

BOROUGH OF SLATINGTON

The Regular Meeting of Council was held on Monday March 8, 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 7:12 P.M. with the following in attendance:

ROLL CALL:

PRESENT

Galen Freed
Bryon Reed
Daniel Stevens
Eldon Roberts
Paul Hoffman

ABSENT

Russell Hallman
Kris Burek

OTHERS PRESENT

Mayor Niedermeyer
Chief Rachman
Ed. Healy
Ted Stevenson

VISITORS

Mel Gildner
Carol Gildner
William Stein
John Bolton
Robert Herzog, Jr.
Daniel D. Miller
Jay Chamberlain
Chad Trego
Vernette Hilbert
Zarif Attia
George Moyer
Katherine Moyer

President Freed recessed the Regular Meeting and called for an Executive Session at 7:15 P.M. President Freed reconvened the Regular Meeting at 7:50 P.M. and announced that the Executive Session dealt with personnel matters and potential litigation.

MINUTES OF PREVIOUS MEETINGS

Councilman Stevens asked that the minutes under the Sewer Committee, Item 2, last sentence, be corrected, from "The best solution is to tie in the lateral from Borough Hall down the alley to Cherry Street" and should read "down the West side of the Borough's parking lot located between East Church Street and Center Avenue" as the motion Number 4 reads. Councilman Hoffman asked why Council's comments prior to the Executive session were not included. Councilman Hoffman stated that he saw no reason why the volunteer firemen could not use Borough facilities to wash their own vehicles, pointing out the volunteers would normally wash a piece of fire apparatus and then their own vehicle. It was pointed out by President Freed that there might be an insurance liability issue. Another councilman suggested that workers be permitted to wash their own vehicles after working hours. Councilman Burek pointed out that the average citizen does not have this opportunity and must use a commercial car wash or "get the hose out" and wash it themselves. After the correction by Councilman Stevens was noted, Councilman Stevens made a motion, seconded by Vice-President Reed to approve the Workshop/Council Meeting of February 22, 2010 as amended. President Freed declared the motion passed following a Voice Vote: Freed, Reed, Stevens, and Roberts – Aye, Hoffman – Nay.

COURTESY OF THE FOOR (Agenda items only)

Melvin Gildner - 528 Pine Street asked if Councilman Roberts was in charge of the Water Committee, which was answered yes by Councilman Roberts. Mr. Gildner questioned

Councilman Roberts about the increase and why the public was not informed prior to the increase and then read various statistics that he had compiled. In addition he wanted to know why Council has done nothing about changing the billing to make it more equitable for the user that does not use 8000 gallons of water. It was Mr. Gildner's contention that low quantity users are subsidizing high volume users. It was also suggested that if Councilman Roberts could not act that he should quit. Vice President Reed objected to the line of questions directed at Councilman Roberts and stated that when asked, he had given all the information to Mr. Gildner that he had. Councilman Stevens asked if Mr. Gildner would share his incite with Council. Mr. Gildner declined to share his data unless he was paid for it. Councilman Hoffman took issue with Mr. Gildner's statement that Council was "doing nothing" and showed Mr. Gildner the sewer and water matrix that he and Council were working on to lower the minimum amount. The 8,000 gallon minimum was set by Council in 1981 and has not changed since. This matrix would be discussed again at Council's next Workshop Meeting.

George Moyer - 231 Main Street also questioned Council about the increase and that he had no fore knowledge of the increase until he received his bill. He also asked when theses were changed. President Freed responded by noting that the local paper, The Times News regularly covers Council Meetings as does Channel 13. In addition, all meetings are held in public, and all items voted on in public. To send individual notices to each customer would not be feasible due to the cost. President Freed also noted that the Borough Manager is working to update the Borough Web Site and that the Borough will be starting to publish the newsletter again now that a manager has been hired. Manager Salvesen stated that the increases were adopted by Council Resolutions in December of 2009 which was the effective date for the increase.

Vernette Hilbert - 222 Diamond Street also had the same concerns about the increases in sewer, water and garbage rates. Councilman Hoffman explained that the rates were increased because the Borough had run large deficits in all three funds and could not continue to sustain these losses by paying for them out of savings. Ms. Hilbert understood the cost reason for not sending out individual notices, but questioned why it was not included in a previous sewer and water bill. Manager Salvesen explained that we were between billing cycles when the decision was made to raise the rates as the reason that individual letters did not go out or included in a sewer/water billing mail. In addition, Manager Salvesen noted for the audience in general and Ms. Hilbert specifically, the concept of equity for low end water users was discussed at the December Council Budget Meetings and that the engineer SSM, had been tasked with the job of designing a matrix for this purpose and that it takes time to develop a document such as this and that Council had received it at the end of February and has started the discussion process.

Chad Trego - 403 East Church Street had questions about access to the trail and signage. He stated that he and other residents that had land taken, donated or bought by the trail Association, had stipulations placed in the deed that there would be no access to the trail after dusk and that this should be posted. Attorney Healy has the agreements on file in his office. Councilman Stevens responded that signs are being developed for trail use and after he reads the documents, than the appropriate language will be placed on the trail signs.

There were no other residents that wished to offer comments on agenda items.

Vice President Reed suggested a change in the order of the agenda and requested that Item 11, Courtesy of the Floor on non agenda items be moved up to accommodate those residents that did not wish to remain until the end of the meeting. Council members agreed.

COURTESY OF THE FLOOR (Non Agenda items)

Chad Trego - 403 East Church Street had questions about the land at the corner of Second Street and Main Street that has been designated as a future park site. He suggested that the land might serve more usefully as a parking lot than as a park area due to its size.

Councilman Stevens responded that the area is proposed as a passive park for multi-use purposes, such as concerts, wedding photos, or other community events and that the park’s size at 0.54 acres is consistent with the common theme for parks in the center of town.

Vernette Hilbert - 222 Diamond Street had a concern about a police presence in this area. Ms Hilbert also had concerns about speeding and drag racing on Diamond Street between 6:30 A.M. and 7:15 A.M.; the Police Chief noted for Council that was a shift change time but that it would be addressed. In addition, Ms. Hilbert had not received her School Tax bill or her Per Capita Tax bill from last year and is now dealing with a collection agency.

President Freed suggested that she contact the local Postmaster about her concerns and that the Borough has no special pull with this branch of the Federal Government.

There were no further comments from the public on non-agenda items.

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 Roberts to approve the Primary Bill Listing/Transfers. President Freed declared the motion passed following a Roll Call, voting as follows:

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

Councilman Hoffman made a motion, seconded by Vice-President Reed to approve the Secondary Bill Listing/Transfers. President Freed declared the motion passed following a Roll Call, voting as follows:

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

MAYOR’S/POLICE CHIEF’S REMARKS

Mayor Niedermeyer attended two civic events as Borough representative Chief Rachman brought to Council’s attention two grant opportunities that are now open in PCCD’s Egrants System. The first is an “ARRA/Law Enforcement Technologies and Equipment” grant which is due on 3/31/2010. There is \$1,827,262.00 available and it is a competitive grant. The second opportunity is for a “Better Automation and Sharing by Law Enforcement” grant which is due on 4/28/2010. There is \$3,000,000.00 in grant monies available and it is also a competitive grant.

Councilman Hoffman made a motion, seconded by Councilman Roberts that Council authorize the Chief of Police and the Borough Manager to file applications for both grants. President Freed declared the motion passed following a Roll Call, voting as follows:

ROLL CALL

AYES

NAYS

Daniel Stevens Bryon Reed
Eldon Roberts Galen Freed
Paul Hoffman

None

STANDING COMMITTEES

A. Finance/Planning/Zoning

1. The first item on the agenda was the discussion on the appointment of a Borough Engineer. Manager Salvesen prepared and distributed to Council, the following: a spread sheet with all the applicants who applied for the position of Borough engineer so that each individual Council member could select their first, second, and third choice for the position. The philosophy behind the spread sheet was, first, to eliminate firms that Council had little or no interest in, and second, if the vote was split on a first choice, there might be unanimity in the second or third choices to narrow the field. The second paper was a sheet which listed the vendor's qualifications. These listed experience levels in certain disciplines; Water, Sewer, Zoning, worked as a Borough Engineer, Storm Water, Authority Engineer, and cost for a P.E. Manager Salvesen reviewed these with Council. President Freed suggested to Council that all members should be present for this discussion and it should be tabled until the Workshop Meeting of March 22, 2010. Council agreed to table this matter.
2. Mr. Gildner was appointed by Council as an alternate to the Zoning Hearing Board. The resignation of Mr. Ronald Kratz from the Zoning Hearing Board creates a vacancy. Mr. Gildner has been filling in as the regular Zoning Hearing Board Member since Mr. Kratz's resignation. If it is Council's desire, Mr. Gildner should be reappointed as a regular member of the board. Councilman Stevens made a motion, seconded by Councilman Hoffman that Melvin Gildner be appointed as a regular member of the Zoning Hearing Board term to expire 01/01/2011 and that the Secretary be authorized to inform Mr. Gildner by letter of Council's action with a copy to the Chairman of the Zoning Hearing Board. President Freed declared the motion passed following a Roll Call, voting as follows:

ROLL CALL

AYES

NAYS

Daniel Stevens Paul Hoffman
Galen Freed

Bryon Reed
Eldon Roberts

3. Contract with Peaceable Kingdom - Councilman Stevens made a motion seconded by Vice-President Reed that Council authorizes the President to execute the contract with Peaceable Kingdom and authorize the Secretary to notify Peaceable Kingdom of Council's action.

ROLL CALL

AYES

NAYS

Daniel Stevens Bryon Reed
Galen Freed Eldon Roberts

Paul Hoffman

4. Budget discussions for 2011 Budget - This item was placed on the agenda to remind Council that they should be looking forward to and considering items that might be included.
5. Web site Up-Date - Manager Salvesen contacted Lois Hollopeter from Hollotek Solutions Inc. and sent her up-dated information on our web site. She will be up-dating this in the very near future. In addition, I asked her for the ability to enter changes and add information as necessary to keep the web site current and useful. She does not have that ability with the web design that she is using and contacted Mike Vanderling from boroughs.org, the organization that hosts our web site. They can accommodate the request but must change the format into Wordpress. I am not familiar with Wordpress but I am told that it is similar to FrontPage and DreamScape. In order to switch the program over from PHP to Wordpress there is a cost of \$299.00 per year which includes five (5) hours of support time, basically by e-mail. If Council would like to proceed in this direction, we will need a motion to authorize the conversion. Council decided not to take action on this matter and asked the Manager to contact other web hosting companies and get their costs.
6. Councilman Stevens made a motion, seconded by Councilman Hoffman to approve the Per-Capita Exoneration List for the reasons stated. President Freed declared the motion passed following a Roll Call, voting as follows:

ROLL CALL

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

7. Manager Salvesen reported that he had received quotes from various suppliers of electricity and the savings quoted range from 10% to 11.5%. Councilman Stevens made a motion, seconded by Vice-President Reed that Council authorize the Borough Manager to design a bid package for electrical rates and advertise that the Borough is seeking bids for a one (1) and a two (2) year fixed cost package on the supply of electricity to the Borough. The bid is to exclude the street lights. Bid opening will be scheduled for April 12, 2010 at 9:00 AM. President Freed declared the motion passed following a Roll Call, voting as follows:

ROLL CALL

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

B. Highway

1. Vice-President Reed made a motion, seconded by Councilman Hoffman to have Council adopt Ordinance NO. 647 - amending the Borough Code which will restrict parking on the North side of Franklin Street from First Street to Park Avenue. President Freed declared the motion passed following a Roll Call, voting as follows:

ROLL CALL

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

2. Vice-President Reed made a motion, seconded by Councilman Roberts that Council authorize the purchase and installation of NO PARKING signs for the North side of Franklin Street from First Street to Park Avenue. President Freed declared the motion passed following a Roll Call, voting as follows:

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

C. Human/Community Services

1. On March 2, 2010 the Borough received an e-mail from Daniel Stonehouse, Township Administrator/Zoning Officer at Heidelberg Township requesting the Borough's participation in a DCNR Trail Grant that Heidelberg Township is in the process of applying for. Councilman Stevens called and found out that the grant application was for the same Trail Grant that Slatington had just completed. We were then asked for a letter of support for their project. Councilman Stevens has drafted the letter of support. Councilman Stevens made a motion, seconded by Councilman Hoffman to have Council authorize the Borough President to sign the letter of support for Heidelberg Township in their grant application process. President Freed declared the motion passed following a Roll Call, voting as follows:

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

2. As part of the DCNR Trail grant, the Borough agreed to install Handicapped Parking Signs. A state representative will be coming to the Borough to inspect the project and we need to have these signs installed. Councilman Stevens made a motion, seconded by Vice-President Reed to have Council authorize the purchase and installation of the appropriate Handicapped Parking Signs for trail parking. Councilman Stevens will give instructions to the Maintenance Crew on where to place the signs. President Freed declared the motion passed following a Roll Call, voting as follows:

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

3. Councilman Stevens gave a brief summary of the Grants that he wrote on behalf of the Borough that have been submitted.
4. We have an Animal Control Officer on board and we need to appropriate certain funds for purchasing equipment. Manager Salvesen prepared a packet of information for Council that included those items which we need to purchase immediately which include a holding cage, pet carriers, live animal traps and various items such as food, bowls, leashes, collars and small toys. Councilman Stevens made a motion, seconded by Vice-President Reed to have Council authorize the appropriation of \$750.00 for Animal Control expenses. Council noted that that funds be expended now, on those items necessary to get

the operation moving, and then make additional purchases as necessary. President Freed declared the motion passed following a Roll Call, voting as follows:

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

5. Policy Discussion - Councilman Stevens wanted to make sure that actions by the Engineer and Attorney were cleared through the Manager's office. He understood that prior to the hiring of the Borough Manager, the Attorney and Engineer had to assume a larger role in the day-to-day-operations of the Borough, but did not want this to become standard operating procedure.
6. The Borough Manager has requested that we resume publication of the News letter. Since we will be expending Borough funds, we will need a motion to authorize this expenditure. The Borough Manager had floated the concept of soliciting commercial entities for advertising to help defer the cost of publishing the Newsletter at the Chamber of Commerce meeting; \$50.00 for a business card size ad, and was well received. Councilman Stevens asked if the solicitation of ads should be included in the motion. Council wanted the opportunity to have further discussion on this topic and deferred adding this to the motion pending the outcome of discussion at the March 22, 2010 Workshop Meeting. Councilman Stevens made a motion, seconded by Vice-President Reed that the Borough Manager be authorized to start the publication of the Borough Newsletter and that a draft of the Newsletter be submitted to Council for approval prior to publication. President Freed declared the motion passed following a Roll Call, voting as follows:

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

D. Public Safety – No issues or motions

E. Sewer/Solid Waste

1. Vice-President Reed made a motion, seconded by Councilman Stevens to have Council deny the Stage Two Grievance submitted by SEIU 668, and authorize the Secretary to inform the Business Agent and local Shop Stewart of Council's decision. President Freed declared the motion passed following a Roll Call, voting as follows:

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

2. At the Slatington Borough Authority Meeting, the Authority approved the purchase of an insulated equipment enclosure to house the Chlorine tanks, scales, and other equipment and recommended that it be brought to Borough Council for action. The enclosure is manufactured by Virtual Polymers

Compounds, LLC out of Medina New York and includes a heater, light, power feed, exhaust fan, insulation and an integral floor. The cost is \$4,000.00 not including a concrete base. Vice-President Reed made a motion, seconded by Councilman Hoffman that Council authorize the purchase of the equipment enclosure at a cost not to exceed \$4,000.00 and that the engineer be instructed to include this cost in the reassigned grant application to DEP. 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
	Galen Freed Bryon Reed	
	Paul Hoffman	

3. Vice-President Reed made a motion, seconded by Councilman Stevens to terminate the employment of Mr. Duane T. Szczesny as Assistant Wastewater Treatment Plant Operator and any incidental responsibilities as First Line Supervisor, effective immediately. President Freed declared the motion passed following a Roll Call, voting as follows:

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

4. Vice-President Reed made a motion, seconded by Councilman Stevens to appoint Mr. Duane T. Szczesny as First Line Supervisor at the Wastewater Treatment Plant, effective immediately, and recognize his anniversary date as a Borough employee as February 15, 2010. President Freed declared the motion passed following a Roll Call, voting as follows:

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

5. At the Slatington Borough Authority Meeting held on Monday March 8, 2010, the Authority requested that the Borough authorize the transfer of \$3,142.54 to the Authority to cover two bills: Steckel & Stopp - \$2701.65 and Staples Office Supply for \$440.89. Councilman Stevens made a motion, seconded by Councilman Roberts to have Council authorize the transfer. President Freed declared the motion passed following a Roll Call, voting as follows:

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

6. Sewer Matrix Discussion - It was decided to table this discussion until the Workshop Meeting as this topic needs the participation of all members of Council.

F. Water

1. Councilman Roberts stated that the drinking water in the Borough is safe for consumption based on the latest test reports.
2. Water Matrix Discussion - It was decided to table this discussion until the Workshop Meeting as this topic needs the participation of all members of Council.

UNFINISHED BUSINESS - There were no items listed for Council action.

STAFF REPORTS

ATTORNEY - Attorney Healy stated that he did not feel comfortable reporting on legal matters outside of Executive session.

ENGINEER - Ted Stevenson of SSM reported two items to Council. The first was in response to a complaint from a resident at 635 West Church Street about the drop in pavement from the road surface to the storm sewer inlet. It appeared that the roadway has been overlaid several times and the top and the adjacent area around the shoulder area were never adjusted to grade. The edge of pavement is approximately 9" above the inlet which is creating a hazardous driving condition. PENNDOT has been notified of the situation in a letter dated March 4, 2010 and was asked to address the situation ASAP and that some sort of warning device be placed in the area until repairs are made. Photos showing the area were included for reference.

The second item brought to Council's attention was that the Commonwealth of Pennsylvania is proposing changes in fees for use of the Commonwealth's water. The total fees to be collected by the State will go from \$0 in 2010 to \$7,866,300.00 in 2011. How will this impact Slatington? Subchapter N starting on page 5 of the draft concludes that each water system, depending on the size will have to pay an annual fee to DEP. Slatington's fee as proposed will be \$10,000 per year, starting by the end of 2011. In addition permit fees and waiver fees have also been increased. As Ted had previously mentioned the proposed annual NPDES fee for the Wastewater Treatment Plant will go from \$0 to \$1,250.00/year.

BOROUGH MANAGER - Council asked the Manager to check and see if the fence company next to Mr. Jeffrey R. Lucien's property at 428 W. Franklin Street had a permit to erect a fence. In checking with our Zoning Officer Mr. James Sillet did apply and did receive a permit for the fence. In fact it was a requirement of the Zoning Hearing Board. I asked Mr. Dellecker to check out the complaint to determine if the order of the Zoning Hearing Board had been carried out. It had. Based on the physical evidence at the property, two conditions seem to combine to create the water runoff problem. The sidewalk which is slate slopes away from the street, toward Mr. Lucien's property. The handicapped ramp on Mr. Sillet's property is relatively new. The water travels approximately 100 feet down the handicapped ramp to Mr. Lucien's property and due to the slope of the sidewalk, runs on to Mr. Lucien's property. There are two or three possible solutions that might solve the problem or at least mitigate the amount of water that flows onto Mr. Lucien's property. One, raise the handicapped curb at Mr. Sillet's property, replace the slate sidewalk at Mr. Sillet's property with a slope toward the Street, and third, raise the sidewalk on Mr. Lucien's property.

Prior to adjournment, Councilman Roberts asked Mr. Gildner if he saw how everything on the agenda was talked about and voted on. Mr. Gilder took affront to this comment and considered it an attack on him. Councilman Roberts said that I am just asking a question. The conversation was cut off by President Freed who asked for a motion to adjourn. On a motion by Councilman Hoffman the meeting was adjourned at 10:50 P.M.

Stephen R. Salvesen
Borough Secretary

