

April 23, 2018

The regular meeting of Lehighon Borough Council was held in the municipal building on Monday, April 23, 2018. The meeting was called to order at 7 PM by Pres. Grant Hunsicker. Members in attendance were: Lisa Perry, Jared McEvoy, Joe Flickinger, Darryl Arner, Autumn Abelovsky and Ryan Saunders.

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

Pledge of Allegiance

1<sup>st</sup> Public Hearing – CDBG

See attachment.

Guest Speaker – Bambi Elsasser – Lehighon Downtown Initiative

She wanted to ask council about Nonweiler Amusements providing 4 rides for Rocktoberfest. They will be placed on 2<sup>nd</sup> Street in front of Borough Hall.

They would also like to hang 3 banners to advertise the Farmer's Market. They would go across South 9<sup>th</sup> Street, North 1<sup>st</sup> Street and on Bankway. The farmer's did request this.

Nicole asked if this will need PennDOT approval. Ms. Elsasser said the borough needs to draft a resolution for the banners.

Councilor Flickinger requested something in writing for Rocktoberfest stating what resources you are looking for or need. Ms. Elsasser said she doesn't think they need any resources. Councilor Saunders said for the rides you're requesting and shutting the streets down. Ms. Elsasser said she will do that.

Councilor McEvoy said they want to close North & South Streets like last year. The Borough Manager asked if the borough crews will hang the banners and was told yes. The solicitor asked how long the banners will be up and was told May through October.

Council requested the Borough Manager to do the resolution and bring it back to the May meeting.

Julie Rambo from Bonnie & Clyde's Pub was next to address council. She is requesting council approve a festival they wish to have the end of July.

Councilor McEvoy asked if this will involve closing a portion of 1<sup>st</sup> Street and Ms. Rambo said yes; the block in front of their pub. She will go through PennDOT but needs approval from the borough first.

Councilors McEvoy/Saunders made the motions to close the 1 block of 1<sup>st</sup> Street for the festival on July 21<sup>st</sup>.

The solicitor asked who would receive the proceeds from the event and was told LDI. Councilor McEvoy said LDI will use the proceeds to buy paint to redo a building on 1<sup>st</sup> Street.

Nicole said they can act on application for alcoholic beverages in the park or they can wait. Councilor Saunders said if it's ok with the police chief they can formally meet.

Councilors McEvoy/Saunders made the motion to approve the application if it meets with council and police chief's approval and all were in favor with no questions or objections.

Melissa Hawk, Director of the Library was present to ask for help on their building project. They are looking at a Keystone Recreation, Park and Conservation Fund Grant that is specifically for library building projects. They are requesting a \$200,000 grant to add ADA bathrooms, children's wing and a meeting room for some of their programming things. This is a matching grant and the library has the funds and the library wishes to partner with the borough to obtain the grant. They are asking for administrative help. She has spoken with Nicole about what is included in that. This will require a resolution on the borough's part stating the borough approves the project. Nicole said she does not think it will require too much work on the borough's behalf.

Councilors Flickinger/Arner made the motions to adopt Resolution R010-2018 and all were in favor with no question or objections.

#### HEARING OF PERSONS PRESENT

Jerry McAward from the Leighton Outdoor Center wanted to formally request fire police presence at his grand opening April 28<sup>th</sup> from 10 a.m. – noon.

Chief Biechy said he will have extra guys on duty to help due to shortage of fire police for that day.

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

Mr. McAward then handed out invitations to all council members.

Mr. Ed Conarty of 225 Coal Street was next to address council about the Annex leases being wrong. He said Senate Bill 930 "Fair Protection Act" requires proper accounting for it and wants to know when the borough will start giving true accounting of this building.

Councilor Abelovsky said from their meeting with Mr. Conarty months ago the room numbers were changed, Mr. Evans renumbered and re-measured all rooms and all leases due in 2019 should be accurate.

Mr. Conarty said the rooms need to be measured by someone familiar with measuring commercial properties. Councilor Abelovsky reminded Mr. Conarty that he agreed to stop bringing this up if he agreed with Mr. Evans measurements. Councilor Saunders agreed that this was said at the meeting and that Mr. Conarty agreed with the measurements and is unclear why Mr. Conarty has changed his mind. Mr. Conarty said because he is not allowed to go in and take true measurements he must take the borough's word for it.

5 minute limit reached.

#### APPROVAL OF MINUTES

##### Regular Meeting of March 26, 2018

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

#### NEW BUSINESS

##### Consideration on changing the dates of the Council Meetings in 2019

Councilor Abelovsky said she asked for this before she was on council because the school district meets the same night at the same time. She also asked the school district if they would consider changing their meeting night but they won't. This summer all schools in the district will be in the borough and a liaison from borough council should attend the school district meetings. She is suggesting change to the 3<sup>rd</sup> Monday of the month for 2019.

Councilor Perry was ok with the change but what about Solicitor Nanovic and the Borough Engineer who may have a conflict as they have other meetings during the month. Nicole said having the meeting closer to the end of the month gives use more time to pay the bills. Council was in favor.

The Borough Manager and Borough Secretary will work on finding a proposed date and return to next meeting.

#### Discussion on changing the Borough website

Nicole said our website is 9 years old and very outdated and not mobile friendly. She has started looking at other companies. Revive is one she looked at and the cost would be \$10,000 for a 6-12 month project.

Councilor McEvoy requested Nicole get 2 other bids. She said she is going to talk to several other companies. She wants something that can be done in house for updates.

Council was all in favor of her doing more research.

#### Discussion on sidewalk ordinance and suggested revisions

Councilor Abelovsky wanted to revisit this item. She is in favor of having sidewalks installed where there are none at the time of sale. Two large corner properties have recently been sold and they do not have sidewalks. Students must walk on the properties or in the street on their way to school. She said several municipalities have it where the seller puts them in prior to the sale or the buyer is responsible upon purchase and rolls the cost into the mortgage after inspection.

President Hunsicker asked how this can be done without putting the burden on the residents if they can't afford it. Councilor Saunders said this could be a deterrent. If people want to move right away they make decide to look elsewhere.

Councilor Abelovsky then brought up the Snow Removal Ordinance as an alternate solution to installing sidewalks asking to include a 36" pathway be made where sidewalks don't exist. She feels inspections of sidewalks will improve the overall maintenance of sidewalks in town. As most are in horrible condition.

The Borough Manager said we have ordinances in place but don't enforce them. Nicole said she does have a file of all the different version to this ordinance in her office if anyone wants to look at it.

#### Consideration on the approval of the proposal from CJ Construction LLC for the completion of the police station rest/shower room in the amount of \$2,950

Councilor Saunders said he and Councilor McEvoy met with Chief Biechy to discuss what should/could be done to complete the rest/shower room. They met with several different contractors.

The reason for this to be completed is that officers will soon be out on the bikes and needing to shower after their ride so they can finish their shift in uniform. Currently there is one shower stall downstairs that is inconvenient due to locker/changing room is

upstairs. Councilors Saunders and McEvoy got several estimates and CJ Construction was the lowest and the job can be done in about 2 days.

Councilor Flickinger asked if this will be just for the current officers trained on bike or will new officers will be trained on the bikes also. The chief said both. The mayor wants the bikes patrols to be part of the regular shift. It is not a line item in the budget. Chief Biechy said this kind of thing always gets put on the borough crew and they have enough to do as it is.

Nicole said the money would come out of somewhere else in the budget.

Councilors Flickinger/Perry made the motion to approve if the cost meets with the current budget and all were in favor. Motion carried.

#### Discussion on the Lehighon Sewer Authority recommendation regarding new sewer line installations

The Borough Manager said the Sewer Authority suggested this to ensure the pipes are properly installed from the home to curb as per borough code. The ordinance will need to be revised if approved by council.

Councilor Abelovsky said LSA specifically requested the inspections be done by the code enforcement officer. She also wants letters sent to contractors in the area sent out to give them a heads up to the change.

Nicole said the borough secretary is finishing revising the ordinance and can add this item to it before adoption.

Councilors Perry/Saunders made the motions to have the Code Enforcement Officer do inspections of the installation of pipe from the home to curb and all were in favor with no questions or objections.

#### Approval of \$30 gift cards for Administrative Professionals Day

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

#### Consideration on Peaceful Knights request to hold annual Crusade for the Homeless 5K on the Trailhead Saturday, July 21, 2018 9 a.m. to noon

Nicole said she spoke to Danielle about relocating the race due to the traffic that will be in the area of the Trailhead once the Outdoor Center opens. Nicole gave Danielle suggestions and alternate routes to use.

Councilors McEvoy/Flickinger made the motions to approve the event pending the borough manager's approval of the new route and all were in favor with no questions or objections.

#### Approval of 2018 Baer Memorial seasonal employee list for hire plus 1 additional hire

Councilors Flickinger/McEvoy made the motions to approve pending receipt of certificates and pre-employment requirements being met and all were in favor with no questions or objections.

#### Motion to approve Aggregate/Road Material bids as presented

The borough secretary explained how the costs were computed.

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

#### Approval of the 2018 Street Paving Program

Nicole said the additional handout has a few additional items on it. They are: Bridge Street from 7<sup>th</sup> Street to new L&P Building, repairs as needed; South 7<sup>th</sup> Street from Iron Street to Grove Pavilion within the cart way; 3<sup>rd</sup> Street from Coal to North Street within the cart way; estimated at \$19,000. Also, South 2<sup>nd</sup> Street curblin prioritized by funding so it would be in front of Borough Hall and Iron or Alum Streets. North & South Main Lane has been discussed if funding is available. There is \$100,000 earmarked in the budget. We will need to take funds out of this for Stedman Avenue and Bridge Street culverts if done this year. She does not see us doing the culverts this year. We can probably do about \$40,000 of paving this year. If the streets listed meets with approval then approve it as funds are available.

President Hunsicker asked about the bypass. Nicole said she and Bruce are still working on this. When originally discussed it would cost between \$200,000 -\$300,000 which has not been budgeted for. She is not sure what council is comfortable with but these are on the table now.

Councilor Flickinger asked if Ebert's Park is still on. Nicole said that will be part of the Sewer Rehab project. She is waiting on Bruce for that.

Councilors Saunders/Abelovsky made the motions to approve as money is available and all were in favor with no questions or objections.

#### Unfinished Business

#### Continued discussion on selling/bidding triangle piece of property on Sgt. Stanley Hoffman Boulevard

President Hunsicker said he is not for it. Councilor McEvoy asked if it was appraised yet and was told no. Nicole said the lease with Mr. Boyko was not renewed due to the business not being what we want there.

Councilor Flickinger said he is more concerned now than about selling than he was before due to the utilities located there.

Councilor Perry said Mr. Boyko now has the property listed for sale.

Councilor McEvoy said he would rather lease the property out to a food truck or something.

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

#### Consideration for lease for Leighton Outdoor Center use of former sewer plant property

Councilors Flickinger/Saunders made the motions to have Nicole, Mr. McAward, fire chief and the solicitor draw up a temporary lease and bring it back to the May meeting and all were in favor.

#### Continued discussion on Baer Memorial Project and consideration to proceed with project (bid specification, advertisements)

The borough secretary said that Councilors Saunders and Abelovsky planned a meeting with the different booster clubs and Bryan Smith of BIA to see if a layout of the fields could be reached. The new drawing was emailed to each council member for their thoughts or questions and only Autumn, Ryan and Darryl responded. If all approve we can move forward with the project.

Councilors Saunders/Abelovsky made the motions to proceed with the new drawing and project and all were not in favor. Roll call vote taken.

Councilors Abelovsky, Perry, McEvoy, Arner, Saunders and Hunsicker – yes; Councilor Flickinger – no. Motion carried.

Continued discussion and action on the proposal for the position of Health Officer

Nicole said Felicia is now done so we need to make a decision. She provided 2 proposals. One from BIA for \$65/hr. and one from Elizabeth Lorenz who also included her fee schedule. Nicole said she contacted Lyle Augustine at Councilor Perry's request but received no response to date. Nicole cannot tell if going with BIA would be cheaper as the rate structure is so different. Either way we will need to increase our permit fee as both proposals are higher. Ms. Lorenz was present if anyone has any questions.

Solicitor Nanovic asked her how long a routine inspection takes and was told 45 minutes to 3 hours depending on the risk of the facility. Certain restaurants carry more risk as compared to a Dollar General. A full service restaurant would take longer.

Councilor Flickinger asked if this would be a yearly contract or on a per inspection basis. Councilor Saunders would prefer a per inspection fee so we know what the bill is going to be.

Councilors Saunders/McEvoy made the motions to hire Elizabeth Lorenz and accepted her fee schedule for the rest of 2018 and all were in favor. Councilor Perry asked if the borough needed to provide a laptop and was told we have one. Motion carried.

Consideration on the revisions to the fee schedule for the health inspections fees

Nicole said currently inspections are \$25 and permits are \$50. We will need to reevaluate this for the May meeting.

Continued discussion on the repair and update of the Grove Comfort Stations

Nicole said Tom got another quote for the repairs from Larry McCullion & Son in the amount of \$12,050 and the proposal from Joe Hutta is \$8,980. She met with Tom, Kris and Brian to discuss the vandalism to the restrooms. We are recommending repairing them for community events. The vandalism takes place inside the restrooms. It was suggested to leave them open during the day and lock them at night and provide port-a-johns for when the restrooms are locked. Councilor McEvoy asked if there were cameras there and Nicole said we have been budgeting about \$8,000 for them but the vandalism is done inside not outside.

Nicole said the proposal from Joe Hutta will consume a good portion of the budget for the Grove and this repair will leave about \$1,000 for regular maintenance.

Councilors Saunders/Perry made the motions to go with Joe Hutta's proposal of \$8,980 for repairs to the Grove comfort station and all were in favor with no questions or objections.

Officials Reports

Borough Manager

Nicole said Pool Pals extended an invitation to council for their 10 year anniversary ceremony May 26<sup>th</sup> at noon.

The Upper Park project is still waiting on the contract documents from DCED. The MS4 Public Hearing will be held at the May 21<sup>st</sup> meeting. The traffic engineering study will collect data over the summer months. We did receive and estimate from BIA for the pedestrian lane that was discussed for Lehigh Drive and that would cost about \$63,000 which is way out of budget/scope as far as what we originally thought. We are trying to

come with other alternatives for a pedestrian lane down there. The premiere of the Our Town Lehighon will be May 10<sup>th</sup>.

Borough Engineer

Absent due to attending the PSAT'S conference.

Police

Chief Biechy said the server will be installed tomorrow from WatchGuard. They had some internal problems so the software will be here in a day or two. The department is up to date on their training for the year.

He will have a more detailed report on the camera system next month but AT&T thinks they can help with the data transfers which has been the problem throughout. He will talk to VistaCom at the conference tomorrow. They seem to think they can use LASD building to place a data transmitter there and have a more secure network that using AT&T's lines. He will have to talk to the school district about this.

Mayor

Consideration on starting a Junior Mayor Program

The Mayor, Nicole and Councilor Abelovsky spoke to 4<sup>th</sup> graders a few months ago about what their job is in the community's local government. The mayor would like to bring kids to the station to let them see what he, the chief and patrolmen do and the borough manager too but needs approval to move forward.

Councilor Saunders thought it was a great idea. Councilor Flickinger asked what age group was being looked at. The mayor said 4<sup>th</sup> grade to start but it could be expanded to include to include older kids. Nicole said it will require a consent form.

Councilors Flickinger/Abelovsky made the motions to approve for students within the school district and all were in favor with no questions or objections.

Fire Chief

He said the department received notice that they were not awarded the FEMA grant for the ladder truck. This is the 3<sup>rd</sup> year in a row that they applied for it.

President of Council

Nothing.

Solicitor

Solicitor Nanovic said at the last meeting the booster club requested that the borough grant Blue Ride Cable the right to connect internet to the concession stand at Baer Memorial. The question was, where will it be located? Blue Ridge did drop off the Right-of-Way Agreement to the borough. The agreement says it will be attached to existing poles. Bruce's concern was that it will go over the Mahoning Creek. The poles are already there with lines running across the creek so it is not really a problem. So it is just a matter of council approving the connection to the existing poles.

Councilor Perry/Saunders made the motions to approve the Blue Ridge Cable Right-of-Way to the Booster Club concession stand at Baer Memorial and all were in favor with no questions or objections.

Treasurer

The Treasurer had requested a \$100,000 transfer if needed.

Councilors Perry/Abelovsky made the motions to approve the transfer as needed and all were in favor with no questions or objections.

#### Committee Reports

Finance and Administration – Darryl Arner, Chair; Lisa Perry, Co-Chair – Darryl said the committee was to meet last week but couldn't so we will meet May 2 instead so everyone including Cathy Smith can be present.

Economic Development, Buildings and Codes – Joe Flickinger, Chair; Autumn Abelovsky, Co-Chair – Joe is excited to the opening of the Leighton Outdoor center and the distillery that is coming soon. He thinks we need to do more to advertise for the local businesses. Maybe on LDI's Facebook page and maybe start they could start own website for this and not count on the chamber and County to do things for us.

Police, Fire and Safety – Ryan Saunders, Chair; Jared McEvoy, Co-Chair – Ryan said he and Jared met with the police chief to discuss the consideration of ride-a-longs for college students studying in the this field. Ryan said they were told it was done in the past off/on. There is no policy or guidelines to date but they do receive lots of requests for it.

Both Grant and Joe had concerns about what would happen if a call came in. The chief said the person would be dropped off and not go on the call. Grant asked if this would be covered by our insurance and was told Nicole is going to look into it.

Councilor Saunders wants it looked at.

Light & Power Committee – Lisa Perry, Chair; Joe Flickinger, Co-Chair – Nothing.

Sewer Committee – Autumn Abelovsky, Chair; Darryl Arner, Co-Chair – Nothing.

Street, Public Works & Recreation – Jared McEvoy, Chair; Ryan Saunders, Co-Chair – Jared said last Sunday was Earth Day. LDI and the community cleaned up the parks and 1<sup>st</sup> Street. He feels that we need to manage our parks better due to the items found by some of the kids volunteering that day.

He would also like to look at doing something up at Skyline Park. There were 10 kids there that day with on 2 swing sets available.

Councilor Flickinger thanked the Public Works Department for cleaning out the police department bay. He is disappointed that there was still hay in it from Halloween. He would like to know why the police department couldn't have cleaned it out themselves like other departments do. Chief Biechy said there were no brooms there when we moved up there but we can buy some if that's the choice but we don't usually spend money on that stuff. Usually Public Works is more on the ball in getting up there for us but no this time.

#### Acceptance of Officials Reports

Councilors Arner/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 Perry/Arner made the motions to accept the accounts payable plus \$8,541.33 of additional bills and all were in favor with no questions or objections.

#### Motion to go into Executive Session for Personnel and Real Estate

Councilors McEvoy/Arner made the motions to go into executive session at 8:43 and all were in favor with no questions or objections.

#### Motion to go back into Regular Session



Councilors Perry/Saunders made the motion to go back in at 9:30 and all were in favor with no questions or objections.

Action on Items from Executive Session

Councilors Perry/Saunders made the motions to approve Excel training through Lehigh Carbon Community College at \$125 per person and all were in favor with no questions or objections.

Councilors Abelovsky/Flickinger made the motions to approve Heart & Lung Application for Matthew Bender and all were in favor with no questions or objections.

The Borough Manager, Council and the Solicitor had discussed Standard Farms and their request for a zoning compliance letter for a medical marijuana dispensary in the downtown. The Solicitor stated they would be required to complete a zoning application and it would be denied being our ordinance does not address this type of business. The Solicitor said there would be a need for a variance. The Borough Manager will follow up with the Zoning Officer and Standard Farms on the next steps.

Motion to Adjourn the Meeting

Councilors Flickinger/Saunders made the motions to adjourn the meeting at 9:37 PM and all were in favor. Meeting adjourned.

Brenda L. Kreitz  
Borough Secretary