

December 18, 2017

The regular meeting of Lehighton Borough Council was held in the municipal building on Monday, December 18, 2017. The meeting was called to order at 7 PM by Pres. Grant Hunsicker. Members in attendance were: Lisa Perry, Jarod McEvoy, Joe Flickinger, Helen Torok, Scott Rehrig, Darryl Arner and Jr. Councilor Addison Howland.

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

Pledge of Allegiance

HEARING OF PERSONS PRESENT

None.

APPROVAL OF MINUTES

Regular Meeting of November 20, Special Meetings of November 29 & December 5, 2017

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

NEW BUSINESS

Motion to adopt 2018 Budget

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

Motion to adopt Resolution R020-2017 setting the 2018 salaries for non-union employees and professional staff

Councilors Rehrig requested this item be discussed in Executive Session and all were in favor.

Motion to appoint Sherri L. Steigerwalt as Deputy Tax Collector as per Act 164-2014

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

Motion to advertise Act 172 Ordinance

The borough manager wanted to touch on a few things before acting on this item. She had emailed the solicitor on Friday and just received the draft today with revisions. We do need to decide the amount of the credit. The solicitor included \$200 for the Earned Income Tax and up to \$200 for the Real Estate Tax. Nicole said we can go 20% of the real Estate Tax and then the amount set by council for Earned Income Tax would be decided. We will have to have a resolution adopted at the time of adopting the ordinance.

Attorney Nanovic asked council what amount they wanted in the ordinance. He put in \$200 but it's up to council what gets plugged in there. Some of the other municipalities are going between \$150 and \$200. Nicole said she has seen \$250 and \$1,000. She said the borough only sees half of that. If you are making \$50,000 and you are paying \$500 the borough only sees \$250 of that.

The other thing Attorney Nanovic said in the draft was that he took what PSATS had circulated was what a lot had used with the Earned Income Tax being collected by the tax collector and processed by the tax collector. The COG one has it as you pay it in then you apply to the municipality and then it is up to the borough treasurer to process it. It makes no difference what way you go. Nicole said Berkheimer is set up to proceed with the collection of the Earned Income Tax. It would be turned into the borough to start.

Councilor Rehrig made the motion to set the amount at \$200 for the Earned Income Tax and Real Estate Tax.

Councilor Flickinger made the motion to table this until council has a chance to look it over before making any decisions or at least until the next meeting. Councilor Rehrig rescinded his motion and seconded Councilor Flickinger's motion and all were in favor with no questions or objections.

Motion to adopt Ordinance 641-2017 setting the tax levy rate for 2018

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

Motion to approve transfer of Lorenzo's Ristorante, Inc. liquor license

The Solicitor said under the state liquor code you are supposed to have a public hearing. The public hearing can be as simple as "does anyone have any objections to the proposed transfer?" and then take the motion.

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

Motion to adopt Ordinance 642-2017 amending Borough Code regarding penalties for utilities

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

Motion to reappoint Louise Christman to the Parks & Recreation Committee - 1 year term (with permission)

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

Motion to reappoint Chris Schnell to the Property Maintenance Board (with permission)

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

Motion to reappoint Mark & Diane Hoffman, Judy & Sara Wingert to the Shade Tree Commission -3 year term (with permission)

Councilor Rehrig wanted the appointments made individually.

Mark Hoffman - Councilors Flickinger/McEvoy made the motions to reappoint and all were not in favor. Roll call: Councilor Rehrig -no; Councilors Flickinger, Perry, Arner, McEvoy - yes; Councilor Torok abstained from voting. Motion carried.

Diane Hoffman - Councilors Rehrig/Flickinger made the motions to reappoint and all were not in favor. Roll call: Councilor Rehrig - no; Councilors Flickinger, Perry, Arner, McEvoy and Torok - yes. Motion carried.

Judy Wingert - Councilors Rehrig/Flickinger made the motions to reappoint and all were in favor with no questions or objections.

Sarah Wingert - Councilors Perry/Rehrig made the motions to reappoint and all were in favor with no questions or objections.

Motion to reappoint Richard Barclay to Lehighon Water Authority

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

Motion to approve the 5th Annual 5K Earth Day Hippie Run/Walk on April 21, 2018

Councilors Rehrig/McEvoy made the motions to approve provided insurance is in order and all were in favor with no questions or objections.

Motion to approve Payment Application #2 to Unity Electric, LLC in amount of \$139,356

Councilor Flickinger asked how many more change orders will there be. Nicole said this should be the last one. This one is for the payment but the Change Order itself should be the last one. Nicole said she spoke with them and they explained all the details of this last one. We have them accepting the responsibility of them and both Change Orders were no cost items. January 15th should be the end of it. We don't have to allow for it if they were to request after that.

Councilor Flickinger asked if there is a way to put in future contracts if it's beyond the weather control they need to take out a price or cost them because this is getting to be a little much. Nicole said we do have liquidated damages in this contract if we were to enforce it.

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

Motion to approve Change Order #2 for Iron/Bridge Street Circuit Upgrade Project extending final completion date to January 15, 2018

Councilor Torok asked if we are part of the consortium with 35 other communities; why are we paying for the upgrades. Nicole said this is for the infrastructure of the borough. The project was bid out by us and MetroTek got the project.

Councilor Torok said when we talk about all the advantages we have for being part of this group this is a disadvantage as we get no support from them outside of that. Nicole said in essence we do but this is outside of that. This is for the infrastructure of the borough and we are required to go through competitive bidding. There is no contract if you will for the construction. This is no different than a sewer or water system project. Helen sees we pay them a lot on the electrical side and there's just no break there. She is also looking at the fact that PPL is looking at getting grants to help them with theirs. This is why she is questioning why we aren't getting it. Nicole never received the paperwork to see what we would need on our side of things. Councilor Torok hopes next year will be a different story.

Councilors Flickinger/Rehrig made the motions to approve the Change Order extending the final completion to January 15th and all were in favor with no questions or objections.

Motion to approve invoices to be paid prior to December 31st with list to be provided to council

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

Motion to approve end of year transfers in the Treasurer's Report

Nicole said those transfers are \$40,000 for the Fire Equipment Fund; \$160,000 from the General Fund to the Fire Station Construction Fund; \$25,000 from Sewer to General Fund for Public Works wages; and \$173,113.81 for the Fire Station Loans.

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

Discussion on Division Alley Winter Maintenance

Nicole said Public Works had come to her to discuss the deplorable condition of the alley. There are safety concerns when going down with the plow. The whole alley is in really bad shape. She and Bruce were talking about this today. There are garages back there that the residents use. Bruce suggested maybe going up the hill with the plow. She is not really sure if that will work until she and Kris can discuss it more. At this point she is looking for council to grant permission that in the case of a bad storm that we cannot maintain it hat

you are ok with not doing so. We can reach out to the residents and do what we need to there but it's just the concerns for the safety of the drivers.

Bruce said the people who live in the last house on 1st Street go up the alley and park behind their house. He was working on the alley trying to find property points and found that the alley is partially on private property in certain areas. Up near 3rd Street some of the residents go down the alley and park in their back yards and in garages because on Carbon Street parking is very limited.

Councilors Flickinger/ Rehrig made the motions at the discretion of the borough manager and the Public Works Supervisor – Division Alley Winter Maintenance will be on a per incident basis unless there is an emergency and all were in favor with no questions or objections.

Motion to approve the St. Luke's DOT Regulated Random Testing Consortium Agreement

Nicole said this will replace the hospital doing the CDL testing for employees and will be done at the Bridge Street location.

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

Unfinished Business

Continued discussion on No Parking request on Bridge Street between 2nd & 3rd Street

Nicole said Councilor Perry had requested we look into this at the last meeting. She did talk to Public Works and what we can do to not impact as many people as possible. We are suggesting no parking on the north side of Bridge Street from 2nd Street to Union and then about 20 feet west from Union affecting only about 3 parking spaces. The properties affected would be 398 South 2nd, 306 & 330 Bridge Street. If council is ok with this then the solicitor can draft the ordinance.

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

Councilor Flickinger had one item to bring up. He wanted to know if Blakeslee Commons was closed out or not. Nicole said we just received what we needed from the Carbon County Conservation District. She talked to Mr. Bennett today and she will be receiving the asbuilts tomorrow morning. She and Bruce went over everything else and they will be working on their close out. They will need to do their final draw down request but we will be keeping some money in escrow for the corner and by the retention basin.

Bruce said in their Notice of Termination as part of the NPDES they have to go back and fill the hole in in the outlet structure for the bio retention system. Bruce estimated for the curb and sidewalk at the corner and the repair to the outlet structure in the bio retention basin would be \$3,500.

Councilor Flickinger said Bruce might want to talk to the fire chief about the hydrant in front of the facility might need the direction changed because the last time he went by it was facing a parking space by the Urgent Care door in the parking lot itself.

Addendum

Approval of LDI Christmas Light Judging and credit on the electric bill

Nicole received the list today. She is waiting for the utility office to provide the names of the winners. There were 10 residential and 4 business winners.

Councilor Perry/Flickinger made the motions to approve the winners and credit their electric bills and all were in favor with no questions or objections.

Additional List of Bills totaling \$68,776.30

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

OFFICIAL'S REPORTS

Borough Manager

She asked if anyone had questions on her report. Councilor Flickinger said there was a form for a meeting she had with Downtown Dynamics. He wanted to know if that was something more for LDI. She said met with Mr. Copeland, who is very good at what he does. She just wanted to present it to council what he had offered whether it's the borough or LDI. More for discussion down the road.

She wished everyone a Merry Christmas and told the outgoing members of council that it was a pleasure serving with them.

Borough Engineer

Nothing.

Police

Chief Biechy said Sgt. Prebosnyak finished a police executive school earlier in the month put on by Penn State. Detective Ahner finished a police detective school earlier. He took notice there was no monthly report. Karen was out for a month and just came back last week. Steph did a great job covering for her but she is only part time. There were a few things wrong with our UCR reporting and some part time payroll things that needed to be corrected and were the priority. Next month the report will be in along with the yearend report and we will be caught up with that.

Chief Biechy then went on to say that there had been discussion on cutting their part time budget which they did and removing their part time staff. He drafted a letter to that end and presented it to the borough manager and she felt it best to bring it to the council as a whole before it gets sent out. Nicole had this as an item for executive session.

Mayor

Mayor Mase wished everyone a Merry Christmas and a Happy New Year. He also wanted to thank council for helping him improve the borough's police department which he now considers the best manned and best equipped department in the area. He thanks all the people of Lehighton for allowing him to serve as their mayor for the last 4 years.

Fire Chief

Absent.

President of Council

He wished everyone a Merry Christmas and a Happy New Year and thanked the outgoing councilor for their years of service.

Solicitor

Nothing.

Treasurer

Nothing.

Committee Reports

Finance and Administration – Darryl Arner, Chair; Lisa Perry, Co-Chair – Darryl had a letter from the Lehighton Memorial Library Board of Directors to read regarding the single

parking space in front of the library. They requested a time limited parking space to allow their patrons a place to park. Councilor Rehrig said you can put a time limit on it but how does it get enforced?

Councilors Arner/Rehrig made the motions to put a 1-hour parking sign in front of the library and all were in favor with no questions or objections.

Streets, Buildings and Codes – Joe Flickinger, Chair; Darryl Arner, Co-Chair – Joe wanted to let Public Works know they did a great job even though the last 2 storms were just nuisance storms, they were out early; hitting it quick. They did a good job. He gave a huge thank you to the Parks & Rec board for the tree lighting. The caroling last night was very well received. He participated and had a great time. He thanked the outgoing council members and mayor for a job well done and for the years of service to the community. Merry Christmas and Happy New Year.

Police, Fire and Safety – Scott Rehrig, Chair; Jared McEvoy, Co-Chair – Scott wished all a Merry Christmas and a Happy New Year. He congratulated the fire company during his 20 years for being #1. The police department for being #1 and a special thanks to Mr. Thomas Mase who was the most outstanding mayor since he's been on council. Thank you.

Light & Power Committee – Helen Torok, Chair; Joe Flickinger, Co-Chair – Helen wished everyone a Happy Holidays. It has been for the most part been a challenge to be involved with the Borough of Leighton and a lot of people whom she knew for 20 years just learned who she was since she was on the board. She has been working with the kids here since 1994 and knows most of their grandparents. She hope to see more activities as she campaigned on for the youths in government. They do not have any classes in Civics. She would also like to see the borough council does not let the ideas and suggestions go into a deep hole; which many of them do and have a system to review those things from time to time not letting them lie dormant until disaster happens. She wished them all success and continued development and to keep a big mind in a small town.

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

Public Works & Recreation – Jared McEvoy, Chair; Scott Rehrig, Co-Chair – Jared wished everyone a Merry Christmas and a Happy New Year. It was a pleasure working with the outgoing council members and Mayor Mase. He is looking forward to working with the new team that is coming on board. Let's prepare for a good 2018 as a step forward.

Scott had a challenge for council that you support education and recreation at all times in this community. It is a vital part of this community.

Acceptance of Officials Reports

Councilors Perry/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/Arner 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 Perry/McEvoy at 7:45p.m.

Motion to go back into Regular Session

Councilors McEvoy/Rehrig at 8:40 p.m.

Action on Items from Executive Session

Councilors Rehrig/Flickinger made the motions to eliminate part time police officers and all were in favor with no questions or objections.

Councilors Perry/Rehrig made the motions to carry over Tom Evans 80 hours unused vacation time and all were in favor with no questions or objections.

Councilors Flickinger/Rehrig made the motions to table the Police Chief Agreement until after the FOP is finalized and all were in favor with no questions or objections.

Councilors Rehrig/Flickinger made the motions to give the non-union employees a 2% raise for 2018 and all were not in favor. Roll call: yes – Councilors Rehrig, Torok, Arner, Flickinger, McEvoy; no – Councilors Perry and Hunsicker. Motion carried.

Councilor McEvoy asked if we could request to bring back our stance on evaluation reports – merit increases.

Councilors Flickinger/Perry made the motions to raise the Annex Custodian's wages from \$9 to \$10 for 2018 and all were in favor with no questions or objections.

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

Motion to Adjourn the Meeting

Councilors McEvoy/Rehrig at 8:45 p.m.

Brenda L. Kreitz
Borough Secretary