

April 23, 2012

The Regular Scheduled Meeting of the Lehighon Borough Council was held in the Municipal Building on Monday, April 23, 2012. The meeting was called to order at 7:30 p.m. by President Grant Hunsicker. Members in attendance were: Bessie Bauchspies, John Kreitz, John Bird, Darryl Arner and Scott Rehrig.

Officials in attendance were: Borough Manager Nicole Beckett, Solicitor James Nanovic, Mayor Donald Rehrig, Police Chief Neal Ebbert, Treasurer Kira Michalik, Fire Chief Gary Frable and Engineer Bruce Steigerwalt. Absent: George Kogut and Borough Secretary Brenda Koons.

#### Pledge of Allegiance

A moment of silence was observed in memory of Ralph Hunsicker who was a 19 year veteran member of the Water Authority.

#### CDBG 2<sup>nd</sup> Public Hearing

Jimmy Martino from the Carbon County Planning and Development Office was present to go over the guidelines CDBG grant funding for the 2012 year. The money will be used for the loan repayment of the Annex Building.

#### Guest Speaker – Lehighon High School Class of 1964 (Renaming of the Annex Building)

Class members were present to ask council to rename the Annex Building. The class would like the building to be named the PFC Clyde R. Houser Lehighon Borough Annex Building. Clyde was a member of the Class of 1964; the last graduating class from that building. He was also the first soldier killed in combat operations in Vietnam. Legally renaming the old high school would be a great way to honor his ultimate sacrifice. They would also like to honor 3 others that gave their all – LCPL Ronald S. H. Christman, SP4 Charles Richard Jones, SP4 Leon Delbert Eckhart. By creating a wall of honor along the 1<sup>st</sup> floor hallway of the old high school displaying their names, medals and pictures. By doing this they will well have served their country.

Someone said that doing a good job is about accountability and these 4 soldiers were all accountable by doing what their country asked them to do. Now it is time for us, 44 years later, to be accountable to them for the sacrifices they made. The Class of 1964 had numerous letters of support from various people of the community as well as family members, the commissioners, past school faculty members and Rep. Doyle Heffley.

The Class of 1964 would like to redo the signs in front of the building to reflect the new name. These are initial ideas and nothing will be done without prior approval from council. They will be responsible for the entire cost of the project with no costs to the borough or tax payers.

Councilors Rehrig/Kreitz made the motion to allow the Class of 1964 to continue with their plans provided they discuss their ideas with council before proceeding with anything and the Class of 1964 will be financially responsible for the entire project and keep Lehighon Borough in the name of the building. He then thanked the class for doing this to honor a classmate and also thanked them as a veteran for what they want to do.

### Hearing of Persons Present

George Rhoades of 418 Ochre Street was first to speak. The 4<sup>th</sup> Street side of his property adjoins what would be the right-of-way of Maple Alley. In that right-of-way there is one very large tree which concerns him. If it ever goes his way his house is gone and wanted to know who is responsible for that particular tree?

Solicitor Nanovic said the borough manager has briefly mentioned this to him so he thinks he understands although he is not familiar with the property. His understanding is the street/road has never been opened and is not a borough street. Mr. Rhoades said it is on his map and believes it is on the county maps but is not 100% sure. There are lots of streets on the maps that were never opened so whether or not it's a borough street becomes important or whether or not it ever was a borough street becomes important. The borough, to the solicitor's knowledge, has never accepted a deed of dedication to that and it is not on the Liquid Fuels map or something that we maintain. That being the case, that alley becomes owned by the people living on either side of that street or alley. This means that the people living on either side have the right or obligation in some cases to maintain it.

Mr. Rhoades said according to his deed his property goes to Maple Alley which is a 16.5' alley. Half of that alley would put that tree on Mr. Rhodes' property. The solicitor said in that case you are responsible for the tree. Mr. Rhodes asked if he was then correct in saying he owns half of that alley. The solicitor said Mr. Rhoades owns half of that alley subject to the possible rights of other people to cross through there.

Rodney Snyder of 145 Millway asked what the borough was going to do about the curbing on Millway again. President Hunsicker said there is nothing they can do right now. The cost to move it would be atrocious. It was done according to specs.

Mr. Snyder reminded Councilor Rehrig about being on record complaining about the jersey barriers on 433 on the way to Wal-Mart because it was reducing the traffic lane. You were concerned about that. Councilor Rehrig said Mr. Snyder had that statement wrong. He was on record saying that they were there so long and PennDOT did not take the corrective action to put the guardrail back. What is your question? Mr. Snyder said his question is why you were concerned about the barriers on 443 and not about the placement of curbing on Millway. Councilor Rehrig said he does not think it is a hindrance to the street.

Councilor Rehrig reminded Mr. Snyder that he was told before when the plans are in front of them then council would give him an answer. Council still has not heard from their engineer what the specs are over there. Council requested a study to be done and when it is they will present it.

Mr. Snyder then brought up the jersey barriers in the alley behind his house and said the borough decided the jersey barriers were on his property. President Hunsicker and Councilor Rehrig said they decided nothing. They were waiting for the engineer to get done with his plans. Mr. Snyder said since Mr. Hanosek was borough manager he has been waiting for him to give him an answer. Mr. Snyder has been waiting for the borough engineer to come over

but he has never come over. Bruce said he did a preliminary study on it and the jersey barriers are on the right-of-way line. Mr. Snyder asked what you mean on the right-of-way. Bruce said that the pins that he has found so far up the alley from Mr. Snyder's property when Bruce measures across there, Bruce come up with 16' 2" to the jersey barrier. Mr. Snyder asked if this was from his lines and Bruce said no, from the neighbors up the street. Those are the pins that Bruce found. Mr. Snyder said from Borger's up, yes that is right but from Borger's down, no. Bruce said he has not shot that line yet so he doesn't know yet. Mr. Snyder said you haven't shot it when Mr. Hanosek was here or when Mr. Wagner was here either. No action was ever taken. Bruce said he was never directed by Mr. Hanosek or Mr. Wagner to do any survey work over there in that alley.

Councilor Rehrig said to Mr. Snyder that they are not trying to belittle him or anything else. Last meeting Councilor Rehrig told Mr. Snyder that there was a study being done. Councilor Rehrig said he and President Hunsicker have asked the borough engineer to do a study. That study has not been presented to the borough manager at this time, to the solicitor or this council. When it is done Mr. Snyder will get an answer.

#### Approval of Minutes

Regular Meetings of October 24 & November 21, 2011

The borough manager had two small corrections – October 24<sup>th</sup>, changed Nicole Beckett from Treasurer to Borough Manager and then on November 21<sup>st</sup>, changed Daniel Andreas to Danielle Andreas.

Councilors Rehrig/Bird made the motions to approve the corrected minutes and all were in favor.

#### New Business

Motion to give donation to the United Veterans Organization (last year's donation was \$250)

Councilors Rehrig/Kreitz made the motions to give a \$250 donation and all were in favor.

Motion to approve SS Peter & Paul School holding their Annual 5K Race/Fun Walk Saturday, May 26, 2012 (same requests as last year)

Councilors Rehrig/Arner made the motions to approve and all were in favor.

#### Discussion of the Boys/Girls Band Hall request for assistance

President Hunsicker said they have not received assistance from the borough since 2009. The borough manager said they have asked to access the borough resources to repair the roof. Nicole said a donation of \$350 a year had been given to them in the past and has not been done so for 3 years. She feels it would be better to give them \$1,050 as a donation which was not budgeted for but we are budgeted to give them their annual allocation.

Councilors Rehrig/Bauchspies made the motions to make a donation in the amount of \$1,050 to cover the last 3 years of missed donations from the borough and all were in favor.

#### Motion to approve request from the American Cancer Society

Councilors Kreitz/Rehrig made the motions to approve the request and all were in favor.

Motion to advertise for upcoming vacancy on Lehighon Sewer Authority  
President Hunsicker read a resignation letter from Kaye Leiby who is currently on the Sewer Authority stating he wishes to resign but will stay on until a replacement is found.

Councilors Rehrig/Kreitz made the motions to accept Kaye's resignation and all were in favor.

Motion to advertise vacancy on Lehighon Water Authority  
Councilors Bauchspies/Kreitz made the motions to advertise for the vacancy on the Sewer Authority and Water Authority and all were in favor.

Motion to appoint Treasurer/Assistant Secretary as Health Plan Administrator for the Borough

Nicole said she is currently appointed in the position as treasurer so this will give it the title the Treasurer/Assistant Secretary as the HR manager.

Councilors Kreitz/Bauchspies made the motion to appoint the Treasurer/Assistant Secretary and all were in favor with no questions or objections.

Motion to approve the following policies in order to meet the requirements of our health insurance: Disability Leave Policy; Family Medical Leave Act (FMLA) Policy; Military Leave of Absence and USERRA; Worker's Compensation Policy

The Borough Manager said she is looking for council to approve this pending final approval from the solicitor. We are going back and forth with the solicitor and Benecon through correspondence in order to get things straight. We need these policies in place as they are a requirement of our insurance.

Councilors Rehrig/Kreitz made the motions to adopt the policies subject to final approval from Benecon and the solicitor and all were in favor.

Motion to appoint Nathan Andreas to the Property Maintenance Board  
Councilors Arner/Bauchspies made the motions to appoint and all were in favor.

Action on the Judge's Stand

The Borough Manager said Bruce had obtained quotes on repair of the roof and created a spreadsheet for council to review with a couple different options. She asked if anyone had questions. Hinkle Roofing comes in at \$16,500 for a Siplast roof membrane system with a 20 year warranty. It is not the same as the original roof however a 20 year warranty is a nice backup. Council can review them.

There was also a discussion on moving it to the lower park. The borough manger received a quote from SMF to relocate it for \$3,000. It was also discussed to leave it at the Grove but move it to 8<sup>th</sup> & Iron Streets. Al Steigerwalt created a picture of the tentative location. It's been decided to move the baseball back stop and move it to 8<sup>th</sup> & Iron Streets.

The Borough Manager went on to say that there has been a lot of discussion within the last 6-8 months of what council's plan is and with the deadline of the grant rapidly approaching we need to make a decision as to what we are looking to do.

Bruce commented that when he got the quote from LM Martin Option #1 on March the 25<sup>th</sup> for \$17,894 he was told that the company making the tin

material has it in stock but the company has since gone out of business. Once the stock is gone you won't be able to get it.

Bruce said the Hinkle roof is complex. It is different layers of materials followed almost like a rubber roof that comes in different colors.

The Berger Roofing company would install a roof similar to what was on the old substation. So he suggested doing the membrane roof. Bruce said it was very difficult to find someone who would do a tin roof and he is a bit leery of doing the copper roof in fear that someone might try to steal it.

Councilors Kreitz/Rehrig made the motions to move the Judge's Stand to 8<sup>th</sup> & Iron Streets and have Hinkle Roofing put a Siplast roof system in silver on the Judge's Stand with a 20 year warranty and all were not in favor.

A roll call vote was taken with 5 yes and 1 no. Motion carried.

#### Unfinished Business

Councilor Rehrig made the motion to put a \$50 ad in the Carbon County Sports Hall of Fame booklet. It was missed last year. Councilor Kreitz made the second and all were in favor.

#### Official's Reports

##### Borough Manager

She said that Councilor Kogut discussed with her his idea of doing an economic development survey. He presented the borough manager with a timeline of what he is looking to do not just with the local businesses but also for the other townships to try and gather what other businesses are looking for and try to move forward. The staff is more than willing to work on this with George.

In addition, she is also seeking approval for the purchase of a 20 yd. hook lift container so we can restart our yard waste recycling program. The total cost is \$3,315.00 which includes delivery. It is not within the budget but feels it is an acceptable expense.

She wanted to extend her congratulations to the Comprehensive Plan Committee for receiving the 2012 Governor's award for local government excellence for innovative planning and sound land use practices.

She asked for the approval to move forward with the economic development survey and the purchase of the hook lift container for \$3,315.

Councilors Rehrig/Kreitz made the motions to allow the 2 requests that the borough manager presented to council and all were in favor.

Councilor Rehrig asked if there was a location picked for the placement of the container and Nicole said at the public works garage.

The mayor asked if there is anything in the works to replace the recycling containers. Nicole said she will look into getting them through the county or maybe a grant. She said the borough can put in the budget to purchase them.

##### Borough Engineer

Nothing to report

##### Police Chief

Chief Ebbert wanted to publicly thank the departments that assisted the borough with the violent attack on Coal Street. Mahoning, Franklin and the R

& I Unit from the state police assisted our department with this incident. He thanked them personally but wants it on record that he appreciated their help.

Next he wanted to thank the borough crew for cleaning up their rear parking lot. Greg Mriss and JR Repsher took it upon themselves to clean up the large pieces of concrete to make the parking lot safer for both the officers and their vehicles.

Chief Ebbert said he is 95% sure they will be losing one of their part-timers to the City of Allentown for a full-time position. He wanted to present a name for consideration to fill the part-time position due to summer coming soon and many hours of vacation time being used. It saves the borough a lot of overtime money having part-timers on the books. We currently have 3 part-timers who have full-time jobs so they are limited to the amount of hours they can provide to the borough.

President Hunsicker asked who the person was and Chief Ebbert said Ryan Kennedy from Nesquehoning. He does not have a full-time position and could fill more part-time hours here in the borough.

Councilor Kreitz/Bauchspies made the motions to hire one part-time officer Ryan Patrick Kennedy and all were in favor.

Mayor

This Friday is the observance of Arbor Day and the borough has been given a new flag to fly out front. The middle school had their program last week because members of the Shade Tree Commission could not attend this week. It was a great program as always. It is our 19<sup>th</sup> year as Tree City USA so next year will be a big year for us celebrating 20 years as a Tree City USA borough.

Fire Chief

Nothing to report

President of Council

He thanked the borough manager for getting the new air conditioning.

Solicitor

Nothing to report

Treasurer

There was an invoice for \$30 to Hall's Safety Equipment and it should have been for JC Ehrlich. Also, a check for Andreas Plumbing & Heating \$18,000 is actually \$18,499.

The credit card system has been put into place as of April 2, 2012 and a few people have already used it. The borough manager said if it is a success we will move it borough wide for pool passes etc.

Committee Reports

Finance & Administration – Darryl Chairman, George Co-Chair—

Nothing to report.

Streets, Buildings & Codes – John Kreitz Chairman, Bessie Co-Chair –

Nothing to report.

Police, Fire & Safety – Scott Chairman and John Bird Co-Chair – Nothing to report.

Light & Power Committee – John Bird Chairman, Scott Co-Chair, commented on what was in Lonny's report.

Sewer Committee – Bessie Chairwoman, Darryl Co-Chairman –Nothing to report.

Public Works & Recreation – George Chairman, John Kreitz Co-Chair – Although absent, Nicole had his report. The automatic flush buttons have been installed at the comfort stations by Public Works. The pavilion at Baer Memorial will be coming up in the near future. He is in the process of working through that. The pool is getting ready. George is very enthusiastic with improving some of the facilities at Baer Memorial and the Grove. He is looking at pulling in some grants and is very enthusiastic.

Acceptance of Officials' Reports

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

Approval of Accounts Payable

Councilors Rehrig/ Kreitz made the motions to approve the accounts payable plus the Andrea's bill and all were in favor with no questions or objections.

Adjournment

Motion to go in to Executive Session for Personnel Reasons

Councilors Rehrig/Kreitz made the motions to go into Executive Session at 8:50 p.m. and all were in favor.

Motion to go back into Public Session

Councilors Rehrig/Arner made the motions to go back into Regular Session at 9:40 p.m. and all were in favor.

Action on Any Items Necessary as a Result of Executive Session

Councilors Rehrig/Arner made the motions to hire 2 part-time public works seasonal employees, Noah Tkach and John Hettler, and all were in favor.

Councilors Rehrig/Kreitz made the motions to advertise for a public works equipment operator and all were in favor.

Councilors Rehrig/Kreitz made the motions to advertise for a lineman helper and all were in favor.

Motion to Adjourn the Meeting

Councilors Arner/Bauchspies made the motions to adjourn at 9:45 p.m. and all were in favor.

Brenda L. Koons  
Borough Secretary