

BOROUGH OF SLATINGTON

The Regular Meeting of Council was held on Monday, July 12, 2010 at 7:00 P.M. in Council Chambers, 125 S. Walnut Street, Slatington, PA 18080.

Presiding: Galen L. Freed, President of Council.

Recording Secretary: Stephen R. Salvesen.

The meeting was called to order by Vice- President Reed at 7:05 P.M. with the following in attendance:

ROLL CALL:

<u>PRESENT</u>	<u>ABSENT</u>	<u>OTHERS PRESENT</u>	<u>VISITORS</u>
Galen Freed (7:09)	None	Mayor Niedermeyer	Mel Gildner Robert Wenz
Kris Burek		Chief Rachman	Chad Trego Carol Gildner
Bryon Reed		Ed Healy	Melissa Jordan Susan Schneck
Daniel Stevens		Ted Stevenson	Clem Reed Ed Ziegler
Eldon Roberts			Robert Stettner Ira Fine
Paul Hoffman			George Moyer Katherine Moyer
Russell Hallman			Bekki Baumann Glen Handwerk

MINUTES OF PREVIOUS MEETINGS

Councilman Hoffman made a motion seconded by Councilman Stevens to approve the Council Meeting Minutes of June 12, and the Workshop Meeting Minutes of June 21 and June 28, 2010. Councilman Stevens asked that the minutes on the June 21st Workshop Meeting be corrected to reflect proper values of the PENNVEST loan for \$2.3 million dollars at 1% interest and that the \$4.7 million dollars was a grant not a loan. President Freed noted the changes and declared the motion passed following a Voice Vote of 6-0.

President Freed assumed the Chair at 7:09 A.M.

COURTESY OF THE FOOR (Agenda items only)

Ronald Wenz 18 N. Street – He requested Council to approve the use of Borough property where his small garden is planted.

Glen Handwerk – 24 N. Street – He requested Council’s approval to continue to allow him to park his vehicle to the rear of his property on Borough owned land. President Freed asked if the unregistered/unlicensed trailer was still there, and Mr. Wenz told Council that it had been moved.

REPORTS

The reports of various committees, officials and officers are on file in Borough Hall and are available for public inspection.

APPROVAL OF ACCOUNTS PAYABLE/TRANSFERS

Councilman Hoffman made a motion seconded by Councilman Stevens that Council authorize payment of the bills and transfers as presented by the Treasurer. President Freed declared the motion passed following a Roll Call, voting as follows:

ROLL CALL	<u>AYES</u>	<u>NAYS</u>
Daniel Stevens	Eldon Roberts	None
Paul Hoffman	Bryon Reed	
Galen Freed	Kris Burek	
Russell Hallman		

MAYOR'S/POLICE CHIEF'S REMARKS

Mayor Niedermeyer reported that he participated in the Four County Fireman's Parade. He swore in Jeremy Fischer as a Slatington Part-Time Police Officer after Council's approval on June 14, 2010. In addition, he worked with the chief on various citizens' complaints. Chief Rachman reported that the Four County Fireman's Parade was very successful and went off without incident. The department answered many complaints on the Fourth of July about fireworks and illegal fireworks were confiscated.

President Freed announced that he was changing the agenda and placing Public Safety first and asked Councilman Hoffman to proceed accordingly.

STANDING COMMITTEES

A. Public Safety

- 1. ACO RESIGNATION LETTER - Councilman Hoffman noted that he and other members of Council had received an e-mail from Officer Buglio apologizing and stating that due to a work schedule conflict, he could not attend the meeting. Councilman Hoffman stated that he did not believe that we needed a letter of resignation since Officer Buglio had resigned his position in an e-mail to Manager Salvesen on May 25, 2010. Councilman Hoffman made a motion seconded by Councilman Burek that Council accepts the resignation of Officer Buglio as ACO of Slatington Borough effective May 31, 2010. President Freed announced that the motion failed following a Roll Call, voting as follows:

ROLL CALL	<u>AYES</u>	<u>NAYS</u>
	Paul Hoffman Kris Burek	Daniel Stevens Eldon Roberts Bryon Reed Russell Hallman Galen Freed

Councilman Hallman continued the discussion on the reasons for Officer Buglio's resignation. He was troubled that Councilman seemed to have written a threatening letter to Peaceable Kingdom pertaining to a rabies certificate issued by Peaceable Kingdom for Councilman Burek's cats on Borough letterhead without prior knowledge or permission of Council. Councilman Burek produced the letter she had written which was then read by Attorney Healy out loud. He also read the hand written response from Liz Jones on the Burek letter. Councilman Hallman wanted to know if Council had any options available to it and was there any criminal action. Attorney Healy noted for the record that this was the first time that he had seen the letter in question and wanted to think about it. Councilman Hallman asked if we can petition the County Court to remove Councilman Burek for these actions. Attorney Healy responded that the law had changed on the removal of a sitting municipal official and removal procedures could only be initiated by the State Legislature.

- 2. ACO PROCEDURES - Councilman Hoffman made a motion, seconded by Councilman Stevens that Council adopt the Animal Control Officer Procedures as presented. President Freed declared the motion passed following a Roll Call, voting as follows:

ROLL CALL	<u>AYES</u>	<u>NAYS</u>
	Eldon Roberts Galen Freed	None
	Daniel Stevens Paul Hoffman	
	Kris Burek Bryon Reed	
	Russell Hallman	

3. APPOINTMENT OF A TEMPORARY SGT. - Councilman Hoffman read a letter from the Police Union that stated that they did not believe that the appointment would be a grievable position. Councilman Hoffman made a motion seconded by Councilman Burek that Officer Salvatore Taibi be appointed as Temporary Sergeant in the Slatington Police Department with a raise of 3.5% salary, until such time as Sergeant Burke returns from military service and is ready to assume his duties as Sergeant. At that time, Officer Taibi will return to the status of Patrolman, and his salary will be reduced by 3.5%. President Freed declared the motion passed following a Roll Call, voting as follows:

ROLL CALL	<u>AYES</u>	<u>NAYS</u>
	Eldon Roberts	Galen Freed
	Daniel Stevens	Paul Hoffman
	Kris Burek	Bryon Reed
	Russell Hallman	
		None

4. ADVERTISE FOR THE ACO POSITION - Councilman Hoffman made a motion seconded by Councilman Burek that the Borough Manager be authorized to advertise for the position of Animal Control Officer (ACO). There was a discussion on whether or not the Borough could advertise for the position since we had not accepted Officer Buglio's resignation. Attorney Healy offered the following advise to Council, that there was no limit on the number of Animal Control Officers that the Borough could hire. President Freed asked for any further discussion. There being none, President Freed declared the motion passed following a Roll Call, voting as follows:

ROLL CALL	<u>AYES</u>	<u>NAYS</u>
	Eldon Roberts	Galen Freed
	Daniel Stevens	Paul Hoffman
	Kris Burek	Bryon Reed
	Russell Hallman	
		None

B. Finance/Planning/Zoning

1. STRATIX DOCUMENT MANAGEMENT SYSTEM- The Stratix System was discussed and it appeared that in general Council liked the concept of the document management system, but wanted to defer further consideration on the matter until Budget time. In addition, Council would like to look at additional vendors for this system. The matter was tabled.
2. LOCAL ENABLING TAX COLLECTION - Councilman Hallman made a motion, seconded by Councilman Hoffman that Council authorize the Manager to notify CENTAX that after December 31, 2011 Slatington will no longer be using their services per ACT 32 requirements. President Freed declared the motion passed following a Roll Call, voting as follows:

ROLL CALL	<u>AYES</u>	<u>NAYS</u>
	Eldon Roberts	Galen Freed
	Daniel Stevens	Paul Hoffman
	Kris Burek	Bryon Reed
	Russell Hallman	
		None

3. PARKING REQUEST FROM GLEN HANDWERK - Councilman Hallman made a motion, seconded by Councilman Stevens that Council approve Mr. Handwerk's request to be allowed to continue parking on Borough owned property in the rear of

his home at 34 North Street, and that the other uses, such as the small garden, and horseshoe pit be allowed for the remainder of 2010. President Freed declared the motion passed following a Roll Call, voting as follows:

ROLL CALL	<u>AYES</u>	<u>NAYS</u>
	Eldon Roberts	Galen Freed
	Daniel Stevens	Paul Hoffman
	Kris Burek	Bryon Reed
	Russell Hallman	

4. PER CAPITA EXONERATION - Councilman Hallman made a motion seconded by Councilman Hoffman that Giana Santiago be exonerated from the 2009 Per Capita Tax for the reason stated (non-resident status). President Freed declared the motion passed following a Roll Call, voting as follows:

ROLL CALL	<u>AYES</u>	<u>NAYS</u>
	Eldon Roberts	Galen Freed
	Daniel Stevens	Paul Hoffman
	Kris Burek	Bryon Reed
	Russell Hallman	

5. REAL ESTATE TAX PREPARATION – William Stein has informed Council that Lehigh County will not prepare the Real Estate Tax bills after this year. Mr. Stein recommends Berks County Intermediate Unit as the preferred collector of taxes. Council would like to see other quotes for this service and this item was tabled.

C. Highway

1. FUEL MONITORING SYSTEM – Quotations were obtained on a Fuel Management System from Boyko and the Highway Committee recommended that the issue be brought to Council for consideration. Council decided that the manual system that is currently in place would be sufficient.
2. HOSE CO. #1 REQUEST – Vice-President Reed made a motion, seconded by Councilman Hoffman that Council approve the request of Slatington Hose Company No. 1 and authorize the secretary to inform them of Council’s action. President Freed declared the motion passed following a Roll Call, voting as follows:

ROLL CALL	<u>AYES</u>	<u>NAYS</u>
	Eldon Roberts	Galen Freed
	Daniel Stevens	Paul Hoffman
	Kris Burek	Bryon Reed
	Russell Hallman	

D. Human/Community Services

1. MEMORIAL PARK BID AWARD – Councilman Stevens made a motion seconded by Vice-President Reed that Council award the bid for the Slatington Memorial Park Project per the bid tabulation (\$119,250.00) to Livengood Excavators, Inc. and have the engineer notify Livengood of Council’s action. President Freed declared the motion passed following a Roll Call, voting as follows:

ROLL CALL	<u>AYES</u>	<u>NAYS</u>
	Eldon Roberts	Galen Freed
	Daniel Stevens	Paul Hoffman
	Kris Burek	Bryon Reed
		Russell Hallman

President Freed left Council Chambers.

2. PARKS & RECREATION REQUEST – Councilman Stevens made a motion seconded by Councilman Hoffman that Council grant permission to hold the 5K Walk & Race on August 21, 2010 from approximately 8:45 A.M. - 10:00 A.M., to authorize the Fire Police to aid in street crossings where needed, a Police car to escort the lead runner throughout the race and to notify the Commission of Council’s action. Vice-President Reed declared the motion passed following a Voice Vote of 6-0.
3. NORTHERN LEHIGH SCHOOL DISTRICT REQUEST – Councilman Stevens made a motion seconded by Councilman Hoffman that Council grant permission to conduct their annual Homecoming Parade on Friday October 22, 2010. The parade route will begin at the corner of South and Main at 6:00 P.M. and end at Bulldog Stadium. Vice-President Reed declared the motion passed following a Voice Vote of 6-0.
4. SLATINGTON WEB DIRECTORY – Councilman Stevens made a motion seconded by Councilman Burek that Council authorize the Manager to post the Directory pages as amended to the Web Site. Vice-President Reed declared the motion passed following a Voice Vote of 6-0.

President Freed returned to Council Chambers

5. TRAIL RULES ORDINANCE NO. 650 – Councilman Stevens made a motion seconded by Vice-President Reed that Council adopt Ordinance No. 650 – Trail Rules Ordinance. President Freed declared the motion passed following a Roll Call, voting as follows:

ROLL CALL	<u>AYES</u>	<u>NAYS</u>
	Eldon Roberts	Galen Freed
	Daniel Stevens	Paul Hoffman
	Kris Burek	Bryon Reed
	Russell Hallman	
		None

E. Sewer/Solid Waste

1. FIFTH STREET STORM SEWER AND OVERLAY BIDS - Councilman Burek made a motion seconded by Vice President Reed that Council accept the bids for the CDBG-R Project. President Freed declared the motion passed following a Roll Call, voting as follows:

ROLL CALL	<u>AYES</u>	<u>NAYS</u>
	Eldon Roberts	Galen Freed
	Daniel Stevens	Paul Hoffman
	Kris Burek	Bryon Reed
	Russell Hallman	
		None

2. PAVING BID AWARD – Councilman Burek made a motion seconded by Vice-President Reed that Council award Contract #1 in the amount of \$168,523.50 for Fifth Street Storm Sewer work to Hilltop Excavating, Inc. as the lowest responsible bidder subject to the timely approval by Lehigh County and removal of the work from the contract bid specifications: Item #10, furnish and install complete, 36” CIPP liner for storm sewer including all preparation necessary for installation and all video inspection services quoted at \$66,000.00. President Freed declared the motion passed following a Roll Call, voting as follows:

ROLL CALL	<u>AYES</u>		<u>NAYS</u>
	Eldon Roberts	Galen Freed	None
	Daniel Stevens	Paul Hoffman	
	Kris Burek	Bryon Reed	
	Russell Hallman		

Councilman Burek made a motion seconded by Vice-President Reed that Council award Contract #2 in the amount of \$141,476.50 for the 2010 street improvement work to Bracalente Construction, Inc. as the lowest responsible bidder, subject to timely final approval by Lehigh County and removal of work from the contract bid specifications as defined by Council. President Freed declared the motion passed following a Roll Call, voting as follows:

ROLL CALL	<u>AYES</u>		<u>NAYS</u>
	Eldon Roberts	Galen Freed	None
	Daniel Stevens	Paul Hoffman	
	Kris Burek	Bryon Reed	
	Russell Hallman		

3. EMERGENCY SLUICE GATE INSTALLATION – Councilman Burek made a motion seconded by Councilman Hoffman that Council authorizes the expenditure of \$23,980.00 for the purchase and installation of two (2) 304 stainless steel manually operated sluices from Rapid Pump & Meter Service Company, Inc. at a price not to exceed \$23,980.00. Under discussion Vice-President Reed asked if we had received any additional quotes on this item. Councilman Burek responded that this was a replacement and not a new product and that the gates are custom designed for the specific application. In addition, any delay may cause the plant effluent to have more solids than the DEP allows due to increased algae in the water. President Freed declared the motion passed following a Roll Call, voting as follows:

ROLL CALL	<u>AYES</u>		<u>NAYS</u>
	Eldon Roberts	Galen Freed	Russell Hallman
	Daniel Stevens	Paul Hoffman	Bryon Reed
	Kris Burek		

4. APPROVAL OF TIME/MILEAGE FOR DAVID FREDERICK - Councilman Burek made a motion seconded by Councilman Hoffman that Council authorize the payment of \$304.90 to Mr. David Frederick. President Freed declared the motion passed following a Roll Call, voting as follows:

ROLL CALL	<u>AYES</u>		<u>NAYS</u>
	Eldon Roberts	Galen Freed	None
	Daniel Stevens	Paul Hoffman	
	Kris Burek	Bryon Reed	
	Russell Hallman		

Councilman Burek recommended to Council that a letter of commendation be sent to Mr. Martinez expressing Council's appreciation for his motivation and dedication to the Borough during the recent crisis and that Mr. Martinez had postponed the start of his planned vacation to insure that the Water Filtration Plant returned to normal. Further, that a copy of the letter be placed in Mr. Martinez's personal file. The motion was seconded by Councilman Hoffman and passed unanimously by Voice Vote. Manager Salvesen was directed to pen the letter of commendation.

F. WATER

1. Councilman Roberts declared the Slatington water safe for human consumption.
2. Councilman Roberts made a motion seconded by Vice-President Reed that Council authorize the purchase of a UTV for the Water Department as presented by the Borough Manager and to apply to the USDA for a grant that would cover 15% of the purchase price; cost is not to exceed \$5,507.11 plus freight. Councilman Hoffman thought that the motion was premature and that Council should wait to determine if monies would be available under the new State Budget which was recently passed and signed by the Governor. President Freed announced that the motion failed following a Roll Call, voting as follows:

ROLL CALL	<u>AYES</u>	<u>NAYS</u>
	Eldon Roberts	Galen Freed Paul Hoffman Daniel Stevens Kris Burek Bryon Reed Russell Hallman

3. WATER PLANT AIR CONDITIONER & HEAT PUMP – Councilman Roberts made a motion seconded by Vice-President Reed that Council ratify the purchase of the air conditioner and heat pump from Lessig Oil at a cost of \$5,731.85. President Freed declared the motion passed following a Roll Call, voting as follows:

ROLL CALL	<u>AYES</u>	<u>NAYS</u>
	Eldon Roberts Galen Freed Daniel Stevens Paul Hoffman Kris Burek Bryon Reed Russell Hallman	None

4. WATER/SEWER RATES – Councilman Burek made a motion seconded by Councilman Hoffman that Council access the base rates for sewer and water to all apartments within the Borough as they do for single family units. President Freed announced that the motion failed following a Roll Call, voting as follows:

ROLL CALL	<u>AYES</u>	<u>NAYS</u>
	Kris Burek Galen Freed Russell Hallman Paul Hoffman Daniel Stevens Eldon Roberts Bryon Reed	

UNFINISHED BUSINESS – There was no unfinished business to bring before Council.

Ted Stevenson asked if the Staff Reports could be moved forward so that he could leave before Courtesy of the Floor. President Freed agreed to alter the agenda and asked for Staff Reports.

STAFF REPORTS

ENGINEER – Ted Stevenson stated that he had nothing to report and than left.

BOROUGH MANAGER – Manager Salvesen asked if Council would approve issuing a check to him to cover credit card expenses that were placed on his personal credit card since the bill would become due before the next Council Meeting. Councilman Burek made a motion seconded by Councilman Stevens that Council authorize the issuance of a check to the Borough Manager to cover credit card purchases made for the Water

Filtration Plant on his credit card in the amount of \$4,758.20. President Freed declared the motion passed following a Roll Call, voting as follows:

ROLL CALL	<u>AYES</u>	<u>NAYS</u>
	Eldon Roberts	Galen Freed
	Daniel Stevens	Paul Hoffman
	Kris Burek	Bryon Reed
	Russell Hallman	

COURTESY OF THE FLOOR

Melissa Jordan – 321 Main Street addressed Councilman Stevens concerning a conversation that they had in Councilman Stevens' store.

Melvin Gildner – 528 Pine Street addressed Council and wanted to know why they had voted against the people. Attorney Healy interrupted Mr. Gildner and stated that it does no one any good to assume that Council or any other person is starting from a bad point of view. They were elected to represent all of the people of the Borough and just because they do not agree with your point of view does not make them bad people.

Ira Fine – 700 Main Street questioned parking on Main Street, specifically the Borough's prohibition on overnight parking. President Freed stated that the state has defined for the Borough the parking regulations on their road. Mr. Fine commented that being civil should also apply to members of Council.

Chad Trego – 403 East Church Street wanted to know why the sewer, water and garbage payment dates were based on such an irregular schedule. Council could not give a concise answer but there was a strong suspicion that it coincided with the start of regular billing when meters were installed.

Councilman Burek – stated that she had not received a call from Swiftreach notifying her that those restrictions had been lifted, nor did some of her neighbors. Manager Salvesen would have it resent in the morning.

Bekki Bauman – 314 Kern Street was present to ask Council to include a grace period for payment of the sewer, water and garbage bills. In addition she suggested that the minimum usage rate be dropped from 8,000 gallons to 5,000 gallons.

Ed Ziegler – 102 Chestnut Street addressed Council on various issues around the Borough; potholes, snow emergency signs, etc.

EXECUTIVE SESSION

At 10:50 P.M. President Freed called for an Executive Session and recessed the Regular Meeting. President Freed reconvened the Regular Meeting at 11:10 P.M. and announced that matters of personnel were discussed.

ADJOURNMENT – There being nothing further to bring before Council, the meeting was adjourned at 11:15 P.M.

Stephen R. Salvesen
Borough Secretary