

**BOROUGH OF SLATINGTON  
COUNCIL MEETING  
MINUTES  
5/08/17**

The Regular Meeting Minutes of Council was held on **Monday, May 8, 2017** at 7:00 P.M. in Council Chambers, 125 S. Walnut Street, Slatington, PA 18080.

Presiding: David Schnaars: President of Council

Recording Secretary: Bryon Reed, President Pro Tem

The meeting was called to order by President Schnaars at 7:40 P.M., following a Hearing for Ordinance 682, with the following in attendance:

**ROLL CALL:**

PRESENT

David Schnaars  
Joseph Wechsler  
Bryon Reed  
Mel Gildner  
Michael Brogan  
Jason Ruff  
Judith Danko, Manager

ABSENT

Jon Rinker

OTHERS PRESENT

Mayor Niedermeyer  
Larry Turoscy  
Tom Dinkelacker  
Chief Rachman  
Elizabeth Miller

VISITORS

Carol Gildner     Franklin Hoffman  
Ed Ziegler         Robert Herzog, Jr.  
Russ Hallman      Evan Hess  
Susan Chandler    Tina Brogan  
Jeffrey Hausman   Alice Wanamaker  
Robert Stettner    Jess Ottman

President Schnaars announced that all public sessions of Borough Council are electronically recorded and such recordings are maintained as part of the meeting record until the minutes are transcribed and approved by the Board, at which time the recordings shall be erased.

**EXECUTIVE SESSION** – shall take place at the end of the meeting.

**MINUTES OF PREVIOUS MEETINGS** – Councilor Brogan made a motion, duly seconded by Councilor Wechsler, to accept the following minutes: **Council Meeting, April 10, 2017; Special Council Meeting, April 25, 2017; Workshop, April 25, 2017.** President Schnaars declared the motion passed following a Voice Vote, All in Favor.

**PUBLIC PARTICIPATION** (Agenda and Non-Agenda items) You will have three minutes to address Council from the podium. The three minutes applies to your time at the podium. If you exit the podium, you have yielded the floor, and any time you have remaining.

Ed Ziegler – Signed in and was recognized to speak. He reported that the light on Second and Main Street has been repaired.

Alice Wanamaker – Lehigh Valley Chamber of Commerce – Signed in and was recognized to speak. She reported the merchants group received grant funding from the Rotary Club of Slatington to purchase solar lights for the trees along Main Street. The lights will be installed by volunteers with installation being completed by June. Under the Direction of Brian Greene of the D&L the taskforce will host a meeting on June 17<sup>th</sup> from 1-4 p.m. at the Slatington Trailhead. The purpose is to provide information on what it means to be a Trail Town as well as answer any questions and help those interested in moving forward with the program. Councilor Ruff notated that when he meets with the Main Street Merchants he will promote funding for the bike patrol. Alice Wanamaker would like the businesses on Main St. to obtain cigarette butt cans.

## REPORTS

The reports of various committees, officials and officers are on file in Borough Hall and are available for public inspection.

## APPROVAL OF ACCOUNTS PAYABLE/TRANSFER

**Councilor Brogan** made a motion, duly seconded by **Councilor Wechsler** to approve payment of the bills and transfers as presented by the Treasurer. President Schnaars declared the motion passed following a Voice Vote, All in Favor

## MAYORS/POLICE CHIEF'S REMARKS

**Mayor Walter H. Niedermeyer**

Mayor Niedermeyer presented a proclamation to Sargent Dorward for going above and beyond the call of duty in reference to a fire at 451 Walnut St.

**Police Chief David Rachman**

Police Chief Rachman presented an award to Sargent Dorward for going above and beyond the call of duty in reference to a fire a 451 Walnut St.

**Mayor Niedermeyer and Fire Chief Jason Nicholas**

Mayor Niedermeyer and Fire Chief Jason Nicolas presented a proclamation to the, "Team of Lehigh County 911 Operators", for their strong work with dispatching.

**Mayor Niedermeyer and Borough Manager Danko**

Manager Danko and Mayor Niedermeyer presented a proclamation to Fire Chief Jason Nicolas and the Volunteer Fire Department for going above and beyond the call of duty in reference to a fire at 451 Walnut St.

Mayor Niedermeyer swore in David Hay from the PA Department of Agriculture as the Borough's food inspector.

## STANDING COMMITTEES

### A. Highway

**Councilor Michael Brogan**

1. A **motion** was made by **Councilor Brogan**, duly seconded by **Councilor Wechsler**, to **award** the bid for the 2016 CDBG Project (East Church Street) to lowest responsible bidder – Bruce George Paving & Excavating in the amount of \$69,651.11. President Schnaars declared the motion passed following a Voice Vote, All in Favor

### B. Public Safety

**Councilor Jon Rinker**

1. A **motion** was made by **Councilor Brogan**, duly seconded by **Councilor Gildner**, to **approve** Chief Rachman's request to begin a fundraising campaign to implement a bicycle patrol unit for our police department. This program would be totally funded by donations. Chief Rachman will be looking into a Go Fund me account. The cost per bike is approximately \$2,000, which includes bike, training, and equipment. President Schnaars declared the motion passed following a Voice Vote, All in Favor
2. Mayor Niedermeyer swore in David Hay as the Slatington Borough Health Officer/Inspector

**C. Human/Community Services**

**Councilor Jason Ruff**

1. A motion was made by **Councilor Ruff**, duly **seconded by Councilor Wechsler**, to **approve** the Main Street Merchants Groups request- exclusive rights to parking on the 600 block of Main Street on Friday, June 2<sup>nd</sup>, beginning at 2 p.m. until 9 p.m.  
The post office spaces should be kept open. Councilor Ruff and Alice Wanamaker will work out a plan with Chief Rachman & Mgr. Danko. Signs will need to be posted. President Schnaars declared the motion passed following a Voice Vote, All in Favor
2. Annual Community Yard Sale will take place on the weekend of May 20<sup>th</sup>, 2017; advertisement will be placed in the Times News and a courtesy Robo Call will take place.

Councilor Gildner requested to suspend Robert's Rules of order due to wanting to speak in reference to Jason Ruff and his appointment to Council and his residency requirement to be on Council.

Councilman Gildner stated that this is one of the jobs that he does not cherish as a Councilman, although he felt that it was important for the residents to be informed of making sure that all of the requirements take place for being on Council.

A **motion** was made by **Councilor Gildner**, duly **seconded by Councilor Wechsler**, to suspend Robert's Rules of order, in order to discuss an issue. President Schnaars declared the motion failed following a Roll Call, voting as follows:

|           |                 |                           |                |
|-----------|-----------------|---------------------------|----------------|
| ROLL CALL | <u>AYES</u>     | <u>NAYS</u>               | <u>ABSTAIN</u> |
|           | Joseph Wechsler | David Schnaars Bryon Reed | None           |
|           | Melvin Gildner  | Michael Brogan Jason Ruff |                |

**D. Finance**

**Councilor Joseph Wechsler**

1. A **motion** was made by **Councilor Wechsler**, duly **seconded by Councilor Ruff**, to adopt Resolution R-11-2017 -*A Resolution of Slatington Borough Council approving and documenting the appointment of Jason Ruff as a New Council Member to fill a vacancy on Borough Council.*

Councilor Gildner questioned the validity of Councilor Ruff's appointment to Council. Councilor Gildner presented documents indicating Jason Ruff was not in compliance with the requirements needed to be on council in reference to his one year residency. He cited Councilor Ruff's moving permit, tenant registration, and voter's registration. Attorney Dinkelacker stated that since Councilor Ruff had signed the affidavit of residency, the only way for anyone to try to remove Councilor Ruff from council, would be for someone to take quo warranto legal action with the district attorney or state attorney of PA. Councilor Schnaars noted that Councilor Ruff has been very active in local affairs and a benefit to the community. Councilor Ruff wanted to make clear that he did not do something wrong. Jason stated he was very busy running a business and was unaware of the moving permit requirement at that time. He was informed by Duane Dellecker at the end of 2016 that a moving permit was required while Duane was assisting him in with his building and that was why he had completed it at that time. President Schnaars declared the motion passed following a Roll Call, voting as follows:

|           |                 |                |                |
|-----------|-----------------|----------------|----------------|
| ROLL CALL | <u>AYES</u>     | <u>NAYS</u>    | <u>ABSTAIN</u> |
|           | David Schnaars  | Melvin Gildner | None           |
|           | Joseph Wechsler |                |                |
|           | Bryon Reed      |                |                |
|           | Michael Brogan  |                |                |
|           | Jason Ruff      |                |                |

2. The Hearing for proposed Ordinance #682 was held at 6:30 p.m. *An ordinance amending Chapter 195 of the Slatington Code relating to Zoning, to add new definitions relating to the "JUNK" and "JUNKYARD;" to provide for junkyards as special exception uses in the industrial (I) Zoning District; to establish specific criteria for the approval of junkyards and to provide for the amortization of nonconforming junkyards.*
3. A **motion** was made by **Councilor Wechsler**, duly **seconded** by **Councilor Brogan** to **enact** Ordinance #682. President Schnaars declared the motion passed following a Roll Call, voting as follows:

|           |                 |             |                |
|-----------|-----------------|-------------|----------------|
| ROLL CALL | <u>AYES</u>     | <u>NAYS</u> | <u>ABSTAIN</u> |
|           | David Schnaars  | Bryon Reed  | None           |
|           | Joseph Wechsler |             |                |
|           | Melvin Gildner  |             |                |
|           | Michael Brogan  |             |                |
|           | Jason Ruff      |             |                |

4. A **motion** was made by **Councilor Wechsler**, duly **seconded** by **Councilor Brogan**, to **award** and execute contract for John Freed Way project to S&G Asphalt Service LLC in the amount of \$60,853.00, along with notice to proceed. President Schnaars declared the motion passed following a Voice Vote, All in Favor
5. A **motion** was made by **Councilor Wechsler**, duly **seconded** by **Councilor Reed** to **approve** contract change order for John Freed Way project (order 12/11/2016-1) for installation of 115 L.F. Retaining wall on West side of John Freed Way beside existing fence, removing 117 L.F. of plain cement curbing, in the amount of \$8,053.25. President Schnaars declared the motion passed following a Voice Vote, All in Favor
6. A **motion** was made by **Councilor Wechsler**, duly **seconded** by **Councilor Reed** to **approve** SillettCo Fence company estimate in the amount of \$ 1,295.00 for John Freed Way project. Along with Authorizing Attorney Dinkelacker and Engineer Turoscy to move forward with easement necessary for John Freed Way project fence. President Schnaars declared the motion passed following a Voice Vote, 5 ayes; 1 nay – Melvin Gildner
7. A **motion** was made by **Councilor Wechsler**, duly **seconded** by **Councilor Brogan**, **approve** request for tax exemption in the amount of \$5.50 in reference to Taylor Brudhak account #16001484. President Schnaars declared the motion passed following a Voice Vote, All in Favor

**E. Sewer/Solid Waste**

**Councilor Mel Gildner**

1. Authority Bills – none at this time

2. A **motion** was made by **Councilor Gildner**, duly **seconded by Councilor Wechsler**, to authorize solicitors review for Arrow professional services agreement (provided to Council) associated with the digester conversion at the WWTP in reference to the PA Small Water grant. President Schnaars declared the motion passed following a Voice Vote, All in Favor

**F. Water/Special Sewer Committee**

**Councilor Bryon Reed**

1. Water Test Statement - Water was tested and found safe for human consumption.
2. A **motion** was made by **Councilor Reed**, duly **seconded by Councilor Brogan**, to approve Solicitors review in reference to ARRO's specifications for cleaning and televising the selected portion of the sewer collection system per identified map. President Schnaars declared the motion passed following a Voice Vote, All in Favor

**G. Special Committee Reports**

**UNFINISHED BUSINESS –**

1. Discussion arose in reference to the Rentschler property 216 Center Street Public Improvements-Letter dated 5/1/17, "Request for extension on the Subdivision & Land Development Improvements Agreement", along with a request of paving and landscaping changes. Attorney Dinkelacker will schedule a meeting with Mgr. Danko, Mr. Rentschler, and Larry Turocsy to move this project forward. This item is tabled until further notice.
2. Discuss Letter dated 4/13/17 from EMC insurance in reference to Main St. oil spill and cleanup invoice from Rapid Response, Inc. in the amount of \$9,202.80. This to be discussed in executive session.

**INFORMATIONAL ITEMS:**

1. E-mail dated 4/27/17 from Ronald Young from PennDot in reference to the Main St. bridge work. The bridge will be shut down to one (1) lane in 2017 and in 2018 the bridge will be shut down for approximately two (2) months after school is closed.
2. Letter received 4/24/17 from Commissioner Creighton in reference to input on proposed legislation that would attach a \$5.00 County fee to each non-exempt vehicle register to and address with in Lehigh County borders.

**NEW BUSINESS:**

1. Manager Danko informed the Council the current banking facility used for the Borough will be charging month fees for various reasons. A fee for the previous month was for \$966.87. Manager Danko will talk with the bank to see if these fees can be waived; if not, she will pursue other banks.
2. Manager Danko informed the Council the sidewalks at Victory Park had been completed. She and Dave Lear reviewed them and found the to be insufficient. The curb was incorrect along with the slop of certain areas of sidewalk for storm water runoff. The contractor will be tearing these areas out and replacing sidewalks to specifications. Manager Danko to report to Council as things progress.

3. Manager Danko reported that the 2 water leaks at residential homes were repaired by the homeowners due to the letters sent out from the Borough requiring such. The Borough was losing 10,000 – 15,000 gallons a day due to these leaks.
4. Manager Danko reported on the e-mail and telephone conference she received from PENNDOT in reference to the Bridge work.
5. President Schnaars thanked the council and NRLA for working together for making a better community.
6. **EXECUTIVE SESSION –**

**EXECUTIVE SESSION –** President Schnaars recessed to executive session at 9:10 pm for purposes of EMC insurance/Main St. oil spill- possible litigation and Notice of Appeal from Magistrates office in reference to property located along the east side of Cherry St. and the West side of Railroad St. (Reed) litigation item. At 9:53 p.m., President Schnaars reconvened the meeting.

**COURTESY OF THE FLOOR** (for agenda items only)

A **motion** was made by **Councilor Gildner**, duly **seconded by Councilor Brogan** to **adjourn** the meeting. Being no further business, President Schnaars declared the meeting adjourned at 9:54 p.m.



Judith A. Danko,  
Borough Manager/ Borough Secretary-Treasurer