

BOROUGH OF SLATINGTON

The Regular Meeting of Council was held on Monday, October 11, 2010 at 7:00 P.M. in Council Chambers, 125 S. Walnut Street, Slatington, PA 18080.

Presiding: Galen L. Freed: President of Council

Interim Recording Secretary: Susan E. Guedes

The meeting was called to order by President Freed at 7:02 P.M. with the following in attendance:

ROLL CALL:

<u>PRESENT</u>	<u>ABSENT</u>	<u>OTHERS PRESENT</u>	<u>VISITORS</u>
Galen Freed	None	Mayor Niedermeyer	Robin Schmall Denise Smith
Bryon Reed		Ted Stevenson	Allen Gruber Linda Steets
Daniel Stevens		Ed Healy	George Moyer Katherine Moyer
Eldon Roberts		David Rachman	William Stein Les Glanz
Paul Hoffman			Melvin Gildner Carol Gildner
Russell Hallman			Bob McGeehan Dave McGeehan
Kris Burek			Louis Yurasits Keith Weaver
			Ed Ziegler

MINUTES OF PREVIOUS MEETINGS

Councilor Hoffman made a motion seconded by Councilor Burek to accepted the September 13th Council Meeting Minutes as presented. President Freed declared the motion failed following a Roll Call, voting as follows:

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

Councilor Stevens requested that a correction to the Minutes of September 13th Council Meeting be made stating that the certain visitor noted in the minutes should be identified as Chad Trego. Councilor Hallman agreed with his request, however Councilor Burek argued that other individuals in the past have also acted inappropriately and were never quoted or identified in the minutes. Councilor Stevens made a motion seconded by Councilor Hallman to approve the meeting with the requested correction. President Freed declared the motion passed following a Voice Vote, 6-1.

Councilor Stevens made a motion seconded by Vice-President Reed to approve the Special Council Meeting Minutes of September 30, 2010. President Freed declared the motion passed following a Voice Vote, 5-2.

COURTESY OF THE FLOOR (Agenda items only)

Allen Gruber and William Jones – 7761 Center Street in Washington Township They requested permission to cover the rusted pipe with concrete which is located on Beddall Street. This will create a bridge like covering over the pipe, which should prevent the dirt from eroding. Councilor Hoffman asked if this structure will be satisfactorily sound to handle fire apparatus and was told it can hold up to 80,000 pounds. Councilor Burek questioned if Beddall Street is a public street and if it is in the Borough. Duane Dellecker was not quite sure if it is. They presented their request at the Highway Workshop Meeting. Attorney Healy stated that we could go ahead and approve their request even if it is not in the Borough, because there is no lost to the Borough and they are basically the only ones who use it. Mr. Gruber also noted that the road will be wider and Council informed them that they must apply for a permit.

Vice-President Reed made a motion seconded by Councilor Hallman to approve their request for this work to be done on the West side of 7th Street at the end of Beddall Street. President Freed declared the motion passed following a Roll Call, voting as follows:

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

Robin Schmall – 334 4th Street – Ms. Schmall presented her complaints and severe issues with Ronca concerning the sewer damage which occurred at her home. Ted Stevenson stated that he will present these issues at the pre-construction meeting on Wednesday and will forward the videos and pictures to Ronca for discussion and action.

Dave & Bob McGeehan – Highlander Laundromat located at Walnut and Chestnut Streets – they are members of the National Laundromat Association and are requesting an EDR (evaporation discount rate) for sewer since 10-13% of the water does not go down into the sewer, but is absorbed by the dryers. They referenced Palmerton’s rates as opposed to Slatington’s and noted that we are substantially higher. President Freed suggested that they attend the Water Committee Meeting on October 18 and bring along any additional information they may have.

Melvin Gildner – 528 Pine Street – Mr. Gildner again expressed his concerns regarding the water rate issue and stated that he hoped Council would make some type of decision this evening. Mr. Gildner also noted that several people were upset because one of the office staff discussed the water rate issue with them and he feels that these issues should be discussed at the Water Committee Meeting.

Councilor Burek noted that Council had not received any reports from the Board of Health all year and suggested that the office staff send a letter to the Board requesting a monthly report. It was noted that the Board usually holds 1 meeting every quarter, but has not had any meetings this year. If there is an issue which requires the board’s input or inspection they are notified and requested to check into the issue. Councilor Hoffman noted that the board is more reactive than pro-active. The office staff will contact the chairperson of the Board and inform him of Council’s request.

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/TRANSFER

Councilor Hoffman made a motion seconded by Councilor Burek to approve 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	None
	Bryon Reed	Paul Hoffman	
	Galen Freed	Russell Hallman	
	Kris Burek		

MAYOR’S/POLICE CHIEF’S REMARKS

Mayor Niedermeyer reported that he attended the Pipeline Safety Emergency Response Seminar, Arts Fest, “The Gathering”, judged Duck Race, 5th Annual Mayor Award Dinner, 25th Year Open House for the Town & Country Gazette, started the 5K Race on the trail. He also assisted the Chief of Police on various citizens complaints.

Chief Rachman – He noted that Officer Wagner had received another letter of commendation from his supervisor Chief Stauffer for his work on the Drug Task Force.

STANDING COMMITTEES

A. Public Safety

Councilor Hoffman informed Council that he and Chief Rachman applied to the Department of Justice for a \$7800.00 grant for the purchase of bulletproof vests, which will be 50% funded. They were awarded this grant for \$3900.00 and these monies are available to spend until August 2012.

1. POLICE TASERS – Councilor Hoffman made a motion seconded by Councilor Hallman to have Council approve the purchase of 2 tasers at a cost of \$1662.90 and 2 holsters at \$60.00; total cost not to exceed \$1750.00, the training is free through LCCC. 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
	Bryon Reed	Paul Hoffman	
	Galen Freed	Russell Hallman	
	Kris Burek		

2. ATV PURCHASE CONTRACT – Councilor Hoffman informed Council that the Fire Department signed a contract to purchase a 6- person with ambulance litter ATV for \$38,000.00. He noted that no Borough Budget money is being used, but will be coming from the Fire Department Fund and the Firemen’s Relief Fund.
3. FIRE POLICE/SQUAD UNIT 2451 – Councilor Hoffman noted that this unit was donated a few years ago to the Fire Department from NOVA and that we have spent numerous budget funds in repairs and upkeep with this unit since we placed it in service. Chief Weaver and Engineer Heffelfinger found a unit for sale from Newton Square FD. It is a dodge pickup with a reading body and lists for approximately \$9,800.00 and with emergency lighting, arrows and light tower a fair market price would be around \$15,000.00. Councilor Hoffman noted that he secured some documentation from the late David Hinkle’s wife. He had been controlling the bank account for the Fire Police Association in the past. Councilor Hoffman is waiting to hear from the bank if they can have access to these funds and noted that the address on the account is Borough of Slatington Fire Police/Truck Fund in care of David Hinkle. Attorney Healy stated that they should consider some of these comments for discussion in Executive Session.

B. Finance/Planning/Zoning

1. CREDIT CARD PAYMENTS – UTILITY BILLS – There was a discussion concerning the processing and leasing fees pertaining to the credit card machine. Councilor Hallman made a motion seconded by Councilor Burek to proceed with the acceptance of credit card payments for the 4th Quarter 2010 bills on a trial/temporary basis. 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
	Bryon Reed	Paul Hoffman	
	Galen Freed	Russell Hallman	
	Kris Burek		

2. YARD SALES – The question of number of sales per year was again addressed and after a brief discussion it was decided to table until the next meeting and possible revision of the current ordinance.
3. TAX COLLECTION – William Stein recommended after researching several tax collection agencies that we appoint Berks County Intermediate Unit because they come highly recommended and are very computer friendly. Councilor Hallman

made a motion seconded by Councilor Hoffman to approve the appointment of Berks County Intermediate Unit as the tax collection agency. 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	Kris Burek
	Bryon Reed	Paul Hoffman	
	Galen Freed	Russell Hallman	

At this time Councilor Hoffman asked to be excused and requested if possibly Chief Weaver could fill in for him at the Executive Session concerning the matter of the fire police truck, if needed.

C. Human/Community Services

Councilor Stevens informed Council that the Borough received \$8,000.00 reimbursement from Lehigh County for the 2009 Streetscape Enhancement Grant.

1. DENISE SMITH LETTER – Councilor Stevens made a motion seconded by Councilor Hallman to approve the appointment of Denise Smith to the Parks & Recreation Committee term to expire 1/1/12. 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
	Bryon Reed	Kris Burek	
	Galen Freed	Russell Hallman	

2. MEMORIAL PARK UPDATE – Councilor Stevens made a motion seconded by Vice-President Reed to grant Livengood Excavating a 30-day extension. 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
	Bryon Reed	Kris Burek	
	Galen Freed	Russell Hallman	

3. PPL PROPERTY – There was discussion and disagreement as to the exact location of this property and whether it is in the Borough or Washington Township, and also the issue of possibly having to pay property taxes. Both the Borough and PPL refuse to pay the \$1650.00 for the required environmental study. Since no definite decision could be arrived at, it was decided to table this issue, until all the information concerning the location and tax matter could be verified.
4. WEBSITE UPDATE – This item was tabled.
5. HOLD HARMLESS AGREEMENT (for the Welcome to Slatington Sign) – Councilor Stevens noted that a name change has to be made to the agreement so he contacted Lehigh County and will find out what needs to be done.
6. Les Glanz – 1131 Morris Lane – Mr. Glanz gave a presentation concerning the Transportation Enhancement Grant in the amount of \$3.3 million dollars being awarded through PENNDOT. The requirements are that an applicant may submit as many grant applications as they wish, but each one cannot exceed \$500,000.00. The applications must be submitted by Monday November 8, 2010 and the screening process will be conducted until the end of November. The grant can be used for bike paths (must link together), pedestrian and bicycle trails and is 80% funded and 20% match, and the applicant must identify where the match will come from. The grant is good for 2011-2013. Ted Stevenson will look into what is needed for the application and it was decided to use this money for new street lighting in the Historic District. Councilor Stevens made a motion seconded by Vice-President Reed to have the engineer prepare the application for this grant for period street lighting with engineering and preparation costs not to exceed \$3,000.00.

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
	Bryon Reed Kris Burek	
	Galen Freed Russell Hallman	

D. Highway

1. FUEL USAGE UPDATE – Joan submitted a memo showing the diesel usage for the Fire Department, the garage, and NOVA. Vice-President Reed noted that he has a call into Jason Breininger to find out how much NOVA has actually been using and we are checking with Washington Township.
2. SNOW REMOVAL UPDATE (BRIDGE SIDEWALKS) – Vice-President Reed noted that he contacted Joe Kretulskie of PENNDOT to discuss this issue. We have a copy of our Lease Agreement with PENNDOT which covers from 2007 through the Winter of 2011-2012; however this agreement was for the old bridge sidewalk and now there are 2 new bridge sidewalks which are wider and we need to use a different solution for the ice. We were told that we would receive additional monies to compensate for these issues. Mr. Kretulskie will check on his end to see what PENNDOT is planning to do.
3. STREET PAVING UPDATE – The question arose as to whether we want to add more streets or not to be overlaid. The Council discussed whether to take money from the Liquid Fuel Tax Money, but decided to add one additional street and than see if there is any more money later on to do another one. Vice-President Reed made a motion seconded by Councilor Burek for Council to approve street overlay for Second Street – from Kuntz to East Church Street, at a cost of \$11,277.00 plus milling and leveling course. 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
	Bryon Reed Kris Burek	
	Galen Freed Russell Hallman	

4. PARKING ISSUE – MAIN STREET – Vice-President Reed also discussed with Joe Kretulskie PENNDOT’s policy concerning snow removal on Main Street. Mr. Kretulskie informed him that they are responsible to remove the snow on the 2 lanes of traffic, not along the sides where cars are parked. The decision is up to the Borough and how they want to allow for parking especially during the winter months. It was decided to discuss this issue further at a later time.

E. Sewer/Solid Waste

1. EPA GRANT FOR GENERATOR AND ADDITIONAL WORK

Councilor Burek made a motion seconded by Councilor Hallman for Council’s approval to have the engineer submit the re-application for the EPA Grant in the amount of \$162,426.00. 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
	Bryon Reed Kris Burek	
	Galen Freed Russell Hallman	

2. Councilor Burek made a motion seconded by Councilor Stevens to approve the Authority’s Fund Transfer Request in the amount of \$590.20 to pay bills. 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
	Bryon Reed	Kris Burek
	Galen Freed	Russell Hallman

3. ASSUMPTION BVM PARISH CEMETERY REQUEST

Councilor Burek made a motion seconded by Vice-President Reed to approve their request and have the borough solicitor prepare the agreement with the following conditions as stated by the solicitor:

The Borough has the right under Section 1735 of the Borough Code (yellow book) to require the property owner to post “a bond or other Security” to ensure the completion to Borough standards of the proposed costs of installing the approved drainage improvements and repairing the affected street(s). I do not know what this amount would be, but it should be calculable by the engineer. Ideally, this amount should be itemized in a detailed fashion attached to a suitable indemnification agreement. I recommend that the engineer inspection costs and a 10% contingency be included in the amount of security, assuming Council wishes to require some form of security and indemnification agreement.

They must also comply to the stormwater management provisions which were listed in the letter sent to Galen Freed, Borough Council dated September 17, 2010, particularly Item No. 3. 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
	Bryon Reed	Kris Burek
	Galen Freed	Russell Hallman

Councilor Burek informed Council that she attended the PSAB Seminar and the topic was the collection of overdue municipals fees. She also attended the Lehigh Valley Housing Summit where representatives from Washington DC were present to give an economic forecast for 2012 and beyond. She noted that there are foreclosure preventions and that if someone is in need of information they can get in touch with her. She informed everyone that PENNVEST has money for homeowners through PENNVEST related work. She also reported that Senate Bill 900 which targets owners/landlords of blighted properties should be put into effect by the end of the week.

F. Water

1. Councilor Roberts declared the Slatington water safe for human consumption.
2. Councilor Roberts informed Council that the Water Plant received one quote in the amount of \$431.00 for an industrial leaf vac. It was suggested that they acquire more quotes.
3. Councilor Roberts reported that there was a very serious water break at the Baptist Church and Ronca helped the Borough to correct the problem.
4. Water Rate Presentation – Councilor Roberts was asked if he being Chair of the Water Committee had anything more to report on the water rate changes and he responded that he has been in contact with Councilor Stevens and Councilor Hallman who is Chair of Finance about this issue. There was a very intense discussion from the Council and several visitors concerning this issue.

UNFINISHED BUSINESS – Borough Credit Card – The office staff was informed that in order for the borough to acquire a card someone has to fill out the information card. This item will be put on the next Finance Workshop Meeting.

Councilor Burek made a motion to have Resolution R-04-10 withdrawn from any further consideration permanently. Attorney Healy noted that this motion can resurface anytime at any

meeting. Councilor Stevens also stated that this resolution was only presented in a draft form anyway. Councilor Burek withdrew the motion.

COURTESY OF THE FLOOR (non agenda items)

Melvin Gildner – 528 Pine Street addressed Councilor Roberts and wanted to state publicly that he did not make that remark that Mr. Roberts should be fired. He again expressed his issues and concerns about the hesitancy of the Council to make any decision involving the water rate changes and stated how important it is to be fair to the single homeowner and for every taxpayer.

Kathi Buss – 7014 Old Grange Road – She inquired of Council why the Water Committee is last on the agenda, and that since it is such an important issue with many people wishes to express their concerns and opinions, they should not have to wait so long to speak. It was explained that the Chair of any committee must make a request where to put their committee on the agenda.

George Moyer – 231 Main Street – expressed his concerns about the water rates.

Susan Guedes – 1065 Oakhurst Drive – expressed her concerns about the possibility of a tax increase if the water rates increase.

Dave McGeehan – Highlander Laundromat expressed his concerns about the high water rates and how it affects his laundry business. He presented rates from other municipalities.

EXECUTIVE SESSION - At 10:30 P.M. President Freed convened the Regular Meeting and called for an Executive Session, at 11:25 P.M. President Freed convened the Executive Session stating that matters of personnel and pending litigation were discussed, and reconvened the Regular Meeting. At 11:15 P.M. Vice-President left the meeting.

ADJOURNMENT – At 11:30 P.M. Councilor Burek made a motion seconded by Councilor Hallman to adjourn.

Joan Cheesbrough
Assistant Borough Secretary