

September 26, 2016

The regular meeting of Lehighon Borough Council was held in the municipal building on Monday, September 26, 2016. The meeting was called to order at 7 PM by Pres. Grant Hunsicker. Members in attendance were: Lisa Perry, Jared McEvoy, Joe Flickinger, Helen Torok, Darryl Arner and Scott Rehrig.

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

Pledge of Allegiance

HEARING OF PERSONS PRESENT

None.

APPROVAL OF MINUTES

Regular Meeting of August 22, 2016

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

NEW BUSINESS

Motion to approve preliminary/final plans for thee Lehighon Elementary Center

The Borough Engineer said he did not review them yet. He just got the drawings for the easements. Bruce now has to go over them with Lonny. Nicole asked if the motion should be pending the approval of the Borough Engineer and Solicitor and was told yes by Solicitor Nanovic.

President Hunsicker asked if we are keeping item #10 in there and what is being done with item #7? The solicitor said we are not there yet on the agenda. Solicitor Nanovic said we are discussing the plans themselves. Bruce had issued a review letter at one point and most of those items have been met. The solicitor said he believes Bruce then issued an updated review letter. We now have a new set of plans updating some of Bruce's comments. Bruce said three things are outstanding - the Developer's Agreement, the Highway Occupancy Permits and the Easements. Bruce said based on our last council meeting the school district had asked council to make the Easements be required before final approval but then subsequently there was a meeting with the school district and we said no. We said we could make the recorded Easements be in place before issuing the Occupancy Permit. That is one of the things going back and forth in the Developer's Agreement. The other thing in the agreement is that all HOP Permits and all work dealing with the HOP Permits must be completed prior to the Certificate of Occupancy being issued. We haven't done that in the past. Bruce said we have required HOP Permits prior to signing off on the final plans. This is now something that has to go back to council for discussion as to whether they want to change the way they give final plan approvals. Solicitor Nanovic said himself, Nicole and Bruce met for another issue but discussed whether or not to add that the Highway Occupancy Permit must be provided prior to the issuance of the Certificate of Occupancy. He does not know if the Borough has a history always requiring it and if we do that's fine. The question is does council want us to have the

Highway Occupancy Permit prior to issuing the Certificate of Occupancy or prior to the start of construction.

Nicole said in council packets there is a memo from Traffic Planning & Design with the 6 submissions to PennDOT that they have been submitting since 2015. Nicole asked if the school district would like to speak on what the holdup is on this. Attorney Schwab said it's normal for PennDOT to take forever on a major development. This is a \$30 million project. He knows it took KIA 14 months to get their HOP. PennDOT can change it even after we get the HOP. Attorney Schwab said they would like to get the building started before winter and not lose another 6 months for the children because of something none of us has control over. He isn't saying they will be occupying it but it's kind of normal for bigger projects around the region. As to the Easements, they have been supplied to Attorney Nanovic a week ago. Attorney Schwab said it's not that the school district won't record them it is that they will probably change again. The school district would ask that council would allow/approve the Preliminary/Final plans subject to them getting the Highway Occupancy prior to getting occupancy, that the Easements are finalized and there may be one instance were two easements may need to be combined into one and it is being worked on and Attorney Nanovic has reviewed them already and the school district will record them then to save filing fees. Attorney Schwab said Bruce should review the plans. He knows Bruce questioned why there were 2 deed books and 2 pages. That is because the consolidation deed was recorded twice. Once without reference to a map book and page and one with reference to a map book and page. That's the only difference. Attorney Schwab believes that subject to the engineer and solicitor the school district asks that council approves for the final plans for the Elementary Center subject to the contingencies in the Developer's Agreement taking out paragraph #10. Solicitor Nanovic agreed.

Councilor Rehrig/Torok made the motions to approve the preliminary/final plans subject to the conditions set forth in the developer's agreement and all were in favor with no questions or objections.

Motion to approve Development Agreement with Lehigh Area School District for Elementary Center

Solicitor Nanovic said the only change would be to the deletion of paragraph 10 on page 5. It's inconsistent with paragraph 7.

Councilors Rehrig/Arner made the motions to approve the agreement with the removal of paragraph 10 on page 5 and all were in favor with no questions or objections.

Motion to approve final plans for Blakeslee Commons upon final approval from Borough Engineer

Councilors Rehrig/Flickinger made the motions to approve once the Borough Engineer and Solicitor recommend it and all were in favor with no questions or objections.

Motion to approve Development Agreement with Lehigh Development, LP with revisions upon final approval of Solicitor and Engineer

Bruce said the only thing he knows of that is holding up the final plan approval is they made changes to their water service from a single 2 inch water service to a 4 inch and 6 inch water service and as of the middle of last week they hadn't submitted the plans

to the Water Authority for their engineer to review and approve the details for those revisions to the water service. Bruce is waiting to hear from the Water Authority's engineer that what they show on the plans for the 4 and 6 inch water service lines has been approved by the Water Authority. As soon as Bruce receives that letter from the Water Authority then the plans are completed.

Nicole said there is an electric easement. We are requesting a 40 foot easement from them also.

Councilors Rehrig/Arner made the motions to grant approval once the Borough Solicitor, Engineer recommend it and all were in favor with no questions or objections.

Motion to approve Resolution R-16-2016 for submission of Local Share Account-Monroe County grant for Police Technology

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

Motion to approve Resolution R017-2016 for submission of Local Share Account-Monroe County grant for fire Department pick-up truck

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

Discussion/Action on purchase and financing of a 2017 Ford F-250 for Public Works

Nicole said the truck the Public Works Supervisor is driving around in is outdated to say the least. There are some issues with it and council should consider replacing it. She included the information on the truck from Kovatch along with two proposals for financing from Community Leasing Partners and First Niagara. If council is interested in proceeding with this Nicole will put it in the 2017 budget and go with the Community Leasing Partners financing of 3-year term with an interest rate of 3.2% and payment of \$13,666.85. The money would come from the General Fund.

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

Motion to approve the 2016 MMO Worksheet for the Police Pension Plan

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

Motion to approve the 2016 MMO Worksheet for the Non-Uniform Pension Plan

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

Motion to approve the Touchdown Club's request to hold parade/bonfire October 27, 2016

Councilors Rehrig/Flickinger made the motions to approve provided everything is cleared by the Fire Chief prior to the event and the event cannot be held on October 26<sup>th</sup> and all were in favor with no questions or objections.

Unfinished Business

Adoption of Ordinance 633-2016 creating a Recreation Board

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

Nicole asked if council wanted to make the motion to advertise for letters of interest at this time.

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

#### Officials Reports

##### Borough Manager

Council received her report. She did receive the Multimodal grant payment of \$245,000. She is awaiting reimbursement from the Greenways Trails. The 2017 budget is underway with department head meetings scheduled the week of October 3<sup>rd</sup>. She is working with BIA on some property maintenance issues specifically at 353 North 2<sup>nd</sup> Street. This is a property that has been overgrown for some time. Correspondence going back to 2006 was found and she does not believe it has been touched since then. She is working the solicitor, Tim and Public Works to get the property cleaned up and to lien the property. It is under a trust and we just can't find contact with them. This is not the route we like to take but with over a decade of issues we have no alternative at his time.

Councilor Rehrig asked if we are any closer to having the building come down on 1<sup>st</sup> Street and was told no by the solicitor. Nicole said we are reissuing citations to 209 North 1<sup>st</sup> Street. They should be done this week; then we have to wait again. He had 30 days and \$2,000 in fines with new citations being issued this week because nothing has been done.

Councilor Rehrig asked if in the next 6 months something could be done. The solicitor said maybe. The problem has always been not that it violates our codes or that it's a nuisance property. The problem is what do we do now that it violates our codes? It's owned by an LLC or trust and they have no other assets. We could take it down, lien the property and have a lien of \$50,000 on a vacant lot worth \$10,000.

The other property that's been discussed is the former Bennett building. Former Claypoole building. Citations were issued and we are waiting for them to be claimed. This process can take 6 to 12 months.

She attended the MACK production visit. It was great. We should be proud that we are buying local.

The Light & Power Open House is on the agenda. We will have a Public Works open house at the same time.

Councilor Flickinger asked about 4<sup>th</sup> & Cedar Street. When will that be complete? Bruce said he is waiting for Mr. Serfass to come in and do the work but he hasn't heard from him yet so he must be pretty busy.

##### Borough Engineer

Nothing

##### Police

Chief Biechy thanked council for approving to submit the LSA grant. They are working on the Child Passenger Seat Mobilization Program.

##### Mayor

He said during the past month he has been able to watch the Power & Light Company put in new poles. We have a well-run unit. The mayor attended another Eagle

Scout program. He also had a meeting with the police chief about forming a Quick Response Team in the police department and to check on schooling to get this program rolling. The mayor would also like to have a man trained in hostage negotiations. He has talked to Councilors Rehrig and Hunsicker who are both in favor of this. Mayor Mase is now asking all of council for permission to look into this. It is not a case of if we need it. It is a case of when. We have a large hospital, school district, and many churches that could be hit and we need this protection. He is asking the backing of council to have this go further.

The police chief said there is a variety of training out there. They already do some training in house. He did attend the County Terrorism Taskforce meeting. He has talked to the EMA director who has other avenues to available schooling that are above what we do internally. This included weapons response, hostage negotiations, bomb recognition and things like that.

Councilor Rehrig/McEvoy made the motions to have the mayor and police chief look into the training available and report back to council and all were in favor.

#### Fire Chief

Chief Mriss thanked council for approving to submit the LSA grant. Patrick asked for permission to submit 3 additional grants. The FEMA Assistance of Fire Fighters grant, State Farm Fire Prevention grant and the Pennsylvania State Fire Company Emergency Medical Services grant program are the ones we wish to submit to. The department would apply for different projects. He had a list if council wished to see it.

Councilors Rehrig/Perry made the motions for the Fire Chief to work with the borough manager on the grant submissions and all were in favor with no questions of objections.

Patrick also asked council to approve there annual Boot Drive on 1<sup>st</sup> Street at the Colonel Jacob Weiss Park on October 9<sup>th</sup> & 16<sup>th</sup>.

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

#### President of Council

Nothing

#### Solicitor

Nothing

#### Treasurer

She provided an additional list of bills totaling \$9,515.71 for approval.

#### Committee Reports

Finance and Administration – Darryl said that he attended the Orioles breakfast yesterday and was presented with a check for \$2,000 because we allowed our L&P Department to install 2 utility poles at the club for the new star that will be installed soon.

Streets, Buildings and Codes – Joe said that he, Councilors Perry and McEvoy and Nicole met with BIA. They discussed a lot of different items.

Police, Fire and Safety – Scott said the committee met with the fire department on September 7<sup>th</sup>. It was a very good meeting. There will be a police meeting October 11<sup>th</sup> at

7 pm at the police station. He is requesting that the codes and laws for the parks be enforced. He is also requesting foot patrols be done periodically on 1<sup>st</sup> Street.

Light & Power Committee – Open House for Public Power Week on October 5<sup>th</sup> at 11 am to 2 pm

Sewer Committee – Lisa attended the LSA meeting. Two companies did presentations on handling our I & I studies. They gathered the information they needed from our files and will come back with a cost estimate for the project.

Public Works & Recreation – Jared thanked everyone for all their hard work. With Tom at the pool; he had another successful year and thank you for continuing to make the pool a big success. He also thanked Public Works for all their help prepping for Rocktoberfest.

Acceptance of Officials Reports

Councilors Rehrig/Flickinger 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/Perry 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 Arner/Rehrig made the motions to go in at 7:50 p.m.

Motion to go back into Regular Session

Councilors Rehrig/Flickinger made the motions to go back in at 8:08 p.m.

Action on Items from Executive Session

Nothing

Motion to Adjourn the Meeting

Councilors Rehrig/McEvoy made the motions to adjourn the meeting at 8:09 PM and all were in favor. Meeting adjourned.

Brenda L. Koons  
Borough Secretary