



**Borough of Portland Council Meeting Minutes
October 2, 2023**

Call to Order – President Stephanie Steele called the meeting to order at 7:00 P.M.

Pledge of Allegiance was recited.

Roll Call – Council Members: Stephanie Steele, President, Patrick McHugh, Vice-President, Lance Prator, Karen Pfeiffer and Lisa Prator were present. (Kyle Overfield – absent).

Others Present – Mayor Heather Fischer, Borough Solicitor-Michael Gaul, Secretary Lori Sliker, Mark Bahnick, Borough Engineer (arrived at 7:35 P.M.), Resident Hubert McHugh

Announcement of Recording - This meeting is being digitally recorded for assistance in preparation of the minutes. President Steele asked if anyone, besides the recording secretary, would be recording tonight's meeting. Mayor Fischer is recording for her personal use. No other attendees are recording the meeting.

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.

Approval of the Meeting Agenda and any Amendments:

A motion was made by Councilman Lance Prator to approve the posted agenda, seconded by Councilwoman Karen Pfeiffer. Vote 5-0-0; Motion Carried.

Action on the Meeting Minutes:

(i) August 28, 2023, Minutes

A motion was made by Councilwoman Lisa Prator, seconded by Councilman Lance Prator to approve the August 28, 2023, minutes with the following revision: Vote 5-0-0; Motion Carried.

Page #5 – stated “Lisa Prator was not interested in being on the Sewer Committee”. Change to “Lisa Prator was unavailable to attend the sewer committee meetings”.

(ii) September 11, 2023, Minutes

A motion was made by Councilman Patrick McHugh, seconded by Councilwoman Karen Pfeiffer to approve the September 11, 2023, minutes with the following corrections. Vote 5-0-0; Motion Carried.

Page #3 – stated “Councilman Michael McHugh”. Change to reflect “Councilman Patrick McHugh. Page #5- under Sanitation Committee – stated “Wend”. Correct to reflect Wendy.

(iii) September 23, 2023, Minutes

A motion was made by Councilman Patrick McHugh, seconded by Councilwoman Lisa Prator to approve the September 23, 2023, minutes as written. Vote 5-0-0; Motion Carried.

Secretary/Treasurer Report – President Steele presented the September 2023 Financial Report to the Council. The bills presented for payment in the amounts of:

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Bills Presented for Payment:	
Borough Operations	\$ 11,009.18
Sewer Operations	\$ 18,425.28
Garbage Operations	\$ 4,814.32
Estimate Payroll & Payroll Taxes, September 2023	\$ 6,300.00
Estimate WEX Sunoco Fuel, September 2023	\$ 500.00
RPL East, Escrow- King, Spry	\$ 72.00
Liquid Fuels	\$ 4,679.15
<u>TOTAL</u>	<u>\$ 45,799.93</u>

A motion was made by Councilman Patrick McHugh to approve the September 2023 Financial Report, seconded by Councilman Lance Prator. Vote 5-0-0; Motion Carried.

President Steele updated the Council regarding the Bond for the Secretary. Due to the lack of response on the part of Kressler, Wolf and Miller, she has contacted Brown & Brown, the Borough's broker for general liability insurance, by email and is anticipating a response from them in the next couple of days.

Public Comment: President Steele asked if the public had any comments at this time – None.

Legal: Solicitor Gaul: Solicitor Gaul inquired to Councilman McHugh about whether he still intended to seek Borough Council approval for the Solicitor to research ownership and maintenance responsibility for Crestmont Street. Solicitor Gaul said he had considered the expected legal fee cost, and estimated it to be approximately \$5,000.00, but that was just an estimate, and not a cap, and the Borough would be billed for whatever the actual costs would be. President Steele advised that she has received a written complaint from a resident regarding the maintenance of the road. Councilman Patrick McHugh advised that the landowner has made several complaints over the years. Councilwoman Lisa Prator asked the Solicitor if a member of the Council could do some research at the Northampton County Courthouse; the Solicitor explained that a Councilmember could theoretically do so, but the work would be time consuming and potentially complicated depending on how the deeds and other documents were recorded. Solicitor Gaul added that Councilman McHugh would have to provide information as to what he considered the specific dimensions of Crestmont Street to be.

A motion was made by Councilman Patrick McHugh to approve Solicitor Gaul to research the ownership of and maintenance responsibility for Crestmont Street, without a \$5,000.00 cap. Motion died for lack of a second.

Councilman Patrick McHugh indicated it may be cheaper to fix and maintain the road then have the Solicitor research the history. Councilwoman Karen Pfeiffer asked if an estimate to make the repairs had been completed. Councilman Patrick McHugh advised a couple years ago an estimate of \$16-\$18,000 was quoted; however, Mayor Fischer indicated that a previous quote should not be relied upon, as costs of everything have gone up. Councilwoman Karen Pfeiffer asked if the Borough has maintained that area for 40 years does the Borough have an obligation to continue the maintenance/repairs. Solicitor Gaul replied that he understood Councilwoman Pfeiffer's desire for a simple answer, but no response could be given without legal research and analysis, a precise factual history, and guidance from Borough Council on the course of action it desired to take. Further the matter could depend on the areas involved, location of Borough infrastructure, and the reasons for Borough actions in the past. If the Borough Council desired to inquire into the matter, he

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recommended that photos be taken of the area in question, so everyone was familiar with it, and a proposed description for the road area be prepared.

The Council members informed Councilman McHugh they wanted to see pictures and the measurements of the area in addition to an estimate to repair the road. This information should be provided to the Council prior to future discussions. Councilman Patrick McHugh inquired about a grant that is pending and can these funds be used to fix Crestmont Street. President Steele advised that some of that grant has been slotted for other things and right now there is very little money coming into the Borough.

Borough Engineer, Mark Bahnick arrived at 7:35 P.M.

Solicitor Gaul advised that the position of Borough Right to Know officer is still vacant, and that the Borough Secretary, Lori Sliker could be appointed as the Right to Know Officer even if she still could not be appointed Treasurer at this time. In addition, the Right to Know policy has to be posted on the Borough Website.

A motion was made by Councilwoman Lisa Prator to amend the agenda, for reasons of expediency, to appoint Borough Secretary, Lori Sliker as the Right to Know Officer, seconded by Councilman Patrick McHugh. Vote 5-0-0; Moton Carried.

A motion was made by Councilwoman Lisa Prator to appoint Borough Secretary, Lori Sliker as the Right to Know Officer, seconded by Councilman Patrick McHugh. Vote 5-0-0; Motion Carried.

Borough Engineers Report – Mark Bahnick, Van Cleef

The Borough Engineer and President Steele advised that screener repair parts are needed for the Kubota at a cost of \$5,240.00. In addition, there will be duty fees; however, that amount is unknown at this time.

A motion was made by Councilman Lance Prator to order the repair parts for \$5,240.00, plus duty fees, seconded by Councilwoman Karen Pfeiffer. Vote 5-0-0; Motion Carried.

Mr. Bahnick reviewed the sewer capacity study proposal with the Council members. Mr. Bahnick advised the \$3,500.00 quote still stands and it will take approximately 2 months to complete the study. Upon completion, the study will be given to the Sewer Committee for review. Resident McHugh inquired if the study would include information on parcels in town that are ½ acre or more; Mr. Bahnick advised it is included in the study. President Steele confirmed that the check from the Township has been received. Mr. Bahnick advised he will need additional information from the Township indicating the amount of capacity they require; Councilman McHugh advised once the check is cashed the Township will provide that information.

A motion was made by Councilman Patrick McHugh to have the sewer study completed, seconded by Councilwoman Karen Pfeiffer. Vote 5-0-0; Motion Carried.

Councilwoman Karen Pfeiffer asked if the yellow jackets and lights were taken care of from an email they received. President Steele advised that Ehrlich (a yearly contract) came and took care of the yellow jackets; however, a bucket truck is needed to check the lights to see if it is the sensors or the bulbs. President Steele is unsure if that occurred; she will check with Maintenance for an update. Councilwoman Karen Pfeiffer offered to help with the sewer non-compliance letters.

DMR Report – September’s report was included in the Borough Council meeting materials for review.

Streets Committee: Patrick McHugh, Chair

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Borough Engineer, Mark Bahnick updated the Council members on the Market Street project. Mr. Bahnick advised that the contractor began the project last Thursday without advising anyone and there was not an inspector at the work site. The inspector arrived at 1 P.M. and was advised that Craig was concerned if the contractors dug down to put in the stone bedding, it could compromise the water/sewer laterals. Mr. Bahnick advised the Council that because the stone was not placed there could be a monetary amount due back to the Borough. The contractor will return next week to complete the job. President Steele advised that she received two (2) calls indicating that a Borough resident, had his tractor at the site after the contractor left and was moving gravel. Solicitor Gaul advised that no one should work at a Borough job site except the contractor who is responsible for the work. Solicitor Gaul advised if this occurs again a conversation needs to be held with the resident. Mr. Hubert McHugh stated that he was the resident referred to, and explained the contractors left the job site between 7:30 P.M. – 8:00 P.M.; leaving mounds of stone in his driveway which he moved out of his driveway; he also helped Mr. ~~Kent~~ **Kenna** put the steel pipe on his truck. Mr. McHugh's wife advised him that negative comments were made on social media about him at the worksite. President Steele advised Mr. McHugh that if the stone had been left in his driveway, he should have called the Borough, and they would have contacted the contractor. Mayor Fischer and President Steele both advised they have not seen anything on social media regarding this issue and asked where it was posted; Mr. McHugh responded he did not know, but his wife informed him of the comments. Solicitor Gaul advised that during construction the residents should park below the construction site, so they have access to transportation; stay away from the active construction site so everyone remains safe.

Councilman McHugh provided an update:

- The Main Street project was delayed due to the rain last week, they will continue to work on this project now that the weather has improved.
- Chip and sealing of the roadways have been completed. President Steele asked Councilman McHugh if he had completed the required paperwork (addendum & contract) which she emailed had to be completed prior to the work being done; Councilman McHugh advised the paperwork was not completed.
- Hallet – additional quotes needed– no action at this time.
- Leaf pickup – has been completed.
- Purchase of Salt – due by October 31, 2023. Salt will be purchased through American Salt's Co-Stars contract #4600016537 - \$76.79 x 75 tons=\$5,759.25.

A motion was made by Councilman Patrick McHugh to purchase 75 tons of salt from American Salt at a cost of (75 tons x \$76.79) = \$5,759.25 through its Co-Stars contract, seconded by Councilman Lance Prator. Vote 5-0-0; Motion Carried.

Subdivision and Land Development (SALDO):

President Steele advised that the RPL East, LLC's extensions for the Borough's review and decision on RPL's Proposed Subdivision and Planned Industrial Park Plans through 12/4/2023 have been received.

A motion was made by Councilman Lance Prator to accept the extensions, seconded by Councilman Patrick McHugh. Vote 5-0-0; Motion Carried.

Planning Commission – President Steele advised that the September 18th meeting minutes were reviewed with nothing significant to report.

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Portland Borough Authority: Lance Prator, Water Authority Chair – No report this month.

Police Report: Mayor Fischer advised the police report will be presented at the 10/23/2023 meeting; Police coverage has been consistent.

Portland Community Events Committee – Stephanie Steele, Heather Fischer

President Steele updated the Council on Founder’s Day and requested a small game of chance license through the County be purchased for a raffle. The license is \$25.00/month or \$125.00/year. If approved the Events Committee will purchase the \$25.00 license. Saturday, October 28, 2023, is Trick or Treat 4 PM – 6 PM with costume contest after that. There will be a yard contest with residents voting on the decorations.

A motion was made by Councilwoman Karen Pfeiffer to purchase the small game of chance license, seconded by Councilman Patrick McHugh. Vote 5-0-0; Motion Carried.

COG: Lance Prator, COG Chairman – Meeting cancelled.

Tax Collector Meeting: Solicitor Gaul advised that someone should be appointed as the Borough’s delegate to attend the TCC meetings. This will be discussed at the next Council meeting.

Sanitation Committee: The donated trash bins will be used on Founders Day - 10/21/2023. President Steele will follow-up with having the bins placed that day.

Ordinance Committee: Karen Pfeiffer, Chair – No report this month.

Budget, Finance, Insurance & Cable TV Contract: - President Steele reminded the members that 2024 Budget information must be sent to the Budget Committee ASAP. Councilman Patrick McHugh asked for an update on the Grant they previously applied for; if they do not get the grant should estimates be completed for the jobs. Borough Engineer, Mark Bahnick advised the Covid 19 ARPA Small Water and Sewer Grant is scheduled to be announced in November. President Steele advised that estimates can be obtained, and she will check on the pending LSA grant.

Plan Slate Belt: Councilman Lance Prator advised the meeting for October 5, 2023, has been cancelled. Solicitor Gaul indicated that while he was reviewing the SB Plan handouts included in the Council meeting packet, he noticed a lot of blanks. He asked if anyone had sent in comments and have any of their comments been addressed. Councilwoman Karen Pfeiffer and Councilman Lance Prator had both submitted comments but have not heard back. Councilwoman Karen Pfeiffer inquired that if we adopt the plan do we have to change ordinances and zoning; Solicitor Gaul advised that the Borough will be expected to approve an implementation agreement requiring the Borough to make the necessary changes within 2 years.

Liberty-Water Gap Trail Alliance: President Steele advised that Ms. Fish had submitted the August minutes for review, the September meeting was cancelled, and the next meeting is scheduled for October 20, 2023.

Correspondence: None

Old Business: President Steele advised anyone interested in volunteering on the Shade Tree Commission should contact Councilman Patrick McHugh.

New Business: Councilman Patrick McHugh presented the Duckloe Showroom on Delaware Avenue as a possible consideration for the Borough Hall. The building is 4,400 square feet and is listed at \$229,000.00. The Council members discussed potential issues that would need to be addressed such as parking, ramp

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installation and the building is in the flood zone. The Council would like more information; Councilman McHugh and Councilwoman Pfeiffer should schedule a tour of the building, take some pictures and bring the information back to the Council. No other new business was presented.

Secretary Announcements: President Steele advised that Election Day is November 7, 2023, at the Portland Fire Station, 392 Delaware Avenue.

Public Comment – Mr. McHugh stated the gutters on Main Street were done very nicely; he also asked about updating the sewer and water accounts on a property he recently sold. President Steele advised that the sewer accounts will be taken care of once the Borough receives the information from the County indicating the sale is complete; he would have to contact the Water Authority to see if they do the same.

Executive Session:

A motion was made by Councilwoman Lisa Prator to break at 8:54 P.M. for Executive Session, seconded by Councilman Lance Prator for discussion with Solicitor-Personnel issues. Vote 5-0-0; Motion Carried.

A motion was made by Councilman Lance Prator to return from Executive Session at 9:07 P.M. and seconded by Councilwoman Lisa Prator. Vote 5-0-0; Motion Carried.

A motion was made by Councilman Patrich McHugh to terminate Randi Snook’s employment with the Borough due to a lack of attendance and non-response to Borough inquiries about her intended availability for work. Motion died lack of second.

Adjournment:

A motion was made by Councilman Lance Prator and seconded by Councilwoman Karen Pfeiffer to adjourn the meeting at 9:13 PM. Vote 5-0-0; Motion carried.

Reminder: Next meeting is Monday, October 23, 2023.

Respectfully Submitted,

Lori Sliker, Borough Secretary