

BOROUGH OF PORTLAND
COUNCIL MEETING MAY 1, 2023

The Portland Borough Council regular meeting of May 1, 2023, was called to order at 7:00 PM by Stephanie Steele, President of Borough Council.

The meeting was held in-person at the Borough Hall Council Chambers.

Council Members Present for Call to Order:

Stephanie Steele Kay Bucci* Karen Pfeiffer* Patrick McHugh* Wendy Klug* Kyle Overfield*

- o Councilman Lance Prator was absent.

Others Present:

1. Michael Gaul, Solicitor: King, Spry
2. Mark Bahnick, Borough Engineer
3. Heather Fischer, Mayor
4. Carol Hummel, Borough Secretary
5. Michael Sullivan, WWTP
6. James Potter, Vice Chairman, PBA
6. Cindy Fish, Liberty-Water Gap Alliance

Approval of the Agenda and any Amendments:

A motion was made by Patrick McHugh, 2nd by Kyle Overfield to approve the posted agenda with three amendments.

Amended to Add:

- a) WWTP, Purchase of new computer and software: verbal estimate \$14,000
- b) WWTP, to make on-site visit to Borough: Michael Gerardi & Assoc. \$3,000
- c) Sanitation Committee: Clarification by Councilwoman Klug, Line item #23.
 - o maintenance staffing: does not belong under the Sanitation Committee
 - o committee assignments does not belong under the Sanitation Committee

The reason for the amendments was to allow expedient action by Borough Council. Motion carried 6-0-0.

Announcement of Recording:

The meeting is being digitally recorded by the Secretary for assistance in preparation of the minutes.

Is there anyone in the audience who plans to record the meeting? None.

- o Mayor Fischer stated that she is recording the Council meeting (for personal use and not as an official Borough record).

Editor's note: Recording of the meeting by the Mayor, 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.

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Draft Tree Ordinance 2023-3:

Solicitor Gaul

The draft tree ordinance is modeled after Bangor Borough Ordinance 998, Section 12, Maintenance of Trees and Shrubs. Solicitor Gaul reviewed the draft ordinance with Council and explained the trimming, removal and requirements.

1) Discussion:

- Who enforces the ordinance? The code enforcement Officer and Borough Mayor, as explained in line item (3), on page (2).
- Borough Right-Of-Way: Line item (1), page (2), property owner is responsible for tree limbs, branches that stand on private property and project over or into a public walkway, sidewalk, street or highway.
- Tree Trimming by Borough: Line item (2), page (2), property owner refuses to trim tree or shrub, the Borough may after notification in writing to the property owner, cause such trimming to be done by the Borough at the expense of the property owner. Mr. McHugh was concerned that the property owner may refuse to pay the Borough. Ms. Pfeiffer replied that an added 10% penalty would apply along with a municipal property lien.
- Ms. Bucci commented concerning the cost paid by the Borough for (4) four hours tree trimming work done by Filo's Tree Service, in the amount of \$800. Ms. Steele replied that the next tree trimming proposal should be clarified before approval.

A motion was made by Karen Pfeiffer, 2nd by Wendy Klug authorizing Solicitor Gaul to advertise the draft ordinance in the Pocono Record publication. Motion carried 6-0-0.

Action on Minutes:

A motion was made by Kay Bucci, 2nd by Karen Pfeiffer approving the minutes of the Regular Council Meeting of April 3, 2023, as presented. Motion carried 6-0-0.

Secretary/Treasurer's Report:

Carol Hummel

Bills Presented for Payment:

1) Approve the April 2023 Financial Report, the bills presented for payment in the amounts of:

Borough Operations & Borough Operations Already Paid	27,048.55
Sewer Operations & Sewer Operations Already Paid	21,389.18
Portland Contractors, Inc. - WWTP monthly services	2,800.00
Garbage Operations & Garbage Operations Already Paid	4,916.24
Real Estate Tax Acct: overpayment:s	3,121.98
Slate Hills Enterprises Escrow: close account	5.55
Portland Community Events Acct: Easter supplies	60.00
Real Estate Tax Acct. to Fire Tax Acct - March	21,398.68
Real Estate Tax Acct. to Fire Tax Acct - April	365.18
May payroll & taxes, approximate:	6,000.00
May Sunoco Fleet Gas, approximate:	150.00
MINUS Mt. Bethel Hardware invoice on bill list twice:	11.98
	\$ 87,243.38

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A motion was made by Patrick McHugh, 2nd by Karen Pfeiffer approving the financial report as presented and the bills presented for payment, in the amount of \$ 87,243.38. Motion carried 6-0-0.

b) A motion was made by Kay Bucci, 2nd by Kyle Overfield authorizing the payment of \$ 20,000 from the Fire Tax Account to KS State Bank for the Borough's portion of the Portland Hook & Ladder Co. # 1 loan contract purchase of their 2015 Emergency One Typhoon Rescue Pumper. Motion carried 6-0-0.

c) A motion was made by Kay Bucci, 2nd by Patrick McHugh authorizing payment of the 2023 budget allocation of \$ 7,000 to the Portland Hook & Ladder Co. # 1, from the Local Service Tax Account. (LST). Motion carried 6-0-0.

Public Comment: Time Allotted – (5) minutes per person

Jessica Logan, Paul Villano: 533 Delaware Avenue, shut-off notice

Ms. Logan and Mr. Villano were not present. A letter of correspondence was addressed to Portland Borough Council concerning their delinquent sewer account. The letter stated that they are experiencing a financial hardship due to health related issues and are requesting a payment plan.

Discussion:

Ms. Pfeiffer asked what has been the past practice of Borough Council. President Steele replied, "extending the deadline to pay the over (30) days delinquent amount if this is the property owner's first time request ". Ms. Steele stated that the property owners have made (2) two payments on the account the week of April 24th. Ms. Pfeiffer was in agreement to extend the deadline set by Borough Council.

A motion was made by Patrick McHugh, 2nd by Wendy Klug that no extension be granted. Motion failed 2-4-0.

Yes: McHugh, Klug

No: Steele, Bucci, Overfield, Pfeiffer

- o Mr. Potter commented that the PBA offers a \$50 minimum monthly payment plan.

A motion was made by Karen Pfeiffer, 2nd by Kay Bucci authorizing a one-time extension to pay the over (30) days delinquent amount of \$215.20 by May 15, 2023 or water shut-off will occur on May 16, 2023. Motion carried 6-0-0.

Executive Session:

A motion was made by Patrick McHugh, 2nd by Wendy Klug to convene to Executive Session at 7:50 PM. Motion carried 6-0-0.

Discussion: Legal matters with Solicitor Gaul.

A motion was made by Karen Pfeiffer, 2nd by Kyle Overfield to reconvene from Executive Session at 8:12 PM. Motion carried 6-0-0.

Action Taken:

1. A motion was made by Patrick McHugh, 2nd by Karen Pfeiffer authorizing the acceptance of the proposal presented by

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L. Marki & Son, Inc., in the amount of \$ 7,870, for sewer line excavation at the Park & Walk Lot, with discretion to the Sewer Committee to implement as it deems expedient, conditioned upon Marki providing satisfactory general liability insurance, naming the Borough as additional insured, and proof of workers' compensation insurance. Motion carried 6-0-0.

2. A motion was made by Patrick McHugh, 2nd by Karen Pfeiffer authorizing Michael Gerardi & Assoc, LLC to provide an on-site estimate for a new computer system and software for the Wastewater Treatment Plant, in the amount not to exceed \$ 3,000, with discretion to the Sewer Committee to implement as it deems expedient. Motion carried 6-0-0.

Sewer Matters & Borough Engineers Report: Mark Bahnick, Van Cleef Engineering Associates

1. Sewer Shut Offs: None

2. Engineer's Report: Van Cleef Engineering Associates, Mark Bahnick

Mr. Bahnick presented to Council written correspondence, dated May 1, 2023, from Ms. Christine Troxell, CDR Maguire Engineering, the Borough's traffic engineer. A copy of the correspondence was also contained in the Borough Council's meeting packet.

Ms. Troxell provided response comments to Highway Occupancy Permit (HOP) Application # 251177 for the New Demi Road Planned Industrial Park Building Development, i.e., 303 Demi Road. Mr. Bahnick reviewed the TIA and HOP comments with Borough Council, including.

- The Borough is very concerned about the proposed magnitude of traffic with this cumulative development and its ability to obtain improvements at this intersection and the surrounding area after the HOP is issued.
- There is no mechanism in place to ensure that the necessary improvements for the master development plan are completed before development occurs. Before executing the form M-950AA or relinquishing any required ROW, the Borough needs a guarantee that the required infrastructure improvements will be made before developments are occupied and generating traffic.
- A legal agreement and/or security are required to ensure the necessary improvements are made prior to occupancy of additional development.

A motion was made by Patrick McHugh, 2nd by Karen Pfeiffer approving the draft review of the traffic engineer, and authorizing Christine Troxell, CDR Maguire, to forward the correspondence to PennDOT. Motion carried 6-0-0

3. Subdivision and Land Development:

RPL East, LLC, Plans Extension:

Correspondence was received from RPL East, LLC. Louis Pektor, President, Developer, Landowner, granting the Borough an extension of the time to review the developer's a) Proposed Subdivision Plan and b) Planned Industrial Park through September 4, 2023.

A motion was made by Patrick McHugh, 2nd by Kay Bucci to accept the extension offered by RPL East, LLC with regards to a) RPL East, LLC Proposed Subdivision Plan and b) RPL East, LLC Proposed Planned Industrial Park through September 4, 2023. Motion carried 6-0-0.

4. Report from Sewer Committee regarding inspections:

- None

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5. WWTP, Declaration of Emergency and Purchase of new Computer System and Software:

The WWTP Operator informed President Steele that the computer system has not been running properly. The computer and software went down, which means the operator cannot control the plant. The system was evaluated and is currently "limping along", but there are no guarantees how long the system will continue to operate. Ms. Steele stated that the WWTP has been up and running with the current computer system for (15) years. This leaves the Borough in a bad situation. A decision needs to be made or the Borough will have a non-operating sewer plant. The plant operator has obtained a rough quote from Innovative Control Systems (ICS) of \$14,000 for equipment and services. ICS provided the original programming and computer equipment for the plant. President Steele noted that the proposal of \$14,000 is over the bidding requirement threshold. Almost all of the work constitutes programming, however, and only a small portion represents purchase of actual equipment.

- o Councilwoman Pfeiffer exited the meeting at 8:42 PM
- o Councilwoman Pfeiffer reentered the meeting at 8:45 PM.

Solicitor Gaul stated the Borough could declare an emergency. A motion was made by Patrick McHugh, 2nd by Karen Pfeiffer declaring an emergency due to the loss of operation control at the WWTP. Motion carried 6-0-0.

A motion was made by Patrick McHugh, 2nd by Karen Pfeiffer authorizing Borough Council to contract with Innovative Control Solutions (ICS) at the cost not to exceed \$14,000 for the necessary replacement computer equipment and programming, subject to ICS providing proof of Workers' Compensation insurance and satisfactory general liability coverage, naming the Borough as an additional insured. Motion carried 6-0-0.

- o Mr. Bahnick left the meeting at 8:48 PM.

Monthly Sewer Rates:

Discussed was a possible increase of the monthly sewer rate, in the amount of \$10.00. No action was taken.

- o Mayor Fischer exited the meeting at 8:50 PM.

President Steele stated that the Sewer Account may need to borrow funds from the Borough General Account.

- o Mayor Fischer reentered the meeting at 8:53 PM.

Question: Ms. Klug asked if there were any monies set aside in the budget instead of declaring an emergency. Solicitor Gaul explained the budgeting process.

Streets Committee:

- o The committee met on April 20, 2023.

a) Purchase a (12) foot ladder to install and remove the Christmas decorations.

Ms. Steele replied that the decorations cannot be installed and removed by (1) person. Portland Hook & Ladder Fire Co. #1 is not always available; the Fire Chief suggested a scaffold. No action was taken.

b) Discussed the need for a Robo Calling System since the PBA has ended their service with SwiftReach.

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c) A motion was made by Patrick McHugh, 2nd by Wendy Klug to advertise for a maintenance worker at the cost of \$25 per hour up to (20) hours per week.

Discussion:

- Ms. Steele replied that the street committee was to provide a budget.
- Cindy Fish, from the audience: Isn't the rate high? Mr. McHugh stated "that's reality".
- Solicitor Gaul questioned "how will this impact the Budget?" Solicitor Gaul explained excess funds and how they are applied to the budget.

By consensus of Council the motion was tabled until later in the meeting.

- Ms. Pfeiffer exited the meeting at 9:18 PM.
- Ms. Pfeiffer reentered the meeting at 9:19 PM.

d) Crack sealing of various streets will be scheduled for the fall season.

e) Met with Jim Potter to review the drainage issues on Crestmont Street. Mr. Potter is willing to try and clean the drain and will schedule the clean-out with the maintenance laborer, Fred Farleigh. Mr. Potter requested use of the street sweeper's suction hoses for dirt removal.

- Solicitor Gaul exited the meeting at 9:24 PM.

f) Weekly street meetings have been changed to Fridays beginning June.

- Solicitor Gaul reentered the meeting at 9:26 PM.

Zoning Officer Report/BCO Official: Keller Zoning & Inspection Services, Tina Serfass

a) The January through April 2023 report was provided in the Council packet.

b) 104 Main Street: Fuhrer's Tavern & Grill

Ms. Steele reported on the permit application of Fuhrer's Tavern & Grill, concerning the former Duckloe Furniture Sign located on land along Route 611, Delaware Avenue, adjacent to the Delaware River Portland Walk Bridge. After researching the former permit application of Mr. Duckloe, the BCO, Tina Serfass, reported to Ms. Steele that the property where the sign is installed is not within the boundary of the Borough of Portland but part of Upper Mount Bethel Township. The property comprises (15) acres and begins at the Slateford Bridge, traverses along SR 611, and ends at the Portland Walk Bridge.

UCC Officer Report:

- Listed on the report:

403 Delaware Avenue: Demo Permit, interior walls and floors.
427 Delaware Avenue: Demo Permit, interior walls and floors.

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Zoning Hearing Board (ZHB):

Slate Hills Enterprises

- None

Planning Commission:

- None

Portland Borough Authority (PBA):

Jim Potter, ViceChairman

A request was made by Mr. Potter for rental of the Borough Backhoe by the Authority on an as needed basis. A motion was made by Patrick McHugh, 2nd by Wendy Klug authorizing a Memorandum of Understanding (MOU), between the Borough of Portland and the Portland Borough Authority (PBA), satisfactory to the Borough Solicitor, whereby the PBA would pay a daily rate of \$250 per day and return the backhoe with the same amount of fuel as it had prior to its use by the PBA. Motion carried 6-0-0.

Legal:

Michael Gaul, Solicitor

- None

Community Development, Slate Belt COG & Grants:

1. Slate Belt COG:

Lance Prator, Chairman

- a) The Slate Belt COG met on April 26, 2023. The next meeting is scheduled for May 24, 2023.
- b) Mayor Fischer is no longer available to continue as the alternate representative.

A motion was made by Kay Bucci, 2nd by Karen Pfeiffer appointing Wendy Klug and Patrick McHugh as the alternates. Motion carried 6-0-0.

- The secretary will notify the COG of the new alternates.

2. Recreation Board:

- The Recreation Board is not active.

3. Community Events:

- a) The Community Yard Sale event will be held on Memorial Day week-end, May 26 through May 28, 2023.
- b) The next meeting will be held on Sunday, May 7, 2023, at 7 PM.
- c) The annual Easter Egg Hunt, which was held on Saturday, April 8, 2023, was a success with a good turnout.

4. Master Plan DCNR Grant for Recreation:

URDC

- None

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Police Report:

- The police report for the month of April 2023 was provided in writing by Chief Mulligan.

Mayor's Report:

- Worked with Dunkin Donuts and the manager to respond to a negative media post from a former employee.
- Worked with Bangor Borough Manager, Stephen Reider and Slate Belt Rising Director, Brian Fenstermaker for assistance with filing the Northampton County DCED Hotel Tax Grant application for Portland Founder's Day in October.
- Set up a raffle with a \$100 Amazon gift card given to Mayor Fischer at the Mayor's Reception. Almost (75) entries to date.
- A successful first-time event, "Glow in the Dark Egg Hunt". PA State Representative Ann Flood and family participated with her family.
- Officer Milkovits and Officer Howe to begin working in the Borough this week or next.

Sanitation Committee Report:

Wendy Klug

Ms. Klug reported that "Business A" complained that "Business B" is setting out business garbage as residential trash. Business A contracts with a commercial dumpster, Business B does not. Solicitor Gaul replied that business garbage cannot be set out as residential. Solicitor Gaul stated that Business B should be sent a letter. Ms. Steele replied that the last time a letter was sent was to the Motorcycle Club. Ms. Klug stated that Business B should be contracted with a commercial dumpster.

Ms. Hummel stated that the public trash receptacle located at Main Street and Delaware Avenue is filled with tenant garbage from 503-505 Delaware Avenue. The maintenance laborer forwarded email pictures today to the Borough which was then forwarded to Ms. Klug. Ms. Steele stated that both tenant and landlord should receive a letter. Ms. Klug replied that the ordinance states that no one else is to investigate someone else's garbage. Solicitor Gaul replied that garbage set out on the street for pick-up is abandoned property; the situation may be investigated.

Ms. Bucci asked if this was a recent garbage issue. Ms. Hummel replied no, this is happening every week. Ms. Steele stated that the landlord pays for garbage collection for 503 Delaware Avenue.

Back to Business A and Business B:

A motion was made by Wendy Klug, 2nd by Patrick McHugh authorizing a letter of correspondence to Business B to provide Borough Council with proof of a commercial vendor contract within (30) days. Motion carried 6-0-0.

Back to 503-505 Delaware Avenue:

A letter should be sent to the landlord and the tenant that residential/household garbage is not to be deposited into the Borough's public garbage receptacle at Main Street and Delaware Avenue. Solicitor Gaul stated that no motion is needed. A notice will suffice.

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306 State Street:

Ms. Steele reported that 306 State Street is a commercial property. The owner has been setting out garbage as residential without paying a garbage fee. Waste Management has been picking up the garbage. There is no water or sewer service to the property. The Council agreed by consensus, the billing clerk should send a garbage bill to 306 State Street.

- Solicitor Gaul exited the meeting at 10:13 PM.
- Solicitor Gaul reentered the meeting at 10:14 PM.

Committee Assignments:

Wendy Klug requested that she be moved from the Ordinance Update Committee to the Building Committee. Ms. Klug stated that she spoke with Councilman Overfield who was agreeable. Ms. Steele replied that as Council President she assigns the committee positions. Ms. Klug questioned the criteria for the committee positions. Ms. Steele replied personalities, time spent on Council; it is hard since many new Council members have recently been appointed. Ms. Steele stated she would think about it and leave the assignments stand as they are.

Ms. Klug stated, in her opinion, that she would be beneficial to the Building Committee. Ms. Steele asked if Ms. Klug would like to have a vote on the election of a new Council President. Ms. Klug stated that she did not agree with making a decision based on personalities as opposed to experience, i.e., Ms. Klug's renovation of the former Presbyterian Church Building into a family residence which is located on Pennsylvania Avenue in the Borough. Ms. Klug stated that she is a perfect match for the Building Committee.

Ms. Bucci stated that the committees have been assigned. Reorganization of Council will take place in (6) months. Solicitor Gaul stated that the point of the matter is that Council is out of order, and this has nothing to do with sanitation committee. Patrick McHugh commented about making a motion to move Council members from one committee to the other. Solicitor Gaul replied, the President of Council customarily assigns the committees. Solicitor Gaul replied that this conversation has nothing to do with a motion. If you do not agree, you can make a motion to remove the President.

Building Committee: Kay Bucci

a) Ms. Bucci reported that the facade improvements have been cancelled for the municipal building. StoneCraft is preparing their 2023 schedule. There is no possibility for the Borough to move forward. The scope of work and a budget has to be developed.

b) There has been no report presented from the architect on the assessment of the handicapped ramp.

Budget, Finance, Insurance, & Cable TV Contract:

Patrick McHugh commented on the spreadsheet that he sent to Council concerning ideas and thoughts moving forward for the rehabilitation of the municipal building.

Ordinance Update Committee:

- None. To be removed from the agenda going forward.

Council Policy & Procedure Committee:

- None. To be removed from the agenda going forward.

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Air Liquide Safety Committee:

- The committee meets the second Wednesday of the month.

Slate Belt Rising Committee (SBRC): Stephanie Steele

The committee meets the second Thursday of the month at 9:00 AM via Zoom communications.

Plan Slate Belt Steering Committee: Stephanie Steele

1. The May 4th meeting will be held at the Wm. Pensyl Social Hall, Portland, PA.

2. Discuss Council inquiry by LVPC:

Becky Bradley, Executive Director of the LVPC, inquired to Ms. Steele regarding the Borough Council's decision to cease participation in the Plan Slate Belt Steering Committee and for Borough Council to not adopt the final draft plan. Solicitor Gaul stated that at Ms. Bradley's request he had spoken with her about her concerns that Portland Borough would lose possible planning and grant opportunities if the Borough did not participate in the regional comprehensive plan. Ms. Bradley stated to Ms. Steele that she would like to meet with Borough Council. No action was taken.

3. The Plan Slate Belt Steering Committee is to be removed from the agenda moving forward.

Liberty-Water Gap Trail Alliance: Cindy Fish

The Alliance meets quarterly and met on April 26, 2023, at the Portland Municipal Building's Council Room at 5:30 PM.

- Because Portland is the last municipality in Northampton County before entering Monroe County, the Alliance keeps Portland informed of their activity.
- Portland is included on the 911 Trail mapping. The Alliance is working on trying to include Portland as a Trail Town for the 911 Trail mapping.
- The 911 Trail will be donating to Portland a bicycle rack and bicycle repair rack. A motion to accept the donation was made by Patrick McHugh, 2nd by Kay Bucci. Motion carried 6-0-0.
- Ms. Bucci commented that the Master Plan Grant for Recreation has an element of recreation trails.

Correspondence:

From the Mt. Bethel-Portland Memorial Post 216 requesting the Council's presence at the annual Memorial Day service to be held at the Riverview Cemetery, Delaware Avenue, Portland on May 29, 2023, at 11AM.

Secretary's Announcements:

- A reminder from the Secretary that the agenda closes at 5 PM, the Wednesday before the Monday Council meeting.
- A reminder that the Primary Election will be held Tuesday, May 16, 2023, at the Portland Hook & Ladder Engine House. 392 Delaware Avenue. Hours 7 AM to 8 PM.

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Old Business:

a) Raleigh's Outdoor Décor:

- o None

b) PA State Representative, Ann Flood, 138th Legislative District:

Meet & Greet with PA State Representative Ann Flood has been tabled until further notice.

New Business:

a) Park & Ride Lot:

Mayor Fischer was contacted by Edge of the Woods Outfitters, Delaware Water Gap, PA concerning week-end use of the Park & Ride Lot on Delaware Avenue for drop-off and pick-up of Delaware River boaters. Solicitor Gaul reminded Council that the parking lot was funded by the DRJTBC as a public parking lot. He recommended that the Council first investigate the current usage of the Park & Ride, and the outfitters' needs, before taking possible further action.

Public Non-Agenda:

- o None

Executive Session:

A motion was made by Patrick McHugh, 2nd by Karen Pfeiffer to convene to Executive Session at 10:46 PM. Motion carried 5-1-0. (Kay Bucci opposed)

- o Kay Bucci exited the meeting at 10:47 PM.

Discussion: Personnel

A motion was made by Patrick McHugh, 2nd by Karen Pfeiffer to reconvene from Executive Session at 11:02 PM. Motion carried 5-0-0.

Action Taken:

A motion was made by Patrick McHugh, 2nd by Karen Pfeiffer to advertise for a maintenance worker for the street department, up to \$25 per hour for up to (20) hours per work week. Motion carried 4-1-0. (Stephanie Steele voted no)

Adjourn:

- o The Fourth Monday meeting of the Portland Borough Council will be held on Monday, May 22, 2023, at 7:00 PM, unless cancelled by President Steele.
- o The Portland Borough Council's first meeting in June will be held on Monday, June 5, 2023, at 7 PM.
- o A motion to adjourn the meeting at 11:03 PM was made by Patrick McHugh, 2nd by Karen Pfeiffer. Motion carried 5-0-0.

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Respectfully Submitted,

Carol A. Hummel

Carol A. Hummel, Secretary