

COOPERSBURG BOROUGH COUNCIL
Meeting Minutes
February 27, 2007

The meeting of the Coopersburg Borough Council was held on Tuesday, February 27, 2007 at 7:30 P.M. in the Town Hall Meeting Room. The meeting was called to order by President Balascak. Others present were Mayor Mack, Councilwoman Bell, Councilmen Nalichowski, Hovis, Manager Stonehouse, Mr. Snyder, Mr. Nace, Chief Trexler, Engineer Erdman and Attorney Higgins.

The Pledge of Allegiance was recited followed by the roll call. Mr. Pummer was absent due to business.

Mayor Mack swore in new Councilmen Harvey Greenland and David Novak.

Mr. Balascak thanked the new Councilmen for serving the community. He indicated that Borough Council is now at full strength and is prepared to go on through the year. The new Councilmen took their places with their colleagues.

PUBLIC COMMENT

There was no public comment at this time.

MEETING MINUTES - Mr. Balascak asked for a motion to approve the minutes from the January 23, 2007 Council meeting. Motion by Mr. Hovis, second by Ms. Bell. Motion to approve the minutes as amended passed 6-0.

BUDGET/FINANCE Mr. Hovis made a motion to accept the Check Detail Report, General Fund, Sewer and Liquid Fuels Profit and Loss Statements and Balance Sheets for the month of January 2007. Second by Ms. Bell. Several questions on the reports were answered by Manager Stonehouse. Motion passed 6-0.

HEALTH/SANITATION/WATER

Ms. Higgins said that Judge Riebman has set a new date for the Surman hearing of March 14, 2007 at 9:00 AM.

Mr. Balascak briefly explained the history behind the Surman cleanup to the new Councilmen. The hearing is to ask Judge Reibman for an enforcement of the court order from 2004. Only 85 to 90% of the property is cleaned up. His attorney is asking for the return of the escrow for the cleanup. If escrow money is released back to David Surman it will not leave a great deal of money for the cleanup to be complete.

Ms. Higgins said that the estimated attorney's fees are around \$30,000. If there is a release of \$50,000 as requested by Surman's attorney, there will not be much left for the cleanup.

Mr. Balascak said he wants the property left in maintainable condition. Although he has felt bad for the family because of their health issues, the Borough has been very patient with the Surman family.

Ms. Higgins said the petition is to enforce the court order of 2004. Surman has failed to comply with the order and is in contempt.

Mr. Novak added that the secondary reason that Mr. Surman uses is for medical costs for Mrs. Surman who is in poor health. That reason alone indicates the money will be used for something other than the cleanup process.

Mr. Balascak asked what Council wishes to do with the Surman request.

Motion by Mr. Novak, second by Mr. Hovis to deny the request from Mr. Surman for the partial return of escrow funds. Motion passed 6-0. Ms. Higgins will notify Mr. Surman's attorney.

I & I - Mr. Balascak provided a brief history of the I & I situation for the new Council members. The moratorium has been in place since 1996. The sewer situation has been a long process, fighting UST the entire way.

Mr. Snyder reported on recent sewer work saying that Mr. Rehab has been repairing three laterals on North Main Street. Two of the repairs are complete, the third requires additional work. This time Mr. Rehab will wait until the ground water levels are lower. The new rain gauge is in operation. Its data collection is collated directly into the Data Gator data collection software. He described the process for the repairs on Main Street for the new Council members.

Mr. Balascak encouraged the new Council members to view the sewer repair process at some time in the future.

Mr. Snyder reported that a new pump head was replaced at well #4 as well as a length of pipe. Evidently there was a loss of pump pressure and the capacity was not in the normal range. Three phase electricity is needed at the pump house to operate the pump correctly. He is coordinating the work with PPL to get the correct power to the site.

Mr. Balascak asked if the new meters are being installed around the Borough. Mr. Snyder replied yes, they have been installed as needed the past several years.

Mr. Greenland asked the size of the new motor.

Mr. Snyder replied the motor is 20 horsepower. The 15 hp pump was too small. It was replaced with a 20 hp motor. Today that was replaced with a new 20 hp motor and 20 hp pump head.

There was no report from the Health Inspector as Mr. Lilley was sick.

Fritzingers Hotel - Ms. Higgins said she has commenced legal action against the hotel. She is not sure if the action was served yet by the Sheriff's office.

Mr. Balascak explained the building code violations against the hotel.

Ms. Higgins explained the order compels the owner to repair the violations, pay for reasonable attorney's fees and cease operations.

Mr. Erdman added that the numerous violations were electrical violations, panic and safety hardware violations and others.

Mr. Hovis said that Ms. Fritzingers will be putting the hotel on the market with Patt White Realty.

Mr. Novak asked how soon will the violations be remedied.

Ms. Higgins said there is no set deadline, the Sheriff's office has to service the property owner with the complaint and it is not a typical case. There will be no discovery. She just requires a hearing in front of a judge. They should have the hearing date within the next two to three months.

Mr. Balascak asked if there is an order for eviction.

Ms. Higgins said that was included in the complaint.

Corrective Action Plan - Ms. Higgins said the work is underway to respond to the appeal from USTMA.

Mr. Erdman gave a history of the water meter reading requests from UST in regard to those properties that have had recent land development. The Turkey Hill has had recent water allocation exceedences because of faulty toilets. The repairs to the toilets have been completed. He will be checking on the water allocation on a monthly basis. He also explained the submeter being used at the Turkey Hill.

The discussion of the Tilley agreement was held until the executive session.

Ms. Higgins said the Borough has been brought into a lawsuit by FPM Associates who are trying to develop 27 homes on 8 acres complaining the Borough has made a de facto condemnation of the property by not allowing sewer connections.

HIGHWAY

Mr. Nace noted that curb and sidewalk repair requirements for Oxford Street is almost complete. KCE is still developing the storm drainage requirements for 2nd Street.

Mr. Balascak explained that Oxford Street will be overlaid from Route 309 to Fourth and storm drainage will be installed on 2nd Street for the 2007 road projects. The rest of Oxford Street from 4th to Main will be completed in 2008. The Highway Committee has reviewed the project. The Borough is waiting for the curb and sidewalk evaluation to send out the letters to the property owners with possible costs.

Mr. Novak asked if the sidewalks on Oxford were of the standard width.

Mr. Nace said that it depends on the area. The Borough tries to keep the same width throughout an area of the Borough.

Mr. Novak said the curb and sidewalk letters should try to cover those helpful comments from the previous property owners.

Lutron Road Widening - Mr. Balascak said that the Borough was approached by Lutron Industries to reconfigure the east side of Fairmount Street at Route 309 in anticipation of the growth of the business in the near future. They wish to donate money to the Borough to widen and reconfigure the intersection to assist in the larger vehicular traffic due to the corporate expansion. Last night the Highway committee met with the Borough Engineer to discuss the possible work. The committee recommends that Lutron contact PADOT to coordinate the Lutron improvements with the Route 309 widening improvements.

Mr. Erdman explained the Lutron improvements with its impact on the Route 309 widening plans. Engineer Erdman reported that PADOT denied the Lutron proposal as it would negatively affect the Route 309 widening plan. The additional northbound lane on Route 309 would also require obtaining additional right of way from the park. Mr. Erdman will respond to Lutron. Discussion ensued as to the possibility of the project.

Mr. Nalichowski said that the construction will put additional traffic on other Borough roads. Mr. Greenland said Lutron could also stagger the start times of their employees to decrease the anticipated heavier traffic.

At this time, Mr. Balascak recognized Ms. Jennifer Wescoe - Schaninger who presented to the Council a proposal to host a 5 kilometer running race on May 26th, 2007 in conjunction with the Coopersburg Community Sidewalk Sale. She has been running for some time and wishes to organize the 5K race to benefit the Borough Business Revitalization Program and the Make-a-Wish Foundation. She provided information packets to the Borough Council.

Mayor Mack said the resources do not appear to pose a problem and offered his support to the race. He thought it was a great idea and recommended Council approval.

Mr. Balascak had a concern about the parking for the runners.

Ms. Carrie Poole, Co-Chair of the Borough Business Revitalization Program said the committee started the community wide sidewalk sale last year and since it was such a success, thought it be a wonderful idea to add the 5K race onto the activities for the day. They have named the event "Coopersburg Day" and their mission is to make the Borough proud.

Ms. Wescoe-Schaninger said she has changed the route to keep it entirely within the Borough.

Mr. Nalichowski asked where the water stations would be located.

Ms. Wescoe-Schaninger said that she has not placed them, but there would be several along the course.

Motion by Mr. Hovis, second by Ms. Bell, to approve the Coopersburg 5K Race to be held May 26th, 2007. The details need to be completed and coordinated with the Coopersburg EMS, Fire Police and Police Department. Motion passed 6-0.

LAND DEVELOPMENT AND SUBDIVISION

Ms. Bell said the monthly zoning report, sign permit report and Landlord/Tenant inspection logs for the month of January were in the binders for Council.

The Subdivision and Land Development Ordinance is still in Committee.

The Act 147 Stormwater Management Ordinance is still in committee. Manager Stonehouse said that he hopes to combine the stormwater ordinance and the SALDO into one ordinance update.

Ms. Bell made a motion to approve the extension for the Kavanaugh Subdivision for 90 days until June 8th, 2007. Second by Mr. Hovis. Motion passed 6-0.

POLICE

Mayor Mack said the monthly Police as well as the annual report was in the binders.

Mr. Greenland asked the Chief to define the Incidents/Traffic Accidents category.

Chief Trexler said he will be coming out with a report next quarter that better defines the different categories of the report.

The handicapped parking ordinance is in committee.

The Mayor highlighted the list of equipment that was provided to the Borough's Emergency Management office from Lehigh County.

Mr. Balascak said that Mr. Tapler, the EMC, is setting up a tabletop exercise to better evaluate and train the EMC personnel in time of disaster. Mr. Balascak also told the new Councilman they should be trained in NIMS (National Incident Management System). Mr. Tapler will provide the information to them.

Mayor Mack said the Borough needs a certified firearms officer in the Police Department and there is a course available in April to send an officer. Not having a certified officer is a liability issue for the Borough.

Chief Trexler installed a water pump on the Jeep police cruiser to save the Borough some money. Chief Trexler and Mr. Nace had some concerns about the handicapped parking ordinance because of its cost and feasibility. Council decided that the ordinance is not needed and will be removed from the agenda.

Impound Lot - Car 503 is still being stored in the Borough's impound lot. It is being stored as evidence as required by the rules of evidence. Mr. Hinkel's attorney (Mr. Waldron) was made aware of the fact that the Borough will begin charging them for the storage of the vehicle. Ms. Higgins was to write attorney Waldron and the DA again about the vehicle.

Chief Trexler said the trial date is already set for Mr. Hinkel.

Mr. Hovis said he wants the car out of the impound lot. Any money owed is not an issue.

Mr. Nace said he would like to sit down with Mr. Tapler and PADOT to develop an agreement for a standard operational procedure if a vehicle becomes stuck on the Route 309 hill. The Borough can assist PADOT to keep traffic moving in the area.

Mr. Balascak thought that was a great idea and wanted Mr. Nace to coordinate with Mr. Tapler on the project.

EMERGENCY SERVICES/ COMMUNITY PLANNING

Mr. Nalichowski said the monthly reports from the EMS and Public Library are in the binders.

Mr. Nalichowski made a motion to adopt Resolution 2007-06 requesting an in-depth study be conducted by the Regional EMS Council to determine the feasibility of a regional EMS service in the southern part of Lehigh County. Second by Mr. Hovis. Motion passed 6-0.

Mr. Nalichowski said there was no MECAB meeting in February. He said he was gathering information on the charges for fire company services.

PROPERTY & HOUSE/ADMINISTRATION

Mr. Hovis said the draft franchise agreement with RCN is in Ms. Higgins office.

BOROUGH MANAGER/SOLICITOR/ENGINEER

The date for the annual Council workshop is March 24th at Ms. Bell's residence from 8:30 AM to 12 noon.

Manager Stonehouse told Council there were still two outstanding curb and sidewalk invoices from the Linden Street construction totaling some \$4500.

Several members of Council were asked to bring in their Code Book so the Manager can update them with new ordinances.

Council members were also reminded of their ethics statements forms.

The Borough Solicitor and Engineer had nothing further for the meeting.

BOROUGH COUNCIL COMMENTS

Mr. Balascak said that he has completed the new committee assignments which were distributed to Council members.

The nominations for Vice President of Council were opened and Mr. Nalichowski nominated Mr. Hovis. Second by Ms. Bell. Nominations were closed. Mr. Hovis was elected Vice President of Council 6-0.

The nominations for Pro Tem of Borough Council were opened and Mr. Hovis nominated Mr. Nalichowski. Second by Ms. Bell. Nominations were closed. Mr. Nalichowski was elected Pro Tem of Council 6-0.

Borough Council entered an executive session to discuss litigation at 10:03 PM and returned to regular session at 10:26 PM.

A motion was made by Mr. Nalichowski and seconded by Mr. Novak to adjourn the meeting. Motion passed 6-0 and the meeting was adjourned at 10:27 P.M.

Dennis M. Balascak
Council President

Borough Secretary

Date