

December 19, 2011

The Regular Scheduled Meeting of the Lehighon Borough Council was held in the Municipal Building on Monday, December 19, 2011. The meeting was called to order at 7:30 p.m. by President Grant Hunsicker. Members in attendance were: Dale Traupman, Melissa Wagner, Darryl Arner and Bessie Bauchspies.

Officials in attendance were: Solicitor James Nanovic, Officer-in-Charge Sgt. Joe Lawrence, Mayor Donald Rehrig, Fire Chief Gary Frable, Borough Engineer Bruce Steigerwalt, Secretary Brenda Koons, Treasurer Kira Michalik and Borough Manager Nicole Beckett. Absent: Councilors John Bird and Scott Rehrig.

Pledge of Allegiance

Hearing of Person's Present

Mr. Rodney Snyder of 145 Millway wanted to know what RACP meant. Nicole said that it is the Redevelopment Assistance Capital Programs grant funding attained for the Annex Building. Mr. Snyder said that last year the building operated \$50,000 in the red. He wanted to know why the borough is hanging onto that building. Why not sell it.

Next was the Judge's Stand. Is there anything new there? President Hunsicker said they are working on it. Mr. Snyder said the borough works about as fast on projects as Mr. Turko works on his.

Mr. Snyder then asked Officer Lawrence if the traffic study was done on the 3<sup>rd</sup> Avenue stop sign. Officer Lawrence said no. Mr. Snyder wanted to know why not. Officer Lawrence said it will be done. Mr. Snyder then asked again to have a stop sign put on Bridge Street west where it meets Millway to make it safe if you won't remove the stop sign on Bridge Street east.

Mr. Snyder would also like signs put on 443 for the engine brake on that roadway there. If not he will start calling each and every member of council every time he gets woke up between midnight and 6 a.m. and they will not like it. President Hunsicker said he will have the attorney get Mr. Snyder for harassment. Mr. Snyder said he can call and Solicitor Nanovic said not in the middle of the night he can't. Mr. Snyder then asked when he could call and the solicitor said he would not answer that but it would not be in the middle of the night.

Mr. Snyder said ok but he will be back next month to complain again. He requested that statement be put in the minutes.

President Hunsicker asked if there is anything they can do on 443 and was told by the solicitor that if parts of 443 are in the borough we can adopt a "jake" brake ordinance. He is not sure of the status of that kind of ordinance anymore. He knows they had them but is not sure if they could be upheld or not. They may have been found to be unconstitutional.

Mr. Snyder said they still have them in Bath and Rush Township. The solicitor said they may be legal but the fact that they are on the books doesn't mean they have been enforced.

Approval of Minutes

Councilors Wagner/Bauchspies made the motions to accept the minutes from the Regular Meeting of September 26, 2011.

New Business

Motion to approve System Design Engineering, Inc. as the 2012 Sewage Enforcement Officers

Councilors Traupman/Wagner made the motions to approve and all were in favor.

Motion to pay \$902.00 to the Carbon Animal Shelter  
(This is the assessment amount due by Feb. 28, 2012)

Councilors Wagner/Bauchspies made the motions to pay and all were in favor.

Motion to adopt the 2012 Budget as presented

Councilors Wagner/Arner made the motions to adopt and all were not in favor. A roll call vote was taken with 1 no and 4 yes. Motion carried.

Motion to adopt Ordinance 600-2011 Tax Levy Ordinance for 6.50 mills of Real Estate Tax

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

Motion to adopt Resolution R-21-2011 setting salaries for 2012

Council decided to table this item until executive session.

Motion to adopt Resolution R-22-2011 setting forth repayment schedule of the RACP Annex Loan

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

Motion to adopt Resolution R-23-2011 setting contribution rate to Police Pension Fund for 2012

Councilors Wagner/Bauchspies made the motions to adopt and all were in favor with no questions or objections

Motion to adopt Resolution R-24-2011 Carbon County Hazard Mitigation Plan

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

Motion to reappoint the following members to the following boards/commissions/authorities with permission

Shade Tree-3 year term: Mark Hoffman, Diane Hoffman, William Scheckler

Councilors Bauchspies/Wagner made the motions to reappoint and all were in favor.

Water Authority-5 year term: Lamont Ebbert

Councilors Arner/Traupman made the motions to reappoint and all were in favor.

Planning Commission-4 year term: Manual DaCosta, Donald Hahn, John Achterman

Councilors Traupman/Wagner made the motions to reappoint and all were in favor.

Zoning Hearing Board-5 year term: Mary Lou Brophy

Councilors Arner/Wagner made the motions to reappoint and all were in favor.

Motion to approve Memorandum of Understanding RE: Police Pension Killed in Service Benefit

President Hunsicker asked the solicitor to explain. The solicitor said that we used to have a Killed in Service Benefit but thinks back in maybe 2009 the state changed the law and the state would provide the Killed in Service Benefit. It is still however, being paid for by us also. We have an insurance policy for it which makes no sense but there can't be two Killed in Service Benefits. This memorandum will eliminate the one we have and the state will provide it. The memorandum also provides for if the state ever terminates their Killed in Service Benefit we will reinstate ours.

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

Motion to approve H2M Phase II & Phase III Professional Services Contract

Councilors Traupman/Wagner made the motions to approve and all were in favor.

Solicitor Nanovic asked if approval should be made conditioned upon review by the construction manager, Butz. Council agreed it should be conditional.

The motion then carried.

Motion to advertise Borough Meeting dates for 2012

Councilors Arner/Bauchspies made the motions to advertise and all were in favor.

Motion to approve Alvin H. Butz Construction Management Contract for the continuation of the project

Nicole said she would make this contingent upon assurance that all changes have been made as per the January 11, 2011 correspondence from the solicitor.

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

Motion to pay \$57,633.75 to Nimaris Construction for the Salt Shed Project

Councilors Wagner/Bauchspies made the motions to pay and all were in favor with no questions or objections.

Discussion of the Property Maintenance Board

Nicole asked to have this put on because of discussion on whether or not an employee can sit on this board. Currently we have 4 employees on

the board. We are looking into this at present. She is not sure if this falls under the UCC Code or not.

The solicitor said that the borough has a property maintenance ordinance. The Zoning Officer can cite residents under that ordinance and if the resident wants to appeal the citation then it goes to the Property Maintenance Board. So it is separate from the UCC.

Discussion on Building Code Official

Nicole said that the new zoning officer will be certified during the week of February 6, 2012. Until then we need someone to sign off on the building permits. Mr. Schickram talked to Blue Mountain Inspection Services whom said they would be willing to fill in until Mr. Schickram is certified. There will be no charge to the borough. A motion will be required to do this.

Councilors Wagner/Traupman made the motions to have Blue Mountain Inspection Services become the temporary Building Code Official at no charge to the borough until Mr. Schickram is certified and all were in favor with no questions or objections.

Motion to award used Crown Vic to Brandon Ferrey at a price of \$900.00

Councilors Traupman/Bauchspies made the motions to award and all were in favor.

Motion to approve the AFSCME Collective Bargaining Agreement

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

Unfinished Business

Continued discussion of Peter Turko's project

The solicitor said at the last meeting it looked like it was done and that Bruce had talked about core samples. Solicitor Nanovic said he wasn't sure what was going to happen after that.

Bruce said he was out there about a week ago and they took cores and measured the depth of pavement. The depth was there but Bruce also asked them to give him all their delivery slips for the paving so he would know how much base and how much top they put down. He did not get that information. They also needed about 30 ton of stone to place behind the curbing that was replaced and slats in their fencing needed to be installed. He has heard nothing more and is waiting to get the other information.

Official's Reports

Borough Engineer

Nothing

Officer in Charge

Nothing

Mayor

He wished a Merry Christmas and Happy New Year to everyone. To Missy and Dale – good luck in the future as this will be our last meeting together. He will be sorry to see them go.

Fire Chief

Nothing

President of Council

He had a letter of interest for the EMA Coordinator position. The Borough Secretary is willing to take the position. We have been trying to get someone to do it for a while and no one wants it. We need a motion to make it official.

Councilors Wagner/Bauchspies made the motions to have Brenda Koons be the EMA Coordinator for the borough and all were in favor with no questions or objections.

Borough Manger

In addition to her report she wanted to wish everyone a Merry Christmas and a prosperous 2012.

Solicitor

Nothing

Treasurer

Kira requested the final \$150,000 transfer from L&P Fund to the General Fund for budgetary purposes.

She also needs approval for the quarterly donation to the library which is \$1,050.00.

Councilors Wagner/Bauchspies made the motions for the transfer and library donation and all were in favor with no questions or objections.

Committee Reports

Finance & Administration – Darryl Chairman, Melissa Co-Chair – nothing to report.

Streets, Buildings & Codes – Dale Chairman, Bessie Co-Chair – nothing to report. He did ask for clarification on the X-mas light winners. There is a potential winner on East Side Avenue. They are not supplied power through us but do pay for other borough services and receive a utility bill from the borough each month. Does the winner have to be an electric customer? The solicitor said they must be a resident of the borough and an electric customer as the prize comes off their electric bill.

Councilor Traupman said there are alternate winners so there is no problem with it. He just wanted clarification before they made the final decisions.

Police, Fire & Safety – Scott Chairman and John Co-Chair – absent

Light & Power Committee – John Chairman, Scott Co-Chair – absent

Sewer Committee – Bessie Chairwoman, Darryl Co-Chairman – thanked everyone for all the get well wishes while she was sick.

Public Works & Recreation – Melissa Chairwoman, Dale Co-Chair – thanked everyone for her time on council.

Acceptance of Officials' Reports

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

Approval of Accounts Payable

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

Adjournment

Motion to go in to Executive Session for Personnel Reasons

Councilors Wagner/Bauchspies made the motions to go into executive session at 8:10 p.m.

Motion to go back into Public Session

Councilors Rehrig/Wagner made the motions to go back into regular session at 9 p.m.

Action on Any Items Necessary as a Result of Executive Session

Councilors Traupman/Wagner made the motions to approve the Memorandum of Understanding be drafted by Attorney Nanovic for the DROP Program and all were in favor with no questions or objections.

Councilors Wagner/Bauchspies made the motion to adopt Resolution R-21-2011 with the correction of the Treasurer's salary and all were in favor with no questions or objections.

Motion to Adjourn the Meeting

Councilors Wagner/Traupman made the motions to adjourn at 9:03 p.m. and all were in favor.

Brenda L. Koons  
Borough Secretary