

June 7, 2021

A regular meeting of Lehighton Borough Council was held in the municipal building on Monday, June 7, 2021. The meeting was called to order at 7 PM by President Grant Hunsicker. Members in attendance were: Councilors Lisa Perry, Donnie Rehrig, Ryan Saunders, Autumn Abelovsky, Joe Flickinger and Darryl Arner.

Officials in attendance were: Borough Manager Nicole Beckett, Borough Secretary Brenda Kreitz, Solicitor James Nanovic, Borough Engineer Bruce Steigerwalt, Police Chief Brian Biechy, Mayor Clark Ritter, Light & Power Supervisor Lonny Armbruster, Public Works Supervisor Kris Kunkle and Fire Chief Patrick Mriss. Absent: Recreation Director Tom Evans.

Pledge of Allegiance

MS4 Public Hearing

The Borough Manager said this constitutes the annual public hearing for the Storm Water system and she provided council with information on MS4. She said a spot inspection was done by DEP last week on our MS4 measurements and we are on schedule. We have some mapping to complete but are in much better shape than some other municipalities. We are meeting all of the public outreach requirements through our newsletter and website.

Guest Speaker – Summit Hill Councilman David Wargo – Fair Funding for PA School Districts

Did not attend meeting.

HEARING OF PERSONS PRESENT

Joseph McConnell was on the agenda. He would like to build a garage on North Main Lane. About a decade ago he tried to build down there and went through zoning and planning commission only to be told the property was in the floodplain. Mr. McConnell did some research to find out that he believes his property is outside the AE Zone in the shaded "X". He has elevations equal to or greater than the Outdoor Center and Welfare buildings. He used Google Maps and USGS surveys with the elevations.

The Borough Engineer said in 2011 they looked at the Floodplain Map effective date of the Flood Study is 6/2/2002. When the subdivision was done, the surveyor showed the elevation of the corners of the lot might be in the 100-year floodplain. Bruce said he told Mr. McConnell to go to FEMA and ask to get a letter of Map

Amendment to take it out of the floodplain. Bruce said the Outdoor Center did a study and got a Map Amendment letter from FEMA to get their property out of the floodplain. Mr. McConnell said his elevations are current from Google. He believes his property is not in the floodplain but Bruce disagreed.

The Borough Manager said Mr. McConnell is looking for guidance on what to do when plans were submitted and used by the surveyor 10 years ago. Solicitor Nanovic agreed with the Borough Engineer. Nicole said she showed Mr. McConnell what his surveyor said and told him the borough must go by that. The Solicitor said we need something from FEMA stating the property is out of the 100-year floodplain and then the project should be able to proceed and Bruce agreed. Bruce reiterated that he is not sure what Google Earth referenced for the flood study. We are still using 1929 benchmarks. Mr. McConnell said he put in his address for US Geological & Google and got his information based on his address.

APPROVAL OF MINUTES

Regular Meeting of May 3, 2021

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

NEW BUSINESS

Approval of Lot Consolidation for the William and Marion Bayer Estate

Councilors Saunders/Flickinger made the motions to approve the lot consolidation and all were in favor with no questions or objections.

Request from Joseph McConnell regarding garage construction on Main Lane

Discussed under Hearing of Persons Present.

Request from Zion United Church of Christ to host Annual Country Fair

Councilors Saunders/Abelovsky made the motion to approve the request with fire police assistance if available and all were in favor with no questions or objections.

Motion to authorize Utility Engineers to proceed with bidding process for the purchase of the new substation transformer

Councilors Flickinger/Saunders made the motions to proceed with the bidding and all were in favor with no questions or objections.

Motion to approve Resolution R7-2021 requesting \$473,388 from DCED Multimodal Transportation Fund for Phase II of the Waterfront Pedestrian Safety Calming Improvements Projects

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

Motion to approve Resolution R8-2021 fixing the electric rates effective July 1, 2021

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

Motion to approve Resolution R9-2021 adopting the amended fee schedule

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

Motion to ratify all items updated in the COVID 19 Action Plan

Councilors Saunders/Arner made the motions to ratify the plan and all were in favor with no questions or objections.

Motion to approve Resolution R10-2021 approving the Records Destruction List

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

Discussion on request from the Boys & Girls Band to waive permit fee for work completed/future work to be done to their parking lot

Councilor Perry thought we were asked a few years ago to waive the permit fee when they did the bathroom and we couldn't do so because it would set a precedent. Councilor Saunders said he believes the permit fee is how we know everyone is doing things consistently and to code. The request is also for all future work to be done. That could mean they could hire someone to go out there with a pickax and beat the crap out of it and there's nothing you could do about it. It doesn't guarantee it being done right.

Councilor Abelovsky asked if the borough profits off the permit fee and was told no. Nicole said the permit is issued through the Borough Engineer so there is a process that has to be gone through. Autumn then asked if there is a separate fee for non-profits and was told no.

Councilor Rehrig asked Bruce if he does a follow up. Bruce said he reviews the application and believes that fill or millings have been brought in and that they are regrading the parking lot. The Grading & Excavation Ordinance says if you bring in more than 10

cubic yards you need to have a grading permit. The permit fee for that size property he believes is \$75. It is to ensure they don't encroach on the neighbor's property or do anything that would direct storm runoff on to an adjoining property and things like that. They need to provide a drawing of what they are going to do. Councilor Rehrig asked if that has been done and Bruce said he has not seen a drawing but has seen the permit application. Bruce believes we did the same thing for the Water Authority last year when they filled in down at Turner's. They needed a grading permit to fill in the old coal yards. They prepared an application. Bruce assisted them in making a drawing to say what they were going to do and that they would stabilize it when they were done and Borough Council waived the \$75 fee to do that.

Councilor Saunders said he thinks they should have to go through the permit process and provide a drawing for sure. Councilor Rehrig agreed for the safety of the properties below the Band Hall.

Bruce said the issue is if they ever pave the parking lot and it's more than 5,000 sq. ft. That they will have to comply with our Stormwater Management Ordinance. Bruce has told Manny this already. Meaning they would have to provide some type of detention or retention for the stormwater.

Councilors Rehrig/Flickinger made the motions to deny the request and all were in favor with no questions or objections.

Motion to approve 2 additional lifeguards for the 2021 season

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

Addendum

Additional bills totaling \$81,292.61

Unfinished Business

Follow up discussion on sale of the High-Rise Parking Lot (no bids received)

Nicole said we did not receive a bid from the prospective candidate because they were completing an environmental assessment study in that area and they did not have time to complete it in whole and that is why a bid was not submitted. What Nicole provided to council was from the solicitor on the process to sell properties. Council can re-bid or do nothing at this time. We

have to bid at least twice and if there are no bids then we can negotiate after that time.

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

Officials Reports

Borough Manager

Nicole said we have our submission in to the Department of the Treasury and DCED for the American Rescue Plan Funds. On June 9th Discover NEPA will be in to complete a day trip to Leighton. It will be a promotional video for the community. She notified everyone that we are in receipt of the grant award for the blighted properties. We had applied for 209 North 1st Street and she will be meeting with the other managers to get the process going. There will be discussion on the reallocation of the CDBG money.

Borough Engineer

Bruce said they completed pouring the ADA ramps on the Iron Street CDBG Project. The backfill is going to be left to settle before the contractor comes back to finish the paving to complete the project in whole. The specs have been completed for patching the bypass and ready to go out. Nicole said it will be advertised over the next 2 weeks and ready to award at the July council meeting.

Police

Chief Biechy said the new hire is doing well and should be on the schedule fulltime within 2 weeks.

Mayor

He wanted to let everyone know the Neighborhood Watch is being started again in town. He would like to get other parts of town involved like in the area of the Grove.

Fire Chief

Patrick said August 13th is the Department's Annual Chicken Dinner Fundraiser. Kauffman notified them in the beginning of the year they will no longer be doing the event so the department found a new vendor. He requested to have Cedar Street closed between noon and 8pm for the vendor to set up their equipment.

Councilors Flickinger/Saunders made the motions to approve the request and all were in favor with no questions or objections.

The Water Rescue Recovery Team acquired a trailer with a cage to recycle beverage cans as a fundraiser. They rely strictly on fundraising for their equipment and need a place to put it at the

Public Work's Garage. They estimate they will bring in about \$2,000 a year by doing this.

President of Council

Nothing.

Solicitor

Nothing.

Treasurer

Provided a list of additional bills.

Light & Power Superintendent

Lonny asked Nicole to clarify why we are bidding out 1 transformer as opposed to two. Nicole said it is all due to the cost of the transformer. It is estimated to cost \$600,000 and will be financed out over 2 years.

Lonny received a phone call from the Catholic Church asking to borrow one of our temporary services which we don't typically do but in talking to them he found out they are looking to do a carnival/picnic. Nicole said they should fill out the drop box application when they figure out when they plan to hold the event.

Public Works Supervisor

Nothing.

Recreation Director

Absent.

Committee Reports

Finance and Administration – Lisa Perry, Chair; Joe Flickinger, Co-Chair – Nicole submitted their agenda in council packets.

Economic Development, Buildings and Codes – Joe Flickinger, Chair; Donnie Rehrig, Co-Chair – Joe thanked council and the mayor for attending the ribbon cutting for Wine & More on First. It was a great turn out from those present here and members of the community.

Police, Fire and Safety – Ryan Saunders, Chair; Autumn Abelovsky, Co-Chair – nothing.

Light & Power Committee – Autumn Abelovsky, Chair; Lisa Perry, Co-Chair – Autumn thanked the department for putting up all the flags around town for Memorial Day.

Sewer Committee – Donnie Rehrig, Chair; Darryl Arner, Co-Chair – Nothing.

Streets, Public Works & Recreation – Darryl Arner, Chair; Ryan Saunders, Co-Chair – Darryl said the pool is doing well. He asked

again about having something done to the bank between the tennis courts and the Rec Center to make it less of an eyesore. Kris said he is concerned about the severe ground hornet nest in the bank. One of his guys got stung 8-10 times when cleaning it out last year. He doesn't want one of his guys ending up in the hospital as a result.

Councilor Saunders felt this needs to be taken care of before a child chasing a ball gets stung. Kris didn't know how to get rid of the nest. Brenda will contact an exterminator to see what can be done and the cost.

Autumn thought scout troops are always looking for community projects. Is there a way to compile a list of those projects that don't fit into our budget or within Public Work's time schedule and have it available for organizations looking for projects to maybe do for us on a volunteer basis?

Councilor Rehrig suggested these projects being listed on the website.

Autumn said she knows there were some issues at the Grove and wanted to know if it is being looked into or if cameras were able to see anything that occurred. Chief Biechy said he is not going to talk about an active investigation at a public meeting.

Autumn said she has gotten a few complaints from residents who live near the 8th Street basketball court is getting out of control with noise, loud music and language.

Chief Biechy said he put a memo out to the guys to do start foot patrols there but it's the same old thing – everything is great when we are there and as soon as we turn the corner it starts up again. They guys are there as much as they can and hopefully it will be known that we will be there all summer.

Library Board – Autumn said the library participated in the NEPA Gives Friday event and raised almost \$1,900 in a 24-hour period and The Carbon County Community Foundation will match up to \$1,250. It was a very profitable event. The library is now open to the public with no reservation required.

Parks & Recreation Board – Autumn said we are on the tail end of the baseball diamond hopefully getting in. Part of the backstop has arrived but not all of it.

School Board – nothing.

Canal Commission – Ryan said the minutes from April's meeting were in the packets. At the May meeting we are going for 3

grants that we don't need matching monies for to rebuild the spillways. Nicole said the borough did submit 3 letters of support for those grants.

Acceptance of Officials Reports

Councilors Flickinger/Saunders 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

Plus, additional bills.

Councilors Arner/Rehrig made the motions to approve the accounts payable, and additional bills and all were in favor with no questions or objections.

Motion to go into Executive Session for Personnel

Councilors Saunders/Perry made the motions to go into executive session at 7:48pm and all were in favor with no questions or objections.

Motion to go back into Regular Session

Councilors Saunders/Flickinger made the motion to go back in at 8:00pm and all were in favor with no questions or objections.

Action on Items from Executive Session

None.

Motion to Adjourn the Meeting

Councilors Saunders/Arner made the motions to adjourn the meeting at 8:00pm and all were in favor with no questions or objections. Meeting adjourned.

Brenda L. Kreitz
Borough Secretary