

June 25, 2018

The regular meeting of Lehighon Borough Council was held in the municipal building on Monday, June 25, 2018. The meeting was called to order at 7 PM by Pres. Grant Hunsicker. Members in attendance were: Lisa Perry, Jared McEvoy, 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 Borough Engineer Bruce Steigerwalt. Borough Engineer Bruce Steigerwalt. Absent: Councilor Flickinger and Jr. Councilor Addison Howland.

Pledge of Allegiance

HEARING OF PERSONS PRESENT

Deb Kunkle of 207 North 2nd Street and Monica Gasbach of 205 North 2nd Street were present to ask if anything could be done about Brad Begal causing a disturbance at all hours of the day and night. He rents a garage in the alley behind their houses and races cars up and down the alley or revs the motor while car is parked and it's getting out of hand. He wakes them up in the middle of the night and she wants to know what can be done to stop it. Ms. Kunkle said she doesn't know how the people stand it in the library.

Chief Biechy said they are doing everything they can legally do and arresting him appropriately. His officers were there today. Mr. Begal keeps everything from becoming a summary offense. Chief Biechy said people from the post office have complained already and have offered their property to use for a patrol car to sit and monitor the situation. We took them up on it and are continuing to do all that we can.

Ms. Kunkle also commented that the house across the street is a jungle. She believes the owner is a Koch. The growth is out of control. The borough manager said the grass has been cut but the property owner is not easy to deal with. It has been going through code enforcement. We are staying on them. We are on them literally every year for the last 5 years.

Monica said there are skunks, opossums and rodents seen coming out from the property. She thinks the property owner needs to get a bigger slap on the wrist because this is causing a health hazard. There are 100 cans of cat food on the property from feeding the feral cats and rain must be going in through the giant holes in the roof. It devalues the properties around it.

Councilor McEvoy said he feels we need to be more aggressive all over town.

Mark Hoffman of the Pools Pals wanted to ask council to allow holding special events at the pool this summer to bring back the enthusiasm of having the pool open again. It's their 10 year anniversary and wanted to have "Swimming under the Lights" this summer. A number of residents remember doing this years ago. Pool Pals decided this is the perfect year to do this. They would like to have 10 nights of swimming under the lights to celebrate their 10yr anniversary. He spoke with Nicole and Tom last year about doing this but never picked dates or set a budget to cover the cost of these 10 nights. Mr. Hoffman took full responsibility for this oversight but he has promoted it in the Borough Newsletter, newspaper article and word of mouth. Tom knew all of this is was not done sneakily It will

cost about \$5,000 a night for the 9 remaining events. The school safety night was already done and taken care of by the school and the borough.

Mark said Nicole challenged the Pool Pals saying the borough will give the dates but the Pool Pals have to come up with funding. The group met Sunday and came up with some creative ways to fund the events. Thrivent will give about \$1,700 in gift cards. They have a \$500 donation. Pool Pals will donate a night and the Orioles are on the hook for a night.

Mark is assuming the \$5,000 is to cover the costs but there would be some income too. The pool will be open an extra 2 hours. The Pool Pals will match what he has been charging which is after 4 p.m. it is \$6 for adults and \$4 for kids but you can now stay till 9 p.m. on these event nights. They will also be theme nights. One night would be Lehighton Elementary and Middle School Night where any student in those grades would get in for a \$1, St. Luke's Night since they are new to the community and charge their employees \$1, etc. and the last night would be a free night open to everyone sponsored by the Pool Pals to give people one last night to swim for free since attendance at the pool drops off in August.

Nicole said council is aware of all the discussion and one item that came out for these meetings is that now Pool Pals will come to council for permission to hold these larger events. All other events in the borough require council's approval but that has never applied to events at the pool but it will from now on which is why they are here asking for permission to hold these events. The cost structure is up to council.

Councilor Perry said based on the earlier email council received Tom said the free events get over attended and her concern is that if we only charge a dollar it could get full quickly. Can we limit the number of people that get in? Nicole said she doesn't think these evening events will be largely attended and Mark agreed. He wants these events to be successful but if there are not 15 people there the event will be shut down, there will be no rain dates.

Councilor Saunders said he did discuss overcrowding with Tom. Tom's first priority is to those who have season passes. The pool capacity is 600. Tom will close the pool at 500 so if pool members come to swim they can still get in. Mark said season pass holders will never pay for the event. The hope is to have more people buy season passes by seeing what all you can get for having a pass.

President Hunsicker asked if there will be enough lifeguards for these events. Nicole said it will be our younger staff but she and Tom worked together on choosing these dates so there would be staffing for these nights. Councilor Saunders was concerned about the free night and wanted that brought up because he will have a full staff of younger lifeguards there that night and is afraid that if it's a free night there could be a large turnout.

Councilor McEvoy asked about charging \$2 for the other events and \$1 for the last event. Autumn agreed with charging for the events and also asked about the regulation for what age a child can be at the pool without a parent. She was asking about this because of the elementary and middle school event and the age of the children attending. She would like to see every kid that attends that night have a parent with the child. Mark said they can enforce the rules already in place.

Councilor Saunders/Perry made the motions to approve these 7 events with adults paying \$6 and children paying \$4 for the night swim, special event people \$1, and the final night \$1 and all were in favor with no questions or objections.

APPROVAL OF MINUTES

Regular Meeting of May 21 and Special Meeting of May 30, 2018

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

NEW BUSINESS

Consideration on closing Borough Hall/All Departments December 24, 26 & 31, 2018 (16 hours vacation/personal time will be used)

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

Consideration on approval of Leighton Takedown Club holding annual car show Sunday, August 5th from 10a.m. to 4p.m.

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

Approval of the \$200,000 DCED MultiModal Grant Contract for the Upper Park Pedestrian Improvements (Perimeter sidewalk/Reconstruction and Street Lighting)

Nicole said the grant contracts are finally here. It will not get the entire upper park complete. The inner walkways will not get done with these grants. The other grant is for fixing the amphitheater.

Councilors Saunders and McEvoy asked what will be done to the amphitheater and Nicole said it is for storm water and where the benches are.

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

Nicole said we had put in for \$600,000 and because of changes in their funding process this is what we received.

Approval of the \$150,000 DCED Greenways, Trails and Recreation Grant Contract for the Upper Park Amphitheatre (Construction, Demolition and Engineering)

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

Discussion on correspondence from Sisters in Design LLC regarding utility deposits

This request is from Sherry Paules and Doreen Galasso regarding our policy and practice for security deposits with the borough. We collect \$200 or \$300 as a security deposit and once they pay 12 months on time they get that money back. However, the ordinance says upon discontinuance of service so our practice has not followed the ordinance. Sisters in Design had a tenant that left with an outstanding bill and as the landlords they are responsible for that bill. There was no security deposit because he had been given it back after 12 months. They were upset there was no security deposit to go against the final bill. They were asking for us to reevaluate our policy and requesting a reduction in the outstanding utility bill. They inherited him as a tenant when they purchased the property.

Nicole told council she provided them with a copy of the letter and the ordinance to look over and she is willing to answer any questions they may have.

Council did not agree to reduce the bill.

Councilors Abelovsky said she thinks we should follow our ordinance that we have in place. Nicole said it is something that can be looked at for the future.

Discussion on Volunteer Fire Inspector Court Witness Testimony reimbursement

We had someone who had to go to court as a witness and they lost a day's wages. Nicole said in looking at the fire inspection ordinance this was something that was brought up. If a volunteer firefighter has to lose work for court will there be any reimbursement. Now that it has happened we should decide so should this happen again we have a procedure to follow. She is looking at \$75 to \$100; more towards the \$100 for the day.

Councilors Perry/Abelovsky made the motions to reimburse the volunteer fire inspector for his court witness testimony at \$100 per day and all were in favor with no questions or objections.

Discussion on the future of 1994 Reserve Engine Fire Truck

Nicole said this is the truck that we were using for the FEMA grant and were denied. She asked the fire chief how many times the grant was submitted and he said this is the 3rd time. Nicole said we were denied and are now having an issue storing it. It is currently down at the light and power garage. We now need to decide if we are still going to keep it as leverage for the grant or sell it.

Chief Mriss said from the webinar they took the truck is helpful in phase 2 of the grant but not in phase 1.

Councilors Saunders suggested to keep the truck stored at light and power garage for now. Nicole said maybe the L&P Committee can talk to Lonny and see if there isn't another place to store it.

This item was tabled.

Discussion on "No Parking" on Cedar Street, both sides between 3rd & 4th Streets

The Mayor said there is no parking on either side of Cedar Street from the alley to 4th Street. From 3rd Street to King Alley there is a sign under the stop sign. He is suggesting no parking on both sides of Cedar from 3rd to 4th Streets. If you park two cars facing the opposite directions you won't get another car through there. Chief Mriss said there is a sign on the building stating parking for active firefighters only.

Council wanted Nicole to have Kris look at the placement of the signs to be sure they are posted legally.

This item was tabled until council has time to look at it more thoroughly.

Approval of the Muncibid for the L&P Expedition to Megan Repsher in the amount of \$7,900

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

Discussion on Circus and Carnival License Ordinance

Nicole put this on the agenda because more and more events are requesting to have rides and bounce houses, etc. The current ordinance is a bit outdated. We require them to provide us with a certificate of insurance with the borough listed as additionally insured and some kind of licensing for the rides. Council was given a copy of the ordinance to look over to see if it should be changed.

Council directed the solicitor to revise the current ordinance and bring it back

Consideration on special requests for Rockin' Rescue 8 including requests for rides and animals in the Grove

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

Consideration on Entech Engineering, Inc. proposal for Phase II – Portable Manhole Flow Metering Analysis for the Inflow & Infiltration Program in the amount of \$11,900

Councilors Perry/Saunders made the motions to accept the proposal and move forward with Phase II and all were in favor with no questions or objections.

Motion to approve Resolution R13-2018 – Destruction of Police records

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

Approval of the purchase of \$5,000 in fuel from Hazelton Oil and Environmental for waste oil furnace at the Public Works Garage

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

Consideration on the purchase of 2019 Versalift SVT47 Bucket Truck in the amount of \$186,640

Councilors McEvoy/Arner made the motions to table this item until next month and all were in favor with no questions or objections.

Unfinished Business

Continued discussion on sidewalk ordinance

Councilor Abelovsky provided council with pictures from her walk around town today. She only walked the main streets and the pictures are just a few examples of what she found. She can understand why people walk in the street. Autumn was afraid she would overturn her ankle on some of them. Her grandmother would never be able to walk on them. Yet, we have an ordinance in place that we should be maintaining our sidewalks. Once again, we don't enforce it. President Hunsicker asked Councilor Abelovsky if she wanted to pay for it and enforce it. He said he talked to someone who said 1 slab would cost \$500 and it cost the man \$1,500 to put 3 slabs in front of his house. Is that good for everyone? What about the people who don't have the money to pay for it?

Councilor Abelovsky said she is not saying that she wants every single house to replace their sidewalks. She is suggesting an ordinance that upon the transfer of a property an inspection of sidewalk, curb and driveway i.e. an exterior inspection would be done. At that time the code enforcement officer or whomever you put in charge to do this would determine if sidewalks are deemed necessary or in disrepair needing to be fixed. At that time the homeowner could choose to fix them to improve the property value of the home or an agreement could be put in place with the buyer of the property. She provided examples of this ordinance from other municipalities.

Autumn said last year Councilor Arner brought several realtors to the December meeting who opposed the proposed sidewalk ordinance. She spoke to some of those same realtors who now are in favor of the ordinance. She read a letter from one of the realtors who stated in the letter the reason they did not like the proposed ordinance was that the sidewalks were to be repaired prior to the sale which could delay the closing if the property was sold in winter. Autumn is asking to have in the ordinance that if the sidewalks need to

be repaired they have whatever time council wants inserted in the ordinance i.e. 6 months, a year, 2 years, etc. If we don't this will keep getting worse and worse. At what point do we say enough is enough? She understand it costs money but the cost to the people walking on the sidewalks is more important to her. She provided pictures to show council how bad they are.

Nicole said we are using the ordinance that is in place. She just sent out 2 letters today for the Stedman Avenue project. We are making 2 property owners put in curb and sidewalk where we are going to do the upgrades.

Councilor Abelovsky said she is not just talking about sidewalks being fixed by this inspection but anything deemed in need of repair to be fixed at the time of the property transfer. One picture showed a retaining wall that is falling down. That would also need to be fixed under the proposed ordinance.

Councilor McEvoy agreed that we do have sidewalks in town needing to be fixed but we first should figure out what the criteria is for sidewalks that need to be fixed. He also thinks that some sidewalks just need to be fixed now and letters should be sent to those property owners to have them fixed. He has to replace his sidewalks and knows it is expensive but he knows it needs to be done by budgeting for it and planning for it.

Councilor Abelovsky agreed with Councilor McEvoy. She said the realtors were of the impression that this had to be done immediately and that is not what she is proposing. Autumn is willing to do more research on the questions asked tonight and bring back answers to some of them for the next meeting.

Consideration on proposed medical marijuana ordinance and approval to circulate to the Planning Commission

Nicole said we have been discussing the fact that our zoning ordinance needs amendments to deal with the medical marijuana regulation that are out there. An ordinance was drafted to include district regulations as to where they would be allowed in the community. The next step would be to have the draft go to the planning commission in order to have it approved.

The solicitor suggested council look over it to be sure they are ok with it before sending it to planning to keep the process moving forward. Council was fine with the draft.

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

Addendum

Motion to hire Emily Miller as a lifeguard

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

Consideration on letter from Recreation Director and pool staff

Nicole said the pool staff wanted council to be aware of their safety concerns pertaining to the school safety event and the fact that they do not want to be held responsible for any accidents that could occur due to the large attendance at this event. They are also urging us to find another venue for holding that event.

Councilor Saunders said Tom took a head count that night and over 1,000 people were there and we only have the capacity for 600. Councilor McEvoy suggested bringing

this up next year and that will give everyone time to think about other ways to hold the event.

Officials Reports

Borough Manager

Nicole said she provided council with a copy of the electric incentive program. The traffic study for the bypass and Lehigh Drive will be conducted July 7th and 10th to collect the needed data. The CDBG application has been submitted for the ADA ramps. She provided a copy of the 2018 paving program costing about \$40,000. Paving was started today.

Nicole said there have been some concerns from Public Works and Light & Power about the changes in the 3 laws for the PA 1Call System. We will be doing some public education for the public on this. She is getting a lot of comments on the signs down along the bypass and the Veteran's Memorial Park. It's the only area in town that we allow elections signs to go but there a lot of concerns over us allowing that with a high pressure gas line down there. So she just wanted to bring that to council's attention.

Councilor Saunders told Nicole he would like more information on her report as to her dealing with various resident complaints because it is kind of vague. Nicole said she can do that. Ryan said that if council is aware of these complaints they as a council came help to eliminate them. Nicole said these complaints are part of the daily running of the borough and she addresses them as residents come in to see her about them and they are gone.

Borough Engineer

Nothing.

Police

Chief Biechy said they are getting ready for National Night Out and will have some flyers for that soon as well as on Facebook. He will be coming to council with the same request to have animals in the upper and lower parks for that night. The rest is for executive session.

Mayor

Nothing.

Fire Chief

Chief Mriss asked permission to have a boot drive below the lower park on September 2nd and October 21st.

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

Patrick then told council that they were welcome to attend the department's annual Strategic Planning Meeting Saturday, July 21 at 9a.m. at the station. Nicole said some of the members are requesting the Police, Fire & Safety Committee along with the Finance and Admin Committee to attend the meeting being there were questions on budgeting for new equipment. Nicole asked council to please let her know if they plan on attending so we can advertise the meeting if there will be a quorum of council in attendance.

President of Council

Nothing.

Solicitor

Jim had an 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 was absent and Autumn had nothing.

Police, Fire and Safety – Ryan Saunders, Chair; Jared McEvoy, Co-Chair – Nothing. Autumn had a question. She asked the mayor how his office was coming along and he told her it isn't. The budget has been spent.

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

Sewer Committee – Autumn Abelovsky, Chair; Darryl Arner, Co-Chair – Autumn said if you look at the LSA minutes there was a discussion on the possibility of a rate class for our sewer rates. They are looking into different things and the rates may change in the future so this is just a heads up on what might be coming down the road.

Street, Public Works & Recreation – Jared McEvoy, Chair; Ryan Saunders – Nothing.

Acceptance of Officials Reports

Councilors Perry/Arner 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/Perry 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 and Real Estate

Councilors Saunders/McEvoy made the motions to go into executive session at 8:50 and all were in favor with no questions or objections.

Motion to go back into Regular Session

Councilors McEvoy/Saunders made the motion to go back in at 9:40 and all were in favor with no questions or objections.

Action on Items from Executive Session

Councilors Perry/Saunders made the motions to extend Trevin Green's probationary period for 6 months and all were in favor with no questions or objections.

Councilors Saunders/Perry made the motions to release Joel Gulla from probation and move him to a permanent full time employee and all were in favor with no questions or objections.

Councilors Perry/Saunders made the motions to approve the Non Work Related Injury Return to Work Policy as amended by Attorney Nanovic and all were in favor with no questions or objections.

Motion to Adjourn the Meeting

Councilors McEvoy/Saunders made the motions to adjourn the meeting at 9:42 PM and all were in favor. Meeting adjourned.

Brenda L. Kreitz

Borough Secretary