

December 17, 2012

The Regular Meeting of the Lehighon Borough Council was held in the Municipal Building on Monday, December 17, 2012. The meeting was called to order at 7:35 p.m. by President Grant Hunsicker. Members in attendance were: George Kogut, John Kreitz, Darryl Arner and Scott Rehrig.

Officials in attendance were: Borough Manager Nicole Beckett, Treasurer Kira Michalik, Borough Secretary Brenda Koons, Solicitor James Nanovic and Mayor Donald Rehrig. Absent: Bessie Bauchspies, Gary Frable and Bruce Steigerwalt. Late: John Bird.

Pledge of Allegiance

Guest Speakers: Proposed 2013 Bike Nite Committee Members

Ty Poole, Howard Boehringer, Treasurer & Attorney Pavlack were present to ask permission to run Bike Nite this year. Attorney Pavlack was in the process of doing the necessary paperwork to get 501C3 status for the new committee. They do not have that paperwork complete as of yet. Mr. Poole said there has been a decline in the last few years. The new group is a group of motorcycle enthusiasts that want to bring the event back to what it was and beyond.

Solicitor Nanovic said that before a motion can be made the new entity must be formed. A motion to show support of the new entity called Lehighon Bike Nite can be made tonight.

Councilors Rehrig/Kreitz made the motions to support the formation of the new Lehighon Bike Nite Committee for the purpose of taking over Lehighon Bike Nite at a future date.

Council Presentations: George Kogut – Beltzville Hydro Electric Project Roles & Responsibilities of Interested Parties

Craig Engler of Summit was present to answer any questions regarding the letter of intent so we can move forward. Mr. Engler said that council has a presentation in front of them that was put together by George Kogut and himself. He would also like the municipal authority to be formed.

Solicitor Nanovic said he had no questions but there was an amended restated letter of intent that he had made comments about and they had made the suggested changes. So Solicitor Nanovic does not have any problem with it at this point. If we approve this there will be agreements that will be presented to us and at that point then there may be some questions or problems or concerns. If you look at this it is nonbinding except for paragraphs 2-6. Those paragraphs are just basically broker's fees, negotiating rights and paragraph 1 was the main set up about the financial terms but none of that is binding. We are okay to sign the letter of intent now. The formation of the municipal authority is part of the nonbinding part of the financials so the solicitor does not feel there needs to be a motion for that. He thinks that would be part of the later agreements. Craig said their lawyers will draft the lease agreements but they do not want to spend serious legal dollars if it is not going to be signed off on.

Councilors Arner/Rehrig made the motions to approve the amended restated letter of intent for the Beltzville Hydroelectric Project from Gravity Renewables and Summit Water and Councilor Kogut recused himself from voting. A roll call vote was taken with 5 yes and one abstaining.

John Bird -Downtown Parking

We were very blessed in Lehighton. Our city planners, who something like a 120 years ago, must have seen into the future when they did our streets. He said he would get to his point quickly. We have very wide streets. If you look at an aerial map the configuration is excellent. Mr. Bird started thinking we are not making the most of what we have. For years and for decades when you go downtown in the afternoons, especially Wednesday, Thursday and Friday it is very difficult to find a parking space. You have to drive around the loop several times before one opens up. This is hurting our business people and making it difficult for our citizens to do their shopping and business. He knows there is a need for parking. In terms of buying a building and knocking it down and doing a parking lot it is out of the question because we don't have an extra \$300,000 to play with. So, if you look at North & South Streets at the Upper & Lower Parks you see that the streets are exactly the same width. At the Upper Park there is parallel parking on both sides of the street. Now the Lower Park on both North and South Streets there is parallel. It is an extremely wide street and you have to run to get across it. There is always a shortage of parking spaces there especially at the holidays. Trying to get into the post office, the library and Dollar General and so forth. He doesn't see why we shouldn't consider taking the Lower Park on the park side only and converting those. They are very long parallel spaces. We could convert those parallel parking spaces into angle parking spaces. The streets are wide enough. If you look at North & South Streets and they can have it on both sides at the Upper Park it can be done on the lower part park side only. Mr. Bird proposed some discussion on that tonight to assist our business people and our citizens to make things easier. Today, today with high profile vehicles people have difficulty parallel parking some of them. High profile vehicles you a lot of times need the police to respond when they end up fastening to the vehicle behind them because they can't see. Angle parking is easier and safer. Uh, so he is going to call this the Downtown Parking Spaces Increase Initiative. And he thought of this about 5 months ago. It is a relatively low cost easy way to do things. Very low cost. Doesn't cost much for paint and remove the parking meters and reuse them. The only place that he sees a need to reuse the old meters would be the section of from 1st Street on North Street only from 1st Street up to approximately across the street from the post office doors. This would provide control for that area and provide turnovers so that they don't just leave vehicles there so that other people can get a space. That is the only place he sees a need for parking spaces. And the other areas would be controlled by a 2 hour limit parking sign that says a 2 hour limit. He has talked with Palmerton police about Delaware Avenue. He asked of they have trouble with turnover and was told no because the people go into the businesses and do their business and come out and they leave. He thinks we should consider this and it be done in the spring. It would be a low cost easy

way to do things. He had a copy of a letter to provide on request. He asked for discussion on this if anyone wanted to come forward and express themselves by all means please do so and let's have some discussion.

Councilor Kogut asked if this would require some PennDOT planning. Mr. Bird said probably yes. Yes a study would probably be required. President Hunsicker said they turned the borough down 3 times already. We went back to that situation he can't remember how many times to try and get the diagonal parking back but they won't go along with it. Everything had to be parallel parking. The reason for it was when the traffic signals were put in down on 1st Street they made us change it. We had diagonal parking down there on both sides. Mr. Bird said that was before his time.

Councilor Rehrig said Mr. Hunsicker is right but you spent a lot of time on this so let's contact PennDOT and get a renewed opinion and see what they say. Mr. Bird said he knows it doesn't look great but let's give it a shot and try again and be ready with some justifications in case they give us reasons. It is worth a try.

Councilor Kogut asked Mr. Bird if he had a stated proposal like the cost benefit. Are you going to PennDOT with something different than "we just want to get diagonal parking"? Are you going to PennDOT with some kind of different proposal?

Mr. Bird said we should go prepared to see what we will be able to counter what their objections are.

The Mayor asked Mr. Bird if he looked into seeing how many spaces would be added to those areas. Mr. Bird said he didn't attempt to calculate that but he is sure it would be a substantial increase. The Mayor's other concern was the backing out into traffic. On Delaware Avenue people are forced to wait or back out and hope they don't get hit. We have it here at Mallard's and he just wants to be sure the pros and cons are looked at. Mr. Bird said Delaware Avenue is extremely busy in the afternoon time compared to these streets and also where ever you are there are going to be places in towns, Palmerton, Allentown, Philadelphia where they use angle parking and people have responsibility to enable themselves to look to see if traffic is coming. You look out, this is common sense you look out the side rear windows and you see if traffic is coming and or you use mirrors for trucks and so forth. He does not believe it is that difficult or impossible. The Mayor said it is not impossible but you are putting yourself at more risk.

Mr. Bird feels it is worth one more try he thinks go and be prepared for any objections. Ok thank you.

Councilor Kogut said that at the first Economic Business Development Summit it was discussed to develop a Leighton Parking Committee and Jason Rapa took charge of it. He would recommend that the LPC along with what John get together and put together a proposal.

Hearing of Person's Present

Frank Potoczak of LDIC presented a breakdown of how the Farmer's Market did this summer. \$1,350 was collected from vendors, expenses of \$272 for the rental of a port-a-potty, \$525 in advertising in the newspaper and the like, a onetime cost of \$260 for banners and signs along the road and \$154 for

the traffic cones used to direct the traffic along Lehigh Drive. We did show a profit of \$139 for the 1st season which wasn't bad. Frank then said this was originally his venture but has decided to turn it over to LDIC moving forward. We will be applying for grants. USDA is giving some money for the start up of famer's markets and we are currently filling out the paperwork now as we speak and will hopefully get some dollars and can start work on some permanent structures for the market.

Approval of Minutes

Regular Meeting of September 24, October 22, and Special Meeting of December 4, 2012. The Borough Manager also pointed out a correction in the minutes. She said it should be a motion to advertise 2012 Tax Levy ordinance and it should be the 2013 Tax Levy ordinance. Councilors Rehrig/Kreitz made the motions to approve the minutes with the correction to the minutes and all were in favor.

New Business

Motion to approve the 2013 Budget

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

Motion to Adopt Ordinance 604-2012 setting the tax levy rates for FY 2013

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

Motion to accept Darryl Brewster's resignation from the Police Civil Service Commission

President Hunsicker said we will also need to advertise to fill the position. Councilor Rehrig/Arner made the motions to accept the resignation and to advertise to fill the position. Councilor Rehrig said a letter of gratitude should be sent to Mr. Brewster for his years of service. All were in favor with no questions or objections.

Motion to accept Mary Vrablic's resignation from the Zoning Hearing Board

President Hunsicker said we will also need to advertise to fill this position. Councilors Arner/Kreitz made the motions to accept Ms. Vrablic's resignation and advertise to fill the vacancy. A letter of gratitude will also be sent. All were in favor with no questions or objections.

Motion to approve the Borough Meeting Dates for 2013

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

Motion to reappoint Richard Barclay to the Water Authority

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

Motion to reappoint the following members to the following boards/commissions/authorities upon receipt

Council decided to table this item until January.

Motion to appoint System Design Engineers as the Sewer Enforcement Officers for 2013

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

Motion to do Holiday Lighting Contest with 10 \$25 prizes

The Borough Manager said LDIC is willing to do the judging. Councilors Arner/Rehrig made the motions to approve the contest and committee and all were in favor with no questions or objections.

Motion to change the pickup time for garbage from 6 a.m. to 3 a.m.

Councilors Rehrig/Kreitz made the motions to sign the agreement with the time change and all were in favor. Mayor Rehrig asked why the time change? It is too early and too much noise. He opposed the decision to change the time.

Motion to approve signing the AMP Mutual Aid Agreement

The Borough Manager said this would require an ordinance. If council approves signing the agreement then they would need to make a motion to advertise the ordinance. Councilors Rehrig/Kreitz made the motions to approve and advertise. Councilor Kogut recused himself from the vote. A roll call vote was then taken with 5 yes votes, 0 no votes and 1 abstaining. Motion carried.

Report on 2012 Zoning and Code Enforcement Officer

The Zoning Officer was present to go over his report. He wanted council to know what he has done since coming here and what he would like to do in the future. He is working on building a spreadsheet that will give him quick access to the properties in the borough. It will have a diagram of the borough and a history of all the complaints and issues. He has had 272 complaints since July. He handed out 71 property violations and 62 became compliant. It takes time. So far the spreadsheet has a tab for every street and as he has time he is adding in each property. When a complaint or issue comes in he adds that right away. It may take up to 2 years but it will be worth it in the long run.

He would like to continue his education by attending different classes that are offered to the borough to make his job more productive so he can better benefit the residents of the borough. He would like the borough to look into ways to let him have more access to property management. The house that he recently condemned on 1st St. would not have been condemned had someone not told him the inside of the building collapsed. As soon as he was told it had collapsed and was a safety issue the zoning officer was allowed to go on the property. He would like to get something in place that would allow him to inspect those properties once a year or every 6 months. It would be very beneficial. This way I could make the property owner become compliant or start the process of losing the property. With the point some of the properties are in it should be looked at.

He thanked council for allowing him to work within the borough and would like feedback on what he is/isn't doing. Any member of council is welcome in his office at any time.

Councilor Kogut liked Steve's presentation and thought that going forward he would like to see Public Works and Light & Power do the same so

council can see what is going on in each department. If anything it will give council more understanding of what is going on in each department.

Unfinished Business

Motion to approve the Amended and Restated Letter of Intent with Summit Water Nexus Beltzville, LLC

This item was taken care of at the beginning of the meeting.

Continued discussion on the creation of the Hydroelectric Municipal Authority

Councilor Rehrig made a motion to have the solicitor draw up a document and present it to council as far as numbers of the authority and rules and regulations of the authority and responses of the borough vs. theirs. In other words, everything the authority is going to consist of or the framework of the agreement. Councilor Kreitz made the second to the motion and all were in favor with no questions or objections.

Officials' Reports

Borough Manager

Lehigh Fire Company #1 social club purchased new gear racks for the new fire station for the sum of over \$20,000 and the fire department will assemble them to save on costs.

The department will relocate the boat and 1 pickup truck to the ambulance building free of charge. We will be forwarding both entities thank you letters.

As far as the Judge's Stand, Lowe's has completed the façade and they will be working on the 2nd floor, the roof and the stairs in the spring.

We have received an update on the power purchase from Utility Engineers. She also provided council with an update on that tonight.

Councilor Kogut asked Nicole about the management audit he had brought up before. Nicole said she remembered and George asked if it could be put in for 2013 that we will start the evaluation process. Nicole said sure. George said he could help out. He was hoping to kick it off shortly but Nicole said January will be chaotic and maybe by February or March we could start the process. She said she would make it a goal for the year.

Engineer

Absent.

Police

Chief Ebbert said Greg Mriss and the borough crew were present when the Department of Weights & Measures came in and calibrated 20 new parking meters that were installed on South 1 Street at Diggity Dogs on down. This will be done every year. The new meters are digital and take a quarter. The 15 minute meters were changed to 30 minutes. We will use the same signs and just put a 30 over the 15 that is up there now to save money at this time.

Nicole said she had created notes for all the department heads from what had come out of the Economic Business Development Summit. She told Neal he will be getting his if he doesn't already have them and they will need to sit down and go over them. Most are collaborative efforts between the departments on what we can do to start improving the downtown. Neal said January is a slower month so that works out well for him but not Nicole.

Mayor

He thanked council for adopting the 2013 Budget without an increase in mills and for leaving the police department where it is at. He appreciates it very much.

Fire Chief

Absent.

President of Council

Nothing.

Solicitor

Nothing.

Treasurer

There are 2 budget action items to be approved. The first is a request for the \$250,000 from Light & Power for operating expenses and the other is a request to transfer \$160,000 from the General Fund to the Fire Department Construction Fund which represents the 2 mills that were added in 2012 budget for the project.

We had the interim audit which went very well. There is also an additional invoice for the bills to be paid to the PA Municipal Health Insurance for \$25,899.03.

Councilors Rehrig/Kreitz made the motions to transfer \$250,000 from L&P Fund to the General Fund and all were in favor with no questions or objections.

Councilors Arner/Rehrig made the motions to transfer \$160,000 from General Fund to the Fire Department Construction Fund which represents the 2 mills that were added in the 2012 budget and all were in favor with no questions or objections.

Committee Reports

Finance & Administration – Darryl Arner, Chair, George Kogut, Co-Chair – nothing to report.

Streets, Buildings & Codes – John Kreitz, Chair, Bessie Bauchspies, Co-Chair – nothing to report.

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

Light & Power Committee – John Bird, Chair, Scott Co-Chair – nothing to report.

Sewer Committee – Bessie Bauchspies, Chair, Darryl Co-Chairman – absent.

Public Works & Recreation – George Kogut, Chair, John Kreitz Co-Chair – George acknowledged Ron Gower for all the amazing articles about what is going on in the borough.

Acceptance of Officials' Reports

Councilors Arner/Rehrig 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 \$25,899.03 to PA Municipal Health Insurance and all were in favor with no questions or objections.

Adjournment

Motion to go in to Executive Session for reasons of personnel

Councilors Rehrig/Bird made the motions to go in at 9:02.

Motion to go back into Public Session

Councilors Kreitz/Kogut made the motions to come out at 9:28.

Action on Any Items Necessary as a Result of Executive Session

Councilors Rehrig/Kreitz made the motions to renew the Police Chief contract for the New Year. The only change in the contract is the salary based on the increase in the Collective Bargaining Unit. All were in favor with no questions or objections.

Councilors Rehrig/Kreitz made the motions to extend the agreement with the Attorney general's Office LOFT Program for Officer Biechy at no expense to the borough. Officer Biechy is to continue a 40 work week. All were in favor with no questions or objections.

Motion to Adjourn the Meeting

Councilors Rehrig/Kreitz made the motions to adjourn at 9:30 p.m. and all were in favor.

Brenda L. Koons
Borough Secretary