



**Borough of Portland Council Meeting Minutes
April 1, 2024**

On April 1, 2024, at 7:05 PM, the Borough Council of the Borough of Portland, Northampton County, Pennsylvania, met for a regular meeting at the Portland Borough Municipal Building, 206 Division Street, Portland, Pennsylvania.

Call to Order – President Lance Prator called the meeting to order at 7:05 P.M.

Pledge of Allegiance was recited.

Roll Call – Council Members: Lance Prator, President, Stephanie Steele, Vice-President, Councilmembers Karen Pfeiffer, Susan Ivancich and Lisa Prator were present. Patrick McHugh – Absent

Others Present – Mayor Heather Fischer (via phone-arrived at meeting at 7:50 P.M. Borough Solicitor- Michael Gaul, Borough Engineer-Mark Bahnick and Borough Secretary-Lori Sliker were present. Also present were Hubert McHugh, Tara Mezzanotte, Richard Wilford-Hunt, Mr. & Mrs. Rakesh Patel, Jimmy Potter, Cindy Fish, Mark Metzger, Penny ~~Conrad~~. (Corrected to Conway on May 6, 2024 Council Meeting-Lori Sliker, Secretary)

Announcement of Recording – President Prator announced that the meeting was being digitally recorded for assistance in preparation of the minutes; and asked whether anyone else, besides the Borough Secretary, was recording tonight’s meeting. Mr. Metzger-UMBT stated that he is recording the meeting. No other attendees stated that they were 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:

Agenda amended to allow discussions regarding:

- #9-Discussion regarding manhole covers
- #26 – Cindy Fish interest in Vacancy Board Seat
- #24 – Correspondence will be corrected to #24A
- #8 – Allow Tara Mezzanotte to address council under Public Comment

A motion was made by Councilmember Stephanie Steele to approve the agenda as posted, with the foregoing amendments, seconded by Councilmember Lisa Prator. Vote 5-0-0; Motion Carried.

Action on the Meeting Minutes of March 4, 2024: President Prator asked if there were any corrections or changes to the meeting minutes of March 4, 2024.

A motion was made by Councilmember Stephanie Steele to approve the March 4, 2024, Council meeting minutes as presented, seconded by Councilmember Lisa Prator. Vote 5-0-0; Motion Carried.

Secretary/Treasurer Report:

Council President Prator presented the March 2024 Financial Report for review/approval.

Bills Presented for Payment:	March
Borough Operations	\$ 17,044.31
Sewer Operations	\$ 21,721.01
Garbage Operations	\$ 4,674.82

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Estimate Payroll & Payroll Taxes, February 2024	\$ 6,300.00
Estimate WEX Sunoco Fuel, February 2024	\$ 550.00
Ultra Poly B#3-Recy., Escrow- King, Spry	\$ 774.00
RPL East – Escrow- King Spry	\$ 126.00
<u>TOTAL</u>	\$ 51,190.14

A motion was made by Councilmember Lisa Prator to approve the March 2024 Financial Report, seconded by Councilmember Stephanie Steele. Vote 5-0-0; Motion Carried.

Public Comment: Mr. Rakesh Patel addressed the Council regarding his Sewer Bill. Mr. Patel explained he would like the Council to change his sewer bill and remove the late fees and penalties. Councilmember Stephanie Steele advised that some research through the Council minutes could be done to see what was done prior. Solicitor Gaul asked Mr. Patel if there was any documentation stating what was going to be done through the Council. Mr. Patel advised that Attorney Pete Layman was going to help him with the situation, however he never received anything. Solicitor Gaul advised that he would contact Attorney Pete Layman and discuss the situation to find out what occurred. Mr. Patel stated that because no one is renting his building and, since Rt. 611 closed, Portland businesses have been struggling financially. Mr. Patel advised that he is currently paying 1 EDU for the last 6 months. The Council advised that this will be researched, and they will consider Mr. Patel's request.

Ms. Penny ~~Conrad~~ spoke of an Impact Project for the Juvenile Community - Ms. ~~Conrad~~ advised these kids have gotten into some trouble. They are provided with an opportunity to sign a contract and if they follow the contract, they are given a clean slate. Ms. ~~Conrad~~ is looking for some community involvement in allowing the kids to come and help with the clean-up day. The Solicitor asked if the parents of these kids will be here to provide supervision, as the Borough will not take responsibility for the kids while they are here. Ms. ~~Conrad~~ asked if she could be responsible for the kids while they are in Portland. Councilmember Stephanie Steele advised that this is a county run program so there are protocols that are followed. Councilmember Lisa Prator asked if there is a waiver that could be signed. Ms. ~~Conrad~~ will address the Council's concerns with the County. *(Corrected to Conway at May 6, 2024 Council Meeting-Lori Sliker, Secretary)*

A motion was made by President Lance Prator to move Tara Mezzanotta under Public Comment so she can leave, seconded by Councilmember Stephanie Steele. Vote 5-0-0; Motion Carried.

Solicitor Gaul advised that Ms. Mezzanotti had sent in information regarding being the Borough's liaison to NJDOT on the I-80 Rockfall project. That information has been provided to the Council in the meeting packet or previously. Ms. Mezzanotti explained that she acts as liaison for several townships with regards to several ongoing projects. Ms. Mezzanotti advised that she attends various meetings on behalf of several Townships/Boroughs. While she does not speak for them, she is authorized to relay information and ask questions on their behalf. The other townships have appointed her as their liaison through a resolution; this helps her in case someone questions why she is representing a township/borough, and it defines the scope of her authority. Although she does not live in the Borough, she could be authorized to attend on Portland's behalf. The consensus of Council was that Solicitor Gaul should prepare a resolution for possible review/approval at the May Council meeting. Ms. Mezzanotti will provide the solicitor with a resolution for him to work from.

A motion was made by Councilmember Stephanie Steele to amend the agenda to discuss the Lower Delaware Wild & Scenic River; seconded by Councilmember Lisa Prator. Vote 5-0-0; Motion Carried.

Solicitor Gaul asked if someone will have the time to attend the LDWSR Management Council meetings; President Lance Prator advised he could attend. Solicitor Gaul advised that Portland should have a volunteer attend Management Council meetings before joining the Management Council, in order to learn about it, and the time commitment. Because the expansion study is still underway, the Borough does not have to decide now whether it supports the actual completed study, and possible designation of additional Wild and Scenic areas.

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The Borough would only have to consider currently whether to support the undertaking of the study. Ms. Mezzanotti advised the meetings are recorded and posted so anyone can catch up.

A motion was made by Councilmember Susan Ivancich to authorize President Lance Prator to attend the meeting of Management Council LDWSR as the Borough Representative, seconded by Councilmember Karen Pfeiffer. Vote 5-0-0; Motion Carried.

Councilmember Lisa Prator asked if she can listen to the Management Council meetings remotely. Ms. Mezzanotte advised that you can listen to the meetings and/or read the quarterly minutes which are also posted. Ms. Mezzanotti will send the Borough Secretary-Lori the sign-up link for the newsletter. Ms. Mezzanotti asked the Borough to adopt a resolution to support the expansion study. Ms. Mezzanotti- will send a draft version of a resolution for consideration.

Borough Engineers Report: Solicitor Gaul advised that RPL Center requests a Professional Services Agreement in regards to the payment of the Borough's expense in reviewing of RPLC's traffic impact study. Upon receipt and review of an invoice from the Borough for the cost of the Borough's consultant reviewing the traffic impact study. RPLC determined that the expense should be paid from another account. President Prator asked if there are any pros/cons to another RPL agreement and why do we need another agreement/escrow. The Solicitor replied that RPL apparently finds a separate agreement important in the allocation/tracking of the expenses related to its various projects. Councilmember Stephanie Steele advised there is an outstanding invoice that needs to be paid. Solicitor Gaul stated that the proposed agreement was circulated to the Council members prior to the meeting, All that needs to be added to the form of the agreement is the applicable real estate information, which would be supplied by RPL.

A motion was made by Councilmember Stephanie Steele to approve the Professional Services Agreement with RPL Center in the form provided, with the applicable real estate information to be inserted and for Portland to execute the agreement; seconded by Councilmember Karen Pfeiffer. Vote 5-0-0; Motion Carried.

Borough Engineer – Mark Bahnick stated that the COVID 19 grants have been received for the Storm Sewer / Sanitary Sewer. The membrane replacement grant is \$500,000.00 - \$425,000.00 grant / \$75,000.00 Borough. Mr. Bahnick handed out copies of the previously prepared budgets for the two grant funded projects.

(Mayor Heather Fischer joined the meeting in person at 7:50 P.M.)

Solicitor Gaul advised that the grant contract requirements are complicated, and there are rules to be followed. Borough Council needs to read the grant contract requirements and be familiar with them. The grants will take time to administer and track. Even the usual state grants take time to administer, but these grants also contain federal requirements because the source of the funding relates back to federal funds. Solicitor Gaul said he expected that the Borough will have to engage and pay a professional to administer the grants and do all the required tracking. Solicitor Gaul also stated that he expected that the Borough would need engineering services for grant administration, design, permits, contractor bid specifications, administration of the contract, and invoice processing. The Borough would have to determine how it would procure and pay for such services, as the rules of the grant could impact such a determination. The Borough would also have to consider how it would manage or finance the payment of project costs until grant funds are available, on a reimbursement basis. (Contract 85% of project costs and 15% would be the Borough).

Councilmember Stephanie Steele asked whether VanCleaf could serve as both the grant administrator and provide regular engineering services for the project. Solicitor Gaul stated that he did not know the answer to the question. In the past he has been aware of a situation where there was an issue or complaint about an engineer submitting a proposal in response to an RFP developed by the same engineer. However, that was not

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necessarily the same thing as an engineer providing both grant administration and traditional engineering services. Councilmember Stephanie Steele advised that the President will require a separate bond from his Council bond.

A motion was made by Councilmember Lisa Prator to approve and execute the COVID-19 ARPA PA Small Water and Sewer Program Grant Contract #000087911, in the amount of \$424,708.00, seconded by Councilmember Stephanie Steele. Vote 5-0-0; Motion Carried.

A motion was made by Councilmember Lisa Prator to approve and execute the COVID-19 ARPA PA Small Water and Sewer Program Grant Contract #000087910, in the amount of \$425,000.00, seconded by Councilmember Stephanie Steele. Vote 5-0-0; Motion Carried.

Sewer Committee: Councilmember Stephanie Steele advised that they need to order 2 Penn Power Systems (Bagel & Deli - \$766.65 & Ultra Poly Wastewater Treatment - \$766.65)

A motion was made by Councilmember Stephanie Steele to approve the purchase of 2 Penn Power Systems, seconded by Karen Pfeiffer. Vote 5-0-0; Motion Carried.

Ultra Poly 3 is requesting sewer service from Portland. Solicitor Gaul asked about the EDU's; the Borough Engineer-Mark advised that the EDU's have not been resolved; he advised they are just approaching Portland about sewer service.

A motion was made by Councilmember Lisa Prator to approve the concept of sewer service for Ultra Poly 3, subject to comments of the 3/21/24 letter to include the number of EDU's; seconded by Councilmember Stephanie Steele.

Solicitor Gaul advised that the letter does not satisfactorily address the EDU's to be charged to this location. Mark Bahnick advised that he is looking for approval to Ultra Poly 3 for sanitary sewer service subject to letter 3/21/24 and subject to the #of EDU's.

Solicitor Gaul stated he would like the process more formalized and the 3/21/2024 letter should state "provide the following conditions"; this is not addressed in the letter. A request for sewer service outlining the conditions should be submitted for Council consideration. Councilmember Stephanie Steele advised that some of the language of the letter can be changed; can we table this to get the language correct. The motion was withdrawn at this time. This will be tabled at this time.

A motion was made by Councilmember Stephanie Steele to table this topic until the next meeting, seconded by Councilmember Karen Pfeiffer. Vote 5-0-0; Motion Carried.

RPL East – Lot A – Councilmember Stephanie Steele asked about the RPL East – Lot A as they have been asking for an update. Mr. Bahnick advised that the process to provide sewer service should be finalized by his office and then presented to Council for consideration. The Borough Secretary will email RPL East and advise that this is under review and any questions can be referred to the Borough Engineer.

Lamtec – President Prator advised that Lamtec is asking for sewer service; Lamtec is not in our defined service area. A letter will be sent to Lamtec advising that they are not in our approved service area. Jimmy Potter provided some details regarding Lamtec.

A motion was made by President Lance Prator to deny sewer service to Lamtec because they are not in our approved service area; seconded by Councilmember Karen Pfeiffer. Vote 5-0-0; Motion Carried.

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Councilmember Stephanie Steele advised that at the Sewer Committee meeting Craig LaBarre requested to have Maintenance clean-up the brush around the lots and install an exterior spigot at the Water Waste Treatment Plant. The work was approved by Council.

A motion was made by Councilmember Lisa Prator to enter Executive Session at 8:36 P.M., to review legal matters and personnel matters with the Solicitor; seconded by Councilmember Stephanie Steele. Vote 5-0-0; Motion Carried.

A motion was made by Councilmember Lisa Prator to return from Executive Session at 9:10 P.M., seconded by Councilmember Karen Pfeiffer. Vote 5-0-0; Motion Carried.

President Prator asked if any action was needed from Executive Session:

A motion was made by Councilmember Stephanie Steele to Promote Officer Todd Pysher to Sergeant with a \$1.00 per hour increase (\$25.00/hour); seconded by Councilmember Lisa Prator. Vote 5-0-0; Motion Carried.

A motion was made by Councilmember Stephanie Steele to hire Gilbert Diaz as a part-time Borough police officer at the rate of \$22.00 per hour, for up to 24 hours per week, pending satisfactory completion of all required Pennsylvania State clearances and Borough documents and requirements, seconded by Councilmember Lisa Prator. Vote 5-0-0; Motion Carried.

A motion was made by Councilmember Stephanie Steele to hire David Nicoletta as a part-time Borough police officer at the rate of \$22.00 per hour – for up to 24 hours per week, pending satisfactory completion of all required Pennsylvania State clearances and Borough documents and requirements, seconded by Councilmember Lisa Prator. Vote 5-0-0; Motion Carried.

A motion was made by Councilmember Lisa Prator to send the January 22, 2024, Sewer Capacity Study letter to Upper Mount Bethel Township, seconded by Councilmember Stephanie Steele. Vote 5-0-0; Motion Carried.

Mark Bahnick-Borough Engineer left the meeting at 9:13 P.M.

Streets Committee: President Prator advised that they will not be doing crack sealing at this time; however, they are going to do some hot patch work. Because Portland received two grants President Prator advised he doesn't want to do crack sealing just to dig up the streets again.

Legal: Solicitor Gaul advised that the Borough magazine states that there is an ARPA grant funds report due in April. Councilmember Stephanie Steele stated the Borough provided updates recently, but some additional updates may be required. Solicitor Gaul advised that ARPA funds must be obligated by 12/31/2024 & spent by 12/31/2026. The Solicitor pointed out that, if the Borough Council was planning to use the ARPA funds as the local match for the COVID grant projects, there could be a timing issue in having the ARPA funds obligated by 12/31/2024, in light of the fact that the Borough had only just approved the COVID grant contracts. Councilmember Stephanie Steele advised that it is approximately \$56,000.00.

Subdivision and Land Development (SALDO): None.

Portland Borough Authority: Backhoe rental – Mr. Potter asked that the Borough reconsider their charge to use the backhoe from \$250.00 a day plus fuel to \$100.00 a day plus fuel. The rental agreement will need to be updated and signed effective 4/1/2024 to reduce the daily rate.

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A motion was made by Councilmember Stephanie Steel to reduce the daily rental rate for the backhoe from \$250.00/day to \$100.00/day plus fuel, seconded by Councilmember Lisa Prator. Vote 4-0-1 (Lance Prator abstained); Motion Carried.

Police Report: none

Mayors Report: Mayor Fischer advised that she has been attending closed meetings regarding Rt. 611 and that having Federal involvement has helped in moving the project forward. Penn Dot must make some changes to the permits and submit them for approval. The mayor advised that she anticipates that one lane will be opened; and that larger work will not stop the 1 lane from opening. Templates Nature/Nurture Center - working with the artist for this. Police Officer interviews were conducted.

Portland Community Events Committee: Councilmember Stephanie Steele advised that the Easter Egg Hunt was a success.

Slate Belt Rising: Councilmember Stephanie Steele advised that she didn't realize that the funding has opened and if our project qualifies, we could apply for grants-keep in mind for next year.

COG: President Prator advised they are applying for a towable high reach lift and 2 light stands through the County, which will be available to rent.

Sanitation Committee: Solicitor Gaul advised that the Sanitation Contract and specifications were sent out for review. Councilmember Stephanie Steele asked that the 10-wheel truck be taken off the bid specifications as those trucks do not fit on some of Portland's roads.

A motion was made by Councilmember Lisa Prator to approve the garbage contract, bid specifications, (with removal of 10-wheel trucks), and their advertisement, with receipt of bids for consideration at the May meeting, seconded by Councilmember Stephanie Steele. Vote 5-0-0; Motion Carried.

President Prator advised that he is still working on the recycling grant – talking to Waste Management for a recycling event on Founders Day.

Budget, Finance, Insurance & Cable TV Contract: Councilmember Stephanie Steele advised that the LSA Grant will be deferred until after Executive Session.

Plan Slate Belt: President Prator advised that Lower Mount Bethel Township has pulled out of the Plan; they did their own plan because it was taking too long. President Prator sent the Solicitor the newest plan and advised that Plan Slate Belt is applying for grant money.

Slate Belt Rising – Councilmember Stephanie Steele advised that April 27, 2024, is Litter Clean-up and Volunteers are needed; 7 communities are participating this year.

Personnel Committee: Previously reported.

Correspondence: Zoning Hearing Board – Leona Sharpstene, Esq. Submitted a letter of interest for the Zoning Hearing Board. Solicitor Gaul will prepare a resolution for appointment at the May meeting. The Borough Secretary will invite Ms. Sharpstene to the May meeting.

Mayor Fischer left the meeting at 9:40 P.M.; return 9:42 P.M.

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Tax Collector Vacancy- Brenda Montgomery submitted a letter of interest in the Tax Collector Vacancy. President Prator advised that this is an elected position and asked how that would work. Solicitor Gaul advised that when there is a vacancy a person can be appointed; this will be discussed during the Executive Session.

Bridge Pier Maintenance on Portland-Columbia Pedestrian Bridge – advisory only.

Old Business: Laptop – Borked PC – Quote received \$2675.00 (additional monthly CyberProtect Endpoint Protect \$190.00) Councilmember Stephanie Steele advised that the quote included: Laptop, docking station, monitor, battery backup for both Diann & Lori's laptop. (Borough & Sewer will split the monthly cost). President Prator advised that Borked PC has been good with the Water Authority.

A motion was made by Councilmember Stephanie Steele to approve the purchase of the Laptop and accessories from Borked PC-quoted at \$2,675.00 plus the monthly \$190.00 protection, seconded by Councilmember Lisa Prator. Vote 5-0-0; Motion Carried.

Pick-up truck – President Prator advised that the pickup truck could be repaired at Chubby's Garage in Rosetto for approximately \$4,727.50. Chubbys advised that the engine is in good shape and should last another 10-12 years, however, the requested work will take a long time. Councilmember Stephanie Steele advised that it is an older truck, and it doesn't owe us anything; perhaps a grant opportunity could be looked into to purchase a new truck. This will be tabled until the next meeting.

Seasonal Borough Maintenance: President Prator advised that this will be discussed during executive session.

New Business: Letters for Grant Applications – Upper Mt. Bethel Preserve Letters of Support. Councilmember Stephanie Steele advised that the letters are in support of a grant application. The plan is very nice and overlaps with the Borough of Portland. The Council members were in support of sending the letters.

Tree Trimming - Jimmy Potter has given the mayor a list of trees that need to be trimmed – Councilmember Stephanie Steele advised she has put an advisement in the newsletter which has been sent out to residents and also posted in the Post Office. Solicitor Gaul advised that his recollection is that a Police Officer could enforce the Ordinance (#2023-03). Mr. Potter stated a letter needs to be sent to the homeowners advising them they have 30 days to cut the trees back. Solicitor Gaul stated the letters may need to be sent certified mail or personal delivery. The Borough would have to collect evidence, such as photographs and measurements, if the Borough desired to bring enforcement actions. The information will be put on the website and in the newsletter. Mr. McHugh asked if it can be posted on the Post Office bulletin board. This will be discussed in the executive session.

Councilmember Stephanie Steele advised that she would like to purchase mulch and flowers for downtown and the cost should not exceed \$2000.00.

A motion was made by Councilmember Stephanie Steele to purchase mulch and flowers not to exceed \$2,000.00 for downtown, seconded by Councilmember Karen Pfeiffer. Vote 5-0-0; Motion Carried.

Complaint – Fire Department Siren – the complaint was discussed, and the noise ordinance is set at 10:00 P.M. The siren is controlled by the Fire Department and the Borough has no control over it. The siren serves to alert citizens that volunteer firemen are coming through the streets and the residents should get off the streets. In situations when there is no cell service to notify the firemen of a fire, the siren is their only way of knowing a call has been activated. The response to the complaint will be: The fire siren is controlled by the Fire Department and the Council finds the use of the siren as acceptable to alert the public of an emergency and to alert the firemen.

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Vacancy Board Seat – President Prator advised that Ms. Cindy Fish wants additional information about the Vacancy Board Chairperson Seat. Solicitor Gaul and the Council explained to Ms. Fish what the chairperson seat would entail. Ms. Fish advised she will think about it and let the Council know if she is interested.

Secretary Announcements: None

Public Comment – Non-Agenda: Ms. Cindy Fish wanted to remind everyone how important it is to make our town look beautiful and to say that volunteers are needed to weed and take care of the town. Ms. Fish advised that the Liberty Water Gap Trail will be meeting 4/17/2024 @ 10:00 A.M, Susan's Bakery.

Mayor Fischer wanted to add that she attended a Mayors and Elected Officials reception sponsored by King, Spry which was a very nice evening. The dog ordinance is not being followed people are not picking up after their dogs. Councilmember Stephanie Steele will add the Dog Ordinance to the next newsletter – Mayor Fischer would like the ordinance sent to her.

Councilmember Stephanie Steele advised Council that she received a text message that the monument downtown has been knocked over and vandalized – police report should be completed.

President Prator advised that he attended County COG and there was nothing new to report. There is a free electronics recycling event and perhaps the Borough and Authority could participate.

A motion was made by Councilmember Karen Pfeiffer to break at 10:23 P.M. for Executive Session to discuss personnel matters and legal matters with the Solicitor, seconded by Councilmember Lisa Prator. Vote 5-0-0; Motion Carried.

A motion was made by Councilmember Karen Pfeiffer to return from Executive Session at 10:42 P.M., seconded by Councilmember Lisa Prator. Vote 4-0-0; Motion Carried (Susan Ivancich left the meeting at 10:42 P.M.-returned at 10:43 P.M.)

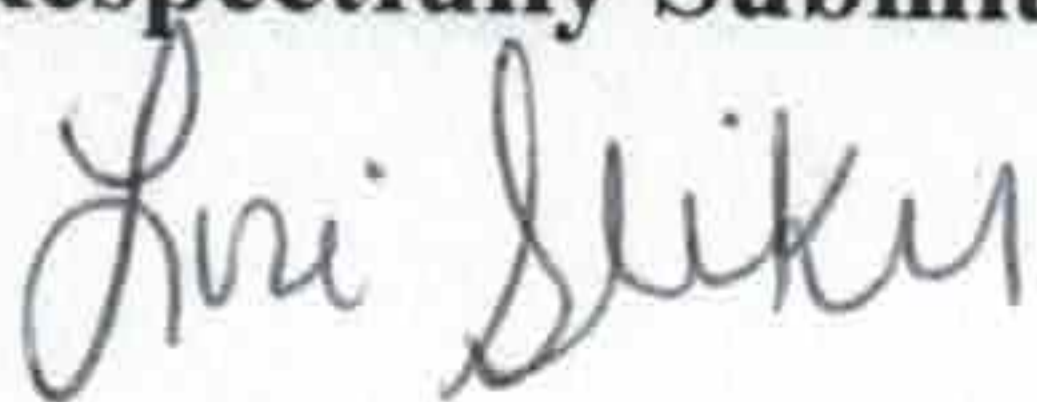
Additional Discussion and/or Official Action on Borough Council Business after Executive Session:

A motion was made by Councilmember Karen Pfeiffer to approve the cooperative agreement by the Borough of Portland and the Hook & Ladder Fire Department for the LSA grant; seconded by Councilmember Stephanie Steele. Vote 2-0-3 (Lance Prator-abstained, as a member of Fire Company; Lisa Prator-abstained-as spouse of Fire Company member; Stephanie Steele-abstained – as spouse of an officer/member of Fire Company); Motion carried.

A motion was made by Councilmember Karen Pfeiffer to Adjourn the meeting at 10:45 P.M., seconded by Councilmember Lisa Prator. Vote 5-0-0; Motion Carried

**Reminder: Next meetings: Monday, April 22, 2024
 Monday, May 6, 2024**

Respectfully Submitted,



Lori Sliker, Borough Secretary

