

May 21, 2018

The regular meeting of Lehighon Borough Council was held in the municipal building on Monday, May 21, 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. Jr. Mayor for a day, Landon Abelovsky was also present.

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

Pledge of Allegiance

MS4 Public Hearing /Meeting

Update on the Lehighon Borough MS4 Permit Regulations

The Borough Manager provided an update on progress in the MS4 Program. The Stormwater Management Ordinance was adopted in August 2017. The GIS person is working with the Borough Engineer on the mapping as required. It is important for us to get out that any borough resident can report illicit discharges to us at any time.

Bruce said most of our inlets that we have found are now on GIS mapping. The Northern half is done and the Southern half is being worked on. We are trying to connect all the inlets together so we can get drainage sheds established so if there is an illicit discharge anywhere in the borough we can pinpoint where it will discharge to i.e. Mahoning Creek or Lehigh River and stop it before it gets into the waterways and monitor the source of the discharge to keep it from happening again if possible. We will have to start testing the outfalls to be sure we don't have contaminants in our stormwater.

March of this year is the start of the new 5 year permit cycle. There are certain things we have to do and look at over these next 5 years. Nicole said we will did allocate some funds in this budget but will need to continue to do so as this is something that is not going to go away but will continue to get more expensive in the future.

HEARING OF PERSONS PRESENT

None.

APPROVAL OF MINUTES

Regular Meeting of April 23, 2018

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

NEW BUSINESS

Consideration on approval of Fire Police at Oriolesfest from May 31st to June 3rd as requested by Mahoning Township Board of Supervisors

Councilors Flickinger/McEvoy made the motions to approve the request if the Fire Police have men available for the event and all were in favor with no questions or objections.

Consideration on approval of Fire Police at the Carbon County Veteran's Day Parade on November 11th with rain date of November 18th to be held in the Borough of Lansford

Councilors Flickinger/Saunders made the motions to approve the request if the Fire Police have men available for the event and all were in favor with no questions or objections.

Motion to approve Final Payment Request #4 in the amount of \$31,980 for the Iron/Bridge Street Circuit Upgrade Project

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

Discussion on Phase II Main Street Assessment – Smart Growth Grant

Nicole said the Economic Development Committee had requested she look into the Phase 2 grant for the Downtown Assessment we had done in 2013. She reached out to Theresa Lynch who is our consultant on that project. There are funds available through Smart Growth but they are dwindling so now would be the time to submit if we want a decent chance of being funded. They are \$4,000 grants. Nicole said in talking to Theresa the Phase 2 would consist of organizational development and they would assist the borough and LDI in the guidelines and structure of the Main Street Program approaches and strategy and would partner with the Greater Lehigh Valley Realtors Association. The Realtors Association is willing to submit the grant on our behalf. Theresa suggested submitting for a \$5,000 grant and then the match could be anywhere from \$3,500-\$4,000 depending on what we would get. Nicole wanted to see if council wished to proceed with this.

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

Nicole said she will be reaching out to the Realtors Association who helped fund the last grant to see if they will be willing to help with the match for this grant and to LDI to see if they would be willing to provide part of the match as well. This will all be discussed further once we see if we get funded or not.

Approval of the Municibid high bid for the Fire Department 1990 Ford F-350 to Jared Cornell in the amount of \$9,200

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

Consideration on approval of Letter of Credit Reduction Request #5 for the Jim Thorpe River Sports project pending final certification from Borough Engineer

See addendum.

Motion to Authorize the Property Damage Release to Doli Construction for the sewer main damage at the 500 Block of Mahoning Street

The solicitor said this was when Doli damaged sewer lines while doing the Water Authority project. The borough contacted Doli and received no response. We then contacted them again and they responded and made the payment other than what was owed to the neighbor and they will deal with them separately. We have been paid in full and now they need the release.

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

Motion to adopt Resolution R11-2018 authorizing the placement of banners across SRs 902 & 209 for Lehighton Downtown Initiative Farmers Market and Rocktoberfest

Nicole said she did meet with Bambi and Lonny to go over the expectations. The conditions are all listed for council. The resolution needs to be approved and the borough must accept the responsibility for the placement and maintenance of the banners.

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

Approval to hire 5 more seasonal employees for Baer Memorial Pool

Councilors Abelovsky/Flickinger made the motions to approve the 5 new seasonal pool employees and all were in favor with no questions or objections.

Unfinished Business

Motion to approve proposed lease for Lehighton Outdoor Center for use of former sewer plant property

Councilor Flickinger asked that on page 2 Section "C" Fire Company be changed to Fire Department.

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

Motion to adopt Resolution R12-2018 amending the fee schedule for Health Inspections and Sewer Fees

Nicole said the changes are highlighted. We did add new items as per the new health inspector and increased the health inspection fees. We also added the fees for the sewer connection permit along with the sewer repair and replacement which would be time and materials.

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

Discussion and action on revising Road Material & Aggregate Bid Awards

The borough secretary said that last month when we awarded the bids Kris came to me afterward and said he liked the Hei-Way cold patch they were given to try on some potholes. He asked why we didn't take their bid. They could only do a 22 ton minimum. She told him we have always bid it on 10 tons because we have 10 ton trucks. We also have never had paving projects until last year. Kris said he could take the 22 ton minimum. The question then was ok, you can take the first 22 ton but then what happens at the end of the year with the leftover cold patch. Kris said this stuff will be good for the entire year even through winter if you keep turning it every so often. It's a different kind of product.

Brenda said 2 companies did not bid properly according to our bidding instructions. They were Hanson and New Enterprise. She spoke to John Davis from PennDOT about this and he said our advertisement and bid packet was for a set price not a price and hourly fee so we could reject these two. It is up to council if you wish to leave the bids from last month stand or change them to the sheet provided in your agenda packets. Mr. Davis is going to work with Brenda on the bid packets next year to keep this from happening again.

Councilors Perry/Flickinger made the motions to reject New Enterprise and Hanson Aggregate bids for not following the bidding instructions and award cold patch contract to HEI Way and all were in favor with no questions or objections. Motion carried.

Continued discussion on changing meeting dates for 2019

Nicole said as requested at last month's meeting Brenda contacted everyone necessary to determine what dates would work for the 2019 meetings. They are the 1st Monday or the 3rd Thursday.

Councilors Flickinger/Abelovsky made the motions to change the meeting dates to the 1st Monday of the month and all were not in favor. Roll call: Yes – Councilors Abelovsky, Flickinger, Saunders, Perry, McEvoy; no – Councilors Arner, Hunsicker. Motion carried to change the council meetings to the 1st Monday of the month starting in 2019. Consideration on sidewalk/snow removal ordinances

Autumn said she reviewed our ordinances for snow and ice removal. She would like to recommend making a wording change from sidewalk to sidewalk and/or 36 inch walking path adjacent to all streets. This way any property not having sidewalks would have a walking path so that pedestrians wouldn't have to walk in the streets.

Councilor Perry asked if we enforce the sidewalk ordinance now besides on 1st Street. Chief Biechy said between his department and Zoning yes as the complaints come in. He said generally we don't enforce it unless we get a complaint as long as all the borough properties are cleared. It is difficult when they are walking into our office, borough hall or the annex building and our sidewalks aren't cleared but for the most part we do enforce it. We have issued citations in the past and have gone to court for it in the past and zoning has followed through on it as well. Nicole said we have been very proactive on 1st Street in the last couple of years.

Councilors Abelovsky/Saunders made the motions advertise an amendment to Ordinances 192-2 and 192-3 to read sidewalks and/or a 36 inch walking path adjacent to all streets/curbs. Not all were in favor. Roll call: yes – Councilors Abelovsky, Flickinger, Saunders, Perry and McEvoy; no – Councilors Arner and Hunsicker. Motion carried.

Councilor Abelovsky also wanted to discuss properties without sidewalks. She had said in the past that upon the sale of a home possibly requiring sidewalks to be installed. Would it be a possibility? She has done some research on other municipalities and found plenty of them do have ordinances requiring an external inspections prior to the transfer of legal title of a property by an inspector of the municipality to determine whether the repair, replacement or installation of sidewalks be deemed necessary. She received a lot of positive feedback from people who walk in this town asking that she continue pushing for this.

Councilor McEvoy asked if anyone had a rough estimate of what it costs to repair sidewalks. President Hunsicker said it is very expensive. Nicole said each ADA corner is about \$4,000 for curb, sidewalk and detectable warning surfaces that costs about \$300 per surface. Bruce said he has some prices from past projects where sidewalks have been replaced that he can provide to council. Bruce said replacing costs more than installing new because you have to break up the existing, dig it out and haul it away. Mr. McAward said he thinks for a 33 ft. wide property it would cost about \$6,000 - \$8,000. It costs more than most people think.

Councilor Arner said if someone is trying to sell their home it could be a deterrent to a potential buyer to put that additional money out. Councilor McEvoy said so that on top of a minor tax increase could be too much.

Bruce said there are some places, if you drive around, where it is going to be very difficult to do that. The North end of Beaver Run Road has a railroad tie wall right next to the curbing. TO make them put sidewalk in is not going to be your \$5,000 or \$6,000 for 33 ft. it's going to be \$10's of thousands of dollars. You go on Cypress Street across from the medical center and nursing home. There behind the curb is a drop off of about 3-4 ft. You will have to fill that all in to put sidewalks in there making it very, very expensive to sell the property if you are going to require that. On South 4th & Bridge Street that the borough owns. It's a shale bank and you will spend as much to put sidewalks in there as you will spend buying the property. Same thing with Summit Avenue. We are surveying the borough property there to sell it off and that has no sidewalks. North 9th Street has huge pine trees on each side of the road that would have to be removed before sidewalks could be installed.

Councilor Abelovsky said she understands all the reasons just mentioned but still feels that each reason not to do it is an excuse to allow the sidewalks to become in more disrepair. Long term, some of these shale and concrete sidewalks are horrible. We have an ordinance mandating property owners must maintain their sidewalks and keep them in a condition that is safe for pedestrian to walk across and we do not enforce it. Why do we have these ordinances if we are not going to follow them? Why do we keep making excuses to allow this town to just keep falling further into disrepair?

Councilor Saunders agrees we do need to keep talking about this and to do something but that is going to take more discussion to come up with something that will work for our borough.

Councilor Abelovsky asked this item to be brought back next month for further discussion.

Addendum

Consideration on Lehighon Downtown Initiative Rocktoberfest Event Proposal

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

Consideration on Jim Thorpe River Sports Letter of Credit reduction request in the amount of \$39,967.50 plus the 10% Contingency in the amount of \$37,404.90

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

Consideration on maintaining \$5,000 Escrow for Jim Thorpe River Sports Land Development until punch list items are completed

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

Consideration on request from Jerry McAward on plan modifications to the fencing privacy screening

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

Consideration on proceeding with amendments to the Zoning Ordinance providing regulations for medical marijuana facilities

Nicole said that our current zoning ordinance does not specify any of that so there is a gray area. She would like to avoid that gray area by having regulations included in our zoning ordinance.

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

Motion to approve additional bills to be approved totaling \$6,898.27

Added to list of bills to be approved.

Motion to appoint Steve Ebbert to the Civil Service Commission

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

Officials Reports

Borough Manager

Nicole said we did receive our property and liability insurance renewals. There was an increase of approximately \$2,000 for the additional police, additional equipment and general costs. The Upper Park Project has been painful. We are still going back and forth with DCED. We still do not have our contracts in hand for the Multimodal or Greenways Trails. She wanted council to be aware of this and the fact things will be delayed a bit because of it.

Nicole addressed once again the Electric Incentive Program for businesses. Is that something this council is interested in pursuing? They asked to have her refresh their memory on this program. Nicole said we did a rate study and along with that rate study we had created a draft electric incentive program. Basically, if you were renovating your business or creating new jobs you could have a rate reduction on credit. It has been on my report and if council isn't interested she can remove it from her report. Council requested she provide them with the draft for further consideration.

Nicole said she had provided information and figures on the Vactor Sewer Machine for possible inclusion in the 2019 budget. It is something the Public works Department is interested in. It would assist us with our sewer projects and the MS4 and the Water Authority also showed interest in it. The price range is between \$280,000 – \$367,000.

Nicole also has a draft resolution for the Act 172 complete. She is waiting on input from the ambulance. She met with the fire police and fire chief about it. Hopefully this will make it on the June or July agenda.

Nicole did schedule some excel training.

Borough Engineer

The plans, bids tab sheets and specifications have been sent up to the county for the Stedman Avenue 2nd to 3rd Avenue Reconstruction Project. They have had them for 6 weeks or more and still has seen an advertisement in the paper for it. Hopefully it will be in soon.

We are working on the MS4.

He has done some curb grades throughout the borough and more will be coming in.

Police

Chief Biechy said he has been working with Councilor Saunders on the upstairs remodel. They will begin working on one of the rooms tomorrow.

He has two other issues for discussion in executive session for personnel.

Mayor

The Mayor said he kicked off his Jr. Mayor Program today. Clark would like to expand the program to have a group of kids at a time. He then presented Landon with a certificate for participation in the program. He also has items for executive session.

Fire Chief

Absent.

President of Council

Nothing.

Solicitor

Nothing.

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 said everything was brought up earlier. Autumn congratulated Jerry McAward on his grand opening.

Police, Fire and Safety – Ryan Saunders, Chair; Jared McEvoy, Co-Chair – Nothing. Joe asked if the police enforce parking on the access road to Dunbar Beach. Brian said nothing is posted or marked as per the borough ordinance so there is nothing for us to enforce unless they are in the middle of the road completely blocking access.

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

Sewer Committee – Autumn Abelovsky, Chair; Darryl Arner, Co-Chair – Autumn said LSA is making headway on collecting on some of the delinquent sewer accounts with the help of Beth in the Utility office.

Street, Public Works & Recreation – Jared McEvoy, Chair; Ryan Saunders, Co-Chair – Jared said thanks to Public Works from LDI for helping getting all the signs and things set up each week for the Farmer's Market.

The pool is opening this weekend and he hopes it's going to be a great season this year.

Autumn commented on all the damage from the storms this past weekend and commended Public Works and Light & Power on how fast they cleaned everything up.

Acceptance of Officials Reports

Councilors Arner/Perry 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/Saunders made the motions to accept the accounts payable plus \$6,898.27 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 Saunders/McEvoy made the motions to go into executive session at 8:15 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 9:10 and all were in favor with no questions or objections.

Action on Items from Executive Session

Councilors McEvoy/Saunders made the motions to reinstate Ryan Kennedy as part time patrol officer and all were in favor with no questions or objections.

Motion to Adjourn the Meeting

Councilors Flickinger/Saunders made the motions to adjourn the meeting at 9:12 PM and all were in favor. Meeting adjourned.

Brenda L. Kreitz
Borough Secretary