

March 26, 2012

The Regular Scheduled Meeting of the Lehighon Borough Council was held in the Municipal Building on Monday, March 26, 2012. The meeting was called to order at 7:30 p.m. by President Grant Hunsicker. Members in attendance were: George Kogut, 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 and Treasurer Kira Michalik, Fire Chief Gary Frable, Engineer Bruce Steigerwalt, and Borough Secretary Brenda Koons.

Pledge of Allegiance

Guest Speaker –Delaware & Lehigh National Heritage Corridor (Elissa Garofalo, Dale Freudenberger, H. Scott Everett)

Elissa told council that they are at a point in building the D&L Trail where there are 3 gaps left. There is an opportunity to apply for some funding that will not require any match money from any of the local, state or federal partners. Due to the construction of the Turnpike Bridge and the roadway construction underneath the contractor has agreed to convert that into a 2 ½ mile stretch of the rail trail and the value of that work can be used as the matching funds for local projects. The Carbon County Commissioners agreed Thursday by resolution to make an application to the Department of Conservation and Natural Resources for a round #18 Community Partnership Grant. That grant will be to design and construct the 2 connectors that will help connect the trail through the county; one of which is located here in the Borough of Lehighon. It would be the connector of the towpath trail in Weissport over the bridge and behind the Castle Grill to the municipal road at the sewer plant to East Penn Twp. That is one proposal with a road crossing at Rt. 895.

The 2nd opportunity is to propose a trailhead parking area down along the bypass in Lehighon along with landscaping and signage. If the borough is willing to help with in-kind services such as equipment and labor, those services can be used as a match for the project. That project would be able to be done in short order and probably by the end of this summer. The DCNR application is due April 4.

Scott went over some details of the project with the handout he provided to council that depicted the proposed projects. They will need letters of support for these projects and a memorandum of understanding would also need to be signed. Once the trailhead goes in, the Borough of Lehighon will be connected all the way down to Lehigh County.

Councilors Rehrig/Arner made the motions to have the letter of support written to the county for the D&L trail connector project and all were in favor.

Councilors Rehrig/Bauchspies made the motions to enter into and sign a memorandum of understanding to build the trail and all were in favor.

Hearing of Persons Present

Rodney Snyder of 145 Millway wanted to know when the curbing on Millway was going to be put in its proper location. President Hunsicker asked Mr. Snyder if the borough should spend his money to fix it and Mr. Snyder said yes. Mr. Snyder said the borough engineer really messed up big time when he put the curbing in because it is 4 feet into the roadway. Councilor Rehrig told Mr. Snyder to not make accusations and to speak civilly. Mr. Snyder asked what will happen if and when curbing gets put in all the way up to Mrs. Bauchspies house and President Hunsicker that will be decided at that point in time.

Mr. Snyder then commented on the judge's stand being an eye sore and rotting away. He told council to either move it or tear it down and the website hasn't been updated since September of 2011. See if you can't update that for us taxpayers. The Borough Manager said the website is updated. It is updated every week. He disagreed and was asked what was not updated. Mr. Snyder said the minutes. Nicole said the minutes are not complete but the website itself is up to date.

Mr. Paul David II of 249 South 9th Street started to address council by saying he is glad the new borough manager is trying to help fix some of the situations in the borough regarding trucks. He is not against trucks or tucking companies. A number of years ago the borough entered into an agreement with a van company that is now New England Motor Freight. We accommodated them because if the borough didn't, they wouldn't have been able to stay open. That agreement can't be found.

Mr. David was told not too many months ago that there were going to be barriers put on both sides of the 9th Street Bridge. Oddly enough there are only barriers on one side of the bridge. President Hunsicker said that is because they are working on the other side of the bridge. Mr. David said as everyone knows they are not using 9th Street as much; they are running all over town. There are going to be problems soon. He had one at his home not too long ago. He can't zero in on all the trucks or overweight traffic but when your sewer line sags and your pavements are starting to move down and the pavements along side of your house are starting to move down then find out it actually cracked the sewer line from the vibration the trucks are causing a serious problem. It just seems that there should be something we can do to get some cooperation. The agreement was to cross over out at the Mahoning Drive-In.

The Borough Manager said in her report she included a memo regarding the complaints on the truck traffic along with a log of the complaints she has received and the current ordinances. She also provided some weight and size restrictions in there as well should council want to look at going in that direction. She also talked to New England Motor Freight and had asked them for the courtesy to assure they follow the detour. The terminal manager assured Nicole that he would. She has been in contact with Representative Heffley because it is a state road and went



through with him the different items that we can do in an attempt to help them with their complaints and concerns. She said the detour is westbound 443 making a right onto the bridge. They cannot make a right onto the bridge; otherwise the bridge can be accessed from 9th Street and the eastbound 443.

Deb McKane of 414 South 9th Street had a small safety concern about pulling out from their driveway with the doctor's office next door. When she goes to pull out at the crest of the hill it is very hard to see and cars do travel way faster than 25 mph coming over the crest of the hill. There was an accident last week. President Hunsicker said he will see they look into it.

Approval of Minutes

Special Meetings of February 1 & 10, 2012

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

New Business

Motion to give conditional approval for Dr. Howland's Land Development Project 432 South Ninth Street

Councilor Rehrig submitted a letter to abstain from voting.

Councilors Arner/Bauchspies made the motions to give conditional approval and all were in favor.

Motion to approve the Estate of June Walk Sub-Division for 19-21 Second Avenue (Approved by Lehighon Zoning Hearing Board March 2012)

Solicitor Nanovic said he knows it has been approved by the borough planning commission and the county planning commission have both recommended approval. He thinks the only condition they put on is that a variance is required. This has already been taken care of with the zoning hearing board. Bruce said that the only condition with that plan is that the zoning variance information be placed on the plans before they are signed and recorded.

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

Motion to approve Alternative and Clean Energy Program grant agreement with the PA Department of Community and Economic Development

The Borough Manager said council has received the Commonwealth Financing Authority communications and the solicitor has received a copy of the grant contract and has no objections to it. She said she is asking for approval pending Summit's review and then we would need to be entering into an agreement with Summit at some point in time in the near future regarding the funding source for the rest of the grant.

Councilors Rehrig/Bauchspies made the motions to approve the grant agreement with the Department of Community and Economic Development subject to review by Summit and all were in favor.

Motion to appoint Gravity Renewables as authorized representative to FERC as our Development consultant

The Borough Manager said this is only so Gravity can receive communications from FERC immediately without going through the borough

to get them. The Borough Manager will ask that the borough is copied immediately on all communications and this authorization will only be for as long as Gravity is our development consultant. Solicitor Nanovic was fine with this.

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

Request to change Garbage Ordinance to match the garbage contract or adding specifications to the ordinance relating to trash pick up

The Zoning Officer said he is getting complaints that the garbage company is leaving bags behind that were properly tied up, put out or in cans and construction materials were not taken. He said in our ordinance it states that construction materials should not be taken or put out for garbage. But in the contract with the garbage company it says the company should take out unlimited garbage and one container or bundle of construction debris on a regular basis. This is causing confusion when the people put it out.

The solicitor said he has not looked at the ordinance as he was not sure what section the zoning officer was going to cite.

Motion to approve the agreement with Carbon County for the Local Share Grant administration for Narrow Band Communications Conversion

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

Request for an ordinance in tandem with the Police Chief to adopt an ordinance RE: Temporary Business and Tent businesses within the borough along with fees and permit requirements and penalties if non-compliant

The Zoning Officer said that this was brought up at the previous meeting and he looked in to it. He and Chief Ebbert thought that these types of businesses should have to sort of comply with the local business zoning requirements and setbacks. In other words, if Mr. Smith has a greenhouse shop on 443 that has to be set back 40 feet it's unfair for a tent company to come in and set theirs up 10 feet off the road with bigger signs and then take his business away. We want to make it fair to the local businesses that are here and pay taxes by implementing a fee to both the land owner who is leasing to the tent company and a permit for the tent company and then an agreement between the two to release us from liability. President Hunsicker told Steve to get together with the solicitor and try to draw something up.

Chief Ebbert said there is also a safety issue with the tents being so close to the roadway. The one at the 443 Diner is almost tight against the white curb line. 443 gets very busy and you have cars at these tents backing out onto the roadway which is a safety concern. These tents are afforded the same rights as a business is. The police department responds to theft and vandalism complaints and if there should be an accident where someone is hurt, the fire company is dispatched and the businesses in town pay taxes for these services. The tents set up and only pay \$50. Chief Ebbert is looking to see that everyone gets a fair deal.

The Borough Manager said she has gotten complaints from residents also about the tents. The solicitor said he will look into it.

Request for permission to have Zoning Officer distribute Notice of Violation letters throughout the borough RE: Property Maintenance Code Violations

The Solicitor said he did look at it. He received an updated one on it this afternoon but did not know if council was given it in their packets. They did have the updated one and he has no problem with it.

Councilors Rehrig/Arner made the motions to give permission to distribute notices and all were in favor.

Motion to approve signing agreement for making PA 1 Calls with the Water Authority (the agreement has not been updated in a while)

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

Motion to approve the Ragnar Relay Race going through the borough on October 5&6, 2012 again this year (same requests as last year)

Councilors Arner/Bauchspies made the motion to approve and all were in favor.

Motion to appoint Chris Schnell to the Property Maintenance Board

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

Motion to approve purchase of 8 gift certificates for Administrative Professionals Day

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

Permission for borough Secretary to miss the April Council Meeting due to EMA Coordinator training

Councilors Bauchspies/Bird made the motions to allow the secretary to miss the meeting and all were in favor.

Unfinished Business

Continued discussion of the LDIC Bench Painting Project

The Borough Manager spoke with LDIC as to what the designs will be on the benches. She shared with them some of the concepts presented to her by LDIC and feels if council is willing to allow her to approve the bench designs before any bench is painted the project will be a nice improvement to the park.

Councilors Bauchspies/Kogut made the motions to allow the project provided all drawings are submitted to the Borough Manager for approval prior to any benches being painted.

Update on Judge's Stand

In January/February the engineer was seeking quotes on repairing and redoing the roof.

Bruce said he received 2 quotes to date with the possibility of 2 more by week's end. The 2 he has are under the \$18,500 threshold for having to go out for bids.

Nicole said council did have an opportunity to meet with John Drury and a copy of his letter is attached for review. He is still looking to go ahead with the project and relocate the judge's stand to 1st and North Street. The grant money needs to be spent as soon as possible so we need to decide if we are going to do the roof or go with Mr. Drury's plan. Mr. Bird asked for the distinction between going with Mr. Drury's plan and redoing the roof.

Nicole said he is looking to wholly take control of the project by raising the money and repair the entire judge's stand. This would require moving the stand to its temporary site at 1st & North Streets costing approximately \$13,000. Phase 2 would be restoring the stand with volunteer help and raising the funds; the museum board would locate and engage the services of the mechanic to repair the roof. Phase 3 would be to relocate it to its permanent site on 2nd Street. He is expecting the project to cost \$55,000 total and is more than willing to raise the money.

The solicitor had a question. Can we go ahead and get 3 quotes and award to the lowest bid for the roof at the next meeting and then still go ahead with John Drury's proposal? He wasn't sure from what he read. No one was quite sure on this point so Nicole will check into this and report back to council.

Councilor Bird was concerned that Mr. Drury had good intentions but that is all they are. Councilor Arner said he has worked with Mr. Drury on several fundraising projects and he has always seen them through. He is very good at what he does.

Official's Reports

Borough Manager

Her only other item was to ask council if Bruce should still proceed with getting the third quote and was told yes. Councilor Rehrig asked how long the grant is good for. The grant expires by June 30, 2012 so everything has to be done including cutting the checks for the project with no more extensions. We could probably reallocate the grant funds to another project should council not wish to follow through on the judge's stand but she would need to know that now.

The Borough Manager also needs council to approve the Armory Readiness License Agreement tonight.

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

Borough Engineer

Nothing to report

Police Chief

Chief Ebbert was contacted by Dick Rook who works as a project manager at Camp Hill to see if he could drop off a catalog of items the inmates at the state correctional facility make. These items include PennDOT approved road signs and other items. He will share the information he receives with the borough manager and council. It may save the borough some money.

They have been busy assisting with the street sweeper and borough crew. Officers are out ticketing vehicles.

Chief Ebbert said they have been monitoring the Grove on a daily basis since the warm weather has hit us early. It has been a hub of activity to monitor and curtail any criminal activity. In light of that he has asked them to keep an eye out for any ordinance violations. Hopefully between his department and Mr. Schickram they can enforce these ordinances early and often that people are trying to hide behind their homes and in the alleys or wherever.

Tomorrow is a Crime Watch meeting at 6:30 at the high school. Byron Schnell is doing a bang up job trying to inform the Lehighton area, not just Lehighton Borough. He is trying to get all the townships involved. He's doing a great job.

On page 2 of Chief Ebbert's report a line item was omitted by mistake. He started another log entry for their patrols. It should read 38 school patrols for the month of February.

Councilor Kogut asked Neal if additional lighting at the Grove would be helpful. Chief Ebbert said that lighting is always a cheap form of security and would certainly help some of the darker areas of the park. Councilor Kogut said that there is some DCNR grant funding that will be available in 2013 they could look into. The Borough Manager said they were looking into this funding for this year to add lights to the basketball court and some of the other areas where the smaller playground equipment is as well as some new playground equipment but the time constraints to pull everything together by April 2012 is the reason for looking at the grant in 2013. President Hunsicker said the Light & Power department could always put more lights in at the basketball court.

Mayor

One of the dispatcher's from the Communication Center will be a guest speaker at this month's Crime Watch meeting. They will be informing residents on how to report an incident without being retaliated against and on how to not have your name go out over the air.

Each month they will try to have a different speaker to keep things fresh.

Fire Chief

Gary wanted to assure council that due to the tank being down there are extra reinforcements coming in automatically.

President of Council

Nothing

Solicitor

Nothing

Treasurer

One bill to Print Concepts was missed in the amount of \$2,573.45 to be added to the list of bills to be approved. She also wanted to request a budget transfer from Light & Power to the General Fund in the amount of \$150,000 if needed.

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

Committee Reports

Finance & Administration – Darryl Chairman, George Co-Chair— Nothing to report. He did want to say thank you to Kira for doing such a really good job. It is a pleasure to work with her.

Streets, Buildings & Codes – John Kreitz Chairman, Bessie Co-Chair – Nothing to report. Mr. Dick Andrews, the former owner of Andrews Truck Repair has started as the new borough mechanic.

Police, Fire & Safety – Scott Chairman and John Bird Co-Chair – Nothing to report. He wanted to say that all the secretaries, the borough manager, police, and all other departments are doing a good job. It is all about accountability.

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. She did get a tour of the CCMA plant and it really is impressive.

Public Works & Recreation – George Chairman, John Kreitz Co-Chair – He and Tom were looking at putting a basketball court down by the pool to move the kids to different locations. The pool is there with a volleyball court and football/baseball fields and there will be all types of activities down there so adding a basketball court will maybe help disseminate the crowd from the Grove by giving them another place to go. He and Tom had also discussed a playground area at the pool area. The goal is to enhance recreation in the borough by giving the children opportunities.

Chief Ebbert asked to have the playground equipment checked at Skyline Park for safety. Councilor Kogut said sure.

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 Arner/ Kreitz 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

No executive session required.

Motion to go back into Public Session

Action on Any Items Necessary as a Result of Executive Session

Motion to Adjourn the Meeting

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

Brenda L. Koons
Borough Secretary

