

April 24, 2017

The regular meeting of Lehighon Borough Council was held in the municipal building on Monday, April 24, 2017. 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, Scott Rehrig and Darryl Arner. Absent: Jr. Councilor Addison Howland and Borough Engineer Bruce Steigerwalt.

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

Pledge of Allegiance

Public Hearing – CDBG FY2017 Application

Not present.

GUEST SPEAKER: Josh Schaeffer, On the Grind Association Update of Skate Park Fundraising

Mrs. Schaeffer said they have been busy over the winter. They held a dodgeball tournament that went well. They had 3 professional dodgeball teams show up to participate. They held a community egg hunt yesterday but there wasn't a huge turnout but it gave them a chance to talk to some kids and parents in the area about the proposed skate park. The people they spoke to seemed to like the idea of the park. They have been gathering support along the way. The Orioles Club gave a donation to help with the plan. Forest Inn is behind the plan by donating materials and agreed to donate 2 park benches.

The group came up with a concept of design for the park. The fencing that is there will stay there, the park will be in the front and the skate park part will be behind it. They are still looking into the restroom facilities. There are grants specifically for the restroom part of it. She knows there was talk about the stormwater management for the park. The parking is still being looked at. Mr. Schaeffer said the parking that is there is shallow and he would like to meet with the surveyor to see if they would be able to cut into the bank and use some of that as fill for the ramps and expand parking into the bank instead of on the street.

Councilor Flickinger asked if they applied for the specific grant Mr. Schaeffer talked about when he came to the council meeting to have the location of the park chosen. They have not because they needed to become a 501c3 prior to applying for the grant. Mrs. Schaeffer said it took a little bit longer to get the paperwork submitted and to come back for the 501c3. They have it now and will apply for the next round of grants. They have spoken to the Tony Hawk Foundation to make them aware they will be applying for the \$25,000 grant in May. The Foundation is also considering doing a collaboration with the Schaeffer's. Mr. Schaeffer said they don't want to just go after grant money so he is trying to do a sure clause with them enabling them to use the Tony Hawk name and raise their own money instead of having grant money handed to them.

Mr. Schaeffer said they just launched with the Make-A-Wish Foundation. The ticket sales you get at Wal-Mart, Lowe's and Giant where you donate \$1 and put your name on it will be donating money to this project. We will receive \$.90 of every one we sell to the

project. Mrs. Schaeffer is applying for the Lowe's and Wal-Mart grants for the playground equipment. The playground is the first part of the project to be completed.

The mayor asked who they have figuring out how the drainage will be handled. Mr. Schaeffer said he was going to do it by pitching the cement and having it run into French drains. The mayor said he has four pages from Mr. Nothstein and the residents in that area of reasons why this park should not be put there. He asked that the borough secretary make copies for all councilors to read before making any other decisions on this project.

Mrs. Schaeffer said they would like to have a meeting with the residents who live in the area to discuss their concerns. Mr. Mase said he personally feels that area is not going to be able to produce a park with adequate parking and especially drainage.

Councilor Torok asked the Schaeffer's if they consulted with a water management group to see what their thoughts are on what they are planning to do and was told that is why they are here to ask for a meeting with the engineers to discuss the drainage and stormwater. Mr. Schaeffer assured council that he knows you can control drainage by the pitch of the concrete and French drains to drain away slowly. He has been doing concrete for 17 years. The mayor said he is not against the skate park; just its location. Mrs. Schaeffer said they spoke to Tom about possibly moving it to Baer Memorial but they aren't sure if he discussed anything with council. Councilor McEvoy said Baer Memorial may be a more conducive location if there is any room down there for the skate park. Nicole said we are getting the design together now for the grant the borough was awarded. Mr. Schaeffer said the only problem in that area is it's a low lying area with water around it. To do the park there would require pillar pockets and a lot of extra footing because of the shift. He then asked if there was any other areas in the borough suitable for the skate park. Nicole said there's only the Grove in the lower lot or Baer. Baer is in the process of the redesign right now so we have no way of knowing what that is going to look like. Mr. Schaeffer said Skyline is ideal. It's 10,000 sq. foot of ramps that we could put in and 2,000-2,500 sq. foot of playground equipment that we could put in.

Mr. Schaeffer asked permission to put a job sign at the location so the people can see what is going to happen and the design to get the community more involved especially the neighbors because they have to live there. He'd like to meet with the neighbors to get everyone on the same page. He also said he talked to the chief about getting the crime watch back into effect and helping with that.

Councilors Torok/Perry made the motions to have the Schaeffer's meet with the borough engineer to discuss the stormwater runoff and drainage issue for the proposed skate park and all were in favor with no questions or objections. Council directed the Schaeffer's to meet with Bruce first before contacting the residents in the area. Councilor Perry directed the borough secretary to compile a list of residents in the area for letters to be sent addressing the concerns about the proposed park after the Schaeffer's meet with Bruce. The Schaeffer's asked for a copy of the letter the mayor had of concerns from neighbors so they can have it for their meeting with Bruce.

HEARING OF PERSONS PRESENT

Kim DePue - 499 South 9th Street wanted to thank council for their efforts and for their continued support of our concerns about the traffic light on 9th Street.

Mr. Ed Conarty – 235 Coal Street saw the feasibility study done about something. What is the purpose of spending the money for the feasibility study? Councilor Rehrig asked him to clarify which study he was referring too. Councilor Perry said the one for the Grove. The borough manager said it is to prepare a master site development plan and rec center feasibility study for the Grove. Mr. Conarty asked why the borough wants to spend the money for that and was told by Nicole that is was a grant that was applied for. Mr. Conarty said it is still money that is going to be expended for that and was told yes. He went on to tell “those who were relatively new to council” back in 1994 Council President Darryl Arner said the main reason for the proposed purpose of the former high school on North 3rd Street with the existing municipal building located on 2nd Street is becoming over crowded. Then in 1996 Mr. Rehrig commented on the safety of the taxpayers money referring to the former junior high school – he stated that a feasibility study would have to be done to determine if it would be feasible to buy the building with considering the cost of repairing, upkeep, utilities and so forth so the borough doesn’t acquire a gigantic monster which the school district for whatever reason has not been able to sell. Then the economic analysis was done – Mr. Conarty had a copy of – and they were going to use 14,994 sq. feet to house borough offices up there, police department and some other offices and there was never one borough office put up there. Then in 2007 we the Borough of Lehighton knew if we were to let this place fall apart we would have a big problem. The borough manager said that. There was a plan to turn this building into 31 apartments but we knew we needed a community center. The borough hopes to generate funds through the rental of the building auditorium and gymnasium. In this building there are only 2 empty rooms. That was in 2007. Now we don’t have a community center up there. There is nothing for the community up there but you had an opportunity to put it on the tax rolls but didn’t do anything about it. You had to pay for an analysis and didn’t take one thing out of this. Not one. It told you how to rent it, what to get, what to charge for and when you went in there and started it up you only charged the tenant 50% of what they said it was and they were supposed to pay for common areas – no charge, They were supposed to pay for electric – no charge, they were supposed to pay for garbage – no charge. As time went on, if you look today you reduced the rent on the leases instead of increasing them. Some of the tenants are paying less than when they originally moved in there and now you want to spend money to have a feasibility study when you didn’t do anything with the first one? That’s all he had to say.

Carl Gustafson North 8th Street – he wanted to express his continued interest in the property on the bypass. He met with Nicole, Attorney Nanovic and Bruce Steigerwalt. They went and looked at the property. Bruce did up a drawing. He is still on board with any way we can move forward on this project. Nicole said we would basically be conveyance of property that we would be exchanging with Mr. Pollock and then from there we would get the appraisal on the property that we conveyed for sale or bid it. Councilors Rehrig/ Flickinger made the motions to continue working on this process and all were in favor with no questions or objections.

APPROVAL OF MINUTES

Special Meeting of February 27, 2017

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

NEW BUSINESS

Motion to adopt Resolution R011-2017 authorizing sale of used Graco Line Painter in the amount of \$375

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

Motion to approve Resolution R012-2017 opposing elimination of CDBG Program

Councilors Rehrig/Flickinger made the motions to approve. Councilor Perry recused herself from the vote. A roll call vote was taken with 6 councilors voting yes. Motion carried.

Motion to adopt Resolution R013-2017 in defense of borough operated municipal electric systems in the Commonwealth of PA

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

Motion to adopt Resolution R014-2017 fixing the electric rates effective May 1, 2017

Nicole said this is a follow up to our fee schedule from last month. We do a resolution to get it into our ordinances.

Councilor Rehrig/Perry made the motions to adopt and all were not in favor. Roll call: Yes – Councilors Perry, McEvoy, Torok, Arner, Rehrig, and Hunsicker; No – Councilor Flickinger. Motion carried.

Motion to adopt Ordinance 636-2017 – Blight Reclamation and Revitalization Act

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

Motion to appoint Denise Murphy to the Zoning Hearing Board

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

Motion to grant conditional approval of DeSousa Subdivision as per the letter dated April 20, 2017 from Bruce Steigerwalt

Councilors Flickinger/Perry made the motions to grant conditional approval and all were in favor with no questions or objections.

Motion to approve a reduction in the letter of credit for the Blakeslee Commons Land Development in the amount of \$88,233

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

Motion to approve the list of summer recreation employees/life guards

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

Motion to approve grant contract for DCED Municipal Assistance Program for multi municipal Zoning Ordinance and SALDO updates

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

Discussion/Action on the Ashtown Bridge Rehabilitation Bids

Nicole said the low bid was from AR Popple for \$77,580. We do have \$70,000 budgeted for it from Liquid Fuels and we can move around the other \$7,000 to complete the project.

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

Discussion/Action on request from Colleen Rusbarsky on utilities for 328 Cypress Street

Nicole said she has been dealing with this for the last 2 months. Her parents purchased this property as a fixer upper and resale and they never completed it. They had hoped to get their utilities shut off there at some time but that was unable to be done. We did finally shut them off in 2014. She is asking for forgiveness on all utilities. Nicole told her the electric would not be forgiven nor would the garbage so she is asking for forgiveness on the sewer. Before bringing this to council Nicole did take it to the Water Authority and they did waive the charges at their April 5th meeting. She is looking for a waiver in the amount of \$3,402. She also provided an explanation of what happened.

Councilor McEvoy asked why they left the house sit vacant for 10 years. He suggested Nicole talk to Ms. Rusbarsky about renting it out or selling it instead of leaving it sit empty.

Councilors Rehrig/Flickinger made the motions not to honor the request and all were in favor with no questions or objections.

Unfinished Business

Discussion/Action on DCNR Grant for Master Site Plan and Feasibility Study

Councilor Rehrig said a while ago council agreed to accept the \$200,000 on a grant. This is an addition to do a feasibility study to what the future of Leighton is as far as recreation. He suggests we take advantage of the grant. There are some things in the community as far as general health and the health for the benefit of the residents that should be important to Leighton. If we don't do the study we won't get money in the future. It is as simple as that. He asked if other councilors had any other thoughts but no one said anything.

Councilors Rehrig/Perry made the motions to move forward with the grant and all were not in favor. Roll call: Yes – Councilors Perry, McEvoy, Arner, Rehrig and Hunsicker; No – Councilor Flickinger and Torok. Motion carried

Discussion/Action on Dilly Dogs Request

Nicole said this was not discussed at the last meeting because we were discussing the food truck ordinance. She and the solicitor are working on the ordinance and intend to bring the ordinance back in May. She asked if we are interested in allowing this type of business at the trail head before proceeding with the ordinance. Councilor McEvoy thought it would be a good thing to have there to help create a family atmosphere.

Councilors Torok/Rehrig made the motions to continue with the food truck ordinance and all were in favor. Councilor Rehrig asked if the ordinance could be advertised right away once finished. The solicitor said yes but wants the draft brought to council to look at before we make a motion to advertising.

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

Continued Discussion on request from Carl Gustafson on property located on Sgt. Stanley Hoffman Boulevard

Taken care of at beginning of meeting.

Follow up on meeting with PennDOT regarding traffic signal concerns at 9th & Bridge Streets

Nicole said she, council president, vice-president and mayor met with PennDOT today. We discussed the entire project and the impact to the traffic and we expressed the concerns of the residents and businesses in the area. We attempted to go to bat for them as much as we could for the design. They are going to re-evaluate the plan and attempt to spare some parking up by Mr. Rupell's by moving the auxiliary lane back some. That may create more parking by Mr. Rupell and some parking across the street which could potentially be used for Mr. DePue's business if possible. We did ask what it would take to get rid of the left hand turn lane. The design of that is the most safe and operational possible. We would need to show extenuating circumstances to prevent those left turn lanes and PennDOT would need to approve that. It doesn't sound like that is an option but that would be our next step if we really weren't interested in those turn lanes or disregard the traffic signal in whole. We also discussed opening up some additional parking on Bridge Street in order to work with the residents and businesses down there. Right now it is just going back to the school district to revise their plans to reflect the movement of the auxiliary lane.

Follow up on request from LSA on vacant structure ordinance

Nicole said this was tabled at the last meeting and be brought back to see whether or not we were interested in an ordinance such as this. From her perspective we do need an ordinance and some way to inspect these properties for I&I. From being personally involved in this ordinance she does not feel that we need this in whole as it will most likely require additional staffing. We can charge for the inspection but as she said last month they are going in and checking the water temperature, checking the electric, making sure things are up to code. It would happen anytime a vacant property is between a sale or between tenants in a rental property. She thinks this ordinance is a bit more complicated than we are looking for. The straight purpose is for I&I.

Councilor Rehrig said his problem is that you would need a warrant to get in. Nicole said they would have to come in and apply for the inspection every time. This ordinance works where you can't get a moving permit until the inspection is complete. The sewer authority is looking for a way to work with and control I&I. They are looking for a way to get in and inspect these properties. This was their suggestion but if you read it you are looking at a lot more than just infiltration. So is there interest in pursuing this ordinance. The sewer authority is definitely interested.

Councilors Perry/Rehrig made the motions to proceed with drafting the ordinance not with the full inspection but just for the I&I infiltration and that the solicitor looks it over to be sure that we do not violate property owner rights and all were in favor with no questions or objections.

ADDENDUM

Approval of request for Fire Police to do traffic control for Lehighon School & Community Educational/Safety Program at Baer Memorial Pool June 14th

Councilors Flickinger/Perry made the motions to approve the request provided the fire police are available and all were in favor.

Councilor Rehrig asked that if the fire police are not available can the police handle it and Chief Biechy said they will have too. Motion carried.

Motion to approve the additional list of bills totaling \$5,902.03

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

Approval to transfer \$75,000 from L&P Fund to General Fund

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

Discussion on converting L&P Freightliner into Public Works 10 Wheel Dump Truck

Nicole said Light & Power has received their new truck and our mechanic knew we were looking for a larger dump truck for Public Works and suggested the option to turn the Freightliner into a 10-wheel dump truck. He provided an estimate for the cost of the suspension, body kit and miscellaneous fittings totaling \$16,800. That money is not allocated in the 2016 budget. She did meet with Public Works to discuss it and was told the work could be done in phases and budget for it over time if council is interested. However, it is a Light & Power truck that we typically put out for bid to make some money back on them. Is council interested in this or bidding it out?

President Hunsicker said we did this before and sold the boom off of it. Councilor Rehrig asked what we get for the truck when we bid it out.

Councilor Rehrig made a motion to do a feasibility study on the cost/step to do the conversion but rescinded the motion. Councilor Flickinger asked what the time frame would be and Nicole said it would depend on how the funds are allocated. Councilor Rehrig rescinded his motion to make a new motion.

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

Officials Reports

Borough Manager

Council received her report along with a few items to touch on. She did meet with Brian Green from the D&L regarding moving forward with becoming a trail town. We are looking at creating a trail town steering committee.

The utility office software implementation was supposed to take place next Monday. It has been bumped back to May 10th as we are having some issues with the data conversion. All the equipment will be coming in this week.

We need to continue looking into the electric incentive program that was proposed.

The Lockwood hearing was today. It was a guilty. He was a no show. We are moving forward with the next steps. We finally got notification of the Newsom hearing from over a year ago for the old Bennett building. That is coming up in May so hopefully we will have the same results.

Borough Engineer

Bruce was absent from the meeting due to attending the PSATS Conference.

Police

Chief Biechy said he would like an executive session for a few personnel issues. His department did receive a grant that they applied for. It was a technologies grant. They received a little less than half of the full amount. The money was specifically allocated for some technology for the department. One of the things they will be purchasing is a license plate reader for one of the cars, some new radios, and an in-car camera system for car #4 which will complete the fleet as far as in-car cameras.

Tomorrow new software will be installed that his department will be able to demo for the rest of the year. There is a licensing fee. It is a paid software but waived all that until January. It will allow us to function in car almost like a true CAD system on a mobile data level. The biggest issue for us of the selling points is that we are already using TRACKS. This is the same company that produces that software. When the officers scans in information if gets populated into the electronic ticket writing. It is a simple one button push and then that information gets run through clean. Rather than running it thru the Comm Center or getting out of the system and back into the J-Net they will be actually able to run people for wants, warrants and things like that automatically with this software.

Other perks for the borough and department is that it is like a true mapping software so we can actually drop pins on it so officers in the cars can see what's going on and we can mark problem areas, drug houses. Part of the issue especially with the guys at night was we would take a report on a drug house and do a report on it but unless you wrote it down in a notepad or remembered it a week later you're on to something else and you forget about it you can now drop a pin and leave each other notes. It can be used for house checks and things like that. It's a reminder system that will enable us to do our jobs more efficiently.

Mayor

Mayor Mase said Arbor Day will be observed this Friday and read the Arbor Day Proclamation.

Mr. Mase will see that council gets a copy of the concerns from the neighbors near Skyline Park. They will be put in each councilor's mailbox.

Fire Chief

Nothing.

President of Council

Nothing.

Solicitor

Nothing.

Treasurer

Nothing.

Committee Reports

Finance and Administration – Darryl Arner, Chair; Lisa Perry, Co-Chair – nothing.

Streets, Buildings and Codes – Joe Flickinger, Chair; Darryl Arner, Co-Chair – Joe said under Streets he would like to than the Water Authority for the great job they did on April 4th down by the Rec Center dealing with the water main break and getting it cleaned up real quick. Also, the COG will be receiving the asphalt zipper in late May with a 4 hour training for the municipalities on how to use it.

Police, Fire and Safety – Scott Rehrig, Chair; Jared McEvoy, Co-Chair – Scott wanted to compliment the police and fire chiefs for providing a valuable service to the citizens of Lehighton.

Light & Power Committee – Helen Torok, Chair; Joe Flickinger, Co-Chair – Helen complimented the L&P committee for their involvement with the high tech CAT 5B installs. She knows what is involved in that having been involved in this business before. We are really at an absolute advantage to have that type of in house talent that can take care of this type of cabling without going outside. She wanted the department to know that she recognized they are doing some really hard work.

Joe said the supplies for the Bridge & Iron Street project as well as LED street lighting is rolling in. So the extra bay that they once had is no longer available.

Sewer Committee – Lisa Perry, Chair; Helen Torok, Co-Chair – nothing.

Public Works & Recreation – Jared McEvoy, Chair; Scott Rehrig, Co-Chair – Jared wants Public Works to keep up the good work.

Acceptance of Officials Reports

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

Motion to go into Executive Session for Personnel

Councilors Rehrig/Flickinger at 8:13 p.m.

Motion to go back into Regular Session

Councilors Rehrig/Perry at 8:19 p.m.

Action on Items from Executive Session

None.

Motion to Adjourn the Meeting

Councilors Rehrig/Flickinger at 9:19:30 p.m. Meeting adjourned.

Brenda L. Koons
Borough Secretary