

April 5, 2021

A regular meeting of Lehigh Borough Council was held in the municipal building on Monday, April 5, 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 and Joe Flickinger. Absent: Councilor 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, Fire Chief Patrick Mriss, Light & Power Supervisor Lonny Armbruster, Public Works Supervisor Kris Kunkle and Recreation Director Tom Evans.

Pledge of Allegiance

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

Mr. Wargo was unable to attend the meeting and no action was taken on this item.

HEARING OF PERSONS PRESENT

None.

APPROVAL OF MINUTES

Regular Meeting of March 1, 2021

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

NEW BUSINESS

Consideration on the request from the U.V.O. for donation to defray Memorial Day Parade costs

Councilors Flickinger/Rehrig made the motions to donate \$250 to the U.V.O. and all were in favor with no questions or objections.

Motion to accept the resignation of Richard Barclay from the Lehigh Water Authority Board

Councilors Saunders/Abelovsky made the motions to accept the resignation and all were in favor with no questions or objections.

Consideration on Letters of Interest to fill the vacancy on the Lehigh Water Authority Board

President Hunsicker said they always gave the letters of interest to the Water Authority Board to choose whom they would like on the board. Council agreed that was a good idea.

Councilors Saunders/Rehrig made the motions to have the letters turned over to the Water Authority Board and allow them to make the decision on who they want appointed to the board and all were in favor with no questions or objections.

Motion to ratify the COVID Action Plan Updates

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

Discussion on Sgt. Stanley Hoffman Boulevard Repairs

Bruce said he had met with Kris and Jeff and they were concerned with a section in the West lane near the pizza place. There has been some undermining of that area over the years. The dolls are exposed. There are voids under the road which he believes are due to the mortar and bricks around the pipework being deteriorated. They are looking at approximately 70 feet requiring repair or patching. The inlet tops also need to be replaced and the back sidewalk where the roadway settled caused the sidewalk to also settle. Bruce thinks the pipe work in the inlet is gone.

Another area is at the beginning of the bypass on Bankway in the Eastbound lane. There are a lot of busted slabs and as you go down the East lane the East slab cracked right down the middle of the slab. He thinks that is due to being placed on fill. There was as much as 40 feet of fill put in when the bypass was built. Bruce is looking at about 140 feet of repair in this area.

Bruce did ask Nicole if he should cut things back and reduce the scope of work to make the price lower and also Kris had indicated there were some bad spots at the North end. Bruce measured those and when he started getting prices for repairs it threw everything out of the ball park. He called J. b. Eckman and spoke to their estimator. This company is doing work on 248 right now. Bruce was given prices and told probably because of the small quantity the prices should be bumped up by 20% the estimator said. As far as the sidewalk repair and inlet boxes Bruce used prices from doing the ADA ramps for those quantities.

Bruce started out at about 500 sq. yards of patching with the North end but cut it back to 340 sq. yards with the price coming to a bit over \$100,000. Keep in mind that the roadway will have to be shut down in the lane for patching which Eckman is saying can be done in 1 day and the concrete will set up and attain its strength in 5-6 hours. Flaggers will be required and they are estimating it

taking a week to complete with flaggers costing around \$2,000 per day.

Nicole said this doesn't fully repair the bypass but it does start to repair the worst sections. It is fundable through Liquid Fuels.

The next step would be for council to approve going out for bids and then have PennDOT approve the project.

Councilors Flickinger/Saunders made the motions to go out for bids and all were in favor with no questions or objections.

Discussion on the purchase of Public Works Ford F250

Nicole provided a memo stating there is the need for a pickup truck to replace the 2008 and over the next 2 years a new dump truck to relieve the hook lift truck of some of the wear and tear caused by switching out the bodies. She provided the numbers and funding options including a proposal from Kovatch and Rottet for \$35,617. Instead of financing that we are in a position to pay for it in whole through Liquid Fuels. Nicole's recommendation is to purchase the vehicle through Option #2 with \$28,000 and \$7,617 out of Sewer Capital Outlay.

Councilors Saunders/Abelovsky made the motions to approve the purchase under Option #2 and all were in favor with no questions or objections.

Consideration on the purchase of the Salt Spreader from Liquid Fuels Minor Equipment

Nicole said over the last couple of years we have added a line item for Liquid Fuels Minor Equipment. The amount fluctuates depending on the bidding requirements at the time. For Liquid Fuels it would be for anything under the telephone quotes. It's about \$11,100. The proposal we have received is for \$11,012.

Kris said both of the salt spreaders we have are over 30 years old and the parts are stretching and failing. They are still usable and we are thinking of keep one as a standby.

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

Discussion on CDBG Projects and 2021 Application

Nicole provided a memo to council stating we will have a balance in the 2018 funds. In 2019 we had allocated funds for the Grove Challenge course, a Costars vendor, in 2020 we submitted for ADA upgrades. We did that last year due to COVID. We can modify 2019 if we want to.

We have been looking for funds for demolition and she spoke to David Bodnar at the County. He said we can use CDBG funds for demolition. We have to follow the CDBG requirements.

Council will need to determine if we want to submit for that project and if we want to move any of our other funding around to prioritize demolition. We have approximately \$54,000 left from 2018, \$84,000 if the Grove Challenge Course is not done, \$88,000 from 2020 and whatever the 2021 funds will be possibly another \$80,000. The application is due April 30th but if you need more time to decide we can be a little late with the submission or we don't consider demolition at all and consider another project.

We do have another grant application in with DCED for the demolition project with Jim Thorpe and Palmerton for that property also. The amount is about \$100,000 but until it's bid you don't know the cost. DCED will not meet again until May.

Councilor Abelovsky feels that although these other projects are worthwhile this council has made it a goal to make our downtown a priority. Councilor Flickinger said we have exhausted all Code Enforcement measures and it is becoming a safety issue now.

Councilors Flickinger/Saunders made the motions to combine the CDBG funds to demo the 209 North 1st Street property and all were in favor with no questions or objections.

Nicole said if the DCED funds come in she believes we can use the CDBG funds as a match for the DCED grant.

Consideration on the request from St. Luke's Hospital to install pole banners

Nicole said St. Luke's reached out to her about putting their banners on poles out around the hospital. Nicole deferred to Lonny for comment on this. Lonny asked what poles the hospital is talking about due to Hometown Hero banners on every pole.

Councilors Flickinger, Abelovsky and Saunders felt the Hometown Hero Banners should not be taken down.

Lonny said St. Luke's is referring to square or rectangular poles which are probably their parking lot poles.

Councilors Saunders/Flickinger made the motions to deny the request of putting banners on borough poles only and all were in favor with no questions or objections.

Consideration for the support of the St. Luke's Lehighton Campus as COVID-19 vaccination center

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

Motion to accept the resignation of Keifer Bathgate as full-time patrol officer

Councilors Saunders/Abelovsky made the motions to accept the resignation and all were in favor with no questions or objections.

Consideration on request from PP&L to store equipment for SR443 project

Nicole said they are requesting to use the land outside of the former sewer plant. She told PPL they will have to coordinate with H&K if approved by council. PPL is a 4-week project and they have coordinated with H&K and provided us with a template that they use and Solicitor Nanovic had a comment.

The solicitor said we have already done it with H&K so just add in language that they will coordinate and work with H&K first.

Councilors Saunders/Rehrig made the motions to allow PPL to store equipment as long as they coordinate with H&K and all were in favor with no questions or objections.

Unfinished Business

Follow up on Police Station Squad Door Request

Councilor Saunders said he met with Chief Biechy to view the issue causing this request. Chief Biechy said he can only go by the email Karen provided to council regarding her concerns. Chief Biechy said he has no issue with the request. It is more of how to lock it and how to access the rest of the office without fumbling with keys. He called Carl Marzen for his suggestions. Carl met with both himself and Karen and the proposal is what Carl suggested doing.

Councilor Flickinger said he would be more than happy to support the request if it was put in next year's budget. Chief Biechy was fine with that and so was the mayor.

Follow up on Ashtown Bridge Weight Limit Request

Nicole said she followed up after the last council meeting. PennDOT would determine if a weight restriction was required. They do not deem any restrictions at this time. PennDOT engineers would determine if there was a weight restriction however there is the option to set weight restrictions for trucks on Bridge Street but she doesn't think that was something council was interested in doing.

Deb McGowan was planning on being here tonight was unable to do so but she will be back when she has more information.

Councilor Abelovsky said she has been traveling that road more and cars are just flying over the bridge. Kris said today they put up signs on either side of the bridge to yield to oncoming traffic.

Continued discussion on the Second Amendment Sanctuary request

The Mayor has been in touch with Mr. Bell on this item. Mr. Bell is gathering support as he goes around to each municipality. Since last month Franklin Township and Lansford have adopted a resolution and Penn Forest is expected to do the same this evening.

The Mayor would like to see Lehighton do the same. Councilor Flickinger said he does not feel we should support one amendment but instead support all the amendments of the Constitution. The Mayor said the 2nd Amendment is the one most under attack. Joe still disagreed.

Councilor Abelovsky said she is a wife of a police officer and fully supports the 2nd Amendment. She and the Mayor have had many discussions on this and she is not against what Mr. Bell is trying to do but has an issue with the terminology of the “sanctuary.” In her opinion it pits the borough police against the state police if in fact this would come into effect. She doesn’t think that our resolution would matter much if this came into play. The Solicitor said it would not be an ordinance and there are reasons for that. The mayor can adopt a proclamation. The difference is one is the Mayor the other is Borough Council which is a big difference.

Councilor Perry asked if Autumn’s concern about our police department being at heads with the state police is that something that is viable? Could it come to that point? The Solicitor said no he doesn’t believe it would. The resolutions he has seen says the borough will not take any action or spend any money in supporting unconstitutional laws infringing upon our 2nd Amendment rights. Who can argue with that? The question is does it have any teeth; he does not. We won’t be deciding if it’s unconstitutional the courts will. Autumn said she feels that the Mayor is the head of our police department and it would speak volumes if it were to come from him and not council. Council did not take action on the proposed resolution.

Officials Reports

Borough Manager

Nicole said the Treasurer has requested a \$150,000 budgetary transfer as needed. Main Street meeting notes were provided to

council. She is working on the content for the new website and training will take place next week. The new site release is slated for April 30th.

She was to meet with BIA and PennDOT at the Bankway crosswalk but PennDOT did not show and told Nicole the reason being they did not have the information they needed. We needed to submit a simple draft plan and if they consider it a mid-block intersection, we will not have the pedestrian counts to warrant a crosswalk. If they don't consider it to be a mid-block crosswalk then we will be ok to proceed.

Borough Engineer

Bruce said they had a preconstruction meeting for the Iron Street CDBG ADA Ramp project. He believes the contractor will start later this month.

Police

Chief Biechy said the server is in and should be installed next week. The department should be out and about in town under the new COVID Guidelines. He had one item for executive session.

Councilor Abelovsky said she had talked to Chief Biechy briefly over her concerns for St. Luke's discharging mental health patients. She has been painting store front's in the downtown lately and she came in contact with several people that she had concerns about. One person actually approached Autumn asking for help stating she had been discharged from St. Luke's Mental Health and was still concerned for her safety. She mentioned she was placed in a group home down the street but didn't remember where it was. Knowing that St. Luke's here in Lehighton is going to be turning into predominantly a mental health facility Autumn is concerned that in the future this is what is going to happen. These patients will be brought here from Philadelphia, Scranton, Wilkes-Barre and other areas. When they are discharged by St. Luke's without a plan or a plan that is concrete, we will have people sitting on our street, roaming our streets and don't know where to go.

Chief Biechy said he has had several conversations with Autumn, Ryan and the Mayor discussing future planning. St. Luke's idea for their facility in the borough is to turn it into a behavioral health unit. Most of all the medical will be in Franklin Township.

Brian said lately over the course of the last year or so a lot of our other businesses towards the West end of town closer to the

hospital have become more mental health service related. It will create more work and St. Luke's does not have the security staff especially when they just release them and it becomes our problem to deal with.

Autumn added that one person was shouting at anyone who walked by scaring them from going into a business. She doesn't know what the solution is. Chief Biechy said now that they are officially St. Luke's, they are a regional facility, they have been getting more ambulances in from Slatington, Washington Township, Bethlehem Township. The handwriting is on the wall. Once they convert over to behavioral health, we will probably be getting more patients coming in from their other St. Luke's facilities. So, this is all future forward things that at least needs to be recognized.

Autumn said maybe we could have a meeting between the borough, police department and St. Luke's to just reiterate that when patients are discharged in our borough that they have a place to go. They have no cell phones, shoes on their feet sometimes, roaming around a town that is 30-50 miles away from where they came from with no way to get back there. One person was asking Autumn for quarters for a pay phone. We have no pay phones in the borough.

Mayor

He read the Proclamation for Arbor Day in the borough being held April 30, 2021.

Councilor Abelovsky reiterated the she supports the Mayor if he chooses to make a proclamation.

Fire Chief

Patrick said the fundraising committee is asking to hold 2 boot drives. One during Memorial Day weekend and the other during Fall Foliage on North First Street near the park as we did in the past.

Councilors Flickinger/Abelovsky made the motions to hold 2 boot drives with the dates chosen by the department and all were in favor with no questions or objections.

Light & Power Superintendent

Lonny said his new truck will be arriving tomorrow. The truck, will at some point, being going to a facility near Drums to have a removable chipper box put on the truck alleviating the need for Light & Power to borrow a Public Works dump truck during tree trimming season.

Public Works Supervisor

Kris thanked council for approving his equipment requests.

Recreation Director

Nothing.

President of Council

Nothing.

Solicitor

Nothing.

Treasurer

Requested transfer of \$150,000 from Light & Power to the General Fund as needed.

Committee Reports

Finance and Administration – Lisa Perry, Chair; Joe Flickinger, Co-Chair – Lisa said the committee will meet the middle of April.

Economic Development, Buildings and Codes – Joe Flickinger, Chair; Donnie Rehrig, Co-Chair – Joe had nothing.

Police, Fire and Safety – Ryan Saunders, Chair; Autumn Abelovsky, Co-Chair – nothing. Joe commented that the Red Cross contacted him a few weeks ago about a smoke alarm canvas. He spoke to Nicole about it due to all the COVID restrictions to be sure it could be done. Nicole had no issues. Joe said he then spoke to Chief Mriss and he was on board with it along with department personnel. They are looking at April 24th to do the canvas of the targeted area of South 2nd Street – Iron to Alum Streets and South 3rd Street – Iron to Bridge Streets. Installations will be conducted by appointment with the Red Cross on May 1st and 8th.

Light & Power Committee – Autumn Abelovsky, Chair; Lisa Perry, Co-Chair – nothing.

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

Streets, Public Works & Recreation – Darryl Arner, Chair; Ryan Saunders, Co-Chair – Darryl absent.

Library Board – nothing.

Parks & Recreation Board – nothing.

School Board – nothing. Nicole said the school district never followed through providing the outstanding items they were told to provide in December of 2019 to satisfy the close out of the Elementary Center Land Development project. We recently received

correspondence from the Conservation District re: NPDES Permit termination.

Canal Commission – Ryan said Brian Green is leaving the D&L. He was a great supporter of ours. Nicole said they are under going quite the transition. All their staff is new at the D&L right now.

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 and transfer.

Councilors Perry/Saunders made the motions to approve the accounts payable, additional bills, the \$150,000 transfer and all were in favor with no questions or objections.

Addendum

Guest Speaker: Kathy Henderson, Main Street Steering Committee – Presentation of Rail Car Project

Kathy said the Committee is working on a project for Downtown Lehigh. Two members of the Steering Committee suggested obtaining a rail car to be put on display along the bypass. Kathy contacted the President of the Reading and Northern Railroad about this project. She was directed to Matt Fisher who is a resident of the borough and he is in the process of locating a caboose. The caboose will be donated to the borough by the railroad for placement along the Trailhead.

Mrs. Henderson has someone to move the caboose once it arrives to location borough council has chosen to place it. She has experienced borough volunteers to place the rails for the caboose prior to its arrival. She is going to contact the Pocono Visitor's Bureau for funding to defray the transportation costs to bring the railcar from Jim Thorpe to Lehigh. All she needs now is input and buy-in from borough council to allow the steering committee to obtain the railcar and designate a location in the downtown to place the car. We would like it to be a welcome center and something that the Lehigh Historical Society can use to put historical artifacts in for display to the public. It will be an education center educating visitors about Lehigh.

Mrs. Henderson was here tonight to ask for borough council's support of the project and to answer any questions they might have.

Councilor Saunders spoke on behalf of council on supporting the project. Councilor Perry asked if there was any concern for vandalism in that area. Kathy said it would have to be addressed and how it would be handled. Councilor Abelovsky asked if the committee had an idea of where to put the railcar. Kathy said she looked at an area near the split rail where the food trucks park. The other location would be on the same side as the pavilion to the north where there is a large grassy area. Both locations would keep the car visible and make it easy for the police to check on during their drive through in that area. We might need to install a camera system but that will be looked at later on.

Councilor Rehrig asked who would assume liability for the car? He said he is questioning this because if it is to be a museum with people going in and out of it all the time and someone happens to get injured who would be responsible. Kathy said it would most likely be the borough at this time. They are at the point where the Main Street Steering Committee is ready to go to the next level. We are now looking at partnering with LDI and the Greater Lehigh Valley Chamber and put a person in a part-time paid position to manage the Main Street Program. So, until we get to that organizational level it would probably have to be the borough especially if it is on your property. Solicitor Nanovic said because it is on our property it would be the borough's responsibility. If the car was just placed on our property to use as a photo op the liability would be different.

Kathy said the end dream is to have it as an attraction and a museum but it doesn't have to start out that way. We can add on in time as other communities have done.

Councilor Rehrig asked how fast is this going to happen and Kathy said Mr. Fisher is looking to find one within the week. It went a lot faster than she thought it would. Councilor Rehrig said we need time to research the cost to insure it and everything. Solicitor Nanovic said is obtaining this car necessarily to open it as a museum and Kathy said no.

Nicole said it is a long-term project. The hope is that it will not stay under the borough but become the Main Street Organizations or however we structure that in time to come. Kathy said opening the caboose to the public is not a contingency on getting the car; that can be done in phases.

Councilors Saunders/Abelovsky made the motions to accept the railcar donation from the Reading & Northern Railroad and all were in favor with no questions or objections.

Request from Tim Snyder, owner of TNT Auto Repairs, LLC to hold a 1-year Anniversary Car Show Saturday, June 12, 2021 (Street closings requested)

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

Motion to approve additional bills totaling \$44,032.67

Included with Accounts Payable.

Motion to go into Executive Session for Personnel

Councilors Saunders/Abelovsky made the motions to go into executive session at 8:25pm and all were in favor with no questions or objections.

Motion to go back into Regular Session

Councilors Flickinger/Rehrig made the motion to go back in at 8:33pm and all were in favor with no questions or objections.

Action on Items from Executive Session

Councilors Saunders/Flickinger made the motions to hire Derrick Koch as a full-time patrolman pending the completion of pre-employment processes on the recommendation of the Chief and Mayor and all were in favor with no questions.

Councilor Rehrig had discussed parking issues throughout the Borough with the Police Chief including parking on the wrong side of the streets, vehicles backed in on angle parking, etc. The Chief said as of March 29th, the officers will be back on the streets running speed, handling parking issues, etc. and attempting to get back to normal using the masks and social distancing safety measures.

Council had discussed the continual absence of Councilman Darryl Arner. Council had agreed to send a letter requesting a resignation. All Council Members had agreed to sign the letter.

Motion to Adjourn the Meeting

Councilors Saunders/Rehrig made the motions to adjourn the meeting at 8:40pm and all were in favor with no questions or objections. Meeting adjourned.

Brenda L. Kreitz
Borough Secretary