

**Portland Borough Council Meeting
August 7, 2023**

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

Pledge of Allegiance was recited.

Roll Call – Besides President Stephanie Steele, Council members Wendy Klug, Patrick McHugh, Kyle Overfield, Lance Prator, Lisa Prator, and Karen Pfeiffer were also present.

Others Present – Mayor Heather Fischer, Borough Solicitor, Michael Gaul, Borough Engineer, Mark Bahnick and Assistant Borough Secretary, Diann Eden, and many others in the audience.

Announcement of Recording – President Steele recited, “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?”.

Mayor Fischer, Upper Mt. Bethel Township resident, Cory Eckman, and a few others from the audience replied they were also recording tonight’s Council 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 – President Steele asked if anyone had any amendments to tonight’s meeting agenda. Karen Pfeiffer asked to add to tonight’s agenda PSAB discussion regarding training for Council Members (this will be item #31). President Steele added she overlooked two escrow payments that are not on tonight’s bill list consisting of a bill in the amount of \$ 126.00 to be paid to King Spry and a \$ 318.00 payment to VanCleaf Engineering from the RPL East escrow (this will be item #7) and under legal, there was confusion concerning an agreement with the Portland Borough Authority whether the agreement was for a truck or was it a backhoe. President Steele had an earlier discussion with Solicitor Gaul, and it was determined this was a truck agreement with the Authority, so item #14 will read as “truck” and not “backhoe”. Patrick McHugh stated he would like to add the contract for Market Street under Streets (item #11) and O’Brien the architect under Buildings (item #23). Wendy Klug said she noticed the numbering on the agenda was off; this had already been noted before the meeting began.

Lance Prator made a motion to approve all amendments and additions to tonight’s agenda; for the purpose of expedient Council action; 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 July 3, 2023. **Lance Prator made a motion to approve the meeting minutes of July 3, 2023 as presented; seconded by Patrick McHugh. Vote 7-0-0 Motion carried.**

Mayor Fischer asked if the Council's June meeting minutes prior to the Council meeting of July 3rd were approved because her recollection is that Council never got to that point at the July meeting. **After that fact was confirmed, Lisa Prator amended her vote and abstained from voting on the July 3, 2023, meeting minutes. Final vote: 6-0-1 Motion carried.**

Note: The June 2023 Council Meeting minutes will appear on the August 28, 2023, meeting agenda.

President Steele then asked for Council approval of the July 24, 2023, meeting minutes. **Motion made by Patrick McHugh to approve the July 24, 2023, meeting minutes as presented; seconded by Kyle Overfield. Vote 7-0-0 Motion carried.**

Secretary/Treasurer Report – President Steele made the presentation. Approve the July 2023 Financial Report and the bills presented for payment in the amounts of:

Borough Operations & Borough Operations Already Paid	\$ 21,032.13
Sewer Operations & Sewer Operations Already Paid	25,969.02
Garbage Operations & Garbage Operations Already Paid	4,821.82
Estimate Payroll & Payroll Taxes	6,300.00
Estimate WEX Sunoco Fuel	300.00
Total:	58,422.97
Additions to agenda:	
King Spry/RPL East Escrow	126.00
Vancleef Engineering/RPL East Escrow	318.00
Final Total:	<u>\$ 58,866.97</u>

Patrick McHugh made a motion to approve the July 2023 Financial Report; seconded by Lisa Prator. Vote 7-0-0 Motion carried.

Public Comment – Edge of the Woods owner, Chuck Cooper, of the Delaware Water Gap, desired to introduce himself to the community. He recently purchased the former gas station located at 500 Delaware Avenue. He does not have a presentation to provide at this time, as he isn't 100% certain what they are going to do there just yet. He has ideas of having a gift shop, offering snacks and drinks for visitors, but first and foremost, Mr. Cooper wants to offer a safe and comfortable place for people to get off of the river. This will be a place that you'll be proud to have in your town. Mr. Cooper understands the concerns regarding river access; if anyone has questions, feel free to contact him.

President Steele next introduced Lou Pektor of RPL. President Steele asked Council if they wanted to allow Mr. Pektor to speak tonight. Patrick McHugh questioned why Mr. Pektor would require Council approval before his presentation was given. Solicitor Gaul stated "Public Comment" may be made by a Borough taxpayer or resident. Mr. Pektor confirmed to Solicitor

Gaul that in conjunction with BACIDA (Bangor Area Commercial and Industrial Development Authority is the title holder; RPL East is the equitable owner), they have ownership of the North end of the former GenOn site, about 10 acres, which is located in Portland Borough. Mr. Pektor's other companies own property located in the Bangor Area School taxing district as well. Solicitor Gaul responded that he did not think equitable ownership of the property was equivalent to being the record owner, and responsible for taxes in the Borough. Solicitor Gaul then noted to Council that BACIDA was a Borough authority, and as a result of ambiguity in the Sunshine Act that he could not resolve immediately now, he recommended that Borough Council allow Mr. Pektor to make public comment for tonight's purposes, as he or one of his companies owned property in the Bangor Area School District.

Lou Pektor acknowledged he understands no action will take place tonight. His wishes to have meaningful discussion and interaction with Borough Council to see if there would be mutual benefit to supply the GenOn site with sewer capacity. Plans had previously been discussed with Borough Council, but since that time, there have been many strategic plan changes. (Mr. Pektor then gave a brief account of his development taking place across the street from the GenOn property, West on River Road; roughly 12 building sites that will have its own sewer plant).

At the North end of the power plant, between the power plant, the peaker plant and the Portland Borough line, a 375,000 square foot building with onsite septic has been approved. On the land development plans being generated now, there will be further development on this property. There will be a site where the power plant is and South of that, another building or two, where the coal yard was. Mr. Pektor believes that through this land development process, he would like to discuss other options for sewer capacity needed for RPL East, that would dovetail nicely with capacity the borough might have for sale, reservation or rent. Mr. Pektor did not want to leave Demi Road out of this discussion. 303 Demi Road has approval for a 420,000 square foot building that will have on-site septic; however, the preference would be to have sewer capacity for this site as well. Mr. Pektor would like the borough to entertain a committee discussion or some mechanism to discuss these ideas; if there's a future benefit or not.

Mr. Pektor turned the presentation over to Fred Ebert, sewer engineer, to answer any technical questions Borough Council might have. Lance asked Solicitor Gaul about a connection fee for the portion of RPL East that is located in Portland. Lance told both Mr. Pektor and Mr. Ebert they would need to speak with UMBT Supervisors to put their Act 537 plan in place. Mr. Ebert replied that tonight's purpose is to find out if Portland Borough would entertain and commit to their sewer capacity request. If the Borough is interested, then they would bring that back to UMBT (the fact that they met with Portland and they are open to having a discussion). Mr. Ebert stated it would double the borough's existing income. The Borough does not have an authority; therefore, there would have to be a bulk user agreement with UMBT. There would be a need to establish a working committee who would meet with both municipalities.

Lisa Prator requested clarification regarding the location of the site. Is this property (being developed) in Portland Borough? Mr. Ebert responded that it is not. Lisa Prator asked why had

they reached out to only new council members and not the entire council? Mr. Ebert replied they were directed to do so. President Steele and Mayor Fischer mentioned correspondences sent to UMBT requesting that, if UMBT desired for Portland to undertake a study of the availability of future sewer capacity, UMBT deliver \$ 3500 to the Borough to fund the costs of the sewer capacity study. Mr. Ebert responded that was part of UMBT's 537 plan, which is a different topic. Tonight, both gentlemen are only seeking a commitment to have a discussion.

Solicitor Gaul asked how much sewer capacity are they looking to have? Mr. Ebert replied 40,000 gallons between three sites at the GenOn property and one site at 303 Demi Road, which amounts to 10,000 gals per day, per site. An additional request might be for a short-term lease for RPL Proper of 20,000 gallons for up to 5 years in order to divert flows up to the Borough treatment plant until RPL's sewer plant is completed.

Borough Engineer, Mark Bahnick, suggested having RPL provide an outline of what they request addressed to the borough and copied to the township. Solicitor Gaul believes the letter should come from the township. Solicitor Gaul stated that he thought that RPL needed to take two steps if it wanted the Borough to consider the matter. First, RPL needed to request that UMBT request the Borough to undertake the sewer capacity study, and the Township deliver a check to the Borough for the costs. Any agreement between RPL and the Township for RPL to reimburse the Township is a separate matter, and doesn't involve the Borough. Second, the Township needs to provide the Borough a proposal of the capacity requested, the properties to be served, and an allocation of capacity by property. RPL would need to work with the Township on the preparation of the proposal.

Borough Engineer's Report – Mark Bahnick, Portland Borough Engineer, reported no action has been taken pertaining to Met-Ed's request to move the utility pole at Demi Road.

Sewer Committee – Stephanie Steele, Chair, reported no action would be necessary to approve sewer account shut-off's, as the two delinquent customer accounts had been paid.

Streets Committee – Patrick McHugh, Chair, said Delaware Avenue was paved today. The only step remaining is sealing the edges, added Stephanie Steele. Patrick McHugh said thanks to having two employees work on this, we were able to do this project. It saved the Borough a considerable amount of money. Patrick McHugh then continued with his report. Holes were drilled downtown for the 2-hour parking signs. Patrick McHugh needs to speak with Borough employee, Fred Farleigh, about the sign struts. The next project is fixing the steel grates on Main Street. They started ordering the pipe. Concrete was not part of the cost. Patrick McHugh hopes by September, the steel grate project will be complete. Since Patrick McHugh is able to spend up to \$ 1000 per month (as Streets Chairperson), the price of the cement needs to be incorporated into the approved amount, since it hadn't been. **Karen Pfeifer made a motion to approve the costs of the Main Street Project in an amount not to exceed \$ 1500 total; seconded by Lance Prator.**

Vote 5-2-0 - Stephanie Steele and Lisa Prator opposed.

It was pointed out that the Borough Council's official action concerned a topic that was not on the approved amended agenda.

A motion was made by Patrick McHugh to amend tonight's agenda, for the purpose of expedient Council action, to take action to approve the Borough expenditure of funds on the Main Street Project; seconded by Karen Pfeifer. **Vote 7-0-0 Motion carried.**

A re-vote was taken on approval of the Main Street Project in an amount not to exceed \$ 1500 total. **Motion by Karen Pfeifer; seconded by Lance Prator. Vote 5-2-0 Motion carried - Stephanie Steele and Lisa Prator opposed.**

Lisa Prator explained that her reason for her opposition was she felt a complete breakdown of project costs should be obtained prior to the work done, not piecemealed together.

Discussion took place pertaining to the Market Street project. Mark Bahnick said a pre-construction meeting will be held. Stephanie Steele added paperwork needs to be completed by the contractor. She has not yet heard back from the contractor. Solicitor Gaul stated that the Borough needed to obtain and maintain all the necessary records to document that the Borough complied with the procurement requirements of the Borough Code, particularly if the Borough desired to use Liquid Fuels funding to pay the costs of the project.

Patrick McHugh made a motion to go into executive session at 7:57 p.m.; seconded by Lance Prator. The reason for the Executive Session was to discuss legal matters with the Solicitor. Vote 7-0-0 Motion carried.

Patrick McHugh made a motion to return from executive session at 8:29 pm; seconded by Lance Prator. Vote 7-0-0 Motion carried.

President Steele stated a vote would be needed resulting from the action made at Council's executive session to **authorize the Sewer Committee to send out compliance letters to businesses or individuals based on the inspections made by Portland Contractors. Motion made by Lisa Prator; seconded by Patrick McHugh. Vote 7-0-0 Motion carried.**

Zoning Officer Report – Tina Serfass sent out an enforcement letter on July 28th that is included in Council's packet.

Portland Borough Authority – Lance Prator has no report except for what is included in Solicitor Gaul's report.

Legal- Solicitor Gaul explained that the backhoe MOU had already been approved. The MOU before Council tonight pertains to the Borough's use of the Authority's truck. Lance Prator added that this is primarily for snowplow backup. Patrick McHugh suggested sending a counter letter to Portland Borough Authority. Truck rental would be \$ 250 for a 24-hour day. **Motion made by Patrick McHugh to counter the Authority's agreement; seconded by Lisa Prator. Vote 6-0-1 Lance Prator abstained. Motion carried.**

Subdivision and Land Development (SALDO) – Council needs to vote to accept the extension of the review of RPL East, LLC proposed Subdivision and RPL East, LLC Planned Industrial Park Plans to **December 4, 2023** (current expiration date is September 4, 2023), contingent upon the RPL East sending a written extension request to the Borough. **Motion made by Patrick McHugh; seconded by Karen Pfeiffer. Vote 7-0-0 Motion carried.**

Community Development Grants – Wendy Klug spoke of grant writer, Katy Shoemaker. If Council has any questions for Katy, Wendy will take them back to her. Wendy Klug would like to move forward with hiring Katy Shoemaker as the borough's grant writer. Mayor Fischer inquired as to the number of grants, out of the five grant applications Ms. Shoemaker submitted for the fire company, did the Fire Company receive? None of the attendees knew the answer. Lisa Prator asked how many grants per year would the Borough pursue? Stephanie Steele added that some grants require match money. Solicitor Gaul stated the grant writing position would not need to be advertised, as it was a professional service. It was decided to have Katy Shoemaker speak with Council during Public Comment via conference call either August 28, 2023, or September 11, 2023.

Update regarding the DCNR Master Plan for Recreation Area. President Steele stated she hasn't heard any updates. Solicitor Gaul asked about the amendment to the LSA grant (different from the DCNR grant). Council would have to vote on the amendment, Solicitor Gaul stated. Wendy Klug offered to follow up on this.

Slate Belt COG – Lance Prator said there was no meeting held in July. Portland did rent the camera system. The camera was used to review the collapsed storm drain on Market Street. It worked great and the crew didn't break anything. Patrick McHugh added it needs a power source to do the recording, like a small generator.

Air Liquide Safety Committee – President Steele said this meeting will be held August 9, 2023, at 7 p.m.

Community Events/Recreation Board – President Steele announced Founder's Day will be held on October 21, 2023, from 1 p.m. to 8 p.m. The Committee is asking to expend the grant funds in between Borough Council meetings as they move along to purchase the necessary items/services for the event. **Motion made by Lance Prator to have the Community Events Board spend the funds of the grant as they need be throughout the month; seconded by Patrick McHugh. Vote 7-0-0 Motion carried.** President Steele added a monthly report will be provided at Council meetings.

Police Report – Mayor Fischer said new officers have received training and they are now patrolling on their own. With the recent car break-ins, they have implemented a few overnight shifts. Outreach to the community has really helped and people have been locking their car doors. The issue seems to have improved. Mayor Fischer will discuss the need for tasers next in her Mayor's report. Solicitor Gaul suggested contacting the DA's office regarding funding the

tasers. Mayor Fischer replied Chief Mulligan said we didn't have anything on the forefront at that time, but she will rediscuss with Chief.

Mayor's Report - Mayor Fischer said Officers Howell and Milkowitz have received training and are out on their own now. Council needs to decide tonight whether to purchase tasers or lease them. Our current tasers are obsolete and we are down to one semi-functional taser. To purchase two new tasers (one right handed and one left handed) as an entire package would cost between \$ 20,000 to \$ 25,000. East Bangor Borough is doing a program called Taser 7 by Exon Enterprises. For five years (a 60-month lease), the lease consists of a left and right taser that includes holsters, chargers, battery packs trainings, cartridges, docking stations for \$ 180 per month, \$ 2,127.14 per year. Chief Mulligan got certified through East Bangor Borough, so he would be able to certify the Borough officers. Solicitor Gaul asked if this was an emergency because the amount of the contract appeared over the bidding threshold. Mayor Fischer repeated that the decision needed to be made tonight because the Police did not have a reliable taser to use. Solicitor Gaul noted, and the Mayor confirmed, that the Police would lose an important step in the continuum of an officer's response to an uncooperative, resisting, or dangerous actor in an incident, if the Police did not have a taser.

Wendy Klug asked if there's an early lease termination option. Mayor Fischer said there wasn't. **Motion made by Lance Prator to lease the tasers from Exon Enterprises; seconded by Lisa Prator. Vote 5-2-0 Motion carried. Patrick McHugh and Wendy Klug opposed.**

Mayor Fischer met with Chief Mulligan to streamline their scheduling process. Stephanie Steele assisted the Police Department with their emails for officers to update each other during shift changes. Mayor Fischer attended the Planned Slate Belt meeting regarding land use. Mayor Fischer has also attended the Borough sewer meetings and Borough Secretary interviews.

Sanitation Committee – Wendy Klug discussed her interaction with Port 2 Flavors. Wendy Klug spoke with the business owner and the owner said she understands the Borough's concerns regarding placing commercial garbage out for residential trash pickup. Wendy Klug offered to follow-up with a letter. Mayor Fischer offered to give the business owner some ideas and information on how to resolve this issue.

Building Committee – Patrick McHugh wanted to talk about the architect that his committee had consulted with (unofficially) regarding what to do with the Borough building. First, a schematic and conceptual plan was suggested by the architect to develop a plan for this building. Cost of hiring the architect for this first phase (schematic and conceptual plan) would be \$ 2500. For the next phase, the design and development, would be in the range of \$ 7500. Solicitor Gaul suggested doing an RFP. He questioned why Mark Bahnick was not being included in the matter. As Borough Engineer, Mark would typically be involved in capital projects. Solicitor Gaul also added, for such a big expense, wouldn't the Council want input from the Borough residents? Solicitor Gaul suggested a survey. It was decided to begin with public outreach. Mayor Fischer offered to work together with Patrick McHugh to design the survey.

Resident Cindy Fish asked if there were any emergency/immediate repairs to the building needed in the next six months? Council replied the outside ramp needs to be addressed.

Budget, Finance, Insurance & Cable TV Contract – President Steele said an audit is needed to be done since Carol Hummel had resigned from her position as Borough Secretary in July. Kirk Summa provided the Borough with an engagement letter. They can begin the audit this month. We needed to wait until all checks signed by Mrs. Hummel had cleared. The cost for auditor Kirk Summa and Company to perform the audit would be between \$ 2,000 to \$ 2,500. Council needs to approve Council President Steele to sign the engagement letter.

Motion made by Lance Prator to approve Council President Steele to sign the Kirk Summa engagement letter; seconded by Patrick McHugh. Vote 7-0-0 Motion carried.

Personnel Committee – Discussion and Action- President Steele said the secretary candidates will be discussed in executive session.

When President Steele was at the bank straightening out the signature paperwork, the bank suggested having Council consider that since we do have an appointed assistant secretary, we could add a fourth signer in case there is ever an emergency situation. Signatures will consist of elected officials first (President and/or Vice President), the Borough Secretary or Assistant Secretary, but never two secretary signatures at the same time.

Lisa Prator made a motion to approve the authorized signatories for Bank transactions to be two signatures consisting of (1) the President and Vice-President of Council, or (2) the President or Vice-President of Council and either the Borough Secretary or Assistant Borough Secretary; Lance Prator seconded. Vote 7-0-0 Motion carried.

Slate Belt Rising Committee – President Steele reported there was no meeting held in July. The Portland mural is complete at Portland Auto Repair. Everyone was very pleased with the mural.

Plan Slate Belt Steering Committee – Mayor Fischer said Plainfield Township had many questions about the landfill. Lance Prator told Solicitor Gaul, there are comments from other municipalities and there will be mock final agreements that he'll send to everyone to look over. Keep in mind, there will be ten attorneys present. Solicitor Gaul reminded the group the Borough has not submitted any Plan comments to the PSB Steering Committee. Mayor Fischer noted that Karen Pfeiffer had a lot of comments about Plan Slate Belt. Mayor Fischer asked Karen if she would be interested in coming to their next meeting. Plan Slate Belt meetings are normally held the first Thursdays at 7:00 p.m. at the Pen Argyl Municipal Building.

Liberty Water Gap Trail Alliance – Cindy Fish said she didn't have a lot to report. Lance Prator has information about the MOU with the county. Letters of support are still needed from Upper Mt. Bethel Township. Lance Prator said the Monroe County Parks and Rec person left, and no one there seems to know anything. Sherry Acevedo from the county wants to make sure we don't overstep our boundaries. County Representative Acevedo has no comments; she's working on things behind the scenes.

Correspondence – The Borough has received a complaint form regarding the 2-hour parking downtown.

Patrick McHugh said the holes are drilled and whether or not the signs are going up this week, will be discussed during executive session. Patrick is OK with making it a priority.

Lance made a motion to have Solicitor Gaul prepare and advertise an ordinance adding towing as an enforcement option for illegal parking for Council vote on September 11, 2023. Wendy Klug seconded the motion. Vote 7-0-0 Motion carried.

Business owner, Amanda Moyer asked why it took over one year to address the parking issue downtown.

Old Business - None

New Business – Boat Ramp/Park Area – Karen Pfeiffer's sent an email to Council regarding a little over 8 acres parcel that is deeded to BACIDA that ultimately will belong to RPL. Karen expressed interest in having the Borough obtain the parcel for open space. Maybe it's something worth pursuing. Stephania Steele stated they had offered the land; they know its landlocked and the railroad will not give anyone access to cross their track. Karen Pfeiffer just wanted to know if it was worth pursuing.

Amendment to PSAB Training – Wendy Klug doesn't see why volunteer members of Council should have to pay for their own training. Lisa asked if they are required courses versus just for educational purposes. Patrick suggested setting a yearly cap. **Patrick McHugh made a motion to approve spending \$ 200 per year per Council member for training. Desired course must be submitted to council for approval prior to the beginning of the course; Seconded by Karen Pfeiffer. Vote 7-0-0 Motion carried.**

Public Comment, Non-Agenda – Patrick McHugh asked to have access to the Borough's Facebook page to discuss his or others personal effort to address the feral cat population. Solicitor Gaul asked if there was still an Animal Control Officer. Currently, there is none. Patrick is looking for people to adopt cats. Stephanie Steele suggested Patrick set it up on his personal Facebook page and share it with the Borough's Facebook page. Solicitor Gaul advised the Borough not to allow members of the public to use the Borough's Facebook page for programs the Borough did not control. Stephanie Steele said it's a property maintenance issue.

Public Comment, Non-Agenda – Borough resident Hubert McHugh stated he is still having issues regarding the property ID number pertaining to the 308 Main Street alley with the County. Solicitor Gaul said the Borough vacated its rights to the paper alley. There is nothing further the Borough does as part of the process. Hubert McHugh's second comment was about a tractor trailer parked overnight in the Borough. Solicitor Gaul suggested talking to the Zoning Officer about it being a zoning violation.

By Council Consensus, the Borough Council adjourned for this evening.

Respectfully submitted,

A handwritten signature in cursive script that reads "Diann Eden".

Diann Eden, Assistant Borough Secretary

