

COUNCIL MEETING MINUTES

March 18, 2009

7:00 P.M.

Council members present were: Mr. Rapp, Mr. Capuano, Mr. Trotter, Jr., Mr. Blatt, Ms. Halleman, Ms. Gifford and Mr. Grotenhuis. Also in attendance were: Mr. Rick Prill, Administrator, Mr. Timothy Stephens, Chief of Police. Absent was Mayor Ned Fink.

Mr. Rapp called for the pledge to the flag.

Mr. Rapp reviewed items to be placed on the April 6, 2009 meeting Agenda as follows:

1. Minutes of the 2/18/09 and 3/4/09 Council Meetings have been prepared for review. Mr. Rapp noted that anyone with corrections to the Draft Minutes of 2/18/09 and 3/4/09 should provide them in writing to Mr. Prill.
2. Resolution # 2009-10, authorizing the submission of the 2009 CDBG application to Lehigh County. Mr. Prill noted that this application will be to apply for grant funding to continue the storm sewer rehabilitation along Stanley Avenue and Lynn Street, which would be Phase 4 of the ongoing rehabilitation program.
3. Appointments to a Pool Feasibility Study Committee. Mr. Rapp indicated that Council needs to identify individuals who might be interested in serving on a Study Committee. A letter has been prepared to send to these individuals to determine if they would be interested in serving.
4. Curb/sidewalk issue. Mr. Rapp asked Joe Gatta to provide some background on this matter. Mr. Gatta provided Council with some pictures of the existing curb and sidewalk at 1402 Broadway. The new owner of the property was intending to replace both the curb and sidewalk along Broadway and had approached PennDOT regarding this. PennDOT responded advising the property owner that not only would he have to replace the existing handicapped curb cut along his property but would also have to install a new handicapped curb cut on the opposite side of Broadway. The owner of the property objects to this PennDOT requirement and at this time is only proposing to replace the deteriorated portions of sidewalk and leave the existing curb and handicapped ramp alone. Based on this, Council indicated that it did not object to this work being done.
5. Mr. Prill noted that he had recently been contacted by two Borough property owners, both of which are in the process of having to connect to the Borough's sewer system as a result of existing in-ground septic systems having failed. Both property owners have raised the issue of having been billed and paid for sewer service since they owned the properties, not knowing that their properties were not connected to the Borough's sewer system, and therefore were looking for these past payments to be credited towards future payments once they are connected to the sewer system. As a result of these two inquiries, Mr. Prill indicated that he had asked the Borough Solicitor to provide input on the Borough's legal position regarding these requests. Mr. Lipson has provided a

letter indicating that there is case law addressing this issue and that the case law supports the Borough's position that it is not required to either refund past sewer payments nor credit these past payments towards future billings. The Borough Code required that all properties were to connect to the sewer system when the system was installed in the Borough. The fact that some properties did not connect does not require the Borough to refund any monies collected for sewer service.

Based on this, the Council agreed that the Borough would not refund or credit any past sewer billing collections for these properties.

6. The next item on the agenda was a discussion about Community Policing. Chief Stephens was asked to provide information about the program. Chief Stephens indicated that only one Officer in the Department responded to the posted notice regarding the Community Policing position and that this individual has the training required to be a Community Policing Officer. The Chief outlined that an Officer in this position would meet with business owners, meet with senior citizens and other community groups, would liase with St. Lukes, would assist the Department in high risk situations that might come up, would prepare / process various department reports, would research crime trends, and would spend time at the playground, pool, etc.

Councilman Capuano indicated that we need to be sure that there are no current contractual issues that would limit or restrict in any way the position of Community Policing Officer. The Chief indicated that he has discussed this position with the Association and that they are supportive of the position.

Councilman Trotter, in response to a question raised, indicated that the 2009 budget can handle this position and that looking forward, this position can be very beneficial to the Borough.

Councilman Grotenhuis asked if there are any kind of assessment program in place to monitor and evaluate the success of the position. Chief Stephens indicated that there would be a need to build in this type of assessment.

Council President Rapp stated that the position of Community Policing Officer would be required to be kept in place after the 3 year grant funding program ends.

Councilman Capuano asked what would happen if the Community Policing Officer decided he did not want the position after having been in it for a period of time? Chief Stephens indicated that in this situation, the position would be re-posted. If there was no response, the Chief has the authority to appoint another officer to the position.

Councilman Blatt asked if the Community Policing Officer would receive overtime? Chief Stephens indicated that the Officer would not receive overtime for his position as Community Policing Officer but would receive overtime if and when he was responding to any other duty as an Officer for the Department.

Council President Rapp indicated that this matter would be put on the April 6th meeting agenda for a vote.

7. Council President Rapp reported that an issue has come up involving the Memorial Day ceremony wherein the school district is refusing to pay for the bus drivers to bring the band members to the Memorial Day program. The cost for the 2 bus drivers is \$200. Mr. Rapp asked if Council is willing to cover this cost.

Following a brief discussion, Councilman Capuano made a motion to approve the payment of this \$200 and that it could come out of the Community Celebration line item. The motion was seconded by Councilwoman Gifford and approved by unanimous vote.

8. Mr. Prill noted that St. Lukes Hospital has been before both the Planning Commission and the Zoning Hearing Board with an application to consolidate three (3) lots into one lot on St. Lukes Place for the purpose of constructing a parking lot. Both the Planning Commission and Zoning Hearing Board have approved the application. St. Lukes will be attending the April 6th meeting to ask the Council's approval to install the necessary driveway curb cut for the entrance/exit for the parking lot.
9. Mr. Prill indicated that a request has been received for a block party from Mr. Lance Storm for the 1200 block of Wiley Street. This request will be on the April 6th agenda for review and discussion. Chief Stephens was asked to review Departmental records to see if there were any issues coming out of last year's block party at this location.
10. Mr. Prill indicated that a draft Resolution has been received from Berkheimer which would update their records regarding who at the Borough is authorized to act as a liaison with Berkheimer. This resolution will be put on the April 6th agenda for approval.
11. Mr. Prill handed out information from Brad Youst regarding the upcoming storm sewer rehabilitation work on Stanley Avenue. The original proposal was for the replacement of the piping at an estimated cost of \$215,000. Mr. Youst feels that the rehabilitation work can be done without having to excavate the old piping and replacing it with new pipe, resulting in an overall cost savings to the Borough.

Councilman Trotter inquired as to the overall life span of the rehabilitated piping versus replacing it.

Council President Rapp suggested that the Public Works Committee meet with Mr. Youst prior to the next meeting to discuss this further.

12. Mr. Prill reported that he had attended a seminar that discussed the requirements of Act 32, which has amended Act 511, and involves how the Earned Income Tax will be collected in the future. Act 32 requires all municipalities and school districts to name a representative to be a member of a District (Countywide) Tax Collection Committee who will have the responsibility of establishing the

organizational framework for Lehigh County and selecting one vendor to collect the EIT on behalf of all municipalities and school districts in the county. Council needs to consider who it wants to appoint to represent the Borough in this process. The naming of this individual must be made prior to September 15, 2009. Between 9/15/09 and 11/15/09, the Tax Collection Committee will be called to meet and will start of the process of organizing this new tax collection oversight entity.

13. Chief Stephens asked permission to display at Borough Hall a national law enforcement memorial placque which he and his wife purchased. Council approved the request.

Mr. Capuano moved to adjourn the meeting to Executive Session to discuss a personnel matter and that Council would not be taking any action on this matter. The motion was seconded and the meeting adjourned at 8:05 p.m.

Minutes approved on May 4, 2009.

Motion to Approve
Minutes:

	Motion	2nd	Unanimous		
			Yes	No	Abstain
Tavis Grotenhuis			Unanimous		
Carolee Gifford					
Norman Blatt					
Fred Capuano					
Larry Rapp					
Doug Trotter					
Helen Halleman					

Lawrence E. Rapp, Council President

Rick Prill, Borough Secretary