



**Borough of Portland Council Meeting Minutes
November 6, 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, Kyle Overfield, Karen Pfeiffer and Lisa Prator were present.

Others Present – Mayor Heather Fischer, Borough Solicitor-Michael Gaul, Secretary Lori Sliker, Mark Bahnick, Borough Engineer & Christine Troxell (arrived at 7:35 P.M.), Resident Hubert McHugh, Cindy Fish, Penny Conway, Tim Hess, Jimmy Potter, Richard Wilford-Hunt, Jerry & Michelle Fleisher, Bryan Dunlap & Suburban EMS representatives.

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:

Councilmember Patrick McHugh advised that on #11 -Streets Committee Market Street needs to be added for discussion and possible action.

A motion was made by Councilmember Karen Pfeiffer to approve the posted agenda with Mr. McHugh's proposed amendment, seconded by Councilmember Patrick McHugh. The reason for the amendment was to allow expedient Borough Council action. Vote 6-0-0; Motion Carried.

Action on the Meeting Minutes:

(i) October 2, 2023, Minutes

A motion was made by Councilmember Patrick McHugh, seconded by Councilmember Lance Prator to approve the October 2, 2023, minutes as presented with the following revision:

On page #4 – change the reference “Mr. Kent” to “Mr. Kenna”.

Vote 6-0-0; Motion Carried.

(ii) October 23, 2023, Minutes

A motion was made by Councilmember Patrick McHugh, seconded by Councilmember Lance Prator to approve the October 23, 2023, minutes as presented. Vote 6-0-0; Motion Carried.

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

Bills Presented for Payment:	
Borough Operations	\$ 36,897.92
Sewer Operations	\$ 19,415.29
Garbage Operations	\$ 4,854.82

**Borough of Portland Council Meeting Minutes
November 6, 2023**

Estimate Payroll & Payroll Taxes, October 2023	\$ 6,300.00
Estimate WEX Sunoco Fuel, October 2023	\$ 500.00
303 New Demi Rd. Escrow – Van Cleef Eng.	\$ 318.00
<u>TOTAL</u>	<u>\$ 68,286.03</u>

President Steele advised the Council Members that she currently has an outstanding bill for Nansteel for work on the Market Street project in the amount of \$21,680.00; it is in the General Borough Operations account but is questioning if it should come from the Liquid Fuels Account. The Council Members advised it should come from the Liquid Fuels account and that President Steele should make that change.

A motion was made by Councilmember Lisa Prator to approve the October 2023 Financial Report, with a revision that the invoice for the Market Street project be paid from the Liquid Fuels Account; seconded by Councilmember Patrick McHugh. Vote 6-0-0; Motion Carried.

Public Comment:

Jerry & Michelle Fleisher are requesting Borough approval to consolidate 2 land parcels: 400 Jacoby Creek, Portland and 996 Boulder Drive, which are partly in Portland Borough and partly in Upper Mount Bethel. The Fleisher's provided a survey map and their contact information; they will email the documentation showing Upper Mount Bethel has approved their request. Some discussions occurred regarding the tax assessments and boundary lines. The Council advised they will review the information with a determination at the next Council Meeting-12/4/23.

Bryan Dunlap - Suburban EMS provided a copy of a presentation to the Council members; indicating services they provide to various municipalities including Portland. Councilmember Lance Prator advised Suburban they have 5 minutes to make their presentation; if they are not done, he will be leaving the room. President Steele apologized that she forgot to put the 10 minutes on the agenda. Suburban EMS continued with their presentation for five minutes at which time Councilmember Lance Prator stopped the presentation advised them that their time was up; if Council wanted to continue the presentation beyond the allotted time, he was leaving the room.

Councilmember Lance Prator left the room at 7:26 P.M. Solicitor Gaul advised that if the remaining Council Members want to proceed with the presentation a motion would be required. Mayor Heather Fischer stated for the record she believed that Councilman Lance Prator had said he was leaving in a joking manner and never expected him to leave.

A motion was made by Councilmember Patrick McHugh to allow Suburban EMS to continue their presentation; seconded by Councilmember Karen Pfeiffer. Vote 5-0-0; Motion Carried.

Mr. Dunlap continued the presentation and answered some questions from the Council members.

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

Councilmember Karen Pfeiffer asked where their 4 stations are located; they replied: Palmer, Forks, Stroudsburg, and Bangor. Mayor Heather Fischer inquired about the average subscription stating she has not received one recently. President Steele advised she thought the donation letter that came was for consideration in next year's budget. Mayor Heather Fischer inquired if there are any consequences if Portland is unable to

**Borough of Portland Council Meeting Minutes
November 6, 2023**

make the requested donation. Mr. Dunlap advised that there are none. President Steele and the Council Members thanked Suburban EMS for their presentation.

Councilmember Lance Prator returned to the Meeting at 7:42 P.M. and stated that if a presentation is going to be longer than 5 minutes it should have been put on the agenda.

Borough Engineer's Report – Mark Bahnick, Van Cleef; and Christine Troxell, CDR:

Christine Troxell of CRD, the Borough's consulting traffic engineer provided an update on her review of the RPL traffic study. Ms. Troxell provided a letter, dated November 2, 2023, containing her review comments. Ms. Troxell advised the study is 751 pages of which she provided a summary; Ms. Troxell has made several comments on the study and has numerous concerns. Executive summary states that RPL is working to get improvements made with the Railroad. Mark Bahnick and Ms. Troxell indicated there should be 4-5 traffic studies completed; she has concerns regarding the overpass; the at-grade crossing, needs to have gates and lights; grid lock occurring due to lack of 4 lanes leading to highway, ramps, left turn lanes and right of ways. The Borough should insist that sketch plans and studies are done in the future; not a lot has changed since last September. A Penn Dot Meeting will be held on November 16, 2023, at 2:00 P.M. Portland was invited to attend. President Stephanie Steele, Mayor Heather Fischer and Councilmember Lisa Prator will be attending (Councilmembers Lance Prator & Karen Pfeiffer will check their schedules). Solicitor Gaul advised that a letter should be sent to Penn Dot regarding issues and concerns.

Councilmember Patrick McHugh made a motion to approve CDR's review letter being sent to Penn Dot; seconded by Councilmember Lance Prator. Vote 6-0-0; Motion Carried.

Mark Bahnick advised that they are not sure what is going to be done on the next level but the Borough needs to attend the meeting and let PennDOT know its concerns. Discussions were held regarding right of ways.

Sewer Committee:

President Steel advised that due to lack of payment there are two (2) sewer shut off's to be reviewed – 510 Northampton Street & 406 Pennsylvania Avenue.

Councilmember Lisa Prator made a motion to approve water shut off to both addresses due to nonpayment of sewer charges; seconded by Councilmember Kyle Overfield. Vote 6-0-0; Motion Carried.

Mark Bahnick advised he has made some progress with the Sewer Capacity Study, and is awaiting feedback from the Sewer Committee. Councilmember Lance Prator has prepared a marked-up map showing developer lots. He will scan it and provide copies to Mark Bahnick and the Council Members.

Mark Bahnick advised that the Borough received from DEP; a Notice of Violation regarding the Borough's Wastewater Treatment Plant; a response will be going out shortly. Letters were sent certified mail to the businesses for grease traps & manholes, awaiting responses. President Steele advised the plant was out of compliance end of last week-beginning of this week. The Borough's DMR report for September was in the packet. Prior to the recent non-compliance the Borough plant had been compliant for several months.

Streets Committee: - Councilmember Patrick McHugh advised that Crestmont and Market Streets had clogging in the drains, and they did some digging on Crestmont. Mark Bahnick advised that he did some research on Crestmont Steet and according to what he found this is a private road; there is nothing indicating

Borough of Portland Council Meeting Minutes
November 6, 2023

it is a Borough Road; therefore, the road is to be maintained by the owner not the Borough. Councilmember Lisa Prator advised she went through the Ordinances and Crestmont Street was never acknowledged as an ordained road. Councilmember Karen Pfeiffer stated she is willing to come to the Borough and look through the numerous plans. Councilmember Patrick McHugh asked how the infrastructure of the sewer lid can be protected; the paving and patching that was done previously is breaking up. Mark Bahnick advised that the Borough could patch/pave the sewer lid area. Councilmember Patrick McHugh advised the Borough has taken care of Crestmont for decades. Jimmy Potter advised the construction plans should show the easement and answer some of the questions that are being asked. Borough resident Timothy Hess commented that the Council should check 911 accessibility. Mr. Hess stated that, in New Jersey, if there are 2 houses on the road the town must maintain it; Solicitor Gaul stated that that is not the law in Pennsylvania; there are many private roads in Pennsylvania. Mark Bahnick advised that to maintain the sewer lid they need to pave around it and make repairs. Councilmember Karen Pfeiffer asked if concrete would hold up better and last longer than paving and could that be a consideration. Councilmember Patrick McHugh advised it could be done but it is more expensive than paving material.

Councilmember Patrick McHugh advised that Market Street has not been paved at the end. A pipe was just put in, so it would not cost too much to pave – under \$3,000.00. Councilmember Karen Pfeiffer stated that the area looks like a private road and questioned why the Borough would pay to have it paved. Councilmember Patrick McHugh stated it is a safety issue and that a resident, Mr. Hubert McHugh, has maintained it by putting salt/gravel; he also advised it is a street up to the second drain. President Steele asked why he is not advocating for other streets (such as Weidmen St) that are also in need. Solicitor Gaul cautioned that a conclusion as to whether the Borough must maintain or pave the road may be premature until a conclusion is made that the area in question is part of a Borough Road. Councilmember Patrick McHugh advised that he has at prior meetings requested other road projects be approved. Solicitor Gaul asked Councilmember Patrick McHugh if the streets committee has reviewed and recommended that this proposed Market Street project be completed. Councilmember Patrick McHugh responded that the committee has discussed the project. Councilmember Lance Prator clarified that the Streets Committee has not recommended the project they only discussed it. President Steele suggested this be tabled until the next meeting. Councilmember Patrick McHugh asked what if someone falls and breaks a bone the Borough would be sued. Additional information is required before a decision can be made.

A motion was made by Councilmember Lisa Prator to table the Market Street request until the next meeting; seconded by President Stephanie Steele. Vote 5-1-0; (Councilmember Patrick McHugh opposed).

Councilmember Patrick McHugh stated the Liquid Funds can be used for the project; this is a road. Councilmember Karen Pfeiffer thanked him for all his work and recommendations; however, there are limited funds for next year. Councilmember Patrick McHugh stated we spend money on pole barn, police, and there are other funds to take from; the Borough looks like a slum, we are not talking about a private driveway it's a road and a safety issue that would cost \$3,000.00 to fix. Mr. Hubert McHugh stated, "you will be maintaining my road".

Mark Bahnick stated the Ultra Poly 3 project is a process that is on-going. Two (2) boxes with the plans are here for distribution-they are to be given to the Planning Commission. Solicitor Gaul reminded Mark Bahnick that the RLP extensions are expiring 12/4/2023 and extensions need to be completed and could Mr. Bahnick reach out to them regarding this.

**Borough of Portland Council Meeting Minutes
November 6, 2023**

Mark Bahnick & Christine Troxell left the Council Meeting at 8:43 P.M.

A Motion was made by Councilmember Patrick McHugh to adjourn the Meeting, stating that continuing the meeting did not make sense if the Borough did not have money to spend on projects. Motion died for lack of second.

Councilmember Patrick McHugh left the Council Meeting at 8:43 P.M.

Legal: Solicitor Gaul - None

Planning Commission: None

Portland Borough Authority, Lance Prator, Chair:

Councilmember Lance Prator advised that Mr. Rob Shoemaker has resigned his position on the Water Authority Board because he no longer lives in the service area. Mr. Shoemaker's resignation was accepted by the Water Authority and the Vacancy is posted on the website and the newsletter. A candidate must be a Portland resident.

A motion was made to accept Mr. Rob Shoemaker's resignation by Councilmember Lisa Prator and seconded by Councilmember Karen Pfeiffer. Vote 5-0-0; Motion Carried.

Police Report – Mayor Heather Fischer advised that the new tasers have been received and Chief Mulligan will be training the officers. Officer Milkovits and Officer Howe have both received full time positions at other municipalities, but they are both going to continue to work on a part time basis for Portland. The Chief is concerned we may lose them entirely; therefore, the Mayor is going to try to be proactive. Both Founders Day and Trick or Treat events had a police presence which the residents enjoyed.

Mayors Report – Mayor Heather Fischer

Mayor Fischer has sent out a presentation from Founders Day which she was going to present tonight however the agenda was lengthy; she emailed it to everyone. Mayor Fischer spoke to the County, and they are very happy with how everything was done for Founders Day.

Community Events: Stephanie Steele - President Steele advised the Tree Lighting will be held on November 26, 2023, at 6:30 P.M. Downtown then the Yard Contest will take place.

COG: Lance Prator, Chair - Councilmember Lance Prator advised the Council Members that the leaf vac was picked up early by Fred Farleigh. The COG Manager Laura did not realize it was gone until she asked Wind Gap Borough to change the hose on the machine, and she discovered it was gone. Two other municipalities use the leaf vac and she needs to be aware of who has the equipment.

Councilmember Lance Prator stated Bangor's trash service had increased by 34% at this time; they have chosen to go with a new trash service provider. President Steele advised that Portland's trash service will be up for renewal the end of 2024.

Councilmember Lance Prator advised that Bangor requires a Move in/out permit, in order to assist in the collection of the EIT's; Bangor collects a fee for the permit. President Steele advised that there used to be a fee of \$25.00 move in/out for tenants; trying to communicate with tenants is hard. Councilmember Lance Prator will reach out to get a copy of the packet for possible implementation. In addition, TCC Board meets again in February and Portland needs a representative to attend the meetings.

Borough of Portland Council Meeting Minutes
November 6, 2023

Sanitation Committee: None

Ordinance Committee: None

Budget, Finance, Insurance & Cable TV Contract: _Stephanie Steele, Chair

President Steele advised that the Budget Committee is presenting a proposed budget for review, discussion and possible approval:

General Budget (3 options), Sewer Budget, Sanitation Budget 2024

Discussions were held for the General Budget which has 3 options. Each option was reviewed, and President Steele explained the differences between the three (3) options. Mayor Health Fischer stated that she is concerned about the Police reductions; the Police provide an emergency service; and it is hard to find officers and retain them to work on a part-time basis.

Sewer Budget was reviewed which has a 10% increase taking the current total of \$80.00 to \$88.00 per month.

Sanitation Budget was reviewed-no changes from last year.

Councilmember Lance Prator asked when they have to advertise the budget, and do we have to approve the budgets all at the same time or can we approve the sewer budget tonight and general fund budget in December. Solicitor Gaul stated 10 days prior – there is still time to talk about the budgets in December; the budgets should all be approved at the same time so the Resolutions can be completed at the same time. Mayor Heather Fischer advised that the decisions on the Borough grant applications for the storm sewer projects should be coming out this month.

Councilmember Lisa Prator stated she is concerned about the streets budget which went over \$30,000 this year. Is the projected streets budget going to be enough to cover the streets next year. Mayor Fischer advised that the Borough needs to stick to the budget that is approved. Emergencies are hard to budget for but other things we can anticipate and budget for. Councilmember Karen Pfeiffer asked if Ms. Katy Shoemaker was contacted to complete 3 grant applications which were approved at a previous meeting. Councilmember Lance Prator will reach out to Ms. Shoemaker by email regarding the grant applications.

Councilmember Lisa Prator stated that General Fund #1 seems to be the best option with the following changes:

1. 1.5 mill increase.
2. The Police Department budget will be \$65,000.00.
3. Suburban EMS donation will be reduced from \$2,400.00 to \$550.00.

Council Members decided that General Fund Option #1 with the above changes would be the best option along with the presented Sewer and Sanitation Budgets.

Mayor Heather Fischer left the meeting at 9:47 P.M. and returned to the meeting at 9:48 P.M.

The final proposed budgets will be presented at the December Council Meeting.

A motion was made by Councilmember Lisa Prator to approve the Proposed Sewer & Sanitation budget as presented, and the Proposed General Fund Budget-Option 1 with the above revisions; seconded by Councilmember Kyle Overfield. Vote 5-0-0; Motion Carried.

**Borough of Portland Council Meeting Minutes
November 6, 2023**

A motion was made by Councilmember Lisa Prator to authorize advertisement of notice of the proposed budget and preparation of a proposed tax ordinance increasing the real estate tax millage, and advertisement of notice of the intention to enact it; seconded by Councilmember Lance Prator. Vote 5-0-0; Motion Carried.

President Steele advised she is in receipt of a letter dated October 30, 2023, from Kirk, Summa & Co.-they will perform the 2023 audit and the cost is not to exceed \$7,000.00.

A motion was made by Councilmember Lance Prator to approve the 2023 audit for \$7,000.00. Solicitor Gaul asked whether Borough Council has reviewed the history of a prior Borough Auditor Ordinance. President Steele stated that she had intended to, but not had the opportunity. Solicitor Gaul advised this agenda item be tabled until the next Council Meeting so Council could review the history of the prior ordinance. Councilmember Lance Prator withdrew his motion.

Plan Slate Belt –Mayor Fischer advised that the Township feels they have been misrepresented and are considering their options. Councilmember Lance Prator advised that Slate Belt was supposed to be at tonight’s meeting; however, they received some additional comments that threw the schedule off. Solicitor Gaul stated that his firm had reviewed the most recent revisions to the Plan, as requested by Council, but the revisions did not address the issues raised in KingSpry’s prior review Memo to the Borough. Solicitor Gaul asked whether the Borough representatives had raised those issues with the Plan Slate Belt Committee and LVPC. Councilmember Lance Prator said they had not been shared, because the KingSpry Memo had a notation that it is confidential and attorney client privileged. Solicitor Gaul will work with the Committee to provide information that can be shared. Councilmember Lance Prator stated that a meeting is scheduled for Monday November 13, 2023, Bangor School DEP – 6 P.M.

Liberty-Water Gap Trail Alliance, Cindy Fish - Ms. Fish advised that Monroe County had not been participating in the meetings and now that they have a new manager, they are hopeful someone will be attending. The November 15th meeting will be held at the Upper Mount Bethel Township Municipal Building. Trail from Portland to Lake Minsi – sand pit master site plan is completed; they will be meeting to implement. President Steele suggested Lake Minsi be added to this Committee which the Council agreed with.

In response to a prior question by resident Hubert McHugh, Councilmember Lance Prator stated that 62.5% of Portland residents are 65 or above.

Councilmember Lance Prator also advised that the records of the prior Open Space Coordinator in Monroe County cannot be located; therefore, trail projects are taking a setback.

Correspondence:

OTT Engineering is seeking reappointment as the alternate engineer which will be discussed at the reorganization meeting in January.

Mayor Heather Fischer requested Bangor Public Library be included in the budget for a donation. President Steele advised the library has been included.

Solicitor Gaul advised that the prior Borough Secretary had previously sent out letters to the BACIDA municipalities requesting that they confirm their designated representative to the BACIDA Board; only 2 municipalities, Bangor, and Lower Mount Bethel, have responded to the letters. Notices should be sent to municipalities who have not responded to date. Mayor Fischer asked if Portland could make stipulations that

**Borough of Portland Council Meeting Minutes
November 6, 2023**

BACIDA provide information back to Portland, which has not been happening. Solicitor Gaul stated that typically the Borough's designated appointee would provide that report. He also noted that his understanding is that BACIDA does provide the Borough with copies of its minutes. Solicitor Gaul stated that, while it would have been convenient to confirm all the appointments at one time, he recommended the Bangor and Lower Mount Bethel appointments be confirmed at the next Council meeting, while the Borough awaits the responses of the other municipalities.

Old Business: None

New Business: None

Secretary Announcements: Election Day, November 7, 2023, will be held at the Portland Fire Station, 392 Delaware Avenue.

Public Comment: Mr. Tim Hess, 406 Bruce Street requested the Council do something about the overhanging trees on the Borough roads. The branches hang down into the road and he is unable to use his RV for fear of ripping the air conditioner off the roof. Solicitor Gaul advised that measurements must be taken to enforce the Ordinance. Solicitor Gaul encouraged that a complaint form be completed whenever there is an issue that needs to be addressed. Mayor Fischer will have the Police go with Mr. Potter to measure the trees together, so the homeowners can be advised.

Mr. Hubert McHugh asked how he can get information on liquid fuels (what roads & how much \$) – Mr. McHugh was advised to complete the Right to Know form which can be picked up at the Borough Office.

Executive Session:

A motion was made by Councilmember Karen Pfeiffer to break at 10:17 P.M. for Executive Session, seconded by Councilmember Lance Prator for discussion on Personnel issues. Vote 5-0-0; Motion Carried.

A motion was made by Councilmember Lisa Prator to return from Executive Session at 10:26 P.M. and seconded by Councilmember Karen Pfeiffer. Vote 5-0-0; Motion Carried.

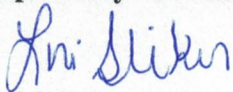
Adjournment:

A motion was made by Councilmember Lisa Prator and seconded by Councilmember Karen Pfeiffer to adjourn the meeting at 10:27 PM. Vote 5-0-0; Motion carried.

Reminder: Next meeting is Monday, November 27, 2023.

Monday, December 4, 2023

Respectfully Submitted,



Lori Sliker, Borough Secretary

