

COUNCIL MEETING MINUTES
May 20, 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 were absent. Also in attendance were: Mayor Fink, Mr. Rick Prill, Administrator, and Solicitor Don Lipson.

Council President Rapp called for the pledge to the flag.

Mr. Rapp reviewed items to be placed on the June 1, 2009 meeting Agenda as follows:

1. Minutes of the 4/22/09, 5/4/09 and 5/6/09 Council Meetings have been prepared for review. Mr. Rapp noted that anyone with corrections to the Draft Minutes of 4/22/09, 5/4/09 and 5/6/09 should provide them in writing to Mr. Prill.
2. A request has been received for the installation of a parking pad at the rear of 722 S. Hoffert Street. Mr. Prill noted that this request has been reviewed by Chief Stephens, Gus Entler and Joe Gatta and no issues have been identified.
3. The Recreation Committee has received and reviewed the recommendations for Pool and Playground staff personnel for the summer and has discussed the Pool staff recommendations with Hayley Zurick and Gillian Raines. The Committee is comfortable with the recommendations that have been made, noting that the hourly rates for 2009 were kept the same as for 2008, this having been decided during the 2009 budget deliberations.

Councilwoman Halleman questioned why we need to have an Assistant Pool Manager when we will be having two Pool Managers this year.

Councilman Capuano responded indicating that this year the Pool Manager position is being split between two individuals, Hayley Zurick and Gillian Raines who will be splitting the work hours, with one working during the week and the other on weekends. As a result of this, the Manager's compensation is being split between these two individuals. The Assistant Manager is still needed to provide additional management support and oversight, which is the same as in past years. Essentially, the Borough will be getting the benefit of three management staff for the price of two.

Mr. Prill indicated that he will provide all Council members with a spreadsheet showing the staff being hired and their hourly rates.

4. Council President Rapp noted that the Memorial Day Ceremony will be held on Friday, 5/22, at 1:30 pm at the memorial island on Stanley Avenue, and that everyone is invited to attend.

5. Council President Rapp indicated that Councilman Capuano has a Resolution for Council consideration. Councilman Capuano noted that at a previous meeting he had requested the matter of the hiring of a new Public Works Laborer be held pending the Public Works Committee having an opportunity to review the background report on the individual. This report has been reviewed by the Committee and the applicant has been interviewed a second time and the Committee is recommending that this individual be hired.

Councilman Capuano moved for the approval of Resolution #2009-22 as follows:

**BOROUGH OF FOUNTAIN HILL
RESOLUTION NO. 2009-22**

A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF FOUNTAIN HILL, LEHIGH COUNTY, PENNSYLVANIA, AUTHORIZING THE APPOINTMENT OF A NEW PUBLIC WORKS EMPLOYEE

WHEREAS, The Public Works Committee has interviewed three candidates for an open Laborer / Truck Driver position in the Department of Public Works; and

WHEREAS, The Public Works Committee is unanimously recommending the appointment of Mr. Jason Quarry to this open position; and

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Fountain Hill does hereby appoint Mr. Jason Quarry to the full-time position of Laborer / Truck Driver, effective May 26, 2009.

Duly Adopted by Borough Council at a meeting held on the 20th day of May, 2009.

Councilman Trotter seconded the motion and the Resolution was approved by a unanimous vote.

At this time Council President Rapp noted that Mr. Tom Maloney, representing Reeb Millworks, had requested an opportunity to make a presentation to Council with regards to the proposal of Riverside Drive possibly being accepted by the Borough as a public road. Also present in the audience was Mr. Joseph Bubba, Attorney representing St. Lukes Hospital, who may also have comments to make in connection with this matter.

At this time Mr. Tom Maloney introduced himself and proceeded with the following presentation:

- Will keep his focus on the proposed dedication of Riverside Drive;
- No apologies being offered on behalf of his client, Reeb Millworks, with regards to wanting the opportunity to voice their concerns to Council;

- Are here in opposition to what has been proposed by St. Lukes with regards to the dedication of Riverside Drive as a public road;
- Reeb had sent a letter to the Borough in the past regarding traffic on Delaware Avenue and PennDOT's road improvement plans in the immediate area but to-date, no response has been received back from the Borough;
- Will be offering comments by their traffic engineer;
- Will be offering comments by the Chief Operating Officer for Reeb;
- At the previous special meeting when St. Lukes made their presentation a letter from Norfolk Southern was submitted to Council. Reeb Millwork is very upset that they had no knowledge of this letter. Reeb has existing agreements with Norfolk Southern and the rights of Reeb as a property owner in the Borough should be considered;
- At this time Mr. Maloney introduced Mr. Peter Terry and offered information with regards to Mr. Terry's professional background and experience. Mr. Terry provided the following comments:
 - He has reviewed the 2/27/09 traffic report prepared by Hanover Engineering; At the previous meeting it was noted that LANTA uses Riverside Drive, which is currently a private road, and that it would be better if the road were a public road.
 - At this time Mr. Bubba objected noting that the traffic report does not contain any reference to LANTA using Riverside Drive, that this was a separate comment made apart from the traffic report.
 - Mr. Terry noted that a review of the LANTA route map indicates that they do have other routes that travel on private property and roads.
 - Mr. Terry handed out excerpts from the traffic study and made references to projected traffic counts at various intersections.
 - The traffic study is showing that some number of vehicles will divert and utilize Riverside Drive.
 - Looked at travel times of vehicles from St. Lukes parking garage to the Hill-to-Hill bridge.
 - The study is mistaken in one point. Traffic will not be able to access 2nd Avenue to the bridge as this is being eliminated by PennDOT.
 - The study shows travel time (Figure 2) as 4 minutes, but this time is actually less time than using Riverside Drive.
 - The study talks about putting a circle/round-about at Uncas & Delaware (Figure 3). Travel time would be even less than Riverside Drive option.
 - Riverside Drive would relieve congestion (as represented by Attorney Bubba). Mr. Terry stated he is not sure any congestion will be relieved or extra capacity created by dedicating Riverside Drive.
 - There might be other alternatives by improving local roads.

Councilman Capuano asked Mr. Terry if he has actually gone out on site to view the traffic on the local roads? Regardless of the ultimate decision made by Council, there needs to be another means of ingress / egress for the Borough for the benefit of everyday users of the roadways and for emergency purposes.

Councilman Blatt commented that the first issue that Council must address is the proposed dedication of Riverside Drive.

Mr. Maloney asked Mr. Terry to respond to concerns about any environmental issues.

Mr. Terry indicated that he is not prepared to make any definitive statements about environmental issues at this time;

Mr. Maloney asked Mr. Terry about previous comments made by Attorney Bubba with regards to railroad crossings being eliminated.

Mr. Terry noted that one crossing would be eliminated, this being in the City of Bethlehem, one would be added at the end of Riverside Drive, and Reeb's would still remain.

Mr. Maloney asked Mr. Terry if he would be able to provide possible alternatives to the proposed dedication of Riverside Drive which would help to alleviate traffic congestion?

Mr. Terry indicated that he could but that they would require the taking of private property to accomplish.

Mr. Maloney commented that Reeb would be willing to cover the cost of having Mr. Terry do this work to identify possible alternatives.

Councilman Capuano asked for a clarification that other possible alternatives would involve the taking of private property to make necessary road improvements.

Mr. Terry confirmed that it would be necessary to acquire private property, either through eminent domain or by purchasing the property if the property owners would voluntarily willing to sell.

Mr. Maloney asked Mr. Dan Schaffer, Chief Operating Officer for Reeb, to offer comments.

Mr. Schaffer offered the following:

- He started with Reeb in 1986 and at that time there was only one facility; now there are 5 facilities around the country;
- He is against the dedication of Riverside Drive as he feels it will lead to the condemnation of Reeb property which will negatively impact on local jobs;
- He understands the traffic concerns and issues in the Borough but adversely impacting a taxpayer in the Borough is not a good alternative.

Councilman Capuano asked how much growth there has been in the Reeb facility in the Borough?

Mr. Schaffer noted that the facility has grown by approximately 75%.

Councilman Trotter asked what the financial growth has been?

Mr. Schaffer does not have these figures but noted that there are a lot of outside factors affecting their business operations, including but not limited to the overall economy and the status of their competitors.

Councilman Capuano asked Mr. Schaffer if he is satisfied with the exit routes from Reeb when he leaves work each day?

Mr. Schaffer noted that he is aware of the traffic issues but on a number of occasions he does not leave the facility until later in the evening.

At this time, Mr. Scott Kerr, Chief Executive Officer and part owner of the Reeb, offered the following comments:

- Reeb's largest supplier is ThermaTru who is requiring Reeb to offer a pre-finishing of its doors. Reeb cannot meet this requirement with their existing facility which is why they have submitted a development plan to construct another building on the property;
- The proposed Brighton Street extension would negate the opportunity to expand;
- This would threaten the existence of the Reeb facility if they cannot expand;
- He started full-time with Reeb in 1986;
- The Fountain Hill facility has 250 workers;
- As one of the owners he has the responsibility to the other owners and employees to grow the company and keep it profitable;
- If Brighton Street goes through it could significantly impact their operations;
- They are looking for solutions that would work for both Reeb and St. Lukes.

Councilwoman Halleman commented that she feels the casino is having adverse impacts on this issue and that the casino is supportive of the proposed road, and that we cannot take any action that will hurt a taxpayer.

Council President Rapp advised Ms. Halleman that Council needs to consider all issues before rendering a decision.

Mr. Maloney thanked Council for the opportunity to voice concerns and to present another side to this issue. Reeb has not been stalling or delaying this issue. He is bothered by comments being made that Reeb has been delaying this project and that no sooner than Reeb being given the this opportunity to make its presentation tonight, a St. Lukes representative sent an email which in part asked Council to proceed with eminent domain.

Council President Rapp stated that he does not understand why both parties cannot sit down and work out a satisfactory solution, which could possibly involve the swapping of land.

Mr. Maloney commented that when the Reeb facility first came to the Borough, their trucks used local roads to enter and exit the facility. As a result of a complaint being received from property owners who actually live in Bethlehem, Reeb proceeded to spend \$500,000 to secure a railroad crossing from Conrail to solve this problem.

At this time, Council President Rapp opened the floor to Attorney Joe Bubba for any comments he would like to make in response to the presentation by Attorney Maloney. Mr. Bubba offered the following comments:

- Is the Borough better off with Riverside Drive being a public road or a private road? The benefits of it being public include:
 - Municipalities prefer public roads to private roads for access reasons, including emergency vehicles;
 - Norfolk Southern has confirmed that the number of crossings would be reduced from 3 to 2;
 - It would offer greater safety for persons using the road;
 - There is a liability for allowing the use of the private road;
 - It clarifies the use and users;
 - It clears up Reeb's use of the road. Currently, Reeb cannot sell the property to someone else because of the issue of it accessing a private road.

- Can this issue be worked out? Yes it can.
- In 1983, Reeb had a problem with accessing their property and it was St. Lukes who gave them the land they needed for \$1.00.
- Property values will be increased.
- St. Lukes has a trauma center. It needs an alternative route into and out of the hospital.
- Norfolk Southern no longer wants to maintain the private drive.
- Norfolk Southern has not given LANTA permission to use the private drive.
- The dedication of Riverside Drive helps everyone.
- Where will the dollars come from for any other alternatives suggested? St. Lukes is paying for their proposal.

Councilman Trotter noted that Mr. Bubba indicated they could engineer around the proposed Reeb addition. Would Reeb be willing to listen to this proposal? If so, then it seems that this might be a possible win-win solution. The proposed Brighton Street extension could be engineered around the building and Reeb could continue to work at remaining profitable.

Mr. Bubba noted that the Borough's Industrial Zone has a 90% impervious coverage limit. This offers the opportunity to find a solution that works for both Reeb and St. Lukes.

Hearing no further comments, Council President Rapp adjourned the meeting and indicated that Council would be meeting in a brief executive session on a personnel matter.

Minutes approved on _July 6, 2009_ .

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

Lawrence E. Rapp, President of Council

Rick Prill, Borough Secretary