

January 27, 2014

The regular meeting of Lehighon borough Council was held in the municipal building on Monday, January 27, 2014. The meeting was called to order at 7:30 PM by Pres. Grant Hunsicker. Members in attendance were: Helen Torok, John Kreitz, Joe Flickinger, Bessie Bauchspies, Darryl Arner and Scott Rehrig.

Officials in attendance were: Borough Manager Nicole Beckett, Borough Secretary Brenda Koons, Solicitor James Nanovic, Mayor Tom Mase, Police Chief Brian Biechy and Fire Chief Gary Frable. Absent: Bruce Steigerwalt.

Pledge of Allegiance

HEARING OF PERSONS PRESENT

John Bird of 147 Alum Street addressed counsel regarding snowplowing. Public Works periodically plows snow onto sidewalks. He has reported that it happened to him to the police. On December 14 he paid a person to remove snow. On December 15 snowplow plowed snow back onto sidewalks. He called police to report it and an officer came down. Mr. Bird said this is the last time he will remove snow. He reported this to Council at the special meeting Friday morning. Council and the borough manager spoke to public works regarding this incident. Mr. Bird reported that this happened to other people in the borough also. Mr. Bird wants appropriate letter given to public works and employees regarding this matter.

APPROVAL OF MINUTES

None were submitted.

NEW BUSINESS

Motion to award 2013 Christmas Lights Contest Winners

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

Motion to adopt Resolution R-002-2014 Adopting consolidated schedule of fees

Councilors Rehrig/Torok made the motions to adopt with one modification to electric that being \$250 minimum for commercial electric security deposit and all were in favor with no questions or objections.

Motion to adopt Resolution R-003-2014 Appointing Police Pension Committee

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

Acceptance of letter of Resignation from Randy Kunkle as Annex Custodian

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

Acceptance of letter of Resignation from John Achtermann as Planning Commission Member

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

Request from Leadership Carbon 2014 to hold Earth Day 5K at Lehighon Trailhead

Councilors Arner/Bauchspies made the motions to approve the 5K and all were in favor with no questions or objections.

Motion to grant conditional approval for the AutoZone Land Development Plans

Councilor Rehrig wants this item tabled. It doesn't discuss existing Highway Occupancy Permit, it does not specify any storm water drainage, and the other question is, is there a development agreement. Solicitor Nanovic said there is not an agreement but if conditional approval is given one of the conditions is that they will enter into a legally binding developer's agreement. So if you grant this that is one of the conditions and before you sign the plans these conditions must be met.

Nicole said the Highway Occupancy Permit is also discussed under the conditions. She also believes the storm water management was addressed in the conditions as well.

Councilor Rehrig said there is also a waiver of sidewalks. He is not advocating that people should put sidewalks in but when it snows people with sidewalks are required to shovel and those who don't have sidewalks do not shovel forcing people to walk in the streets or through the snow. He feels there should be something in borough code that stipulates if you own property you should at least have to shovel a path so people don't have to walk on the roadway.

Solicitor Nanovic said his concern is that there is a time limit in which we have to act on the plans and he's not sure when they were submitted. You usually have 90 days and he's not sure when the time limit runs out for this. The planning commission had tabled this at their meeting.

Councilors Rehrig/Flickinger made the motions to grant conditional approval with those conditions being those set forth in Bruce Steigerwalt's letter of January 7, 2014. It is a separate motion regarding the waiver from the sidewalks and whether or not council wishes to do that. Council can of course table it but it is ready for conditional approval. This is conditional final approval once he meets these conditions we will sign the plan but he has to meet the 10 conditions in Mr. Steigerwalt's letter first.

Councilor Rehrig had a question. What if we find out the roadway is going to be different at a later date. Nicole said we have been going back and forth with PennDOT and AutoZone on this. That is why we initially waved the left-hand turning lane study and PennDOT was on board with what their plans were.

Councilor Arner asked if permission had to be granted by the adjoining property owner pertaining to the retaining wall and was told yes by the solicitor and the borough manager. Councilor Rehrig said if you go back a number of years there were three parties. The Bauchspies, Mr. Bennett, and he believes Mr. Hartman is the other with different pin markings pertaining to a road that goes up on the bank. The solicitor said a road that goes through there but it is a separate matter. Part of this is and the solicitor is not sure if part of this easement in #9 pertaining to the 10 foot construction easement. This must be addressed separately.

Not all were in favor. A roll call vote was taken with Councilors Torok and Flickinger voting yes; Councilors Kreitz, Bauchspies, Arner, Rehrig and Hunsicker voting no. Motion overturned.

Solicitor Nanovic said if we are rejecting the plans we must send him a letter stating the reason why. It could be the conditions forth in the letter stating that you want the conditions met prior to approval. The borough manager said he can't necessarily meet those ahead of time. They are all part of the development. The solicitor said at this point you have not voted to reject the plan but you have not voted to approve some either.

Councilors Rehrig/Kreitz made the motions to approve 1, 2, 3, 4, 5, 7, 8 but not 6 and 9 and 1 under General and all were not in favor. A roll call vote was taken with Councilors Arner and Bauchspies voting no; Councilors Kreitz, Flickinger, Torok, Rehrig and Hunsicker voting yes. Motion carried.

Motion to adopt Ordinance 608-2014 amending Section 118-27 of the Recycling Ordinance

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

Discussion on request from Lehighton Sewer Authority to amend the ordinance to require separate sewer lines upon subdivision

Pres. Hunsicker said there are a lot of double houses where there is a single sewer line. He doesn't know what you charge someone because they already paid a hookup fee back in the 50's. So what do you charge? Solicitor Nanovic said he has to look at the ordinance. Pres. Hunsicker said he doesn't think you can charge them an EDU because they already paid for one. Solicitor Nanovic said he believes the point is to eliminate the common sewer line in these double homes to avoid the problems we've been having. By requiring a separate sewer line when a subdivision is applied for we will eliminate the problems we are having from this point forward. Solicitor Nanovic said there will be some expense to the borough. Councilor Arner feels the sewer

committee should meet with the sewer authority to come up with a reasonable fee for this operation we will now require.

Mr. Ed Conarty said not every house is side-by-side or facing the street. What happens to the person who has one property facing the street and the other is running down through their yard and the property has since been subdivided. How do you make them hookup? How does the rear building hookup when there is no connection in the alley?

Solicitor Nanovic said if this happens the person can request the waiver stating that this is not feasible with this property. Pres. Hunsicker said that just happened on N. 4th St. about two weeks ago. It was Jack Kuller's house. The water line went through the house down to the alley and the reason they found this out was because someone took all the copper pipe out of Jack's house and the house in the alley had no water.

Council decided to have the sewer committee meet with the sewer authority to discuss the matter and bring it back to counsel.

Discussion of Mr. Harrison Hoppes' request for designated Annex space for use by the Lehigh Area Heritage Alliance for continued museum exhibit collections and database

Mr. Hoppes said the Lehigh Area Heritage Alliance has been around for at least 10 years and reached its peak of activity around the 250th anniversary of the Moravian massacre at the cemetery. There has been and still is no certification for LAHA as far as a 501C3 that would allow people to make donations or bequeaths to it or get credit for it on their income tax when they file. To become a 501 C3 requires a lot of paper work. He is therefore asking for a single room in the Annex to house the exhibits that currently exist that are not in the Annex but will be gathered over the next year. By the end of 2014 hopefully he may be in a position of having established a database for historical information of the Lehigh area and interfacing with other similar boroughs throughout Carbon County to be able to afford a separate building for the housing of these exhibits and also to establish a database where the heritage of Lehigh area can be preserved online.

Mr. Hoppes is willing to pay for the development of the database out-of-pocket. He has paid for half of the Gnadent Huetten Massacre sign down at the borough garage. Mr. Hoppe's would like to file the necessary paperwork to form a 501C3, elect the Board of Directors, and to move forward with acquiring a space that could better house the collection that is being collected over the years.

Councilor Rehrig made a motion to give Mr. Hoppes a room at the Annex if available to take advantage of his offer for the good of the community. Nicole said room 220 B is available. Councilor Rehrig also asked that Mr. Hoppes report back with

his progress to counsel from time to time. Councilor Bauchspies seconded the motion and all were in favor.

Motion to accept Ryan Bowman's resignation as Deputy Emergency Management Coordinator

Councilors Rehrig Flickinger made the motions to accept his resignation and all were in favor with no questions were objections.

Unfinished Business

Decision on Beltsville hydroelectric grant

Pres. Hunsicker said as we are not doing the project we should probably return the grant. Nicole said the grant is set to expire June 30 and if we are to request an extension we must do so by the end of February. If we are not going to proceed with the project we need to terminate the contract.

Councilors Rehrig/Arner made the motion to terminate the contract with the state and all were in favor with no questions were objections.

Motion to Follow the Planning Commission's Recommendation to grant waiver requests for sidewalk requirements and grant a partial waiver for curbing on the AutoZone project

Solicitor Nanovic said this is a separate issue. You granted conditional approval on the plans; you have not granted this waiver. If you do not grant this waiver he must comply with the SALDO for sidewalks and curbing. Councilor Rehrig asked how we will know where the road is going to be in 8 to 10 months. What if he puts the road in and then PennDOT comes and says they have an easement or they decide they are going to do condemnation on that part of the road that was just put in. He understands that there is a 60 foot right-of-way and from what he's heard PennDOT plans to use 52 to 54 feet. If that happens that will be good money of Mr. Bennett's and the borough's put right down the drain. We should not rush this issue until we see where the road is going to go and that may take years.

Councilor Rehrig then asked why we would want to allow a project without requiring curbing and sidewalk in the modern world. We already have that problem in the borough with some people having sidewalks and curbing and some don't. Why should we continue it? If we want to be a top-flight community we need curbing and sidewalks for people to walk on.

Councilor Rehrig/Kreitz made the motions to not grant the waiver for sidewalks and curbing for the AutoZone project and all were in favor with no questions or objections.

Officials Reports

Borough Manager

She had a few items to add to her report. She gave counsel a list of the Change Orders for the fire station construction project totaling \$54,063.02. The total Change Orders less the paving that was completed in the amount of \$55,144.50 would be \$62,760.52 on a \$3.286 million project. The total change orders for the project would be 1.9%.

Councilors Rehrig/Bauchspies made the motions to approve the Change Orders and all were in favor with no questions or objections.

When completing the 2014 Salary Resolution, the part-time police secretary was over looked. In discussing this with the chief they recommend that she, also as the part-time officers, receives a percentage of the total police clerk increase which is 72% which would be 40¢ if council is in favor of doing that.

Councilors Rehrig/Kreitz made the motions to approve the increase in pay for the part time police secretary by 40¢ and all were in favor with no questions or objections.

Nicole has been in touch with ADP Payroll regarding time management software and punch clocks and additional payroll changes. She hopes by February to be make recommendations to council.

Nicole also commented on the borough working with the D&L Heritage Corridor on the connectivity project along with a Pocono CLI grant application and said they would like a letter of support and commitment from the borough for \$3,500 of in-kind contribution for creek restoration and clean up.

Councilors Rehrig/Arner made the motions to write the letter of support for the in-kind contribution if awarded and all were in favor with no questions or objections.

Borough Engineer

Absent

Police

Chief Biechy reported that Car 2 is now out of service for patrol purposes. Pol-Bar had it in and the rear is gone and the cost to fix it compared to what the car is worth is not feasible. It is able to be used for local transports and errands.

Councilor Rehrig thanked Chief Biechy for the change in his department since becoming chief.

Mayor

Mayor Mase reported that when an officer is available for traffic control at Bridge & 9th one will be there to let the school buses pass.

He also does not want anyone riding along in a police car. It is just too dangerous. He knows there was a request for a ride along and he has given orders at the station that no one is to do a ride along in any of the borough police vehicles.

Councilor Torok said she was the one requesting the ride along because of the drug traffic that she observed and she knows and agrees that there is liability involved and to that end she will table that request. She would however like to see something done about the drug problem.

The mayor told Councilor Torok that if she gives the police department the information he and the chief will guarantee it will be thoroughly investigated and if it's found to be true arrests will be made.

Fire Chief

Nothing.

President of Council

Committee Appointments

These were already listed on the agenda.

Solicitor

Nothing.

Treasurer

There were two additional bills to be approved. One is for the auditors totaling \$10,700 and the other for PSAB at \$40.

Committee Reports

Finance and Administration – nothing.

Streets, Buildings and Codes – nothing.

Police, Fire and Safety – nothing.

Light & Power Committee – nothing.

Sewer Committee – nothing.

Public Works & Recreation – nothing.

Acceptance of Officials Reports

Councilors Rehrig/Kreitz made the motions to accept the official's reports as presented and all were in favor with no questions or objections.

Acceptance of Accounts Payable

Councilors Kreitz/Arner made the motions to accept the accounts payable as presented including the two added bills for the auditor and PSAB and the fire station construction bills and all were in favor with no questions were objections.

Motion to Adjourn the Meeting

Councilors Rehrig/ Bauchspies made the motions to adjourn the meeting at 8:33 PM and all were in favor. Meeting adjourned.

Brenda L. Koons