

March 28, 2011

The Regular Scheduled Meeting of the Lehighton Borough Council was held in the Municipal Building on Monday, March 28, 2011. The meeting was called to order at 7:30 p.m. by President Grant Hunsicker. Members in attendance were: Dale Traupman, Bessie Bauchspies, Melissa Ebbert, John Bird, Darryl Arner and Scott Rehrig, Jr. Councilors: Noah Tkach.

Officials in attendance were: Solicitor James Nanovic, Mayor Donald Rehrig, Officer-in-Charge Sgt. Joe Lawrence, Fire Chief Jack Kuller, Secretary Brenda Koons, and Treasurer Nicole Beckett.

Pledge of Allegiance

Presentation by Dr. Rex D'Agostino of Metro-Tek

Hearing of Person's Present

Mr. Rodney Snyder of 145 Millway was here to complain about the stop sign again as well as the one on Stedman. He is requesting a study be done on the 3rd/Stedman Avenue stop sign now.

Councilors Rehrig/Ebbert made the motion to have the police do the study and all were in favor.

Mr. Frank Frable of 608 Iron Street was here to ask if the bids for the judge's stand were opened, doesn't see why we'd spend the money for that when there are more important projects to spend the money on. Why don't you use the fire police to patrol the Grove when you know the problems are there and relieve the police to do their other duties? How much money was made at the pool last season and at the old high school? Is there an ordinance for all the signs in town? How did we inherit a junkyard there at the burnt down house at 1st & Coal Street. Did they ever get permits for any of the things going on up there? You should charge a lot of money to the tents that are set up in town with flowers and fireworks. He continued to complain about everything he could think of in 5 minutes.

Mr. Carl Teets of 51 3rd Avenue said he wants the 4-way stop sign at 3rd & Stedman to stay.

Ed Conarty of 235 Coal Street was present to complain about the Annex again.

Approval of Minutes

Regular Scheduled Meeting of November 22, 2010

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

New Business

Motion to appoint Mr. Quinn as part-time Zoning Officer until further notice (His 6 month probation is now over)

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

Motion to accept Planning Commission's recommendation to approve consolidation of lots to construct new fire station

Councilors Traupman/Arner made the motions to accept and all were in favor. There was a question as to whether it should be conditional approval and was told yes by Councilor Traupman who is on the Planning Commission.

Motion to accept Planning Commission's recommendation of conditional approval on new fire station's final plan

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

Motion to approve SS Peter & Paul School holding 3rd Annual 5K race

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

Motion to approve gift for Administrative Professionals Day (April 27)

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

Motion to appoint Borough representatives to the Police Pension Committee

Councilors Ebbert/Bauchspies made the motions to appoint and all were in favor. This will be Resolution R-004-2011

Motion to adopt Ordinance 594-2011 pertaining to Outdoor Wood Burners

Councilors Rehrig/Traupman made the motions to adopt and all were in favor.

Motion to place ad in the Carbon County Sports Hall of Fame program for \$50.00 (done every year)

Councilor Rehrig made the motion to approve placing the ad but it died for lack of a second.

Discussion of allowing Jordan Sample's senior project

Councilors Rehrig/Arner made the motions to allow and Councilor Ebbert will track time and verify the work is done. She will also contact Al to let him know what is going on.

Action/Discussion on bids for Judge's Stand

Councilors Rehrig/Bird made the motions to reject the bids and all were in favor. Councilors Rehrig/Arner made the motions to remove the judge's stand from its current location and give it to someone who will remove it at their expense and they must express interest by April 30, 2011 and if not the borough removes it May 31, 2011.

Approval of giving Dollar General Store temporary no parking signs to use on delivery days only

The Mayor said this is already taken care of. They were given temporary orange signs to be placed out on Wednesday by the employees before they go home that night and then remove them after the delivery truck leaves. Councilor Rehrig asked if they can give a 15 meter parking spot for pizza pick up at Johnnie's.

Approval of F.N.B. Commercial Leasing proposal for the approved purchase of the 2011 Ford Crown Vic Police Interceptor

Councilor Rehrig/Ebbert made the motions to approve and all were in favor with no questions or objections.

Approval of Community Leasing Partners proposal for the approved purchase of the 2011 Construction Dump Truck

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

Unfinished Business

Continued discussion of Peter Turko's Project

The Solicitor said you saw my letter and tonight as I was speaking to Bruce he had the as built plans in his bin. The Solicitor said this would lead him to believe that Mr. Turko was done with the project. He asked Bruce to look at them and see they include the paving. This was the issue. Mr. Turko hadn't paved the parking lot although council did approve his plans to pave it. Then Mr. Turko said he'd come back with better plans and didn't and now we've received these as built plans.

Councilor Rehrig said the fence is down at the left hand corner facing the rear of it and the final coat of blacktop hasn't gone on yet. The Solicitor said as built's are usually given when a project is completed but I'm not sure how he could have completed it. Councilor Rehrig said he thinks we are being hoodwinked. It's one of these cases where I'll do what I want and you can tell me what I did wrong later.

Bruce said he just received them right before the meeting and hasn't had time to look at them yet. He knows that last September/October there were tremendous rain storms and the embankment at the rear of the parking lot had shifted and Mr. Turko had to do some repair work. Bruce is not sure if it is shown on the plans. We had gotten some revised plans at that point in time which went to the conservation district as he was going to use a different slope stabilization on the rear slope. They had tried to anchor it with some type of matting and seed it and before the seed took hold it shifted and ended up replacing some of the curbing and a light standard. As far as the fence, Bruce couldn't comment as he has not been past the project lately. From what he understands, the Solicitor is correct in the fact that there was to be another layer of paving putdown or top coat. As far as he knows there hasn't been anyone paving yet. Bruce believes from the original plans he was going to put 2" of base and 1 1/2" of wearing surface on it which is fine.

The Solicitor said someone needs to go over and look at it. It could be a typo that should say proposed plans to make the changes but he is not sure.

Bruce said the letter is dated March 24 and came in on March 25 and might have been hand delivered.

Continued discussion regarding the Debit/Credit card program

PLGIT is our best option at this time and what the Treasurer would recommend is to get the utility office involved and do a webinar and a meeting about it to see how everything would be handled.

Councilors Rehrig/Arner made the motions to move forward on this and report back to council. All were in favor with no questions or objections.

Official's Reports

Borough Engineer

Bruce said he believed that council approved the Planning Commission's recommendations for the lot consolidations at the new fire station. He thinks it should be taken one step further and give it conditional approval. This was just to accept the Planning Commission's recommendations but he feels a motion would be in order to give it conditional approval upon the transfer of property. The solicitor agreed. The other one would be to recommend conditional approval of the final site plan. The Planning Commission has some conditions and believes one is missing pertaining to the storm water calculations and concern with some type of slope construction easement for the retaining wall in the rear. The other was the Carbon County Planning Commission comments that have been received. Another one would be approval of the lot consolidation plan and the final one would be approval by the Zoning Hearing Board that the variances required have been met.

The Solicitor said Bruce lost him on the last one. Bruce said that there are certain zoning variances that have to be gotten to make the site plan meet the requirements of the Borough Zoning Ordinance and the SALDO.

Solicitor Nanovic said he agreed with the first one but isn't sure on the second one. He's not sure these are the final plans that are being submitted. He knows the Planning Commission reviewed it for purposes of the Zoning Hearing Board but wasn't sure they were the final plans that were being submitted. Bruce said they were. The site plan itself would be up for conditional approval not necessarily the architectural plan.

Councilors Rehrig/Arner made the motions to give conditional approval of lot consolidation upon transfer of properties, slope construction easement, and any required Zoning Hearing Board variances.

Bruce went on to say we will be required to get an HOP Permit for doing the 8th Street sewer project as we have to bore under Mahoning Street.

The forms were sent to John Davis for approval for the Stedman project. Bruce is just waiting to hear back from Mr. Davis to go to bid.

Officer in Charge

The Bank of America is donating furniture for the squad room of the new station. The furniture is the hold up to them moving at the moment. They will also need to pick up the furniture with a U-Haul unless Public Works can do it. Councilor Ebbert will talk to AL about it.

Councilors Ebbert/Bauchspies made the motions to have Public Works pick up the furniture and all were in favor.

They would also like to transfer a narrowband channel shared with Franklin Township to a private channel at a cost of \$450. The problem is that cell phones are great for some things but there are times when very private issues should not be discussed on them so the private channel would be better.

Councilors Ebbert/Traupman made the motions to transfer the channel to private and all were in favor.

Mayor

He wanted to thank everyone for the new station and all the work that was put into it. It is greatly appreciated.

Fire Chief

Nicole should let them know if she needs more money. Also, Ladder truck 523 work is being done to make it more efficient and the social club is paying the \$17,000-\$18,000 for this work.

President of Council

He read a thank you letter from Mountain Karate.

Solicitor

Act 44 Compliance Policy

He said Act 44 approved a new law that went into effect last year regarding overseeing the pension plan. We need to approve following the changes to this new law.

Councilors Rehrig/Arner made the motion to approve the changes the laws requires.

D&L Heritage Corridor Lease

They wish to renew their lease for 1 year at \$11 sq/ ft. and the lease is up April 1, 2011.

Treasurer

Nothing

Committee Reports

Finance & Administration – Darryl Chairman, Melissa Co-Chair --

Nothing to report.

Streets, Buildings & Codes – Dale Chairman, Bessie Co-Chair –

Nothing to report.

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

Light & Power Committee – John 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 – Melissa Chairwoman, Dale Co-Chair -- Nothing to report.

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/Arner 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 Rehrig/Ebbert made the motions to go into executive session at 9:30.

Motion to go back into Public Session

Councilors Rehrig/Bird made the motions to go back into regular session at 10:10.

Action on Any Items Necessary as a Result of Executive Session

Councilors Bird/Traupman made the motions to pay \$219.31 to Steve Ebbert as reimbursement for time and travel put into getting the grant done on time and all were not in favor. A roll call vote was taken with Councilor Ebbert abstaining due to being related to the Mr. Ebbert. There were 3 yes and 3 no so the Mayor voted to break the tie and he voted yes. Motion to pay the \$219.31 carried. Councilor Rehrig said this is a onetime deal with no other considerations in the future.

Councilors Rehrig/Bauchspies made the motions to pay Tom Evans his regular rate of \$17.32 an hour for 1 hour 5 days per week to clean the Rec Center. Councilor Traupman wanted a stipulation put in that this would only be until a janitor was hired to replace Linden. Then the pay would stop and until that time he would be paid those hours in a separate check.

Motion to Adjourn the Meeting

Councilors Rehrig/Bird made the motions to adjourn at 10:20 p.m. and all were in favor.

Brenda L. Koons
Borough Secretary