

**COOPERSBURG BOROUGH COUNCIL**  
**Meeting Minutes**  
**March 13, 2007**

The meeting of the Coopersburg Borough Council was held on Tuesday, March 13, 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 Novak, Greenland, Nalichowski, Hovis and Pummer, Manager Stonehouse, Mr. Snyder, Mr. Nace, Chief Trexler, Engineer Santilli and Attorney Higgins.

The Pledge of Allegiance was recited followed by the roll call. All were present.

**PUBLIC COMMENT**

Ms. MaryBeth Schrodinger from Alvarez Orthodontics told Council Alvarez is sponsoring a golf tournament to benefit Officer Grimm. They are looking for a sponsor for \$200.00 per hole, with 72 golfers to be held at Locust Valley Golf Course, with a possible date of June 2nd.

Mr. Balascak thanked Ms. Schrodinger for taking the time to sponsor the tournament to benefit Officer Grimm.

Ms. Schrodinger said she is also looking for door prizes to go with the tournament.

Mr. Hovis made a motion to sponsor a golf hole at the tournament, second by Mr. Novak. Motion passed 7-0.

Mr. Randy Rehrig and Don Moyer were present from the Cavalry Bible Fellowship Church on North Main Street. They gave a short presentation on their solution for the erosion that is occurring south of their parking lot within the sewer easement. The use of concrete blocks was not acceptable because of the weight of the blocks on the sewer pipe which could crack. The new solution is a material called Filtrex which is a mesh sock like material that is filled with local materials. Weight should not be a concern since the local material will be the same weight as the surrounding soil. The Church wishes to continue with plans for the repair but wants to know if there are any plans to do anything in the future with the sewer line. Mr. Rehrig provided the same information to Mr. Stahlnecker of UST.

Mr. Balascak gave a short background on the concern with the sewer main and the erosion on the Church property.

Mr. Rehrig said there is no excavating with this system. The Filtrex material is filled with natural material and grass seed. He wanted to know the condition of the pipe and any future plans with the pipe in that area.

Mr. Santilli wanted to know if the repair is over the pipe.

Mr. Rehrig said yes it was.

Ms. Santilli said the last time the pipe was televised there were no problems with the pipe.

Mr. Balascak said Council will have the Engineer and Solicitor review the concerns and report back to Mr. Rehrig. He asked that Ms. Higgins review any liability issues with the repair during the construction.

Mr. Greenland asked if it was possible to move the creek.

Mr. Rehrig said they just want to protect the parking lot from any damage. Their intent is to make a smooth curve at the current bend in the creek.

Mr. Santilli said KCE would be reviewing the material and respond back to Mr. Rehrig.

**MEETING MINUTES** - Mr. Balascak asked for a motion to approve the minutes from the March 13, 2007 Council meeting as amended. Motion by Mr. Hovis, second by Mr. Pummer to approve the minutes as amended passed 7-0.

**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 February 2007. Second by Mr. Nalichowski. Several questions on the reports were answered by Manager Stonehouse. Motion passed 7-0.

## **HEALTH/SANITATION/WATER**

Mr. Balascak read the letter from UST regarding the return of the check for the capital costs associated with the operations of the WWTP. A check for 25% of the capital costs was sent to UST but they returned 5% of the money because of a discrepancy in the ownership percentage of the capacity of the plant.

Mr. Hovis asked how much capacity the Borough owns and if the Borough has the right to get reports on the operations of the plant.

Mr. Balascak replied it is a matter that Attorney Marles is working on.

Mr. Pummer asked that we know the plant capacity was reredited, has there been any definitive answer by UST on that issue.

Mr. Balascak replied that it was not yet addressed. He announced there would be an executive session at the end of the regular meeting to discuss litigation.

I & I - Mr. Snyder said there were a few exceedences with the last rain event. Through analysis, they have found several areas that require some repair and a few areas for further investigation. The Oxford Street area is clear with no I & I but is still required to be monitored.

Mr. Balascak said the HSW committee met earlier this evening and analyzed the latest rainfall figures and discussed the strategy for the future monitoring of the system. In the next few days, the flo-meters will be moved to new locations.

There was no report on the water system.

Mr. Balascak asked if there was a warranty on the pump at the reservoir.

Mr. Snyder replied yes, there is.

There was no report from the Health Inspector.

Fritzingers Hotel - Ms. Higgins said the owner was served with the court papers and the court date is March 30, 2007 at 9:30 AM.

Mr. Santilli said that Attorney Marles has been working on the appeal of the CAP. They should be completed soon with the appeal documents.

Mr. Balascak said that Mr. Erdman had some difficulties with the reconciliation of the capital costs for the WWTP.

Mr. Balascak informed Council of the letter from Mr. DiDonato of Abruzzi's on Main. Mr. DiDonato wrote he was not going to be paying the trash portion of his utility bill for the 4th quarter of 2006. Manager Stonehouse had already responded to Abruzzi's informing them the unpaid portion of the utility bill will be carried over to the next quarterly bill. This was the second time that Abruzzi's had told the Borough he was not going to pay the trash fee, the first being in 2000.

Mr. Pummer does not wish to set a precedent.

Mr. Greenland asked how the trash contract is negotiated.

Mr. Balascak answer by saying the Borough must go out for bid for the trash removal. The most recent bid was awarded to JP Mascaro.

Mr. Novak asked what takes precedent, the resolution or the ordinance.

Ms. Higgins said the ordinances are codified and are the law in the Borough. The Borough should continue to monitor the situation.

Mr. Balascak said he wrote a letter to Bruce Bush the Chairman of the USTMA requesting the formation of the Advisory Committee as required by the 1970 agreement. There has not yet been a reply.

## **HIGHWAY**

Mr. Nace said that Mr. Erdman gave him a copy of the cost estimates for slab jacking of the sidewalk on Oxford Street where some of the sidewalks have sunk below the level of the curb. By using slab jacking, the sidewalk is brought up to the level of the curb and can be used in locations where the sidewalk is in good condition.

## **LAND DEVELOPMENT AND SUBDIVISION**

Mr. Pummer said the monthly Zoning Report, Landlord Tenant Inspection list and the building permits for the month of February were in the binders for Council's information.

At this point, Mr. Balascak excused the hourly employees.

Ms. Balascak told Council of the recent history of the Surman property cleanup and that a hearing would be held at 9 AM the next day.

Ms. Higgins said there were two issues in dispute, the attorney's fees and the cost to clean up the property. The cost to clean up by Surman's estimate is less than \$10,000. Attorney's fees could be as much as \$30,000. Mr. Surman wanted to compromise with a \$10,000 payment for attorney's fees and leave \$10,000 in escrow in an attempt to settle.

Mayor Mack asked how the judgment would go.

Ms. Higgins said it is unusual to seek attorney's fees on both sides. She initially requested the attorney's fees in the stipulation to attempt to get the fees for the Borough. She hoped to get about half of the attorney's fees in this hearing.

Mr. Balascak said he will testify at the hearing that none of the recent items on the cleanup list were completed by Surman. He can only testify at what he observed at last week's inspection.

The Subdivision and Land Development Ordinance is still in Committee.

The Act 167 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.

### **POLICE**

Mayor Mack said the monthly Police was in the binders.

Chief Trexler thanked Ms. Schrodinger again for organizing the golf outing to benefit Sergeant Grimm. This is the second year she has done a benefit for the Officer. He said he will personally donate \$20.00 toward the sponsorship of the hole to cover the Borough's expenses.

Officer Nahrgang will be attending the firearms course to be qualified as the Department's Firearms Officer. The course is offered in Bethlehem.

The Chief said the temporary fix to the Jeep was indeed temporary and needs additional repair. He says the working relationship among the Borough workers has never been better. Mr. Nace and Mr. Ritter offered to lend their expertise to repair the vehicle. Officer Leindecker has also offered to lend a hand. He thanked them for the offer of assistance.

Car 503 - Chief Trexler spoke with the ADA about the car and was told not to release the vehicle to the insurance company until after the trial for Mr. Hinkel.

Ms. Higgins agreed.

Chief Trexler did say that he will start to use the impound lot again. The new officers are on duty and proceeding with their training. They are doing well in their training phase.

### **EMERGENCY SERVICES/ COMMUNITY PLANNING**

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

Mayor Mack had a question about the monthly fire report from the CFC and the manhours reported.

Mr. Lilley reported that the Fireman's breakfast is the last Sunday of each month from October until March from 8 AM to 1 PM.

Mayor Mack said he attended the first breakfast and thought it was a success.

Mr. Lilley introduced Matt Rehrig, the Vice President of the Fire Company.

Lower Milford Township wrote a letter to the Borough requesting support for a park trail around their Township building. Mr. Balascak said he would write the letter of support.

Mr. Nalichowski discussed the idea of an evacuation exercise with the Principal of the Liberty Bell Elementary. She was in favor of the idea, however the Superintendent of Schools, Mr. Liberati, was not, indicating it is a traumatic experience for the children and the parents also get upset. It was, however, a good idea for the faculty and teachers who have never been through such an exercise. Evidently the school has an old copy of the Emergency Operations Plan.

The SLSD is creating a DVD with a room layout and a video of each hallway and room to assist emergency personnel and familiarize them with the school. The DVDs will be compatible with the in-car computers.

The EMC is still planning on a June 1st exercise date.

Officer Tapler would still like to purchase a new radio frequency for the Borough so that the Borough workers and officers can talk directly with each other with no other agencies on the net. He is also getting additional weather radios for use in the Borough.

Mr. Nalichowski said the monthly MECAB meeting is in either Emmaus or Catasauqua this month.

Chief Trexler said instead of calling the exercise an evacuation drill, it can be called an educational field trip. Discussion ensued as to the exercise and how to accomplish it in June. Officer Tapler invited Council to the EOC after the Council meeting.

**PROPERTY & HOUSE/ADMINISTRATION**

No report

**BOROUGH MANAGER/SOLICITOR/ENGINEER**

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 state ethics forms.

The quarterly utility bills will be going out the last week of March. The Borough newsletter is being prepared and any ideas for newsletter articles would be appreciated.

Mr. Nace said that brush pickup should be mentioned in the newsletter.

Mayor Mack asked about the replacement of the bridge in the park.

Manager Stonehouse said the bridge replacement will be part of a DCNR grant application for this April. The County Conservation District has some money that can be used for matching funds for the application.

The Borough Solicitor said the Franchise Agreement with RCN has been forwarded to RCN for signature. She added a section on liquidated damages.

The Engineer had nothing further for the meeting.

**BOROUGH COUNCIL COMMENTS**

Mr. Greenland said that Ms. Valerie Walter of So. Main Street is hosting a neighbors meeting on the Route 309 widening and the potential traffic through the Borough streets.

Mr. Hovis asked if the bridges on North Main Street are weight restricted.

Mr. Balascak answered yes. Discussion ensued as to the likely outcome of the meeting and who might attend.

Mr. Novak asked the date of the next COG meeting.

Manager Stonehouse replied the meeting date has not been set.

Ms. Bell recommended that in the next newsletter, residents should be reminded to be careful of their children playing in the street.

Mr. Nalichowski recommended a safety corner be added to the newsletter to inform the residents of safety issues.

Borough Council entered an executive session to discuss litigation at 9:29 PM and returned to regular session at 10:00 PM.

Ms. Bell asked that everyone say a prayer for Mr. Nace's mother who is ill.

A motion was made by Mr. Hovis and seconded by Mr. Pummer to adjourn the meeting. Motion passed 7-0 and the meeting was adjourned at 10:03 P.M.

\_\_\_\_\_  
Dennis M. Balascak  
Council President

\_\_\_\_\_  
Borough Secretary

\_\_\_\_\_  
Date