

November 6, 2023

The regular meeting of Lehighon Borough Council was held in the municipal building on Monday, November 6, 2023. The meeting was called to order at 7 PM by President Grant Hunsicker. Members in attendance were: Lisa Perry, Autumn Abelovsky, Ryan Saunders, Rebecca Worthy and Donnie Rehrig.

Officials in attendance were: Borough Manager Dane DeWire, Borough Secretary Brenda Kreitz, Solicitor James Nanovic, Mayor Clark Ritter, Cpl. Bruce Broyles, Fire Chief Patrick Mriss, Public Works Supervisor Kris Kunkle and Assistant Supervisor Jeff Smith. Absent: Councilor Darryl Arner, Borough Engineer Vanessa Nedrick, Light & Power Superintendent Lonny Armbruster and Recreation Director Tom Evans.

Guest Speaker: Joseph Bennett of Bennett Family Properties – Presentation of Millway Project

Mr. Bennett asked council to consider allowing him to build “at risk” a pole building on lots he owns on Millway due to the bad weather around the corner. He has cleared the lots. He is doing this project to house the St. Luke’s dental van and the next one they plan to purchase. He has spoken to the neighbors in the area of the property and said they are all in favor of doing this project. The Borough Secretary asked Mr. Bennett if he was planning to build on 1 lot or across the 3 lots he owns there. His engineer is starting to draw up the plans to submit to planning now. Mr. Bennett has started the process of obtaining the necessary paperwork through the zoning office. He said he plans to build on the 3 lots and will come to the Planning Commission to do a reverse subdivision at some point. He will go through all the processes and is hoping with Attorney Nanovic’s help to rezone the property to the C-3. Mr. Bennett is asking for council’s blessing to build “at risk” tonight.

The solicitor said no. Solicitor wasn’t sure what Mr. Bennett is asking for. Jim said he understands Mr. Bennett spoke to the zoning officer who said zoning relief will be necessary for this project and changing zoning is not a simple process. It takes a while. Mr. Bennett said he doesn’t think there will be opposition to it and feels it is the logical thing to do. The solicitor said it takes a few months to do. Jim said Tyler would have also told Mr. Bennett that you have to comply with the Construction Code so when you ask the borough to do this “at risk” Jim is unsure what risk Mr. Bennett is talking about. The solicitor said if Mr. Bennett is going to comply, it must be through those to codes. Mr. Bennett is fine with that but he won’t be able to do the project that quickly because it is not zoned for that. Mr. Bennett is looking to go through the process and is hoping the zoning change will be approved by council and that he is allowed to build the building knowing that if the zoning does not get changed he owns a building he can’t occupy. The solicitor said council can not give approval for zoning. Mr. Bennett said council can encourage him to rezone it so he doesn’t have to go to the zoning board. Going to the zoning board would require Mr. Bennett to show a hardship.

The solicitor reiterated to Mr. Bennett that in order to change zoning you must prepare a new map, advertise it, send it to the Borough and County Planning Commissions, hold a public

hearing and he understands Mr. Bennet said no one will oppose the project but if council approves this in a few months some of these council members will not be here so he doesn't think council can do this anyway. The process starts with the zoning officer and you have to go through him. Mr. Bennett asked if allowing for the fact that it would be done and applying to have it rezoned as suggested by the zoning officer would that be then something Mr. Bennett could then act upon? The solicitor said if the zoning officer gives Mr. Bennett whatever permits he deems necessary then Mr. Bennett could proceed.

Councilor Abelovsky spoke to the zoning officer today about this and she was told that if council was to approve this council would need to be sure Mr. Bennett followed the land development to a "T". He also mentioned that this area had just been rezoned. Tyler suggested the costs for rezoning, preparing a new map and such should be Mr. Bennett's responsibility to cover; not the borough's. Tyler also felt the good outweighed the bad and other municipalities have approved "at risk" builds and that at any time Mr. Bennett does not follow the process council could revoke the permission for the "at risk" build. Tyler also told Autumn that if he was sitting here tonight making the decision he would approve it.

Councilor Rehrig also thinks that there are a lot of other issues that need to be addressed first before granting permission. Autumn said she would have to go on Tyler's comments and allow Mr. Bennett to proceed.

Councilors Abelovsky/Saunders made the motions to allow Mr. Bennett to proceed on Tyler's recommendation and all were not in favor. Roll call: Yes – Councilors Abelovsky & Saunders; No – Councilors Perry, Rehrig, Worthy and Hunsicker. Motion denied.

Kirk Schwartz of Attorney General Office – Request to reconsider decision on Drug Task Force

He did not attend the meeting.

Tina Henninger of LAMA – Report on Witches' Midnight Market and discussion on future events

Ms. Henninger said she did not think there were any issues with the event. The downtown businesses had a very successful night. Those who attended the event would like to have things in the downtown with more kid friendly events in the parks.

Councilor Perry had some concerns with the traffic being directed to Second Street causing issues for residents backing out of parking spaces. Traffic would not let them out and the businesses on Second Street had their parking taken up by people visiting the event. Lisa suggested directing traffic to Third Street instead. Ms. Henninger said she has a year to plan things differently.

LAMA is looking at doing 4 events a year that involve street closures. The last Saturday in April, the 3rd Saturday in September, the last Saturday in October and one in the middle of December. She would like to get Lehigh to be a place for people to go to, other than Jim Thorpe. Ms. Henninger asked to have the street closed for April 27th to run another event on the street. It will be similar to the event they just held. She was instructed to fill out an application as the first step.

Autumn said Parks & Rec typically do events throughout the year that do not require street closures. LAMA is asking to close down 1st Street and is under the impression that LDI has been resurrected and also planning on having events. Three organizations are now

wanting to hold events in the downtown with some involving road closures. She feels it would be beneficial to have each group provide the borough with a calendar of events for 2024 in order to ask PennDOT how many requests we can make to close down their roads for events to provide better planning for each organization. She is asking to have all applications turned in for the next council meeting so council can see what is being planned and when.

Aggie Schoenberger of Peaceful Knights – Presentation of their history and mission

Councilor Saunders said he and Autumn met with Aggie to see how we can address some of the issues with the homeless in our town from comments made at the last meeting. Ms. Schoenenberger gave an overview of what her organization provides. She has been doing this since 2007. Her company has grown and helped a lot of people get back on their feet. She can not help the mentally ill that are homeless as she has no employees or medical staff to help with them. There are about 14 people living near the river some of which are choosing to live in their addiction and do not want help and some are mentally ill. She does go to see them and tries get them into the program if they choose to get help.

HEARING OF PERSONS PRESENT

Ms. Schoenberger wanted to comment on the witch event. She feels there are a lot of fun witchy activities in the area. 3,000 people said they were going and 66,000 were interested. 66,000 people are not interested in a witches market but there is an element of evil there. There are a lot of people who get together and do things and want to be seen in public and it is not what we want to be know for. Just something to keep in mind.

The owner of Within Harmony agreed with the worry if 66,000 would have shown up. We don't know the mindset of these people, whether good or evil. But that many people being interested in noticing our town, that is a good thing.

Robbie Ferman, owner of Robbie's Balloons and More said he is happy to be here and is loving getting to know the people. Lehighton is going in a good direction.

APPROVAL OF MINUTES

Regular Meeting of October 2, 2023

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

UNFINISHED BUSINESS

Update on progress from LERTA Committee

Councilor Saunders spoke about the draft LERTA pamphlet provided to council. There is also a draft ordinance that was to be included, but wasn't. He will email it to everyone.

Autumn said they researched how LERTA would work best in the borough. They received comments both for and against doing this. All original taxes will be paid. The improvements to the property and that assessment are what the tax increments will be based on. Instead of providing the full draft ordinance she provided an overview of what they have included in the ordinance. Mixed use or commercial properties are included in the LERTA with only 5 applications approved per year. They found a lot of information on how to be disqualified from the program. Ryan said they will recommend not having the abatement be transferable to a new owner. Another suggestion where demolition of a building is involved

would be to require they build their new building first, get their C.O. and then they could demolish the old building leaving a building they could tax with the new building being worth more than the old building to be considered for LERTA. The solicitor suggested adding a threshold amount where a demo is part of the project or wording to the effect that you must pay the original tax amount plus 10% of the new assessed value or whichever is higher.

Councilor Saunders/Worthy made the motions to have the solicitor draw up the LERTA Ordinance and all were in favor with no questions objections.

Motion to adopt Ordinance 670–2023 amending the Smoking Ordinance to include the Trailhead

Councilors Perry/Worthy made the motions to adopt the ordinance and all were in favor with no questions or objections.

Continued discussion on changes to the Sewer Ordinance amendment to include Fat, Oil & Grease accumulation

The borough manager said we are still where we were last month. We can table it again for next month or until next year for the new council to act on.

Continued discussion of possible sweeps until new sweeper grant is awarded/unapproved

The borough manager said we would be premature until we have our budget finalized to decide if we are doing it again this year. At this point, the leaf vac is doing half the job the sweeper would. He will try to budget for it for next spring.

Continued discussion on sale of Borough owned empty parcels

Dane said he included 2 estimates for the appraisals of the 5 borough properties to be sold. It would cost \$1,250 to have all the properties done together.

Councilor Perry thinks it will be quicker to put it out to bid. The solicitor reminded council that the Summit Avenue and Borough parking lot were bid out with no bids received the first time and we had to advertise a second time. He is concerned that it could happen with these properties as well because of their size. The borough manager said this can be budgeted for next year. He doesn't know if the money is there now and we only have 4 weeks to do a budget.

Councilor Rehrig asked if anyone has shown interest in any of the properties and was told only the Millway properties. Dane said we could appraise just those ones or wait until next year. Council wanted it put in the budget because of our financial state at the moment.

NEW BUSINESS

Motion to approve 2024 pool prices

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

Discussion on/Motion to advertise 2024 Garbage Contract

Councilor Rehrig asked why there is nothing in the contract to fine for missed pickup or starting prior to the contracted start times.

Councilors Saunders/Rehrig made the motions to advertise the contract with various pick-up days and to have the solicitor add a penalty clause and all were in favor with no questions or objections.

Consideration on proposal from Hutchinson, Gillahan & Freeh for the 2023 Audit

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

Motion to hire Virginia Borhi as a crossing guard pending passing of preemployment process

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

Motion to adopt Resolution R23-2023 and accompanying agreement for the AMP 2023 EPPG Power Pool Participant Schedule

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

Discussion of LDI and future plans for Borough

Ryan said that the Chamber has recently dissolved their involvement with the Downtown manager and terminated its joint venture with the borough and the LDI referred to as the LDP. All the credentials for LDI remained intact so the officers of the LDI have decided to resume operations and continue its agenda as a community organization of volunteers and continue with the revitalization that they set out to do years ago. Since the borough had made a \$10,000 investment into the LDP with the Chamber, LDI is prepared to provide a refund to the borough for two months for the remainder of 2023 in the amount of \$1,667. Dane said the pay was extended through the end of October for 3 weeks as severance pay. He feels the borough should be reimbursed for those three weeks as well. Ryan agreed. LDI will be meeting on the 13th of this month and he will bring it up then and have it taken care of.

Discussion on dissolving the Lehigh Sewer Authority

Dane said after the last sewer authority meeting they feel this is a good idea. The Penn Vest loan is paid in full so there is no real reason to have monthly meetings. It is everyone's opinion that LSA was formed to handle that loan. The solicitor provided an example ordinance for LSA if they do want dissolve. No one knows where the money for the stipends came from.

The solicitor said if they don't want to dissolve borough council could make them dissolve the authority. Brenda said LSA will meet tomorrow to discuss the ordinance required to dissolve.

Discussion on lowering Sgt. Stanley Hoffman Blvd. speed limit

The borough manager said Chief Sparich had done a study that suggested a speed limit between 30-40 mph. The Pedestrian Safety project is not slowing traffic while construction is going on. Dane has gotten contact information of whom to speak with at PennDOT once the project is completed to see if the speed limit can be lowered. Another traffic study will need to be done once the ball gets rolling to see if this can be done. Council would like to see the speed limit lowered to 25mph. PennDOT will have the final say as to what the speed limit will be. The borough manager was not sure if there will be a cost to the borough for this.

Councilors Perry/Rehrig made the motion to have the borough manager contact PennDOT to see what steps need to be taken to lower the speed limit on the bypass and if there is a cost to the borough or not to have this done and all were in favor with no questions or objections.

Discussion on 2024 street closures

Autumn has already covered this earlier. The main point will be to reach out to PennDOT to see how many road closures they will allow in a year. The borough manager is to handle this.

Motion to approve Bowmanstown Borough to rent Leaf Vac truck and 2 men pending signing of a Damage Waiver

Councilor Perry asked why they would need a damage waiver if our men are doing this. The borough manager said they have sucked up a brick and other things when doing this in the past. Kris would like to have this done. Council felt with the shape our equipment is in it is better to use it for our residents instead of renting it out at this time.

Councilors Saunders/Rehrig made the motions to deny the request due to the age of our equipment.

Motion to approve Payment Request #1 for \$192,856.27 to Livengood for the Waterfront Pedestrian Improvement Project (no designated line item in G/F Budget for these payments)

The borough manager said this was something that we will not be reimbursed for through the grant. We have no money in the G/F for this because of the person doing the budget did not budget for it. We will have to borrow it from other bank accounts.

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

Motion to approve the 2022 Write Offs

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

Officials Reports

President of Council

Nothing.

Borough Manager

Report provided. Nothing to report otherwise.

Borough Engineer – Active Projects and Task Report

Absent. An RVE representative was present in Vanessa's place and reported that the Senior Center Roof Replacement pre-construction meeting was held. A damaged pipe on the Stg. Hoffman project was found and dealt with. They are recommending council approve the change order for this. The borough manager said we were at about \$16,300 under the grant amount so all but about \$400 will be paid for through the grant leaving the borough to pay the balance. The borough manager did not feel council needed to approve the change order as the work was already done.

Solicitor

Nothing.

Treasurer

Approval of additional bills and \$600,000 transfer to be used as needed. \$400,000 request from last month was not approved so it has been added to this request.

Councilors Rehrig/Saunders made the motions to approve the additional bills and transfer with no questions or objections.

Mayor

He had items for executive session.

Police

Nothing.

Fire Chief

Nothing.

Light & Power Superintendent

Absent.

Public Works Supervisor

Kris said H&K, the contractor on the 443 project, offered him all the excess concrete drainage pipe free of charge if we want them. Councilor Perry asked Kris if he wanted them. He didn't know where he could store them but felt they could always be sold on Municibid. They are all different sizes. Council thought it was a good offer and told Kris to take H&K up on the offer if he has room to store it and can use some of them.

Recreation Director

Absent.

Committee Reports –

Finance and Administration – Lisa Perry, Chair; Rebecca Worthy, Co-Chair – nothing.

Economic Development, Buildings and Codes – Autumn Abelovsky, Chair; Darryl

Arner, Co-Chair – Autumn had a thank you from another business owner thanking council for allowing the “Witches Market” because his business flourished from it. Over the past month we have attended the grand opening of Robbie’s Balloons & More. If you haven’t been there, it is definitely a place to check out because it is really cool. She also said the Carbon Chamber of Economic Development is holding their awards banquet on November 17th and Councilor Rebecca Worthy has been named Young Professional of the Year. You can purchase tickets online if you would like to attend.

Police, Fire and Safety – Donnie Rehrig, Chair; Lisa Perry, Co-Chair – executive.

Light & Power Committee – Rebecca Worthy, Chair; Ryan Saunders, Co-Chair – nothing.

Sewer Committee – Darryl Arner, Chair; Autumn Abelovsky, Co-Chair – absent.

Streets, Public Works & Recreation – Ryan Saunders, Chair; Donnie Rehrig, Co-Chair – nothing.

Library Board – Rebecca had nothing.

Parks & Recreation Board – Autumn said she still had a few trees available. The tree lighting will be December 3, 2023.

Canal Commission – Ryan said LCRC along with the D&L held 2 Town Hall style meetings at the Leighton Outdoor Center. The message they set out to deliver was that full representation was needed from all municipalities to make all the decisions needed to operate the LCRC throughout the year. We are asking for donations to cover the maintenance costs.

We will also need a part-time trail ranger to manager and take care of the upkeep to our section of the canal. As of January, we will no longer have the commitment of our current volunteer. We are looking to raise the Per Capita each municipality pays per year to cover the position.

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, additional bills

Councilors Rehrig/Saunders made the motions to accept the accounts payable plus 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 9:15pm and all were in favor with no questions or objections.

Motion to go back into Regular Session

Councilors Saunders/Perry made the motions to go back into Regular Session at 10:25pm and all were in favor with no questions or objections.

Motion to Amend the Agenda to discuss the Police Chief and Fire Police

Councilors Saunders/Worthy made the motions to amend the agenda for the following items and all were in favor with no questions or objections.

Motion to hire Troy Abelovsky as Police Chief

Councilors Saunders/Worthy made the motions to hire and all were in favor with no questions or objections. Councilor Abelovsky abstained from the vote.

Motion to appoint Brandon Johnson as Fire Police pending pre-employment screening

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

Motion to Adjourn the Meeting

Councilors Saunders/Rehrig made the motions to adjourn the meeting at 10:28pm and all were in favor with no questions or objections. Meeting adjourned.

Brenda L. Kreitz
Borough Secretary