



Borough of Portland Council Meeting Minutes September 11, 2023

Call to Order – President Stephanie Steele call 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, Wendy Klug, Kyle Overfield, Lance Prator, Lisa Prator and Karen Pfeiffer were present.

Others Present - Mayor Heather Fischer, Borough Solicitor-Michael Gaul, Admin. Asst.-Lori Sliker, Borough Engineer – Mark Bahnick (arrived at 7:15 P.M.), Resident Cindy Fish, Resident George Zalepa, Resident Penny Conway, Resident Hubert McHugh, Amanda Moyer, Owner, Persimmon Lane

The appointment of the Borough Secretary was discussed, including the number of hours and hourly rate of pay. Solicitor Gaul advised that the Administrative Assistant can be appointed as the Borough Secretary, however she will not be able to function as the Borough Treasurer until she has been bonded. President Steele advised that the Bonding paperwork has been received; and assured the Council that until Ms. Sliker is bonded, she will not be handling any of the funds for the Borough.

Councilman Lance Prator made a motion to appoint Ms. Sliker as the Borough Secretary, with a work schedule of 20 hours per week, and compensation at the rate of \$20.00 per hour, and with the understanding that, until her bonding is completed, she will not process Borough funds; by Councilman Patrick McHugh. Vote 7-0-0; Motion Carried

Announcement of Recording - President Steele asked if anyone, besides the recording secretary, would be recording tonight's meeting. No attendees are recording the meeting.

The Solicitor noted that action on the appointment of the Borough Secretary was not on the posted agenda. He recommended that the Borough Council vote to formally approve and confirm its approval of the amendment of the posted agenda to include "Appointment of Borough Secretary and determination of hours and hourly rate".

A motion was made by Councilman Lance Prator to approve and confirm Borough Council's approval of the amendment of the posted agenda to include "Appointment of Borough Secretary and determination of hours and hourly rate", for the purpose of expedient Borough Council action; seconded by Councilman Patrick McHugh. Vote 7-0-0; Motion Carried

Approval of the Meeting Agenda and any Amendments:

Councilman Lance Prator made a motion to approve the posted agenda, as amended; seconded by Lisa Prator. Vote 7-0-0; Motin Carried.

Action on the minutes - President Steele asked if there were any corrections or changes to the meeting minutes of August 7, 2023.

Lance Prator made a motion to approve the meeting minutes of August 7, 2023, as presented; seconded by Patrick McHugh. Vote 7-0-0; Motion Carried.

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

Borough Operations & Borough Operations Already Paid	\$ 37,631.74
Sewer Operations & Sewer Operations Already Paid	\$ 21,034.14

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Garbage Operations & Garbage Operations Already Paid	\$ 4,674.82
From Real Estate Account to Fire Tax Account	\$ 0
Estimate Payroll & Payroll Taxes, September 2023	\$ 6,300.00
Estimate WEX Sunoco Fuel, September 2023	\$ 450.00
RPL East, Escrow	\$ 1,401.00
Liquid Fuels	\$ 1,200.00
<u>TOTAL</u>	<u>\$ 72,691.70</u>

Councilman Patrick McHugh made a motion to approve the August 2023 Financial Report; seconded by Councilman Kyle Overfield. Vote 7-0-0; Motion Carried.

President Steele advised that to cover expenses funds will need to be transferred from the Real Estate Account Fund to the General Checking Account. President Steele has projected that to cover September – December 2023 expenses approximately \$100,000.00 will need to be transferred.

Councilman Patrick McHugh made a motion to approve the transfer of \$100,000.00 from the Real Estate Account to the General Checking Account to cover the anticipated expenditures; seconded by Councilwoman Lisa Prator. No further discussions. Vote 7-0-0; Motion Carried.

Streets Committee -Patrick McHugh, Chair

Councilman Mr. McHugh wanted to clarify an item from the April 3, 2023, meeting minutes that approved the Streets Committee to spend up to \$1,000.00 to keep small projects moving forward. President Steele advised that she was not aware that the intent of this \$1,000.00 was to keep projects moving forward and that she believed it was for emergency use only, and asked what the money been used for to date. Councilman McHugh advised that tools and materials have been purchased. Councilwoman Lisa Prator inquired why it has taken five months to question the minutes; Councilman McHugh stated it was an oversight. Discussions continued to clarify what the money was being used for and how much of the \$5,000.00 has been spent. Councilman McHugh advised that most of the \$5,000 has been spent for this year. President Steele stated a project budget is presented to Council which includes estimates of project costs; there are bidding thresholds that need to be followed. When the projects are presented, an accurate projection is needed. Solicitor Gaul stated that spending is approved by the Council and when a project requires additional monies an emergency council meeting should be held to review the situation and approve/deny the additional expenditures. The power to spend additional funds outside of the Council approval should be limited. Mayor Fischer asked if a situation could arise that he would spend the entire \$5000.00 on one purchase; and she expressed her concerns that this type of situation has been abused in the past. Councilman McHugh stated that he could potentially spend the entire \$5000.00 on one purchase if needed. Councilwoman Lisa Prator expressed that emergency Council meetings should be called as something more important could be happening in town that may need funding.

Motion was made by Councilman Patrick McHugh and seconded by Councilman Lance Prator to authorize the Street Committee Chairman to spend \$1000 a month / \$5,000.00 per year for rentals, tools, and project materials.

Discussions continued regarding threshold limits and project preparation. President Steele reminded the Council that everyone needs to be mindful of Borough finances. Solicitor Gaul again stated that The Council approves projects and the funds needed for the project; power to spend outside of Council is limited. Councilman Lance Prator advised that while he does not want to see projects delayed in completion, he is withdrawing his second to the motion. **Motion died for lack of a second.**

A motion was made by Councilmen Patrick McHugh and seconded by Councilwoman Karen Pfeiffer to spend \$1,000.00 per month a \$5,000.00 yearly cap (calendar year) - for use of rentals and tools not to exceed the bidding thresholds.

Councilman Patrick McHugh stated the intent was for any projects not just approved small projects. Councilwoman Karen Pfeiffer is concerned with the thresholds and that the \$5000.00 cap for this year is almost depleted; she withdrew her second to the motion. **Motion died for lack of a second.**

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After much discussion, there was no further motion on the topic. President Steele read the approved April 3, 2023, minutes to the Council and attendees which stated “a motion was made and amended by Lance Prator, amended 2nd by Kay Bucci authorizing the street committee to spend \$1,000 between Council meetings, for emergency maintenance repairs of equipment. - That adopted motion remains unaltered at this time.

Councilmen Patrick McHugh would like a thank you letter sent to Bob Cartwright for allowing the use of his electric on the Main Street job.

Motion was made by Councilman Patrick McHugh and seconded by Councilman Lance Prator to send a thank you letter to Bob Cartwright. Vote 7-0-0; Motion Carried.

Councilman Patrick McHugh advised that Pennsylvania Avenue Street grate project will continue weather permitting. The Market Street project will be starting September 12, 2023.

Councilman Patrick McHugh requested to rent the street sweeper and leaf vacuum from the COG for November 13 – 17, 2023 weather permitting. Estimated use of 5 days at \$100.00 per day for a total of \$500.00.

Motion to Amend Agenda was made by Councilman Patrick McHugh and seconded by Councilwoman Karen Pfeiffer to add, for purposes of expediency, the topic of approval of Street Sweeper with the leaf vacuum rental. Vote 7-0-0; Motion Carried.

Motion made by Councilman Patrick McHugh and seconded by Councilwoman Karen Pfeiffer to rent street sweeper (3 days) and leaf vacuum (2 days) for a total of \$500.00, and to authorize Council President to sign the COG agreement for the rentals. Vote 7-0-0; Motion Carried.

Councilman Patrick McHugh requested approval to purchase salt for winter at \$67 per ton x 75 tons for a total of \$5,025.00. Councilman McHugh advised that there is salt left over from last year. Last year 100 tons were purchased. Councilman Lance Prator advised that they alternate purchases (last year 100 tons – this year 75 tons). Solicitor Michael Gaul advised that if an ordinance is required salt cannot be ordered yet. (Councilman Lance Prator advised that the salt price is \$76.00 per ton.)

Councilman Michael McHugh made a motion to order salt. The consensus of Borough Council members discussed that more information is needed before the salt is ordered. **Motion died for lack of second. (Corrected to Patrick per October 2, 2023, Council Meeting, Lori Sliker, Borough Secretary).**

Councilman Patrick McHugh is requesting to purchase some signs (2-hr parking and public parking signs) in addition to materials. Posts \$365.00/Bases \$190.00 / signs \$45.00 x 7= \$325.00 for a total amount \$870.00). Solicitor Michael Gaul asked if the signs follow Penn DOT requirements. President Steele and Mayor Fischer requested a restroom sign be purchased and placed by sidewalk.

Motion made by Councilman Lance Prator and seconded by Councilwoman Wendy Klug to purchase the posts, bases, and signs – including the addition of the restroom sign for a total expenditure of \$925.00. Vote 6-1-0 (Councilman Patrick McHugh opposed); – Motion Carried.

Mayor Fischer asked Solicitor Michael Gaul for an approximate timeframe when Ordinance #192 can be reviewed. The solicitor will get examples of 2-hour parking ordinances from other municipalities. (East Stroudsburg/Bangor) for review; and have Attorney Campbell provide them to Council for review. Mr. H. McHugh from the audience if 2 signs can go on one pole. The Council and Solicitor advised that they can as they are informational signs.

Councilman Patrick McHugh has received 3 quotes for cracked sealing the chip and oil spider cracks on various road.

AMS – Asphalt Maintenance Solutions: Chip and oil cracks & spiderwebbing patch areas - AMS will bring the Road Sealer Truck with an Operator. Councilman Patrick McHugh advised that AMS estimated 6 hours of work at \$375.00/hr.= \$2250. – Portland needs to buy 20 tons double washed gravel from Nazareth Quarry 20 tons x \$35.00= \$700.00. AMS will bring 800 gallons of oil with them but anticipate using 252 gal x \$216. = \$5026 total. If the

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anticipated amount is not used the costs will be prorated. The company has availability next week to do the work; however, after that they will be busy and may not be able to get to it before winter. President Steele advised that if this was the company that did the job last year, they did not do a very good job. Solicitor Michael Gaul advised that anyone that does work for the borough needs to carry insurance; an addendum needs to be provided indicating insurance and a written quote from the contractor must be received.

AMS crack sealing estimate is 2,500 lbs. x \$2.82/lb = \$7050.00.

Pocono Spray Patching fills the holes in the streets which is estimated to be \$2,500. Councilman Lisa Prator asked which streets are in need for repair. Councilman Patrick McHugh advised that Pennsylvania Avenue/Main/Holland Avenue/Northampton all have low spots on the road that need to be taken care of so there is no further damage. President Steele asked if Councilman McHugh is looking to do all this work; what would need to be completed now. Councilman McHugh stated the priority would be 1st -chip and oil and then spray patching. President Steele advised that the streets budget is over by \$42,500 already at \$60,084.00. Could some of these road repairs fall into liquid fuels or would it be out of the general budget. Solicitor Gaul stated that these projects should have been estimated closer to the real costs at the beginning of the year. Councilwoman Lisa Prator asked if the projects could wait until spring and President Steele inquired what absolutely had to be completed this year. Councilmen McHugh replied that this project was postponed from Spring to now and that there is a list of roads that need work. Solicitor Gaul recommends that the Borough should follow a schedule of annual road maintenance based on industry standards. A quote is needed from the company as Councilmen McHugh only has an email. The final quote should include labor, material and an addendum for general liability, workers compensation and vehicle insurance need to be completed prior to work beginning.

Motion made by Councilwoman Wendy Klug and seconded by Councilmen Kyle Overfield to authorize the chip and oil work and costs. Vote 7-0-0; Motion Carried.

Councilmen McHugh is asking for clarification on Crestmont Street, stating the homeowner has provided him with a document indicating that the Borough will take care and maintain the road/street – easement for the sewer. Solicitor Gaul reviewed the document and the last paragraph on the 2nd page, and advised it is easement for the sewer line not the road. If in the case the Borough was working on the sewer and had torn up the road to access the sewer the Borough would then be responsible for fixing the road. The Solicitor asked about the history of the road; as there are different ways to look at the issue. Mr. Hubert McHugh from the audience stated if the Borough has always maintained the road for 45 years, they should continue to maintain it. The solicitor advised he is unable to answer this question at the meeting. He can do the research and analysis, but it would be at a cost; Council should discuss if they want that at executive session.

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

Borough Engineer's Report – Mark Bahnick, Portland Borough Engineer advised he has nothing to report at this time.

Sewer Committee - Stephanie Steele, Chair

President Steele advised that as of today UMBT has not sent the check to pay for the sewer study. Councilwoman Karen Pfeiffer inquired if we receive the check for the sewer study would the Council be willing to meet with the Township. Mark Bahnick advised that if the check is received it could take approximately 2 months to complete – the study will go to the Sewer Committee for review then sent to the Council. While the Council is willing to meet with the Township; Mark Bahnick, Borough Engineer suggests that the study be completed prior to having a meeting.

President Steele advised that there will be a Public Town Hall meeting on Monday, September 25, 2023 at 7:00 P.M. in the William Pensyl Social Hall. There will be a limited agenda which will be advertised in advance utilizing social media, notice on the front door and the one call system. The issues with the sewer plant will be discussed with the public at that time.

Councilwoman Lisa Prator made a motion to approve the Public Town Hall meeting with a limited agenda; Councilman Lance Prator seconded. Vote 7-0-0; Motion Carried.

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Councilman Lance Prator made a motion to break at 8:56 P.M. for Executive Session which was seconded by Councilwoman Lisa Prator. Purpose of the Executive Session is to discuss legal matters with the Solicitor. Vote 7-0-0; Motion Carried

Councilman Lance Prator made a motion to return from Executive Session and resume the Council meeting at 9:26 P.M.; seconded by Councilwoman Karen Pfeiffer. Vote 7-0-0; Motion Carried.

No action to be taken on matters discussed in Executive Session.

Councilman Patrick McHugh stepped out of the Council meeting at 9:26 P.M. and returned at 9:27 P.M.

Mark Bahnick, Borough Engineer left the Council Meeting at 9:26 P.M. after the Executive Session returned.

Legal: Solicitor Michael Gaul – None at this time

Subdivision and Land Development (SALDO): None at this time

Police Report: Mayor Fischer advised that all the officers are riding alone now so the officers are providing more coverage. The new tasers have been ordered and we are awaiting delivery. Any officers that have not been trained yet will receive training in the next couple of months. Mayor Fischer advised that the 2-hour parking monitoring/enforcement is going well. The current ordinance is old, and needs to be reviewed; there is no situation that everyone will be happy. It has come to the mayor's attention that the business owners are moving their cars back and forth from one parking spot to another every two hours. Tickets are being issued enforcing the 2-hour limit. Mayor Fischer advised that she has received additional requests to sign up for her alerts since there was a second prisoner escape in Pennsylvania.

Portland Community Events Committee: President Stephanie Steele, Mayor Heather Fischer

President Steele advised that Founders Day will be held on October 21st and anyone interested in volunteering can find the form on the website. The Founders Day Posters will be put up soon.

COG: Lance Prator had nothing to report this month as there was no meeting last month.

Sanitation Committee: Wendy Klug, Chair

Wend Klug advised that a letter was drafted by the Solicitor Gaul and be reviewed. Lance Prator advised that 5 garbage cans have been donated to the Borough and he is seeking suggestions on where to place them. He thought that perhaps one (1) can be placed at the new place (Edge of the Woods) and two (2) can be placed at the park and ride leaving three (3) cans in storage until they are needed. Mayor Fischer suggested one be placed at the Park and Walk. The Council can decide where they should be placed. **(Corrected to Wendy per October 2, 2023, Council Meeting, Lori Sliker, Borough Secretary).**

Mayor Heather Fischer stepped out of the Council meeting at 9:40 P.M. and returned at 9:42 P.M.

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

President Steele is requesting that 2024 project proposals with projected costs for the 2024 Budget meeting should be sent to herself, Councilwoman Lisa Prator and Councilwoman Karen Pfeiffer as soon as possible. The Suburban EMS funding request for the Borough has been received and the Borough's requested amount is \$2,400.00. It should be noted that private residences were sent letters for donations and now they are asking the municipalities. Suburban EMS has not increased services and the response time for an ambulance is approximately 45 minutes. Councilman Lance Prator advised that the Jimmy Potter is considering the possibility of having an ambulance service to share, and the possibility of a Grant and doing a feasibility study. Councilman Lance Prator will look at alternatives and keep the Council advised.

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Building Committee: Wendy Klug, Chair

Councilman Patrick McHugh updated the Council on the O'Brien proposal. Per a telephone conversation he had with them there will be 4-6 schematic plans to present to the Council. Walk around - floor plan of the building which included building measurements, elevations etc. Some comparison of costs: new vs. renovations will be presented. There will be 2-4 drawing plans presented to the Council once the conceptual phase will cost \$2500.00. Councilman Patrick McHugh advised that O'Brien is aware that even after doing the drawing plans he may not get the project. Michael Gaul, Solicitor stated that there can be no additional fees just the \$2500.00 without the Borough's permission, bids must be prepared. Mayor Fischer asked if the \$2500.00 included any drawing plan revisions after reviewing the paperwork. Councilman Lance Prator advised that there is nothing stated regarding revisions which would indicate an additional cost; perhaps this should be brought up at the Town Hall meeting. The Council has questions for Councilman Patrick McHugh to take back for amendments, is the first meeting with the Committee/Board included in the initial \$2500.00; would additional meetings be an extra cost. Solicitor Michael Gaul wants added to paperwork that 1. \$2500.00 initial cost is not to increase without Borough approval. 2. 2-4 designs plans include up to 6 options based on Borough Council. 3. Will meeting with the Council be extra expense.

Motion made by Councilmen Lance Prator and seconded by Councilwoman Wendy Kuhl to have O'Brien move forward with the addition that O'Brien will meet with the Board when the plans are completed, and this will be included in the initial \$2,500.00; the cost cannot exceed \$2,500.00 without the Councils approval. Vote 5-2-0; (President Steele and Councilwoman Lisa Prator opposed) Motion Carried.

Plan Slate Belt – Councilman Lance Prator, President Stephanie Steele, Mayor Heather Fischer

President Steele advised that the changes to the Plan are highlighted, and a 45-day public comment timeframe is active; the Plan is on the website for review/comments. They will come to the November 6, 2023, Portland meeting to review changes. The Solicitor advised the Council members to be sure that this is what they want; the Council will be expected to enter into an agreement to implement Regional Zoning and there will be consequences. The Council discussed what the advantages/disadvantages would be if they entered into this agreement. President Steele has asked the Council members review the plan and make comments; she also advised that the public can also review the Plan on-line. President Steele stated that the policy document needs to be read and that she has read the Plan and found an error. Solicitor Gaul asked the Council members to consider exactly 'what do you want to see for Portland'?

Liberty-Water Gap Trail Alliance – Cindy Fish

Ms. Fish advised the Council that Portland has received 5 trash cans which were discussed under the Sanitation Committee Report. Ms. Fish would like to have a table during the Founders Day Celebration. Mayor Fischer reminded Ms. Fish to complete the Vendor Form which is on the website. The next Liberty-Water Gap Trail Alliance meeting 2023, scheduled for Wednesday, September 20, 2023, at 9:00 A.M. Upper Mt. Bethel Community Park and it is open to the public. There were some discussions regarding the continued closure of Rt. 611 among the Council and that they have not received any information of it reopening.

Correspondence: President Steele advised that the Public Notice for Upper Mount Bethel Township Planning Commission meeting has some good information, and the meeting is September 23, 2023, at 7:00 P.M Municipal Building.

Old Business: The two (2) hour parking ordinance needs to be updated. Solicitor Gaul will have Attorney Campbell send some examples for the Ordinance Committee to review. The Enforcement Committee will start to work on the ordinance once they receive the examples; Mayor Fischer asked to be included when the committee starts meeting.

New Business: Councilman Patrick McHugh would like to solicit interest from individuals who would like to serve on a Shade Tree Commission. President Steele asked Councilman Patrick McHugh to provide a description and objective of the commission to be placed on social media. Councilman Patrick McHugh will be the contact person for now.

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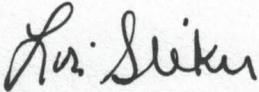
President Steele read a letter from Portland Hook and Ladder seeking permission to apply for an LSA Grant for Protective Personal Equipment (PPE) through the Borough. The grant submission date is September 30, 2023, and costs \$100.00 fee. This request will be reviewed at the Town Hall Meeting on September 25, 2023; can approve resolution on the 25th.

Public Comment – Portland Borough Resident George Zalepa advised that he submitted a complaint to the borough 2 weeks ago regarding the two (2) hour parking signs and he has not heard anything to date. The signs that have been put up do not reflect the current ordinance asking if his tax dollars paid for incorrect signage. The signs have created a ghost town and the problem is not being resolved. Mr. Zalepa stated that Ordinance #192 can have a section modified without revising the entire ordinance. Regulate off street parking – we need to get ahead of the issue which is a seasonal and weekend parking problem; install parking meters if need be. President Steele advised that she was not given his complaint form and had not seen one on the email; she apologized to Mr. Zalepa and said she will back track to see if she can find it. In addition, she advised that the signs that were placed downtown had been in the basement, so the only cost was putting the signs up. President Steele asked Mr. Zalepa to please be involved when it comes time to review the ordinance. Mayor Fischer and other Council members acknowledge there needs to be a change; and stated they need public input regarding these issues to get them solved. There were no other public comment issues discussed.

Adjournment:

A motion was made by Councilwoman Lisa Prator and seconded by Councilwoman Karen Pfeiffer to adjourn the meeting at 10:36 PM. Vote 7-0-0; Motion carried.

Respectfully Submitted,



Lori Sliker, Borough Secretary

