



**Borough of Portland Council Meeting Minutes
May 6, 2024**

On May 6, 2024, at 7:00 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 7:00 P.M.

Pledge of Allegiance was recited.

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

Others Present – Mayor Heather Fischer, Borough Solicitor Michael Gaul, Borough Engineer Mark Bahnick and Borough Secretary Lori Sliker were present. Also present were Hubert McHugh, Tara Mezzanotte, Attorney Erv McClain, Mr. & Mrs. Rakesh Patel, Jimmy Potter, Cindy Fish, Attorney Leona Sharpstene, and other members of the public.

Announcement of Recording – President Prator announced that the Borough Secretary is digitally recording the meeting for assistance in preparation of the minutes; and asked whether anyone else was recording tonight’s meeting. Mayor Heather Fischer is also 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:

Councilmember Stephanie Steele asked Solicitor Gaul whether a sewer shut-off could be added to the agenda. Solicitor Gaul advised that the Council can discuss this topic; however, they cannot take any action due to the Commonwealth Court’s interpretation of the Sunshine Act.

A motion was made by Councilmember Stephanie Steele to approve the agenda as posted, seconded by Councilmember Lisa Prator. Vote 4-0-0; Motion Carried.

Action on the Meeting Minutes of April 1, 2024: President Prator asked if there were any corrections or changes to the meeting minutes of April 1, 2024.

Councilmember Stephanie Steele advised that on pages 1&2 – Penny Conrad should be Penny Conway.

A motion was made by Councilmember Stephanie Steele to approve the April 1, 2024, Council meeting minutes as presented with the corrections on pages 1&2, seconded by Councilmember Lisa Prator. Vote 4-0-0; Motion Carried.

Secretary/Treasurer Report:

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

Bills Presented for Payment:

Borough Operations	\$ 70,461.67
Sewer Operations	\$ 2,129.74
Garbage Operations	\$ 5,142.82

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Estimate Payroll & Payroll Taxes, April 2024	\$ 6,300.00
Estimate WEX Sunoco Fuel, April 2024	\$ 550.00
Escrow - Ultra Poly B#3-Recy., Escrow- King, Spry; VanCleef	\$ 989.00
Escrow- King Spry (Covid-19)	\$ 66.00
Escrow-VanCleef (River Pointe)	\$ 338.00
Escrow – CDR Maguire (Dunkin)	\$ 45.00
<u>TOTAL</u>	\$ 86,022.23

A motion was made by Councilmember Lisa Prator to approve the April 2024 Financial Report and pay the bills, seconded by Councilmember Stephanie Steele. Vote 4-0-0; Motion Carried.

Public Comment: Mr. Rakesh Patel (Priya Properties) will address Council under #10 – Legal.

Borough Engineers Report: Solicitor Gaul advised that the RPL Developers agreement is being reviewed and upon completion the agreement will be sent back to Portland.

Mr. Bahnick advised that there is no update at this time for the RPL East Sewage Planning module. The COVID grant projects were updated by Mr. Bahnick; he spoke to Brian Eckard, DCED who reviewed the initial process and is keeping the projects moving forward. Solicitor Gaul advised the Borough Council to keep these projects on the agenda because they are relatively big projects for the Borough, and the Borough needs to keep the projects moving along. Solicitor Gaul also reminded the Council that the ARPA funds need to be obligated by December 31, 2024, and recommended the Borough review what needs to be done to preserve the funds. The consensus of the Council was that the COVID-19 grants and ARPA funds will be on the agenda each month for review.

Sewer Committee:

In accordance with discussion at the prior Borough Council, Solicitor Gaul prepared a draft resolution whereby the Borough conditionally approves, based on the Borough Engineer's review letter, Ultra Poly's requested sewer service to proposed Building 3. Solicitor Gaul circulated the draft resolution to the Borough Engineer and Borough Council prior to the meeting and presented the proposed resolution (proposed Resolution 2024-09) to the Borough Council at the meeting.

A motion was made by Councilmember Lisa Prator to adopt Resolution 2024-09 – Resolution confirming the Borough of Portland willingness to provide sanitary sewer service to the Ultra-Poly Building Three Land Development, subject to certain conditions; and authorizing further incidental action by Borough Officials, seconded by Councilmember Stephanie Steele. Vote 4-0-0; Motion Carried.

Councilmember Stephanie Steele noted that the RPL East Lot A agenda item concerned the sewage planning module, and was already addressed by the Borough Engineer previously in the meeting.

Councilmember Stephanie Steele advised that Ms. Cindy Mulrine requested that the late fee be removed from her account. Ms. Mulrine had provided proof that the payment was sent out through her bank in a timely manner, however the check was never received; Ms. Mulrine did pay her sewer bill.

A motion was made by Councilmember Stephanie Steele to remove the late fee from Ms. Mulrine's sewer bill, seconded by Councilmember Lisa Prator. Vote 4-0-0; Motion Carried.

The status of commercial industrial customers' connection to the sewer system will be discussed with the Borough Solicitor during the Executive Session.

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Solicitor Gaul advised that after reviewing the documentation provided to him by Councilmember Stephanie Steele and discussing the circumstances with Attorney Layman he has determined that Mr. Patel previously requested that his EDU's be reduced from 2 to 1; which was granted by Council in March 2023, and was effective immediately. On the other hand, at the same prior Borough Council meeting the Borough Council had denied Mr. Patel's request that he be relieved of paying all sewer charges for a period of time going forward due to his business circumstances. Solicitor Gaul stated his understanding is that Mr. Patel is only being charged 1 EDU since the time of the prior Council action, and that the late charges and fees that he is asking to be removed relate to amounts that arose from his non-payment prior to the reduction in EDU's.

Mr. Patel asked that the late fees and interest be removed from his sewer bill as he has not had anyone to rent his building and he needs economic relief. Mr. Patel advised that he has requested his sewer bill be corrected on several occasions and that Attorney Layman was also working on getting the bill corrected. Councilmember Stephanie Steele advised that when businesses are not occupied that the business owners must continue to pay the bills associated with the business. President Prator asked if there was any action to be taken on the matter – no action.

Portland Auto sanitary sewer connection – Solicitor Gaul advised that the property located at 400 Delaware Avenue and owned by Richard Diaz Carrero (Portland Auto), is not currently connected to the public sewer. The prior property owner did not connect to the sewer system even though the infrastructure is in place. Solicitor Gaul reviewed the situation and stated that he has prepared a draft resolution (proposed Resolution 2024-10) which provides that Portland Auto is to be given notice that they have 90 days to connect to the public sewer system and install the required grease trap. The draft Resolution was circulated to the Council prior to the meeting and presented by the Solicitor at the meeting.

A motion was made by Councilmember Stephanie Steele to adopt Resolution 2024-10 – A resolution of the Council of the Borough of Portland, Pennsylvania, ordering Richard Diaz Carrero, to connect the 400 Delaware Avenue Property to the Borough Sewer System, and directing the Borough Secretary to Provide Notice of the order to connect; seconded by Councilmember Susan Ivancich. Vote 4-0-0; Motion Carried.

Portland Steel – sewer requirements – will be discussed with the Solicitor in Executive Session.

President Prator advised that the most recent DMR report was in normal ranges.

Streets – President Prator advised that he wants to have the Manhole specifications prepared and put it out for bids. The Borough Engineer – Mark Bahnick will take care of the manhole specifications and put out the information for bids. Solicitor Gaul asked what the costs will be.; ~~President Prator advised that they~~

A motion was made by Councilmember Lisa Prator to have Mark Bahnick, Borough Engineer prepare and advertise the specifications for the project for bid, seconded by Councilmember Susan Ivancich. Vote 4-0-0; Motion Carried.

President Prator advised that the Street Sweeper will be used May 13 & 14, 2024 and then hot patch will be done. Notices will be placed on vehicles – the secretary will provide the notices.

In accordance with Council discussion at its prior meeting, Solicitor Gaul presented a draft resolution appointing Leona Sharpstene to the Zoning Hearing Board (proposed Resolution 2024-11). The Borough Secretary stated that she researched prior appointments and had determined that Ms. Sharpstene's appointment would be for the remainder of the term ending 12/31/2024. President Prator welcomed Ms. Sharpstene to the Board. Ms. Sharpstene should receive the Zoning Ordinance and SALDO.

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A motion was made by Councilmember Stephanie Steele to adopt Resolution 2024-11, Appointing Leona Sharpstene to the Vacant Office on the Portland Borough Zoning Hearing Board through December 31, 2024, seconded by Councilmember Lisa Prator. Vote 4-0-0; Motion Carried.

Solicitor Gaul advised that Resolution 2024-12 is Appointing Tara Mezzanotte as the NJDOT I-80 Liaison; the solicitor explained Ms. Mezzanotte's role. The draft Resolution was circulated to the Council prior to the meeting and presented at the meeting.

A motion was made by Councilmember Lisa Prator to adopt Resolution 2024-12, Appointing a NJDOT I-80 Liaison; seconded by Councilmember Stephanie Steele. Vote 4-0-0; Motion Carried.

Solicitor Gaul advised that Resolution 2024-13 is Declaring support for the Lower Delaware Wild and Scenic River Tributary Expansion Study Project, and consideration of adding the Portland Borough Delaware River Segment and Jacoby Creek to the Wild and Scenic River System and Lower Delaware National Wild and Scenic River Designation; and providing for other miscellaneous matters. The draft Resolution was circulated to the Council prior to the meeting and presented at the meeting.

A motion was made by Councilmember Lisa Prator to adopt Resolution 2024-13, Resolution Declaring support for the Lower Delaware Wild and Scenic River Tributary Expansion Study Project, and consideration of adding the Portland Borough Delaware River Segment and Jacoby Creek to the Wild and Scenic River System and Lower Delaware National Wild and Scenic River Designation; and providing for other miscellaneous matters, seconded by Councilmember Susan Ivancich. Vote 4-0-0; Motion Carried.

Solicitor Gaul advised that Destruction/Retention of meeting recordings will be discussed in Executive Session. In addition, Resolution 2024-14, Confirming and Declaring the Borough's intent to follow the schedules and procedures for disposition of past and future records as set forth in the municipal records manual will also be discussed in the Executive Session. The consensus of the Council was to defer consideration and action on proposed Resolution 2024-14 until after Executive Session.

Subdivision and Land Development (SALDO):

RPL East, LLC Proposed Subdivision Plan – Received an offer of extension through 7/5/2024 for the Borough to review and render a decision on the Plan.

RPL East, LLC Planned Industrial Park Plan– Received an offer of extension through 7/5/2024 for the Borough to review and render a decision on the Plan.

A motion was made by Councilmember Stephanie Steele to accept RPL East, LLC's offer of an extension through 7/5/2024 for the Borough to review and render a decision on its Proposed Subdivision Plan, seconded by Councilmember Susan Ivancich. Vote 4-0-0; Motion Carried.

A motion was made by Councilmember Lisa Prator to accept the RPL East, LLC's offer of an extension through 7/5/2024 for the Borough to review and render a decision on its Proposed Planned Industrial Park Plan, seconded by Councilmember Stephanie Steele. Vote 4-0-0; Motion Carried.

Mark Bahnick left at 7:55 P.M.

Portland Borough Authority – Jimmy Potter asked if an email when they need to use the Backhoe is sufficient. The Council confirmed that an email when they need to use it will be fine.

Police Report – Mayor Fischer advised there were no calls and a limited schedule. Chief Robert Mulligan has submitted his resignation. Mayor Fischer would like to promote Sargent Todd Pyscher to Chief position working

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up to 24 hours per week, at his current hourly rate. Councilmember Lisa Prator asked if we should wait a month to promote him, the Mayor advised that with the resignation of the Chief, the Borough has a need.

A motion was made by Councilmember Stephanie Steele to accept Chief Robert Mulligan's resignation with regrets, seconded by Councilmember Lisa Prator. Vote 4-0-0; Motion Carried.

A motion was made by Councilmember Stephanie Steele to promote Sargent Todd Pysher to the Chief of Police position at his current hourly rate, and current limit of up to 24 hours of work scheduled per week, seconded by Councilmember Susan Ivancich. Vote 4-0-0; Motion Carried.

Mayor Report – Mayor Fischer advised that she attended a closed meeting regarding Rt. 611 and that things are on hold for 30 days for a Tribal review. Resiliency Plan Project - a draft will be sent to the Borough in late June. The Mayor will find out how long it will take for the presentation and get back to the Council. Mayor advised the Emergency Contact information has not been updated in over a year. She has spoken to the Water Authority (Samantha) and the Borough Secretary (Lori) about getting updated information from the residences. The initial request for information will be mailed. There will be a QR code on the card where residents can scan and update their information. The Mayor, Water Authority – Samantha and Borough Secretary-Lori will work on this project. Jimmy Potter stated that businesses also need to be included and the Emergency Plan should be updated also.

Community Events – Councilmember Stephanie Steele advised that the Borough Yard Sale is 5/24-5/26; community picnic is scheduled for June 23rd 12pm-3pm. The 4th Sunday of each month will be ice cream night.

COG – President Prator advised that the report was sent to the Council members.

Recycle Grant – no update.

Sanitation Committee- Solicitor Gaul advised that the Borough received 1 bid for the Garbage Contract which was from Solid Waste Services Inc. d/b/a J.P. Mascara & Sons. Solicitor Gaul opened the sealed bid and announced the following bid by Solid Waste Services:

Alternate #1 – no bid

Alternate #2 – no bid

Alternate #3 - \$190,692.00 per year.

Council discussed that the bid for Alternate #3 was four times the cost of what the Borough pays now, and for service different than the Borough currently received. Solicitor Gaul advised the Council has 60 days to review the bid. The Mascaro representative present at the meeting explained that the large increase is because of their cost increases over the last couple of years. There was a Council discussion that the cost were more than the Borough could afford, that the Council had to be conscious of Borough property owners who were already struggling to pay sanitary sewer fees, and that the Borough Council needed to do what was in the best interests of their residents. Councilmember Stephanie Steele asked which paper the Invitation to Bid was advertised in. Solicitor Gaul advised that it was advertised in the Express-Times. The Council discussed rejecting all bids because of the amount of the bid price received and re-advertising in the Express Times and/or Morning Call.

A motion was made by Councilmember Stephanie Steele to reject all the bids, seconded by Councilmember Susan Ivancich. Solicitor Gaul asked Councilmember Steele to confirm that the reason for the rejection was that the bid was too high. Councilmember Steele responded yes. Vote 4-0-0; Motion Carried.

Mayor Heather Fischer left at 8:18 P.M.; returned at 8:20 P.M.

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President Prator stated that if there are additional ways to put out information to invite bids besides using the newspapers; the Council will look into it.

A motion was made by Councilmember Stephanie Steele to re-advertise the Garbage contract bid in the Morning Call, seconded by Councilmember Lisa Prator. Vote 4-0-0; Motion Carried.

Council Email Plan – Councilmember Stephanie Steele advised that the Mayor's email had indicated it was out of storage. After moving some things around it appears to be fine now; however, Councilmember Stephanie Steele advised additional Email space may be needed in the future.

Plan Slate Belt – President Prator advised that the County is looking for grants for zoning. If they do not find a grant our share could be \$20,000.00 but with a grant it would be \$1,500.00.

Slate Belt – Councilmember Stephanie Steele advised that litter pick-up went well-they had over 100 volunteers – 15 in Portland. Student Scholarships - 16 applications were received and out of those 6 Scholarships were awarded. The painted kayaks will be hung up downtown; they have a meeting this week.

Personnel – will be discussed during Executive Session.

Tax Collector Vacancy – The secretary asked for clarification, and she will email a response.

Complaint – Green water – Councilmember Stephanie Steele advised that she has had engineers look at the water and if there is anything that can be done to stop it. She has been advised it is a natural spring and there is no way to control or stop it.

Fire Truck Payment and Insurance - The fire truck payment is due, and the Borough has previously contributed \$20,000.00. The Borough provides \$7,000.00 from the LST account towards the Fire Company Insurance costs.

A motion was made by Councilmember Susan Ivancich to pay \$20,000.00 towards the Fire Truck payment; seconded by Councilmember Stephanie Steele. Vote 3-0-1 (Lance Prator-abstained); Motion Carried.

A motion was made by Councilmember Susan Ivancich to pay \$7,000.00 from the LST account to the Fire Company for Insurance costs; seconded by Councilmember Stephanie Steele. Vote 3-0-1 (Lance Prator – abstained); Motion Carried.

Mr. Jimmy Potter asked for an update on the LSA Grant – the Borough Secretary sent all the information for review.

Bulletin Board – Councilmember Stephanie Steele advised she would like to order a Bulletin Board for outside the Municipal Building and split the cost with the Water Authority. Currently we are hanging all the notices on the front door which is ruining the paint on the door and during bad weather the notices are blown off the door - The cost will not be more than \$1,000.00 each.

A motion was made by Councilmember Stephanie Steele to purchase an outside bulletin board which will not cost more than \$1,000.00 each, seconded by Councilmember Lisa Prator. Vote 4-0-0; Motion Carried.

Public Comment Non-Agenda:

Ms. Cindy Fish advised that the Trail meeting is on May 15, 2024, at 9:00 A.M.-Upper Mount Bethel Township Community Park.

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Mr. Patel asked the Council to please remove the late fees and interest from his sewer account because of the Rt 611 closure. President Prator advised that this was discussed previously with no action to be taken. Solicitor Gaul suggested the Council vote on a motion to close this issue.

A motion was made by Councilmember Lisa Prator to deny Mr. Patel's request for removal of sewer fees and late charges, seconded by Councilmember Stephanie Steele. Vote 4-0-0; Motion Carried.

A motion was made by Councilmember Lisa Prator to enter Executive Session at 8:48 P.M., to discuss personnel matters and legal matters with the Solicitor; seconded by Councilmember Stephanie Steele. Vote 4-0-0; Motion Carried.

A motion was made by Councilmember Stephanie Steele to return from Executive Session at 9:51 P.M., seconded by Councilmember Lisa Prator. Vote 4-0-0; Motion Carried.

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

A motion was made by Councilmember Stephanie Steele to adopt Resolution 2024-14 Confirming and Declaring the Borough's intent to follow the schedules and procedures for disposition of past and future records as set forth in the municipal records manual, seconded by Councilmember Lisa Prator. Vote 4-0-0; Motion Carried.

A motion was made by Councilmember Stephanie Steele to increase Randi Snook to 10 hours per week from May 1 through November 1, seconded by Councilmember Lisa Prator. Vote 4-0-0; Motion Carried.

A motion was made by Councilmember Stephanie Steele to hire Tom Wilkinson as a seasonal employee working up to 20 hours per week - \$15.00 per hour - May 1 - November 30th - to trim and mow grass, seconded by Councilmember Lisa Prator. Vote 4-0-0; Motion Carried.

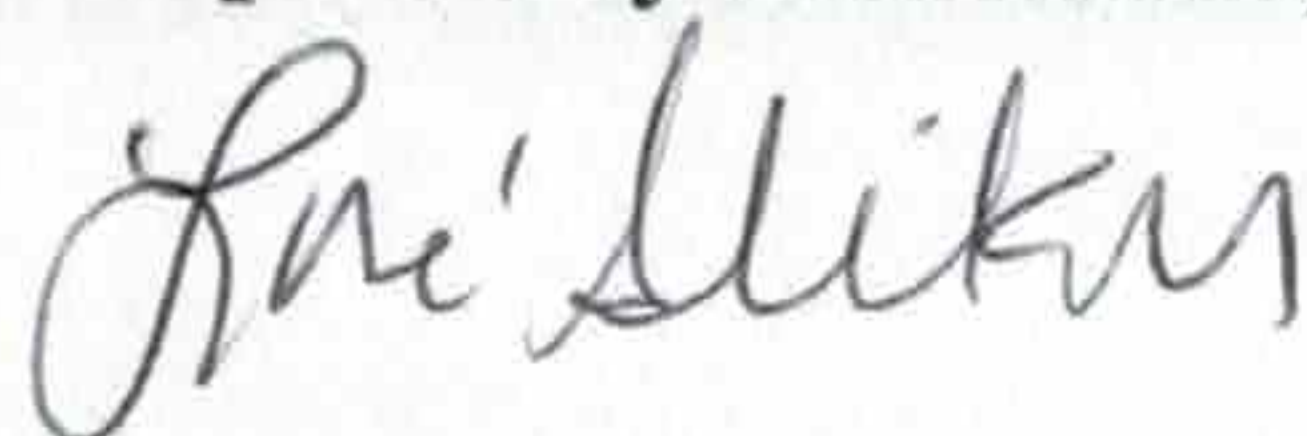
A motion was made by Councilmember Stephanie Steele to authorize the Borough Secretary to return the bid book to Solid Waste Services, J.P. Mascaro, seconded by Councilmember Lisa Prator. Vote 4-0-0; Motion Carried.

President Prator advised of the following upcoming meetings/events:
Tues 5/14 @ 7:00 P.M. – General Assembly Lehigh Valley Planning Commission meeting
Monday 5/27 - Mount Bethel Memorial Day Parade-10:30 line up
Thursday 5/23 Meeting Mount Bethel Fire Hall regarding the ambulance services.

A motion was made by Councilmember Lisa Prator to Adjourn the meeting at 10:00 P.M., seconded by Councilmember Stephanie Steele. Vote 4-0-0; Motion Carried

**Reminder: Next meetings: Monday, May 27, 2024 – Memorial Day (no meeting)
 Monday, June 3, 2024**

Respectfully Submitted,



Lori Sliker, Borough Secretary

