

July 27, 2015

The regular meeting of Lehighon Borough Council was held in the municipal building on Monday, July 27, 2015. The meeting was called to order at 7 PM by Pres. Grant Hunsicker. Members in attendance were: Helen Torok, Joe Flickinger, John Kreitz, Bessie Bauchspies, Darryl Arner and Scott Rehrig.

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

Pledge of Allegiance

GUEST SPEAKERS – D&L Heritage (Dennis Demara, Elissa Garofalo, Scott Everett

They wanted to update council about the proposed pedestrian bridge project. Elissa said Lehighon Borough should have received a letter the end of June relative to what the situation is. Penn DOT has given a timeline they are required to follow in order to get to the bidding process in early March. She said they now need to get the right-of-ways for the project. They have an approved agreement. The small piece of land in question is owned by the Lehigh Canal Commission which require all 7 municipalities to agree the land can be used. They handed out packets with a map enclosed of the area for council to look over. The land must be appraised before an offer can be made.

Elissa said they are not asking for any action tonight but wanted council to be aware this process is going on and that she will be back to ask for a resolution to be approved and a construction easement granted and a permanent agreement as well for the project.

Dennis said they are hoping to come back and ask for approvals in September. They have met with Attorney Nanovic and will work with him to draft the resolution and then get it to all the other solicitors. There will be a site visit in August to invite all the municipal officials to see where the bridge will go. The Inter Municipal Agreement of the Canal Commission wasn't real clear as to whether we need all 7 concurrences but we feel it is important enough to go to all seven. This will be an important part of the connectivity project. This will be a 250 foot single truss span across the Lehigh connecting the trail from down in the Gorge down into Allentown.

Scott Everett said he told Al Steigerwalt that he received a phone call from East Penn Township about ATV's going around the boulders on the trailhead at Marvin's Garden. Maybe the boulders could be moved or another one added to deter the ATV's from damaging the trail.

GUEST SPEAKER – Clark Ritter & Duane Dellecker – 150th Anniversary Committee

Clark Ritter said the celebration is being planned for June 26th – July 2nd. We are looking to have fireworks on July 2nd to close the celebration. John Kemp, owner of Celebration Fireworks explained the proposed event. Mr. Kemp said he will be using an inch and three-quarter shell maximum diameter times 70 feet is 125 feet. From the rooftop of

borough hall we have that distance. The rubber roof is an issue but it can be covered. Mr. Kemp is planning to use close proximity fireworks used at indoor arena, on a stage with 50,000 people. They do not bleed burning fall out and that is why they are used. In talking to the fire chief and the worst case scenario occurring the fire chief plans to have someone stationed up on a lift and Mr. Kemp will also have one of his people on the roof with a fire extinguisher. The likelihood of a fire starting is very low. A spark of ember damaging the roof is a little bit higher requiring a patch to the rubber roof which he will cover the repair. Those are the only issues he sees. The only other suggestion he has is to bring a few of the close proximity devices he plans to use for a demonstration one evening. There is no additional cost for the demonstration.

Councilor Rehrig asked the amount of liability coverage he carries and was told \$10 million. Councilor Rehrig then asked at what the wind velocity the show gets cancelled. Mr. Kemp said in New Jersey it is 25 mph but Pennsylvania does not have a fixed law. It boils down to the digression of the fire chief and Mr. Kemp.

Council requested a demonstration and Nicole will check with the borough's insurance company to see if we are covered for this.

HEARING OF PERSONS PRESENT

Theresa Chapman of 239 South 7th Street was present to thank the police chief for the increased presence near her home. They have tried to start a neighborhood watch in her area to help the police out. They are using social media to ask anyone if they know what is going on in the neighborhood.

Chief Biechy said thank you and yes it is a slow process and his department has to be all over the borough. Over the last 3 weeks they are averaging about 1-2 people in jail every week. It is an issue and he is trying the best he can to get out and be present. He welcomes the residents coming out and introducing themselves. His department is community oriented so keep doing it we don't mind it and it will help.

However, Chief Biechy said he is 50/50 on social media. He directed Ms. Chapman to see him tomorrow to discuss things further.

Michael J. Miller addressed council next. He said he and his wife have lived here for 8 years. Last week they noticed Nazi signs on their garage door and it said "we will kill you nigger." He like Leighton. He owns his home. Councilor Rehrig asked Mr. Miller to refrain from using a certain word and Mr. Miller said he can't because that is what's written on his door. He is so angry that this could happen in this town. Officer Arner has been investigating and we don't feel after 4 days that we are satisfied. Mr. Miller asked the police chief if he was aware of this and Brian said he read the reports when he came into work today. Mr. Miller asked what kind of priority can be expected when someone writes nigger and I'll kill you? Councilor Rehrig again asked Mr. Miller to refrain from using that word or you will be removed from chambers. He instructed Mr. Miller to meet with the chief to talk in private. Mr. Miller apologized but said this is what is on his garage. He said he does not have problems with his neighbors or anyone else. It has been 4 days and we have gotten no response. "I will kill you" needs feedback. Councilor Rehrig said he has said twice now to

make an appointment with the chief. Mr. Miller said Officer Arner is fine but this is a black thing.

Mr. Miller was again instructed by President Hunsicker and Councilor Rehrig to make an appointment with the police chief but Mr. Miller requested some type of answer immediately about what is being done because this is not acceptable. Chief Biechy said he is sorry Mr. Miller feels that way. Councilor Rehrig said Mr. Miller's 5 minutes were up and Officer Gulla asked Mr. Miller to go with him and leave council chambers so he could talk to him about it.

Anthony Lockwood of 364 & 366 North 1st Street wanted to ask council about his building in East Alley. He rented his store front to a guy who sold tires and who has now filed bankruptcy in February. Mr. Lockwood said he received a letter from an attorney who said not to remove the tires from the property. He then talked to the attorney telling him he needed to get the tires out of the store. Mr. Lockwood stored the extra tires on the side of his building and in March his building manager called him to say Tim Dow said the tires need to be moved. Mr. Lockwood called Tim and said he can't move the tires according to the attorney because they need to come and take photos. Tim called Attorney Schwab. Tim then called Mr. Lockwood back and told Mr. Lockwood he was indeed correct. The tires can't be moved. Tim said he was giving Mr. Lockwood a ticket for having the tires there. The following week Mr. Lockwood got another ticket then another and another for two chairs in the back of his building that were there for 5 years. Mr. Lockwood feels this is not a zoning issue but more like a harassment issue. He now has 7 tickets.

Eventually Mr. Lockwood did move the tires to another property he owns elsewhere and there is plastic there now to keep the grass and the weeds from growing there now and gets a ticket for that. He has been up to see the borough manager because of a big divot in his parking lot from drainage. He asked what can be done about it but gets no resolve.

Councilor Rehrig suggested he call Tim and make an appointment to discuss these issues. The borough manager said Mr. Lockwood made two appointments with her but did not keep either of them. Mr. Lockwood said he called to cancel. Nicole said that was correct but they never did reschedule to go over the other property issues. Mr. Lockwood said he told Tim he travels to New York often. Council repeatedly advised Mr. Lockwood to make an appointment to see Tim, the borough manager and if Mr. Lockwood wanted, to also include the borough solicitor to be present and discuss the tickets.

Jay Smith 241 South 7th Street had issues regarding cars speeding in his neighborhood. The other night a kid flew about 80 mph past his house. Mr. Smith yelled at him to slow down. The kid came back and got out of his car and motioned as if to shoot Mr. Smith. The kids in the park said he was going to kill you, he's going to kill you. Mr. Smith ran after him and the kid jumped in his car and took off. Mr. Smith called the cops and Mahoning came out and spoke to Mr. Smith who said the kid was with the kids in the park but the officer didn't go over and say anything to the kids. Now the kids constantly drives by and turns his headlights off when he gets to the Smith house and the fly's down the street. He is hoping the borough will get a camera or something. There are a lot of kids

living around the park but no one wants to let their kids go there because of what is going on there.

Chief Biechy said to keep calling the police. His department is trying. He does prefer if residents don't approach the kids. Keep calling because eventually we will get there and see what is going on or something else will come out of it or it might take a while for an officer to show up but in the meantime the kids may feel comfortable enough to feel the police aren't coming and we can catch them burning tires or going through the stop sign or whatever.

APPROVAL OF MINUTES

Regular Meeting of May 18, 2015

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

NEW BUSINESS

Motion to accept Randall L. Kunkle Jr.'s letter of resignation as a part time public works laborer

Effective July 12, 2015. Councilors Bauchspies/Kreitz made the motions to accept the resignation and all were in favor with no questions or objections.

Motion to approve Gregg Mriss' retirement effective October 31, 2015

Councilors Arner/Rehrig made the motions to accept and to send a letter and do whatever else is done for retirees all were in favor with no questions or objections.

Approval to purchase and three (3) year financing of the 2015 Ford Explorer for Administrative use

Councilors Kreitz/Rehrig made the motions to table this item until next meeting. All were not in favor and a roll call vote was taken. Councilors Torok, Kreitz, Bauchspies, Arner, and Rehrig voted to table; President Hunsicker and Councilor Flickinger voted not to table this item. Motion carried. After Executive Session Councilors Kreitz/Rehrig made the motions to purchase with option #1 and all were in favor with no questions or objections.

Discussion on request to vacate Lentz Avenue

Nicole said she received a letter from Gail Christman of Gene Durigan Realty regarding a lot for sale on Lentz Avenue. The unopened portion borders the Northside of Lentz Avenue. The Roth's have requested Gail to approach us about vacating that part of Lentz Avenue. She and Bruce had discussed it.

The borough engineer said there are some issues and it probably makes more sense to vacate the entire portion of Lentz Avenue from where the paving and curbing presently ends to Graver Street. Bruce said an old survey done probably 20 years ago. There is a garage down on the west end of Lentz Avenue that is basically Inlets Avenue. There are a number of property owners that are affected there. If we are going to go through the effort we might as well vacate the entire portion that we haven't been maintaining at this point in time.

Councilor Rehrig/Flickinger made the motions to have the solicitor verify everything with the borough engineer and report back to council on vacating Lenz Avenue and all were in favor with no questions or objections.

Discussion on the 2015 Street Project as reviewed/recommended by Borough Engineer and Borough Manager

Nicole said we have bid the project twice. One bid was received from Asphalt Maintenance Solutions who would not be able to complete the work until 2016 for a total of \$41,478. Bruce said this bid was for the tar and chip portion only and no bids were received for the patching.

Bruce contacted some contractors who said they are booked and may not finished what they have scheduled. Bruce called John Davis and spoke to someone from his office who said PennDOT has everyone booked with their work. We can now go out and negotiate a price. Solicitor Nanovic said you still have to find someone willing to do it. Bruce said we can do the patching and use liquid fuels to pay for the material ourselves and then tar and chip in spring.

Nicole said we can reject the bid that we have. We can go out for bid again in January. Councilor Rehrig asked the solicitor if we could do a joint motion to negotiate a price to do patching through a contractor and if not to do it in house. Solicitor Nanovic said you would make a motion to authorize the Borough Engineer and the Borough Manager to privately negotiate to do the patching and if not to do it in house. Councilors Rehrig/Kreitz made the motion to have Bruce and Nicole negotiate a price to have the patching done and if not authorized them to have it done in house and all were in favor with no questions or objections.

Discussion on Lehighon Bike Night

Councilor Flickinger feels council should have the solicitor see if there is a way to have it brought back to town. According to the Main Street Project done about 2 years ago this was a major sticking point to have Bike Night remain and flourish in the borough to revitalize the downtown. With the rafting company coming in on the bypass and trying to incorporate more and more we need large events like this in the borough. He asked the solicitor how to get the event back in the borough. Councilor Kreitz asked who would staff the event.

Nicole said the borough has hosted and sponsored of the event since 1999. There has been 6 organizers of the event and have all been hosted as Bike Night Committees since its inception in 1999 with the exception of LDIC who offered to host the event once the Bike Night Committee stepped down. Since LDIC took over the event the contributions to the police and fire departments and borough have decreased. The borough has committed over the last 16 years approximately \$80,000 in resources to the event. Over the last 16 years the proceeds have been approximately \$138,000. 76% of those funds were earned in the first 10 years of the event. Nicole had asked council to consider the following: What is the value of the event to the community and borough? Is the borough willing to structure and organize a Bike Night Committee? Is the borough willing to consider appointing key borough officials and stakeholders to that committee? In the past Nicole believes members of the police and fire departments sat on that committee. The goal would be to increase attendance at the event and who from the community is willing to step up to continue the event?

Nicole did provide council with the proceeds from 1999–2014 along with the proceeds given to the police and fire departments and borough from the event along with the total cost of resources to the borough for the event.

Councilor Flickinger said this event is the only event that has lasted since the fair was taken away. All other community festivals have only lasted a few years unlike Bike Night.

Councilor Torok thought the proprietary intelligent rights of the borough should be looked at. Councilor Arner agreed. The solicitor said it most likely can be done but that won't keep Bike Night in the borough. It will just have a new name. The reason Bike Night was a success was because a group of biker enthusiast created the event. Council continued to discuss the topic for some time. Councilor Rehrig said that he feels the two recipients of the Bike Nite proceeds would be the groups to run the event because he does not feel borough council should be involved. Mr. Finney's sole intent of starting the event was to have the proceeds benefit the police and fire departments and as you can see from the sheet in front of you there have been variations for whatever reason. The borough provided services to the event. Is it the main feature of the borough? No. Are we thankful to Mr. Finney for starting it and making contributions throughout the years? Absolutely. If you look at the figures, some of the things seem as if they were for their own benefit. If you remember last year the cat was let out of the bag with the saying "If you don't give me what I want, I'm going somewhere else." We tried to oblige them and we changed an ordinance and accommodated them.

Councilor Kreitz said he spoke to people who helped Mr. Finney. It all boils down to the bike industry. Especially the vendors. Bottom line is once you don't have the crowd; you don't have the vendors. The person who shared this information with me has been to bike events across the country. There are a lot of other things that go along with these bike events that may not be family oriented for our borough. So without these things that draw; you won't have the vendors. The only way he can see this event making a comeback is to have people who have a liking for bikes put on the event.

Councilor Rehrig said vendors plan a year ahead and if the event is cancelled they are hurt and have to hurry and find somewhere else to go. He believes this wasn't precipitated overnight and Councilor Kreitz agreed. Councilor Rehrig believes it was planned.

Councilor Kreitz said from what he was told Mr. Finney would ride around to all the different events as soon as spring hit to promote Lehighon Bike Night.

Councilor Rehrig also commented on the signs popping up around town. He wonders if the proper authorization was gotten to put up these signs and if not, they should be taken down. It has also been brought to his attention by several people that they have tried to advertise on another sign in town but no one answers or returns their calls. That should not be allowed either. We are not promoting a business or certain businesses in the Borough of Lehighon; it's free enterprise. Councilor Rehrig wishes them luck and they have to live with their decision and no hard feelings.

Discussion on Odd/Even Parking Ordinance

It was discussed by a few councilors voicing their opinions of the ordinance not working. They were open to any idea that would work but since none was presented the ordinance will not be enforced.

Nicole did give council until August 15th to change their minds and come to her with their suggestions or ideas.

Unfinished Business

Discussion on proposed sidewalk ordinance

The solicitor said he was instructed to soften it and he did. Councilor Rehrig said it is not council's intent to make anyone put in sidewalks in tomorrow but in the year 2015 people shouldn't be made to walk in the street during hazardous conditions. There is currently on the books an ordinance that allows council to say everyone must put in sidewalks. No one is grandfathered and we don't need another ordinance to enforce it. Aren't we being remiss in not making people provide a pathway? People should not have to walk in the streets. There is a provision in this draft stating council does not have to enforce it. We are only updating the old ordinance.

The solicitor said if the property is being sold sidewalks may be required. It could kill the sale like Darryl said at the last meeting. Councilor Rehrig said he is looking to the future. It is up to council what is done. The ordinance does not put undue burden on any person living today.

Councilor Rehrig/Flickinger made the motions to advertise the sidewalk ordinance and all were not in favor with 4 yes – Councilors Torok, Flickinger, Kreitz and Rehrig and 3 no – Councilors Bauchspies, Arner and President Hunsicker. Motion carried.

Follow up on ordinance to vacate Parkway and Third Avenue

Solicitor Nanovic did not advertise the ordinance as asked due to a dispute between 2 of the 3 property owners.

Officials Reports

Borough Manager

She did not have a written report for the meeting. She touched on a few items. The skid-steer loader will cost about \$51,896; the snow-eater about \$105,066. Purchasing this equipment will require no more funds being available from Liquid Fuels and council will need to take money from other funds.

Borough Engineer

Nothing.

Police

Chief Biechy said there is a new part-time officer being trained and PCCD did an audit on juvenile arrests. Brian also said he is short a secretary but Karen is doing well and will be back in August. She will then see that council receives the July and August report next month.

Mayor

Nothing.

Fire Chief

A. Annual Strategic Planning Meeting – August 10th

The fire chief invited all of council to attend the meeting. Patrick also said that the formal dedication of the new station will be October 2nd and on October 4th the parade will take place in town and end at the Grove.

President of Council

Nothing.

Solicitor

Nothing.

Treasurer

Additional list of bills totaling \$590.21.

Committee Reports

Finance and Administration – Nothing.

Streets, Buildings and Codes – Nothing.

Police, Fire and Safety – Councilor Rehrig asked for a list of sight distance problem areas to be given to Tim Dow. He also congratulated the police and fire departments for a job well done.

Light & Power Committee – Councilor Flickinger said Lonny requested two temporary employees for all the projects going on right now.

Sewer Committee – Nothing.

Public Works & Recreation – Nothing.

Acceptance of Officials Reports

Councilors Arner/Rehrig 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 Rehrig/Flickinger made the motions to accept the accounts payable as presented and addition list of bills and all were in favor with no questions were objections.

Motion to go into Executive Session for Personnel and Real Estate

Councilors Flickinger/Rehrig made the motions to go in at 9:10 p.m.

Motion to go back into Regular Session

Councilors Rehrig/Kreitz made the motions to go back in at 10:20 p.m.

Action on items from Executive Session

Councilors Rehrig/Kreitz made the motions to advertise for full-time and part-time Public Works employees and all were in favor with no questions or objections.

Motion to Adjourn the Meeting

Councilors Flickinger/Torok made the motions to adjourn the meeting at 10:22 PM and all were in favor. Meeting adjourned.

Brenda L. Koons
Borough Secretary