

August 22, 2016

The regular meeting of Lehighon Borough Council was held in the municipal building on Monday, August 22, 2016. The meeting was called to order at 7 PM by Pres. Grant Hunsicker. Members in attendance were: Lisa Perry, Joe Flickinger, Jared McEvoy, Helen Torok, Darryl Arner, Scott Rehrig and Jr. Councilor Addison Howland.

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

Pledge of Allegiance

HEARING OF PERSONS PRESENT

Attorney Schwab wanted to thank the Borough for providing a list of surplus items for the COG's auction on October 1, 2016. It is the COG's first venture and he's glad the Borough is participating.

Attorney Schwab was also present on behalf of the school district's project. He said they are still waiting on a few things from Barry Isett & Associates that should be supplied to the Borough within the next week or two. Lehighon Light & Power needs an easement on Mahoning Street yet. The official easement dimensions are not clear.

The Borough Engineer said he doesn't think Mahoning Street is correct. He believes there is a current easement on record that would run right through the proposed building. That has to be extinguished in exchange for a 40 foot wide easement along the newly proposed access road alignment north to south. Bruce said they had a meeting with the electrical people in March or April and told them due to the utility poles possibly needing to be anchored, a 20 foot easement will not be enough to do that so a 40 foot easement would be better. Attorney Schwab said they told him they were never given confirmation as to what is actually required. Nicole will go through her notes and get back to Attorney Schwab. Bruce also said there is no confirmation to date on if the wires will be underground or overhead but doesn't think a decision was made at that meeting.

Attorney Schwab said he asked that two items be changed. One being on page 16 of the development agreement. LASD must give the asbuilts to the Borough in 30 days. He would like that to be changed to must give asbuilts for entire building in 90 days. He feels that is more reasonable. He was told that if a change to the current plans needs to be made it could cost them upwards of \$20,000. The other change is that occupancy permit would not be granted if the asbuilts were not submitted. He does not want to hold up the start of school because all safety conditions and UCC conditions have been met and because the asbuilts haven't been turned in they cannot be issued the occupancy permit. Don't tie it to the asbuilts. Attorney Schwab said it was given to Jim last week and knows the borough probably hasn't had time to discuss it or review it but that is the reason behind the request by the school district.

Bruce wanted to explain to everyone what took place. Bruce confirmed that it does state asbuilts are required 30 days after completion. Bruce said the other thing that was added is that all required utility easements must be shown on the asbuilts and include recording information prior to issuance of certificate of occupancy. The school district's engineer approached the borough at a meeting at the middle school because of problems out there with electrical. The engineer asked if

there was something that could be done. Bruce said the borough is asking that all the easements: water lines, gas lines and electrical all need to be recorded prior to approval of the plan and signing off prior to them being allowed to start. The school's engineer asked what happens if they have to move something like a water or electric line due to some kind of interference in the middle of construction? The engineer said they would have to go back and rewrite the easements and re-record them. Bruce said they talked about it and the borough manager was there. Bruce said ok the borough won't require the school district to have the easements prior to the approval of the plans but we want to be guaranteed that these easements are in fact recorded and not like the water lines that went around the high school and took 20 years or more to get those resolved and recorded and find out who has ownership of them. The Borough wants some mechanism in place to guarantee that those easements will be recorded and shown on some plans. Bruce said the school's engineer said tying the recording to the easements makes sense then they only have to be recorded once. Attorney Schwab said the engineer does not speak for the district. They agree to provide everything the borough wants in 90 days just not to have it tied to the certificate of occupancy. Bruce said that's fine but then his recommendation to the Borough is to not approve the plans and record the plans and give them the approval to start construction until we have recorded easements filed and on the plans. Then if they have to be changed they end up doing it again. As simple as that and then we don't have to tie it to the certificate of occupancy. Then they need all this stuff recorded and on the plans now.

Attorney Schwab said the Borough has all the easements. They were sent to you. You know what they are. The only things we are doing is wasting taxpayer's money when you have it all. Bruce said no we do not. They are not recorded. The recording information is not shown on the plan. Attorney Schwab said you will have it on the asbuilts. He doesn't understand why the borough would want to keep students out of the building for 30 vs 90 days over something that the school district has agreed to supply to the Borough. We are agreeing to give you the asbuilts and every drawing for the whole site on the premises. The only things they are asking is to not hold up occupancy if all the safety conditions are met keeping students out of the building. Bruce said the Borough did the same thing for Dollar General. We required that they have a drainage easement across the Kovatch property described and recorded on the plan before they received approval to start construction. We have done it in the past. It is past practice.

The Borough solicitor said when he drafted the agreement he drafted it based on an email or conversation with the borough manager that is was agreed upon. He doesn't have a problem changing it. Bruce said that on of the conditions agreed to when we granted conditional approval was that all easements for public utilizes be recorded and that recording information be shown on the final plans. Attorney Schwab said the issue is they may get changed once the construction starts. Bruce said he hopes not. If they are changing the easements because of interference then someone didn't doing their job correctly to begin with. The easements should have to be changed.

Councilor Rehrig said he wants the table to be even for everyone across the board. No exceptions for anyone. So as the solicitor for the school board can you guarantee the easements will be recorded? Attorney Schwab said it is nothing for them to do that. So yes he will guarantee they will be recorded. He should be able to have that to Attorney Nanovic by the end of next week. Solicitor Nanovic will have the revised development agreement for the next council meeting.

#### APPROVAL OF MINUTES

GUESR SPEAKER: Todd Weaver – Discussion and interest on restarting the Lehigh Area Heritage Alliance/Lehigh Historical Society

Mr. Weaver said he thought about restarting the Lehigh Area Heritage Alliance and tried to start things but everyone backed out. With the 150<sup>th</sup> Celebration there is a lot of interest so he thought he would try again. He posted his idea on Facebook and had a nice response. He has a group of core people who have already met to discuss how to proceed. Until the events Mr. Ripkey and Mr. Ebbert hosted he did not know there was so much history to this town.

He was told there was a historical society that was started but isn't sure of the status. Nicole said she has met with Mr. Weaver several times to discuss this. She reminded council about Mr. Hoppes who was given permission to work on this project and allowed to use a room at the Annex. Mr. Weaver said he would like to continue where Mr. Hoppes left off and use the room at the Annex.

Councilors Rehrig/Flickinger made the motions to allow Mr. Weaver to use the room at the Annex to restart the historical society and all were in favor with no questions or objections.

#### HEARING OF PERSONS PRESENT

None.

#### APPROVAL OF MINUTES

Regular Meeting of July 25, 2016 and Special Meeting of August 18, 2016

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

#### NEW BUSINESS

Motion to accept John Villanueva's resignation as part time patrol officer

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

Motion to accept Lee Getz's resignation from the Canal Commission

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

Motion to appoint Jennifer Mann as our representative on the canal commission

The solicitor said she is not a resident of the borough.

Councilors Arner/Rehrig made the motions to advertise for a representative from the Borough to sit on the commission and all were in favor with no objections. Under the question: Councilor Rehrig wants to meet the person appoint to fill the vacancy.

Motion to approve purchase of Toshiba e-Studio 4505ac Digital Copier for \$11,550

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

Motion to approve the Development Agreement with Jim Thorpe River Sports, Inc.

The solicitor said there will be one change to it. The amount of the bond \$416,453.90 will be changed to \$411,453.90.

Councilors Rehrig/Flickinger made the motions to approve the agreement with the change of the bond amount and all were in favor with no questions or objections.

Motion to approve the Social Media, Mobile Data Terminals and Race & Ethnic Profiling policy for the Police Department SOP's

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

Discussion/Action on request for contracted police services

President Hunsicker said there was a meeting the other night with Mahoning and Franklin. Both townships want to do this and the Borough said we would decide tonight if we want to continue looking into this or not.

Councilor Rehrig suggested that since both townships said they would share some of the costs for Chief Biechy to look into this further we continue to find out the pros and cons in doing this.

Councilors Rehrig/Perry made the motions to continue looking into the matter and all were in favor with no questions or objections.

#### Discussion/Action on request from Dennis Blocker to extend King Alley for future development

Nicole said it is an unopened alley. Mr. Blocker is looking for us to open it. Bruce said it is a Borough alley but is only paved to a certain point. Bruce also said we have a lot of alley like this so when you plow snow you don't have anywhere to turn around. You end up backing all the way down out of the alley. President Hunsicker asked if it would have to be opened all the way up to Jamestown Road. Bruce doesn't think it is possible because he thinks it would hit Ochre Street. Part of Ochre Street was vacated from 6<sup>th</sup> to 7<sup>th</sup> Street due to the Katz's house being built in Ochre Street.

Bruce thinks if the request goes forward a provision for a turnaround should be included.

Nicole said this whole development would need to go through the land development processes. She said it sounds like council is in favor of this but she would like to see what other costs are involved first. It will entail additional talks but Mr. Blocker wanted to see how council feels about the idea.

The solicitor said that usually when a developer does something like this they pay for whatever paving is involved. The other concern is any disputes/claims by the person living on the other side of the alley.

Councilor Rehrig/Perry made the motions to go along with the feasibility study and all were in favor.

#### Discussion/Action on the proposals from Edmunds & Associates and Muni-Link for the utility billing software

Nicole said she and the utility staff have been working together for about 3-4 months on this. Both are very user friendly. We visited St. Claire who has Edmunds and they are very pleased with it. Two options are provided with Edmunds being the utility office's first choice. Edmunds would be \$48,000 to start and Muni-Link is 42,000. Nicole calculated their fees for the next few years and over 5 years they turn out to be the same costs. Muni-Link is a web based system where Edmunds is a hard based software installed in the office. We are suggesting going with Edmunds. It takes about 4-6 months to bring them in and get everything up and running. The billing staff has been amazing through the process, cooperative and excited to move forward. Does council have any questions? We will be taking about 66% out of electric, 12% out of sewer and 7% out of garbage. The other 14% will be worked out with the Water Authority.

Councilor Rehrig said goo job to Nicole for finally getting something done that should have been done 2 years ago.

Councilors Rehrig/Flickinger made the motions to go with Edmunds and all were in favor with no questions or objections.

#### Discussion/Action on pursuing a Guaranteed Energy Savings contract for energy saving projects within the Borough

Nicolle said we are working with NextEra on a project they proposed. They are wanting to change all of our street lights over to LED and then see how that can create a project within the borough which would be seeing about changing some of our lighting and HVAC repairs in our buildings in the borough. Our next step would be to pursue a guaranteed energy savings contract where they come in and provide a better report than what we had. They would come in and look at our systems within our buildings and our lighting and come up with a program.

Lonny was open to it until he heard they would change over our street lighting. A contractor would come in and change over all our street lights. They will probably take 3 months to swap out but Lonny is more inclined to have his department do it as they can. Nicole asked NextEra if we go along with Lonny's way of doing the street lights is it worth doing the other project and Next Era said no. The bulk of the savings would come from the street lighting and it would be difficult to make the full project work without the street light savings. They believe they can save a considerable amount of energy at the Annex but the street lights would be about 70% of the savings. The Annex savings may only be 25-30%. We would be able to allocate approximately \$41,000 in savings with the entire project. If we move forward with the project the cost would be zero. If only the report is done it could be \$8 -\$12,000.

Nicole said NextEra is saying with their specialist they could knock out 25-30 street lights a day. So they would knock them out in less than 2 months as opposed to our guys working on it for some time now. The entire town would be done with the same sort of fixture.

Councilor Rehrig deferred the question to the committee. Councilor Flickinger said we are already paying people to do the stuff. There are ones already complete at no cost because when new ones come out Lonny asks for demo ones to try. At least if we go through with the study we would know where we could save money in the buildings. If nothing else we will know where we are draining funds into to know where to make repairs down the road. Councilor Flickinger would go through with the study.

Councilors Flickinger/Rehrig made the motions to continue with the discussion on guaranteed energy saving contracts within the borough and all were in favor with no questions or objections.

#### Unfinished Business

##### Continued discussion on request from tax collector to enact ordinance requiring Registration

Nicole said this was a request at the last meeting from Mary. Brenda obtained a copy of it. It is basically a tenant/landlord ordinance. Is this something we are interested in moving forward with?

Council requested to have it brought back next month.

##### Presentation of Recreation Board Ordinance

The solicitor presented a draft ordinance. Nicole would like a few minor changes. She would like the board to be an advisory and event planning board with authorization to fundraise under the borough. If council is content with this then she would like it to be advertised.

Councilors Rehrig/Flickinger made the motions to advertise the ordinance with Nicole's changes.

#### Officials Reports

##### Borough Manager

Nicole said commended George and Nancy Markley for pulling all the weeds in Colonel Jacob Weiss Park. It took 2 days.

The new truck for Public Works will be going on the production line September 22<sup>nd</sup>. We are invited to see it go into production and if any members of council wish to be part of that she must know by Wednesday. It will be an all-day event in Allentown.

## Borough Engineer

Nothing.

## Police

Chief Biechy said the state police sent a thank you letter for allowing Officer Bender to participate in Camp Cadet again this year. He did receive a price quote from VistaCom today. He is waiting for them to contact him with a hard start date to install the equipment. He said civil service just got done with their active list and he is waiting for them to do interviews so they can get a hard list to Brian. The police department received a small grant from the National Highway Safety Institute for child safety car seat mobilization and that will be run thru September 18th-30th. It will include some mobilization from the department by getting out there, some education, as well as getting into some of the schools.

Councilor Flickinger asked about what his department is looking for technology wise for the Local Share Grant appliciton. Brian said there is a grant to apply for money to offset the future costs of body cams, 1 more in car camera system to complete the video camera in the cars for the fleet and for cameras in the lower park.

Nicole said she will be submitting an application for the fire department for a new truck. The borough will be submitting 2 applications.

## Mayor

He had an Eagle Scout ceremony in the beginning of the month that he could not attend. He did a proclamation and had Officer DeFuso attend in the mayor's place.

The football game between the police and football coaches was a good game. The officers are not quitters. They were losing 8-0 and they came back and beat them 20-8.

## Fire Chief

Chief Mriss expanded on what Nicole mentioned pertaining to the LSA grant. They are looking to replace their 1990 pickup truck. The truck hauls crew members, the boat and hazmat trailer. It is starting to show rust. In the Strategic Planning Minutes it states this was to be addressed.

## President of Council

He wanted to let everyone know that past Councilor Bauchspies' daughter passed away last week.

## Solicitor

Nothing.

## Treasurer

Additional bills totaling \$48,348.84.

## Committee Reports

Finance and Administration – nothing. Nicole added the budget calendar will be coming out and she will be starting to talk to everyone in September.

Streets, Buildings and Codes – Councilor Flickinger said there have been a lot of compliments from people on the alleys that were paved and that they were long overdue and Councilor Flickinger agrees with that.

Under Codes, since we are getting into budget time Councilor Flickinger feels we should start looking for new Code Enforcement Company. For the amount that the 70% that comes to almost \$400,000 for the year alone. Councilor Flickinger said a complaint was placed in his mailbox and forwarded through Brenda. The address is not even on the list. Councilor Flickinger went up again and it does look like a field. It looks horrible behind Christalee's restaurant and for the amount of

money we are putting into this company he feels we should be getting more bang for our buck but that's just his opinion.

Nicole wanted to add that in January and April it was discussed. She never received a full list but she feels the fair thing to do is bring them in and meet with them to discuss Councilor Flickinger's concerns. Joe said they were to do a walk around town but some councilors were unavailable back in March he believes. At that point nothing has really been followed up on since. Nicole asked if any members of council would like to meet with BIA and Joe said he would. President Hunsicker said he feels over the years there was just so much that you can't get caught up on it all. It's not because he isn't doing his job; it's because other didn't do their job. We had someone here for \$50,000 a year who did absolutely nothing but cost the borough \$100,000 over 2 years and all he did was sell tickets and stuff and gambling out of his office.

Councilor Flickinger said he has pictures on his phone of places with nothing but weeds as of 2 years ago. Grant said the man can't do everything himself. Joe said that for almost a half million dollars something more should be done. Nicole said we pulled in \$541,000 based on the fee schedule that was adopted. It looks huge because of the school district's projects. Council did not change the fee schedule Nicole said we actually have \$116,000 in building permits and our expense so far this year is \$33,000. Joe said plus the rest. Joe agreed to meet with them to discuss the matter and Councilors Perry and McEvoy also agreed to meet with BIA.

Councilor Arner said Public Works should be commended for the work they have done but wishes some of our streets looked as nice. He feels the streets that have been redone this year should have a tar seal at the curblin to keep the weeds from coming through. He brought this up before but feels very strongly that this past practice should be reinstated.

Bruce said this is not typically done on a tar and chip project. It is however part of the scope of work when a road is repaved. If it is repaved then the gutter and manholes are sealed with tar.

Councilor Rehrig wanted to back up and suggest that those who are going to meet with BIA should go over the fee schedule as well. We might want to raise our fees. Scott also said that in defense of the individual; he is out at the school on a regular basis by request advising them of the dos and don'ts of the project. If we feel we are spending too much money then we need to raise our fees but we also need to remember that we do that at the expense of the taxpayers of the community.

Police, Fire and Safety - Councilors Rehrig said we need some lines put on the roads near the schools since it will start in 3 weeks. He also wanted to know if we are still on the road to our first tear down. The solicitor asked which one to which Councilor Rehrig said he didn't care just so they start coming down in the downtown business district. Nicole said 209 North 1<sup>st</sup> is. Jim said yes 209 North 1<sup>st</sup> is still in the courts and they have not paid their taxes so it is up for tax sale also.

Light & Power Committee - nothing.

Sewer Committee - Councilor Perry said she sat in on the Sewer Authority earlier this month. They want to know if we could construct an ordinance similar to what Lansford has in order to figure out what homes have infiltration into our sewer system that's driving up our costs. They are referring to having a borough employee do smoke testing.

Nicole said she will request a copy of the ordinance to see what they are doing.

Public Works & Recreation - Jared said the alleys look great and they should keep up the good work.

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 plus the additional list of bills as presented and all were in favor with no questions or objections.

Motion to go into Executive Session for Personnel

Councilors Rehrig/Flickinger requested to go into executive session for personnel and real estate at 8:22 p.m.

Motion to go back into Regular Session

Councilors Arner/Rehrig made the motions to back into regular session at 8:40 p.m.

Action on Items from Executive Session

Motion to accept Anthony Krum's resignation from Public Works

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

Motion to Hire Jeff Smith as Assistant Superintendent of Public Works

Councilor Rehrig/Flickinger made the motions to approve the hire and all were in favor with no questions or objections.

Motion to Hire Stephanie Rehrig as part-time Police Clerk pending background clearances with hours to be set by the Mayor and Police Chief

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

Motion to advertise for Public Works Maintenance Operator position

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

Motion to Adjourn the Meeting

Councilors Rehrig/Arner made the motions to adjourn the meeting at 8:43 PM and all were in favor. Meeting adjourned.

Brenda L. Koons  
Borough Secretary