

BOROUGH OF PORTLAND COUNCIL MEETING
FEBRUARY 20, 2023

The Portland Borough Council Special meeting of February 20, 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* Patrick McHugh* Karen Pfeiffer* Wendy Klug* Kyle Overfield* Lance Prator*

Others Present:

1. Michael Gaul, Solicitor
2. Mark Bahnick, Borough Engineer
3. Heather Fischer, Mayor
4. Craig LaBarre, Portland Contractor's Inc., WWTP Operator
5. Michael Sullivan, Portland Contractor's Inc., WWTP Operator
6. Tina Serfass, Zoning Officer-BCO
7. Carol Hummel, Borough Secretary
8. Residents & Concerned Citizens

Approval of the Agenda and any Amendments:

A motion was made by Lance Prator, 2nd by Kay Bucci approving the agenda as presented.

Announcement of Recording:

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

Council President inquired whether anyone in the audience plans to record the meeting. There was one, Mark Metzgar, resident of UMBT. There were no objections.

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

None

General Discussion:

Solicitor Gaul stated if any Borough representative needs to report to Council any of the specifics of the investigation of the WWTP, Council may convene to executive session to hear the reports.

President Steele began by explaining that the meeting was called because of issues at the WWTP that have been on-going for four (4) or five (5) months. The plant is out of compliance with state and federal regulators and is at a critical state. The problems are foreign matter, grease, and excessive flows. The Sewer Ordinance states that Borough inspections may be done by Borough representatives. In order for the WWTP to function properly, the Borough will do research, testing, and business education. Protocol for sewer inspectors and an appointment will be discussed.

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Solicitor Gaul stated the reason for the telephone calls to residents and businesses is that residents should be cautious what they put down the drain because everything that goes down the drain goes to the WWTP.

A resident asked about kitchen grease and what could be put down the drain. The WWTP Operator, Craig LaBarre, replied that grease is detrimental to the sewer plant and the membranes. The Borough has a membrane plant. Membrane plants are very technical and expensive.

Councilman Prator provided an ordinance and draft maintenance agreement from a Lehigh County municipality pertaining to grease traps. The municipality's ordinance requires grease traps to be inspected twice a year at a cost of \$100 per inspection.

A motion was made by Lance Prator to appoint Portland Contractors as the Borough's Sewer Inspector. No action taken.

Councilwoman Bucci stated that there are serious consequences for someone who is intentionally contaminating the WWTP, fines, costs to repair, and even jail time.

Ms. Pfeiffer asked if fines are in the ordinance. Yes, stated Solicitor Gaul. Ms. Pfeiffer continued that the public should be educated on the costs and repair of damages.

Councilman Patrick McHugh: Are their specific sites? Reply, all residences need inspection, but non-residential inspections should be done first.

Appointment of Sanitary Sewer Inspector:

A mailing was discussed to all commercial and residential sewer customers who would be contacted by the inspectors for an appointment. Solicitor Gaul stated that the inspector must be certified by the State of Pennsylvania.

Solicitor Gaul reviewed the Borough's WWTP Operators Contract, Portland Contractors, Inc., for the cost of compensation. The 2023 rate for non-regular work is Certified Operator/Labor at \$71 per hour. Mechanical Rate/Project Manager at \$100 per hour. Craig LaBarre confirmed that the inspection rates would be done at those rates.

A motion was made by Lance Prator, 2nd by Patrick McHugh appointing Portland Contractors, Inc. as General Inspector for purposes of inspection of Borough properties for compliance with the Borough's Sewer System Rules and Regulations.

Question: Solicitor Gaul asked Mr. LaBarre who from Portland Contractor's would be the named sewer inspectors. Mr. LaBarre replied, himself and Michael Sullivan.

The motion was amended by Prator, 2nd by McHugh to appoint Portland Contractors, Inc. and its representatives Craig LaBarre and Michael Sullivan, as Sewer Inspectors for purposes of inspection of Borough properties for compliance with the Borough's Sewer System Rules and Regulations and be compensated per the existing WWTP Operators Contract. Motion carried 7-0-0.

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Councilwoman Bucci read Article 14.14 from the Borough's Sewer System Rules and Regulations "anyone who discharges industrial waste or prohibited waste into the Borough Sewer System or any other waste that is detrimental to the system or causes damage to the system, shall be responsible for all damages caused such discharge".

A letter will be prepared by Solicitor Gaul for mailing to all Borough property owners, and tenants, advising them that the Borough would be implementing a Borough Sewer Inspection Program. Sewer inspections will begin with commercial properties. The sewer inspector will contact the property owner, tenant, for a time to set up the inspection,

If a property owner/tenant denies access for the inspection the Borough will be able to secure an administrative search warrant from the District Court Judge for access.

Portland Contractors. Inc. will provide a written report of inspections to Borough Council.

Public Non-Agenda:

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Executive Session:

A motion was made by Lance Prator, 2nd by Patrick McHugh to convene to executive session for personnel issue at 6:47 PM. Motion carried 7-0-0.

Discussion: Personnel

A motion was made by Lance Prator, 2nd by Kay Bucci to reconvene from executive session at 6:56 PM. Motion carried 7-0-0.

Action Taken: None

Adjournment:

A motion was made by Patrick McHugh, 2nd by Lance Prator to adjourn the meeting at 6:57 PM. Motion carried 7-0-0.

Respectfully Submitted,

Carol A. Hummel
Carol A. Hummel, Secretary