

May 6, 2019

The regular meeting of Lehighon Borough Council was held in the municipal building on Monday, May 6, 2019. The meeting was called to order at 6:30 PM by Pres. Grant Hunsicker. Members in attendance were: Lisa Perry, 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, Fire Chief Patrick Mriss, L&P Superintendent Lonny Armbruster, PW Superintendent Kris Kunkle and P&R Director Tom Evans. Absent: Police Chief Brian Biechy.

Pledge of Allegiance

Interviews for vacant council seat:

Scott Rehrig	Mark Hoffman
Donald Rehrig	Rebecca Worthy
William Rodweller	John Bird

President Hunsicker asked for nominations.

Councilor Perry nominated Mark Hoffman

Councilor Flickinger nominated Donald Rehrig

Councilor Arner nominated Scott Rehrig

President Hunsicker closed the nominations.

Roll call vote taken for Mark Hoffman: No – Councilors Abelovsky, Flickinger, Arner, Hunsicker; Yes – Councilor Saunders, Perry.

Roll call vote taken for Donald Rehrig: Yes – Councilors Abelovsky, Flickinger, Saunders, Perry; No – Councilors Arner, Hunsicker. Donald Rehrig will take over the vacant seat. He signed the Residency Affidavit form and was sworn in by the Mayor then took his seat at the table.

GUEST SPEAKER: Manny DaCosta, Lehighon Sewer Authority

Mr. DaCosta will be at the June meeting.

HEARING OF PERSONS PRESENT

Stacy Smith, 190 Bankway said there is a problem at 317 South 1st Street with constant in/out in the back alley. She has the license plate of the gentleman who is hauling it back and forth. There is lots of activity Thursday to Saturday. There are kids playing there; people parking in private parking area for the residents who live there upsetting the residents who have nowhere to park because of this. Ms. Smith does not feel it is safe for the kids in the area because of the drug activity.

Councilor Saunders asked if she spoke to the police department. Ms. Smith said she has spoken to the police secretary several times.

The mayor asked Ms. Smith to give him the information and he will discuss it with the police chief.

Ms. Smith is also a crossing guard on 11th & Mahoning Streets. She took pictures of cars parking in no parking spots, cars parking at the yellow lines and she has safety concerns for this intersection because of there being no designated crossing area there. Chris Rodriguez has saved children several times from getting killed. Ms. Smith said there

are more kids crossing or being crossed down there than at the designated spot where she is located.

President Hunsicker said the police chief met with someone from PennDOT to discuss what could be done at that intersection. There is a gentleman who specializes in safety at school zones and did a study for all of the LASD area focusing on that intersection.

Don Getz, 125 Eastside Avenue has an issue with a dirt bike and 4-wheeler on the dirt roads behind the hospital. Hunter Galade is the boy riding these vehicles at his grandparent's home. He is disrespectful and drives on Mr. Getz's property and rips it up and goes around the barrier the hospital put on the road to keep the boy out. The hospital did put No Trespassing signs up but all have been torn down except one. The police know who the kids are.

Mr. Getz said Hunter was fined \$500 last week and again yesterday and 3 kids were arrested on Saturday by Lehigh & Mahoning Police.

The mayor said he spoke to the police chief about this issue. Councilor Perry asked if they could be arrested for trespassing and the mayor said they would need to repost the area, tell them they cannot trespass and then if they do they can be cited for criminal trespass.

Linda Dean, South 3rd Street said there is a town wide garbage issue. She wanted to know why they route through the garbage and to know what they are looking for.

The mayor said his department is aware of it. Ms. Dean said her neighbors have cameras in the alley to catch them.

Councilor Abelovsky said she was going to bring this up later because she has also been contacted by 3 residents in the last week. Autumn researched this and federal law allows people to do this but there is a simple fix. The borough can pass an ordinance to prohibit going through garbage. She said council has information she found included in the council packets and asked that they look it over to discuss it further next month.

Jennifer Cerrato, Jenny's Sweet's and More on South 1st Street wanted to say thanks for the letter to the businesses about not parking in front of their stores, for cleaning up the lot behind Alfie's, painting the lines on the street and removing the parking meters.

APPROVAL OF MINUTES

Regular Meeting of April 1, 2019

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

NEW BUSINESS

Motion to adopt Resolution R8-2019 Bituminous Materials in Small Quantities

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

Motion to accept Kathy Long's resignation from the Parks & Recreation Board

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

Motion to accept Jared McEvoy's resignation from Borough Council (prior to appointing Donald Rehrig to the vacant seat)

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

Motion to approve Palmerton Borough's request for Fire Police assistance with St. Luke's Five and Dime Road Race May 11, 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 approve Palmerton Borough's request for Fire Police assistance with Memorial Day Parade May 27, 2019

Councilors Flickinger/Saunders made the motions to deny the request due to our parade being the same day and time and all were in favor with no questions or objections.

The mayor said that different agencies are sending the request letters to him for fire police assistance. He would like the borough secretary to send a letter asking that all requests for fire police assistance be addressed to council instead of the mayor. Brenda said she will put a note in with these response letters asking them to make the change.

Motion to approve parking space lease agreement with Gaston Brother's Inc. for the placement of dumpster in Keystone Alley

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

Motion to approve Resolution R9-2019 approving the form and authorizing the execution of power sale contract with AMP regarding participation in the AMP R.I.C.E. Peaking Project

The borough manager said no action is required tonight on this item.

Motion to approve placement of a new gateway sign at SR 209 Median

Councilor Saunders asked for this item to be put on the agenda. He said LDI, the Main Street Steering Committee and the D&L Trail Steering Committee got together and came up with a design for a new gateway sign for our town. It was based on the recommendations of all parties involved. Ryan showed council a picture of the sign. LDI and the D&L Trail funded the project.

Nicole said the sign is actually up and is lovely. She thanked all of the groups for their efforts and having completed the project so quickly.

Lighting for the sign was discussed with Lonny Armbruster.

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

Mr. Getz asked to bring up one more issue he is having with a drag car on North 12th Street revving the engine at all hours and letting the car run for more than a half hour. He has been told nothing can be done because the borough has no decibel meter and would like the borough to purchase one.

Discussion/Action on bids for Upper Park Rehabilitation Project

Nicole said only one bid was received for the project and was \$300,000 over budget. There were no contractors at the pre-bid meeting but were hoping to have bids come in around the \$300,000 we have for the project.

Nicole said we can rebid the project with an adjusted scope of work and would need to assure that the adjusted scope of work falls in line with what the grant applications were submitted for. Kobalt was the only bidder and we are familiar with them from doing the Lower Park.

Nicole said the amphitheater is the largest cost of the project so it is not the sidewalks but the amphitheater repairs which is being funded by the Greenways Trails. Her

concern is the timeline. If we cannot commence work by July we will need to reevaluate the schedule in order to accommodate Rocktoberfest. We could delay and submit for additional grants or use borough funds. We have submitted 6 grant applications and have been funded for two.

Nicole can bring back to the June meeting what grants we can apply for. The fact that we are shovel ready might help.

Councilors Flickinger/Arner made the motions to reject the bid from Kobalt and all were in favor with no questions or objections.

Consideration on the request from Peaceful Knights to hold the Crusade for the Homeless 5K Walk/Run July 20, 2019

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

Consideration on changing payroll services from ADP to Pay Time

Nicole said there was a major issue with ADP resulting in our looking at demos from other payroll companies. In doing so, we found we can save a lot of money. We looked at 3 companies and the recommendation from the staff is Pay Time at a cost of about \$750/month. If council wishes to approve going with Pay Time the next question is do we keep the time clocks and the accompanying policy or not.

Councilors Perry/Flickinger made the motions to change to Pay Time and remove the time clocks once everything is switched over and all were in favor with no questions or objections.

Consideration on the purchase and financing of a new police vehicle

Nicole had Chief Biechy's proposals from Kovatch for the F150 Truck and the SUV. They are equivalent to the other proposal from Koch 33. Nicole also provided the financing options for council to look over from Community Leasing Partners and Mauch Chunk Trust.

Councilor Perry said she understands the SUV is more but does not feel the truck is feasible and Councilor Flickinger agreed.

Councilor Rehrig asked what the reasoning was behind wanting the truck. Councilor Flickinger said the chief said that is what Barry presented him with. Nicole said we would be able to receive the truck faster than the SUV and that was the issue. Lisa said the truck was also cheaper.

Councilor Abelovsky wanted to provide the flip side to this item. At the last meeting she said she didn't feel a truck was necessarily the best decision. In asking around and doing more research she found that if the police need to confiscate a 4-wheeler they could put it in the back of a truck. Same with stolen bikes and such would make it easier for them to transport. She still does not think a truck is the best option but now sees there is a use for it and wanted to bring it to council's attention.

Councilors Flickinger/Perry made the motions to purchase the SUV.

Under the question: Councilor Abelovsky asked the timeline of the SUV due to Chief Biechy stating if the delivery date is months out then a couple thousand dollars would have to be put into the Crown Vic. Council agreed putting money into the Crown Vic was not feasible.

All were not in favor and a roll call vote was taken. Yes – Councilors Abelovsky, Flickinger, Perry, Rehrig, Arner and Hunsicker; No – Councilor Saunders. Motion carried to purchase the SUV.

Councilors Flickinger/Arner made the motions to finance the SUV through the Mauch Chunk Trust Company at 3.82%. Councilor Perry abstained from the vote. Roll Call: Yes – Councilors Abelovsky, Flickinger, Saunders, Rehrig, Arner and Hunsicker. Motion carried.

ADDENDUM

Motion to approve the Sand & Stone and Road Materials Bids as presented

Kris said the cold patch was awarded to New Enterprise. Hei-Way did not get their bid package on time and Kris wanted to know if council could reject the bids and rebid.

Brenda said council can accept the Sand & Stone bids and reject the Road Material bids and rebid the Road Material contract.

Kris said the cold patch is a little more per ton but it last much longer the New Enterprise cold patch doesn't bind together or stick.

Bruce asked if the material Kris wants from Hei-Way is the same stuff the Water Authority is using. Kris said it is and is also what UGI is using. Bruce asked if it is PennDOT certified and Kris said yes. Bruce said he was under the impression that what the Water Authority was using was not PennDOT certified and Liquid Fuel money could not be used.

Councilors Arner/Rehrig made the motions to reject the Road Material bids and rebid this item and all were in favor with no questions or objections.

Councilors Perry/Arner made the motions to approve the Sand & Stone bids as presented and all were in favor with no questions or objections.

Request from Lehigh Area School District for fire police assistance at graduation June 14, 2019

Councilor Flickinger thought the school district was using their 3rd party vendor for things like this the last few years. He would like to be sure what they are requesting to be sure there is no missed communication.

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

Motion to approve additional bills totaling \$99,132.80

President Hunsicker added these to the list of bills for approval.

Unfinished Business

Continued discussion on the replacement of the substation transformers

Nicole met with Lonny and Norm Barron after the last council meeting. Lonny said Norm had a discussion with Javid from PPL who is now our liaison. PPL was looking at upgrading their transmission lines from 69,000 to 138,000. Our substation is billed for dual voltage; the transformer is put in for dual voltage. Apparently PPL is dropping the 138 upgrade. That being said we probably won't need to purchase a dual transformer which will save a little bit of money.

Continued discussion on request from Mary Strohl

Nicole spoke to Mary and she talked to the school district stated the same thing Nicole did last month. Nicole had said she believes the borough records and the school districts records are what we receive on a monthly basis from her monthly report and her

tax records are what she gives us once a month. Mary is still requesting borough assistance in the destruction of the records.

Nicole did speak with another tax collector who's been doing this a long time. He said the Chief Assessor had recommended that you keep records for 10 years and when this tax collector would destroy the records it would be on him to do so. Nicole and our solicitor discussed this and the solicitor agreed with Mary destroying the records. They are her records. She is an elected official of the borough but they are her records. Mary is however requesting borough council assisting with this. President Hunsicker said then we would be doing it for the school and the borough and the solicitor agreed.

Councilor Flickinger asked if there is anywhere in writing in case Mary questions our decision. Nicole said Mary couldn't produce anything. Nicole used Berkheimer as an example. The borough appointed them to collect EIT tax. Their records are not our records.

The solicitor couldn't find anything either. He said the closest he could find was that we set the compensation for the tax collector by February 15th prior to the election and the compensation includes other things. We buy her envelopes or other things and we have to include that and this request would be a form of compensation because we are providing her a service. The solicitor does not think we can do this because that would violate the compensation because we are giving her an extra service.

Councilors Flickinger/Abelovsky made the motions to reject Mary Strohl's request on the solicitors recommendation and all were in favor with no questions or objections.

Continued discussion on the submittal of the 2019 Grant Applications

Nicole had asked if council was interested in submitting the Greenways Trails or the Multimodal grant applications for the Waterfront Traffic recommendations or the South 1st Street Sidewalks. Based on tonight we are requesting extra grant funds for the Upper Park and that is what we will prepare.

Consideration on request from Leighton Area School District for police vehicle donation

Councilors Flickinger/Saunders suggested tabling this item until there is a vehicle available to potentially be transferred and all were in favor with no questions or objections.

Officials Reports

Borough Manager

She will provide council with her written report upon completion.

Borough Engineer

Nothing.

Police

Absent.

Mayor

Clark thanked council for all the well wishes and concern shown to him during his hospital stay last month.

Mayor Ritter read the Arbor Day Proclamation.

Fire Chief

Nothing.

Light & Power Superintendent

Lonny said they finally have their SCADA System up and running. Training is completed and we are active since 2016. He is getting lots of questions on when the Hometown hero banners are coming. Councilor Perry said in August but you can tell them September.

Public Works Superintendent

Nothing.

Recreation Director

Tom said there is a major issue at the Annex. Dual Temp is saying the cooling tower should be replaced. The cost is \$115,000. Nicole said she provided council with the maintenance budget having \$40,000 as of May we are at \$31,000 so it is not in the General Fund budget. There is a 12 week lead time so if it goes into the winter we are in trouble.

Tom said it has been leaking so bad it was out into the parking lot and Dual Temp repaired it Thursday. The man said it is that bad that he might not be able to do anything next time.

Councilor Saunders asked what was done to repair it. Tom said he put more tin in it but the frame is starting to rust our too.

Nicole said from 2016-2018 there was capital that would have been made off the rentals at the Annex. She also isn't sure if this would need to be bid but feels we would need to bid it out.

Tom said if it fails we are up the creek. This is like the 3rd time it's been fixed. The cost to replace the tower was \$96,000. If it fails there will be no air conditioning but in the winter there will be no heat.

Councilor Flickinger asked if we should be in real estate due to these sorts of issues and the cost associated with them. Tom isn't sure we could get a buyer.

Nicole asked what council wanted to do. Are we going to repair or replace? Council agreed it will need to be replaced. Joe suggested having the finance committee look at financing options since it is not a budgeted item.

Councilors Arner/Perry made the motions to advertise for the replacement of the cooling tower at the Annex and all were in favor with no questions or objections.

President of Council

Nothing.

Solicitor

Nothing.

Treasurer

Nicole said the treasurer has requested a transfer from L&P Fund to General Fund of \$100,000 if needed.

Councilors Abelovsky/Perry made the motions to approve the transfer if needed and all were in favor with no questions or objections.

Committee Reports

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

Economic Development, Buildings and Codes – Joe Flickinger, Chair; Autumn Abelovsky, Co-Chair – Joe thanked Public Works for cleaning up the parking lot and Autumn for attending the ribbon cutting at Salon Indigo.

Police, Fire and Safety – Ryan Saunders, Chair; Donnie Rehrig, Co-Chair – Ryan thanked the fire police for their help with traffic control at the Lehighon Outdoor Center for the Wine on the River event.

Joe asked the mayor if he received anything from the Orioles for their event. The mayor said he did not receive anything.

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

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

Streets, Public Works & Recreation – Donnie Rehrig, Chair; Ryan Saunders, Co-Chair – nothing.

Library Board – Autumn provided council with a drawing of the proposed addition to the library.

School Board – Autumn had nothing.

Canal Commission – Ryan said the commission met twice last month. They received \$10,000 from the Carbon County Commissioners through the railroad for the matching funds for a grant to get the spillways done at 2 of the locks and purchase an ATV with grass cutting attachments for the trail tenders to use.

June 15th will be cleanup day along the D&L Trail.

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 Perry/Arner made the motions to accept the accounts payable plus the additional list of bills totaling \$99,132.80 and all were in favor with no questions or objections.

Motion to go into Executive Session

Not required.

Motion to Adjourn the Meeting

Councilors Saunders/Perry made the motions to adjourn the meeting at 8:35 p.m. and all were in favor. Meeting adjourned.

Brenda L. Kreitz
Borough Secretary