

BOROUGH OF PORTLAND  
COUNCIL MEETING DECEMBER 7, 2020

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The Portland Borough Council Meeting of December 7, 2020 was called to order at 7:00 PM by Stephanie Steele, President of Borough Council.

The meeting was held in person and via video and audio advanced communication technology ("ACT"), using ZOOM internet communication, due to the COVID-19 Pandemic emergency. Each Council member and other attendees of the meeting were able to hear each other attendee and be heard by each other attendee. The public could also participate in the meeting via ACT, using the ZOOM internet application.

Council Members Present for Call to Order:

Stephanie Steele\* Kay Bucci\* Robert Ivancich\* William Godshalk\*

- Council member Yvonne Gumaer was absent.

Others Present:

1. Michael Gaul, Solicitor
2. Lance Prator, Mayor
3. Mark Bahnick, Borough Engineer
4. Carol Hummel, Borough Secretary
5. David LaFiura, Ultra-Poly Corp.
6. Jim Steele, Public
7. Farnaz Karimi, Public

Resolution 2020-13:

Resolution Approving the Final Budget, Including the General Fund, Sewer Fund and Sanitation Fund, for the Borough of Portland for the Year 2021.

A motion was made by Kay Bucci, 2<sup>nd</sup> by Robert Ivancich adopting Resolution 2020-13 as presented.

Roll call of votes,

YES: K. Bucci, R. Ivancich, W. Godshalk, S. Steele

Motion Carried 4-0-0

Resolution 2020-14:

A Resolution of the Borough of Portland, County of Northampton and Commonwealth of PA, Levying for the Fiscal Year 2021 Taxes on all Real Estate Within the Borough for General Borough Purposes and Fire Prevention and Protection; Affixing the Tax Rates; and Providing for Other miscellaneous Matters.

A motion was made by Kay Bucci, 2<sup>nd</sup> by Robert Ivancich adopting Resolution 2020-14 as presented.

Roll call of votes,



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YES: K. Bucci, R. Ivancich, W. Godshalk, S. Steele

Motion Carried 4-0-0

Resolution 2020-15:

Resolution Regarding Fees and Charges Related to the Borough's Collection and Disposal of Garbage from Private Residences in the Calendar Year 2021.

A motion was made by Kay Bucci, 2<sup>nd</sup> by William Godshalk adopting Resolution 2020-15 as presented.

Roll call of votes,

YES: K. Bucci, R. Ivancich, W. Godshalk, S. Steele

Motion Carried 4-0-0

Resolution 2020-16:

a) A Resolution Approving Kirk, Summa & Co., LLP, Temporarily to the Office of Borough Auditor for the Purposes of the 2020 Calendar Year Audit.

A motion was made by Kay Bucci, 2<sup>nd</sup> by Robert Ivancich adopting Resolution 2020-16 as presented.

Roll call of votes,

YES: K. Bucci, R. Ivancich, W. Godshalk, S. Steele

Motion Carried 4-0-0

b) Authorize President Steele to execute the Letter of Engagement between Kirk, Summa & Co., LLP, and the Borough of Portland in the amount of \$ 4,600 for the 2020 Calendar Year Audit.

A motion was made by Kay Bucci, 2<sup>nd</sup> by William Godshalk authorizing President Steele to execute the Letter of Engagement.

Roll call of votes,

YES: K. Bucci, R. Ivancich, W. Godshalk, S. Steele

Motion Carried 4-0-0

2021 Borough Real Estate Tax Bills:

A motion was made by Robert Ivancich, 2<sup>nd</sup> by William Godshalk authorizing the secretary to order the printing of the 2021 Borough real estate tax bills from Berkheimer Associates.



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Roll call of votes,

YES: K. Bucci, R. Ivancich, W. Godshalk, S. Steele

Motion Carried 4-0-0

Notice of 2021 Meetings Schedule:

It was discussed by Council that the schedule presented has an addition that one or more meetings may be held virtually due to the COVID-19 pandemic; does Council want to meet on July 5 or July 12, since July 4, 2020 is a Sunday? Council agreed to keep to regular meeting day.

A motion was made by William Godshalk, 2<sup>nd</sup> by Robert Ivancich to advertise the 2021 meetings schedule in the Pocono Record as presented.

Roll call of votes,

YES: K. Bucci, R. Ivancich, W. Godshalk, S. Steele

Motion Carried 4-0-0

Action on Minutes:

A motion was made by Kay Bucci 2<sup>nd</sup> William Godshalk approving the minutes of the regular meeting of November 2, 2020, as presented.

Roll call of votes,

YES: K. Bucci, R. Ivancich, W. Godshalk, S. Steele

Motion Carried 4-0-0

A motion was made by Kay Bucci 2<sup>nd</sup> William Godshalk approving the minutes of the special meeting of November 23, 2020, as presented.

Roll call of votes,

YES: K. Bucci, R. Ivancich, W. Godshalk, S. Steele

Motion Carried 4-0-0

Secretary/Treasurer's Report: Carol Hummel

Bills Presented for Payment:

1. Approve the November 2020 Financial Report as presented:

Borough Operations & Borough Operations Already Paid:	24,252.64
Sewer Operations & Sewer Operations Already Paid:	16,116.00



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Garbage Operations & Garbage Operations Already Paid:	14,825.30
Ultra-Poly Improvements Escrow: Van Cleef Engineering	1,304.45
Weidman Minor Subdivision Escrow: Van Cleef Engineering (CAH)	3,246.05
NORCO Grant 2020 (COVID-19): municipal building purchases for employee protections	1,689.21
Dunkin Donuts Escrow: Van Cleef Engineering	284.00
Real Estate Account to Fire Tax Account: November (2) mill tax	71.80
Annual budget allocation to the Bangor public Library:	250.00
December 2020 payroll & Taxes, approximate	7,000.00
December 2020 WEX Sunoco Fleet Gas, approximate	300.00
<i>Correction: invoice from Van Cleef Engineering for Weidman</i>	<u>69,339.45</u>

*Minor Subdivision was Paid from the General Account. Bills presented  
total stay the same 1/4/2021 (CAH)*

Ms. Bucci questioned the Weidman Subdivision Escrow Account. Ms. Bucci replied that there should have been a larger dollar amount of initial funding

Mr. Godshalk questioned the sewer operation bills presented. Are the sewer bills paid from a separate account? Ms. Steele replied YES, except the breakdown of bills paid to Portland Contractors per the operator's contract with the Borough.

Back to Weidman Subdivision: Ms. Steele asked Solicitor Gaul if he would be presenting any more bills? Mr. Gaul replied that if there were any, they would be minimal and he would include them in the general matters billing; there are no agreements or financial security involved, this is a zoning issue.

Ms. Bucci replied there is already a \$246 shortfall. Mr. Bahnick was asked, and he estimated that another \$500 would most likely close out the subdivision. Solicitor Gaul recommended that \$1,000 should be sufficient.

Back to Sewer Operations:

Kay asked for an explanation of sewer operations on the bill list. Ms. Steele replied that the Portland Contractors bills are broken down but regular sewer bills such as payroll, vendor bills, etc., are paid from the sewer checking account.

A motion was made by Kay Bucci, 2<sup>nd</sup> by William Godshalk approving the treasurer's report and the bills presented for payment in the amount of \$69,339.45.

Roll call of votes,

YES: K. Bucci, R. Ivancich, W. Godshalk, S. Steele

Motion Carried 4-0-0

Bills Presented for payment to Portland Contractors Inc.:

- WWTP monthly services: 2,590.00

A motion was made by Stephanie Steele, 2<sup>nd</sup> by Robert Ivancich approving the bills presented for payment by Portland Contractors, Inc., in the amount of \$2,590.00.



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Roll call of votes,

YES: K. Bucci, R. Ivancich, S. Steele

ABSTAIN: W. Godshalk

Motion Carried 3-0-1

c) A motion was made by Kay Bucci, 2<sup>nd</sup> by William Godshalk authorizing the secretary to request another \$1,000 for the Weidman Subdivision Escrow Account.

Roll call of votes,

YES: K. Bucci, R. Ivancich, W. Godshalk, S. Steele

Motion Carried 4-0-0

Solicitor Gaul asked Ms. Hummel the cost of the Weidman Subdivision application fees. Ms. Hummel replied \$1,000 per lot or \$2,000 payable from Mr. Weidman because there are two (2) lots. Ms. Hummel stated that there will be more bills from the ZHB hearing. Solicitor Gaul stated that the application fee for a zoning appeal is a flat fee and does not get escrowed. The \$1,000 is a set fee and will not pay for certain engineering and attorney fees. Mr. Gaul stated that this is different than SALDO. Ms. Steele replied that unless the Council adjusts the application fees there could possibly be bills that the Borough would be responsible to pay. Solicitor Gaul agreed.

Public Comment:

Patrick McHugh, 405 Pennsylvania Avenue: Not present.

Mr. McHugh is requesting that Council waive the zoning permit fee for a shed installation. No discussion or action taken.

James Steele, Portland Hook & Ladder Co. #1: Local Shares Account (LSA) Grant

Two resolutions were presented for approval for LSA Grant submissions by the Borough on behalf of the Portland Hook & Ladder Co. #1, Resolution 2020-17 for submission to LSA of Monroe County and Resolution 2020-18 for submission to Lehigh-Northampton Counties. The original resolutions prepared by James Steele were returned for corrections and then reviewed and finalized by Solicitor Gaul. The \$100 application fee for each \$80,000 grant application has been paid by the Portland Hook & Ladder Co. #1.

Discussion: Councilwoman Bucci asked Mr. Steele if the original charter of the PH & Ladder Co. #1 has been amended to include water rescue. What is the equipment that you want to replace? Mr. Steele did not know if the charter had been amended; the grant is to replace the 1992 Suburban with a 2021 pickup truck. Ms. Bucci stated that after reading the corrected changes to the resolutions, prepared by Solicitor Gaul, she could not agree with the adoption of these resolutions. Councilwoman Bucci and Councilman Ivancich were not in favor; Councilman Godshalk was confused.



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No action was taken.

Sewer Matters and Borough Engineers Report: Mark Bahnick

Ultra-Poly Corp., Building Two Expansion, Sewer Standby Fees: David LaFiura, President

1. Mr. LaFiura asked if Council would consider waiving the sewer standby late and interest fees on Building Two Expansion, in the amounts of \$364.80 late fees and \$726.70 interest fees. The total standby fees to date total \$9,203.50. Mr. LaFiura apologized that the fees had not been paid. Mr. LaFiura explained that this is not like Ultra-Poly; it is partly due to COVID-19 and partly that Vice President John McCallum was taking care of this and has since retired. Mr. LaFiura stated that he is finally getting "up to speed on this".

Ms. Bucci and Ms. Steele asked if he has received any further correspondence from the sewer billing clerk. Mr. LaFiura replied not to his knowledge, but he is prepared to pay the \$8,112.00 which does not include the late fees and interest. Ms. Bucci asked Ms. Steele if this is setting a precedent; President Steele replied, YES and NO. Occasionally a sewer customer will request that fees be waived, and in the past Council has waived several, one-time only, with the understanding that fees will not be waived a second time.

Mr. Godshalk asked for an explanation of the reservation, tapping fees and standby fees; Ms. Steele explained the sequence of the fees until the certificate of occupancy is granted, then regular billing will occur based on the total number of EDU's.

Mr. LaFiura stated that he did not realize that they had to pay standby fees for sewer they were not using; the bill can be paid. They feel that they are paying quite a few fees.

No action was taken by Council to waive the late fees and interest charges. The total bill stands at \$9,203.50.

2. Proposed Preliminary Installation of Wash Line:

Mr. LaFiura explained the process of installing a wash line in their recycle process. The process washes commercial plastic scraps for recycling and uses and generates (15 EDU's) 13,000 gallons of water per day. The water is then treated and sent to the WWTP. Mr. LaFiura stated that Ultra-Poly met with and submitted a request to the sewer committee, so it made sense to bring the information before the entire Council for feedback.

Other issues are that there is no way to install the wash line on the main line and Ultra-Poly is looking for a way to do this; Mr. LaFiura would like to get off the residential user rate and get on an industrial user rate; Ms. Steele replied that updating the sewer ordinance concerning residential and industrial user rates was discussed previously.

Mr. Bahnick stated that there was a discussion with the sewer committee that if Ultra-Poly would move forward with the wash line project would Council consider supporting it. Is this something that Council would look in to? Ms. Bucci replied that her position was originally negative, but her position has changed, that Ultra-Poly has chosen Portland and that anything that the Borough can do to help, Ms. Bucci stated "I'm for". Mr. LaFiura was very appreciative of Ms. Bucci's comment. Council was polled and all agreed to support the project.



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Mr. LaFiura asked what information the Borough Council would need. Engineer Mark Bahnick asked that Mr. LaFiura confirm the type of post-consumer plastic and the process to wash that plastic; how do you plan to treat the wastewater. Mr. LaFiura replied that he will submit a packet to Council. Mr. Bahnick stated all would be better addressed by the sewer committee.

Mr. Bahnick stated that the Building Two Expansion is close to consideration for their Certificate of Occupancy. Mr. LaFiura stated that it looks like January 2021.

Borough Engineer Report:

Mr. Bahnick asked if Ms. Steele would like to address with Council the telephone conversation with the manager of UMBT.

President Steele reported that she received a telephone call from UMBT Manager Ed Nelson this past Friday concerning River Point Logistics (RPL). Mr. Nelson stated to Ms. Steele that she has been unresponsive to RPL and to a letter sent to her by UMBT Solicitor Ron Karasek. Ms. Steele stated during the conversation that she cannot respond to calls and letters that she has not received. Ms. Hummel stated that there had been no correspondence received to the Borough office. They also reached out to Mr. Bahnick several weeks ago.

Ms. Steele stated that she is frustrated with UMBT and RPL, concerning their approach to sewer service with Portland Borough for the Route 611 corridor and the developer RPL, both in UMBT. Ms. Steele reminded Mr. Nelson that developers must apply for sewer service through UMBT not Portland Borough. Ms. Steele stated that UMBT keeps wasting the Borough's time.

Ms. Bucci stated that UMBT has been wasting the Borough's time for thirty (30) years and would make the motion to discontinue sewer discussions with UMBT.

Solicitor Gaul replied, from a legal standpoint, that if the parties cannot work things out now the Borough will be in a legal entanglement for many years to come. Portland has sustained the initial brunt of building a wastewater treatment plant and Mr. Gaul is not sure what the benefit is to the Borough. The Council has carried out a huge project for a small Borough; maybe the Borough should not get involved.

Ms. Steele asked if the Borough should reply to UMBT. Mr. Bahnick replied not at this time; if the Borough receives a letter from Attorney Karasek, Council can consider whether to respond in writing.

Weidman Minor Subdivision:                      509-509 Delaware Avenue    Mark Bahnick, Engineer

There are three (3) issues with the subdivision that need a waiver from SALDO. The subdivision plan will go before the Zoning Hearing Board to be resolved before Council's approval.

- Mr. Bahnick left the meeting at 8:16 PM.

Zoning Officer Report:    Keller Zoning & Inspection Services

- None



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Zoning Hearing Board (ZHB):

- No hearings are scheduled at the present time.

UCC Building Code Inspectors Report: Keller Zoning & Inspection Services

- None

Planning Commission:

- None

Portland Borough Authority (PBA): Lance Prator, Chairman

a) On Wednesday or Thursday of this week, the water will be turned on at the Ultra-Poly Corp. Building Two Expansion for fire sprinkler tests. They are paid up to date with their tapping fees and water fees. Waiting on their CO.

b) Ms. Bucci asked if UMBT has agreed to plow the roads leading to the water wells. Mr. Prator replied that it magically appeared back on their winter maintenance agreement. The Laurel Hill Bridge to National Park will be repaired in May or June. A bridge was washed out on National Park Drive by a hurricane, but the PBA does not have the time to fix it now. It is a little difficult to get to the PBA well sites; it just takes a little longer.

Legal:

- None

Subdivision and Land Development:

a) A motion was made by Kay Bucci, 2<sup>nd</sup> by William Godshalk approving the extension of the Weidman Minor Subdivision Plan until June 1, 2021.

Roll call of votes,

YES: K. Bucci, R. Ivancich, W. Godshalk, S. Steele

Motion Carried 4-0-0

b) A motion was made by Kay Bucci, 2<sup>nd</sup> by Robert Ivancich to table the Weidman Minor Subdivision Plan until June 1, 2021 and to keep the subdivision on the monthly agenda for subsequent months until the extension expires.

Roll call of votes,

YES: K. Bucci, R. Ivancich, W. Godshalk, S. Steele

Motion Carried 4-0-0



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Community Development, Slate Belt COG & Grants:

- Mayor Prator attended the Virtual Zoom Meeting of the Slate Belt COG which was held on Wednesday November 18, 2020. There will be no meeting in December.

- Grants Update: Kay Bucci

Ms. Bucci reported that she contacted PA State Senator Mario Scavello asking him for support of the Borough's LSA Grant application for the demolition of the Portland Gymnasium and the water fountain for the municipal building.

Ms. Steele reported that Senator Scavello also called her acknowledging the State Route 1032 Bridge Project on State Street. He assured Ms. Steele that the project will continue, and that funding would be restored. Ms. Steele was told by Senator Scavello that the funding issue was "all politics".

Senator Scavello stated that he would try very hard to make sure that the Borough receives the LSA grant funding.

- A motion was made by Kay Bucci, 2<sup>nd</sup> by Robert Ivancich approving the Urban Research & Development Corporation (URDC) 2020 hourly rate schedule, which will be honored in 2021.
  - i. Professional I at \$105 per hour.
  - ii. Professional III at \$85 per hour.

Roll call of votes,

YES: K. Bucci, R. Ivancich, W. Godshalk, S. Steele

Motion Carried 4-0-0

Lower Delaware Wild & Scenic Management Council:

Ms. Bucci and Mayor Prator attended the Virtual Town Hall Meeting on Monday, November 30, 2020 at 7:00 PM. It was very interesting. There were no solutions. Each area/municipality will work on their own solutions for crowds, traffic, trash and overuse of the Delaware River due to the COVID-19 pandemic.

Community Events/Recreation Board:

a) The annual Tree Lighting Ceremony was held on Sunday, November 29, 2020 beginning at 7:00 PM. Approximately (100) people attended. A saxophone quartet from Delaware Gap provided Christmas music.

b) There will be no Cookies, Cocoa & Holiday Karaoke Event held inside this year due to the COVID-19 pandemic. The event will "go on the road" on December 20, 2020 from 6 to 8 PM.

Police Report:

a) The November 2020 police report was provided in writing by Chief Robert Mulligan,



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i. Mayor Prator reported that the police department will be investigating residents who are violating the Nuisance Ordinance by keeping a log, giving a warning, and tallying those that fail to comply.

Mayors Report:

a) Mayor Prator provided a detailed report to the secretary for the months of November and December 2020.

For the month of December:

- i. Attended the I-80 Rockwall elected officials meeting by NJ-DOT.
- ii. Reported on the investigation of the toll road monies.
- iii. Attended the NEPA Trail Summit and the Link Trail Meeting.

Streets: William Godshalk

a) A motion was made by William Godshalk, 2<sup>nd</sup> by Robert Ivancich authorizing the purchase of nine (9) full bunker concrete blocks, at the picked-up price of \$55 each or \$495 total, from Pocono Transcrete, Inc.

- i. Purchase is for an addition to the salt storage area to add storage capacity.

Roll call of votes,

YES: K. Bucci, R. Ivancich, W. Godshalk, S. Steele

Motion Carried 4-0-0

b) Mr. Godshalk reported that he met with Hallett Contractors concerning a quote for the repair of the storm drain grates. The repair will be done after Mr. Hallett removes the grates to his machine shop. Mr. Godshalk is waiting for the quote. There is no formal bidding under \$11,300.

c) Mr. Godshalk reported that the 2019 F-350 truck on order from Koch33 Ford is in and ready.

Discussion concerning the hire of Ian Kelton for snow removal services.

- i. an agreement for services is needed.
- ii. Mr. Godshalk replied that he has contractors on stand-by.
- iii. Portland needs to be listed as additional insured on the contractor's policy.

d) There is no rental cost up until December 31, 2020 for use of the Slate Belt COG's tar buggy. The cost of one (50) pound block of tar from the COG is \$75 and the Borough will purchase its own propane. An agreement is needed with the COG.

e) A motion was made by Kay Bucci, 2<sup>nd</sup> by Robert Ivancich authorizing Hallett Contractors to repair the storm drain grates, as identified by Mr. Godshalk, at the cost not to exceed \$8,000.

Roll call of votes,

YES: K. Bucci, R. Ivancich, W. Godshalk, S. Steele

Motion Carried 4-0-0



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f) A motion was made by William Godshalk, 2<sup>nd</sup> by Robert Ivancich authorizing the purchase of one (1) 50-pound block of tar and to enter into an agreement between the Borough of Portland and the Slate Belt COG for use of the COG's tar buggy.

Roll call of votes,

YES: K. Bucci, R. Ivancich, W. Godshalk, S. Steele

Motion Carried 4-0-0

g) A load of anti-skid will be ordered from R. W. Moyer; Mayor Prator will order a load of de-icing salt.

h) The maintenance man could use help with a bucket truck to change light bulbs. The secretary will contact East Bangor Borough for information on an agility agreement.

i) Since the backhoe is on site, rented by the Borough for the next three (3) months, the maintenance man suggested that the old concrete bathroom on the ball field could be torn down. No action taken.

Sanitation Committee:

- Solicitor Gaul wrote a formal letter of complaint to Tom Stang, Public Sector Solutions Manager, the Borough's garbage/trash collector, regarding the damage by their garbage truck's use of Division Street instead of Jim Gin Alley. Mr. Stang replied to Solicitor Gaul via email that he would take care of the matter immediately.

Building Committee:

- None

Budget, Finance, Insurance, & Cable TV Contract:

a) The Budget Committee is working on the 2021 insurance policy renewal: January 19, 2021 to January 19, 2022.

b) The secretary stated to Council that Ian Kelton, day laborer, hourly pay is currently \$11.00 per hour. Ms. Hummel stated that the prior maintenance laborer was paid \$11.50 per hour. A motion was made by William Godshalk, 2<sup>nd</sup> by Robert Ivancich increasing the hourly rate of Ian Kelton to \$11.50 per hour, effective immediately.

Ordinance Update Committee:

- None

Council, Policy & Procedure Committee:

- None



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Air Liquide Safety Committee:

A Virtual Meeting was held on November 4, 2020 at 6 PM. Ms. Bucci asked if Air Liquide was current on their water bill. Mayor Prator replied YES.

- i. There will be no meeting in December.
- ii, Air Liquide strives for safety.

Slate Belt Rising Committee (SBRC):                      Stephen Reider, Director/Stephanie Steele

a) Ms. Steele reported that there will be no meeting in December. This is the fifth (5) year, and they will continue to set up funding so that the committee can carry on another five (5) or six (6) years. The plan is to maintain the current funding and to pursue smaller businesses.

b) Executive Director Allan Jennings has announced his retirement from the Community Action Committee of the Lehigh Valley CACLV.

Liberty-Water Gap Trail Alliance:                      Cindy Fish

- Ms. Fish reported that the committee met on November 18, 2020 via Virtual Zoom. They will continue to meet via Zoom. There is no meeting for the month of December.
- The 2021 calendar will be mailed out shortly.
- The next meeting is January 15, 2021.

Correspondence:

- None

Secretary's Announcements:

- None

Old Business:

- None

New Business:

- None

Public Comment Non-Agenda:

A motion was made by Robert Ivancich, 2<sup>nd</sup> by William Godshalk authorizing the Streets Committee chair to hire contractors as needed on an emergency basis, and in conference with the Council President, subject to the contractor providing insurance coverage; not to exceed \$2,000 per storm; in the case of a snow blizzard an emergency Council Meeting will be called per telephone poll.



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Roll call of votes,

YES: K. Bucci, R. Ivancich, W. Godshalk, S. Steele

Motion Carried 4-0-0

Executive Session:

- None

Adjourn:

The next Council Meeting will be held on Monday, January 4, 2021 7:00 PM

A motion was made by Kay Bucci, 2<sup>nd</sup> by William Godshalk to adjourn the meeting at 9:22 PM.

Roll call of votes,

YES: K. Bucci, R. Ivancich, W. Godshalk, S. Steele

Motion Carried 4-0-0

Respectfully Submitted,

*Carol A. Hummel*

Carol A. Hummel, Secretary

