

President Smith called the regular meeting of the Catasauqua Borough Council to order at 7:00 PM with the Pledge to the Flag.

**MEMBERS PRESENT:**

Mr. Smith, Mr. Bartholomew, Ms. Kroope, Ms. Mellish, Mr. McKittrick, Mr. Schlegel and Ms. Weaver.

**ALSO PRESENT:**

Mayor Schlegel, Manager Eugene Goldfeder, Attorney Dinklelacker, Police Chief Doug Kish, and Fire Chief Rich Hertzog, Treasurer Hein, Junior Council Persons.

**ABSENT:**

None

**MINUTES:**

A motion to approve the minutes of the January 9, 2016 regular meeting was made by Ms. Weaver and seconded by Ms. Mellish, passed 6-0

**HEARING OF PERSONS PRESENT:**

**FELINE FINISH LINE RESCUE**

Mrs. Catherine McCulloch, 415 Prospect Street, appeared on behalf of Feline Finish Line Rescue. She read a statement describing the operation of the Rescue, the benefits to the community, the number of animals they have placed for adoption over the years and a number of other items.

President Smith said that he wanted to give her an opportunity to speak to Council, but last week Judge Johnson issued a decision on her appeal of the Zoning Board's decision. Judge Johnson affirmed the Board's action. Mr. Dinklelacker said that with the Judge's decision upholding the Board's decisions means that Feline Finish Line is limited to ten (10) animals that may be sheltered in addition to her three (3) personal pets. She can appeal from that decision if she wants to, unless it is appealed it is a final decision. In response to a question from the President, Mr. Dinklelacker said that the parties have a right to settle a zoning dispute so that if the Borough is interested they could. Mr. Dinklelacker said that Borough Council does not usually have the authority to change zoning without adopting an Ordinance to do so, except with respect to a settlement that would be in the best interest of the Borough and good public policy.

Mr. Bartholomew asked if the Borough could enter into a negotiation. The Solicitor said that Zoning on appeal is considered litigation and we could negotiate a settlement if we want. We could also enter in settlement negotiations on whatever terms we feel appropriate. However since the Zoning Board has prevailed in this case and we supported the Board's decision there is nothing further that we need to do.

Mr. Bartholomew and then Mr. Smith said that Council had a discussion in closed session after the last meeting to discuss this matter. It was the consensus of Council at that time that we not negotiate. Mr. Bartholomew moved, seconded by Mr. Mellish, to inform Feline Finish Line that the Borough does not want to negotiate a resolution to the zoning matter. A request for a roll-call vote indicated five (5) in favor, two (2) opposed (Mr. Smith and Ms. Kroope voting no) the motion carried.

## CRANE STREET – NO PARKING

Mr. James Becker, 721 Crane Street, approached Council with concerns about the No-Parking Ordinance for Crane Street. The Manager said that the Ordinance had been introduced in December and was tabled. Since it was not acted on at the January meeting, the Ordinance can no longer be considered. If Council wants to adopt an Ordinance prohibiting parking, they must start over and re-advertise. Mr. Becker indicated that he was pleased with that answer and had no further questions.

740 3<sup>RD</sup> STREET  
PROPERTY COMPLAINT

Mr. Don Hunter, 738 3<sup>rd</sup> Street, said that he had lived there for fourteen (14) years and it has been an ongoing issue with the property at 740 3<sup>rd</sup> Street. In one year there have been fifteen (15) police responses to that property for various matters, including the dog attacking both Mr. Hunter's service dog and others. He said that he believes there are code violations that are present, and illegal activity going on, and it does not seem that anybody is really concerned with the property. He requested copies of the inspection reports but they are blank as if nothing was ever inspected or taken care of. He said that in the fourteen (14) years it has been the same landlord and even though the residents have changed there have been the same types of problems. He wants the residents removed and the house not rented until it is fixed properly according to code and the property owner and then the tenants are required to comply with our laws. Mr. Hunter said there are over fifteen (15) kids under eight in the neighborhood and this house has dogs that puts all of them at risk.

Mr. Smith explained the difference between a home for sale and the rental program inspections he said that the rental inspection program is less intense. He sent this matter to the Planning and Zoning and Public Safety committees to look at the issues raised by Mr. Hunter. The manager will keep in touch with him as it moves through our review. With respect to the dogs, Chief Kish said that the dog owner has been cited, but the hearing has not yet been scheduled.

Mr. McKittrick said that some of the issues are police matters and some relate to the rental inspection program. We can look into the rental inspection program and property maintenance issues. The mayor is in charge of the police department, and if there are problems with police activities Mr. Hunter should speak to her.

In response to a question from Ms. Mellish, Mr. Hunter said that the owner of the property and landlord is Akram Sankari.

Mr. Pat Nelson, said that he will be moving into 738 3<sup>rd</sup> Street. He has the same breed of dog as the neighbor does and the issue is not the dog, but the owner and how he takes care of it. He is concerned about once he moves in what he should do. President Smith said that initially, until we can resolve this problem he has to keep the kids safe, if that means they need to stay out of the yard unsupervised perhaps that is necessary. He also suggested that Mr. Nelson attend the hearing.

## MR. KROOPE UTILITIES

Brian Kroope, 233 Front Street, said that he has a problem that developed with respect to the water heater blowing out in his house and the chimney being filled with slate and other debris. He said he submitted a request for an adjustment to his water bill as a result of the water heater. He spoke at length about the chimney and vandalism issues on the property. The manager said that his request had been received and is being forwarded to the General Government Committee.

**ORDINANCES & RESOLUTIONS:**

## ORDINANCE

**AN ORDINANCE PROHIBITING PARKING ON UNION STREET BETWEEN FRONT AND SECOND STREETS.**

Ms. Mellish moved seconded by Ms. Weaver to adopt the Ordinance prohibiting parking on the south side of Union Street. Ms. Mellish then asked whether we could modify the Ordinance to have it coincide with the start of two-way Front Street in June. Mr. McKittrick said that even without two-way Front Street it is a very impassable street and the parking should be restricted. Mr. Bartholomew said that he believes there are still other no parking regulations on different parts of Union Street. The manager reviewed the Code Book and informed Council that there are two (2) other sections that either prohibit parking or restrict parking at different locations on the north and south sides of Union Street.

There was considerable discussion on how best to address this matter. It was determined that it should all be done in one comprehensive ordinance. At this point Ms. Mellish withdrew her motion and Ms. Weaver withdrew her second. The Ordinance will be re-drafted for re-consideration by Council at a later date.

## RESOLUTION: #3-17

**RESOLUTION ON THE 75% REIMBURSEMENT FROM PENN DOT FOR RELOCATION OF WATER/SEWER LINES FOR RACE STREET PROJECT**

Ms. Mellish moved, seconded by Mr. McKittrick. The motion passed seven in favor none opposed.

**SECRETARY/MANAGER:**

Eugene L. Goldfeder, Borough Manager/Secretary reported.

## WATER &amp; SEWER:

There were 24,828,000 gallons of water pumped to the system in January 2017 for a daily average of 800,000 gallons. There were 25,090,000 gallons of sewer treated for a daily average of 810,000 gallons.

## IRON WORKS UPDATE

The manager said that much of the framing in phase one has been completed, the slab on grade for the Police Headquarters should be poured within the next week, and that drywall is anticipated to begin in this section of the building by the end of February.

## STATE FIRE GRANT

The manager reported that the Borough has received a State Fire Grant for the fire attack hose replacement in the amount of \$14,652. He congratulated Fire Chief Hertzog on applying for and receiving this funding.

## RACE STREET BRIDGE

The manager reported that he had met with a representative for Penn Dot requesting a permanent easement across a portion of the fire training field

property in conjunction with the project. In return for the easement the Borough is being offered \$20,435.50.

**PPL RIGHT-OF-WAY**

The manager reported that he had spoken with Mr. Borger and expressed the concerns the Solicitor had with the Right-of-Way request for the relocation of the poles onto the fire training field in conjunction with the Race Street Bridge project. He forwarded Mr. Borger's responses to the Solicitor who still has some additional concerns. The Manager suggested that Council conditionally approve Right-of-Way subject to the Solicitor being satisfied with the eventual language.

**SMART GROWTH PROPOSAL**

The Manager said that he had attended a meeting chaired by Joyce Marin of Renew Lehigh Valley but will defer to the Planning and Zoning committee for a more complete discussion of this topic during the Committee report.

**TREASURER'S REPORT:**

A motion to approve the Treasurer's Report was made by Mr. Bartholomew, seconded by Ms. Weaver. The motion carried, seven in favor, none opposed.

**MAYOR:**

Mayor Schlegel reported that at the March Council meeting she and the Chief intend to request Council approve three (3) additional part-timers to be on the list of eligible to work part time officers list.

The Mayor said that the Wreaths Across America program is being considered for elimination locally. The American Legion and she want to keep it going and will be meeting to discuss how to implement a local effort.

Mayor Schlegel said that she is requesting Council to remove a name from the part-time eligibility list. Mr. McKittrick moved, seconded by Mr. Schlegel, to remove Art Williams from the part-time police officer eligible to work list. The motion carried seven (7) in favor, none opposed.

**JUNIOR COUNCILPERSONS:**

Sam Salfadi reported. Mr. Salfadi said that on February 7, Ms. Weaver is coming to the High School to discuss various ideas of what they would like to see in the Borough.

**SCHOOL BOARD REP.**

Manager Goldfeder introduced Mr. Dale Hein, newly appointed to the School Board and assigned to be the School District liaison to the Borough. Mr. Goldfeder said that this is neither Mr. Hein's first time on the School Board nor his first appointment as School District liaison.

Mr. Hein briefly thanked Council for its welcome.

**SOLICITOR:**

Attorney. Dinklelacker said the written report was submitted. He said most of the work that he has been doing in the recent past has been related to the Iron Works project. Mr. McKittrick suggested that all of Council review item #16 from the written report in detail.

**ENGINEER'S REPORT:**

Mr. Henning reported.

**SEWER TREATMENT PLANT**

Mr. Henning said they are preparing the contract documents for the repairs for the administration building.

He said they are preparing the plans for the extension of the culvert under the Walnut Street Bridge, and the Race Street Bridge replacement project is scheduled to begin in September. Replacement of the Water and Sewer lines in conjunction with that project will be incorporated by Penn Dot within their

construction contract. This will save the Borough some money in the overall project.

Mr. Henning said that they have prepared a conceptual design to reroute the stormwater in the Main Street area and the Manager will be meeting with their personnel later this week to discuss it.

In response to a question from the Mayor the Engineer said that the Bridge replacement project is still on schedule for a September start. The Mayor said this will impact the Halloween parade and they will have to make arrangements accordingly. In response to a question from Mr. Bartholomew, Mr. Henning said that Earth Resources is a geological consulting firm that they will be using to assist in determining whether Fed Ex construction is impacting the Borough wells.

#### **GENERAL GOVERNMENT:**

Ms. Mellish reported. Ms. Mellish said the Committee has started discussing and is working on a business registration program. It is not yet ready for any action by Council.

In response to a question on notification to property owners the Manager said that the Borough Code requires public advertisement of Ordinances but does not require individual personal mail delivery of such notice. The Borough has always followed State requirements and has not added any level of additional notification. The Manager said the Borough has never sent notification directly to potential affected property owners. In discussion it was commented that determining who to send notification to is difficult. People park wherever they can, not always only on the Street where they live. As a result, some of the people that park on Union Street may in fact live on Front Street. If notification only goes to those people whose properties front on those particular streets the people affected may not receive notice anyhow. The General Government committee will review and see if a different policy needs to be established.

#### **PUBLIC SAFETY:**

Mr. McKittrick reported. Mr. McKittrick moved, seconded by Ms. Kroope to approve the purchase of a new police SUV under a lease purchase program. Mr. McKittrick said that it is a budgeted item. The motion carried seven in favor, none opposed.

Mr. McKittrick moved, seconded by Mr. Bartholomew, to authorize the disposal of the rescue truck upon the new fire truck being placed in service. Mr. McKittrick said the Borough needs to be flexible with where we keep it until it is disposed of, since if it is left outdoors in cold weather, the fuel may gel and it may have other problems as well. He said there is no block heater so the engine may also have problems. The motion carried seven in favor, none opposed.

Mr. McKittrick said he has noticed that at least part of Limestone Street has been posted for no parking. He did not see any signs in the area between Hickory and Peach Streets. Previously there hadn't been many cars there, now there are several cars parked there.

#### **PUBLIC UTILITIES:**

Mr. Schlegel reported. Mr. Schlegel said that they are still studying the issue of grease and oil separators and whether we need additional ordinances requiring them.

#### **SHADE TREE COMMITTEE**

Mr. Schlegel said that the inspection of trees has been completed. There is one dangerous tree and several stumps that need to be removed. The property owners

will be notified. He said there is still an opening on the Shade Tree Commission and that Arbor Day will be April 22, 2017 from 10-11:30 AM. Mr. Schlegel asked whether the other Earth Day activities will be moved to the afternoon as was discussed at the workshop. Mr. Smith had said that he had not been able to coordinate that change with Ms. Winkler but he does not see it being a problem.

#### SIDEWALK INSTALLATION

Mr. Schlegel said that the property across from the Catty Corner had the sidewalk removed and it is all stone for a parking lot. He said the stones are constantly moving from the property into the street causing damage on the street. He said we are intending to pave Limestone Street later this year and if we do not do something with the stone it will just damage the street right after we resurface it. He wanted to know what could be done. The Manager said that the Borough Ordinances authorize Council to direct sidewalks be installed or reinstalled as necessary. After discussion it was determined that sidewalks should be installed on the Howertown Road side of the property for the protection of Howertown Road as well as the school children and other pedestrians that use Howertown Road. It is not as critical that sidewalks be installed on the Limestone Street side of the property.

Mr. Schlegel moved, seconded by Ms. Mellish, to instruct the owner of the parking lot property at 134 Howertown Road to install sidewalks on the Howertown Road side of the property, in accordance with Borough Ordinance. Ms. Kroope questioned whether the entire lot has to be in concrete, if they pave the entire lot, which would be preferable, they might actually park over the sidewalk area. The Manager said that the Ordinance requires sidewalks to be in concrete, even if the rest of the property is paved for driveways or parking lots. Mr. McKittrick said that the sidewalk is already depressed in areas for access onto the parking area. The motion carried seven in favor, none opposed.

Mr. Schlegel said there is also concern that there is two (2) fifty-five (55) gallon drums of cooking oil stored on the property. If they are going to remain there, which they should not, they should at least be secured so that they cannot be tipped over.

The Manager said that since the Borough is intending to pave Limestone Street this year, he will notify the property owner of that fact and suggest that if he is interested in paving the lot, other than the sidewalk area, that he may want to contact the awarded bidder and do both projects together. It might save him some money.

#### PLANNING & ZONING:

Ms. Weaver reported. Ms. Weaver said that the Two-way Front Street committee will be meeting only the third Tuesday of the month. The next meeting will be February 21<sup>st</sup>.

Ms. Weaver said there is still a vacancy on the Planning Commission.

#### SMART GROWTH PROJECT

Ms. Weaver said that there was a meeting with Joyce Maren and others to further develop the Spillman Farmer conceptual plan for Front Street. She said that Ms. Maren believes she will be able to secure a grant from the Lehigh Valley Association of Realtors to fund part of this project. Monies received would go to Renew Lehigh Valley to do a series of discussions with Borough residents to determine their vision for the future of Front Street and the Downtown Business area. There would be no cost to the Borough for this portion of the project

however, if we hire a consultant to develop the design manual itself the Borough would pay for that. President Smith said that this project would take the Downtown master plan developed by Tom Committa Associates in 2008 to the next level. We would be a test case for a program of this type and it would help our visibility with potential developers and investors on both sides of Front Street. He said that Renew Lehigh Valley, and Ms. Maren especially, have a wide network of developers that they have contact with. He said the plan will help guide the design and materials to develop the buildings. The goal is to have the buildings look like they have always been there, even if they are new construction and new buildings.

The Manager said there are two separate issues on this project. The first is the Renew Lehigh Valley efforts to develop a vision and concept for the design manual. The second is the development of the manual and working with a consultant.

Ms. Mellish questioned whether this ties into the TAP funding. The Manager said that we cannot use TAP funding for this study but depending on how it all works out, some of their ideas might be incorporated into the final design. Mr. Dinklelacker said that the Zoning Ordinance provides that the Spillman Farmer plan serves in part as a design guideline. This project would go beyond that and would be more structured in what we are looking for. Ms. Weaver said the idea is to integrate the design with the neighborhood.

Ms. Weaver moved, seconded by Ms. Kroope, to accept the proposal of Renew Lehigh Valley for the grant study of resident desires leading towards the eventual development of a design manual. Motion carried seven in favor, none opposed.

#### CDBG CURB CUT PROGRAM

Ms. Weaver moved, seconded by Mr. Bartholomew, to authorize advertising the 2017 Curb-Cut program. The motion passed seven in favor, none opposed.

#### RECREATION:

Ms. Kroope reported.

#### GTH WINDOW RESTORATION

Ms. Kroope moved, seconded by Mr. Bartholomew, authorizing advertising for window Restoration project at the George Taylor House. The motion passed seven in favor, none opposed.

#### TOM JONES

Ms. Kroope moved, seconded by Mr. Bartholomew on action to accept the proposal for Mr. Jones to continue at the Preservation Planner for the 2017 GTH Window Restoration project. Ms. Kroope said the Borough wants a modification to the proposal so that the Borough pays the entire amount of the fee \$2,200, at the end of the development of the specs. Mr. Bartholomew questioned whether this is the same project for which we received no bids previously. The Manager said that it is, however there was a very short window for the bidders and they were not able to comply. He believes that there will be sufficient time to receive several bids this time around. The motion passed seven in favor, none opposed.

#### JOHN DEERE TURF VEHICLE

Ms. Kroope moved, seconded by Mr. Bartholomew, on action to purchase a new John Deere turf vehicle for the parks. Ms. Kroope asked whether we would be retiring the golf carts, she was told not necessarily. We will evaluate whether they are still usable for the Borough. Motion carried seven in favor, none opposed.

Ms. Kroope reported that at the Committee meeting there was discussion on the pool management agreement and there are still some changes that we would like made. They will be made and sent back to the YMCA for their concurrence. She also said that Scotty O., is interested in operating the Concession stand and a proposed agreement has been sent to him.

**PUBLIC WORKS:**

Mr. Bartholomew reported.

2017 STREET RESURFACING

Mr. Bartholomew moved, seconded by Ms. Mellish, to authorize the advertisement for bids for the 2017 Street Resurfacing program. Motion carried seven in favor, none opposed.

PPL RIGHT-OF-WAY

Mr. Bartholomew moved, seconded by Ms. Mellish, to conditionally approve the Right-of-Way to PPL for installation of poles and wires relocated as a result of the Penn Dot Race Street Bridge project. Motion passed seven in favor, none opposed.

**BILLS & ACCOUNTS:**

<u>General Fund</u>	<u>Water</u>	<u>Sewer Plant</u>
\$1,052,001.82	\$69,280.71	\$43,165.63
<u>Sewer Collection</u>	<u>Community Development</u>	<u>Gross Payrolls</u>
\$147,892.98	\$0.00	\$134,776.65

Bills and Accounts were approved on a motion by Ms. Mellish, seconded by Ms. Kroope. Motion carried seven in favor, none opposed.

**UNFINISHED BUSINESS:**

Ms. Kroope said they are still accepting sponsorships for the Summer Concert series, if anyone is interested they should get in touch with the Borough Manager.

Mr. McKittrick said there will be a meeting with the Public Safety committee and the operators of the High Rise at 3<sup>rd</sup> and Pine Street, this coming Wednesday.

President Smith asked the Engineer whether he had received the letter to investigate the Faith Drive property (retaining wall) issue. Mr. Henning said they had received it and will investigate. In response to a question from Mr. McKittrick as to why the Code department is not handling it, the Manager explained that it started as a property/neighbor dispute and Keycodes had investigated and determined that it was a private matter between the two property owners. It is not within the purview nor capabilities of the Code Enforcement personnel so it was forwarded to the Engineer for a more technical evaluation.

**NEW BUSINESS:**

Mr. McKittrick said that the Lower Milford Police Department has been disbanded and they are now disposing of their vehicles. He said there is a 2006 SUV available for bid. It is the same vehicle the Fire Chief has now, but it is 40,000 fewer miles. Mr. McKittrick moved, seconded by Ms. Kroope, to bid up to \$5,000 for the vehicle. He said that it will need some repainting to make it ready for operation as a replacement Fire Chief's vehicle. Motion carried seven in favor, none opposed.

CATASAUQUA MAIN STREETS

Ms. Mellish reported that Catasauqua Main Streets will be having a Breakfast meeting at the end of the month. It is sponsored by Xcel

President Smith said that he is appointing a design committee to work with Renew Lehigh Valley. He said the Committee would consist of the Manager, Attorney Dinklelacker, Justin Berker, Kim Brubaker, Eric Horning, Deb Mellish, Chris Weaver, and Vince Smith.

**HEARING OF PERSONS PRESENT:** NONE

**CLOSED SESSION:** NONE

**ADJOURNMENT:** There being further business, the regular meeting of Council adjourned at 9:15 PM.

Respectfully submitted,

Eugene L. Goldfeder  
Secretary/Manager