



Borough of Portland Council Meeting Minutes October 7, 2024

On October 7, 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, Karen Pfeiffer, Susan Ivancich and Bruce Cialfi were present. Lisa Prator via speaker phone. Councilmember Lisa Prator could hear all meeting discussion and be heard by all attendees. Patrick McHugh was absent.

A motion was made by Councilmember Bruce Cialfi to allow Councilmember Lisa Prator to participate in tonight's council meeting by speaker phone, seconded by Councilmember Susan Ivancich. Vote 5-0-0; Motion Carried.

Others Present – Mayor Heather Fischer, Borough Solicitor- Michael Gaul (who arrived at the time noted below), Borough Engineer-Mark Bahnick and Borough Secretary/Treasurer-Lori Sliker were present. Also, present- Police Chief-Todd Pysher, Fire Chief-James Potter, UMBT Supervisor-John Bermingham & Engineer-Justin Coyle.

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 the meeting. Mayor Heather Fischer stated that she 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 Bruce Cialfi. Vote 6-0-0; Motion Carried.

Action on the Meeting Minutes of September 9, 2024: President Prator asked if there were any corrections or changes to the meeting minutes of September 9, 2024.

A motion was made by Councilmember Stephanie Steele to approve the September 9, 2024, Council meeting minutes as presented, seconded by Councilmember Bruce Cialfi. Vote 6-0-0; Motion Carried.

Action on the Meeting Minutes of September 23, 2024: President Prator asked if there were any corrections or changes to the meeting minutes of September 23, 2024.

A motion was made by Councilmember Bruce Cialfi to approve the September 23, 2024, Council meeting minutes as presented, seconded by Councilmember Karen Pfeiffer. Vote 6-0-0; Motion Carried.

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Editor's Note: The Borough Council mistakenly took action to approve the meeting minutes of September 23, 2024. The Secretary's prepared minutes of that meeting had not yet been distributed to the Council prior to the October 7, 2024, meeting.

Solicitor Gaul arrived at 7:08 P.M.

Secretary/Treasurer Report:

The Secretary presented the September 2024 Financial Report for review/approval.

Bills Presented for Payment:

Borough Operations	\$ 19,221.98
Sewer Operations	\$ 16,733.01
Garbage Operations	\$ 6,222.82
Estimate Payroll & Payroll Taxes, July 2024	\$ 6,300.00
Estimate WEX Sunoco Fuel, July 2024	\$ 550.00
Escrow - Ultra Poly #3-(VanCleaf)	<u>\$ 592.00</u>
<u>TOTAL</u>	\$ 49,619.81

Transfer \$70,000.00 from the Real Estate Fund to the General Fund to cover expenses.

A motion was made by Councilmember Stephanie Steele to approve the September 2024 Financial Report, pay the bills and transfer \$70,000.00 from the Real Estate Fund to the General Fund to cover expenses, seconded by Councilmember Bruce Cialfi. Vote 4-0-2 (Lisa & Lance Prator abstained); Motion Carried.

Public Comment:

President Prator advised that he spoke to Pastor Phil regarding his request to place his equipment on the old fairgrounds property while he completes a job. Some discussions regarding ownership of the property were held. Solicitor Gaul advised that a written agreement between the Borough and the Pastor should be initiated, and the Pastor should provide proof of insurance.

A motion was made by Councilmember Stephanie Steele to allow Pastor Phil to place his equipment on the old fairground's property on Division Street for up to 7 days, subject to Pastor Phil signing a written agreement and providing proof of insurance acceptable to the Borough, seconded by Councilmember Karen Pfeiffer. Vote 6-0-0; Motion Carried.

John Bermingham and Justin Coyle-Lamtec Corporation – John Bermingham, Chairman of Supervisors for Upper Mount Bethel Township and Justin Coyle, Township Engineer requested that the Borough consider providing the Lamtec property in the Township with Sewer Service. Mr. Bermingham stated Lamtec desires to construct a 75,000 sq ft building in the Spring of 2025. The building would require a central sewer, and could not use on-lot septic. John Bermingham and Justin Coyle stated that Lamtec needed approximately 1,800 gpd capacity.

Solicitor Gaul advised that several issues existed that must be addressed before the Borough can consider their request, including a bulk services agreement between the Borough of Portland and Upper Mount Bethel Township. In addition, the Lamtec property is not within Borough's current approved DRBC docket service area and is not currently noted for public sewer under a UMBT 537 Plan. Councilmember Karen Pfeiffer asked what type of sewage was expected and was informed by John Bermingham and Justin Coyle that it will be domestic sewage and no industrial sewage. Councilmember Stephanie Steele advised that if the Council decides to include Lamtec in their service area, the Borough's 537-plan will have to be revised/changed. Solicitor Gaul stated that the Borough would first require the Township to sign a professional services agreement and deposit an initial escrow amount of \$10,000.00 to pay or reimburse the Borough the costs of its

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professional fees while it considered the Township's request. Solicitor Gaul will draft a professional services agreement for consideration at the next council meeting.

Route I80-Route 611 Updates: Tara Mezzanotte, Liaison:

A motion was made by Councilmember Karen Pfeiffer to allow Ms. Mezzanotte to provide an update when she arrives; seconded by Councilmember Bruce Cialfi. Vote 6-0-0; Motion Carried.

Borough Engineers Report: Mark Bahnick, VanCleaf Engineer

COVID Grant Project – Stormwater - no update

COVID Grant Project – Sewer – Mr. Bahnick advised that there have been a lot of emails regarding the purchase of the membranes and he deferred to the Solicitor Gaul.

President Prator made a motion to purchase the Membranes upfront using the ARPA funds and the balance to be covered by the sewer and general funds. Solicitor Gaul advised that we must follow the federal guidelines and that DCED website should be reviewed; to get reimbursed for the purchase it must be done correctly. Councilmember Stephanie Steele stated the motion was to pay for the costs of the Membranes from sources other than the H2O grant funds. The Borough needed to move forward with the purchase of the Membranes immediately and could not be delayed any further by the questions concerning the availability of reimbursement through the H2O grant. As a result, Councilmember Steele advised they are removing that as a factor in the decision-making process.

A motion was made by President Lance Prator to purchase the Kubota Sewer Membranes in the amount of \$75,000 plus taxes if applicable through a purchase order to Riordan under the CoStars Program contract using the ARPA funds and the balance being paid by the Sewer and General funds; seconded by Councilmember Karen Pfeiffer. Vote 6-0-0; Motion Carried.

Mark Bahnick reported that the Ultra Poly Building 3 land development plan is going into the planning approval phase and consideration to provide sewer service between the Upper Mount Bethel Township and the Borough of Portland should be reviewed at the next meeting. Mr. Bahnick advised that only a small portion of the property is in the Borough; there are several issues to be addressed which include the sewer service and traffic study. He advised that a decision must be made by November 19, 2024. President Prator asked Mr. Bahnick whether Air Liquide should also be included in the sewer service arrangements with the Township. Mr. Bahnick stated that preferably Air Liquide should be involved in the process.

Solicitor Gaul said that Ultra Poly representatives should be asked to make a presentation at the next Council meeting. He asked whether the Council has read Mr. Bahnick's review letter which outlines any issues and his review of the plans. He said that Council should have time to review the submitted land development plans before taking action on them. He also recommended that Ultra-Poly be required to submit a response letter to Mr. Bahnick's letter. Chief Potter commented that when the industrial park was built every lot was entitled to water and sewer, and asked why the Borough would now include Air Liquide as part of the bulk service agreement with the Township? Mr. Bahnick replied that including Air Liquide as part of the service agreement with the Township will clean up the process.

President Prator asked Mr. Bahnick to communicate with Ultra-Poly representative about the need for a presentation for the next Council meeting and a response to his review letter.

Sewer Committee:

Sewer Shutoff - Councilmember Stephanie Steele advised that there were two accounts unpaid; account #248 and #2 - account #99 paid their bill. Account #248 submitted a letter to Council asking if, due to a significant

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hardship, the Council allow them to pay \$250.00 toward their account balance to avoid the shut off. Councilmember Stephanie Steele advised she does not recall Account #248 ever making a prior request. The Council decided that they would grant this request; however, the payment would be \$260.00.

A motion was made by Councilmember Stephanie Steele to grant a hardship request to account #248, \$260.00 must be paid by October 9, 2024, before 5:00 PM, seconded by Councilmember Lisa Prator. Vote 6-0-0; Motion Carried.

A motion was made by Councilmember Stephanie Steele to shut off sewer service to account #2 for non-payment of sewer charges, seconded by Councilmember Lisa Prator. Vote 6-0-0; Motion Carried.

Commercial and Industrial customer required connection modifications – President Prator advised that letters need to be sent to these commercial and industrial customers advising they must install oil water separator and sample manhole or port; must be completed within 90 days.

A motion was made by President Prator to send letters to the two machine shops and two auto repair facilities advising they must install oil water separator and sample test manhole or port within 90 days, or they will be put on the shut off list; seconded by Councilmember Karen Pfeiffer. Vote 6-0-0; Motion Carried.

Portland Auto sanitary sewer connection – Councilmember Stephanie Steele advised that the owner has not been around– no update

President Prator advised that Mr. Bahnick provided two sewer attorney names; he will be reaching out to them to see if they would be interested in working for the Borough.

A motion was made by Councilmember Stephanie Steele to enter Executive Session at 8:10 P.M., to discuss legal matters with the Solicitor; 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 8:37 P.M.; seconded by Councilmember Lisa Prator. Vote 6-0-0; Motion Carried.

President Prator asked if there was any action to be taken from Executive Session: no action.

Portland Steel use of property/sanitary sewer requirements –Solicitor Gaul advised that the issue is that the building is in the flood plain, awaiting clarification from Tina at Keller Zoning.

Kubota Sewer Membranes replacement – previously discussed.

Streets Committee:

Reimburse Liquid Fuels - \$21,680.00 – Councilmember Stephanie Steele advised council members that the Borough has been notified the \$21,680.00 will require reimbursement for the Market Street project. Councilmember Stephanie Steele and Lori Sliker met with Kevin O'Donnell from PennDOT asking for clarification on the process. Mr. O'Donnell advised that the liquid fuels funds can be used for the sewer/storm grant projects-match monies. One month prior to beginning work the Engineer should reach out to Mr. O'Donnell to begin the liquid fuels process.

A motion was made by Councilmember Stephanie Steele to reimburse the Liquid Fuel account \$21,680.00 from the General Fund; seconded by Councilmember Karen Pfeiffer; Vote 6-0-0; Motion Carried.

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Legal:

RPL Center request for Developers Agreement regarding traffic review costs/Council approval of Developers Agreement. – no update

Alternative Parking Restrictions Enforcement – no update

Upper Mount Bethel Authority letter – executive session

Quality of Life Ordinance – no update yet

Subdivision and Land Development (SALDO):

RPL East, LLC Proposed Subdivision and Planned Industrial Park Plans-current expiration date of December 31, 2024.

Ultra Poly Building 3 Land Development – Previously Discussed.

Proposed Borough and Township Intermunicipal Agreement on Sewer Service – No update.

Zoning, Building and Property Management:

Municipal Building Ramp Replacement – Councilmember Bruce Cialfi advised that he has requested quotes from a couple of vendors – he will provide to Council when he receives it.

Portland Borough Authority – President Prator advised that the Water Authority has filed for two LSA Grants and support letters were requested from the Borough; the deadline was prior to the meeting so President Prator signed the letters. President Prator asked that the Borough approve the support letters that were sent to the Department of Community and & Economic Development. In addition, there are two LSA Grant Resolutions advising that the Borough of Portland will sponsor the Water Authority for these grants. Solicitor Gaul advised that a couple of corrections need to be made to the resolutions prior to signatures. Councilmember Stephanie Steele advised that in addition to the Borough letters the Water Authority should request support letters from Upper Mount Bethel Township.

A motion was made by President Prator for support letters for the two Water Authority LSA Grants be approved, seconded by Councilmember Bruce Cialfi. Vote 6-0-0; Motion Carried.

A motion was made by Councilmember Stephanie Steele to adopt Resolution # 2024-21 Resolution requesting a Northampton/Lehigh County Local Share Assessment Grant of \$65,723.25 from the Commonwealth Financing Authority to be used for Portland Borough Water Authority Antenna/Meter Project, seconded by Councilmember Bruce Cialfi. Vote 6-0-0; Motion Carried.

A motion was made by Councilmember Bruce Cialfi to adopt Resolution # 2024-22 Resolution requesting a Monroe County Local Share Assessment Grant of \$65,723.25 from the Commonwealth Financing Authority to be used for Portland Borough Water Authority Antenna/Meter Project, seconded by Councilmember Karen Pfeiffer. Vote 6-0-0; Motion Carried.

Fire, Safety, Police:

Chief Pysher – presented his police report for the council to review. President Prator and Chief Potter expressed their appreciation for the Tuesday night police escorts.

Chief Potter advised that the ladder truck is 28 years old, and they have been looking for a new truck. There is a deal through the manufacturer that the interest is 6 1/2 % but if the Borough co-signs they can get 4 1/2% interest; would the Borough be willing to co-sign with the Fire Company so they can obtain the lower interest rate. The truck is listed at 1.8 million dollars but they can get it for 1.1 million dollars. Solicitor Gaul advised that the financing has to be reviewed. Councilmember Stephanie Steele asked if the Borough's name has to be on the loan; Chief Potter said they can just co-sign the loan. Chief Potter advised that they are going to raise \$600,000.00 and borrow \$500,000.00 and if they do not raise the \$600,000 the Fire Company will not move forward with the purchase.

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A motion was made by Councilmember Karen Pfeiffer to authorize the Solicitor to research potential financing for the fire truck, seconded by Councilmember Bruce Cialfi. Vote 5-0-1 (Lance Prator abstained); Motion Carried.

Mayor Heather Fischer left the Council Chambers at 8:55 P.M. and returned at 8:57 P.M.

Mayor's Report:

Mayor Fischer advised that the Route 611 opening date is scheduled for November 5, 2024; and there will be a ribbon cutting. Mayor Fischer will be meeting with a research assistant/project manager-thriving earth exchange. Mayor Fischer met with the new bike club president.

Portland Community Events Committee: Councilmember Stephanie Steele advised that Founders Day will be held on October 19, 2024, 1:00 PM – 6:00 PM. Trick or Treat-October 26, 4:00-6:00 P.M.-costume contest downtown after and the tree lighting will be Dec 1, 2024. President Prator asked what function the fire company will have on Founders Day. Councilmember Stephanie Steele advised they had a meeting on Sunday, and they are doing fire prevention.

COG: President Prator advised that there will be a Rave alert, and Notices placed on cars for the street vac. High reach lift and light stand grants have been submitted.

Sanitation Committee:

MSW (Garbage) Collection Contract Bid Results/Action on Bids/Possible award of Contract.

A motion was made by Councilmember Stephanie Steele to move the MSW (Garbage) Collection Contract Bid Results to after Executive Session, seconded by Councilmember Karen Pfeiffer. Vote 6-0-0; Motion Carried.

Trash Collection for 427 Delaware Avenue Apartments – No discussion

Proposed Resolution regarding Classification of Multi-Unit Apartment Buildings as Commercial Establishments for Purposes of Residential Garbage Fee - President Prator stated there are two proposed resolutions for consideration; he advised that there is a spreadsheet to assist in the Council's review. This will be discussed during Executive Session. Change will be discussed at the next meeting.

Budget, Finance, Insurance & Cable TV Contract: ARPA Grant Funds-need to be obligated by 12/31/2024. 2025 Borough Budget (Sewer, Garbage and Borough) update. ARPA funds will be obligated for the sewer membranes. The 2025 budget committee will be meeting and should provide Council with their proposed budgets at the next meeting.

Plan Slate Belt:

45-day plan comment period - President Prator advised that the comment period is active and there is an on-line comment section reminding Council members to review and submit comments.

Slate Belt Multi-Municipal Comprehensive Plan Intermunicipal Cooperative Implementation Agreement.
Resolution Adopting Plan Slate Belt Multi-Comprehensive Plan-no update

Slate Belt Rising: Councilmember Stephanie Steele advised that the Kayaks should be installed this week which will take a couple of days. There are covers for the kayaks so they can be stored in the winter. President Prator advised that Slate Belt has tee shirts for sale and Portland is on the back of one of their shirts.

