

March 4, 2019

The regular meeting of Leighton Borough Council was held in the municipal building on Monday, March 4, 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.

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, Fire Chief Patrick Mriss, 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

Mr. Agüero is a 3rd generation wine maker. His grandfather moved to Argentina and started a winery and today they export their wine to 9-10 countries. Many people don't understand that they are an international wholesaler. He would like to have a small distribution center for small development in the borough. He is looking for a loading space to park his trucks for his business. Mr. Agüero and his family will live on the second floor of the building. His business will be on the main floor. He also has a nice basement that he would like to turn into a wine cave in the future. It will be a place to taste his wines and sell wine to the customers. This is only an idea at this point but he hopes to make it reality once he is established in the borough.

Right now, Mr. Agüero would just like to have a parking space to load his truck on Iron Street. He said the Coca-Cola truck parks in front of his building every 3 days; there is another refrigerated truck that is 53' going into the alley behind his building on a regular basis leaving him no place to back his truck up to the loading dock on the Iron Street side of his building. The truck will be out in the middle of the street but only for about 45 minutes.

Nicole said the Zoning Hearing Board at their last meeting said Mr. Agüero could not have large trucks; only box trucks. Mr. Agüero came back to her and showed pictures of large trucks parked in the area blocking the travel lanes or protruding into the travel lanes.

Mr. Agüero said he will only have a truck there once a month. If this becomes his real distribution center it would be 2-3 times a month.

Council decided to have Mr. Agüero to work directly with Nicole and work things out. Dennis DeMara and Chris Strohler – Wildlands Conservancy

Chris Strohler wanted to give an update to council on the projects they have been working on the past few years. About 2 years ago they asked for permission to do investigative studies to open up the Dunbar's Beach location for river access.

They have done an extensive title report on this property all the way up to the county owned Packerton Yard area where the borough has about 26 acres located within the borough but owned by the county. The county has graciously agreed to donate the 26 acres to the borough to help in the efforts with this project. There is about a mile of

riverfront if you include some of the Packerton property. The title report pointed out some of the overlay issues with the portions of the Dunbar property jointly held with the borough and the Canal Commission. Dennis has offered to help facilitate the transfer of the Canal Commission's portion of the property to the borough itself.

The Conservancy has worked with municipalities in the past to develop river access and the first step is working with the Fish and Boat Commission to secure public ownership of the sites. Dunbar Beach is a perfect location and a high priority for river access along the river.

They are here to answer any questions on what has been done so far. Mr. Strohler sees this as a high priority for the Lehigh River and borough. The next tangible step is securing the 26 acres being donated by the county to the borough. This is a critical piece to this project.

Mr. DeMara said it has been almost 2 years and he wanted the borough to know they were still moving forward and the funding is still in place for this project.

Solicitor Nanovic said there are a number of issues; one being acquiring the property from the county. The county has agreed to transfer the acreage and Bruce is working on the survey. Once that is done then we will work on the "trap triangle" owned by the 7 municipalities. Jim said to the best of his knowledge there is no description for that piece of land. It can be deeded that way but he doesn't know how to get a description of it or if it can be done. The final part is to contact the railroad to get a private easement until a public easement can be gotten. This will probably be the most difficult part.

Bruce asked how we get a subdivision between Lehighton and Mahoning if we don't have public access to the piece. Solicitor Nanovic said we have private access.

HEARING OF PERSONS PRESENT

Jessica Mavis of Girl Scout Troop 329 attended to present her idea to council for a dog park. She would like to create a dog park in the vacant area below the Recreation Center as her Gold Award Project for Girl Scouts. This is the equivalent to the Boy Scouts Eagle Scout Project.

Councilor Abelovsky said Jessica presented her idea to the Parks & Recreation Board who thought this was a great idea and was happy to have someone willing to do the work and make an idea they had come to fruition. Autumn said she is affiliated with Girl Scouts and would be Jessica's liaison for the Girl Scouts to sign off on her project.

Autumn said Jessica has already visited the Route 100 off the leash dog park. They have a section for large dogs and a separate section for smaller dogs. The Allen Twp. Dog Park has some agility for dogs to burn off more energy. She showed some pictures of her idea for agility items in the park and have a space for throwing a ball or Frisbee or walking a dog with separate spaces for big and small dogs.

Councilor Saunders asked Jessica about the agility kits she showed them at the P&R meeting. Jessica didn't have those pictures with her but she did have plans of things she could build herself without a kit.

Autumn said Jessica came to Parks & Rec to find out her next step. Jessica was told she would need council approval and then get a focus group together and reach out to the media and try to get interest and then funding. Jessica said she has found 6-7

grants for funding a dog park. Autumn said the grants would need to be submitted through the borough.

Jessica said the size of the park would be up to council and what they will allow her to use for the park. Autumn said she thinks Jessica is looking for approval to continue looking to this project more if council would consider allowing her to move forward with it.

Councilors Perry/Flickinger made the motions to allow Jessica to move forward with her project and all were in favor with no questions or objections.

Bill Rodweller of 415 North 4th Street Lehighton. He was present as both a dog owner and parent. He wanted to know what the specific plans for the Rec Center were moving forward. He doesn't see a calendar for the summer or the near future to better utilize the Rec Center. He also wanted to know what committees were open to the public. He said he came last Thursday for the Zoning Hearing Board Meeting and the door was locked. What is being done with the traffic situation in and around the school district? What kind of discussion have been discussed during those discussions and has there been any kind of communications with the school board about those kinds of things. President Hunsicker said the borough manager talks to the school on a daily basis. The solicitor said if the doors were locked there was no meeting last week. Mr. Rodweller said he spoke to Autumn who said she didn't understand why they were locked either. He just doesn't want to see any situations about transparency like they do at the school board.

Councilor Perry asked Mr. Rodweller what he wanted to know about the Rec Center. Mr. Rodweller said he would like to know how we could better utilize the park and Rec Center. Ideas like a 3 on 3 basketball tournament would be a fantastic idea for the local kids and stuff like that. He also thought of a softball league or co-ed softball league to run nightly at a defined field. It would cost like \$100 to get t-shirts printed up and get local sponsors from local businesses and get other people to pay for umpires. Just something to get the community active within itself and that we enjoy the community and all get along and come closer together. Councilor Saunders said he spoke to Tom Evans the Recreation Director and a summer league has been proposed and there are 2 gentleman spearheading running it and getting teams involved. It's on social media right now and Tom would be in charge of getting the refs, they can have sponsors, they can get shirts together. We are in the process of getting a flyer together to get more info out to the community as well once everything has been ironed out.

Mr. Rodweller asked if anything was being done with the parks. Any renovations or improvements. Councilor Perry said Baer Memorial is going to be seeing improvements very shortly. Mr. Rodweller then asked about the Grove. He is concerned about the ground around the equipment. It is becoming compact and hard. Tom said we will be getting more mulch for that and there will be some new equipment going in too. Councilor Perry said Tom is really good about keeping an eye on that.

APPROVAL OF MINUTES

Regular Meeting of February 11, 2019

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

NEW BUSINESS

Motion to approve Lehighon Fire Police assisting Palmerton Borough's Raising the House 5K Race March 23, 2019

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

Motion to adopt Ordinance 652-2019 amending the Sidewalk Ordinance pertaining to snow/ice removal

Councilors Abelovsky/Perry made the motions to adopt and all were not in favor. Roll call: yes – Councilors Abelovsky, Perry; no – Councilors Flickinger, Saunders, McEvoy, Arner, Hunsicker. Motion died.

Motion to approve 6th Annual 5K Earth Day Hippie Run/Walk/Bike April 27, 2019 – Requesting Police and/or Fire Police for traffic control

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

Motion to accept Nathan Andreas resignation from the Property Maintenance Board

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

Motion to appoint John Kreitz to the Property Maintenance Board

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

Discussion on appointment of liaison the Lehighon Area School District

President Hunsicker said he spoke to Autumn about this and she volunteered to be the liaison. Autumn said one of the reasons for this is to allow communication between the school board and borough council in addition to the borough manager communicating with the school superintendent.

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

Discussion/Action on the bids for the demolition of the former sewer plant

Nicole said there were 5 bids total. Carbon Engineering recommends Lycoming Supply as the qualified low bidder. There was \$100,000 in the Sewer Fund budget for the demolition and anything over that would need to come from Capital Funds.

It would be the recommendation to proceed because the cost will just keep going up.

Councilors Perry/Flickinger made the motions to award to Lycoming Supply in the amount of \$197,089 and all were in favor with no questions or objections.

Discussion on Baer Memorial Improvement Project Stormwater Submission

Nicole said the plans had been submitted per stormwater submission and we were not sure if we would need any kind of action tonight but we do not.

Bruce said they didn't want to do any stormwater and wanted a waiver from all stormwater requirements. In our ordinance it says if you have more than 5,000 sq. ft. of impervious area you need to prepare a Stormwater Management Plan. The basketball court and associated walking paths and the concrete pads for under the 2 sets of bleachers comes to over a ½ acre of new impervious area.

Bruce looked at the plans submitted for bid and reached out to the Conservation District but the response Bruce sent back to the architect was to try and comply with the ordinance section that say they will remove the first 2 inches of rain on all impervious

areas from the system. If they can't do that the ordinance requires them to put in writing a request to borough council requesting waivers stating that they can't do that.

Bruce suggested putting in a rain garden in on one side of the basketball court to allow for this runoff. They also need a written E&S plan.

Nicole said they did respond to Bruce's email and will attempt to change some of the grading in order to meet the requirements of the ordinance and be able to submit the stormwater management plan. If they cannot do it they will come back to the April council meeting requesting the waiver. And this may well result in a change order with the contractor.

Unfinished Business

None.

Officials Reports

Borough Manager

Council received her report for the month. The Main Street Specialist will be coming back the end of April with the 3rd grant round. Nicole provided the dates of April 23rd and 24th. The Phase 2 portable manhole analysis for the I&I Reductions Services came in. The Sewer Authority will review this tomorrow night at their meeting. She did forward that to council via email and a copy is available if you want to read it.

Nicole has gathered information on the parking meters along with several comments and concerns from local business owners and she will share all of that with council once she compiles it into a report. The approximate cost to upgrade the parking meters will be \$20,000.

Councilor Abelovsky said in going through Nicole report she found a few items stating Nicole was awaiting a response from council. She wants to be sure council is giving her the necessary feedback requested to keep these projects moving forward or have them removed all together.

The Utility Rate Study for the Economic Development Incentive Program was one item. Is this something we should be talking about right now? Nicole said it has been talked about it but no final decision was ever made so it stays on her report.

Councilor McEvoy said he thinks council should be interested in and asked what kind of details there are. Nicole said she provided that information months ago with the information from Utility Engineers on the structure. Autumn asked if council could look back through that information and have it on next month's agenda for discussion and maybe put a cap on this item. Nicole will return it to the agenda.

Next was the Waterfront Traffic Engineering Study was still waiting on comments from council.

Nicole is to be following up with department heads for their mission statements for the Performance Evaluation project.

Nicole also made council aware of the fact that Lehighon has been chosen to sit on the PMEA Board of Directors. Their next meeting will be the end of March.

Borough Engineer

Bruce said he has collected a lot of the deeds and has started plotting the deed descriptions for the Packerton Yard subdivision. He said it seems like the county purchased and then there were several corrected deeds. Every time something is changing in the

deeds and he has to try to figure out what happened during these corrections because it seems to have grown from 58 acres to 70 acres.

He is concluding the review of the Bennett land development projects as far as the Stormwater compliance and should be finished tomorrow.

Bruce has reviewed the Baer Memorial basketball courts as far as complying with the zoning ordinance. One of the issues was the height of the fence around the courts. As a result of this we will most likely add something to address fences for athletic facilities in the new zoning ordinance.

Police

Chief Biechy said he is applying for a PCCD grant with no match requirement and called the \$10,000 and Under Grant. He and the mayor have looked into a web based SOP formatted company. The mayor would like more training on the SOP's on a regular basis. Lexi Pole will send a set of questions that are scenario based to him each month and Brian can put them out to the guys with a time frame to complete based on our SOP's. Updates will be done automatically with Brian's and council's approval and will cut down on paper clutter and filing. The total initial investment is \$12,000 or a little less and the yearly budgetary amount is about \$6,000. The grant he is applying for is \$10,000 taking the upfront cost away. It is a significant investment but it will keep our SOP's up to date without much involvement. He needs to contact the department's insurances companies yet to see if they can offset the cost as has happened in other instances. He wanted council's opinion on whether or not this is something that should be pursued. The grant money doesn't have to be used specifically for that but he needs to know as the grant is due the 22nd of March.

Councilor Flickinger felt if Chief Biechy is going to apply for a grant it should be something that can be maintained within the department's budget constraints. The police department budget has increased year after year. We are 3 months into the new year and your requesting money that wasn't budgeted for. Chief Biechy said it would be for \$2,000 this year and then \$6,000 would need to be in the budget for next year.

Chief Biechy said the department's corporal position is open and he would like council to request they contact Civil Service to fill that position. President Hunsicker said we only have 2 members. One just resigned last month. Solicitor Nanovic said then council should appoint someone else. Chief Biechy said it has been open for a while and is a contractual position.

Chief Biechy said his last item is that Karen Reichard and Officer Matt Arner submitted to the National Law Enforcement Officers Memorial the name of our past Chief Harry Yenser who died while on duty in 1947. His name will be inscribed onto the wall this year on May 14th during National Police Week.

Mayor

Mayor Ritter said he has an item for executive session.

Fire Chief

Nothing.

Light & Power Superintendent

Lonny said he had 2 poles snap off from the high winds. Councilor Flickinger asked Lonny to get updated prices on the transformers. Lonny asked which ones. Joe said the

big ones that take over a year to get and cost a lot. Lonny said the ones for the substation will have a 1-2 year lead time to get. Lonny said if they fail we will sit in the dark for a while because they are not readily built. No one has things on the shelf any more.

Public Works Superintendent

Kris said he has a need for a small dump truck. He looked into the cost of repair totaling \$20,000 for a plow and new bed. Kris looked on Municibid and found a 2003 model sold for \$6,900 with a plow and a salt spreader; ours is a 2000. So is our truck worth putting \$20,000 in to? He knows funding is tight and Kris is doing the best he can with the equipment he can but the equipment is falling apart.

Nicole said Kris approached her a week ago about this and they estimate a new truck will cost between \$70,000 and \$80,000 for a new truck vs. \$20,000 for repairs and none of this is budgeted for. Kris needs direction on what he should do.

President Hunsicker asked if there was anywhere money could be taken from and Nicole said no. Liquid Fuels is tied up until next year. The General Fund and Sewer Fund are picking up trucks that we split the last 2 years so there are no funds unless you are taking out of Capital somewhere or shifting stuff in the budget and changing some of the plans we had in place.

Recreation Director

Nothing. Councilor Abelovsky asked if Tom could get the community events that are being held at the Rec Center on the website. Tom said he could do that.

President of Council

Nothing.

Solicitor

Nothing.

Treasurer

Nicole said the treasurer has additional bills totaling \$71,117.60.

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 reminded council that if anyone is available this Friday at 12:30 p.m. the ribbon cutting for the Perfect Balance Boutique located at 170 South 3rd Street.

Police, Fire and Safety – Ryan Saunders, Chair; Jared McEvoy, Co-Chair – Ryan said they discussed with Chief Biechy and the mayor about breaking through the wall upstairs and putting a door in. Ryan spoke to the contractor and he should be able to get started in about 2-3 days. The funds have been allocated.

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

Sewer Committee – Autumn Abelovsky, Chair; Darryl Arner, Co-Chair – Autumn said if anyone is interested in looking through the I&I report Brenda has them in her office.

Public Works & Recreation – Jared McEvoy, Chair; Ryan Saunders, Co-Chair – Ryan said they met with Tom a week or so ago and got some information on people interested in spearheading a summer league basketball Grove program. Tom would handle the administration of it. They have also asked about running a 2 week camp for younger kids. Both people coach for the booster club and have all their clearances.

Acceptance of Officials Reports

Councilors Perry/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/Perry made the motions to accept the accounts payable plus the additional list of bills totaling \$71,117.60 and all were in favor with no questions or objections.

Motion to go into Executive Session for Personnel & Litigation

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

Motion to go back into Regular Session

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

Action on Items from Executive Session

None.

Motion to Adjourn the Meeting

Councilors Arner/Flickinger made the motions to adjourn the meeting at 9:07 p.m. and all were in favor. Meeting adjourned.

Brenda L. Kreitz
Borough Secretary