

# BOROUGH OF LEHIGHTON

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March 28, 2024

RE: Lehighton Borough Council Meeting Minutes – March 11, 2024

The regular meeting of Lehighton Borough Council was held in the municipal building on Monday, March 11, 2024. The meeting was called to order at 6:30 PM by President Grant Hunsicker. Members in attendance were: John Kreitz, Autumn Abelovsky, David Zimmerman, Ryan Saunders, Rebecca Worthy, and Steve Hawk. Officials in attendance were: Mayor Clark Ritter, Borough Manager Dane DeWire, Solicitor James Nanovic, Fire Chief Patrick Mriss, Chief of Police Troy Abelovsky, Public Works Superintendent Kris Kunkle, Light & Power Superintendent Lonny Armbruster, and Borough Engineer Vanessa Nedrick. Absent: Borough Secretary and Recreation Director Tom Evans.

CALL TO ORDER – 6:30 PM

Pledge of Allegiance.

## HEARING OF PERSONS PRESENT

Sandra Kokinda of Bethany Evangelical Congregational Church wants to address the abandoned property adjacent to the church, 216-218 North Street. Ms. Kokinda provided photographs of the exterior of the home which show trash and debris in the backyard and side yard of the property. The church is concerned about a possible rodent problem with the upcoming Spring weather approaching. Ms. Kokinda spoke of people going into and out of the building, although the building appears abandoned. After a review of the church facility, the Church was informed that the adjacent property is a health and fire concern. The Church is requesting that something be done to address the property and is willing to help if possible. Terry Green, Congregation Custodian added that he has witnessed men carrying propane tanks into the building, suggesting that inhabitants may be using propane to cook or to heat the building. Green

mentioned that rodent traps are in place, as mice are coming onto the Church property. Borough Manager, Dane DeWire assured Council that the property in question has been formerly addressed with the Zoning Office within the last six months regarding the concerns above. Contact with the property owner have been attempted on numerous occasions, and now there are rumors that the property owner may be deceased. DeWire mentioned that this may become a situation similar to the Nace Property which was discussed months prior. Councilwoman Abelovsky mentioned that she has been in contact with the Congregation and Zoning Officer, Tyler Galloway for the past year regarding the property. Green interjected that he believes that one property owner has passed away, but the wife, Laurie Trinkle, is around.

Nancy Berchtold of Saint Vincent de Paul wants to address the notice that was given to “Tent City” and the numerous phone calls she has been receiving since the Sherriff notified the residents. She described one resident of the area who had packed up his belongings immediately and searched town for another place to “put his tent,” although this “scattering” will not be tolerated and is not a solution per a Homeless Taskforce Meeting with the County Commissioners the week before. Saint Vincent de Paul plans to meet with as many residents as possible to address some of the instability in the residents’ already-unstable lives. Nancy claimed that many of these people are from this area and thanked Chief Abelovsky and Borough Manager Dane DeWire for their compassion. Councilman Hawk asked “what a permanent solution looked like,” and Nancy explained that a transitional shelter for a place to stay and get training is the proper solution. Jack Finnigan of the Carbon-Monroe-Pike Drug and Alcohol Board noticed that D&A lacks the ability to “meet” these people, that two or three people have since been placed, and that his fear is the potential of pushing these people out without a plan to catch them. Nancy stated that she assured residents that they have time, but not months and that this is an opportunity to be “caught” and make an assessment [of this situation].

Guest speaker, Joe Bennett of Benntt Family Properties wanted to give an update on his project on Millway Street. He wants to join the properties on Millway Street and is planning to request such at the Planning Commission Meeting the next evening. He is also planning to request that the newly-joined property be re-zoned as a commercial property. He has since cleaned the trash from the property and wants to erect a structure to store two dental service vans through an organization named Star Community Health Dental provided by St. Luke’s Health Network. He requested permission to grade the properties with shale, stone, and crushed concrete and also requested the vacation of the paper streets which border the properties in question. Councilman Hawk asked if land development plans had been submitted, to which Mr. Bennett said they were not. Borough Engineer Vanessa Nedrick explained that there is a process that should be followed. She said that while erosion and sedimentation control approval has been given by the Conservation District, the following evening’s Planning Commission agenda only includes the lot consolidation request. She explained that vacation needs to happen first, and then the Borough is still unable to act until the County Planning Commission provides approval. The County has received an application for the lot consolidation but denied approval until the

Borough vacates the paper streets. Nedrick said she has not seen a plan for land development and is requesting that the process be followed, since it will be more difficult to provide stormwater management review if site grading is performed first. Bennett explained that he is not requesting approval to build at this time. Borough Solicitor, Jim Nanovic asked if the name of the adjoining property owner, Barry Fisher, is written on the drawings. Bennett confirmed that Fisher's name is on the drawings and that he is aware that half of the vacated street adjoining Fisher's property would be given to him. DeWire interjected that Bennett would need to also request permission to grade the paper streets as they would not become vacated until after the adoption of an ordinance at the April Meeting. Nanovic asked what Bennett would do if he is required to re-grade the property if engineering approval requires different grading than was is performed. Bennett agreed he would do whatever is necessary. Councilors Abelovsky/Saunders motioned to authorize the Borough Solicitor to prepare the petition and advertise the ordinance for the vacation of the paper streets and all were in favor with no objections. Council denied Mr. Bennett permission to grade the properties at-risk at the current time. Councilors Saunders/Worthy motioned to authorize the appraisal of the Borough's three properties near Millway at no expense to the Borough and all were in favor with no objections.

#### APPROVAL OF MINUTES

Councilors Saunders/Kreitz made the motions to approve the minutes of the Regular Meeting held on February 5, 2024 and all were in favor with no questions or objections.

#### UNFINISHED BUSINESS

Continued discussion on Park Cameras. DeWire said that a request for proposals has been advertised for the project and that multiple walk-throughs have been performed/scheduled. He stated that whoever is selected for the project will work alongside our IT staff to integrate the surveillance equipment.

Continued discussion on 9th and Bridge Street Traffic Light. DeWire recalled that he and Solicitor Nanovic held a meeting with PennDOT, the Lehigh Area School District Superintendent, and the District's Solicitor. The District is aware that it is their responsibility to perform a deed study and complete the project. DeWire met with PennDOT's 443 Project Coordinator recently to determine if they had any information necessary for the District to complete the project. PennDOT assured the Borough that they have no additional information on the property boundaries, and therefore the District's Project Manager must pick up where they left off in 2018.

Continued discussion of remaining grant money from the Senior Center Roof Project. DeWire stated that the County reached out to him to recommend that the remaining money from the

Roof Project be reallocated to the First Street Demolition project in lieu of being using to install utilities at the trailhead. The County feared that the project would not be completed in time before the grant money expired. The County recommended that money left over from the Demolition Project, which has a longer lifespan, be used instead for the installation of utilities at the trailhead.

## NEW BUSINESS

Consideration on request from Behavioral Health Associates for Bus Stop No-Parking Signs in front of building on 400 block of North Third Street. Councilman John Kreitz explained that BHA is requesting no-parking signs on their side of the street on North Third Street due to poor sight conditions. Councilwoman Abelovsky recalled that the Borough has approved a similar request at their other building on Fourth Street in the past. Present BHA representation explained that the plan formerly adopted was not adequate for child safety, and any plan which considers crossing a street is unacceptable. Councilors Kreitz/Saunders motioned to have three parking spots on North Third Street signed as “no parking 7-9 am and 1-3 pm on school days” and all were in favor with no objections.

Consideration on request from Carbon Chamber & Economic Development to hold 10th Annual 5K Earth Day Hippie Run/Walk on April 20th on Lehigh Drive. DeWire mentioned that the Chamber will need to request Fire Police, as the event will occur on a Borough Street. Local businessowner on Lehigh Drive, Jerry McAward of LOC, stated that the event will not affect his business. Councilors Kreitz/Saunders motioned to approve the event and all were in favor with no objections.

Consideration on request from Carbon County Area Agency on Aging to hold Senior Games May 7-15 using Baer Memorial and the Senior Center. Councilwoman Abelovsky requested that Public Works be informed on what is required to prepare the area and questioned how electricity was provided in years past. DeWire suggested that however the power was supplied in years past, including all associated fees, the Borough should follow suit similarly for this event. Councilors Saunders/Worthy motioned to approve the event and all were in favor with no objections.

Motion to adopt Resolution R8-2024 Emergency Declaration. Councilors Abelovsky/Zimmerman motioned to adopt Resolution R8-2024 Emergency Declaration and all were in favor with no objections.

Motion to adopt Resolution R9-2024 Destruction List. DeWire explained that this list encompasses everything that was removed from the Administration Building for the admin and billing servers, including the most recent obsolete server, the former AMS software server, network switches, and old firewall units. Councilors Worthy/Hawk motioned to adopt Resolution R9-2024 Destruction List and all were in favor with no objections.

Motion to reappoint Barry Isett & Associates as the 2024 Health Officer. Councilman Kreitz recalled a question from January 11 in regards to whether or not a health officer is required. DeWire explained that the State used to perform the inspections and when they became inundated, they began to provide inspectors to perform the health inspections. It became more difficult to schedule these inspectors, at which point we appointed the responsibility to Barry Isett who was already contracted for our Zoning inspections. DeWire recalled that the Health Inspector was the only re-appointment not made in February after a discussion on how it was causing the Borough to lose money. DeWire requested Tim Dow, our Zoning Officer's manager to sit down with BIA's management team to come up with solution to break-even on health inspections in 2024. BIA recommended implementing a new health inspection fee schedule of \$75 per inspection with a re-inspection fee of \$75. Formerly, inspections cost \$25 and there was no fee for re-inspection. DeWire also suggests that bill coding must be monitored more carefully on both ends to ensure that health inspection expenses and revenues are not placed in the line items for standard zoning procedures. DeWire explained that health inspections can be postponed until mid-year before running into scheduling conflicts. Councilors Kreitz/Saunders motioned to table the reappointment of the 2024 Health Officer and all were in favor with no objections.

Discussion on Parks & Rec utilizing storage at Baer Memorial. Councilwoman Abelovsky explained that P&R houses all of the Christmas decorations in the basement of the Annex. She is requesting permission to use the empty space in the bathroom facilities at Baer Memorial for these decorations. Public Works Superintendent, Kris Kunkle confirmed this is vacant space. Legal counsel confirmed no motion was necessary.

Discussion on Winter Weather Procedures. DeWire explained that there have been many discussions on the Borough winter weather procedures after the last snowfall event, which warranted an emergency declaration. Councilman Kreitz recalled that he worked on odd-even parking with Council and Public Works in years past it would never work in the Borough. DeWire asked Council if we can utilize the swimming pool and Baer Memorial parking lots when the streets are posted. Council President Hunsicker stated that what we should do is what we have been doing; post the street and take the snow away. Councilman Kreitz suggests we be more proactive with posting the streets before a storm. Councilman Saunders said that residents should have a plan in place before a street is posted, and a Borough-wide plan would help with that. Kreitz reaffirmed that a Borough-wide plan did not work in the past and the signage cost was expensive. DeWire suggested discussing winter weather procedures in the Fall newsletter. Public Works Vice Superintendent interjected that the former Borough-wide plan failed because we did not give residents enough time to catch on to new procedures, and we didn't stick to the procedure long enough for people to learn. Abelovsky recommended updating our snow emergency routes. DeWire said that he has spoken to Fire Chief Pat Mriss and Emergency Management Coordinator Joe Flickinger about altering the emergency map. DeWire has yet to speak to Leighton Ambulance. DeWire explained that the codified ordinance is incorrect and must be updated as well. Kreitz and Saunders agreed to form a

winter weather committee to discuss future procedures with Public Works and emergency responders.

Motion to accept 139 & 211 South LLC's application for 4 additional EDU's for 211 South Street. DeWire explained that with the non-acting status of the Sewer Authority, Council will need to approve sewer connections. Borough Engineer Vanessa Nedrick recommends that the applicant apply for four EDU's for the seven new units. Councilors Hawk/Worthy motioned to accept 139 & 211 South LLC's application for 4 additional EDU's for 211 South Street and all were in favor with no objections.

Motion to allow Leighton Heritage Alliance to assume responsibility for the maintenance, restoration and preservation of the Fairgrounds Judge's Stand. DeWire explained that the Historical Alliance requested to maintain the Judge's Stand and that he requested they put a formal request in writing. Abelovsky expressed concern for the operation of the stand's roof in windy conditions. Hunsicker mentioned that he knows of rotten wood inside of the structure, and DeWire made note that the Heritage Alliance plans to address it. Councilors Saunders/Hawk motioned to allow Leighton Heritage Alliance to assume responsibility for the maintenance, restoration and preservation of the Fairgrounds Judge's Stand and all were in favor with no objections.

Motion to hire Jonathan Tracy and Levi Stern for the advertised Lineman Helper positions. Councilman Kreitz questioned when Council motioned to hire for the positions. Councilman Saunders recollected that we motioned to advertise the positions and that Light & Power Superintendent Lonny Armbruster interviewed the applicants. Kreitz also questioned whether we want to advertise outside of the Borough and recommended that we table the hiring of the employees. DeWire explained that we cannot advertise the positions outside of the Borough per the Union Contract if current employees are interested and qualified for the positions. Kreitz then asked what we're going to do about the vacancies in Public Works. Councilman Saunders interjected that it was on the Agenda next to discuss that. Kreitz recommended utilizing the employees in both Departments during their 30-day transitional period. Saunders mentioned that this may be a training issue, and DeWire asked what happens in the event of winter weather and plowing. Light & Power Superintendent Lonny Armbruster agreed with Saunders that they guys cannot be juggled between positions. Armbruster went on to say it would not be an issue if the guys needed for weekend snow removal, as the L&P department does not typically work weekends. Councilwoman Worthy recognized the issue of being two men down in any department and recommends that we move now and get the 30-day transition period underway as soon as possible. DeWire stated that it is not fair to deny a person a job due to the vacancy they would leave behind. Saunders and Worthy agree. DeWire goes on to state that the allocation of \$150,000 did not permit the two employees to move to the L&P Department prior to June. He recommended that we move their wages into the L&P Fund to start them sooner and avoid Public Works losing men in the height of summer. Public Works Superintendent Kris Kunkle stated that the Borough will need to hire a new CDL driver

and pesticide sprayer to replace these men, and Councilman Saunders said that all we can do is hope we get the right candidates in the position. Councilman Hawk interjected and said that we should start this process as soon as possible. DeWire reminded Council the funds allocated for two new employees will not cover April and May, but Kreitz does not believe that funds need to be transferred to hire the men in April. DeWire explained that not all benefits come from the same fund and that it was spelled out in the allocation memo provided to Council.

Worthy/Saunders motioned to hire Jonathan Tracy and Levi Stern for the advertised Lineman Helper positions for April 8 and April 1 respectfully and all were in favor with no objections.

Discussion of Lineman Helper starting dates and advertising for Public Works vacancies. DeWire explained that there is no schedule in place for summer roadwork, as he and the Borough Engineer have not completed a schedule for Sanitary I&I Abatement work. DeWire went on to state that a finite amount of money exists for these projects, so if paving projects needed to be pushed into the fall, we would still be able to exhaust the budget. Saunders/Worthy motioned to advertise two full-time Public Works vacancies in-house ten days prior to the end of the 30-day transitional period and all were in favor with no objections.

Discussion of Letter from CCMA regarding excessive I&I. DeWire explained that for the last fourth months, he has been having conversations with the plant manager at CCMA. For the last two months, Lehighton has exceeded its maximum allowable flows and January was a record-setting flow. The Borough will now see regular letters of concern until the problem is addressed. DeWire announced that the Borough has received an additional \$500,000 grant for I&I work and is working with the Borough Engineer to come up with a schedule to begin rehabilitating the Borough sewer system. DeWire needs to confirm whether or not 2021 ARPA Covid funds can be used to cover the near-450k matches required to fund these Federal monies. Councilman Steve Hawk asked what the timeline is, and Nedrick stated that she can start this in as early as two weeks. DeWire also mentioned that he wrote a blurb about illegally-draining sump pumps and roof runoff gutters in the Spring newsletter, which are both major contributors to our I&I issue. Hawk hopes that the “low-hanging” fruit are taken care of to get our numbers back in check.

## OFFICIAL’S REPORTS

President of Council – Nothing to report.

Borough Manager – Paper report provided. Nothing to report.

Borough Engineer – Vanessa Nedrick reported that Remington Vernick will move forward with the I&I Project and provide a response to CCMA. They are also working on Chapter 94 and MS4 reporting at the request of the Borough Manager

Solicitor – Nanovic reported that he has not advertised the LERTA Ordinance as requested by Council at the previous meeting. He needed more information on the graduation of the tax



break incentive. Councilman Saunders explained the stepped-incentive from a 90% break to a 10% break from the difference in taxes over ten years.

Treasurer. Not present. Paper report provided. Approval of additional bills.

Mayor – Nothing to report. Requests an executive session for personnel

Police Chief – Chief Troy Abelovsky discussed a grant received for a new reporting system that has been paid in full, but he has IT staff trying to get that money back to use for infrastructure that can support the new setup instead. Chief stated that there has been a lot of local issues and complaints of tobacco use by minors. He stated that he will receive some funding to make sure that vendors will be evaluated to ensure they are doing the proper checks to prevent underage sales.

Fire Chief – Nothing to report.

Light & Power Superintendent – Paper report provided. Lonny Armbruster thanked Council for hiring two new employees. Armbruster reported that he will be handing the training over to Vice Superintendent of Light & Power, Barry Fisher, since Armbruster believes he will retire prior to the commencement of the training. He reported that one of his employees will be taking a medical leave soon of 30-60 days. He reported that the transformer bushings have all been replaced and are now operational.

Public Works Superintendent – Paper report provided. Saunders asked Vice Superintendent Jeff Smith whether he can be trained to spray pesticides, as one of the employees he is losing had that certification. Smith replied that his training would barely be complete by the time he retired, but he can look into it if that is what needed to be done. Kris Kunkle was granted permission to determine if anyone in the Department is interested in training and certifications. He went on to discuss the cost of a Class B CDL, which is \$4300 in 2024, which is not in his budget. Kunkle expressed that he and the Borough Mechanic are the only two Public Works employees with a Class A CDL, which is required to operate the Leaf Vac truck.

Recreation Director – Not Present. Nothing to Report

## COMMITTEE REPORTS

Finance and Administration – David Zimmerman, Chair; Ryan Saunders, Co-Chair. Zimmerman reported that we will be implementing the new, 4:00 pm public closing time for the Utility Billing Office on Monday March 18, 2024 and that no pushback has been received. Zimmerman went on to report that he and Saunders met with the Borough Manager to discuss the vacancies in the Administration Department as well as the importance of distributing relevant information effectively to Council and staff members. It was recommended that the Borough Manager hold daily/weekly team meetings with the staff.



Economic Development, Buildings and Codes – Autumn Abelovsky, Chair; John Kreitz, Co-Chair. Abelovsky asked if contact has been made with the property owner of the building in which Joker’s Gaming Café resides. Borough Manager Dane DeWire reported that he has received contact information but no contact has been made. Abelovsky went on to bring up a former discussion of the possibility of a Borough public Camping Ordinance. Saunders interjected that an Ordinance is imperative for our officers to have ‘bite’ now that the County is patrolling the area regularly. Councilors Hawk/Saunders motioned to allow the Solicitor to draft a Camping Ordinance and all were in favor with no objections.

Police, Fire and Safety – Ryan Saunders, Chair; Rebecca Worthy, Co-Chair. Nothing to report.

Light & Power Committee – Rebecca Worthy, Chair; Steve Hawk, Co-Chair. Nothing to report.

Sewer Committee – Steve Hawk, Chair; Autumn Abelovsky, Co-Chair. Hawk reported that we received a letter from the Sewer Authority’s Solicitor stating that the Authority was dissolved April 1, 2000, but there is a group of people who still want to do this work for the Borough. The first option is that these people form a panel, similar to a planning commission, where their authority is a guidance to Council. The second option is that this board can hand out permits instead of relying on Council. Hawk would like to gain more knowledge on the stipend cost to move forward with one of these options.

Streets, Public Works & Recreation – John Kreitz, Chair; David Zimmerman, Co-Chair. Kreitz requested an executive session for an incident that occurred in Public of which Public Works Superintendent Kris Kunkle has a video.

Library Board – Rebecca Worthy. Nothing to report

Parks & Recreation Board – Autumn Abelovsky. Nothing to report

Canal Commission – Ryan Saunders. Saunders reported that construction has begun on the canal improvements and the contractor is underway. Saunders reported that they are on schedule and do not anticipate conflicting with the Boston Marathon qualifying event in June.

Motion to accept resignation letter from Employee #186 effective March 15. Councilors Worthy/Saunders motioned to accept the resignation letter from Employee #186 effective March 15 and all were in favor with no objections.

Motion to accept resignation letter from Employee #70 effective March 8. Councilors Worthy/Saunders motioned to accept the resignation letter from Employee #70 effective March 8. Abelovsky expressed interest in tabling this until after executive session. A roll call was made, Councilman Kreitz abstained from voting, Councilors Abelovsky, Zimmerman, and Hawk voted against accepting the resignation prior to executive session, and Councilors Hunsicker, Saunders, and Worthy voted to accept the resignation prior to executive session. Mayor Clark Ritter cast the determining vote in opposition. The acceptance of the resignation letter from Employee #70 effective March 8 is tabled until after executive session.

#### ACCEPTANCE OF OFFICIAL'S REPORTS

Councilors Saunders/Worthy made the motions to accept the official's reports as presented and all were in favor with no questions or objections.

#### ACCEPTANCE OF ACCOUNTS PAYABLE AND ADDITIONAL BILLS

Councilors Saunders/Hawk made the motion to accept the accounts payable plus additional bills totaling \$635,668.63 and all were in favor with no questions or objections.

#### ADJOURNMENT

Motion to go into Executive Session for Personnel. Councilors Worthy/Saunders made the motions to go into Executive Session at 8:37 pm and all were in favor with no questions or objections.

Motion was made to go back into Regular Session at 10:02 pm and all were in favor with no questions or objections.

Motion for the Lehighton Police Department to re-tool their Department. Councilors Kreitz/Hawk made the motions for the Lehighton Police Department to re-tool their Department and all were in favor with no questions or objections.

Motion to accept resignation letter from Employee #70 effective March 8, 2024. Councilors Worthy/Saunders motioned to accept the resignation letter from Employee #70 effective March 8, 2024. Councilman Kreitz abstained from voting and all others were in favor with no questions or objections.

Motion to advertise for a Borough Secretary and Billing Office Utility Clerk. Abelovsky asked what salary we are advertising for the Borough Secretary position. DeWire stated that we should list the Borough Secretary position at \$45,000 to \$55,000 per year depending on experience as to not exceed the salary of the Treasurer and Assistant positions. Councilors Worthy/Hawk motioned to advertise for a Borough Secretary and Billing Office Utility Clerk and all were in favor with no questions or objections.

Motion to accept the Nothstein sewer application. Councilors Hawk/Saunders motioned to accept the Nothstein sewer application and all were in favor with no questions or objections.

Motion to Adjourn the Meeting. Councilors Worthy/Hawk made the motions to adjourn the meeting at 10:09 pm and all were in favor with no questions or objections.

#### MEETING ADJOURNED

Dane DeWire, Lehighton Borough Manager