

July 12, 2021

A regular meeting of Lehighton Borough Council was held in the municipal building on Monday, July 12, 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, and Public Works Supervisor Kris Kunkle. Absent: Fire Chief Patrick Mriss and Recreation Director Tom Evans.

Pledge of Allegiance

HEARING OF PERSONS PRESENT

Sal Lentini of 349 North 3<sup>rd</sup> Street came before council with a problem he was having with a tenant he had evicted. He is having a problem because the ex-tenant is coming there to check the mailbox. Mr. Lentini said he went to the police who told him they don't want to listen to him. He was told he owns the property so it is his problem, not the police department's problem. Mr. Lentini went to the post office today and asked to have the person's mail stopped as they no longer live at his property's address. Councilor Rehrig suggested Mr. Lentini take the mailbox off of his property so mail can not be delivered there.

Mayor Ritter said he spoke to both officers involved with the washer/dryer issue and today's issue. Both officers told him on separate occasions the same thing – Mr. Lentini was not cooperative with them. They asked for the tenant's phone number. Mr. Lentini said he doesn't want to provide the phone number because of the possibility of retribution. Councilor Perry suggested talking to the Sheriff's Department about this issue since they handled the court order and would be the department to enforce the tenant's trespassing.

APPROVAL OF MINUTES

Regular Meeting of June 7, 2021

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

## UNFINISHED BUSINESS

### Request from Traci Kocis for loading zone parking at 366 North 1<sup>st</sup> Street

Councilor Flickinger said he and Councilor Rehrig visited the property and looked at both Ochre & 1<sup>st</sup> Streets and found Ms. Kocis does have off street parking that her business can use.

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

## NEW BUSINESS

### Motion to ratify all items in the COVID19 Action Plan

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

### Discussion on traffic control for all future events

Nicole provided council with a memo based on a discussion with the Fire Police Captain. They will no longer be available for helping with special events based on staffing issues and some incidents that happened on the 4<sup>th</sup> of July. Council needs to determine how to handle traffic control for future events. Nicole said there are 2 items on tonight's agenda for future events.

Rich was in her office today to say he would do what he could when available but that doesn't mean the other fire police will assist. At this point council needs to determine how we will handle special events without relying on the volunteers.

Councilor Saunders said on Thursday, the Police, Fire & Safety Committee will meet with Mayor Ritter and Chief Biechy to discuss a plan of action moving forward and how to handle them and will bring the plan back to council next month.

### Consideration on the request to hold the 2021 Halloween Parade on Saturday, October 9<sup>th</sup> with a rain date of Sunday, October 10<sup>th</sup>

Nicole said when she spoke to Rich about the special events, he mentioned that he might have 2-3 fire police available for the parade but suggested requesting help from Franklin & Mahoning Townships and Palmerton Borough.

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

Consideration on the requests for the 2<sup>nd</sup> Annual Back the Blue Ride on Sunday, August 8<sup>th</sup> with a rain date of August 14<sup>th</sup>

Councilors Saunders/Rehrig made the motions to approve the requests for police and fire police assistance if available and all were in favor with no questions or objections.

Discussion and consideration on Funding for the Carbon Chamber & Economic Development Corp. Main Street Manager Pilot Program

Nicole said she provided council with a memo talking about the merger of the Mian Street Steering Committee, LDI and the Chamber into one entity that would fall under the Chamber. It is a pilot program the Chamber is starting. If it is a success here, they will move it throughout the Carbon County community. The Borough has been asked to contribute towards the program along with LDI and the Chamber. There is funding of \$10,000 in the budget for this. The Chamber would hire the person and said person would be part of the Chamber's staff.

Councilor Saunders said LDI met last week and did their buy-in to the project and will be merging with the Chamber. They will be responsible for funding a portion of the salary as well. Having a full-time Main Street Manager will help us grow larger faster than we could do with volunteer groups.

Nicole said under this program the manager would be the Chamber's employee but would be responsible for reporting back to borough council throughout the year. The borough would contribute \$10,000 annually, LDI \$12,000 - \$13,000 annually and the Chamber would contribute the rest. There will be a contract drawn up. If council decides at the end of the year the program isn't working, we can choose to not contribute for the next year.

Councilor Flickinger said this has been worked on since Councilor Kogut was here. It has been an ongoing process.

Councilors Rehrig/Flickinger made the motions to approve the Borough funding \$10,000 of the Main Street Manager's salary provided the position is filled, an employment agreement is drawn up between the Borough, Chamber, LDI and the new hire and the Main Street Manager reports to council a few times a year and all were in favor with no questions or objections.

Consideration on the approval of the Intermunicipal Agreement for the transportation of Sanitary Sewage for 770 State Road

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

Consideration on the request from TNT Auto Repair for Friday Night Car Cruises

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

Consideration on the purchase of two SITHE Chopper Pumps for the Mahoning Street Pump Station in the amount of \$23,030 from Sewer Capital Reserves

Nicole said we have been having an ongoing problem at this pump station with rags clogging pump. We have been billing the hospital and trying to work with them to make improvements with them up there.

Mike Takerer who provided this proposal and recommended buying two pumps and a spare. Nicole recommended getting just the two pumps for now. We do have a spare but it is not a chopper pump but it is a spare. The money is not budgeted for which is why it is coming out of Sewer Capital.

Councilors Perry/Abelovsky made the motions to approve the purchase of two chopper pumps from Sewer Capital and all were in favor with no questions or objections.

Discussion and action on the Sgt. Stanley Hoffman Boulevard Concrete Pavement Patching Bid Opening

Nicole said additional work was added to the project separately and it would be good to do the project in whole with the Multimodal grant coming up. Cypress Street was scheduled to be done inhouse this year but would put us over the \$150,000 allocation from Liquid Fuels for the year.

Nicole provided 3 options to help council make their decision. Councilors Saunders, Flickinger and Arner were in favor of option 2. Councilor Flickinger said he is afraid that if both projects are done in 2021 and we have a bad winter like last year there won't be funds available for snow removal.

Councilor Abelovsky said we keep putting off doing Cypress Street since 2014 and it needs to be done. She understands there are people who think the bypass should be the priority and there are

others who visit family at the Summit that feel Cypress Street should be the priority.

Nicole said she thoroughly reviewed the Liquid Fuels budget and there may be a line item or two with some fluctuation but she is not comfortable recommending to move forward at this time. She would feel better making that decision sometime in September.

Councilors Saunders/Perry made the motions to approve the Sgt. Stanley Hoffman Boulevard project in whole in 2021 and put off repairing Cypress Street until 2022 and all were not in favor. Roll call: no – Councilor Abelovsky; yes – Councilors Arner, Rehrig, Perry, Saunders, Flickinger and Hunsicker. Motion carried.

Motion to approve Resolution R11-2021 authorizing the execution of the 4<sup>th</sup> amendment to the 2013-2017 Non-pool Energy Purchase Schedule with AMP

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

Officials Reports

President of Council – Nothing.

Borough Manager – Nicole said one thing we learned this week was that we owned a section of the trail in East Penn Township requiring us to replace a stop sign down there. If council is interested, we can look into turning that piece of the trail over to the township. Nicole is not sure what all is involved but she will continue to look into it if council so chooses.

She did get a proposal from Seltzer's for landscaping the area out at the Rec Center for \$8,600. Kris said he thinks we can tear out the existing bushes but needs to look at what to replace it with.

Nicole said code enforcement inspected 340 North 3<sup>rd</sup> Street and it was completely cleaned up. Also, 136 North 2<sup>nd</sup> Street has been given a violation notice. We had this problem before and had to go in with the brush cutter to clean it up and may have to do so again.

Borough Engineer – Nothing.

Solicitor - Nothing.

Treasurer – Motion to approve additional bills

Mayor – He said he married another couple. He is still working in the planning stages of forming neighborhood watch groups.

Police - Chief Biechy said his department is still in communication with St. Luke's over some issues. The new officer is off FTO program

and is doing very well. He will be meeting with the Mayor and Councilor Saunders later this week.

Fire Chief – Absent.

Light & Power Superintendent – Nothing.

Public Works Supervisor – Kris commented on the culvert at the bottom of South 7<sup>th</sup> & Bridge Street. The last few storms were out of the ordinary but that culvert is not able to accept the water that is going through there anymore. It is creating an issue. They think something is in there but cannot get in there to see what it is. It should be given consideration in the near future.

Recreation Director – Absent.

#### Committee Reports

Finance and Administration – Lisa Perry, Chair; Joe Flickinger, Co-Chair – nothing.

Economic Development, Buildings and Codes – Joe Flickinger, Chair; Donnie Rehrig, Co-Chair – Joe thanked Public Works, Lehighon Water Authority, Fire Department and the Light & Power Department for doing an excellent job last Friday handling all the stormwater issues.

Police, Fire and Safety – Ryan Saunders, Chair; Autumn Abelovsky, Co-Chair – Ryan said there were some interesting things that occurred on July 4<sup>th</sup> during the fireworks concerning traffic and people. It is something that we have to learn from. No one could have anticipated the number of people in attendance. He and Lisa met with some of the members of the fire department regarding the training tower. Although it is not in the budget, we want to continue to discuss it and come up with a plan for the future. Autumn backed up Ryan's comments on the training tower.

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

Sewer Committee – Donnie Rehrig, Chair; Darryl Arner, Co-Chair – Donnie said he attended the LSA meeting. Joe Bennett was requesting to trade EDUs from one property to another. The Borough has to confirm that he does have the EDUs to transfer and a letter was being sent to him noting that everything has to be in order before the transfer can occur.

Streets, Public Works & Recreation – Darryl Arner, Chair; Ryan Saunders, Co-Chair – nothing.

Library Board – Autumn reminded everyone the library is now open to the public and hopes everyone will stop by to visit the new children's wing.

Parks & Recreation Board – nothing.

School Board – Autumn said Nicole has been in touch with the school superintendent regarding the close out of the elementary center. We still do not have everything. The deadline was June 30, 2021.

Nicole said she followed up with the superintendent and gave him the timeline of everything that occurred in the past and the items still not received. Their engineer took a while to contact Nicole but he finally did and he also reached out to Patrick regarding the fire lane issue. However, she has not heard anything further on the easements or other requirements for the close out.

A week or two ago Nicole followed up with the superintendent and he basically just the engineer was in touch with the fire chief but it doesn't resolve all the other outstanding items. This goes back to 2018.

Councilor Saunders asked where does that leave the borough. The solicitor said we could enforce it. There are penalties that we can go after for failure to complete it but we always try to work with them. That is why we haven't taken it any further and no one wants to make it difficult.

Bruce asked about the temporary occupancy permit they were given. Have they ever received a permanent occupancy permit? Nicole said no because everything is tied to land development. Bruce said they have been functioning for at least the last 2 years without a valid permanent occupancy permit. Nicole said when they came to council to request that they assured us everything would be in order. Councilor Saunders asked again what do we do when someone continues to blatantly disregard. The solicitor said we go after them as we have with some developers in the past and say we are going to penalize you under our SALDO. Because it is the school district, another taxing entity, we haven't wanted to burden people with the penalties.

Bruce asked where does it put our code enforcement officer, where they are working under a temporary occupancy permit if the department of Labor & Industry comes in and does an audit and finds a building is being occupied without a valid occupancy permit.

That puts him on the hotseat. The solicitor said it also puts the entire school board on the hotseat.

Autumn was going to try and speak at the school board meeting later tonight about council's discussion and Nicole was asked to also send a certified letter to them as well to get this project closed out.

Canal Commission – nothing.

Acceptance of Officials Reports

Councilors Perry/Flickinger 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 totaling \$9,219.43.

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 Perry/Arner made the motions to go into executive session at 8:01pm 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 8:17pm and all were in favor with no questions or objections.

Action on Items from Executive Session

Councilors Saunders/Flickinger made the motions to approve the DROP Application for Scott Prebosnyak and all were in favor with no questions or objections.

Motion to Adjourn the Meeting

Councilors Flickinger/Rehrig made the motions to adjourn the meeting at 8:18pm and all were in favor with no questions or objections. Meeting adjourned.

Brenda L. Kreitz  
Borough Secretary