

BOROUGH OF SLATINGTON

The Regular Meeting of Council was held on Monday, June 14, 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 President Freed 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	Russell Hallman	Mayor Niedermeyer	Mel Gildner	Dale Pugh
Kris Burek		Chief Rachman	Chad Trego	Carol Gildner
Bryon Reed		Ed Healy	Melissa Jordan	William Stein
Daniel Stevens		Ted Stevenson	Clem Reed	Ed Ziegler
Eldon Roberts			Robert Stettner	Jeremy Fischer
Paul Hoffman			Jossah Fischer	Julie Fischer
			Carl Fischer	Carl Fischer Jr.
			Chrissy Fischer	

MINUTES OF PREVIOUS MEETINGS

Councilman Hoffman made a motion seconded by Vice-President Reed to approve the Council Meeting Minutes of May 10, 2010 and the Workshop Meeting Minutes of May 17 and May 24, 2010. President Freed declared the motion passed following a Voice Vote of 6-0.

COURTESY OF THE FOOR (Agenda items only)

Dale Pugh – 339 Main Street complained to Council about the length of time required to repair his water meter and the trees on Main Street. His contention is that the sidewalk is not sufficiently wide enough to accommodate trees. Councilman Hoffman asked when Mr. Pugh received his letter from the Borough. Mr. Pugh said it was recently.

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 Burek 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:

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

MAYOR’S/POLICE CHIEF’S REMARKS

Mayor Niedermeyer reported that he participated in the Memorial Day Parade and Ceremony at the Union Cemetery sponsored by the Allen O’Delke Post 16 American Legion. On June 13, 2010, he presented an Eagle Scout Proclamation to Ryan Fronheiser of Troop #66 at Saint Paul’s U.C.C. Church, Northampton. In addition, he worked with the Chief on various citizens complaints.

Chief Rachman reported that he is working on the COPS Grant update, which is a new grant opportunity, and will be filed by Wednesday, June 17, 2010. The Chief reported that arrests are up for no apparent reason. President Freed asked if the Chief heard anything more on the scams that were going around. The Chief reported that the banks are handling it. Councilman Burek asked if the monthly mileage can be added to his report and the Chief said it would be added. President Freed asked if there was anything more to report on the safe that was found on Scout Road. Chief Kish was interested.

STANDING COMMITTEES

A. Finance/Planning/Zoning

1. RESIGNATION - Councilman Hoffman made a motion, seconded by Councilman Burek that Council accept the resignation of Mr. Lee Andreas from the Slatington Borough Authority and to send a letter to Mr. Andreas accepting his resignation from the Slatington Borough Authority. 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

2. APPOINTMENT – Councilman Hoffman made a motion, seconded by Vice President Reed that Council appoint Mr. Lee Andreas to the Zoning Hearing Board. Mr. Andreas term to expire 1/1/2013 and to send Mr. Andreas a letter confirming his appointment.
3. DRIVEWAY CUT - Councilman Hoffman made a motion, seconded by Vice President Reed that Council approve the driveway cut as depicted in the drawing attached to the Managers memo of 5/13/10 and inform the Zoning Officer 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

4. AUTHORITY TRANSFER - Councilman Hoffman made a motion, seconded by Councilman Burek that Council authorize the transfer of \$5,565.81 to the Authority to pay current invoices. 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

5. PER CAPITA EXONERATION – Councilman Hoffman made a motion, seconded by Councilman Burek that Council exonerate Mary Ellen Koch from the 2009 per capita tax. President Freed declared the motion passed following a Roll Call, voting as follows:

ROLL CALL

AYES

NAYS

Eldon Roberts	Galen Freed	None
Daniel Stevens	Paul Hoffman	
Kris Burek	Bryon Reed	

6. SCHOOL REQUEST - Councilman Hoffman made a motion, seconded by Councilman Burek that Council authorize the expenditure of \$90.00 for Melvin Gildner to attend a “Basic Course in Zoning” on June 15, 2010 to be held at the Lehigh Planning Commission office in Allentown. (The Course is sponsored by the Lehigh Valley Planning Commission Local Government Academy.) This authorization is extended to the other members of the Zoning Hearing Board. President Freed declared the motion passed following a Roll Call, voting as follows:

ROLL CALL

AYES

NAYS

Eldon Roberts	Galen Freed	None
Daniel Stevens	Paul Hoffman	
Kris Burek	Bryon Reed	

7. AUTHORITY HIRE REQUEST -Councilman Hoffman made a motion, seconded by Councilman Burek that Council authorize the hire of Mr. David L. Frederick as a temporary Borough employee at a rate of \$25.00 per hour plus mileage, not to exceed \$4,000.00 for calendar 2010 and 2011, without benefits, and to notify Mr. Frederick of Council’s action along with the Slatington Borough Authority. President Freed declared the motion passed following a Roll Call, voting as follows:

ROLL CALL

AYES

NAYS

Eldon Roberts	Galen Freed	None
Daniel Stevens	Paul Hoffman	
Kris Burek	Bryon Reed	

8. PARADE PARKING – Councilman Hoffman made a motion, seconded by Councilman Stevens that the Borough post “No Parking” signs on S. Walnut Street from 9:00 AM to 1:00 PM the day of the Fireman’s Parade. President Freed declared the motion passed following a Roll Call, voting as follows:

ROLL CALL

AYES

NAYS

Eldon Roberts	Galen Freed	None
Daniel Stevens	Paul Hoffman	
Kris Burek	Bryon Reed	

Councilman Hoffman noted that the street must be posted 72 hours prior to the event. In addition, 126 pieces of apparatus have registered to date. Judging for the parade will be from 8:00 AM until noon at the High School complex by the Delaware Valley Judging Association. The parade will start at 1:00 PM and it is expected the people from various fire companies will be present.

B. Highway - No items to bring before Council.

Vice President Reed asked about the Storm Sewer project. Ted Stevenson from SSM said that this is covered by his report which he handed out prior to the meeting. Councilman Stevens mentioned that the Borough received a thank you note from the American Legion Post for the donation towards the refurbishment of the Kress Memorial at the Union Cemetery.

C. Human/Community Services

1. HISTORICAL SOCIETY REQUEST - Councilman Stevens made the following motion, seconded by Councilman Hoffman that Council approve the request of the Northern Lehigh Historical Society to hold "The Gathering" on October 2, 2010 conditioned upon the following:
 1. That there will be no alcoholic beverages served or used on Borough Property
 2. The Northern Lehigh Historical Society provides proof of insurance and names the Borough as Co-insured for the event in the amount of one million (\$1,000,000) dollars of General Liability Insurance and an additional one million (\$1,000,000) for fire works and that the certificate of insurance be at the Borough Hall no later than September 2, 2010; in addition to authorize the Secretary to notify the Northern Lehigh Historical Society 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

2. HISTORICAL MARKER - Councilman Stevens made a motion, seconded by Vice-President Reed that Council approve the placing of a Historical Marker at the Neff House that will be supplied and paid for by the Future Focus group and installed by the Borough work force. 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

3. GOLF TOURNAMENT - Councilman Stevens made a motion, seconded by Vice-President Reed that Council authorize the purchase of a tee advertisement for \$25.00 to support the non-profit fund raiser. 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

Councilman Stevens told Council that there will be a pre bid conference for contractors at Borough Hall tomorrow at 9:00 AM to review the plans and specifications for the Slatington Memorial Park. The bids will be due on June 24, 2010 at Borough Hall, no later than 4:00 PM. In addition, plans were received by Borough Manager Salvesen on June 14, 2010, announcing that Lehigh County is preparing to put out bids for the next phase of D & L Trail construction. "As part of the new regulations for the NPDES permit, a letter is required from each municipality where the project resides stating that the design is in compliance with the municipality's existing storm water regulations". Solicitor Healy recommended that the Engineer for the Borough review the plans to make certain that sending a letter would not open the Borough to unnecessary liability. Manager

Salvesen was to make a set of plans available for the Engineer to review. It was suggested that the Manager call Mr. H. Scott Everett of the Delaware & Lehigh National Heritage Corridor, Inc. and request an extension of time to submit our letter until July 2, 2010. The Public Safety, Finance/Planning/Zoning, and Human/Community Services Workshop Committee meets on the 28th of July and can make a decision at that time. The Human/Community Service Committee would be appointed to oversee compliance of the request. The one week grace period should not encumber the plans ultimate completion time frame. Councilman Burek made the following motion, seconded by Councilman Stevens that SSM be authorized to review the corridor plans and bring their findings to the Human/Community Services Workshop Meeting on July 28, 2010 for a final determination. The motion was declared passed by President Freed on a voice vote of 6-0.

D. PUBLIC SAFETY

1. ADOPTION OF RESOLUTION R-03-10 -Councilman Hoffman made a motion, seconded by Councilman Stevens that Council adopt Resolution R-03-10. 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
		None

2. APPROVAL OF VIOLATION NOTICE - Councilman Hoffman made a motion, seconded by Councilman Burek that Council adopt the Notice of Violation. 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
		None

3. RATIFICATION OF POLICE HIRE - Councilman Hoffman made a motion, seconded by Councilman Burek that Council approve the employment of Officer Jeremy D. Fischer as a Part-Time Police Officer of the Slatington Borough Police Force as recommended by Chief David Rachman effective June 11, 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
		None

Chief Rachman asked about the ACO. Manager Salvesen noted that he had received an email from Officer Buglio resigning as the ACO effective May 31, 2010 and that the Manager was acting as the ACO until a replacement was found. Chief Rachman just wanted to know so that he could inform his officers as to what is going on. Councilman Hoffman asked the Chief if he had spoken to Officer Buglio. The Chief said he had not. Manager Salvesen will get a letter from Officer Buglio and give everyone a copy of the resignation email.

4. LETTER OF RESIGNATION – Councilman Hoffman made a motion, seconded by Councilman Roberts that Council accept, with regret, the resignation of Officer Daniel Troxell from the Slatington Police Force. 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

Chief Rachman noted for Council that Officer Angelone had also resigned from the force. Councilman Hoffman asked if the Chief had a letter and he said that he gave it to Sue in the office and it was a form letter like the one from Officer Troxell. Councilman Hoffman made a motion, seconded by Councilman Stevens that Council accept with regret, the resignation of Officer Jennifer Angelone from the Slatington Police Force. 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

E. SEWER/SOLID WASTE

1. RE-DRAFT WALNUTPORT AGREEMENT - Councilman Burek made a motion, seconded by Vice President Reed that Council authorize the solicitor to re-draft the Walnutport agreement to bring it in line with the wording and intent of the Washington Township Agreement and to bring the final document back to Council for review. 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

2. WALNUTPORT’S REQUEST FOR ADDITIONAL SEWER CAPACITY – Councilman Burek made a motion, seconded by Vice President Reed that Council approve the request by the Borough of Walnutport to purchase an additional 10,000 gallons of Sewer Capacity and further to authorize Mr. Ted Stevenson of SSM to finalize the cost for the additional capacity and present this figure to the Walnutport Authority for payment. 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

3. CONTRACT AMENDMENT REQUEST - Councilman Burek made a motion, seconded by Vice President Reed that Council approve the request for an

amendment to the I&I contract that will allow Ronca to start work at 6:30 AM starting on June 21, 2010 through August 31, 2010 and instruct SSM to proceed with the amendment. 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
		None

Councilman Burek noted for Council that the Borough Code allows this flexibility up to 6:00 AM. This will allow Ronca's work force to avoid some of the hottest parts of the work day.

4. APPOINTMENT OF SSM TO PROCESS SEWER & WATER BILLS - Councilman Burek made a motion, seconded by Councilman Hoffman that SSM be authorized to collect and transmit to the Borough the data necessary to issue invoices for Sewer and Water services to Washington Township, the Borough of Walnutport and the Lehigh County Authority if necessary. 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
		None

F. WATER

1. Councilman Roberts declared the Slatington water safe for human consumption.
2. Councilman Roberts urged each member of Council to tour the Borough owned house at the Water Plant so that they can make an informed judgment on the house. Councilman Burek asked Manager Salvesen if the house was habitable. Manager Salvesen thought that it was but needed work.
3. Councilman Roberts made a motion, seconded by Councilman Burek that Council authorize the expenditure of \$2,423.40 plus freight, to purchase a new turbidity analyzer from Hach. 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
		None

EXECUTIVE SESSION

President Freed recessed the Regular Session of Council to go into Executive Session to discuss Personnel matters at 8:49 PM. Council returned from Executive Session at 10:00 PM and President Freed reconvened the Regular Session.

UNFINISHED BUSINESS

Councilman Hoffman made a motion, seconded by Vice President Reed that Council appoint the firm of Spotts, Stevens and McCoy as Borough Engineers 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>
	Galen Freed	Eldon Roberts
	Paul Hoffman	Daniel Stevens
	Kris Burek	Bryon Reed

Manager Salvesen announced a tie, 3-3 and as required by law, requested that Mayor Niedermeyer cast the tie breaking vote. Mayor Niedermeyer voted Aye. President Freed declared the motion carried. Ted Stevenson of Spotts, Stevens & McCoy thanked the Council.

COURTESY OF THE FLOOR

Chad Trego- 403 E. Church Street asked Council if they knew what the disposition of Victorian Hill Assisted Living Facility was at 105 Hill Street. Councilman Hoffman reported that the assisted living was finished and that it was run by a private corporation. The facility is on the SE corner of Hill Street and has multiple addresses, 103, 105 and 107. This was confirmed by Fire Chief Weaver. Councilman Hoffman told Council that the facility was the subject of a 2002 Zoning Heard Board decision and to the best of his knowledge; there were no problems with the patients. Mr. Trego asked Council if they had a feel for how many rental properties that there were in the Borough and if the Borough could limit the number. President Freed responded that it would be very difficult to limit the number of rental properties but he thought that it could be done by changing the zoning. In President Freed's opinion, when former Mayor of Allentown, Joe Dadona, changed the Allentown zoning, it helped lead to the down fall of the city. Councilman Burek informed Council that the USDA funding for low income housing assistance, made money available at very low rates in the Borough, and that this helped in the proliferation of rental properties in the Borough. She did not think that funding for this program would be replenished until July of this year.

Ed Ziegler – 102 Chestnut Street reported that one flag was missing from the General Morgan Bridge and should be replaced. In addition, he reported that there was part of a pipe sticking out of the ground at the foot of the bridge and that it should be ground down. Some of the PPL lights had been changed but there are still a number that were out. Mr. Ziegler had just returned from a School Board Meeting and told Council that the School Board Meetings need to be changed to a Wednesday when other Township and or Borough Meetings are not taking place so that citizens could attend those meetings. He reminded Council that Slatington has the highest school tax in the area.

STAFF REPORTS

ENGINEER

Ted Stevenson of SSM gave Council the following update:

TROUT CREEK INTERCEPTOR-WAGNER/BEERS PROPERTY

The sanitary sewer line work was completed and the pumps removed on June 4, 2010. One manhole remains to be abandoned and site restoration work needs to be completed.

REED BED-REED REMOVAL PROJECT

WeCare and the Borough are waiting for a response from Waste Management to 43 questions which were submitted by SSM in early May. It appears Waste Management is not responding in a timely manner. Substantial completion of the project per the contract is June 28, 2010 with final completion on or before July 13, 2010.

TROUT CREEK WATER MAIN CROSSING

The U.S. Army Corp of Engineers has completed their review and they have forwarded their approval to the local DEP office. As soon as DEP issues the permit, SSM will advertise the project for construction. No change from the May report, DEP is still reviewing the plan.

MUNICIPAL PARK PROJECT

The Park project is advertised and on the street. There is a preconstruction meeting at Borough Hall tomorrow, June 15, 2010, at 9:00 AM. Bids are due on June 24, 2010 at 4:00 PM at Borough Hall.

CDBG-R PROGRAM

Design has proceeded with ultimate discharge to the Borough property on the South side of West Church Street. There are utility conflicts with the gas main in several places. The gas main will have to be relocated. We expect to advertise this project with separate contracts for the street paving overlay work and the storm sewer construction work at the end of next week, (June 25).

Pa DEP GROUND WATER RULE

Plans have been prepared for submission to Pa-DEP. The treatment method uses approximately 120 linear feet of 24" PVC water main, various valves, fittings and blow offs. Material costs are approximately \$12,000.00. Steve Martinez has four (4) copies of the drawing and CWS Demonstration of 4-Log Treatment of Viruses for Groundwater Sources worksheets. Steve should sign as certified operator and submit to DEP. The DEP form must be notarized.

SOURCE WATER PROTECTION TECHNICAL ASSISTANCE PROGRAM (SWPTAP)

DEP has accepted Slatington's application. Pa-DEP has requested dates that are acceptable to the Borough to set up the kickoff meeting. Please provide times that are satisfactory to the Borough and DEP will try to accommodate the Borough. Again this is no cost study as SSM are consultants to Pa-DEP are providing for the Borough's use. The meeting will probably be set up for late June or early July in the mid-morning.

CONSUMER CONFIDENCE REPORT

CCR's have been delivered to the Borough office for printing and distribution. The office must certify to Pa-DEP that they have been distributed no later than July 1, 2010. Necessary information required by Lehigh County Authority as a consecutive water system has been delivered to LCA for their distribution.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) NPDES PERMIT UPDATE

The completed 2009 Annual Report was delivered to the Borough Office on June 8, 2010. The Borough was to sign and deliver to DEP.

BOROUGH MANAGER

WEB SITE

The web site is now under control by the Borough office and updates are being posted daily.

BOARD OF HEALTH

Manager Salvesen expressed concern about the lack of involvement by the present members of the Board of Health. President Freed suggested that a letter be written to the Board asking for a description of what they are currently working on. In cases where inspection needs to be performed, the Borough has used Mr. Joe Gill to perform that service.

Councilman Burek asked Councilman Hoffman if he was still working on a Pawn Shop Ordinance. He is not presently working on the Ordinance but it can be resurrected. Councilman Burek asked if he would.

ADJOURNMENT

There being no further business to bring before Council, on a motion by Councilman Burek, the meeting was adjourned at 10:35 PM.

Stephen R. Salvesen
Borough Secretary