

COUNCIL MEETING MINUTES
SPECIAL MEETING
May 6, 2009
6:30 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: Mayor Fink, Mr. Rick Prill, Administrator, and Solicitor Don Lipson.

Council President Rapp called for the pledge to the flag.

At this time Council President Rapp turned the meeting over to Solicitor Lipson to outline the purpose of the meeting. Mr. Lipson indicated that the purpose of the meeting was a request from Mr. Joseph Bubba, Attorney representing St. Lukes Hospital, for the purpose of making a presentation to Council regarding the proposed dedication of Riverside Drive. Also present in the audience are representatives of Reeb Millwork who may also have comments to make in connection with this matter.

At this time Mr. Joseph Bubba introduced himself and proceeded with the following:

- Read his letter dated 3/27/09, addressed to Mr. Prill, which outlines the background of the proposed request for Council to consider accepting the dedication of Riverside Drive; Mr. Bubba referenced this document as exhibit 1-A;
- Referred to a map on display and noted the Borough's portion of Riverside Drive is a 1900' stretch of the roadway; Mr. Bubba referenced this map as exhibit 2-A, or the long map;
- Referred to a map on display which identifies the proposed swapping or relocating of the existing roadway and railroad tracks and referenced this map as exhibit 2-B, or the 'swapping map';
- At this time, nothing distinguishes the existing roadway as being a private road; it is perceived as being a public roadway; it is used by LANTA bus company, by visitors to the Lehigh County Correctional Facility, etc.;
- There are benefits to this roadway becoming a public road;
- Read a letter dated 5/5/09 from Norfolk Southern supporting the proposed dedication of the road as a public road and the project being proposed by St. Lukes; this letter was referenced as exhibit 3-A;
- Referenced the traffic study that had been authorized by the Borough Council which references Riverside Drive as needing to be publicly owned; the study was referenced as exhibit 4-A;
- Referred to a handout which identifies various benefits that can be derived from the road being dedicated as a public road.

Councilman Blatt noted that this project would relocate the railroad tracks between the road and the river. The County has or wants to build a boat landing on the river so how

would access to the boat landing be accomplished without people having to cross the tracks?

Mayor Fink indicated that the proposed boat landing is designated for another location and is not along this stretch of Riverside Drive.

Councilwoman Gifford asked if any environmental impact studies have been done? David Tetterer, the Engineer for St. Lukes, indicated that an environmental review has been done for the Brighton Street extension portion of this project but that there is little impact on the Riverside Drive part of the project. He noted that if this project moves forward that all required environmental studies would be performed.

Councilwoman Gifford expressed concern about potential impacts on the pristine nature of this area. If the road were to become a public road more traffic would be generated resulting in a greater environmental impact. Wildlife might be impacted.

Mayor Fink commented that vehicles that are moving cause less pollution than vehicles that are sitting idle due to congestion.

Councilman Grotenhuis expressed concern about the loss of green space.

Mr. Tetterer was asked to provide an overview of the proposed relocation of the road and rail lines and noted the following that is applicable in the Fountain Hill section of the project:

- The land is flat;
- All applicable DEP standards must be met along with municipal ordinance requirements;
- That Norfolk Southern will require a distance of 13' from the centerline of the rail bed to the existing guide rail along the river bank; an additional 13' for the second rail bed; and an additional 15' between the rail bed and roadway;
- Regarding the proposed Brighton Street Extension, this work would involve some soil disturbance and tree removal;
- In the section located in Salisbury Township, due to the ROW required by Norfolk Southern, the project would impact the bank area and result in a retaining wall being needed.

Councilwoman Gifford commented stating that the proposed Brighton Street Extension project should be discussed along with the proposal for the Riverside Drive project since one cannot be done without the other.

Councilman Capuano spoke about future plans for land being developed as park property by Lehigh County.

Council President Rapp noted that if the County does develop this property as active park land that they would be approaching the Borough to open the road up as a public roadway.

Council President Rapp asked Mr. Erland if he would like to make any comments. Mr. Erland noted the following:

- St. Lukes has 70,000 emergency room visits per year
- The Hospital is a Level I Trauma Center but that 86% of the visits are by vehicles
- The Hospital needs better means of ingress/egress to provide safer and quicker routes to/from the Hospital

Councilwoman Halleman commented that the new casino seems to be causing problems for the surrounding communities.

At this time, hearing no further comments or questions of the representatives of St. Lukes, Mr. Tom Maloney, who is representing Reeb Millworks, was asked if he would like to make any presentation or comments.

Mr. Maloney thanked the Council for the opportunity to speak about this matter and acknowledged the presentation made by Mr. Bubba, and proceeded to offer the following:

- He is intimately familiar with the Hospital and Borough issues as a result of having lived and grown up in Fountain Hill;
- That this whole issue of the proposed Brighton Street Extension project is very distressing to Reeb Millworks who is the Borough's largest private taxpayer;
- St. Lukes has had unfettered expansion over the years
- Regarding the hazardous materials incident that occurred at the Hospital, he noted that plans existed prior to the incident which proposed the development of the secondary access roadway
- It was St. Lukes that told, not asked, the Borough to institute eminent domain and this is what triggered the traffic study to be done;
- Reeb is concerned about a Borough Official (Mayor) speaking to Reeb employees indicating that a dispute existed between Reeb and St. Lukes and that this had been done even before Reeb and St. Lukes had met to start talking about the project;
- Reeb does have access to a public road, this being Brighton Street. Reeb actually donated a small section of property to the Borough so St. Lukes could access it for their parking garage;
- Reeb had approached Conrail years ago to secure a crossing so their trucks could use Riverside Drive and not drive on local roads; Reeb spend ½ million dollars to secure and construct this crossing;
- Reeb is one of the parties who pays for the upkeep of Riverside Drive;
- St. Lukes is interfering with Reeb's existing agreement with Norfolk Southern;

- St. Lukes is interfering with Reeb’s agreement with the current road surface owner;
- Reeb is planning to file a development plan with the Borough to expand their facility in the same location as the proposed Brighton Street extension.

Councilwoman Halleman commented that Reeb brings economic benefit to the Borough and that they must be treated fairly, and also noted that the Hospital needs another means of access; everyone needs to be looking at other options; maybe Brighton Street could be reversed so that traffic goes out to the Hill-to-Hill Bridge instead of one-way in.

Councilman Capuano noted that he takes offense to Councilwoman’s comments where she seems to be insinuating that Council is not being fair to Reeb or any other party for that matter.

Mr. Bubba asked to make a short final comment as follows:

- Much of what Mr. Maloney presented deals with the issue of eminent domain which will be addressed at a later date;
- Mr. Maloney failed to state that St. Lukes donated land to Reeb, for \$1, so they could have access to Brighton Street.

Hearing no further comments, Council President Rapp adjourned the meeting at 7:50 pm.

Minutes approved on June 1, 2009.

	Motion	2nd	Yes	No	Abstain
Tavis Grotenhuis			X		
Carolee Gifford			X		
Norman Blatt			X		
Fred Capuano		X	X		
Larry Rapp			X		
Doug Trotter	X		X		
Helen Halleman			Absent		
Mayor Ned Fink					

Lawrence E. Rapp, President of Council

Rick Prill, Borough Secretary