

June 1, 2020

The regular meeting of Lehighon Borough Council was held in the municipal building on Monday, June 1, 2020. The meeting was called to order at 7 PM by President Grant Hunsicker. Members in attendance were: Councilors Lisa Perry, Darryl Arner, Donnie Rehrig, Autumn Abelovsky and Ryan Saunders. Absent: Councilor Joe Flickinger

Officials in attendance were: Borough Manager Nicole Beckett, Borough Secretary Brenda Kreitz, and Mayor Clark Ritter. Recreation Director Tom Evans via zoom.

**Compact Agenda due to COVI-19 Restrictions - Yellow Phase**

Pledge of Allegiance

MS4 Public Hearing

Nicole said she had no questions from residents and council had none.

Hearing of Persons Present

None.

Approval of Minutes

Regular Meeting of May 4, 2020

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

NEW BUSINESS

Ratification of COVID-19 "Task Force" Actions since May 4, 2020

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

Approval of Resolution R18-2020 establishing the current base purchased power cost for the purchased power cost adjustment

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

Consideration on the approval of Resolution R19-2020 extending the penalty period of Occupation Taxes with same extension as the Real Tax penalty period

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

Continued discussion on the recommendations from the Recreation Director pertaining to Baer Memorial Swimming Pool and consideration on new guidance provided by the PA DOH and CDC

Tom attended the meeting via zoom to answer questions council might have on opening the pool. Councilor Saunders felt Tom has the pool well prepared under the guidelines in place and feels the pool can safely be opened on June 13, 2020.

Councilor Perry asked if the County had to be in the "green" first and was told no.

Councilor Abelovsky asked if we still need to have a COVID Officer in place and Nicole said we need to have a pandemic safety officer which will be Tom.

Councilor Perry asked if we are limiting to only residents in the County and Nicole said yes. Councilor Rehrig disagreed. He felt limiting to the Lehigh School District only was better and President Hunsicker agreed. Councilor Saunders said if we do that, he felt honoring season pass holders should be allowed. He felt it wasn't fair for those who have purchased season passes from outside the school district not to be allowed to use the passes.

Nicole asked Tom what the out of town percentage was and Tom said one-third. Some have been members 10-12 years. He doesn't feel not letting those people use their passes is a good thing to do. They might end up leaving us forever. Councilor Rehrig asked how many people we are going to allow in the pool. Tom said 250. Councilor Rehrig asked what the normal amount was and Tom said the max is 600. Donnie then asked if walk-ins will be allowed and Tom said we will have them but he will make that decision daily as not all the season pass holder come daily. Tom said when he gets to around 200, he will have the other 50 for members only. Councilor Rehrig thinks all these questions need to be answered and have everything in place before deciding to open.

Nicole asked how many passes have been sold and Tom wasn't sure because some have requested refunds. Councilor Abelovsky is concerned with the rotation of lifeguards and the changes needing to be made for safe distancing and the wiping down of the showers and things. Tom said the railings, picnic tables, ladders will be wiped down every half-hour. The bathrooms will be cleaned every hour. The concession stand will have a limited menu and if you want ketchup or something on your food the staff will put it on when ordering. Councilor Abelovsky thought this was a huge undertaking. Councilor Rehrig asked if someone will be monitoring the changing rooms because only so many will be allowed in there at a time and Tom said Robin in the office helps him with that. Tom also said the drinking fountains will not be turned on so you will need to bring your own water or buy it from the concession stand.

Councilor Saunders was fine with limiting to the Lehigh School District but still felt the season pass holders should be included. Councilor Abelovsky said she is one who would rather err on the side of caution and not have the pool open at all even though the CDC said pools and lakes are allowed to open. She feels it is too much of an undertaking.

Councilor Perry asked about the legal ramifications of limiting the pool to only LASD and pass holder who might be from outside of the county. The solicitor said the only issue he might have is how do you handle other people from outside of Lehigh school district wanting to buy a season pass. He doesn't see any illegal discrimination but can see the borough getting some feedback on that. Councilor Abelovsky asked how we will handle a family with a season pass from Palmerton showing up at the pool with someone wanting to buy a day pass for someone outside of our school district. She was told they will not be

given one but Tom still thinks if we limit to Carbon County only, he will have less problems than if we limit to just the Lehigh School District.

Councilor Autumn asked with all these limitations put in place will the pool still show a profit?

The Zoom call was lost.

Councilor Rehrig/Arner made the motion to open the pool June 13, 2020 to residents in the Lehigh Area School District and pool pass members who have purchased passes in the past only, and are current members for 5–10 years, not new pass members and all were not in favor. Roll call: Councilors Arner, Rehrig, Hunsicker voting yes and Councilors Abelovsky, Perry, Saunders voting no.

Nicole called Tom on her cell phone and put him on speaker to answer council's questions. Councilor Saunders asked Tom what his concerns were in limiting the pool to LASD only. Tom said he is concerned we will not show a profit or break even in doing that. Tom was ok with opening to LASD and past season pass holders.

Upon hearing this Councilors Saunders and Perry changed their votes to yes making the official vote 5 yes; 1 no.

#### Discussion/Action on proposal from Energy Equipment Controls for the Annex Controls

Tom said the controls are not working. The controls we are looking at getting control the water temperature for the boiler and the water temperature going out to the tower. In the winter the water is going out to the tower at 140° and we are cooling it down to 80° in the winter and we shouldn't be. We just waste money and running pumps unnecessarily.

Nicole asked if the \$14,000 is in addition to the \$5,500 approved in March and Tom said yes. Nicole said that puts us under \$20,000 for the controllers in addition to the cooling tower and whatever else done to date. That leaves us with a \$6,000 balance for the remainder of the year for repairs and building maintenance.

Councilor Rehrig asked if it needs to be done now. Tom said yes or at least have it done before January.

Nicole said these controls haven't worked in years and in getting the cooling tower repaired the engineer said this is something to also get repaired. The solicitor asked if other companies do this and Nicole said she believes this is a specialized type of repair.

Nicole said the \$5,500 we already spent will not work without the new controls in place. Tom said that was correct and the guy will refund the \$5,500 if we don't get the controls done.

Councilor Perry said the police department is the one where we usually end up spending more money on repairs than anticipated. She asked Nicole if she had an average of how much we usually spend on the police department. Nicole said it varies over the years. Nicole said it has probably been over \$6,000 most times. Nicole also said Tom is working on a combined lease that might bring in additional revenue and collecting our rental payments from PathStone and the utilities have been down for the last 3 months.

Councilor Rehrig asked what the timeframe was to install the controls. Tom said he wasn't sure if the controls needed to be manufactured prior to shipping. The solicitor said either Nicole or Tom should talk to this person and find out the lead time on the controls.

Councilors Saunders/Perry made the motions to table this item until September and all were in favor with no questions or objections.

Tom requested to hire two more employees; Gauge Hartney and Brooke Zellner as life guards to cover the pool when the college kids go back to school.

Councilors Perry/Saunders made the motions to hire and all were not in favor. Roll call: Councilors Perry, Arner, Saunders, Hunsicker – yes; Councilor Abelovsky – no because she voted to not open the pool.

#### Discussion/Action on Financing Proposals for the LFD Ladder Truck

Nicole provided council with a spreadsheet listing the financing options. Community Leasing Partners were the low bid. We would be placing \$425,000 down, leaving a balance of \$690,393. We have the option of financing for 10 or 12 years. Nicole said 1 mill equals approximately \$83,500 but we don't collect that in a full year. We collect 92% which she is expecting to go down to about 86% due to the times right now. \$80,000 would be around the 10-year mark. If the funds aren't there, they would come from other tax dollars until the funds come in thru the years or do the 12 years at \$69,252

Councilor Perry abstained from voting.

Councilors Rehrig/Saunders made the motions to approve the down payment of \$425,000 with 12-year financing and all were in favor with no questions or objections.

#### Motion to approve Payment Application #1 in the amount of \$167,041.04 for the Beaver Run 12,470 Volt Circuit Upgrade Project

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

#### Motion to approve Change Order #1 in the amount of \$16,314 for the Beaver Run 12,470 Volt Circuit Upgrade Project

Nicole said when we bid the project, we had a Change Order in there in preparation for this. She believes it was for about \$60,000. Her understanding is that with this \$16,314 the \$60,000 will go away. It had been approved with the Change Order if needed.

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

#### Motion to approve Ordinance 656-2020 electing to amend the Non-Uniform Pension Plan administered by Pennsylvania Municipal Retirement System pursuant to Article IV of the Pennsylvania Municipal Retirement Act

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

### Update from Lehighon Downtown Initiative on Events and Farmers Market Request

Councilor Saunders said they did have a meeting to go over events and as everyone knows their budget comes from the local business owners. The businesses are shut down and the committee decided to not hold Rocktoberfest this year. Instead the committee will try to support the local businesses with advertising and be some sort of backbone for them instead of taking money from them.

Ryan said there were issues obtaining the funding for the fireworks celebration and decided to cancel the fireworks as well. Two days later they received a phone call from a radio station in Reading. They wanted to put on a simultaneous fireworks display. The gentleman from the radio station reached an agreement with International Fireworks for \$7,000. LDI decided that with the commitments they still have they can afford the show provided the commitments are still valid. There will be no event in the town square so social distancing should not be a problem as you can watch the fireworks from your home.

LDI would also like permission to allow local craft vendors become part of the farmer's market. The interior of the park is available for these stands keeping with the distancing between vendors in accordance with CDC guidelines.

Councilor Abelovsky asked Ryan if he spoke to Mr. McAward regarding the fireworks. Ryan said he did and has the certificate of insurance with the additional riders.

Councilors Rehrig/Perry made the motions to allow craft vendors at the farmer's market and all were in favor with no questions or objections.

### Motion to approve the resignation letter from Elizabeth Lorenz

Councilors Saunders/Abelovsky made the motions to approve the resignation and all were in favor. Councilor Perry asked about the laptop and Nicole said she is in possession of it. Motion carried.

### Consideration on appointment of Edward Powell for the position of Health Inspector

Nicole said she spoke with Mr. Powell on the phone and she spoke to Elizabeth about him. Council was impressed with his resume and the fact that he is local.

Councilor Rehrig said he thinks a formal interview should be done. Nicole said we can advertise the position, appoint Mr. Powell or we could have BIA do the inspections as previously discussed. Nicole had no preferences either way.

We will need to replace the laptop if we hire Mr. Powell which we didn't plan on doing. We increased Elizabeth's fee by \$5 with the intent of her buying a new laptop. If the borough is going to purchase a laptop then we should probably go back down to the \$45 amount.

Councilor Perry said Mr. Powell is in the process of obtaining his license and asked if he needs the license to do the inspections. Nicole said she doesn't think so as he is doing inspections in Allentown currently. Nicole does have a call into the Department of Agriculture but has not received a callback to date.

Councilors Rehrig/Saunders made the motions to approve the hire pending formal interview with the borough manager at \$50/per inspection and all were in favor with no questions or objections.

Motion to approve Payment Request #5 in the amount of \$44,971.67 for the Lehigh Area Memorial Library Building Addition Project

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

Discussion on the 2020 CDBG Pre -Application Project Submission, CDBG-CV Project and Update on 2016-2018 Funding/Project

Nicole said she gave council an update on this about a month ago. She has heard nothing back. She asked council if they had a preference. We will also be getting an additional around \$60,000 in CDBG-CV funds. Nicole is waiting for more information but it will need to be a project that prevents, prepares or responds to the Corona Virus within the guidelines of the CDC.

Council thought banking the money to do a street project was the best idea. Nicole will follow up on this with Bruce.

Request from Colleen Hoppes to host a farewell parade for students and to honor the retirees on June 3<sup>rd</sup>

Nicole said this is the teachers wanting to have a parade for the retiring teachers and the students. Councilor Saunders asked why the school district wouldn't allow this on their property. Councilor Abelovsky said this is scheduled for 2 days from now and the kids no nothing about it. Her daughter learned of this today on a zoom meeting Autumn is not in favor of this due to the short notice.

Councilor Saunders said he spoke to Chief Biechy who did not agree with the parade and voiced his concerns in an email to council.

Councilors Saunders/Rehrig made the motions to deny the request as per the recommendations off Chief Biechy and all were in favor with no questions or objections.

Discussion/Action on vacancy on Central Carbon Municipal Authority

No council members were available to attend the meetings and decided to advertise the vacancy.

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

Consideration on proposed sewer rate increase recommended by the Finance and Administration Committee

Nicole said in 2019 we have started looking at our operating reserve accounts for the sewer funds. We have been transferring annually and there has been a substantial amount to cover regular debt and debt service. In February we started searching local rates and they have been provided. We have not raised rates since 2004. CCMA and Mahoning Twp. Bot the charge \$50/month and Franklin Twp. and Weissport Borough charge \$60/month.

Our debt service will be starting to be paid off in 2022 and 2023. We will still be transferring a million dollars in our reserves to cover expenses over the next 5 years which she doesn't think is a good idea.

Councilors Perry/Saunders approved a \$6/month increase across the board effective August 2020 and all were in favor with no questions or objections.

#### Approval of the 2020 Budget Modifications as recommended by the Finance and Administration Committee

Councilors Perry/Rehrig made the motions to approve the budget modifications and all were in favor. Councilor Abelovsky asked if we are not going to replace the full-time officer. Nicole said the amount listed is the amount of savings with the delay.

Nicole said the Civil Service Commission is doing the testing for the corporal position and then they will do the advertising for the full-time officer and this is the savings for that time frame.

#### Approval of Resolution 20-2020 amending the repayment of the Fire Station Construction Project Loan

Nicole said we have been currently paying \$172,000 a year into the loan. We have millage in the amount of about \$160,000 and have been putting in extra but can no longer afford to do so. We should be paying less with the amount of taxes we are collecting. This amends the balances and extends the loan and defers this year's payment.

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

#### Discussion on Delinquent Utility Accounts and Penalties

Nicole provided a memo on the delinquent accounts and penalties. We voluntarily suspended all service disconnects and waived all penalty charges once COVID hit. This came right after our winter shut off policy. We are to a point now where some accounts are delinquent since November. It is Nicole's suggestion to split the delinquents into 2 groups. Those delinquent prior to April 1<sup>st</sup> and those delinquent after COVID hit. Nicole feels if council wishes to proceed with this that we go out to those customers now and have them make payment arrangements with us and keep them. Additional LIHEAP money has been made available to our customers. We are also having an issue with the landlords who are not able to collect rent, who cannot evict and if something happens and the tenant moves out the landlord is stuck with the utility bill.

Councilor Saunders likes the idea of the separation of the 2 groups. He feels we do need to begin conversations with those who that are continuously delinquent with those accounts. Nicole said it would give those delinquents prior to April 1<sup>st</sup> until July to be terminated and those after April 1<sup>st</sup> until September to be terminated. We always work with the customers.

Councilors Saunders/Perry made the motions to move forward with Nicole's proposal and all were in favor with no questions or objections.

Approval to open recreation Center for Election Day

Councilors Saunders/Abelovsky made the motions to approve the use of the Recreation Center for election day and all were in favor with no questions or objections.  
Consideration on request to close Borough Hall December 24<sup>th</sup> and 31<sup>st</sup> using 4 hours personal/vacation time for the holidays

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

ADDENDUM

MS4 Public Hearing

This item was done at the beginning of the meeting

Motion to approve the bills as presented and the additional bills totaling \$2,836.57

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

Motion to go into Executive Session

Councilors Perry/Saunders made the motions to go into Executive Session at 8:26 PM and all were in favor.

Motion to go back into Regular Session

Councilors Saunders/Perry made the motions to go back into regular session at 8:53pm.

Motion on items from Executive Session

Motion to have part time employees return to work upon entering the green phase

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

Motion to adjourn

Councilors Rehrig/Abelovsky made the motions to adjourn at 8:54pm and all were in favor with no questions or objections.

Brenda L. Kreitz  
Borough Secretary