

WILSON BOROUGH  
NORTHAMPTON COUNTY  
PENNSYLVANIA  
APRIL 23, 2007

The Second Meeting of the Council of The Borough of Wilson was held in the Guy B. Tomaino Public Safety Building at 2040 Hay Terrace, Easton PA. President Feinberg called the meeting to order at 7:00 p.m. Roll call followed.

PRESENT:

Leonard Feinberg, President	James Klass
Joan Lilly	James McGowan
Ronald Nixon	Bob Reiss
David Schug	Louis Starniri
David Williams	

ABSENT:

None

Also present were: Chief Richard Nace, Chief Michael Collins, Code Enforcement Officer Paul R. Corriere

READING OF THE MINUTES:

The Minutes of the April 9, 2007 Council Meeting were approved on a Motion by Mr. McGowan. Second by Ms. Lilly.

PRESENTATION OF MATTERS BY PERSONS PRESENT:

1. Attorney Stan Margle, representing Charles Tuskes, appeared before Council to discuss the Maple Shade development in Palmer and Bethlehem Townships. The dilemma with the project is the lack of available sewer capacity. Under EAJSA rules an outside municipality must make a formal request to the EAJSA and its member municipalities for acquire capacity. Approximately 10,000 gallons are needed for the project. Wilson and West Easton both have the capacity needed for the project. If the Borough were willing to sell the capacity, the other member municipalities would be asked if they wanted to purchase it first. If they decline the offer, Bethlehem Township could purchase it. Bethlehem Township would have to assure that the Borough has the capacity to sell and that the Borough would not be exceeding the mandatory 20% the Borough must keep. Bethlehem Township would be willing to pay for any study that would be necessary to perform. Mr. Feinberg presented figures showing that the Borough has several hundred thousand gallons available in sewer capacity. Mr. McGowan stated that he had a problem with selling capacity to non-member municipalities. LA Fitness will also be coming into the Borough along with Dixie Lofts. Mr. McGowan suggested having Palmer Township extend their line into Bethlehem Township. Forks Township may be interested in purchase all available sewer capacity. After a short discussion, Mr. Starniri made a Motion to enter into preliminary negotiations to sell the sewer capacity that Bethlehem Township is interested in. Second by Mr. Nixon. Affirmative votes were cast by: Mr. Feinberg, Mr. Klass, Ms. Lilly, Mr. Nixon, Mr. Reiss, Mr. Schug, Mr. Starniri and Mr. Williams. A Negative vote was cast by Mr. McGowan. Motion carried by an eight to one vote.

2. Attorney Bruno, representing Eissa Hassanein, appeared before Council to discuss the appeal on the Zoning Board's decision on 2435 Victor Street. Borough Council authorized an appeal of the Zoning Board's decision to subdivide the Victor Street property. Mr. Bruno requested Council to reconsider their request. Mr. Bruno stated that the neighborhood consists of singles and twins and Mr. Hassanein's project is conducive to the neighborhood. Mr. Hassanein is prepared to submit plans if necessary to attach another home to the existing one. This plan conforms to the Borough's Zoning Ordinance. Mr. Bruno requested Council to withdraw the zoning appeal. Mr. Minotti did not know if the plan would conform to the Zoning Ordinance. Mr. Minotti will discuss the matter with Mr. DeEsch and Council will take appropriate action at the next Council meeting on May 14, 2007. Motion by Mr. McGowan. Second by Mr. Klass.

3. Mr. Feinberg stated that he has reviewed the Rec Board By-Laws and he does not see where Borough Council has any say in Rec Board matters. Mr. Minotti has completed his investigation on what Borough Council authorized him to do. It appears that the Sunshine Law does apply to boards. All meetings should be open. Executive meetings are permitted, but all votes must be taken at an open meeting with no secret ballots. If an Executive Session is a personnel matter, the affected person can request in writing that the matter be discussed in public. Under the old by-laws, previous head football head coaches would send the football association a letter of intent to return to coaching the following season. Under the new by-laws, the letters of intent were to be submitted in a closed session. One head coach was not asked to return by the football board. The matter went to the Rec Board and was overturned. Rec Board contends that they football association did not adhere to their by-laws. Mr.

Minotti responded that the football association has existed for a long time and the Rec Board had delegated the final approval on coaches to the association. Mr. Minotti felt that Rec Board abused their authority by overruling the association. The change in by-laws was a reasonable request by the football association and Rec Board should have approved it. Rec Board contends that the football association did not follow their guidelines when changing their by-laws and the by-laws were changed to fit this specific purpose. Mr. Minotti responded that even if the whole procedure was done wrong, it could be remedied. Council should not get involved in such matters. Mike Anderson felt that the coaching change was done without reason. Several other football parents felt the same. Mr. Minotti sent the matter back to Rec Board and the football association to redo the matter. Mr. Minotti reminded the Rec Board that reasonable requests to changes in the by-laws should be approved.

#### COMMUNICATIONS AND PETITIONS:

1. A letter was received by the Annunciation Greek Orthodox Church requesting permission to place a banner on Northampton Street to advertise their Greek festival from May 18, 2007 to May 20, 2007.
2. A letter was received from Robert Bryant, Engineer from P.J. Lehman, Inc., requesting an extension be grant for a six month period ending October 10, 2007 on the 24<sup>th</sup> Street bridge project. Mr. Bryant had informed Ms. Lohrman on the phone that PennDot had requested an additional two copies of the TS&L report be provided so an outside consultant could review the report.
3. Council has received an invitation to attend a Chamber Mixer with Lehigh Valley businesses at the Wilson Area High School cafeteria on Thursday, May 17, 2007 from 5:00 p.m. to 7:00 p.m.

#### COMMUNICATIONS BY THE MAYOR:

1. Mayor Perruso thanked Mr. Feinberg for serving as the Acting Mayor while has was away on vacation.
2. Mayor Perruso requested permission to hire Cindy Folkner as a Meter Person to fill the position vacated when someone left last year. Motion to hire Ms. Folkner by Mr. Klass. Second by Mr. Reiss.

#### COMMUNICATIONS BY THE BOROUGH MANAGER:

1. Ms. Lohrman informed Council that the Safety Committee had received a suggestion for sanitizing the holding cells. The representative from our insurance agency told the committee that the holding cells should be sanitized at least every quarter and if the Borough's Police Department were accredited, the holding cells would have to be sanitized every month. Mr. Starniri expressed his concern on the spread of blood borne pathogens. Motion by Mr. Starniri to check into sanitizing the cells, i.e. how the procedure works and how often it should be done and possibly updating the cells.
2. Ms. Lilly requested copies of accident reports be provided to Council if any vehicles were damaged or caused damage. Mr. Starniri added any incident where the Borough's insurance rate may be affected.
3. Ms. Lohrman informed Council that the May 28, 2007 Council meeting fell on Memorial Day and the June 25, 2007 Council meeting occurred during the PSAB Annual Conference. Motion by Mr. Reiss to forgo the second Council meeting in May and June. Ms. Lohrman was given permission to pay the bills during this period of time. Council would ratify the bills paid at the next Council meeting. Second by Mr. Starniri. Affirmative votes were cast by: Mr. Feinberg, Mr. Klass, Ms. Lilly, Mr. Williams, Mr. Nixon, Mr. Reiss, Mr. Schug and Mr. Starniri. A Negative vote was cast by Mr. McGowan. Motion carried by an eight to one vote.
4. Ms. Lohrman had contacted Sara Pandl about paving the Fisk field parking lot in the near future if it had been included in the scope of work for the DCNR grant and the Open Space Grant. Ms. Pandl had questioned the cost of the work and amending the project by that amount if the Borough proceeded with the paving. Ms. Lohrman had responded that the Borough was going to pave it and the cost would only be for the materials. Ms. Pandl responded that the Borough should proceed with the paving and could amend the grant application later if it were approved. Mr. McGowan will check to see if the Borough could use Liquid Fuel money to pave the parking lot.
5. Mr. Feinberg has prepared a draft ordinance to establish a residential rental housing licensing and inspection system and to establish administrative provisions, fees and penalties. Mr. Feinberg would like to delete Section 3 on Page 10 of the draft. Mr. Feinberg requested the General Government committee review the draft ordinance with him. The fee schedule is missing. Mr. Feinberg hopes the program would become self-sufficient.
6. Ms. Lohrman informed Council that TechnologicSolutions had taken over the website and email servicing when Ledet Computer Consulting suddenly went out of business. However, they never had intended to perform that service. They had done it as a courtesy to give the former Ledet customers more time to make a change. Mr. Feinberg and Ms. Lohrman met with ClearEnd Business Solutions about providing website and email services. ClearEnd will provide a proposal to the Borough for services. Mr. Feinberg has contacted another company for prices. Mr. Starniri provided Council with information from PSAB for their website design program. Ms. Lohrman will provide Council with an update when all the proposals have been received.
7. Ms. Lohrman asked Council who they would like to have as a delegate and an alternate delegate to

the annual PSAB conference. Ms. Lilly nominated Mr. Feinberg as the delegate and Mr. McGowan as the alternate delegate. A discussion was held on the past practice of the Council President being the delegate. It had not always been the case. Second by Mr. Starniri.

#### REPORTS OF COMMITTEES:

##### GENERAL GOVERNMENT:

None

##### FIRE:

1. Chief Collins informed Council that the new radios were installed. The radios will be switched over on Thursday night. The old equipment can go to the Public Works department.

##### POLICE:

1. Chief Nace has had officers check into the complaint about the running of the vehicle on S. 21<sup>st</sup> Street. The vehicle had not been there except for last Thursday. A complaint had been received, but by the time the officer had gotten to the scene 10 minutes later, the vehicle was gone. Chief Nace will have an officer check the area on a daily basis.

2. Chief Nace inquired about the status of the police vehicle that was out for bid in November. Ms. Lohrman replied that she had left a few messages for the highest bidder, but had not received any responses. Ms. Lohrman was requested to contact the second highest bidder to see if they were still interested in the vehicle.

3. Chief Nace informed Council that the new police car is in. The car will be delivered on Friday.

4. Chief Nace would like to speak to the Police committee for five minutes after the meeting.

##### PUBLIC WORKS:

None

##### PARKS AND RECREATION:

1. Mr. Klass thanked Ms. Lohrman for contacting Ms. Pandl about the DCNR grant.

2. Mr. Klass appreciates the work that Ms. Lilly is doing for the Rec Board. He feels that she is doing a fine job. Ms. Lilly thanked the Rec Board for all their work.

3. Rec Board was reminded that when reviewing the association by-laws, they should decide if they are reasonable. Such matters should no longer come before Council.

##### SOLICITOR:

1. Mr. Minotti requested that Chief Nace have Officer Shull contact him about setting up a meeting to discuss the drug policy.

2. Mr. Minotti has reviewed the draft of the bituminous material resolution and did not have a problem with it.

3. Mr. Minotti has reviewed the information from Easton Suburban Water Authority. The cost of the procedure would be borne by the property owner. Ms. Lohrman requested Council to table the discussion on the advise of Chief Collins. The matter may be covered in the new edition of the Property Maintenance Code.

4. Mr. Minotti has received the change to the agreement with Creditech. They have added legal authority to the agreement. The Borough will have 30 days to pay Creditech for the commissions. The agreement can be completed by resolution. Mr. Minotti will prepare the document.

##### MECAB:

1. Mr. McGowan reminded Council that the next MECAB meeting would be April 25, 2007 in Hellertown. The topic of the meeting will be planning the tour on May 30, 2007. MECAB has been invited by the owners of Lost River Caverns to tour the cave. There will not be a fee charged, but a donation charged with the funds going to the folks who lived in the house that burnt down several months ago. The meeting will then move to the Dewey Fire House. Council was requested to be at the caverns between 5:45 p.m. and 6:00 p.m.

##### OLD BUSINESS:

None

##### DEFERRED BUSINESS:

1. Motion by Mr. Reiss to approve the request by Annunciation Greek Orthodox Church to place a

banner across Northampton Street advertising the Greek Festival from May 18, 2007 to May 20, 2007. Second by Mr. Williams.

2. Motion by Mr. McGowan to authorize a six month extension to the 24<sup>th</sup> Street bridge project. Second by Ms. Lilly.

3. Mr. Feinberg inquired about the preparation of a Developers Agreement with Ashley Development for the Dixie Lofts project. Mr. Feinberg informed Council that there had been a meeting with Ashley Development last Thursday with two architects. Many of the questions involved fire protection. Mr. Minotti replied that the Borough should have an estimate for the public improvements that will be completed. Ms. Montgomery should review the information and funds should be set aside in escrow for those improvements. Mr. Feinberg added that Ashley is still waiting to hear back from the National Parks Service on several items. The Developers Agreement should include the Recreation Fees.

#### NEW BUSINESS:

1. Ms. Lilly inquired why there were three CDBG accounts with funds in the accounts on the Treasurer's Report. Ms. Lohrman responded that they were funds to be used for the approved activities in that CDBG grant. Ms. Lohrman reminded Council that the interest received on the accounts no longer had to be returned to the state, but could be spent on the program activities.

2. Ms. Lilly inquired about what Ms. Guth would be doing now that she was not doing payroll or sewer shut-offs. Ms. Lohrman responded that Ms. Guth was still doing payroll the same way it was since Ms. Guth and Ms. Lohrman had been with the Borough. Ms. Guth would still be sending out the delinquent notices and would be reporting the delinquent accounts to the collection agency. The only part of her job that she would not be doing is turning the delinquent accounts over to Easton Suburban Water Authority.

#### ORDINANCES:

None

#### RESOLUTIONS:

1. Resolution 1149 – A Resolution of the Council of the Borough of Wilson Concerning an Escalator Clause for Bituminous Materials. Motion by Ms. Lilly. Second by Mr. Reiss.

#### BILLS AND ACCOUNTS:

Bills of \$196,972.43 were paid on a Motion by Mr. Nixon. Second by Mr. Starniri.

#### ADJOURNMENT:

Mr. Nixon made a Motion to adjourn at 9:08 p.m. Second by Mr. Schug and Council concurred.

Transcribed from a tape.

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KAREN A. LOHRMAN, BOROUGH SECRETARY