

July 23, 2018

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

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 Borough Engineer Bruce Steigerwalt. Absent: Lisa Perry.

Pledge of Allegiance

HEARING OF PERSONS PRESENT

None.

APPROVAL OF MINUTES

Regular Meeting of June 25, 2018

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

NEW BUSINESS

Update on Baer Memorial Improvement Project and authorization to proceed to advertise bidding the project

Bryan Smith of BIA went over the project outline for installing 2 basketball courts and ADA access to the park. He said the plans are ready to be submitted to DCNR for their approval if council agrees tonight. Then we would advertise for bidding the project. This is a twostep process. The second part of this would be the relocation of the ball field. A new little league field with an overlay for a football/soccer field will be located toward the south side of the park.

Councilor Abelovsky asked when this project would be complete. Bryan said late fall of 2018 or early spring of 2019 depending on how much work is done by Public Works and volunteers. She wanted to be able to give the sport groups a heads up on possibly not being able to use the field on time.

Councilors Abelovsky/Saunders made the motions to approve bidding the project and all were not in favor. Roll call: Yes – Councilors Abelovsky, Saunders, McEvoy, Arner, Hunsicker; No – Councilor Flickinger. Motion carried.

Update on Upper Park Improvement Project and authorization to proceed with the proposal for design, engineering, construction documents and construction administration

Bryans Smith of BIA said the borough received two grant to fund the improvement of the Upper Park. The Multimodal Transportation Fund Grant would be to replace the perimeter lighting.

Greenways, Trails & Recreation program will fund amphitheater repairs, concrete area for seating, stormwater repairs and an ADA accessible parking space.

Nicole said the project does not include curbing, benching, interior lighting and landscaping. Nicole said she is planning on phasing this project and going after more funds for Phase 2. She was looking at submitting for a Local Shares grant and Greenways Trails round to be able to get the rest of the work completed.

Bryan said he and Nicole also discussed putting in as an alternate for the replacement of the sidewalks in front of borough hall and a small section on the north side of borough hall in the MRF grant.

Councilors Flickinger/Arner made the motions to approve authorization to proceed with the proposal for design, engineering, construction documents and construction administration and all were in favor with no questions or objections.

Consideration on the approval of Resolution R14-2018 authorizing submission of the DCED MTF Grant application in the amount of \$1,120,957 for South 1st Street Pedestrian Improvements

Bryan said that this year's round for the Multimodal grant does not require a match. Typically a 30% match is required but for some reason that is not required this year. The grant is for curb and sidewalk replacement, ornamental lighting and street trees on South 1st Street and in front of the lower park.

Nicole said we are going for the max since there is no match. The borough would be responsible for engineering, permitting and that type of thing.

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

Motion to approve the funding commitment letter for the DCED MTF Grant application in the amount of \$15,368 for the South 1st Pedestrian Improvements

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

Consideration on the approval of Resolution R15-2018 authorizing submission of cost sharing request for the sewer utility relocation or adjustment on SRO443

Nicole said she and Bruce have been going back and forth with PennDOT for the sewer scope of work on 443 for PennDOT's project. The electric was submitted some time ago. We are now going for the sewer in what is called Pilot 3 which is incorporation of design and construction. We would be responsible for 25% of costs. This is the resolution authorizing us to proceed.

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

Discussion on Snow Emergency Ordinance

The Mayor said under Section 213-77 subsection B – travel restrictions he would like the phrase “no parking on a snow emergency route” included in this section of the ordinance to match the signs. There are 132 signs and 18 of them are faded to the point of needing to be replaced. If we are going to enforce the ordinance we need to change the ordinance to match the signs and then replace the signs that are not readable.

Councilor Flickinger said the ordinance also states snow tires and/or chains required. Is that phrase obsolete since most people have all weather tires these days. Should the ordinance be changed to reflect the times? Maybe the entire ordinance should be looked at and updated in whole instead of parts at a time.

Councilor Flickinger/Saunders made the motions to reevaluate the snow emergency ordinance and replacing the snow emergency signage and all were in favor with no questions or objections.

Approval of the acceptance of donated vehicle from All Points Towing for police use

Chief Biechy said All Points has offered to donate an unmarked car for the department to use for some specific police applications at no cost to the borough. We would just have to title it and put a plate on it. They are willing swap the car out every year.

Councilors McEvoy/Arner made the motions to approve the donated vehicle from All Points towing and all were in favor with no questions or objections.

Motion to reappoint Keith Schnell to the Police Civil Service Commission

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

Approval of the purchase of a 2019 Ford Interceptor SUV in the amount of \$39,943 (replacement of Car #6 – total loss)

Chief Biechy said they were in a chase due to someone running the DUI checkpoint. He was wanted on a state parole violation and a few other things. He knocked down two officers from another county who were assisting with the checkpoint. They were not hurt badly but that was the cause of the pursuit. The guy got away but PSP did pick him up in another township. Our officer who was driving the car was not able to navigate a turn damaging the cruiser and the adjuster totaled it.

If Chief Biechy's numbers are correct the insurance company was going to buy out the cruiser at \$14,331 less \$1,000 for our deductible.

Nicole said the insurance check will be used for the down payment on the new vehicle and whatever council decides on for the financing.

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

Councilors Abelovsky/Saunders made the motions to go with a 2 year financing plan and all were in favor with no questions or objections.

Discussion on correspondence from Tom Evans, Pool Director

Grant read Tom's letter asking council to reconsider holding free and \$1 swim night. Tom commented on the recent incident at the pool when he had a full staff of senior life guards. There is a free night scheduled for August 22 when he will have a full staff of new lifeguards. He is strongly asking council to reconsider this event and charge \$4 for children and \$6 for adults that night which is regular rate for a day pass.

Nicole said we did purchase some additional equipment and additional safety measures have been put in place this the incident on Monday so we can now hold in service sessions at the pool for the lifeguards. She and Tom also met with Mr. McAward to discuss doing some live scenario training with our lifeguards.

Mr. McAward said he can objectively say they are doing everything correctly. Jerry has done programs for his company that goes way beyond what he is required to do. He feels his organization should work with the local pool for training like this and he is happy to do it. This training will be active training in the water, what to do, who to call, when to call etc.

Councilor Flickinger said he agrees that Tom should be consulted on any decisions that are made concerning the pool. But by the same token, there are a lot of decisions made here that affect his department and the others and he thinks the best way for him and the other departments to be involved is to have all the department heads sitting here

with us so we can turn to them and say, what is your input on this? We have two department heads here but the other three don't need to attend and that makes no sense. We always have to go back to the item the next month. Joe doesn't think it's fair to put that on Nicole to get the information and bring it back.

Councilor Saunders said none of the nights scheduled are free swim nights, they are \$4, \$6 and \$1. Ryan feels moving forward into next year that if Tom and council decide to hold these events it would be at the regular price of \$4 and \$6 pricing.

Discussion/Action on the CDBG Stedman Avenue Reconstruction Project

Nicole said the project was bid by the county. The bids were opened on Thursday. The bid came in at \$154,000 which is double the CDBG money we have available for the project. The original estimate was about \$110,000 and we were planning on allocating liquid fuels funds towards the project.

Nicole said the project would be administered through the county. She came up with 4 options – award project with 2014 & 2015 funds and reallocate our CDBG projects and include General Funds if necessary – we could rebid; which is not preferred by the county and we are not sure we will get better rates – put in a change order to cut out 25% of the work, however the 2015 funds would still need to be used – table the project to give Bruce and herself time to come up with more options.

Nicole said the county had the specifications since April but they did not bid it until late June with the bids being the end of July. This is the worst time of the year to be bidding any kind of construction project.

Bruce said this a relatively a small project quantity wise. Comparing 2011 state wage rates to these federal rates they haven't changed that much but the curbing and sidewalks are 3 and 2 1/2 times what they were.

Nicole said the funds expire August 5th but the county did request an extension until December through the federal government. So we use it or lose it. If you chose the 25% cut in the project then we need to have a special meeting after Bruce and herself go over the project. If we use the 2 years of funds it will push our ADA ramps and catch basin improvement projects back a year. Also, if we do the 25% reduction then the funds will come out of our pocket. So the question is do we want to spend our own funds or just CDBG right now? Bruce said there were only 2 bids so that tells him most contractors are fully booked until the end of the year.

Councilor McEvoy/Flickinger made the motions to use the 2014 and 2015 funds to do the Stedman Avenue project and all were in favor with no questions or objections.

Unfinished Business

Continued discussion on sidewalk ordinance

Councilor Abelovsky apologized for not having the additional information she promised for this meeting ready. She did however speak with Tim and he was very familiar with the sample ordinances she provided last month to council. He will review those and give a recommendation on the as well as write up his own review on his portion of what would be part of this process and what he feels will be beneficial to the borough for having this type of exterior home inspection upon the sale of a property. She will have all that ready for next month.

Consideration on Cedar Street “No Parking”

President Hunsicker said he checked it out and there are no parking” signs anywhere between 3rd & 4th Streets.

The Mayor said from the alley to 4th Street there is no parking but not from 3rd Street to the alley. There is a sign on the building but that sign is not legal. He would like to put “no parking” on both sides of Cedar Street from 3rd to 4th Streets. If there is a fire the firefighters can park where they have been parking. He has had people tell him they have seen people park the opposite way on Cedar Street and go into the social club.

Councilor Flickinger said if you put “no parking” there is nothing differentiating whether it is for an emergency responder or not. You have John Q. Public go by and it says “no parking” and see it’s lined up with cars whether it’s for firefighters or not it will make them say well you gave me a ticket why not them. Joe said Autumn said months ago that a lot of things are done illegally in this borough because we don’t follow our own ordinances. We have an ordinance against having pets in the park yet we have events with pets in the park.

Councilor Flickinger said there are more problems at the bank where it is signed that where there are no signs. The people that go to the bank just flat out ignore the signs.
Update on proposed medical marijuana zoning ordinance amendment

Solicitor Nanovic said he was instructed to proceed with this ordinance at the last meeting. It went to the planning commission. Under the municipal planning code we have to give 30 days’ notice. The public hearing will be at our August meeting. County and borough planning commission meeting minutes are in the packets for council’s review.
Continued discussion on purchase of 2019 Versalift SVT47 Bucket truck in the amount of \$186,640

Councilor Flickinger said Lisa did meet with Lonny and she sent out an email to all of council. The truck is budgeted for.

Councilors Flickinger/Saunders made the motions to purchase the bucket truck and all were in favor with no questions or objections.

Officials Reports

Borough Manager

Nicole said she received the design specifications for the demolition of the old sewer plant. It came in around \$18,000 so she will bring it back in August after she has time to go over it and question a few items. She did revise her report as per Councilor Saunders’s request. She hopes it is acceptable.

Borough Engineer

Nothing.

Police

Chief Biechy said he needs council’s direction on a grant he applied for. It is outside of the budget and he can cancel it. The grant is for the implementation of body cameras. He could match the requirements by data storage. We spent almost \$20,000 for a server and if awarded could get half of the money back through the grant. The cost for the server and body cams for 11 guys is around \$30,000 so we could look to get around \$15,000. He hasn’t seen any grants for 100% paid body cameras yet so 50% is better than nothing. If council is not interested he can have the application pulled.

Nicole asked when the grant will be awarded and Brian didn't know. Nicole told Brian to apply for it because it might not be awarded until later this year and be able to be part of the 2019 budget.

Council requested Chief Biechy to continue to look into the grant and get back to them.

Brian then asked if the ordinance could be suspended to allow animals in the park for the National Night Out event.

Councilors Flickinger/Saunders made the motions to allow pets in the park on August 7, 2018 for the National Night Out event and all were in favor with no questions or objections.

Councilor Flickinger asked Nicole to put the abolishment of the ordinance on next month's agenda.

Mayor

The Mayor said Jim Thorpe bank asked for a handicapped parking spot in front of their building on 4th Street. Councilor Flickinger asked if there isn't space along the fence in their parking lot to put a handicap space and was told yes, that is where there is to be one already Bruce said. Putting one on the street does not meet the ADA requirements.

President Hunsicker asked Bruce to look at it.

Fire Chief

Chief Mriss said they held their Strategic Planning meeting on Saturday. The biggest topic was the discussion of the 1989 ladder truck. They discussed reapplying for the AFG grant but using a grant writer to do it this time. They had a quote of \$3,499. The other option discussed was asking for less money and doing more of a match. He did not have the numbers right now.

Councilor Saunders said he a Councilor McEvoy discussed this at length along with the fire chief to go with the grant writer to give us the best direction to obtain the grant.

Councilors Saunders/McEvoy made the motions to apply for the grant writer for \$3,499 and apply for the grant and all were in favor with no questions or objections.

Councilor Abelovsky asked to go back to the mayor's report to acknowledge the presence of Jr. Mayor Mia Matika. The mayor presented her with a certificate.

President of Council

Nothing.

Solicitor

He had one item for executive session.

Treasurer

Nothing.

Committee Reports

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

Economic Development, Buildings and Codes – Joe Flickinger, Chair; Autumn Abelovsky, Co-Chair – Joe wanted to welcome some of the new businesses that are coming into the borough. It's nice to see them coming in instead of going out. We have a new barber at the old Tippy's gas stations, a candy store on 1st Street and something is going into the old Kim DePue building on south 9th Street.

Police, Fire and Safety – Ryan Saunders, Chair; Jared McEvoy, Co-Chair – Ryan thanked Patrick for the invite to the meeting. It was very informative. He and Jared are going to look into a training facility in the borough. Some of the training is limited due to not having a facility in the borough.

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

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

Street, Public Works & Recreation – Jared McEvoy, Chair; Ryan Saunders – Jared wanted to thank all those who were involved with saving that little boy the other day. He hopes the boy make a speedy recovery and wants to go swimming again soon. He will be sitting down with Tom to go over Tom's concerns and come up with a better plan to be sure safety is the top priority.

Joe said he spoke with Kris on the storms in the borough and about all the events being held in the borough. Kris said he and his team spent roughly 6 hours before and after getting ready and cleaning up after this week's event. Kris would like to have some form of compensation established when groups want to have events as it is such a demand on his department on top of their regular schedule.

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 Saunders/Arner made the motions to accept the accounts payable plus additional bills totaling \$5,897.37 and all were in favor with no questions or objections.

Motion to go into Executive Session for Personnel and Litigation

Councilors Saunders/McEvoy made the motions to go into executive session at 8:32 and all were in favor with no questions or objections.

Motion to go back into Regular Session

Councilors Saunders/McEvoy made the motion to go back in at 8:52 and all were in favor with no questions or objections.

Action on Items from Executive Session

Councilors Saunders/McEvoy made the motions to approve the non-work related injury Return to Work Policy and all were not in favor. Roll call: Yes – Councilors Abelovsky, Saunders, Hunsicker, McEvoy, Arner; No – Councilor Flickinger. Motion carried.

Councilors Flickinger/Saunders made the motions to approve Chief Biechy's DROP Application and all were in favor with no questions or objections.

Councilors Flickinger/Saunders approved the settlement of \$900 with Master Mechanical and all were in favor with no questions or objections.

Councilors Abelovsky/McEvoy made the motions to authorize the filing of a civil suit against the Nace's to clean up their property and all were in favor with no questions or objections.

Councilors Saunders/Flickinger made the motions to amend the department head job descriptions to include required attendance under their regular salary and all were in favor with no questions or objections.

President Hunsicker asked for clarification on the meaning of “attendance under their regular salary”. He asked if it means we are going to pay them. Nicole and the solicitor both said no. Nicole said she is going to put in their job descriptions that they are required to be there as part of their regular salary. Councilor Abelovsky said there will not be any comp time either.

The mayor said he has a problem with the Parks & Recreation Board ordinance. His understanding is that Parks & Rec is an advisory board for council for the parks, Baer’s, Grove etc. It seems to him that the reason this board was formed was to be a central booking agent or whatever you want to call it and that anything booked would go through the board. It seems there are things being booked that we are not even aware of. To rectify that we sent emails to 5-6 different organizations within the borough asking to meet on this day to discuss things going on in the borough and only 3 showed up. His understanding is to coordinate things and if nobody is going to come to us then why have a board. Just dissolve it and let everybody have a free for all.

Nicole pulled up the ordinance. We created it to serve as an advisory board and an events committee. We mainly did it to continue to host events springing off of the 150th.

The mayor said all that is happening now is that members of the board are getting frustrated and he is one of them. Councilor Abelovsky said currently the procedure for events in this town is they fill out a property use application and that goes to Kim then to Nicole for approval. Nicole said only the larger events go through council for approval. Nicole asked Autumn if she was still receiving the applications and Autumn said she got them for like a week. She gave her all the ones she had. Nicole asked if she was no longer getting them and Autumn said no. Nicole did not know that. Autumn said she talked to Kim and asked to please copy her on everything so the board would have a copy of everything that is approved. However, to add onto Clark’s frustration and we reach out to certain groups and we put things in motion and then we find out another event has already been approved and we know nothing about it. If everything was filtered through Parks & Rec first and then we push it on to Kim or Nicole or whoever then the scheduling is all taken care of and then it should work better.

Councilor McEvoy thought the committee was formed to improve our parks and recreation. A committee that would not only host events but pursue grants and things as well. Nicole read the ordinance. Autumn said from what Nicole just read it was broken down into overseeing parks which is Tom’s job and events. When the board was started they were told specifically that he didn’t want the board to take over his job. So the only thing we needed to focus on was the events part. It was more of an events board that was formed. Joe said it was more of an organized event committee. Not that the other groups go through you but that you come up with events.

The solicitor said he thought it was to be that the Parks & Rec board was to be the brainstorming board that says here are the ideas we have. For example, the upper park. We need to address the amphitheater. It’s run down, the benches are bad and council needs to take care of this and to coordinate things like that and ideas of how best to use the park. He thinks that was the idea behind the formation of the committee. Not to do the heavy lifting.

The mayor said we can't control events in the park if we don't know about them. Logically that means these groups should be directed to the board to keep us in the loop. Jared said Kim is to be sending you the applications as they come in so you know what is being scheduled so when there are conflicts groups can go to you to iron it out. Jared was never under the impression that Parks & Rec were the gatekeeper so to speak of it. The solicitor agreed and used the examples of the thing with the Night Out and the dogs in the park. It is not something the committee oversees or looks at. The committee certainly could. You could have Kim send it into you in case you have some thoughts or as a courtesy. Nicole said to be fair there is work that goes in behind that and she is not sure the committee has the time for that work not to mention the last minute stuff we scramble to do. Nicole said she was not aware the committee wasn't getting the copies because there is flow chart at the bottom of the application and she was to start giving them to you. That is something Nicole can rectify but she doesn't think that is what Clark is getting at.

Jared said he doesn't think Parks & Rec should be doing any heavy lifting for other events. He would rather see the board helping us keeping our facilities the best possible, comment on what equipment should be replaced and things like that. Joe said Tom didn't want that. Basically we had to put that verbiage in to meet how the ordinance should be to effectively have a committee that normally isn't a committee if that verbiage wasn't in there. Nicole said that's right. We needed to come up with something that was allowable under borough code and this is what we came up with. Jared said he and Ryan as the Recreation Committee plan on having meetings with Tom to discuss what is currently on his plate and how he feels about what is on his plate and how they might be able to help get him to a point where he might be more comfortable with the workload. With the Annex building and the rent and all the properties going on in there and then the pool, in Jared's personal opinion he feels Tom is stretched a little thin and Jared feels the Parks & Rec board could take away some of the evaluation of the recreation and park facilities and pursuit of improvements and work with Tom directly on that and other local groups in the community that might want to help with that and improve the facilities might be a better way to go about it.

Ryan said Tom spends 9 1/2 -10 hours of 4 months of the year at the pool that he is not spending any of his time anywhere else. So those are things Jared and he talked about. We are asking a lot of one man and just with the unique responsibilities of the pool in and of itself for the 4 months that it is open there are other entities that he is responsible for that are to put it bluntly just neglected because he is only one guy and can't be in 3 different facilities at once. Grant said Tom cuts the grass too. Ryan said exactly. That is why he and Jared thought the Parks and Rec committee or board could help in the recreational part of it. He does a good job and not taking anything away from him but if the town is asking for more and more of Tom there just isn't enough Tom to go around. Jared asked Clark what he would like to see done.

Clark said they have been kicking this around for a while and maybe more classification of the ordinance itself is needed. Clark said there are 5 members on the board, and only 3 active members who do all the work. Jared said most of the people associate Parks & Rec with the events in the town. Maybe it would drive more interest from

people in the town if we let people know this committee is not necessarily an event committee but more so to get our parks and recreation areas improved. Clark said they are doing things they really aren't supposed to be doing.

Autumn said on top of the events we had applied for the Tourism grant through the chamber to get signs put up in town for the big posters to advertise events. That is something we are going to follow through on. Autumn said they do the fund raising and sponsorships for the events we do. With their only being 3 of us there is no way of taking on more when we are already inundated with what we are doing. She thinks Clark wanted more clarification of what the expectations were to see if we are even able to do it.

Jared asked if everyone could get a copy of the ordinance for council to look over. Nicole said she would handle it. She then told council that the Leighton Area School District is going to be seeking their occupancy permit in the next month and council needs to be prepared. There are a lot of land development items not complete and issues with the building code inspections right now through Tim. We have no HOP for 9th and Bridge because it was never finalized and we made that a condition of their C.O. Be prepared next month there is going to be an argument to get it pushed through. Nicole, Bruce and Tim are gearing up for it because they are going to want exceptions for the C.O.

Motion to Adjourn the Meeting

Councilors McEvoy/Arner made the motions to adjourn the meeting at 9:22 PM and all were in favor. Meeting adjourned.

Brenda L. Kreitz
Borough Secretary