

October 4, 2021

A regular meeting of Lehigh Borough Council was held in the municipal building on Monday, October 4, 2021. The meeting was called to order at 7 PM by President Grant Hunsicker. Members in attendance were: Councilors Lisa Perry, Ryan Saunders, Autumn Abelovsky, Donnie Rehrig and Darryl Arner. Absent: Councilor Joe Flickinger.

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 Assistant Supervisor Jeff Smith and Recreation Director Tom Evans.

Pledge of Allegiance

Guest Speakers: Bambi Elsasser, Carbon Chamber and Economic Development Corp. – Introduction as Lehigh Main Street Manager & Request to hold 5K along Lehigh Drive

Ms. Elsasser said she has been in her position a few weeks and is currently working on Rocktoberfest. She has been introducing herself to some of the businesses in the downtown area and hopes to make a difference in the downtown area.

Bambi had one request for Rocktoberfest. They would like to hold a 5K run on the D&L Trail. They have permission from Mr. McAward to use his back parking lot to park cars and the race would start beyond his facility continuing on down the trail. Registration will begin at 9:30a.m. and the race will be held at 11a.m on October 16, 2021.

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

Bryan Smith of BIA – Presentation of Concept Plan for Sgt. Stanley Hoffman Boulevard

Mr. Smith could not be present. Ashley Eichlin was present in his place. She is a landscape designer for the company. She went over the alternative concept design Brian provided.

The revised concept plan kept the ADA ramps. The crosswalks were changed from piano key crosswalks to decorative ones. There would be a speed indicator posted along the bypass. The bump outs will still be part of the project but not the curved landscaped kind.

Instead, they would be textured surface treatments. They would be on grade with the roadway as it is now to give drivers a gentle reminder they shouldn't be driving there. It would also simplify the design and create less maintenance.

Councilor Perry asked if the rumble strips shown in the drawing would hinder snow plowing and was told they shouldn't be an issue.

Nicole said the only thing to be done tonight is to agree to proceed with the concept plan presented and as the project takes shape the materials used for the crosswalk and such would be figured out at that time.

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

HEARING OF PERSONS PRESENT

Robert Schoenberger of 235 North 4th Street asked council to make an ordinance to control the number of animals kept at a residence. His neighbor has right now 17 cats and 2 dogs in a half double home. He resides in the other half. He has been having issues with the smell of cat litter coming over into his home and he has spoken to the neighbor several times about this but it does nothing. Zoning cannot do anything because he spoke to them already. Mr. Schoenberger said he has checked into this and Palmerton has a couple good ordinances.

Councilor Abelovsky asked for council to do research on this and have it brought back to next month's meeting.

Mr. Schoenberger said the neighbor also has two cars parked in the yard with other things piling up there so that will be the next issue.

Mr. & Mrs. Jim Walp of 241 South Street asked council to provide them with 4 parking spaces in front of their house the weekend of Rocktoberfest so they can park the moving trucks to load their belongs into as they are moving to Florida that following Monday.

Councilors Saunders/Rehrig made the motions to approve the request and will have the spaces in question reserved for them and all were in favor with no questions or objections.

APPROVAL OF MINUTES

No minutes were presented.

UNFINISHED BUSINESS

Follow up on Cyber Security Insurance Proposals

Nicole said our broker originally did request 4 quotes but only received one proposal. She is currently working with Councilor Perry and her contacts to see what they can offer.

NEW BUSINESS

Approval of the release of the grant match for the Blight & Remediation Grant to Jim Thorpe Borough

Nicole said this is not in the 2021 budget as we did not know if we would get the grant. It is a 10% match equaling \$10,258. Keystone Consulting will be \$18,000. The agenda item for asbestos and lead based paint is \$3,800 and there might be one more proposal for Phase 1 ESA but that is yet to be determined. In review of the budget that line item will be substantially over budget but it can be compensated through another line item and the details were provided to council. The goal is to move on this as fast as the grant allows us to in order to get this building down before the snow falls.

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

Consideration on the proposal in the amount of \$3,800 from Labella for the ACM/LBP Building Inspection for 209 North 1st Street

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

Consideration on the purchase of Smoke Testing Machine in the amount of \$3,290 to detect Inflow & Infiltration

Nicole said CCMA provided a letter relating to some instances from the last two storm events. We do have funds budgeted for this. Jeff said the smoke testing will help find problems. The \$3,200 is not the full cost of what is need to do the testing. There are flowthrough plugs to section off two blocks at a time to test.

Councilor Saunders asked what the warranty is for the machine and Jeff did not know but did say the machine is the same one Jim Thorpe has and their machine is 20-years old. Nicole said if this is approved a smoke testing program will need to be implemented. Nicole said the dollar amount was incorrect. The cost minus taxes would be \$3,103.

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

Consideration on drafting the following ordinances: 1. Ordinance regarding street restoration after new paving; 2. Ordinance addressing Rooming Houses; 3. Ordinance to address Act 50 – Small Wireless Facilities Deployment Act

Nicole said Public Works is requesting the first ordinance. If we pave a street and another utility needs to open it up there are standards on how that needs to be finalized and you would need an emergency permit within a certain amount of time. All the ordinances are for consideration to draft and would be brought back to be finalized.

Nicole said the Rooming House ordinance stems from a problem we are having in town. She took a PSAB webinar a few weeks ago and the speaker was talking about rooming house ordinances that some places have. She did some research and pulled two samples that would help zoning as we have existing ones and new ones popping up with no regulations. She has received things Councilor Flickinger would like to see in the ordinance and she would like input from the police and fire chiefs as well as the solicitor's opinion.

Nicole said Act 50 goes into effect October 29, 2021 so if we get applications for this, we have nothing to guide us. She provided a sample ordinance provided by PMEA and is very in-depth.

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

Motion to adopt Resolution R16-2021 State Aid

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

Motion to adopt Resolution R17-2021 establishing the current base purchase power cost for the PPAC

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

Motion to appoint John Kreitz to the Planning Commission to fill the unexpected vacancy left the Allen Young who passed away

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

Motion to accept the resignation of Glenn Finsel from the Planning Commission

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

Discussion on email from Councilor Ryan Saunders regarding Recreation Center rentals

Councilor Saunders read a statement he prepared regarding comments made about comments pertaining to Homecoming Remix request to be held at the Rec Center.

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

Councilors Perry/Arner made the motions to ratify the updated plan and all were not in favor. Roll call: yes- Councilors Perry, Rehrig, Arner, Hunsicker; no – Councilors Saunders, Abelovsky. Motion carried.

Consideration on the proposal from Blanski Energy Management to correct the heat exchanger in the amount of \$7,168

Tom said the heat exchange is blocked right now and the gaskets cost \$5,000. Sometimes they can take it apart but they are no sure. The gets done every two years. The water flow is not going through properly.

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

Presentation of Optimus Risk Services Loss Control Inspection Report

Nicole said they come annually to do a safety inspection and provide a list of items for corrective action. This should be considered or the 2022 budget.

Motion to rescind the motion to proceed with the concept plan for the Multimodal Transportation Fund grant for Sgt. Stanley Hoffman Boulevard

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

Motion to proceed with the concept plan for the Multimodal Transportation Fund grant for Sgt. Stanley Hoffman Boulevard

Councilors Abelovsky/Saunders made the motions to proceed with the concept plan and all were in favor with no questions or objections.

Consideration on the request from Headstart to hold Trunk or Treat event October 20, 2021 with rain date October 21, 2021

Councilors Abelovsky/Perry made the motions to leave it to Tom's discretion and all were in favor with no questions or objections.

Final approval of Lot Line Adjustment to convey Sewer Authority Property to W&W Holdings, LLC

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

Officials Reports

President of Council – Nothing.

Borough Manager – She said the treasurer had requested \$300,000 budgetary transfer. The budget calendar is attached and we will be meeting with the Finance and Admin Committee next week and the budget memo went out to all department heads.

Nicole had an email from our grant writer at BIA that PennDOT multimodal opportunity can be used for additional funding on the bypass or on 1st Street for beautician but there is a 30% match. This would be in the 2022 budget so it may or may not be feasible. We will not be able to use BIA for design. The application process is lengthy and our grant writer would like to know if we are interested in this or not.

Nicole said we have been having issues on Lehigh Drive with cars parking/abandoned down by RJ Walker behind the homes. She talked to the police chief and worked with Public Works to post no parking signs down there. There are 7 houses on the east side of Bankway impacted by snow removal and street sweeping who have asked if they can park where it's posted during those times as they have nowhere else to park. Nicole wanted to make council aware of their request to see if council would like to consider the request or not. Councilor Saunders is ok with the request as long as they don't become part of the problem.

Borough Engineer – Bruce said we received revised plans and descriptions for the easements to close out the elementary school project but there was an error. Bruce sent Nicole an email which she forwarded onto the school district and the items came back with the same error. He called the engineer today and told him it needs to be corrected and then the easements can be signed and recorded. Then the only outstanding item is the traffic signal. Nicole said she and Bruce discussed this and feel that closing out land development can be done and put then make a separate agreement for the traffic signal into its own separate escrow so land development can be closed out.

Solicitor – Jim received a call from the County solicitor today stating that on the upcoming ballot there are only two council seats open but there should be three. Jim was asked to write a letter so they can correct it. Council said there are three 4-year terms and one 2-year term to be filled. Jim will write the letter.

Treasurer – Motion to approve additional bills totaling \$4,339.10 and budgetary transfer of \$300,000

Mayor – He asked council to consider a new hire for the police department. Clark also said the Corporal position is still open. A few programs have been instituted. One is to have the officers sit stationary at stop signs throughout the borough. This is getting good results and the residents are pleased. Vascar is in the school zones when possible. A second Neighborhood Watch is starting up in the Grove area. Once they are established, they will throw in with the Second Street group. Trick-or-Treat night is October 27th from 6-8pm.

Councilor Abelovsky had a question. She asked if the Corporal position was in the budget and was told yes. She said it was tested for once and could be done again if requested and was told yes. She then asked about the extra patrolman and was told it is not budgeted for currently. Nicole said anything can be put into the budget as long as you are willing to fund it.

Mayor Ritter said there are two supervisors, a Chief and a Sergeant. If they are both off on the same day there is no supervisor. Councilor Saunders said we did try but they have to pass or show up.

Police - Chief Biechy said the corporal test will be a few guys. It is part of the contract. He is not sure if testing was done one time does that satisfy the requirements or can they file anything because it was only once. We would like to have it filled. Adding a new officer would be nice but none is showing up anywhere to take the test. He would like consideration given to testing as it will be hard to get candidates.

They will be hosting an SFSB class. Officers Broyles and Gulla are certified instructors and will now have inhouse training for recertifications.

Brian apologized to the solicitor and Nicole for deciding last minute to apply for a grant and wanted to thank them for their help.

Fire Chief – Fire Prevention Week started yesterday and they will be visiting the schools. The other departments in the area were invited to be part of this as well.

The new ladder truck has been started and with everything going on with KME they have offered to extend the warranty for 12 months along with inspections being done throughout the building process to insure we are getting a quality truck.

Light & Power Superintendent – Lonny invited everyone to the Open House on October 6th from 10a.m. until 1 p.m. at his building during Public Power Week.

One of the power controls went out on the relay at the substation. He petitioned for a new one as this one had a 10-year warranty and the new one is on his desk but our existing engineering group no longer programs relays. Lonny did find an engineering group from Stroudsburg who he hopes to get her to set the relay up for him soon. It is causing a delay with the contractor on 443 because Lonny can't trust the relay to tell him if it disabled a reclosure.

Public Works Supervisor – Jeff brought up the sinkhole at 6th & Iron Streets. What they thought was a broken storm sewer pipe turned out to be a broken storm sewer pipe and a sanitary main pipe. He wanted to thank Lonny, Armond, CCMA, Nesquehoning and Palmerton Boroughs and everyone else who helped get the job done. It was not a fun job.

Nicole said Palmerton has requested Public Work's assisting with some paving in their borough. Nicole will work with the solicitor to draw up an agreement similar to the one for Bowmanstown if council has no objections.

Councilors Abelovsky wanted to thank Jeff to see that all Borough flags are raised and lowered at our buildings as needed.

Recreation Director- Discussion on pool prices for 2022 season

Tom said the main change is that a family pass is for a family of 5 because we were having too much trouble with that.

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

Committee Reports

Finance and Administration – Lisa Perry, Chair; Joe Flickinger, Co-Chair – Lisa said they are meeting on Tuesday so if anyone has anything to be brought up to let her know.

Economic Development, Buildings and Codes – Joe Flickinger, Chair; Donnie Rehrig, Co-Chair – Joe was absent.

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

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 – nothing.

Library Board – The grand opening of their new wing will coincide with the dedication of the Upper Park.

Parks & Recreation Board – She has been working on the Upper Park dedication with Nicole once the new bench plaques are installed.

Christmas in the Park applications have gone out and Next Era Energy has made a generous donation so new ornaments and lights for the large tree will be purchased along with possibly a lighted sculpture for the Upper Park. Can the Houser Building be used for the possible musical performance we are hoping to have as part of the dedication be held there in case of rain? Tom said he can arrange it if needed.

School Board – nothing.

Canal Commission – nothing.

Acceptance of Officials Reports

Councilors Saunders/Perry 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 \$4,339.10 and budgetary transfer of \$300,000.

Councilors Saunders/Abelovsky made the motions to approve the accounts payable, additional bills, and budgetary transfer and all were in favor with no questions or objections.

Motion to go into Executive Session for Personnel

Councilors Saunders/Rehrig made the motions to go into executive session at 8:33pm and all were in favor with no questions or objections.

Motion to go back into Regular Session

Councilors Perry/Saunders made the motion to go back in at 9:18pm and all were in favor with no questions or objections.

Action on Items from Executive Session

Councilors Saunders/Perry made the motions to appoint Attorney Nanovic as the arbitrator for the FOP Negotiations and all were in favor with no questions or objections.

Motion to Adjourn the Meeting

Councilors Saunders/Perry made the motions to adjourn the meeting at 9:19pm and all were in favor with no questions or objections. Meeting adjourned.

Brenda L. Kreitz
Borough Secretary