



**Borough of Portland Council Meeting Minutes
December 4, 2023**

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

Pledge of Allegiance was recited.

Roll Call – Council Members: Stephanie Steele, President, Patrick McHugh, Vice-President, Lance Prator, Kyle Overfield, Karen Pfeiffer and Lisa Prator were present.

Others Present – Mayor Heather Fischer, Borough Solicitor-Michael Gaul, Secretary Lori Sliker, Mark Bahnick, Borough Engineer, Tara Mezzanotte, Tim Hess, Richard Wilford-Hunt, Jerry & Michelle Fleisher, Bill Hall, Ray Higgins, Scott Cole, Lou Pektor

Announcement of Recording – President Steele announced that the meeting was being digitally recorded for assistance in preparation of the minutes. President Steele asked if anyone, besides the Borough Secretary, would be recording tonight's meeting. Mayor Fischer and Richard Wilford-Hunt stated that they were recording the meeting for their personal use. 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:

Solicitor Gaul advised the Council that, due to a recent Commonwealth Court decision, the Council's authority to make agenda amendments is restricted. Generally speaking, the posted agenda can only be amended to address an emergency or a matter that arose within 24 hours of the meeting and does not involve a contract or expenditure of funds. Solicitor Gaul stated that the posted agenda should contain all items that the Council desires to take action, the Council can discuss a topic, but they cannot vote on it if it is not on the agenda. Councilmember Lance Prator asked the Solicitor whether the Borough Council should continue to include an item on the posted agenda for approval of the agenda and any amendments when amendments would be limited. Solicitor Gaul advised that, theoretically, an amendment to the agenda could still be possible. As a result, the Council should continue its practice of having the item on the agenda.

A motion was made by Councilmember Lisa Prator to approve the posted agenda, without any amendments, seconded by Councilmember Lance Prator. Vote 6-0-0; Motion Carried.

Resolution 2023-05: Resolution to approve the Final Budget, including General Fund, Sewer Fund and Sanitation Fund for the Borough of Portland for the Year 2024.

A motion was made by Councilmember Lance Prator to adopt Resolution 2023-5, seconded by Councilmember Karen Pfeiffer. Vote 5-1-0 (Patrick McHugh-opposed); Motion Carried

Ordinance 2023-05: An Ordinance of the Borough of Portland, County of Northampton, and Commonwealth of Pennsylvania, levying the Fiscal Year 2024 Taxes on All Real Estate within the Borough for General Borough Purposes and Fire Prevention and Protection, Affixing the Tax Rate and Providing for Other Miscellaneous Matters.

A motion was made by Councilmember Lance Prator to adopt Ordinance 2023-05, seconded by Councilmember Karen Pfeiffer. Vote 5-1-0 (Patrick McHugh-opposed); Motion Carried.

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Resolution 2023-06: Resolution regarding Fees and Charges related to the Borough's Sewer Fees in Calendar Year 2024. Resident Tim Hess stated he has concerns about the 10% increase for the homeowners; the current sewer systems issues need to be resolved so the expenses can be recovered from the appropriate parties.

A motion was made by Councilmember Lance Prator to adopt Resolution 2023-6, seconded by Councilmember Karen Pfeiffer. Vote 6-0-0; Motion Carried

Resolution 2023-07: Resolution regarding Fees and Charges related to the Borough's Collection and Disposal of Garbage from Private Residences in Calendar Year 2024. No changes to the sanitation contract.

A motion was made by Councilmember Lisa Prator to adopt Resolution 2023-6, seconded by Councilmember Karen Pfeiffer. Vote 6-0-0. Motion Carried

Proposed Resolution 2023-09: Resolution appointing Kirk, Summa & Co., LLP temporarily to the Office of Borough Auditor for the Purposes of the 2023 Calendar Year Borough Audit and authorize President Steele to execute the Letter of Engagement in the amount of \$7,000.00 for the 2023 audit. Solicitor Gaul asked whether President Steele had reviewed the status of the Borough's enactment of an independent auditor ordinance. President Steele said that an independent auditor ordinance has been enacted, and as far as she could determine, had never been repealed. Solicitor Gaul asked that the proposed resolution be tabled until he has an opportunity to review the Borough's ordinance.

A motion was made by Councilmember Lisa Prator to table proposed Resolution 2023-09 until the next meeting, seconded by Karen Pfeiffer. Vote 6-0-0; Motion Carried

2024 Borough Real Estate Tax Bills: Approval for the Borough Secretary to order the 2024 Borough Real Estate Tax bills from Berkheimer Associates.

A motion was made by Councilmember Lance Prator to have the secretary order the 2024 Borough Real Estate Tax bill from Berkheimer Associates, seconded by Councilmember Karen Pfeiffer. Vote 6-0-0; Motion Carried.

Notice of 2024 Meeting Schedule: Solicitor Gaul reviewed the proposed advertisement for the 2024 meeting schedules. The following will be removed from the advertisement: the Borough Council May 27, 2024, meeting date, the reference to the Liberty Trail Committee meetings. In September the meeting will be held Monday-September 9, 2024. The Reorganization Meeting on January 2, 2024, will also be a Council Regular Meeting date.

A motion was made by Councilmember Lance Prator to approve the 2024 Meeting Schedule and advertisement in the Pocono Record with revisions; seconded by Councilmember Patrick McHugh. Vote 6-0-0; Motion Carried.

Action on the Meeting Minutes:

- (i) November 6, 2023, Minutes

A motion was made by Councilmember Lance Prator, seconded by Councilmember Karen Prator to approve the November 6, 2023, minutes as presented. Vote 6-0-0; Motion Carried. (Corrected to Pfeiffer per February 5, 2024, Council Meeting. Lori Sliker, Secretary

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

Bills Presented for Payment:	
Borough Operations	\$ 7,175.57
Sewer Operations	\$ 15,737.27
Garbage Operations	\$ 4,674.82
Estimate Payroll & Payroll Taxes, December 2023	\$ 6,300.00
Estimate WEX Sunoco Fuel, December 2023	\$ 550.00
New Demi Rd. Escrow – McGuire Eng.	\$ 1,656.25
Ultra Poly Bldg 3 escrow – King, Spry	\$ 306.00
<u>TOTAL</u>	<u>\$ 36,399.91</u>

A motion was made by Councilmember Lisa Prator to approve the November 2023 Financial Report, seconded by Councilmember Karen Pfeiffer. Vote 6-0-0; Motion Carried.

Public Comment: Lower Delaware National Wildlife & Scenic River – Tara Mezzanotte returned to see if the Council members had any questions/concerns and if they were going to reaffirm joining the Lower Delaware National Wildlife & Scenic River.

A motion was made by Councilmember Lance Prator to have the Solicitor review the resolution for presentation/adoption at the next Council meeting, seconded by Councilmember Karen Pfeiffer. Vote 6-0-0; Motion Carried.

Upper Mount Bethel Township Municipal Authority – Sale of Sewer Capacity to serve River Pointe Logistics, East – Mr. Bill Hall, Ray Higgins, and Scott Cole from the Upper Mount Bethel Township Municipal Authority were present to introduce themselves and advised that they would like to open discussions about possible sewage treatment capacity purchase. Lou Pektor attended the meeting on behalf of RRPL-East. Solicitor Gaul advised that while he understands the reasons they came to the meeting, the Borough is not obligated to provide any answers tonight and that they are still waiting for the Sewer Capacity Study. The Borough Engineer advised the study will be provided to the Sewer Committee at the end of the month for review. Councilmember Lance Prator inquired if the Township must have a 537 Plan. Solicitor Gaul advised that the Township would need to have a changed/updated 537 Plan. President Steele asked for an update on the Township’s 537 Plan; Lou Pektor stated RPL East intends to request revision of the Township Act 537 Plan through a planning module.

Traffic Impact Study – 11/17/2023 email sent to Council members for review - no questions.

New Proposed Resolution 2023-8 Resolution Establishing Joinder Deed Procedures. Jerry & Michelle Fleisher are requesting Borough approval to consolidate 2 adjacent, undeveloped land parcels: 400 Jacoby Creek, Portland and 996 Boulder Drive, Upper Mount Bethel, for taxing purposes. Solicitor Gaul advised that the Borough’s SALDO does not specifically address this issue. He also spoke with the County tax assessment office, which informed him that they did not have any specific procedure, either, but that they would require municipal approval in some form. Solicitor Gaul stated that the Monroe County Tax Assessment office, and municipalities in Monroe County, do have a process which seems to work well. The property owner is required to provide the municipality with copies of the current lot deeds, tax certifications, maps and the proposed joinder deed, for review by the municipality.

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Solicitor Gaul presented a new proposed Resolution 2023-8, establishing joinder deed procedures, and explained its provisions. Once this resolution was adopted, the Fleisher's would then know the procedures for obtaining Borough approval of the joinder. Solicitor Gaul stated that, if the Fleisher's expeditiously submit the required documentation to the Borough for review, their application could be approved at the next Council meeting. The Borough Council would provide its approval through a written resolution. An escrow will have to be set up in the amount of \$250.00, which will be used to pay for the expenses incurred.

A motion was made by Councilmember Karen Pfeiffer to adopt Resolution 2023-08; a Resolution Establishing Joinder Deed Procedures; seconded by Councilmember Patrick McHugh. Vote 6-0-0; Motion Carried.

Borough Engineer's Report – Mark Bahnick – Mr. Bahnick distributed a handout for the proposed Ultra Poly Bldg #3 – Recycling Facility. The property owner is seeking approval of its preliminary land development plan. Adam Citrullo, Ultra Poly Engineer provided a presentation of the proposed facility. The project is on Demi Road, in Portland Industrial Park. Most of the property is in the Township. A small part of the property, 2500 square feet, is in the Borough. Mr. Bahnick reviewed the storm water facility proposing capture and release; the captured water is utilized as processed water for cooling. Ultra Poly has received conditional approval from the Township and is seeking the Borough's approval. Mr. Bahnick reviewed his letter dated November 20, 2023. Solicitor Gaul advised the Council that they should review the application and Mr. Bahnick's letter and that they do not have to make any decisions tonight. Further, in the past approvals have been done by Resolution, with reference to required agreements prior to final approval. Solicitor Gaul recommended this topic be tabled until the next meeting, so the Solicitor and Borough Engineer can discuss this topic.

A motion was made by Councilmember Lance Prator to table the Ultra-Poly Building 3 Plan until the next meeting; seconded by Councilmember Patrick McHugh. Vote 6-0-0; Motion Carried.

Sewer Committee: President Steele advised the Sewer Capacity Study is underway. President Steele presented the proposed new Sewage Plant Operator Agreement with Portland Contractors Inc. the current operator, for the years 2024 to 2027. The agreement was identical to prior agreements but with new year dates, and increased compensation. The costs were included in the budget. Solicitor Gaul said he had reviewed the agreement, and noted a couple of items that could be corrected or revised.

Councilmember Lance Prator made a motion to approve the Sewage Plant Operator Agreement subject to Solicitor's review; seconded by Councilmember Patrick McHugh. Vote 6-0-0; Motion Carried.

Executive Session:

A motion was made by Councilmember Lance Prator to break at 8:05 P.M. for Executive Session, seconded by Councilmember Karen Pfeiffer for Personnel discussion and legal advice from the Solicitor. Vote 6-0-0; Motion Carried.

A motion was made by Councilmember Lance Prator to return from Executive Session at 8:32 P.M. and seconded by Councilmember Patrick McHugh. Vote 6-0-0; Motion Carried. – No Business to discuss.

Streets Committee: - Councilmember Patrick McHugh advised that Weidman Street will need some repairs next year and requested the Borough Engineer evaluate and make recommendations to the Council. Councilmember Lisa Prator suggested allowing an hour for the evaluation and recommendations.

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Councilmember Karen Pfeiffer asked about including Crestmont Street and the manhole cap/cover and how to protect the manhole cap/cover. President Steele had a conversation with a resident who stated that Crestmont is a private road and was named for 911 purposes.

A motion was made by Councilmember Patrick McHugh to have the Borough Engineer evaluate Weidman Street for future road work & make recommendations to the Council allowing one hour of chargeable time, seconded by Councilmember Lance Prator. Vote 6-0-0, Motion Carried.

A motion was made by Councilmember Lance Prator to have the Borough Engineer evaluate how to protect the Crestmont Street manhole cap/cover and make recommendations to the Council; seconded by Councilmember Karen Pfeiffer. Vote 6-0-0; Motion Carried.

Councilmember Patrick McHugh advised that Market Street and Zeeman Street have been maintained by the homeowners. President Steele advised that the roads are dirt and modified; therefore, they are not plowed down to bare roadway and salt is not put down because it causes the roadway to get soft. Councilmember Patrick McHugh stated that these are Borough streets; liquid fuels funds are available, and they could be paved.

A motion was made by Councilmember Patrick McHugh to have Market Street and Zeeman Street paved. Motion died lack of second.

Councilmember Patrick McHugh asked Council what the criteria would be to have roads paved in the Borough. President Steele would like to have more information, such as where the Borough Road ends. Councilmember Karen Pfeiffer advised she was approached by a resident who indicated that trees have fallen, and a plan needs to be made to take care of those. Councilmember Patrick McHugh advised that Main Street repair – the cement was poured, and the grates will be placed but the driveway continues to have issues.

Mark Bahnick left at 8:58 PM.

The leaf collection and street sweeper went well; discussions continued regarding road work and paving. Resident Tim Hess advised that there are a lot of roadway grants that can be applied for. Mr. Hess does it for his employer and the first thing would be to make a list of all the roads in Portland and document the condition of each road; there is a scale available to help when evaluating the roads. Make a Master Plan – Pavement schedule – apply for the grant and hopefully receive the grant.

Councilmember Patrick McHugh discussed purchasing equipment that we currently borrow. The estimated cost to purchase a concrete saw \$992.00, a Hammer Drill \$429.00 & bits \$150.00 for a total of approximately \$1,571.00. Councilmember Lisa Prator asked what skill set requirements would be needed to operate this equipment if our current maintenance staff resigned. President Steele asked if this equipment could be rented when we needed it. Will further discuss at the January meeting. Councilmember Patrick McHugh advised the Fire House drain box may need to get pushed to spring. Hot patch will be discussed at a later meeting.

Building Committee – Councilmember Patrick McHugh advised that O'Brien Architects did the measurements for the schoolhouse and are looking for some guidance. The Building Committee & Council members will do some brainstorming and put together a list of what they would like for the schoolhouse. Mayor Fischer acknowledged that the Borough does not have the funds to do anything major at this time.

Legal – Solicitor Gaul advised that he received a voice message from Mr. Jason Boulette regarding Borough of Portland elections. Mr. Boulette is questioning the number of Council seats and length of term. Solicitor Gaul has not spoken to Mr. Boulette; how would the Council like him to handle this. The Council members

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who received a Council position will provide Lori with a copy of the letter/certificate. The Borough Secretary will send an email to Wendy Klug to see if she is going to accept her Council seat. Once we receive all the certificates this will be discussed at the next meeting.

Councilmember Patrick McHugh left the meeting at 9:27 P.M. stating he has 2-3 hours of paperwork to do.

Zoning Officer Report - Keller Zoning & Inspection Services Fee Schedule 2024 -will be discussed at the January 2, 2024, Reorganizational Meeting.

Subdivision & Land Development (SALDO) – RPL East, LLC submitted written extensions to the Borough for the Borough’s consideration and decision on its Proposed Subdivision Plan and Planned Industrial Park Plan; both extensions are through 1/8/2024.

A motion was made by Councilmember Lance Prator to accept the RPL East, LLC extensions for Borough consideration and decision on its Proposed Subdivision Plan and Planned Industrial Park Plan through 1/8/2024, seconded by Councilmember Karen Pfeiffer. Vote 5-0-0; Motion Carried.

Planning Commission: Nothing currently.

Portland Borough Authority: Nothing currently.

Police Report: Mayor Heather Fischer advised that Pen Argyl has some recent home break-ins. We will be losing Officer Howe although she is hoping to have him do a few hours; she will be looking for another part-time officer. Councilmember Lisa Prator expressed that she was sad that there were no officers on duty during the tree lighting ceremony. Mayor Fischer advised that unfortunately they were not available during that time.

Mayor’s Report: Mayor Fischer presented a Proclamation and a Resolution asking for the Council’s support to adopt a resolution declaring and recognizing Indigenous People’s Day and a Proclamation declaring November Native American Heritage Month. Councilmember Lance Prator clarified with Solicitor Gaul that he would need to review the Resolution; however, a Mayor can do the Proclamation without legal review.

A motion was made by Councilmember Lance Prator to authorize the Solicitor to review and prepare the Resolution declaring and recognizing Indigenous People’s Day on the Second Monday of October, seconded by Councilmember Karen Pfeiffer. Vote 5-0-0; Motion Carried

Portland Community Events: President Steele advised that Representative Flood lit the tree at the Tree Lighting Ceremony; and the Holiday Yard Decorating Contest is going on.

COG: Lance Prator, Chair - Councilmember Lance Prator advised that there was no meeting held in November. The COG costs are not increasing, and new chairpersons will be appointed.

Sanitation Committee: Recycling Grant - Outreach – Diann Eden asked Councilmember Lance Prator where the outreach money was spent – after some discussions this will be kept on the agenda for monthly updates.

Ordinance Committee: None

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

President Steele advised the budgets were passed earlier – no other report.

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Plan Slate Belt – A meeting is scheduled for Thursday, December 7, 2023. Councilmember Lance Prator advised that the Lehigh Valley Planning Commission General Assembly had a virtual meeting with some good information which he will forward when he receives it for everyone to review.

Liberty-Water Gap Trail Alliance, no meetings scheduled until February 2024. Councilmember Lance Prator advised that June 19-20, 2024, there will be approximately 25 riders coming through Columbia/Portland doing the 1,000 Mile Bike Ride and perhaps that the events committee could make some plans/events.

Correspondence: Councilmember Lance Prator advised that Slate Belt has a new book-Growing up Slater for \$25.00. President Steele advised that Portland Hook and Ladder received their relief funds from the Fireman's Relief Association.

Old Business: Appointment approvals to the BACIDA were discussed.

A motion was made by Councilmember Lisa Prator to confirm the appointment of James Kresge to BACIDA Board as designated representative for Borough of Bangor, term to expire 12/31/2023, seconded by Councilmember Lance Prator. Vote 5-0-0; Motion Carried.

A motion was made by Councilmember Lisa Prator to confirm the appointment of Rich Grucela to BACIDA Board as designated representative for Upper Mount Bethel Township, term to expire 12/31/2023, seconded by Councilmember Lance Prator. Vote 5-0-0; Motion Carried.

The Northampton Tax Collection Committee Meeting occurs twice a year (2nd Thursday in February & October) in Bethlehem Township at 8:30 A.M. After some discussion this item will be put on the Reorganization Meeting Agenda for follow-up.

Mayor Heather Fischer left the meeting at 9:50 P.M. and returned at 9:52 P.M.

New Business: Councilmember Lance Prator wanted to thank Councilmember Kyle Overfield for his service on the Borough Council.

Secretary Announcements: None

Public Comment: Mr. Tim Hess, 406 Bruce Street requested an update from the Council regarding the tree situation around town. Mayor Fischer advised that the Police and Jimmy Potter are scheduling a date to go around and measure the trees within the next couple of weeks.

Mr. Richard Wilford-Hunt stated that Mr. Pektor had no authority to speak on behalf of the Township Municipal Authority this evening.

Councilmember Lance Prator asked about the Maintenance Staff and inquired about making Randi Snook a summer seasonal employee due to lack of work. (Memorial Day – Labor Day). A letter will be sent to Ms. Snook advising her of this change in status and she will be asked to return her keys.

A motion was made by Councilmember Lance Prator to make Randi Snook a summer seasonal employee (Memorial Day – Labor Day) due to the lack of work, seconded by Councilmember Karen Pfeiffer. Vote 5-0-0; Motion Carried.

A motion was made by Councilmember Karen Pfeiffer to provide a cost-of-living increase to Frederick Farleigh. \$15.00 per hour not to exceed 20 hours per week, effective 12/4/2023; seconded by Councilmember Lance Prator. Vote 5-0-0, Motion Carried.

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Adjournment:

A motion was made by Councilmember Lisa Prator and seconded by Councilmember Kyle Overfield to adjourn the meeting at 10:05 PM. Vote 5-0-0; Motion carried.

Reminder: Next meeting is Wednesday, December 27, 2023.

Tuesday, January 2, 2024

Respectfully Submitted,



Lori Sliker, Borough Secretary

