

July 25, 2016

The regular meeting of Lehighon Borough Council was held in the municipal building on Monday, July 25, 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. Absent: Fire Chief Patrick Mriss.

Pledge of Allegiance

HEARING OF PERSONS PRESENT

Penny Zimmerman, manager of Bonnie & Clyde's Restaurant new in the borough and opened this weekend. They are hoping to add to the community by being a great place to go out to without leaving town. They plan to install video cameras and are hoping to put a deck on the back of the building. Right now they would like to be given permission from council to utilize the borough owned parking lot behind their building.

Nicole said the lot is not in great shape. She will also need an easement from the existing neighbor for the deck and use of the parking lots. Our property does not directly abut her property. Councilor Rehrig would like Public Works to look at it before giving an answer. Nicole suggested the borough work with Penny to beautify the lot.

Councilors Rehrig/McEvoy made the motions to allow patrons using the public lot provided the concerns and conditions are met first and all were in favor with no questions or objections.

APPROVAL OF MINUTES

GUESR SPEAKER: Clark Ritter, Chairman and Autumn Abelovsky, Secretary of 150<sup>th</sup> Anniversary Committee

Autumn was home and not feeling well he said. Mr. Ritter said he is by no means a one man show. There were a lot of people involved in making the celebration a success. He said there was a lot of positive feedback about the celebration. It was well run throughout the event and people would like to see some events take place yearly specifically the coaster race, cemetery walk, military band concerts and of course the fireworks. This is why he was here.

Some of the committee members would like to keep the group active by continuing to put on the events he just mentioned. He is asking permission to form a Recreation Board solely to put on these events and others that the committee had discussed previously. The 150<sup>th</sup> Committee is going to still put on a few events until the end of 2016 when the committee will be able to disband. He would like to see the new board formed and put into place for the beginning of 2017.

Nicole said the board and number of members would be set by ordinance and would only be formed to hold events. An events committee if you will. It would function like the Planning Commission and Zoning Hearing Board do under the borough.

Councilors Rehrig/Flickinger made the motions to have the solicitor study how to go about setting up the board and draft an ordinance to bring back to council.

Councilor Arner thinks it is a great idea and would like to see it happen. Councilor Flickinger said doing this was proposed in the Main Street audit. Nicole said yes it will enhance the community as a whole.

Mr. Ritter said the balance of the funds left over from the 150<sup>th</sup> would be used to start the new board.

Councilors Rehrig/Arner made the motions to approve setting a date to hold another fireworks event in 2017. They are looking at July 1, 2017 and all were in favor with no questions or objections.

Commissioner Nothstein presented a resolution to Mr. Ritter and said it wasn't ready in time for the 150<sup>th</sup> Celebration.

GUEST SPEAKER: Rocky Arner – Discussion of Historic Coaster Race Sign and Request to hold an annual coaster race

Mr. Arner and Mr. Elwood Reed gave a brief overview of the history of the fact that our borough hosted the very 1<sup>st</sup> coaster race. He is working on finding the proof needed to have a historic marker put at the location to commemorate the historic event. He has found articles in the Dimmick Library dating back to 1923 and 1924. Until then, he would like to still hold another race October 1, 2016 on 3<sup>rd</sup> Street between Alum and Iron Streets ending at the fire company. Next year he would like to hold the race on 2<sup>nd</sup> Street again in conjunction with the fireworks.

Councilors Rehrig/Arner made the motions to have everything approved by the borough manager and the solicitor first. If all is ok then they can proceed with the race. Nicole had a question. She asked what insurance will be used. Rocky asked if it could be under the borough's 150<sup>th</sup> insurance this year. President Hunsicker feels it should go under the borough this year yet and then be set up with another group to cover the insurance for next year's race. Nicole said she had to check with the insurance company. LDI asked if they would consider moving the race back to 2<sup>nd</sup> Street and maybe piggyback on their insurance. Rocky has no problem with moving things. He will work on the paperwork for PennDOT to hold the race on 2<sup>nd</sup> Street. LDI will check with their insurance company also. Rocky said the Orioles is willing to use their insurance for the race. Nicole wants the Orioles to stay involved by all means. She will get back to him once she talks to the insurance company.

Rocky also wanted to let council know that on the day of the race the public works employees came out to help set up the hay bales and stayed all day to help. Rocky said they are a great group of guys and deeply appreciated their help.

APPROVAL OF MINUTES

Regular Meeting of June 20, 2016

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

NEW BUSINESS

Discussion of instituting a tenant occupancy form for better tracking of those owing Occupation Tax

The first question asked was who would be responsible for sending the form out? The solicitor asked what we want the ordinance to say and who is going to enforce it? Councilor Rehrig said it would be hard to enforce.

Nicole said we need to look to see how much money is missed out on and if it would cover the cost of enforcement or not. She would look first to see if there is anything internally we could

do better. The Occupation Tax starts at the county level and trickles down to us. The solicitor suggested getting a copy of Bowmanstown's ordinance and bring back for further discussion.

Motion to approve Booster Club Wrestling 5k Run/Walk September 17, 2016 8 a.m. to 12 p.m.

Councilor Flickinger said the fire police have a training that day. He suggested contacting the Booster club and see if they can change the date to another weekend. This item was tabled until the August meeting.

Councilors Rehrig/Flickinger made the motions to table this item until August and all were in favor with no questions or objections.

Motion to approve purchasing 2 self-watering planters for Upper Park with grant money received through the Greater Lehigh Valley Chamber Foundation -- \$2,000 grant with a \$2,000 match by the borough

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

Discussion/Action of Part-Time Public Works Wages

Nicole said \$20,000 is budgeted for part-timers. Kris needs the extra help from the part-timers and estimates it to cost \$10,000 to \$12,000. Nicole met with Kris to discuss what can be done to increase the budget. She can adjust the budget and take money from overtime and seminars to cover it.

Councilors Flickinger/ Torok made the motions to approve the increase as needed up to \$12,000 and all were in favor with no questions or objections.

Discussion/Action on Proposed Alley Paving

Nicole said \$10,000 was budgeted. The submitted list totals \$15,000. We can do the project up to \$10,000 or find another \$5,000 and do all the alleys.

Councilors Rehrig/Perry made the motions to find the other \$5,000 and do all the alleys as planned and all were in favor with no questions or objections.

Discussion on request for contracted police services from Mahoning and Franklin Twps.

Chief Biechy said he was approached to help both townships out for specific reasons. He suggested meeting with both Mahoning and Franklin along with council to discuss before making any decisions. August 18<sup>th</sup> or 22<sup>nd</sup> works for council. Brian is to check with the townships to see if either date works for them. It will be a special meeting open to the public.

Councilors Rehrig/Flickinger made the motions to advertise a special meeting with both townships held in borough hall and all were in favor with no questions or objections.

Discussion/Action on request from Mahoning Township for assistance with road work

Nicole is willing to allow 40 hours, 2 men, 1 truck and trailer, and the paver but anything over 40 hours the rental rates will apply. She said our guys would operate the equipment and be there to supervise only; no hand work and the paver must be stored inside.

The Bruce Steigerwalt said their paver died and they are looking for contracted services to do the other roads. He asked that the borough help with the 2 roads closest to the borough and Mahoning will contract the other 2 roads out.

Councilors Rehrig/Flickinger to help Mahoning Township with the roads with the stipulations suggested by Nicole and all were in favor with no questions or objections.

Motion to accept letter of resignation from Deborah McGowan

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

Motion to advertise for a part-time police clerk

Nicole said we will advertise this week, August 8<sup>th</sup> is the deadline for letters of interest to be accepted, with interviews on the 16 & 18<sup>th</sup> and this will be brought back to the August meeting with a recommendation.

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

Motion to reclass Jeffrey Repsher to Apprentice Lineman – 2<sup>nd</sup> year retroactive to July 9, 2016

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

Motion to adopt Ordinance 632 authorizing participation in the Municipal Risk Management Workers Compensation Pooled Trust

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

Motion to draft Stormwater Management Ordinance

Nicole said we are an MS4 permittee. We do not have an ordinance in place and we are required too. She presented a template from DEP.

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

Discussion on Zoning Ordinance Updates

Councilor Rehrig said changes do need to be made. Nicole said it should be a multimunicipal ordinance and SALDO as per the comprehensive Plan. It will be easier to get grant funding to update the ordinance. There was interest from Franklin and Mahoning to update their ordinances as well as long as each municipality kept their autonomy. Council would like to move forward with this.

Motion to approve Change Order #3 for the Colonel Jacobs Weiss Park Project in the amount of \$2,111.76 (Change Order approved at June 20<sup>th</sup> meeting has been amended as per attached spreadsheet

Nicole said last month council approved a \$7,000 change order. Once the project was closed out the change order turned out to be \$2,111.76. Our total contract price is \$568,909.76.

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

Motion to approve the Payment Application #5 (final) in the amount of \$68,244.26 for the Colonel Jacob Weiss Park Project

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

Discussion on CCMA Correspondence on Wastewater Treatment Plant Process issues and Lehighon Sewage Authority concerns on Inflow & Infiltration

Nicole said they received a report where nutrient deficiencies from high volumes of stormwater entered the plant diluting the sewage. This cost a few thousand dollars. Stormwater infiltration is costing a few hundred thousand dollars annually. LSA will meet with a company to do the I&I study to solve this problem. Public Works can't handle the problem. Councilor Flickinger asked if this was something to do with having old sewer lines. Nicole said when streets are redone the sewer lines are looked at prior to the start of the project and replaced as part of the project if necessary. Nicole will coordinate a meeting with Councilors Torok and Perry to go over this issue better. LSA is requesting that a member of council be present at their meetings when meeting with consultants. Councilor Rehrig questioned the amount due from Weissport. Nicole had met with the new administrative person for Weissport to see exactly what they owe the Borough of Lehighon.

Nicole suggested they make a payment of say \$20,000 a year as a good faith gesture to pay off the amount they owe the borough and has never heard from them again.

Discussion/Action of Rocktoberfest Event Application and request to serve alcoholic beverages in the Upper and Lower Park

Councilor Rehrig said it's worth a try with certain conditions in place. Nicole said they must provide a certificate of insurance, present a plan/layout of how the event will run and a copy of the liquor license. The mayor is opposed to this. What guarantee do we have that the new park will not be damaged? It was agreed there would be no alcohol in the Lower Park. Council should support events and with the approval of the police chief for this type of event. We should try it. As long as the number of drinks are monitored and people are cut off it might work.

Councilors McEvoy and Perry recused themselves from voting due conflict of interest. They are members of LDI who is putting on the event.

A roll call vote was taken with Councilors Flickinger, Torok, Arner, Rehrig and Hunsicker voting yes. Motion carried.

Unfinished Business

None

ADDENDUM TO AGENDA

Motion to approve Resolution R-15-2016 authorizing the submission of the DCED Multimodal Grant to be used for the Upper Park Pedestrian Improvements

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

Motion to approve the funding commitment letter for the DCED Multimodal Grant in the amount of \$187,333

Nicole said the project requires a 15% match and does include lighting which will be a good portion of the matching funds needed. The total project will cost \$624,442.

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

Motion to release Corner Cone Line of Credit

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

Motion to approve final transfer for the Lower Park Project from Light & Power in the amount of \$50,702.04 until grant funds are received

Councilors Rehrig/Flickinger made the motions to approve the final transfer and all were in favor with no questions of objections.

Discussion/Action on the request from Bonnie & Clyde's to utilize the borough parking lot on Sergeant Stanley Hoffman Boulevard

This item was discussed at the beginning of the meeting.

Motion to approve additional list of bills

Total \$7,988.24

Officials Reports

Borough Manager

Nicole said there was a nice turn out at tonight's meeting for all positive things being planned in the borough. The Trail Connectivity project has been bid by the county and bids will be opened later this week. We are working on the deeds and easements so they can move forward with that.

The 2016 Street Program has been inspected and the invoice was received. The work is complete and the streets look good.

She and Bruce attended the MS4 seminar by DEP. She received the attached proposal for the mapping to meet our 4<sup>th</sup> year permittee requirements. Map Decisions proposal is for \$3,998 and the software would be on the 3 tablets we have for Public Works to start mapping our storm sewers. This way is preferable because it can be implemented directly into the GIS system. We need to show DEP that we are moving forward with the mapping. Nicole said she has to fill out a report soon and would like to include that we are moving forward with this.

She and 2 employees from the Utility Office will be going to St. Clair to see how the Edmunds software in action. The girls have been wonderful going through this process and till it's all said and done we should have the most up-to-date system possible. It will be able to grow with the borough over the next 10 - 15 years with metering and getting rid of the postcard bills and everything that has been an issue. She hopes to be able to make a recommendation to council next month as to who they wish to go with. President Hunsicker said that we need to look at the office remodel for next year's budget. Nicole said Bruce is working on it and money is budgeted and she will continue to work on it.

We were not awarded the Local Share grant for the Public Works pickup truck or Greenways Trail grant for the improvements to Baer Memorial Park. She has the draft financials on her desk and will have them ready for the August meeting.

218/220 South 4<sup>th</sup> Street replaced their sidewalks based on the ordinance creating about a 6 inch gap between the two sidewalks. The owner came to her office today seeking a solution to the problem. Nicole said by the ordinance we are responsible to shoot the grades and Bruce did. The sidewalks next door are older and sinking. She does not know what to do. Should we go after the next door neighbor and make them put sidewalks in or somehow have a ramp installed? It is definitely a liability and we have to do something. Knowing the back and forth that has gone on pertaining to this subject in the past she's asking for council's opinion. Council wants Nicole to speak to the owner and ask him to put sidewalks in. She will bring back his answer to next month's meeting.

Nicole said she needs a motion for the Map Decisions software to do the mapping if council is willing to proceed with the MS4 requirements.

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

#### Borough Engineer

He said the inlets have been completed up at 4<sup>th</sup> & Cedar. We are waiting for the contractor to do the curbing. There was a wildcat sewer line in the inlet and there is no way of knowing where it went. We dye-tested the houses and nothing showed up so we plugged it. This is happening at the inlets where they go beneath the sidewalks.

He wanted to comment on the ordinance for the stormwater management. It has an exemption in there for regulated activity for 1 acre or more. He's not sure we want to go that high because in our zoning ordinance stormwater management is needed when you have 5,000 sq. ft. of impervious surface on a property. 5,000 sq. ft. equates to a 20 car parking lot. We may want to be more restrictive in this aspect to keep from over loading our storm sewers. Our smaller lots can generate more storm water.

#### Police

Chief Biechy said the department is running well. He has been working with Civil Service and they should have an active list by the end of August beginning of September at the latest.

There is one member of the department retiring at the end of the year and we will be working on hiring another part-time secretary.

Mayor

He thanks Mr. & Mrs. McCullion for taking a rundown shambles of a corner out there and putting a nice business in there. It's all landscaped, they hired 3-4 young people giving them jobs. He feels it has moved Leighton up a notch.

Councilor Rehrig thanked the mayor for his dedication and seriousness that you brought to the community and the police department. Things have been running well.

Fire Chief

Absent.

President of Council

Nothing.

Solicitor

Nothing.

Treasurer

Additional bills totaling \$9,618.02 and the Kobalt payment request in the amount of \$45,000.

Committee Reports

Finance and Administration – nothing.

Streets, Buildings and Codes – Councilor Flickinger said he believes our Public Works department has been doing a phenomenal job all year but especially during these last two storms.

Police, Fire and Safety – Councilors Rehrig and Hunsicker attended the fire company's annual meeting. They will be meeting with the chief and assistant chief and the with the police department again. Sight distances are becoming a problem again. This needs to be looked at and if the person wants to get defiant about it maybe they can be cited.

Light & Power Committee – nothing.

Sewer Committee – Councilor Perry said she finally has something to say this time but it was covered already.

Public Works & Recreation – Jared would like to thank Public Works for a job well done during the storms and the 150<sup>th</sup> Celebration. The town looked great.

Nicole wanted to give Tom Evans a great big kudos for everything he does up at that pool. She talks to him daily and doesn't know if any of us here could fathom what he actually deals with and sees in one day. He really needs to be commended for that and for running the Annex and the Recreation Center.

Acceptance of Officials Reports

Councilors Rehrig/Arner 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 Arner/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 8:55 p.m.

Motion to go back into Regular Session

Councilors Flickinger/McEvoy made the motions to back into regular session at 9:23 p.m.

Action on Items from Executive Session

Motion to have Matt Ahner become Criminal Investigator effective January 1, 2017

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

Motion to Adjourn the Meeting

Councilors Rehrig/Flickinger made the motions to adjourn the meeting at 9:24 PM and all were in favor. Meeting adjourned.

Brenda L. Koons  
Borough Secretary