



Borough of Portland Council Meeting Minutes August 5, 2024

On August 5, 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, Lisa Prator (arrived at 7:17 PM), Karen Pfeiffer and Susan Ivancich were present. Patrick McHugh was absent.

Others Present – Mayor Heather Fischer, Borough Solicitor- Michael Gaul, Borough Engineer-Mark Bahnick and Borough Secretary/Treasurer-Lori Sliker were present. Also, present-Bruce Cialfi, Attorney Erv McClain, and Hubert McHugh. Tara Mezzanotte and Terry Abrahamson arrived after the start of the meeting and remained for a portion of the meeting.

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 Mayor Heather Fischer is also recording tonight's meeting.

Editor's note: Recording of the meeting by Mayor Heather Fischer, Borough Council members or members of the public are for personal use only, and do not constitute official Borough action, or an official record, unless expressly authorized by specific Borough Council action.

Approval of the Meeting Agenda and any Amendments:

President Prator asked if there were any amendments to the agenda.

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

Resolution 2024-18 – Appointing Bruce Cialfi to Vacant Office on Borough Council.

A motion was made by Councilmember Stephanie Steele to adopt Resolution 2024-18 appointing Bruce Cialfi to the vacant Council office, seconded by Councilmember Sussan Ivancich. Vote 4-0-0; Motion Carried.

A brief recess was taken so Mayor Heather Fischer could swear in Mr. Bruce Cialfi to the Borough Council. Mr. Cialfi then took his seat at the Council table and began participating in Council proceedings.

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

A motion was made by Councilmember Stephanie Steele to approve the July 1, 2024, Council meeting minutes as presented, seconded by Councilmember Karen Pfeiffer. Vote 4-0-0; Motion Carried.

Secretary/Treasurer Report:

The Borough Secretary/Treasurer Lori Sliker presented the July 2024 Financial Report, including bills for payment, for review/approval.

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Bills Presented for Payment:	
Borough Operations	\$ 24,828.23
Sewer Operations	\$ 4,962.50
Garbage Operations	\$ 4,980.82
Estimate Payroll & Payroll Taxes, July 2024	\$ 6,300.00
Estimate WEX Sunoco Fuel, July 2024	\$ 550.00
Escrow - Ultra Poly B#3-(King, Spry; VanCleaf)	\$ 306.00
Escrow- RPL East	\$ 956.50
Escrow – New Demi Road (King, Spry)	\$ 108.00
<u>TOTAL</u>	<u>\$ 42,992.05</u>

A motion was made by Councilmember Stephanie Steele to approve the July 2024 Financial Report and pay the bills, seconded by Councilmember Karen Pfeiffer. Vote 5-0-0; Motion Carried.

Public Comment:

A representative from Tires-R-Us was unable to attend the meeting.

Route I80-Route 611 Updates: Tara Mezzanotte, Liaison

A motion was made by Councilmember Karen Pfeiffer to table this topic until Ms. Mezzanotte arrives, seconded by Councilmember Susan Ivancich. Vote 5-0-0; Motion Carried.

Borough Engineers Report: Mark Bahnick, VanCleaf Engineer

DRBC draft docket-Mr. Bahnick advised that they reviewed the docket and there were minor changes; making the docket requirements more consistent.

COVID Grant Projects – Stormwater and Wastewater – Mr. Bahnick advised that they made some progress locating off road existing piping; and for Sewer they made some progress with the membrane replacement project – there will be a meeting at the sewer plant later this week.

Sewer Committee:

Sewer Shutoff - Councilmember Stephanie Steele advised that there were two accounts unpaid: account #248- (533 Delaware Avenue) and account #246 (406 Pennsylvania Ave.) remain unpaid; however, they did call and said they would be paying the bill this evening online. Account #246 (406 Pennsylvania Avenue) has paid their account.

Councilmember Lisa Prator arrived at 7:17 PM.

A motion was made by Council President Lance Prator to shut off sewer service to account #248-533 Delaware Avenue for non-payment of sewer charges, seconded by Councilmember Karen Pfeiffer. Vote 6-0-0; Motion Carried.

Resolutions prepared for David Allen Brands Jr. & JOV LLC were discussed and Mr. Bahnick advised the Council that the Sewer Committee had met and decided to send letters instead of the prepared resolutions, hoping for a better outcome. The sewer committee members have had numerous conversations with the property owners and have provided a written letter for review. Councilmember Stephanie Steele advised that the owners have been met with on multiple occasions and still have not complied.

A motion was made by Councilmember Karen Pfeiffer to have the notice of violation letters signed by the Council President and sent to JOV/APM American Precision Machine & DABCO; seconded by Councilmember Stephanie Steele. Vote 6-0-0; Motion Carried.

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Commercial and Industrial customers require connection modifications – Portland Auto need to do their sink; Portland Steel will be discussed during the executive session.

Lamtec has requested sewer service connection, and a will serve letter. Council President Prator advised that on April 13, 2024, the Borough previously sent a letter to Lamtec denying its request for service. A new letter denying Lamtec's request for sewer service will be sent, which will include a copy of the prior denial letter. The secretary will prepare a letter for the Council President to review and sign.

A motion was made by Councilmember Stephaie Steele on behalf of the Sewer Committee to send a denial letter to Lamtec including the prior denial; seconded by Councilmember Karen Pfeiffer. Vote 6-0-0; Motion Carried.

Kubota Sewer Membranes replacement - \$75,000.00 + taxes – part of the grant process – will be discussed during the executive session.

Storm lines GPRSINC quote \$5,475.00 – Mr. Bahnick advised that they need to find the underground storm drains using underground mapping. The quote was reviewed and determined that \$2,000.00 can be deducted from the cost for traffic control by using our own personnel. Councilmember Stephanie Steele asked if this expense can be paid for from the grant funding. Mr. Bahnick replied that yes it can.

A motion was made by Councilmember Stephanie Steele to approve the GPRSINC underground mapping quote for \$3,475.00, subject to the Borough's standard additional terms and conditions; seconded by Councilmember Karen Pfeiffer. Vote 6-0-0; Motion Carried.

Streets Committee:

Market Street – no update from Mr. Marke

Liquid Fuels Audit - Councilmember Stephanie Steele advised that additional information has been received by the contractor and the secretary forwarded it to the auditor for review. They are awaiting a response.

Residential garbage-Councilmember Karen Pfeiffer advised she has spoken to several business owners downtown regarding the residential garbage issue downtown; she advised that everyone was willing to discuss the issue and hopefully resolve it.

Street signs - Council President advised that if we buy all the street signs, we need to replace it will cost approximately \$20,000.00; they will buy a couple each year until they are all replaced. Councilmember Stephanie Steele advised that she has a wide range of prices for the signs, and she will see who is the most reasonable.

Vehicle Accident Downtown – Councilmember Stephanie Steele advised that the clean up downtown took place including renting the street sweeper. There was considerable damage to the concrete, flower beds and trees. They have contacted the Borough insurance company to file a claim for all the damages. Solicitor Gaul advised that if there are damages that is not paid for by the insurance company, the Borough can request that the District Attorney's Office ask the Court to require the driver to pay the costs as restitution.

Legal: RPL Center Developers Agreement is still being reviewed. Attorney McClain provided the secretary with a check for the New Demi account so that the CDR Maguire 2023 December invoice can be paid.

Solicitor Gaul advised he has not had time to research the 1. Alternative Parking Restriction Enforcement/Quality of Life ordinance. 2. Borough employment of a minor – Councilmember Stephanie Steele advised that she doesn't think she wants to pursue the employment of a minor.

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Subdivision and Land Development (SALDO):

RPL East, LLC Proposed Subdivision and Planned Industrial Park Plans-current review expiration dates September 3, 2024. Received a grant of time extension from the developer through December 31, 2024. The Borough Council reviewed and voted to accept time extensions for review and decision on the plans.

A motion was made by Councilmember Stephanie Steele to accept RPL East, LLC's Proposed Subdivision grant of an extension of time for the Borough to review and decide on the Proposed Subdivision Plan through December 31, 2024, seconded by Councilmember Lisa Prator. Vote 6-0-0; Motion Carried.

A motion was made by Councilmember Lisa Prator to accept RPL East, LLC's Proposed Planned Industrial Park Plan grant of an extension of time for the Borough to review and decide on the Proposed Planned Industrial Park Plan extension through December 31, 2024, seconded by Councilmember Stephanie Steele. Vote 6-0-0; Motion Carried.

Ultra Poly Building 3 Land Development – The Solicitor stated that the proposed development was included on the agenda as a placeholder, and that there was no action for the Borough Council to take tonight. The Solicitor reported that he received a proposed Intermunicipal Agreement from the developer's attorney, which can also be discussed in the executive session with the Borough Engineer.

A motion was made by Councilmember Lisa Prator to enter Executive Session at 7:46 P.M., to discuss legal matters with the Solicitor and Borough Engineer; seconded by Councilmember Karen Pfeiffer. Vote 6-0-0; Motion Carried.

A motion was made by Councilmember Karen Pfeiffer to return from Executive Session at 8:18 P.M., seconded by Councilmember Lisa Prator. Vote 6-0-0; Motion Carried.

Mark Bahnick left at 8:20 PM

Zoning, Building and Property Management:

Slate Hills Enterprises, Inc proposed a Duplex project on Delaware Avenue – President Prator advised they had a meeting which was informative for both sides and at this time the developer is continuing to consider the details of the project.

Route I-80 and Route 611 updates: Ms. Tara Mezzanotte distributed a handout to Council; she has had conversations with the National Historic Advisory - they were not coordinating the environmental processes. ACHP sent her to federal highways – they are aware of the Route 611 and Route 80 projects. She provided a tentative resolution to discuss with the Council. Ms. Mezzanotte is setting up a local's officials meeting to hear the community's concerns; the end of August or first week in September and every town can attend; the secretary will forward Ms. Mezzanotte the Council email addresses. There were some concerns expressed regarding the content of the resolution. Ms. Mezzanotte reviewed her handout with Council. The Mayor expressed some concerns regarding the resolution. Solicitor Gaul stated that he has not reviewed the stated legal authorities in the Motion, or conducted any legal analysis. It would be time-consuming and costly to the Borough for him to undertake a legal review. Solicitor Gaul suggested that the Borough Council could possibly adopt a reduced form of the resolution that does not require legal analysis. Councilmember Stephanie Steele advised she has some concerns regarding this resolution and will not support it. She prefers that the Borough not spend funds on the Solicitor preparing a resolution if there will not be Council support for its ultimate adoption.

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A motion was made by Councilmember Karen Pfeiffer to have the Solicitor prepare a draft reduced version of the resolution for the next meeting; seconded by Councilmember Bruce Cialfi. Vote 4-2-0 (Stephanie Steele and Susan Ivancich voting no to the motion); Motion Carried.

Portland Borough Authority – President Prator advised that the Water Authority is losing Samantha Kindred as she has accepted a full-time job. They have hired a Portland resident to begin training with Samantha.

Police Report – Mayor Fischer advised that Chief Pysher had provided a report in the Council Meeting Packet.

Authorization for expenditure of up to \$500.00 for emergency purchases between Borough Council meetings. Solicitor Gaul advised that it would be best to do this through a resolution specifically indicating what was being authorized and who can authorize the expenditures. When the Council previously adopted a motion giving the Street Committee limited authority to spend money between Council meetings. Councilmembers later had different interpretations about what was authorized. Also, while the Chief of Police and Mayor may seem like candidates to approve expenditures, they would not have check-writing authority. Vice President Steele said that the Chief of Police can place orders through the Borough's account with certain vendors. President Prator asked whether the Borough Council could give temporary authority through a motion tonight, with a follow-up resolution at the next Council meeting. Solicitor Gaul said that he thought would be acceptable.

A motion was made by Councilmember Stephanie Steele to authorize the Chief of Police and/or Mayor to make emergency purchases for the police department purposes between Council meetings up to the amount of \$500.00; seconded by Councilmember Lisa Prator. Vote 6-0-0; Motion Carried.

4 new tires for Police Car #332 – Goodyear Eagle Enforcer Tires \$147.54 each – total \$590.16.

A motion was made by Councilmember Lisa Prator to approve the purchase of 4 new Goodyear Eagle Enforcer Tires for \$590.16 for Police Car #332, seconded by Councilmember Karen Pfeiffer. Vote 6-0-0; Motion Carried.

Police Patches - \$298.00 for 200 patches (which is the minimum amount that can be purchased)

A motion was made by Councilmember Stephanie Steele to purchase Police patches for \$298.00; seconded by Councilmember Karen Pfeiffer. Vote 6-0-0; Motion Carried.

Mayor's Report:

Mayor Fischer advised that they have been pushing for the Rt. 611 work to begin and by this Friday the permits will be ready; the road will be open with two lanes then one lane with a light, then 2 lanes and another one lane with a light. October 18th the road should be opened, which will be just in time for Founders Day. Submitted the necessary information to apply for the 2025 Founders Day grant. Nurture/Nature – the artwork has been completed and delivered along with coloring books, crayons, and 50 emergency buckets which include masks, flashlight, flash drives etc. The Mayor is looking into doing a new project; she is thinking of a plan regarding flooding. If approved at the end the Borough will get \$8,000.00 to spend on whatever they need. At this point it will be the mayor's time. The Borough has lost one of its residents over the weekend – Mr. Jim Kenna. The Mayor presented Mr. Kenna with a proclamation prior to his passing.

Portland Community Events Committee: Councilmember Stephanie Steele advised that Founders Day is scheduled for October 19, 2024.

COG: President Prator – no meeting last month.

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Sanitation Committee: President Prator advised that there is no update for the Recycling Grant.

Garbage contract specifications – the Solicitor reviewed the changes for the garbage specifications which included 3 years not 5; pre-bid meeting; 1 bulk item and pricing for each year. Solicitor Gaul reviewed the specifications with the Council and asked if they would like to advertise at this time. Some discussions were held regarding advertising through Penn Bid. The secretary will reach out to the Borough Engineer to help with the Penn Bid process.

A motion was made by Councilmember Karen Pfeiffer to authorize Solicitor Gaul to advertise the garbage bid specifications, seconded by Councilmember Lisa Prator. Vote 6-0-0; Motion Carried.

Mayor Heather Fischer left the room at 9:30 P.M. and returned at 9:32 P.M.

300 State Street garbage complaints – the Borough has received several complaints regarding the garbage piling up at 300 State Street. The Borough has provided the business with some phone numbers to contact for garbage collection.

Trash collection at 427 Delaware Avenue Apartments – Councilmember Stephanie Steele advised that the Zoning Officer contacted her regarding the apartment garbage. There was some discussions regarding whether the Borough should categorize apartment buildings with more than three dwelling units as commercial properties for purposes of Borough garbage collection and billing. The Borough's current Garbage Ordinance and/or fee resolution would need to be amended. The sanitation ordinance will be reviewed prior to the next meeting; Diann needs some guidance with these issues. There is potential for 7 garbage cans and 7 recycling cans or dumpsters. The Solicitor will prepare a resolution for review at the next meeting. An apartment building owner who desired to be treated as commercial should have to present a existing service contract to the Borough.

Budget, Finance, Insurance & Cable TV Contract: ARPA Grant Funds – the solicitor sent the Council members something for their review regarding the ARPA Grant Funds.

A motion was made by Councilmember Stephanie Steele to confirm that the outstanding CDR Maguire bill from December 2023 can be paid from the New Demi Road Escrow; seconded by Councilmember Lisa Prator. Vote 6-0-0; Motion Carried.

Plan Slate Belt: President Prator advised the last meeting was a good meeting and if you have time this meeting was a good one to watch.

Slate Belt Rising: Councilmember Stephanie Steele advised there is no update at this time.

Personnel – Councilmember Stephanie Steele advised that an increase of 5 hours per week for the Borough Secretary should be considered due to the workload. The part-time seasonal maintenance worker position and Billing Clerk will be discussed during the executive session.

A motion was made by Councilmember Stephanie Steele to increase the Borough Secretary hours by 5 hours per week, seconded by Councilmember Karen Pfeiffer. Vote 6-0-0; Motion Carried

Old Business:

Pokey Bee Exterminator Estimate – received quote from Ehrlich - \$175 + \$225.00 one-time fee.

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A motion was made by Councilmember Stephanie Steele to have Ehrlich exterminate the bees at the Pokey for \$175.00 + \$225.00 one-time fee; seconded by Councilmember Karen Pfeiffer. Vote 6-0-0; Motion Carried.

The Wastewater Treatment Plant quote for bee removal was sent stating spiders, the estimate has to be corrected.

Pokey Door replacement – no update

Parking Signs – Council members Stephanie Steele and Karen Pfeiffer met to discuss the parking signs and parking downtown. After reviewing the parking situation downtown, it was decided that parking stripes should be placed in several areas for parallel parking; there is an ordinance regarding parking that will have to be reviewed/updated.

EZ Pass tolls- additional information is needed.

New Business:

Weekend Police Presence – Councilmember Karen Pfeiffer advised that she like to see more police coverage over the weekends; she encountered several individuals in the County Park area drinking and leaving garbage. Mayor Fischer advised that she would have the police cover the area when they are available.

Councilmember Suan Ivancich left the room at 10:04 PM

Refrigerator – Councilmember Stephanie Steele advised Council that the refrigerator in the Borough office actually belonged to Nina, and she had requested it back or if the Borough wanted to keep it she was asking \$30.00; Councilmember Stephanie Steele paid for the refrigerator.

A motion was made by President Lance Prator to reimburse Councilmember Stephanie Steele the \$30.00 to keep the refrigerator; seconded by Councilmember Karen Pfeiffer. Vote 4-0-1 (Susan Ivancich was out of room & Stephanie Steele abstained); Motion Carried.

Councilmember Susan Ivancich returned to the meeting at 10:06 P.M.

Bonds for the Council President & Council Vice-President were discussed. A quote from Brown & Brown for \$550.00 was received.

A motion was made by Councilmember Lisa Prator to approve the Bond for the Council President for \$550.00, seconded by Councilmember Stephanie Steele. Vote 5-0-1 (Lance Prator abstained); Motion Carried.

A motion was made by Councilmember Lisa Prator to approve the Bond for the Council Vice-President for \$550.00, seconded by Councilmember Bruce Cialfi. Vote 5-0-1 (Stephanie Steele abstained); Motion Carried.

Vehicle accident downtown – the secretary has reached out to Brown & Brown and a claim has been initiated on behalf of the Borough. There was damage to the concrete, flowers, trees etc. Our maintenance staff have cleaned up the debris and rented a street sweeper to clean up the glass etc. The insurance company is asking for information to process the claim. Solicitor Gaul advised that anything the insurance company does not pay for can be submitted through the District Attorney's Office for restitution.

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Tree Northampton Street and Crestmont – the tree is blocking the fire hydrant. President Prator stated that the hydrant was owned by the Water Authority. Solicitor Gaul advised that the Water Authority should send a letter to the homeowner about taking care of the tree.

Public Comment: Non-Agenda: None

Executive Session:

A motion was made by Councilmember Stephanie Steele to enter Executive Session at 10:19 P.M., to discuss Personnel matters with the Solicitor; seconded by Councilmember Lisa Prator. Vote 6-0-0; Motion Carried.

A motion was made by Councilmember Lisa Prator to return from Executive Session at 10:25 P.M., seconded by Councilmember Karen Pfeiffer. Vote 6-0-0; Motion Carried.

President Prator asked if there was any action to be taken from executive session:

A motion was made by Councilmember Stephanie Steele to hire LeeAnn Prator as a seasonal maintenance worker – up to 20 hours per week at \$14.00 per hour now through the end of October; seconded by Councilmember Karen Pfeiffer. Vote 4-0-2 (Lance Prator & Lisa Prator abstained); Motion Carried.

A motion was made by Councilmember Lisa Prator to Adjourn the meeting at 10:28 P.M., seconded by Councilmember Karen Pfeiffer. Vote 6-0-0; Motion Carried

**Reminder: Next meetings: Monday, August 26, 2024 (if needed)
Monday, September 9, 2024 (due to 9/2/24 Holiday)**

Respectfully Submitted,

Lori Sliker, Borough Secretary

