

May 20, 2013

The Regular Meeting of the Lehighon Borough Council was held in the Municipal Building on Monday, May 20, 2013. The meeting was called to order at 7:30 p.m. by President Grant Hunsicker. Members in attendance were: George Kogut, Bessie Bauchspies, Councilor John Kreitz, John Bird, Darryl Arner and Scott Rehrig.

Officials in attendance were: Borough Manager Nicole Beckett, Treasurer Kira Michalik, Borough Secretary Brenda Koons, Solicitor James Nanovic, Fire Chief Gary Frable, Mayor Donald Rehrig, and Police Chief Neal Ebbert. Absent: Borough Engineer Bruce Steigerwalt.

Pledge of Allegiance

Hearing of Person's Present

Frank Potoczak, owner of Castle Grill requested permission from council to get rid of junk, dead trees and garbage that is blocking the view of the river behind his restaurant. He is celebrating his 4<sup>th</sup> anniversary of the Castle Grill. He is willing to donate tables and benches for the walkers, bikers and hikers who use the trail behind his establishment. He is also willing to donate the help of his employees for the cleanup.

Councilor Kogut agreed with Frank and made a motion for the borough to partner with Mr. Potoczak on a cleanup project to get rid of the mess behind Castle Grill and Councilor Rehrig seconded the motion and all were in favor.

Richard Gombert of 251 South 9<sup>th</sup> Street commented on the possibility of building a new recreation center. He feels before that is done the streets and alleys need to be looked at and taken care of first. They literally are falling apart. Birch Alley is littered with potholes. Alum Street has deep potholes. The cold patch they are using to patch them with is junk. President Hunsicker agreed.

Approval of Minutes

Councilors Arner/Kreitz made the motions to approve the minutes of Special Meeting of November 27, 2012.

New Business

Motion to grant Dollar General's request for a 90-day waiver

Councilors Arner/Kreitz made the motions to grant the request and all were in favor with no questions or objections.

Motion to give approval for the Kovatch Subdivision Plans conditional upon receiving documents with signatures

Councilors Kreitz/Bauchspies made the motions to give conditional approval and all were in favor with no questions or objections.

Motion to approve the seasonal employee's list for the Recreation

Department

Councilors Arner/Bird made the motions to approve and all were in favor with no questions or objections.

Motion to adopt Resolution R-011-2013 pertaining to the Destruction of Records – granting permission to destroy

Councilors Kreitz/Bauchspies made the motions to adopt the ordinance and all were in favor with no questions or objections.

Authorization to proceed with the draft plan and left turning lane at 9<sup>th</sup> & Union Streets

Nicole said PennDOT came back to us and said we need to submit a plan for improvements from the Borough Engineer for the left turn Q length analysis to determine the length needed.

Councilors Rehrig/Kreitz made the motions to authorize the engineer to draw up the plan for going north only and all were in favor with no questions or objections.

Authorization to proceed with the traffic signal at 9<sup>th</sup> & Bridge Streets

Nicole said that along with the turning lane, we had also discussed the safety concerns at 9<sup>th</sup> & Bridge Streets. There have been many years of discussion to put a signal there. Should we want to put a signal there we would need to send a written financial commitment to perform the improvements to PennDOT.

Nicole said she figured council would want to know what they were committing to and got costs from the Normal Square traffic light that was installed in 2009. Their signal cost \$166,000. In addition to that we would need to upgrade curbs and sidewalks and estimate the total cost to be around \$183,000.

The Mayor asked if we had a recent traffic study for there and Nicole said we have one from 2 years ago and that should be good.

Councilors Rehrig/Kogut made the motions to inquire if we need to update the traffic study and to contact the senator to see if there are any monies available toward this cost factor. The borough manager, upon getting information from them is to report back to council to see where we stand at the June 24<sup>th</sup> meeting and all were in favor with no questions or objections.

Discussion on appointment of council person to CCMA

Councilor Bird said he feels he has done his part and would like to be taken off the board effective July. He suggested rotating councilors every two or three months. Councilor Rehrig instructed the solicitor to check out the agreement of the Authority and report back to council. The solicitor said he does not think it has to be a council person appointed to the position.

Discussion on ordinance amendments as requested by Zoning Officer

The Borough Manager said that Steve is requesting to have Council authorize some time with Attorney Nanovic to work on some amendments to the ordinance including property management requirements, implementation of landlord licensing and the adaptation of Act 90, 2010. She wasn't sure what Act 90 was. The solicitor said it is a way to get property owners to clean up their properties. You could deny permits on one building if he had a blighted building somewhere else. The problem with many municipalities is that an owner only has one blighted building which doesn't leave you with an opportunity to do much to it. Steve's comment was that we need some way to clean up some of these blighted properties in the borough and the solicitor agreed and said there are ways but it costs money.

Solicitor Nanovic said if borough council wants to try and tackle this problem we can certainly try. We can get each individual property cleaned up. Sometimes we have gone for court orders to clean it up. If they don't; council does and we lien the property. The problem is it sometimes cost \$80,000 to clean up a property and once it's torn down it's not worth \$80,000 and try to get the money out of that person is pretty near impossible. Councilor Rehrig said the lien could go on for 80 years. Solicitor Nanovic agreed. In Weatherly they have executed on and you get the property back and hopefully you'll get the \$80,000 back or at least cut your losses.

The borough manager asked if our current ordinances are strong enough to start the process and the solicitor said yes because mostly you are going under statutes not under the ordinance but our Property Maintenance ordinance is actually pretty good.

#### Discussion of joining the Council of Government (COG)

Scott and Grant attended a meeting and thought the theory was good but wasn't sure how cost effective it would be. They liked the idea of going together with other municipalities to purchase a large piece of equipment but were concerned over how often you would get to use it and if it broke down who would be responsible to pay to repair it. Senator Yudichak said that the way the Pennsylvania legislators are looking at it right now is that if a sole municipality/township put in a grant for a piece of equipment right now they wouldn't get it but if they submitted the grant as a COG they would look at it more favorably and most likely approve the grant.

Nicole said that the COG isn't just a better way to purchase equipment. This would benefit the area for other grants as was the case of the Comprehensive Plan and the Local Share Grant for the purchase of new radios for the borough trucks and fire department. The radios would have cost the borough \$85,000 - \$100,000 to purchase alone but only cost \$1,000 because of the power of working together.

#### Unfinished Business

##### Motion to adopt Ordinance 605-2013 pertaining to the acquisition of the alley between 6<sup>th</sup> & 7<sup>th</sup> Streets

Councilors Kreitz/Bauchspies made the motions to adopt and all were in favor.

##### Continued discussion on the Checkered Flag Lease

After some discussion, council decided to table this item. The borough manager asked if the cars currently parked there for sale would be allowed to remain there or would they have to be removed. The solicitor said no the lease is up.

Councilors Rehrig/Kreitz made the motions to table this item and have the cars removed and all were in favor.

##### Motion to approve Resolution R-012-2013 adopting the PSAB Municipal Retirement Trust for the Lehighon Borough Police Pension Plan

The effective date would be May 20, 2013. Councilor Rehrig said it was properly discussed, planned, investigated and interviewed before making this decision.

Councilors Rehrig/Kreitz made the motions to adopt the resolution and all were in favor with no questions or objections.

Continued discussion of the Hydroelectric Project

The solicitor said there is nothing to discuss at this point. We had revised the agreement that was circulated and it was given to Jim Havrilla for comments before sending back to Paul Nolan.

Councilor Kogut said he has not received answers to his 10 issues/questions to date. Being in the energy industry he knows a lot about this and will have to recues himself from the vote but he wants to make sure council has the most up to date information.

His first concern is the capacity market. He has not got any response back on the RPM (reliability pricing model) saying if they are going to bid it in to the capacity market. He doesn't know what they are going to do if the OR is empty or what they will do with the revenue from that. There are ancillary services associated with a power plant and he has gotten no response back on that. You can have a plant designated as a black start capability meaning it doesn't need the outside grid to actually start to ramp up the plant. Are they going to be considered a black start unit? We own 50% of the REC's. Does anyone know how to do anything with the REC's? PJM settlement's; does anyone have any idea what it's going to be like to do PJM settlements? These are just a few of the main issues that have not been answered.

Officials' Reports

Borough Manager

She said we took action on MRT as the trustee for the police pension committee and the committee is also recommending a balanced account be established with MRT instead of a fixed account. If you agree, a motion is required to do this.

Councilors Rehrig/Arner made the motions to establish a balanced account with MRT and all were in favor with no questions or objections.

She had given council the human resource services agreement with the Seltzer Insurance group previously. We are in the renewal stage and there are policies we do not have in place. It is time to update it and get an employee manual in place. She is requesting approval of the services agreement at a cost of \$215/month or a total of \$2,580.

Councilors Rehrig/Kreitz made the motions to approve contracting with the Seltzer group for human resource services and all were in favor with no questions or objections.

There is also a material's list provided at cost along with free labor from Lowe's for the Judge's Stand. They are requesting an escrow account be established in the amount of \$1,500 for the completion of the project in which we would be reimbursed for funds not spent. We had received some donations for the project and others are to follow.

Councilor Rehrig/Kreitz made the motions and all were in favor with no questions or objections.

Upon Completion of the project we should have some type of ribbon cutting event to recognize Lowe's for all the work they have done.

Councilor Kogut discussed hiring of local students for some of the temporary positions coming up; one position being the GIS mapping. George felt there would be at least one student from the high school capable of doing this job. Councilor Kreitz felt that wasn't possible for this job because he had found that in the 15 years of being in business a qualified student is hard to find for highly skilled positions and you end up spending more time and money fixing their mistakes. If this route is to be taken then the bar has to be set very high. He agrees it would be a good idea to hire from within the borough as long as all the qualifications are met by the highest standard to keep us from spending more money in the end.

Council agreed to try to hire from within the borough whenever possible.

Engineer

Absent

Police

The chief commented that everything for the towing was completed as per the solicitor's instructions.

They have made one arrest under the Sign Ordinance 140.187 but is confused. What is a person? Neal read the definition of a person but questioned who to cite. Is it the person who put the sign up, the person who owns the property or the person who is having the yard sale? The solicitor said it would be the person posting/hanging the sign. Neal said then you would have to catch the person posting the sign or get a confession to get a prosecution. The solicitor said you would have to catch them or get someone to testify that they saw them do it. Neal said good luck with that. Jim said that if the sign says there is a yard sale at 118 South 3<sup>rd</sup> Street the police should go there and 10-1 there will be a yard sale and then ask who put the sign ups and ask them to take them down. Or go there and buy something and say thanks for putting the signs up, that's how I knew there was a yard sale and get them that way. As police you are trained in how to catch people doing things like this.

The chief said night shift is going around taking down the signs when they see them and he does so during the day. He just wants to give his officers guidance on how to testify should they go to court for this and just wanted clarification.

Nicole suggested a yard sale permit so you know who is having a yard sale and posting signs.

Councilor Rehrig asked about the noise meter. Chief Ebbert said he found out the one they have is an antique but functional. It has to be certified costing \$185 to get a certified meter in or out. A newer digital read out machine would cost \$90 plus \$185 for the calibration unit. It would come from the Davis Instruments from Illinois. Councilor Rehrig asked if the \$90 was the cost to purchase. Chief Ebbert said yes for a digital machine to buy one would cost \$90 and then to purchase a certification device to hook on the microphone would be \$185. It must be certified every time you use it.

Numerous things must be changed in the ordinance before going ahead with this. You would need to appoint noise control officers, an administrator

appointed to those officers. Councilor Rehrig asked the solicitor to review Ordinance 149 for next meeting and bring it back to council next month.

Mayor

Nothing

Fire Chief

Nothing

President of Council

Invitation from Relay for Life to attend the race on Saturday,

June 1, 2013

Solicitor

Nothing

Treasurer

She had additional bills from Leighton Hardware and the Times News totaling \$859 to be included with the payables for approval.

Coffee mugs are compliments of Jim Thorpe National Bank as a thank you for becoming a new account.

Committee Reports

Finance & Administration – Darryl Arner, Chair, George Kogut, Co-Chair – nothing to report.

Streets, Buildings & Codes – John Kreitz, Chair, Bessie Bauchspies, Co-Chair – nothing to report. Grant wants hot patch brought in.

Police, Fire & Safety – Scott Rehrig, Chair and John Bird, Co-Chair – nothing to report.

Light & Power Committee – John Bird, Chair, Scott Co-Chair – nothing to report.

Sewer Committee – Bessie Bauchspies, Chair, Darryl Co-Chairman – nothing to report.

Public Works & Recreation – George Kogut, Chair, John Kreitz Co-Chair He would like to start a basketball league at the Grove and a Bocce Ball league at Baer Memorial.

Chief Ebbert reminded council of the Pool event sponsored by the school district and Leighton Borough on June 13<sup>th</sup>. He wasn't sure of the official name of the event.

Acceptance of Officials' Reports

Councilors Rehrig/Arner made the motions to accept and all were in favor with no questions or objections.

Approval of Accounts Payable

Councilors Rehrig/Arner made the motions to approve the accounts payable plus the additional invoices and all were in favor with no questions or objections.

Adjournment

Motion to go in to Executive Session for personnel and litigation

Councilors Kreitz/Arner made the motions to go into Executive Session at 9:19 p.m. and all were in favor.

Motion to go back into Public Session

Councilors Bird/Kreitz made the motions to go back into Regular Session at 10:05 p.m. and all were in favor.

Action on Any Items Necessary as a Result of Executive Session

Councilors Rehrig/Kogut made the motions to hire 3 part time seasonal employees provided their background checks are clean. The part time employees are Randy Kunkle, Jr., Ty Armbruster and Logan Heine and all were in favor with no questions or objections.

Councilors Rehrig/Arner made the motions to hire Christopher Stroller as the intern to do the GIS mapping at \$9/hr. and all were in favor with no questions or objections.

Councilors Rehrig/Bauchspies made the motions giving approval for Officer DeFuso's Heart & Lung request and all were in favor with no questions or objections.

Motion to Adjourn the Meeting

Councilors Arner/Rehrig made the motions to adjourn at 10:10 p.m. and all were in favor.

Brenda L. Koons  
Borough Secretary