

**BOROUGH OF PORTLAND
COUNCIL MEETING
AUGUST 28, 2023**

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

Council Members Present for Roll Call to Order – Stephanie Steele, Lance Prator, Lisa Prator, Patrick McHugh, Karen Pfeiffer, Wendy Klug and Kyle Overfield.

Others Present – Mayor Heather Fischer, Solicitor Michael Gaul, Assistant Borough Secretary, Diann Eden, and one member of the audience. Borough Engineer, Mark Bahnick, was absent.

Announcement of Recording – The meeting is being digitally recorded by the Secretary for assistance in preparation of the minutes.

President Steele asked if anyone else would be recording tonight's meeting. Mayor Fischer replied she would be recording the meeting tonight.

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.

Solicitor Gaul added there was an executive session held after the end of Borough Council's last meeting on August 7, 2023, for Council to discuss legal matters with the Solicitor.

Approval of the Meeting Agenda and any Amendments – Lance Prator made a motion to approve tonight's meeting agenda with no amendments; seconded by Patrick McHugh.
Vote 7-0-0. Motion carried.

Action on Minutes – President Steele asked if there were any corrections or changes to the meeting minutes of June 5, 2023. **Motion made by Lance Prator to accept the meeting minutes of June 5, 2023, with no corrections or changes; seconded by Patrick McHugh.**
Vote 7-0-0. Motion carried.

President Steele asked if there were any corrections or changes to the meeting minutes of June 26, 2023. **Motion made by Patrick McHugh to accept the meeting minutes of June 26, 2023, with no corrections or changes; seconded by Lance Prator. Vote 7-0-0. Motion carried.**

Public Comment – None

Borough Engineer's Report – None

Sewer Committee – President Steele stated that she had received notification over the weekend from one of the wastewater treatment operators that the plant's pH/DO meters had gone bad

and they need to replace it. Therefore, action was needed by Council to purchase a new ph/DO meter in the amount of \$ 3,621.00 plus shipping.

Motion made by Lance Prator to purchase a new ph/DO meter in the amount of \$ 3,621.00 plus shipping costs; seconded by Patrick McHugh.

Vote 7-0-0. Motion carried.

Streets Committee – Patrick McHugh said a decision needs to be made. Jim Potter does not want to observe the pipe filling. Borough Engineer, Mark Bahnick, will look into getting an inspector from his company. That inspector would cost \$ 2,300. We have to decide if we want an inspector there. Jim Potter told Patrick that PennDOT does virtual inspections; they take pictures as the project is going and someone reviews those. Patrick doesn't know if that is something we could do or not do. Otherwise, we would have no one to see if the job is being done properly. Stephanie Steele asked if we already have the \$ 21,680 bid from Charles Nansteel and if we vote to add this \$ 2,300 inspector fee, wouldn't we be over the \$ 22,500? Do we add it together or not? Solicitor Gaul answered the bidding is by contract; the prevailing wage is by total project cost. Lance Prator asked wouldn't the inspection be considered professional services? Solicitor Gaul stated the Nansteel quote and inspector fees should be fixed prices, and not estimates subject to change, so as to remain below the thresholds for bidding and prevailing wage.

Motion made by Lisa Prator to accept the VanCleaf proposal for a 3-day inspection of the Market Street project not to exceed \$ 2,300; Patrick seconded the motion.

Vote 7-0-0. Motion carried.

Lance Prator told Council that an ordinance or resolution is now required for salt purchases through Costars. It has to get done and approved. Solicitor Gaul had never heard of this, but he will look into it. A resolution can be done at a meeting; an ordinance will have to be advertised.

Mayor Fischer asked if we could come up with a better process for closing roads when road repairs are taking place. There were issues with temporary bus stop changes. Bangor Area School District was supposed to notify parents about the temporary bus stop change; however, they did not. Mayor Fischer was uncomfortable telling parents the bus stops were moved since the school district did not. Patrick McHugh contacted the school and the school was supposed to notify the bus company.

President Steele asked if there were any more comments pertaining to streets; Lance Prator said he has something to be discussed during Executive Session.

Legal – Solicitor Gaul has a few things to discuss in Executive Session.

Subdivision and Land Development – Borough Engineer, Mark Bahnick, emailed the Borough stating that RPL only did an extension to November 3, 2023; however, at the last meeting, Council had voted to accept the RPL extension to December 4, 2023. We need to do a new approval with the new date for the RPL East Land Development Plan and RPL East Major Subdivision until November 3, 2023.

Motion made by Patrick McHugh to accept RPL East's offer of an extension on the Borough's review and decision on the RPL East Land Development Plan and RPL East Major Subdivision until November 3, 2023; seconded by Kyle Overfield. Vote: 7-0-0. Motion carried.

Community Development and Grants – Wendy Klug said no one on Council had sent her any additional questions regarding Katey Shoemaker, the potential grant writer. Jim Potter emailed Wendy stating he was unable to attend tonight's meeting. Jim Potter said out of the grants Katey had applied for on behalf of the Portland Volunteer Fire Company, 1 grant was awarded, 1 grant was rejected. The fire company had picked 5 potential awards they were interested in. Solicitor Gaul said since there is no contract with Katey Shoemaker, you do not have to vote on it. Patrick McHugh added Katey offered several options. Solicitor Gaul said you could always send a grant opportunity to her – on a one-time basis – then Council could vote on it. In that case, the Borough would not have to approve right now a contract for future grant writing. Katey Shoemaker said a possible quarterly T-Mobile grant might be available. Wendy also mentioned to Katey our need for a new handicap rail outside the Borough building. Katey Shoemaker told Wendy there are many grants available out there. Wendy will follow up with Katey. **Motion was made by Wendy Klug to engage Katey Shoemaker for a 3-grant submission package in the amount of \$ 1300 subject to the Borough's approval of the grants and there being an acceptable time deadline for the grants to be submitted; seconded by Karen Pfeiffer. Vote: 6-1-0. Motion carried. Stephanie Steele opposed.**

Regarding the Municipal Recreation Plan, Wendy Klug reached out to the URDC (Urban Research Development Corporation) and was disappointed with their lack of response. Wendy attempted to find out the status of the grant proposal. It took two weeks for Wendy to receive a response from the URDC. Solicitor Gaul suggested the Borough determine the status of the DCED's review and action on the Borough's request for amendment of the current LSA grant. Stephanie Steele stated former Borough Councilwoman, Kay Bucci, had successfully completed a recent LSA grant for the Borough. Solicitor Gaul asked Stephanie Steele if all of the grant paperwork had been submitted; Stephanie replied that both herself and former Councilwoman Bucci had signed and submitted the necessary documents. Stephanie offered to have either herself or Diann look back into the Borough emails to research Ms. Bucci's correspondences for guidance.

Sanitation Committee – Wendy Klug revisited the trash issue at 425 Delaware Avenue. When a letter was mailed to this property owner, there was a misunderstanding of Borough Sanitation Ordinance #159. Sanitation Ordinance #159 does not apply to commercial properties; therefore, Wendy feels a letter of apology should be mailed to the property owner, since the first letter mailed to 429 Delaware Avenue had requested proof of having a commercial refuse

hauler. Lance Prator read Section 2 of Portland Borough Sanitation Ordinance # 159 which states the ordinance only pertains to private residences within the Borough.

Motion made by Wendy Klug to have Solicitor Gaul draft a follow-up letter for Council President's signature to Port 2 Flavors just confirming they cannot comingle their commercial refuse in with residential waste; seconded by Patrick McHugh. Vote: 5-2-0. Motion carried. Stephanie Steele and Lance Prator opposed.

Lance Prator wanted to add one more item under Sanitation. Lance stated there were couches, a desk and other garbage by Persimmon Lane. Patrick McHugh asked Solicitor Gaul who enforces the Borough Sanitation Ordinance? Solicitor Gaul stated the ordinance does not state it; however, the Police Department, the Mayor, or Council or its code enforcement appointee could enforce it.

Patrick asked to have the Police Department investigate it. Mayor Fischer stated she took pictures and has already talked with two of the people thought to be doing it. Mayor Fischer added she will send the officers there to have another conversation with them.

Budget, Finance, Insurance and Cable TV Contract – Stephanie Steele said Council needs to vote to approve 2 PSAB courses for Councilwoman Pfeiffer. Lance Prator made a motion to approve a total of \$ 100 for Karen Pfeiffer to register for two PSAB courses, \$ 50 each; Patrick McHugh seconded the motion. Vote: 6-0-1. Motion carried. Karen Pfeiffer abstained.

Personnel Committee – At the last Council meeting, after Borough Council had returned from Executive Session, the formal appointment of a Borough Secretary could not be made, as the recording secretary left the meeting. Solicitor Gaul briefly summarized the positions that were vacant and needed to be appointed: Portland Borough Secretary, Borough Treasurer and Right-to-Know Officer. The Borough Secretary or Treasurer would also be the default Real Estate Tax Collector, because that office is vacant. Solicitor Gaul stressed this person must be bonded before she can work with any money. He added, for now, a motion can be made to hire a part-time administrative assistant.

Patrick McHugh made a motion to hire and train Lori Sliker as a part-time administrative assistant at a rate of \$ 20.00 per hour, up to 20 hours per week; seconded by Wendy Klug. Vote: 7-0-0. Motion carried.

Stephanie will talk with PSAB regarding hiring a Borough Secretary/Treasurer who works part-time either receiving a salary or an hourly rate of pay. Stephanie will also look into having Ms. Sliker bonded.

Solicitor Gaul suggested Council vote to authorize training courses with PSAB for Lori Sliker. Solicitor Gaul gave examples of important topics that would be helpful for the new Borough Secretary, such as: The Borough Code, The Right-to-Know Law, and Municipal Secretary training courses. Solicitor Gaul also mentioned the DCED publications that explain various municipal laws.

Patrick McHugh made a motion to pay for up to \$500 worth of training for the new Borough Secretary, whether it be by PSAB or another state association; seconded by Lance Prator.

Vote: 7-0-0. Motion carried.

Stephanie Steele said for now, the Borough Office will keep the same hours.

Correspondence – Lance Prator stated that on the building's second floor, there are about 150 boxes of Borough files. Solicitor Gaul told the group the Borough must follow the Municipal Records Act, and its required retention schedule when disposing of Borough records. The Borough should first identify what boxes are to be disposed of, then compare the list to the retention schedule requirements. The Council's approval of the records to be disposed of would then be formalized as a resolution. Wendy Klug asked if a committee should be involved. Solicitor Gaul did not believe so because the retention/disposition are governed by state law. Someone would just need to do the legwork of reviewing the Borough's records for possible disposition and compare the records to the required retention schedule.

Old Business – Committee Assignments: Stephanie Steele said wherever Kay Bucci was, she replaced her with Lisa Prator. Lisa Prator was unavailable to attend the Sewer Committee meetings, so Karen Pfeiffer is now on the committee.

Solicitor Gaul noted the WWTP's DMR for July was good.

Discussion, Ordinance 192, 2 Hour Parking: Stephanie Steele had added Two Hour Parking to the agenda; Solicitor Gaul said that will be discussed in Executive Session.

New Business - Compliance Management: Wendy Klug asked about a process or procedure in handling complaints. Solicitor Gaul said there is already a process in place by law and by practice for anything involving zoning, building, property maintenance and SALDO regarding contacting parties, giving notice and enforcement. There is usually an administrative person who handles complaints; anything criminal would be the police. Council is the governing body and would not be involved with this. Keller Zoning and Inspections is the Borough's Zoning Officer, Building/Codes Enforcement Officer, as well as the Property Maintenance Officer. Complaints should be written down, then given to the right person. Stephanie Steele said the Borough does have a complaint form. We have copies here and you can also complete and submit the complaint form online. The form is then emailed directly to the Borough office.

Patrick McHugh asked about the old Cramer building. There seems to be no enforcement of what is going on there. Solicitor Gaul said you cannot do something just because you don't like something. The property needs to be in violation of the law. When a building is burned down, a building codes official does condemn the building. He would think Tina Serfass of Keller Zoning and Inspections, the Borough's BCO, has addressed that. Stephanie Steele believes she did and that is why there is a fence around the property. Solicitor Gaul added you can make it safe by preventing others from entering it. The Zoning Officer/Code Enforcement Officer/BCO could, however, consider other violations, in addition to whether the property has been made safe. Patrick McHugh and Karen Pfeiffer would like an update from Keller Zoning regarding the old Cramer property.

Public Comment – None

Lance Prator made a motion for Council to go into Executive Session at 8:27 p.m.; seconded by Patrick McHugh. Vote 7-0-0. The purpose of the executive session is to discuss personnel matters and legal matters with the solicitor. Motion carried.

Lance Prator made a motion for Council to return from Executive Session at 8:43 p.m.; seconded by Patrick McHugh. Vote 7-0-0. Motion carried.

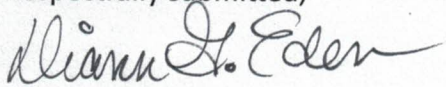
Stephanie Steele asked if there was any action to come out of Executive Session. Patrick made a motion to reduce Fred Farleigh's hours next pay period by the hours he was over this pay period. Fred Farleigh's hours are not to exceed 20 hours per week; seconded by Lisa Prator. Vote: 7-0-0. Motion carried.

Stephanie Steele asked if there was anything else to discuss tonight. Lance Prator said there will be a virtual One Call training meeting on Wednesday at 1:00 p.m. for himself and Stephanie.

Lance Prator called for a motion to adjourn tonight's meeting at 8:46 p.m.; seconded by Patrick McHugh. Vote: 7-0-0. Motion carried.

Because of the Labor Day Holiday, the next Portland Borough Council meeting will be held on Monday, September 11, 2023.

Respectfully submitted,



Diann G. Eden/Assistant Borough Secretary

