've worked with this contractor before. Mark Bahnick's two major concerns are: 1. How do we deal with rainfall events during construction? 2. How do we deal with pavement and lawn restoration when the project is finished? Stephanie Steele asked if major issues occur when he (L. Marki) begins excavation, once the project is started, Stephanie would have to call a special meeting for approval (the last time they did via text); then formally done at the next meeting.

Attorney Campbell said we can act on this at the Council's next meeting. Mark Bahnick suggested having Jimmy Potter oversee the project as the Borough's representative.

Lance Prator made a motion to accept Nansteel's bid for \$ 21,680.00 to replace all of the pipe and perform restoration. Karen Pfeiffer seconded the motion. Stephanie Steele asked if part of the motion, is an addendum needed? Attorney Campbell replied that approval of the contract with the contractor should be conditioned on the contractor signing the Borough's standard contract addendum. **The Borough Council agreed by consensus that the motion to accept the Nansteel bid was conditioned upon the contractor signing the Borough's standard contract addendum. Motion carried 6-0**

Attorney Campbell advised Stephanie Steele to add to the file the reason why Moyer Excavating declined to bid on this project into the Borough's file.

Sanitation Committee – Report

Wendy Klug did not have a chance to meet with the full Sanitation Committee. Wendy Klug happened to run into John Post. Wendy Klug asked Mr. Post for a good contact person at his company. Mr. Post suggested Rich Valone. Wendy Klug has had email communication with Mr. Valone regarding the parking lot trash issue. Mr. Valone wanted to know about the Borough's trash collection pickup schedule. Do we want him to get involved as well? Stephanie Steele added, according to the current Waste Management contract, the borough is allowed to have dumpsters at different locations. The group agreed they did not want this area to become a dumping ground for everyone.

Wendy Klug asked if the borough had heard anything from Port 2 Flavors? Diann Eden, Assistant Borough Secretary stated that Port 2 Flavors did reply that they do not have any are to place a dumpster. Wendy Klug has been in contact with Adrienne Fors. There are several options Port 2 Flavor can do to resolve the trash issue. They would have to contact Waste Management directly for specifics. Wendy Klug will reach out to Port 2 Flavors with this information.

Personnel Committee –

President Steele said the Borough has received 10 applicants for the position of Borough Secretary. Interviews will begin tomorrow. Besides local advertising, the Personnel Committee also set up an account with Indeed. Stephanie Steele asked the Council how they would like to present they applicants. Should her committee bring the top 3 candidates to Council? Karen Pfeiffer suggested preparing a report, doing a brief synopsis of the candidate to present to Council. Karen Pfeiffer offered to do the report. Attorney Campbell said the actual hiring and salary would be done at an open meeting.

New Business –

PSAB Municipal Budget Course - Wendy Klug spoke about PSAB training; specifically, her and a few other Council members' interest in Finance and Budget. PSAB will provide course materials, but it will come at a cost. Karen Pfeiffer said she would find out if additional training dates are available.

PSAB Municipal Police Department Supervision and Oversight Course- Wendy Klug would like to better understand her role, as a council member, regarding this area of borough government. Mayor Fischer said the Council would have to approve whether she can attend the training. Karen Pfeiffer said there might be an option to view the training via a webinar. Mayor Fischer believes this training is in person in Quakertown. The group would like to attend or at least receive course material regarding this topic. Mayor Fischer replied she is not available for the August training and will advise if she can do the September training.

Public Non-Agenda – None

Executive Session –

President Steele asked Council if there was a reason for executive session this evening. Lance Prator replied yes, it could be held right now and instructed the tape recorder to be turned off.

By consensus, the Borough Council went into Executive Session at 7:45 p.m.

The Borough Council returned from Executive Session at 7:55 p.m.

President Steele called for a motion to have Borough Council return from Executive Session. **Lance Prator made a Motion to return from Executive Session; seconded by Karen Pfeiffer.**

Motion carried 6-0

The reason for the Executive Session was personnel matters and discussion of active or pending litigation with the Solicitor.

The next Portland Borough Council meeting will be held on Monday, August 7, 2023, at 7:00 p.m.

President Steele called for a motion to adjourn tonight's meeting. **Lance Prator made the motion; seconded by Karen Pfeiffer.**

Motion carried 6-0

The meeting ended at 8:00 p.m.

Respectfully submitted,

Diann G. Eden
Assistant Borough Secretary