

February 11, 2019

The regular meeting of Lehighon Borough Council was held in the municipal building on Monday, February 11, 2019. 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, Joe Flickinger, Ryan Saunders and Jr. Councilor Addison Howland. Absent: Fire Chief Patrick Mriss.

Officials in attendance were: Borough Manager Nicole Beckett, Borough Secretary Brenda Kreitz, Solicitor James Nanovic, Borough Engineer Bruce Steigerwalt, Mayor Clark Ritter, Police Chief Brian Biechy, L&P Superintendent Lonny Armbruster, PW Superintendent Kris Kunkle and P&R Director Tom Evans.

Pledge of Allegiance

GUEST SPEAKER: Pablo Agüero – Request for Loading Zone at 108 Iron Street and Business Introduction

He was not present.

HEARING OF PERSONS PRESENT

Jennifer Cerato, owner of Jenny's Sweets and More, 114 South 1<sup>st</sup> Street saw the agenda item pertaining to parking meters and wanted to know if she could talk about that item now. Council told her to give her thoughts on that item now.

Ms. Cerato said that as a business owner on 1<sup>st</sup> Street there are limited parking spaces to begin with. She has seen since September business owners, employees and residents who live on 1<sup>st</sup> Street utilizing a number of the spaces all day long that could be used by customers.

Jenny said she was at her store today even though it was closed and noticed people peeking in her window. She allowed them to come in and they were so grateful. They told Ms. Cerato that they had been trying to visit her store but they could never find parking. Jenny said she hears this every week from people trying to come into her store. Ms. Cerato is in favor of parking meters coming back on 1<sup>st</sup> Street if only to have cars moving in and out of spots throughout the day. She also feels there needs to be something done for business owners, employees and residents who occupy the spaces. Another situation is Bonnie and Clyde's and Joker's Wild. She has nothing against these businesses. They are wonderful however, their customers spend a lot of time there and occupy parking spaces for hours. They will park all of 1<sup>st</sup> Street up and Ms. Cerato's business is open until 7p.m. and her customers have nowhere to park because of the spaces being occupied. So there are many different reasons why these spaces are being occupied and if the meters were once again installed in some way it would allow for people to park for a certain period of time and then relocate or move and allow someone else to park.

Ms. Cerato said that in the 5 months she has been open she believes this to be the reason people have not been able to visit her store. She said this also includes around the park. She will park on South Street and then she thinks to herself she is taking parking

away from the chamber, the liquor store, Trudy's and anywhere else because she is occupying a space. So we move or we relocate but we are still taking space away from someone else.

She is not sure what the overall solution is but that is what she is seeing as a business owner on 1<sup>st</sup> Street.

Councilor Abelovsky asked Jen about what they have discussed in the past about the public lots and the concerns about utilizing them. Ms. Cerato said she will park in the one behind the bank in the summer when it is daylight longer. She is at the store by herself most nights when she leaves at 7:30 p.m. and she does not feel safe walking up to that lot after dark. She has no problem parking there she just doesn't feel safe doing it. Councilor Abelovsky asked if one of the reasons is the poor lighting and what is occupying the space there and Ms. Cerato agreed.

#### APPROVAL OF MINUTES

##### Regular Meeting of January 7 and Special Meeting of January 31, 2019

Councilor McEvoy said he had a correction to the minutes. He was marked present at the special meeting when he was in fact absent.

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

#### NEW BUSINESS

##### Motion to accept Robert Mesko's resignation from Police Civil Service

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

##### Motion to appoint Michael DeDonato to the Zoning Hearing Board

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

##### Motion to approve updated Municipal Emergency Operations Plan

Councilor Flickinger said in the packets is the basic copy of the EOP without the NARM or the checklist that are not distributable. The county has asked for an updated copy and it has not changed any so it is just approving it for this year.

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

##### Consideration on approving the 90-day extension to Mr. & Mrs. Joseph Bennett's 443 Land Development Plan and Subdivision

Bruce said it is not a 90-day extension but a time extension ending April 30, 2019. They had an extension until the end of March and now they are asking to extend it until the end of April.

Councilor Saunders asked if this was to give them time to address Bruce's comments and Bruce said yes but also they just submitted their NPDES permit to the Conservation District and waiting for the review from the Lehighon Water Authority, he and Lonny looked at it and there are some changes that need to be made as far as the electric and there is still no signed petition to vacate those streets. The subdivision and vacation plan can't be approved until that is complete so we can advertise and adopt the vacation of the streets. Nicole said we have done everything on our part we are just waiting for the signed petition to come back.

Bruce said he has done some reviews. The reviews of the latest plans for the stormwater management plan has not been done. They made some changes because they are having trouble complying with our ordinances infiltrating any water over there.

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

Motion to approve annual \$50 ½ page Sports Hall of Fame advertisement

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

Motion to adopt Ordinance 651-2019 amending Snow Emergency Ordinance

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

Discussion on the future of parking meters

Nicole said this comes up every year at budget time. We have basically zeroed out revenue and expense but we still have parking meters and all the costs that go with them. She and Kris talked and either the meters need to be replaced or the mechanisms need to be updated before they can be certifiable or calibrated. We also need someone on staff that can do this since Greg Mriss retired. This is at the point where we need direction from council on what is needed in the 1<sup>st</sup> Street area with the meters. If we are looking to continue with them and regulate parking they should be enforced. In addition to that we would also need to purchase the necessary parts to get them upgraded. The mechanisms were about \$125 each 8 years ago so that would be the cost per meter right now to just update the meter mechanisms.

Councilor Saunders asked if she was looking to put them just on 1<sup>st</sup> Street or all around the park. Nicole said the concept when we got rid of them around the lower park was to have that as free parking. The thought was to open it up for the businesses and also a place to go for the business owners so they could park around the park free of charge and in turn open up 1<sup>st</sup> Street. So it's up to council as to how you see the future of the downtown.

Kris said he has the back wall of his shed full of useless pieces of parking meter equipment. They aren't certified or certifiable. Grant said the meters have to be at least 35 years old.

Nicole said when the lower park project was done she did get bids on replacing the parking meters and it was just as expensive to update the current meters as it would be to buy new ones. The kiosks were about \$10,000 each but cheaper in the long run to maintain. At that point we decided to remove them from around the park.

Councilor Flickinger said he would like to at least get pricing for the 1<sup>st</sup> Street area for new meters and Councilor McEvoy wanted pricing for the kiosks too. Most of council like the idea of the kiosks.

Autumn asked Ryan how he felt about this subject being a former business owner on 1<sup>st</sup> Street. Ryan said he sees both sides. With no meters the business owner park there all day hindering people from patronizing the businesses. On the other side he doesn't know if the restaurant or gaming place will be hindered due to their customers having to move their vehicles or put more money in the meters because of staying longer to eat, drink or play games.

Nicole will look into all options and bring this item back to council.

Motion to approve the Sewer Utility Relocation Reimbursement Agreement with Pennsylvania Department of Transportation

Nicole said this is for the Sewer Utility and a different option than what we did with our electric utility. With the electric we will contract out the work. For the sewer we will be reimbursing PennDOT for 25% of the work.

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

Consideration on the approval of the draft job descriptions

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

Unfinished Business

Continued discussion on the advertisement to the amendment to the sidewalk ordinance

President Hunsicker said he doesn't think we can clean all our properties in 48 hours so we should go out and ticket anyone else for not cleaning it. Councilor Perry said it is not a matter of ticketing people it's to have an ordinance in place. Grant asked what good is having the ordinance in place if you don't enforce it. Lisa said we don't really enforce the one we have now unless a neighbor complains. Grant said if you go through with this he guarantees someone will enforce it.

Grant said we have more places that you will ever know and Lisa said she realizes that. She said it is about having a safe way to walk home from school. Grant asked how many kids walk on the sidewalks to begin with. He see most of them walking in the street. Lisa said her son walks on the sidewalks. Councilor Abelovsky said she has brought up the property on Coal Street where there are no sidewalks. Lisa said if the school is making kids walk to school then we should at least give them a clear pathway to walk on to get to school without having them walk in the street.

Lisa said there is an issue of being sued. The solicitor said that is true. He understands the concern. Grant agrees the kids should not walk in the street but he is against having to force older residents to clear a pathway when the borough can't do so on all of our properties. How will we clear Lehigh Drive all the way down? The solicitor said Grant is correct. We would have to clear a 36" path that borders the roadway on Lehigh Drive. Autumn said she stands by her decision that inconvenience does not supersede the safety of our residents.

Councilor Abelovsky/Perry made the motions to advertise the amendment to the sidewalk ordinance. All were not in favor. Roll call: yes - Councilors Abelovsky, Flickinger, Saunders and Perry; no - Councilors Arner, McEvoy and Hunsicker. Motion carried.

President Hunsicker wanted on record that every piece of our property is cleaned before any ticket is given out.

Officials Reports

Borough Manager

Council received her report for the month. She is coordinating the upper park project that work with a tentative construction schedule to take place from July to October. After Heritage weekend and before Rocktoberfest.

For Downtown Revitalization the Main Street Steering Committee met and another meeting is scheduled for February 25<sup>th</sup>. We did get the 3<sup>rd</sup> \$5,000 grant for the Main Street Program.

Brenda has been working with BIA on the Baer Memorial project. The pre-BID meeting for the old sewer plant was held today. There were 12 contractors on site and we should have a lot of interest in that. The bids will be brought back to council at the March meeting.

There is also a budgetary transfer needed from Light & Power to the General Fund for \$250,000 as needed.

Councilor Abelovsky asked if the Youth sports programs have been contacted about the schedule of the project. Brenda said on the senior games have been notified as the schedule was only received last Friday.

#### Borough Engineer

Bruce said he did reviews for the Bennett project and the deeds have been sent to the solicitor for the Lentz Street vacation and should be coming to a close shortly. He is still working on the South 8<sup>th</sup> Street sewer extension. He is also working on the subdivision acquisition of the Packerton Yards property.

#### Police

Chief Biechy said he submitted the PCCD grant for the body cams. Brian said he and the mayor did a webinar with a company called Lexapro. They do online SOP and policies so it takes the paper away. They do the updates with a yearly fee but they both liked it.

We are going to look to replace Car1. KME is trying to talk him into an F150 pickup made for police. Cars are almost nonexistent any more.

#### Mayor

Mayor Ritter said he is concerned about the kids crossing at 12<sup>th</sup> & Mahoning Street. He wants have the school crossing sign moved and thinks it is the school districts responsibility and he will be talking to them. Nicole said it should have been part of the school's modification plan. Brian said he did talk to the school and was told it was not part of their original traffic plan they submitted to PennDOT. What he has been told through highway safety is to contact the person at PennDOT and the school district needs to call and apply to have that change done. Nicole said she did mention it to the school superintendent some time ago. She also said we do maintain them and own them but it is part of the schools project to have them amended. She did address the 12<sup>th</sup> & Mahoning Streets crosswalk a few weeks ago with them.

#### Fire Chief

Absent.

#### Light & Power Superintendent

Lonny said he had a few things but think they have been ironed out. One was his easements from the school district. The other is that they put a shed in front of his transformer. He is not sure if the shed is permitted or if someone just decided to put it there. They still have not put a right-of-way or roadway in at their pole so we can access

it and it is all mud. So if something happens they will sit in the dark until we can get to the pole and the shed gets moved to access the transformer.

Lonny also found a water problem at the Rec Center. We are taking on water in one of the electric panels. He is going to look tomorrow to see where it is coming in from the roof.

Public Works Superintendent

Kris thanked council for approving the purchase of the pickup truck and plow. He thinks we should start thinking about a program to rotate our trucks a little more often than what we are. We are having a serious rust problem with several of our vehicles. Concerning the sewer vac, he can get someone in from one of the companies for a demonstration to council of the sewer vac.

Recreation Director

Nothing.

President of Council

Nothing.

Addendum

Motion to approve Brian Rubin's resignation from the Property Maintenance Board

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

Discussion on Declaration of Disaster Emergency

Councilor Flickinger asked to have this done. He said normally we would not get reimbursed from any state/federal agencies for snow emergencies. Due to the amount of ice they are forecasting on top of the snow should there be any branches affecting our power lines, power outages or things like that it should fall under reimbursable items. To be eligible if damage occurs the declaration must be submitted.

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

Nicole wanted to clarify that this isn't a snow emergency as per the ordinance. It's different right. Joe said the snow emergency is the mayor's thing. Nicole said if something were to happen the snow emergency ordinance does not go into effect until 5 days after enactment so it would not be in effect tomorrow.

Motion to adopt Resolution R004-2019 Declaration of Snow Emergency (if needed)

Nicole said she is confused. She wanted to clarify that we are looking to do the Disaster Emergency in case we need that for FEMA purposes. We are not calling a snow emergency at this point in time correct. The mayor said no. Nicole asked if these were 2 separate documents and was told yes.

Councilors Perry/Abelovsky made the motions to adopt Resolution R004-2019 if needed and all were in favor with no questions or objections.

Approval of additional bills totaling \$130,494.71

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

Autumn wanted to bring up the 2019 goals and projects list Nicole gave to council last month. Nicole gave it to us and we just kind of put it aside. Autumn looked over it and realized some of them are projects/goals she has been hearing about for many years.

She asked Nicole for all of the project sheet she has done going back to 2015. Autumn cross-referenced them and there has to be at least 20 items on the 2019 list that were on in 2015 that haven't been touched on. One item is the 11<sup>th</sup> & Hamilton Street Sewer Rehab project. She has had many residents ask her about when this project was going to happen. Her question to council is – should we look at this list and prioritize? Do we need to give direction of what we want worked on? Autumn said it boggles her mind that some of these things are just sitting. Under Code Enforcement and Zoning, if there are properties back in 2015 were set for demolition now in 2019 say rehabilitation, she's confused. Nicole said it is because of whatever had happened since. If you're looking at 209 North 1<sup>st</sup> Street; we had looked at the property assessment and then it changed hands numerous times and now the new owner submitted building permit plans to fix it up and have not completed the work and we are now back in court. If these projects aren't completed they are carried year to year after the budget is done. Autumn said her mom had a home on North 12<sup>th</sup> Street and she sold it because nothing was getting done and she feels when asked about the sewer project she is giving false hope.

Solicitor

Nothing.

Treasurer

Nicole said the treasurer requested a \$250,000 transfer from L&P fund to General Fund if needed. Councilor Abelovsky/Perry made the motions to approve the transfer if needed with no questions of objections.

Committee Reports

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

Streets, Buildings and Codes – Joe Flickinger, Chair; Autumn Abelovsky, Co-Chair – Joe thanked Jenny for coming and speaking on behalf of herself and the other business owners in regards to the downtown.

Police, Fire and Safety – Ryan Saunders, Chair; Jared McEvoy, Co-Chair – nothing.

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

Sewer Committee – Autumn Abelovsky, Chair; Darryl Arner, Co-Chair – Autumn said that Beth in Utility Office has gotten the delinquents sewer accounts down from about \$34,000 to \$11,000 in one year. These were all accounts that were delinquent for over 1 year. There is action taken on every property that is delinquent. The Sewer Authority has now asked for a list of all accounts over 6 months and Beth is going to start working on those as well.

Public Works & Recreation – Jared McEvoy, Chair; Ryan Saunders, Co-Chair –nothing.

Acceptance of Officials Reports

Councilors Arner/Saunders 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 the additional list of bills totaling \$130,494.71 and all were in favor with no questions or objections.

Motion to go into Executive Session for Personnel

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

Motion to go back into Regular Session

Councilors Flickinger/Saunders made the motion to go back in at 8:17p.m. and all were in favor with no questions or objections.

Action on Items from Executive Session

Councilors Abelovsky/Saunders made the motions to accept Stephany Rehrig's resignation and all were in favor with no questions or objections.

Councilors Flickinger/Saunders made the motions to hire crossing guards as presented pending pre-employment processes and all were in favor with no questions.

Motion to Adjourn the Meeting

Councilors Arner/Saunders made the motions to adjourn the meeting at 8:23 PM and all were in favor. Meeting adjourned.

Brenda L. Kreitz  
Borough Secretary