



## Borough of Portland Council Meeting Minutes September 23, 2024

On September 23, 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, Karen Pfeiffer, Susan Ivancich, and Bruce Cialfi were present. Stephanie Steele and Patrick McHugh were absent. (corrected November 4, 2023, Council Meeting).

**Others Present** – Mayor Heather Fischer, Solicitor Michael Gaul, Borough Engineer-Mark Bahnick, Borough Secretary/Treasurer-Lori Sliker, and Sewer Plant Operator Craig LaBarre were present.

**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 is recording tonight's meeting. No one else is recording tonight's meeting.

*Editor's note:* Recording of the meeting by 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 Lisa Prator to approve the agenda as posted, seconded by Councilmember Bruce Cialfi. Vote 5-0-0; Motion Carried.**

**Public Comment:** None

### **Borough Engineers Report: Mark Bahnick, VanCleaf Engineer**

COVID Grant Projects – Stormwater/Wastewater – Mr. Bahnick advised that there have been conversations and emails with Riordan Equipment regarding the Sewer Membranes; however, the issues have not been resolved. President Prator asked if the membranes can be purchased without going through Co-Stars; Solicitor Gaul advised that the Borough is not required to use Co-Stars, but if it does not use Co-Stars, it must comply with the Borough Code provisions on procurement. The Borough must also comply with the H2O grant requirements if the Borough desires to be eligible for reimbursement of costs under the H2O grant. Solicitor Gaul advised that he has concerns about the pricing and the procurement process with Co-Stars. Solicitor Gaul has been working with Riordan Equipment on several issues including the pricing formula which needs to be documented better; there is no traditional manufacturer's pricing catalog to review. The Borough should be careful about the procurement process, because if the proper procedures are not followed, the Borough may be ineligible for reimbursement of expense under the H2O grant.

Solicitor Gaul advised the Council that someone should speak to a Borough Association for some guidance regarding the ARPA funds as it is his understanding that the Borough may be able to place funds in the Borough's general fund, as opposed to using the funds for only restricted purposes.

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President Prator advised that we need to get the membranes replaced before the cold weather sets in and if the plant goes down, it will cost \$7,000.00 per day for waste removal.

Mr. Bahnick advised that he received an email from Riordan (Augie) indicating that Riordan is rescinding its quote under the Co-Stars contract and that the membranes can be purchased directly through Kubota. Solicitor Gaul advised that Riordan cannot rescind its obligation to sell to the Borough under the existing Co-Stars contract. Riordan submitted a bid to Co-Stars, which was accepted. Any Co-Stars member is entitled to purchase products from Riordan under the contract.

President Prator stated this has been going on for 3 years and can we make a motion to purchase membranes from the sewer budget. Councilmember Lisa Prator asked what system we have; Mr. LaBarre advised ours is flat plate technology. President Prator asked if we purchase them out of the sewer budget can we get reimbursed; is that a viable option. Solicitor Gaul advised that Riordan has not provided the necessary documentation to confirm compliance with the Co-Stars contract pricing. He has requested the necessary documentation. If it is provided this week, he should know if everything is acceptable this week. The Borough, however, has not confirmed that the purchase through Co-Stars would comply with the H2O grant requirements. Councilmember Karen Pfeiffer asked how this process can be expedited.

Solicitor Gaul advised that to solicit a quote from only one company and not solicit competitive bids is not the regular process under the Borough Code. There are some exceptions in the Borough Code, such as: for routine maintenance, repairs or replacements – the issue is would membranes fall into the category of routine maintenance, repairs or replacing a part. Mr. Bahnick recommended that the Council authorize the purchase of the membranes for \$75,417.40+ and to direct staff to pursue a way to obtain reimbursement through grant funding for that purchase.

**A motion was made by Councilmember Karen Pfeiffer to purchase the membranes out of the sewer budget and refund the account, if possible, seconded by Councilmember Bruce Cialfi.**

Solicitor Gaul asked that this discussion continue in Executive Session.

Councilmember Karen Pfeiffer and Bruce Cialfi withdrew their motion until after a discussion is held in Executive Session.

**A motion was made by Councilmember Bruce Cialfi to enter Executive Session at 7:32 P.M., to discuss 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 7:54 P.M., seconded by Councilmember Bruce Cialfi. Vote 5-0-0; Motion Carried.**

President Prator asked if there was any action to be taken out of Executive Session.

**A motion was made by Councilmember Karen Pfeiffer to have the Solicitor review the H2O grant contract procurement requirements for the sanitary sewer project, seconded by Councilmember Lisa Prator. Vote 4-1-0; (President Prator opposed); Motion Carried.**

Mr. Bahnick advised that a permit application for the Wastewater Treatment screen replacements is prepared and there is an application fee of \$500.00. Solicitor Gaul recommended that the Council review specifications prior to approving the permit application submission.

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**A motion was made by Councilmember Lisa Prator to approve the Council President to sign the Wastewater Treatment project replacement screens permit application and to pay the \$500.00 permit fee, seconded by Councilmember Karen Pfeiffer. Vote 5-0-0; Motion carried.**

**Sewer Committee:**

President Prator advised that they have not been able to pinpoint the sewer system contamination source. Some discussions were held to install a manhole so that a sample of the sewer can be obtained when needed. President Prator asked this be placed on the next agenda – to obtain manhole installation prices.

Commercial and Industrial customer letters were sent out August 6, 2024; however, there has not been any other information at this time.

Portland Auto – no update.

Kubota Sewer Membrane replacements \$75,000.00 + taxes (if applicable); authorize COSTARS Purchase Order to Riordan for Membranes and related items. – Previously Discussed.

Mr. Craig LaBarre & Mark Bahnick left at 8:05 PM.

**Streets Committee:** President Prator advised that streets committee had a meeting which will be discussed in executive session with the Solicitor.

**Building Committee:** President Prator asked if there has been any action on the ramp for the Municipal Building - none

**Budget, Finance, Insurance & Cable TV Contract:** Councilmember Karen Pfeiffer advised that they had a meeting but there were some discrepancies that needed to be clarified.

**Community Development & Grant Committee:** no update

**Community Events:** President Prator advised that the date has changed for the Rt 611 opening which will be after the Founders Day Celebration. November 5, 2024, is the new reopening date; there will be one lane with a long light – 5-minute light. The conduit is difficult to place near the railroad tracks.

**Fire, Safety & Police Committee:** None

**Ordinance Update Committee:** None

**Personnel, Policy and Procedure Committee:** September 16, 2024, meeting held with letter in packet to be reviewed.

**Sanitation Committee:** President Prator advised that the 2024 – 2027 Garbage Collection Contract Bid results were opened on Friday and there were four (4) bids for Council to review and consider:

The bidders were: (three (3) year contract totals)  
Sanico - \$312,150.14  
Waste Management - \$356,294.52  
White Tail - \$401,541.95 (representative present)  
J.P. Mascaro - \$547,620.00

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**A motion was made by Councilmember Karen Pfeiffer to table review and action on the Garbage Contract bids to the Borough Council's next regularly scheduled meeting on October 7, 2024, at the Borough Hall, seconded by Councilmember Bruce Cialfi. Vote 5-0-0; Motion Carried.**

Councilmember Lisa Prator asked if they must go with the lowest bidder. Solicitor Gaul advised that this can be discussed in Executive Session.

Proposed Resolutions – Regarding Classification of Multi-Unit Apartment Buildings as Commercial Establishment for Purposes of Residential Garbage Fee Change. President Prator reviewed some of the number of possibly affected units. In addition to the current apartment building the old bank will also be apartment building soon; an accurate count is needed to determine how it will impact the Borough.

Solicitor Gaul advised the Council that they should take time to review each bid and be prepared to discuss it at the next Council Meeting. Solicitor Gaul commented that based on what he has heard from other towns – Portland received several good bids – and that going with Penn Bid was a good idea. President Prator provided some quick calculations for Council's consideration concerning the impact of classify multi-unit apartment buildings as commercial uses for purpose of garbage collection and imposition of fees.

**Plan Slate Belt:** President Prator asked that the Council take time to review the Plan Slate Belt and bring back any comments. The 45-day comment period is on-going and if any changes need to be submitted. President Prator advised that several documents have been forwarded to Solicitor Gaul for his review.

**Old Business:**  
none

**New Business:**  
none

**Public Comment, Non-Agenda: None**

**Executive Session:**

**A motion was made by Councilmember Lance Prator to enter Executive Session at 8:31 P.M., to discuss legal and personnel matters with the Solicitor, seconded by Councilmember Karen Pfeiffer. Vote 5-0-0; Motion Carried.**

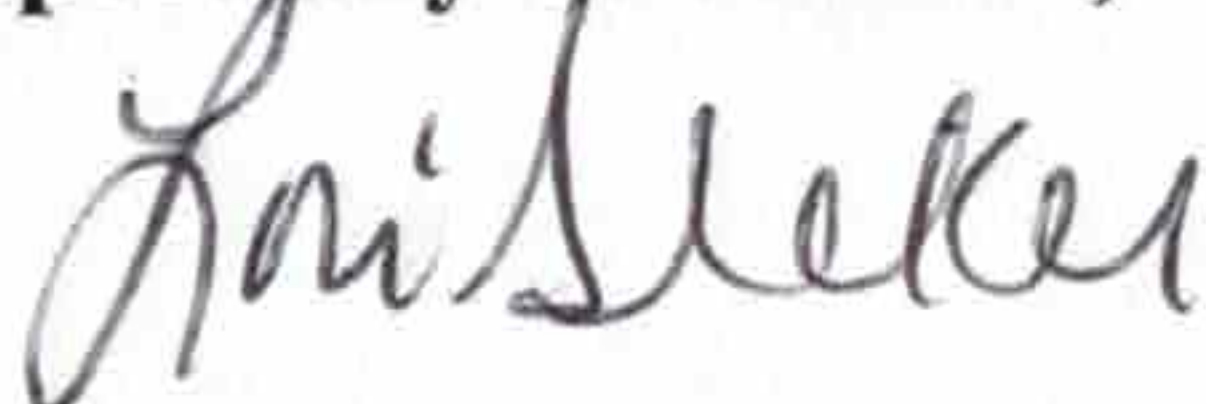
**A motion was made by Councilmember Lisa Prator to return from Executive Session at 9:16 P.M., seconded by Councilmember Karen Pfeiffer. Vote 5-0-0; Motion Carried.**

President Prator asked if there was any action to be taken from executive session: None

**A motion was made by Councilmember Lisa Prator to adjourn the meeting at 9:17 P.M., seconded by Councilmember Karen Pfeiffer. Vote 5-0-0; Motion Carried**

**Reminder: Next meetings:                   Monday, October 7, 2024  
  Monday, October 28, 2024**

Respectfully Submitted,



**Lori Sliker, Borough Secretary**

