

October 24, 2011

The Regular Scheduled Meeting of the Lehighon Borough Council was held in the Municipal Building on Monday, October 24, 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 Wagner, John Bird, Darryl Arner and Scott Rehrig.

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

Pledge of Allegiance

Hearing of Person's Present

Carl Teets, 41 3rd Avenue wanted to tell council that the Height's was no longer the "forgotten area of Lehighon" and to commend both council and Bruce for the great job on reconstructing Stedman Avenue. It is the best street in the borough.

Mr. Teets also wanted to commend and congratulate the Light & Power and Public Works Departments for the job they did on the former police department office. It looks great. They know what they are doing and the borough should be proud.

Rodney Snyder of 145 Millway commended the borough and the Public Works Department for backfilling along the street and at the bottom of the alley.

He then brought up the Verizon pole issue, the stop sign on 3rd & Stedman needing a traffic study, the Judge's Stand being a violation for non-conforming use.

Mr. Snyder then questioned the transfer from the Sewer Fund into the General Fund and asked why this was done. The Borough Manager said it is to repay the Annex loan. He asked what the loan balance was and Nicole said she didn't know off hand but he was welcome to come see her to discuss it. He then asked why taxpayers had to subsidize the loan.

Next Mr. Snyder brought up the pothole in the alley behind Millway and how big it's gotten. He then asked when the Stedman Reconstruction was done why the width of the road was reduced. When the curbing on the Stedman side of Millway went in the curbing was put approximately 4 feet into the roadway and it made Millway narrower. The Borough Engineer said it was done because of the grade. Mr. Snyder asked what will happen if the rest of the people have to put curbing in on Millway and Bruce said it will be at 30 feet the same as Stedman is.

Approval of Minutes

No minutes were submitted.

New Business

Motion to approve AARP using the Rec Center from February 1 to April 15 for the purpose of doing taxes for low to moderate income residents

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

Motion to approve the reclassification of Lineman II Barry Fisher, Dennis Rodgers and Robert Novak to Apprentice Linemen First Year Level II effective October 15, 16 and November 12, 2011 respectively

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

Motion to approve Resolution R-015-2011 Pertaining to State Aid

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

Motion to adopt Ordinance 597-2011 RE: Street Excavation/Opening

The Solicitor said this was advertised and can still be adopted but the Borough Engineer looked at it and there were 3 minor changes that need to be made.

The first change is in Section 9 where it says - "if within 2 years after restoration of the surface defects shall appear from effective back filling," - we are just taking out the word "effective."

The second is under Section 11 - "no more than 500 longitudinally shall be opened in any street" - we are making that 200.

And third is under that same section where it says - "all openings or excavations shall be back filled properly with modified stones" - it will be 2a aggregate stone.

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

The Borough Manager said there is an accompanying resolution R-17-2011 RE: Establishing rates for the permit fees that goes along with this ordinance.

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

Discussion of Amending the Property Maintenance Ordinance

The Solicitor said this is regulating to the use of outdoor furniture at last month's meeting and that it would need to go under the International Property Maintenance Ordinance. The Solicitor has drafted an ordinance for council's consideration. It has not been advertised. It provides that under this new section that will be added it will read - other than furniture contained within a structure, use or storage of furniture which is not constructed or designed for exterior use it prohibited in and on exterior property areas. Such prohibited furniture shall include but is not limited to upholstered couches and chairs or other fabric covered articles not designed or intended for exterior use. The Code Enforcement Officer will be enforcing this ordinance.

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

Motion to approve next year's pool flyer for distribution November 26, 2011

Councilors Rehrig/Arner made the motions to approve but there was a question.

Councilor Traupman said the flyer is misleading because it does not equal 25%. Council asked to have this put back on next month's agenda with this item being corrected.

Motion to approve raising the Rec Center rental rates from \$125 to \$150 starting January 2012

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

Motion to adopt Resolution R-16-2011 Fixing Electric Rates for 2012

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

Motion to advertise Earned Income Tax Ordinance to establish conformity with Act 32

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

Discussion of Local Service Tax proposal

Nicole to get more information on this.

Motion to approve the 2010 Write-Offs

Councilors Rehrig/Traupman made the motions to approve the write-offs and all were in favor with no questions or objections.

Unfinished Business

Continued discussion of Peter Turko's project

The solicitor said we had sent him a letter saying here are the certain things you need to do under the contract, you have 30 days to do them. Solicitor Nanovic said he has heard nothing. The notice went out October 4, 2011 and 30 days will be November 4, 2011 so we can either wait until next month at which point we can sue him to finish his parking lot. Mr. Turko does owe us some money at this point.

Bruce said they have replaced curbing that had settled and moved because of shifting of the lot from over a year ago from the slope in the back. They have the slope in the back stabilized and they replaced the curbing along the north side and some on the east side. Now they have to replace some of the base that they took out to do the curbing and then put a top coat on but they are running out of time for this paving season.

Additional discussion of the Judge's Stand

Nicole felt the need to bring this back to the table after discussing the specification with the engineer and doing some brain storming. She believes a committee of council needs to be involved in this. We have \$20,000 to invest in this and in reviewing the scope provided by Mr. Drury there's a lot of details that would be needed prior to drawing up specifications because the specs drawn up in the past were not very detailed. So she would prefer a committee of council to get involved in this project.

Councilor Bird asked if Mr. Drury has indicated any action or progress on raising money or how he plans to do this project. Nicole said she has met with him and his intentions are to relocate it to the temporary site and then gain the interest of the community in order to raise the funds. Mr. Drury strongly believes there are avenues we can turn to in order to raise the funds. Nicole needs to know now as she has extended the grant twice already if council is interested in pursuing the grant or not. If council says no, then we need to figure out what we are going to do with those funds.

Councilor Bird removed himself from the project stating that it is taking too much money away from taxpayers.

Presidents Hunsicker said that he would like the engineer to have specs drawn up for at least the roof. He feels the rest can be done rather easily. The roof is where the problem is and we should see if \$20,000 is enough to put a new roof there. Jim Thorpe has everyone going up there looking at all the old stuff they have there and guess what, it costs them money to do it and here we sit. We don't do anything.

Councilor Rehrig commented that once you destroy a piece of history you can never recoup it. So if we aren't going to fix then we should get rid of it. Hopefully we can fix it. The outside is the worst of it. The inside is not rotted or termite infested.

President Hunsicker said if the roof would cost more than \$20,000 he would consider not doing the restoration.

Councilor Traupman thought originally that Mr. Drury was going to move it and it now seems the borough is going to. President Hunsicker said it is the \$20,000 that we have to be careful with.

Councilor Traupman thought Mr. Drury had the money already to move the structure but now it would seem he does not.

Councilor Wagner asked when the grant expires and the Borough Manager said June. Nicole also said she only has until April to ask for an extension. She then went on to answer Councilor Traupman's question. In Mr. Drury's proposal to the borough he says that it is understood and agreed that the grant monies already accumulated by the borough will be used for the Judging Stand restoration including the temporary site prep, transportation, site prep, work on stand and transportation to its permanent site. Funds generated from other sources will be used to support the Judging Stand project in order to see the Judging Stand through completion.

The original proposal was Phase 1 to move the Judge's Stand to the temporary site at First and North Streets which was \$12,500. Phase 2 was to be used for labor and volunteer work to provide materials was approximately \$40,000. Phase 3 was the relocation to its permanent site on Second Street for \$2,500.

Nicole said the \$20,000 can be used for this if we bid the project. When sitting down with Bruce who would assist in drawing up the specification it just got a little bit dicey in determining what scope of the project that we would be bidding.

President Hunsicker asked Nicole if she wanted a committee and she said yes. She feels she should have some input and not do this alone but rather have some guidance. Whether it's the roof we are looking to do or the relocation Nicole feels there should be more than just herself and Bruce making the decisions.

President Hunsicker and Vice-President Rehrig both said they would serve on the committee.

Official's Reports

Borough Engineer

The cost for the sewer extension and rehab projects went over the contracted amount by about 5% basically due to some additional laterals and base work to repair the trenches on North 8th Street. On East Side Avenue we were \$300 under the bid amount and on Stedman we were over by about 10% basically due to additional laterals and due to the fact that the soils were so bad they couldn't retain their trench walls and some curb replacement had to be done due to the fact they this was trying to squeeze a pipe in between the curblines, gas main and the old existing sewer line.

The repaving of Stedman Avenue and North 8th Street went 2.3% over the bid price due to the additional base course on Stedman put in due to extra curbing being installed to make that better. Some concrete for a handicapped sidewalk was also part of the expense.

The site for the salt shed is ready and this project will begin setting the walls this Thursday. Bruce is in the process of getting the shop drawings and concrete designs for the floor and roof trusses.

Bruce said he and Nicole met with the man who did the Ashtown Bridge inspection and the Penn DOT bridge engineer. They are requiring a plan of action. There were trees and debris lodged against the upstream beside the bridge which were removed. There is some undermining under the foundations that they want taken care of. We need to send them a letter of what we are going to do and when it will be done. They are requesting the borough gets a permit from DEP. Bruce talked to DEP and we cannot use the same permit that Penn DOT uses. We will need to apply for a GP11. We will probably not need to do a joint permit as we did in 1992 for that bridge but we will need to do the GP11 that will take some work. We will also have to go through Municipal Services to get the project approved as we are going to use liquid fuels monies and then they will refer it back to the bridge division for their approval on the repairs that they want and it will probably be March or early spring to get the approval that we need. By that time we will not be able to work in the stream because it will be trout season and the Fish Commission won't let us in the stream from March 1st until June 15th. Anything we are going to do will not be able to be bid out until after June 15th.

The estimate by the bridge inspector was about \$48,000 but Bruce feels it will be more like \$60,000 till it is bid with prevailing wage and everything else. The plan of action is that we monitor the bridge for debris. They will do an inspection in 6 months again. We can probably bid this out

sometime in June of next year. We do need to send them a tentative schedule.

Officer in Charge

They received \$100 check in donations from a variety of people and we sent thank you's out to them.

Mayor

He commended everyone involved on the great job they did with this year's Halloween parade and to the police and fire police who directed traffic.

Trick-or-Treat is this Wednesday from 6-8 p.m. If you want to receive trick-or-treaters please have your porch light lit and pay attention to your surroundings.

Fire Chief

Absent

President of Council

Nothing

Borough Manger

Nicole started by thanking all department heads, council and solicitor for all the support through this transition.

There have been issues with signs being placed on poles and has been addressed with the police and the light & power department. She would like to publicize that this is not allowable.

We are looking for someone to fill the EMA Coordinator position.

A \$500,000 Grant application has been submitted to Local Share for the fire station project.

We have also been approached by Ahead which is a specialized human resource organization assisting people with disabilities jobs such as cleaning and filing free of charge.

Solicitor

Nothing

Treasurer

She asked for \$150,000 transfer from Light & Power to the General Fund.

Councilors Rehrig/Arner made the motions to approve the transfer and all were in favor with no questions or objection.

Councilors Rehrig/Traupman made the motions to pay 30% of the total bill for the gutter repair at the Rec Center. The total bill is \$450 and 30% is \$135 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.

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

Light & Power Committee – John Chairman, Scott Co-Chair – Nothing to 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 Rehrig/Wagner 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/Arner made the motions to go into executive session at 8:47 p.m.

Motion to go back into Public Session

Councilors Rehrig/Wagner made the motions to go back into regular session at 9.08 p.m.

Action on Any Items Necessary as a Result of Executive Session

Councilors Rehrig/Bird made the motions to have Sgt. Lawrence contact an officer regarding the OAG position for 6 months training.

Motion to go in to Executive Session

Councilors Wagner/Rehrig made the motion to go back into executive session at 9:10 p.m.

Motion to go out of Executive Session

Councilors Bird/Scott made the motions to go out of executive session at 10:04p.m.

Action on Any Items Necessary as a Result of Executive Session

Councilors Wagner/Rehrig made the motions to approve Neal Ebbert's heart and Lung pending proof from doctor and all were in favor.

Councilors Arner/Wagner made the motions to advertise for a mechanic/laborer for public works and all were in favor.

Councilors Rehrig/Traupman made the motions to approve the 2010 Write-Offs and all were in favor.

Motion to Adjourn the Meeting

Councilors Bauchspies/Traupman made the motions to adjourn at 10:06 p.m. and all were in favor.

Brenda L. Koons
Borough Secretary