

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

MEMBERS PRESENT:

Mr. Smith, Ms. Mellish, Mr. McKittrick, Mr. Bartholomew, Ms. Kroope, Ms. Weaver and Mr. Schlegel (via phone).

ALSO PRESENT:

Solicitor Dinkelacker, Mayor Schlegel, Police Chief Kish, and Manager Goldfeder.

PUBLIC HEARING:

Mr. Smith opened the floor for the public hearing on the 2018 Budget.

President Smith said the 2018 Budget has been available for review and asked if anyone in the audience had comments on it. There were no questions from the audience.

President Smith said that Mr. Schlegel had suggested some changes to the Budget at the December 4, 2017 Council Meeting and now would be the appropriate time to consider this request. Mr. Schlegel said that he had spoken with the Borough Manager who suggested that it would be more appropriate to review and discuss his proposal at a General Government meeting before bringing it to Council.

The Manager said that he and Mr. Schlegel had spoken. The Manager suggested that the original suggestion has greater ramifications than Mr. Schlegel had originally thought. It would be appropriate to discuss it in detail at a General Government Committee meeting. If after that discussion Council wants to consider Mr. Schlegel’s suggestion a modification to the Budget and employee’s salaries could be undertaken at any time during the year.

ORDINANCES & RESOLUTIONS:

RESOLUTION #15-2017:

RESOLUTION ADOPTING THE 2018 BUDGET.

Ms. Weaver moved, seconded by Mr. Bartholomew. The motion passed seven in favor, none opposed.

ORDINANCE #1362

AN ORDINANCE FIXING THE TAX RATE FOR 2018.

Ms. Weaver moved, seconded by Mr. Bartholomew.

In response to a question from Mr. Bartholomew the Manager said the tax rate is increasing by .2 (two tenths) of a mill.

A roll call vote indicated seven in favor none opposed. It passed as Ordinance #1362.

ORDINANCE #1363

AN ORDINANCE SETTING THE MANAGER’S SALARY FOR 2018.

Mr. McKittrick moved, seconded by Ms. Weaver. Ms. Kroope asked what happens if the new Borough Manager is paid more than what is set forth in the Ordinance, or if the Borough has to hire a separate Zoning Officer in addition to the new Borough Manager.

The Manager said that if the salary for the new Borough Manager is different than what it is included in this Ordinance a new Ordinance would be drafted reflecting the new rate as of the appropriate date. He also said that there is sufficient funds in the projected closing balance for the 2018 to cover any differential pay rate as well as compensation for a separate Zoning Officer.

A roll call vote indicated seven in favor none opposed. It passed as Ordinance #1363.

RESOLUTION #16-2017

A RESOLUTION APPOINTING THE FIRM OF DIMMICH, DINKELACKER AND ANEWALT, P.C TO SERVE AS THE DELINQUENT TAX COLLECTOR.

Ms. Weaver moved, seconded by Mr. Bartholomew. The motion seven in favor, none opposed.

RESOLUTION #17-2017

A RESOLUTION SETTING THE RATE AND ELIGIBILITY REQUIREMENTS FOR SENIOR CITIZEN REFUSE DISCOUNT.

Moved by Mr. McKittrick, seconded by Mr. Bartholomew.

In response to a question for clarification the Manager explained the different eligible income sources, all of which exclude Social Security.

The motion passed seven in favor, none opposed.

RESOLUTION #18-2017

A RESOLUTION AMENDING THE SCHEDULE OF FEES & CHARGES, DATED DECEMBER 14, 2016, REVISING THE WATER RATES AND SEWER RATES.

Ms. Weaver moved, seconded by Mr. Bartholomew.

In response to a question the Manager said that both the water and sewer fees for each year, 2018 and 2019 will be increasing by approximately 3%. Mr. Bartholomew questioned whether this would have an impact on the fees paid by the other communities to the Sewer Plant. The Manager replied that they would not. The Borough bills the other communities based on the actual cost of operating the plant, those charges are unrelated to the fees we charge our residents.

The motion carried seven in favor, none opposed.

NEW BUSINESS:

RESOLUTION #19-2017

A RESOLUTION AUTHORIZING THE BOROUGH TO ENTER INTO A CONSENT ORDER AND AGREEMENT WITH THE PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION AGENCY.

Mr. Bartholomew moved, seconded by Ms. Weaver.

In response to a question from the Board the Manager said that the Consent Order resulted from the Borough's failure to apply for a renewal of the NPDES Sewer Discharge Permit on time. We were required to apply by July 4, 2017 and we missed that date.

In response to a follow up question the Manager said that the fault lies with several people. He took overall responsibility since he should have been keeping track of the deadlines. With the Manager's other responsibilities this year he instructed the Pidcock Company, the Borough's engineers, to prepare and submit the application. For whatever reason they failed to submit the application on time, as directed.

The Manager also said that Jim Houston, the Pretreatment Coordinator, had previously been preparing the application but due to personal issues had been unable to undertake the task. He did have the wet tests performed which is a requirement leading up to the submission of the application. The Manager said this was good since those tests take up to a year to complete and had they not been started the Borough would have been much more delinquent in their submission.

The Manager said there were also a few technical violations that were included in the Consent Order. He indicated that DEP usually keeps track of any permit violations regardless of how large or small and tends to combine them into one comprehensive violation notice when something significant occurs, such as our failing to apply for our Permit renewal.

In response to a question on how our Permit compares with the Permit for Northampton, which discharges to a creek not the river, the Manager said that while the Permit parameters might be somewhat different the general nature of the Discharge Permit would be the same. He explained how the DRBC has classified the Delaware River and its tributaries as special protected waterways significantly increasing the requirements on plants and that depending on where the plant is discharging ultimately to the Rivers, whether the Delaware or the Lehigh, could affect their permit.

After further discussion the motion carried seven in favor, none opposed.

MAYOR'S VETO:

At this time Mayor Schlegel returned her veto of Ordinance #1361, the Business Registration Ordinance. A copy of her veto message is attached to the Minutes.

The Manager said that having received the Mayor's veto Council has three courses of action available to it. They could attempt to override the veto this evening during the meeting; they could call another meeting, within ten (10) days from today, at which time they could attempt to override the veto; or they could allow the veto to stand without attempting an override.

Ms. Mellish responded to the points raised in the Mayor's veto by stating that there is no requirement that a majority of a Committee is needed to recommend action on a proposed Ordinance. She said that the list the Police Department has is not always up to date, and they have a problem trying to keep it so, since there is not requirement for any business to supply the requested information. She said that the floor plan was not listed as a specific requirement in the Ordinance, it would be something listed on the application form as need to be submitted. If Council feels strongly they could add that as a requirement in the Ordinance. She said that the Downtown Business Association only has information on those

businesses that voluntarily respond to the request. They also have no way of forcing compliance or submission of information. With respect to allowing multiple registrations on a single form she said that this is something that the Borough Manager could do and it is appropriate to be done, especially when there are multiple businesses on the one property.

Mr. Bartholomew moved, seconded by Mr. McKittrick to override the Mayor's veto of Ordinance #1361.

Ms. Kroope questioned what happens with this vote. The Manager explained that a vote to override a veto requires a super-majority of Council. Five members must vote in favor of overriding for the action to succeed. If four or fewer Members of Council vote to override the veto, the veto is sustained and the Ordinance is defeated.

President Smith said that he would like to go over each item in the veto individually.

Mr. McKittrick said the Chair of any Committee could bring a request to Council for action. Ms. Weaver and President Smith both concurred with that assessment. If Council wants to change that procedure they could.

Mr. Bartholomew said that this did not come out of the Committee. He spoke to the Solicitor who was concerned and questioned why it was reported out. Mr. Bartholomew said the Manager was also present for that conversation. The Manager agreed with Mr. Bartholomew's recollection but added that he had explained that Ms. Mellish had brought the Ordinance up for discussion at the October Executive meeting and requested that it be advertised. There was no objection to her doing so at that time.

President Smith said that Mr. Bartholomew does the same thing regularly in the Public Works Committee. Often times he brings something up for discussion or action when the Committee has not discussed it, especially with respect to the Street Programs.

Regarding the floor plans the Police Chief said they have some but cannot require they be submitted. He agrees with President Smith that if a business changes there is no way to find out what is being done or if there have been any changes to the interior of the building. If there is an emergency, active shooter incident or other problem requiring police response, they want to know what the configuration of the building they are entering. Mr. Bartholomew questioned why they need the information if there are fire alarms and other facilities in place.

With respect to the floor plan Ms. Mellish said we do not have the form developed at this point. The original intent was that the floor plan may not always be required depending on the business. If the Police Chief feels it is necessary in all cases they will add that to the form. There will be a lot of information requested on the form.

With respect to the Downtown Business Association, Ms. Mellish said that Catasauqua Main Streets has a two-year old list for business contacts. The

businesses do not always respond to the request for information. One person in the organization tries to find the businesses but they are not always cooperative and the information is not always complete. Ms. Weaver said that Catasauqua Main Streets mission is different than the Borough's and the purpose of this Ordinance.

The Mayor said the Ordinance indicates that the information submitted is not confidential. She does not feel that Catasauqua Main Streets should have access to the entire form. There was a discussion on the Right to Know laws and what and how information provided to the Borough could possibly be kept confidential and not disclosed, but that in most cases all information provided to the Borough is public record. Ms. Mellish said she had always considered that we would start with less information being requested from the businesses and if necessary based on the submission more would be requested from the businesses.

President Smith said that we should indicate on the form the information that we need for public safety purposes and that some of it they want some of it to be considered confidential they should indicate that. Mr. Schlegel said that it seems everyone agrees the Ordinance needs work. He feels that we should hold off on the Ordinance and fix the issues before we act.

Mr. McKittrick asked whether Ms. Mellish feels that if it is sent back to Committee we could fix the problems and redo the Ordinance. Ms. Mellish said that she does not know if that would be helpful, she does not think there is ever going to be a way she can protect people from the Right to Know Act requirements.

With respect to more than one application on a single form Mr. Smith said this has been a point of contention. He said that especially when you have multiple businesses on one property it is more efficient for one application to be submitted. There still would be multiple registrations, however all of them can be included on one form.

A roll call vote indicated four in favor of overriding the veto, three opposed (Ms. Kroope, Mr. Bartholomew and Mr. Schlegel). The motion to override the veto failed. The veto was sustained.

PINE ST. BRIDGE FLAGS:

The Mayor said she heard that the flags for Veteran's Day on the Pine Street Bridge were payed for by a donation from Marty Hacker. She said he should be sent a thank you letter. The Manager said if it was not already done he would take care of it.

BILLS & ACCOUNTS:

<u>General Fund</u>	<u>Water</u>	<u>Sewer Plant</u>
\$60,155.04	\$7,643.49	\$25,954.57
<u>Sewer Collection</u>	<u>Community Development</u>	<u>Gross Payrolls</u>
\$3,570.17	\$10,086.13	\$76,608.88

Bills and Accounts were approved on a motion by Ms. Mellish, seconded by Ms. Weaver.

The motion passed six in favor, none opposed, one absent (Mr. Schlegel's phone died and he was no longer present).

After approval of the bills the Manager said there are certain obligations of the Borough that are still outstanding that we had hoped would be submitted this evening. They include final payment for the Municipal Building project and the final payment for the 2017 Curb Cut program. The Curb Cut program is still waiting for the Maintenance Bond to be submitted before final payment can be made. The Municipal Building still has a few outstanding items as well as the Maintenance Bonds being submitted before those payments can be made. The amount owed in both cases will be placed in an encumbrance account by journal entry so that when they are authorized for payment in 2018 they will not adversely reflect on the 2018 Budget.

HEARING OF PERSONS PRESENT:

BRIAN KROOPE:

Mr. Brian Kroope, 625 Howertown Road, Catasauqua, approached Council with a request. He said that he is trying to pay off the outstanding bills for his rental property at 218 Limestone Street. He has a dilemma in that there is a woman who is losing her residence tomorrow and needs a place to live. He would like to put her in his apartment, however he cannot get a Residential Rental License or inspection for the property since there are outstanding bills. Mr. Kroope is requesting that Council grant him special permission to rent the property to her while he is making the agreed upon payments to the Borough. The Manager said all of the bills are from a prior year. There are several liens which must be paid to the Solicitor's office. By Ordinance a license to rent the apartment cannot be issued with delinquent bills. His request is to pay \$200 a month until the debt is satisfied.

Mr. Bartholomew moved to allow Mr. Kroope to rent the building while he has outstanding delinquent bills that he will be paying on. After two calls for a second, President Smith said that he has the authority to second a motion and did so.

In discussion Mr. McKittrick said that he understands what Mr. Kroope is saying and what he wants to try to do. However is concerned about having one delinquent property owner after another making the same request. It is a situation of how much grief do we want to place on ourselves.

In response to a question from Ms. Kroope on why we do not require the same obligation of businesses, the Manager said this is a requirement of the Residential Rental Licensing Program, not any other Ordinance. In further discussion Mr. Kroope said that he does not know the name of the woman who would be renting but that he knows her mother's name is Tabitha, and he will provide the name to the Borough promptly. He was informed that given the administrative obligations it may not be possible to inspect the property by Friday, which is when he would like to move her into the building. The Manager said that if Council approves his request and he misses a single payment date, he will be in default of his obligation, the license will be revoked immediately and the tenant will have to be put out.

The Manager said that if Council is considering honoring the request they need to determine for themselves whether permission will be granted to allow this one

person to rent the building or whether Mr. Kroope will be allowed to rent the building to whomever until the debt is paid.

On a roll call vote the motion was denied two in favor (Mr. Bartholomew and Mr. Smith) three opposed (Ms. Mellish, Mr. McKittrick and Ms. Weaver), one abstention (Ms. Kroope) and one absent (Mr. Schlegel).

ADJOURNMENT:

There being no further business, the special year-end meeting of Council was adjourned at 8:30 PM.

Respectfully Submitted,

Eugene L. Goldfeder
Manager/Secretary