

December 4, 2023

The regular meeting of Lehighon Borough Council was held in the municipal building on Monday, December 4, 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, Police Chief Troy Abelovsky, Fire Chief Patrick Mriss, , Borough Engineer Vanessa Nedrick. Absent: Councilor Darryl Arner, Light & Power Superintendent Lonny Armbruster, Public Works Supervisor Kris Kunkle and Recreation Director Tom Evans.

Guest Speaker: Andrew Gildner – Keystone Technology

Mr. Gildner updated council on the progress he is making with our “IT” service. His company took over “IT” support on August 17, 2023. They have fully deployed management, anti-virus, malware throughout the network. They have reviewed all the backup procedure in place and modified a number of those procedures as data wasn’t being captured properly. They have patched and updated the police firewall. They have deployed a brand new firewall for the admin and billing office covering it under the monthly agreement. They have started upgrading servers on the police network a few weeks ago. The billing department was done last week and the admin section will follow shortly. The servers are end of life and can’t be patched any more. With the new backups if something were to happen we could run virtually and that was not an option before.

He has started planning for workstation replacements. That will be included in the budget process over the next few years. He has also met with the department heads to hear their concerns and will start working on them in the next few weeks as well. They have also handled a lot of support calls and dealt with those at no additional cost to the borough as part of the agreement.

#### HEARING OF PERSONS PRESENT

Mr. Wittig asked council if they had any question on the garbage contract since last meeting that he could answer. Councilor Perry asked if it was correct that his trucks would not be in the borough until at the earliest – 3 a.m. and was told yes.

Mr. Jack Finnegan wanted to compliment those involved with making the parks look better as they did a good job. His interest is in the homeless folks and the encampment at Dunbar Beach. Mr. Finnegan lives at the top of North 7<sup>th</sup> Street; he has filled vacancies on the school boards at times and volunteered for the last 17 years on the Carbon–Monroe–Pike Drug & Alcohol Commission. He can’t stop thinking about the folks. A few weeks ago, when there was pounding, cold freezing rain and winds he tried to imagine what it would be like to live there. He has been around long enough to ask a few questions. If these people were dogs/cats we would have community outrage, people out with traps and snares trying to get

them into a shelter. But they are not animals, they are humans and he knows how difficult it is to deal with these folks. So, his question is – does council have any idea how many people are living down there? Male or female? What collectively can the Lehighton community do to differentiate ourselves in terms of how we help these people? He would be interested in participating in some type of coalition. Mr. Finnegan also knows Doyle Heffley is interested. Mr. Finnegan said that Mr. Heffley is interested in cleaning up the issue; not solving the problem. He thinks Mr. Heffley is tired of hearing these complaints in his office.

Michael of 211 North 2<sup>nd</sup> Street and was curious about the complaints about the club on 1<sup>st</sup> Street. He heard it the other Sunday at 10:30 a.m.. The solicitor said they have a liquor license and these things should be reported to the police and passed on to the LCB. They should not be open at that time of day. The mayor said the police and LCB are aware of the issue. We are putting the ball in the LCB's court but they don't seem to want it. They have more teeth in this matter than we do.

Dennis Blocker was next to address council on a recap of the LERTA Ordinance. He was glad that council did their research but isn't sure council understands the amount of administrative work involved and compliance work for this. Is the borough able to do this? Is their money in the budget for this?

Jay Davenport of 499 South 9<sup>th</sup> Street wanted to know if there is any talk on how to make that corner safer? He has children coming into his business and a car just came through it the other week. It is very unsafe at the 9<sup>th</sup> & Bridge Street intersection.

Councilor Abelovsky said she thinks we need to reach out to the school district again to see where they are at in getting the traffic signal installed. We have a contract with them and feels it needs to be looked into to keep this moving.

Tina Henninger of Wine and More provided council with the list of 4 events LAMA would like to hold in the downtown requiring closing the street.

Dane said he spoke to PennDOT who told him they don't care how often we close the street and that they will give us every date we ask for.

#### APPROVAL OF MINUTES

#### Regular Meeting of November 6, 2023

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

#### UNFINISHED BUSINESS

#### Consideration on lowering the Sgt. Stanley Hoffman Blvd. speed limit

Dane said he spoke to the same guy that handles speed limits and he also handles road closures. The guy said it is going to be a hard sell since it is not a residential district and houses are not located on this stretch of roadway. BIA said their traffic engineer said we might be able to fight that because of the amount of speeding violations, accidents, aggressive driving and the 25mph before and after plus there are residential properties directly accessed from that area. So right now, the ball is in PennDOT's court. Dane is going to reach back out

this week because it is the third week he hasn't heard anything back yet. They did tell him that because it is generally a commercial district it will only get a 35 mph limit. The "your speed" signs will be done early spring and hopefully some "no passing" signs will alleviate part of the problem.

Continued discussion on 2024 street closures

Dane said we already discussed that already.

Continued discussion on LERTA Ordinance

This item was also discussed.

NEW BUSINESS

Motion to advertise 2024 Meeting Dates

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

Motion to approve Reappointment List with permission

Planning Commission (4-year term) Manny DaCosta, Donald Hahn

Shade Tree Commission (3-year term) Judy & Sara Wingert, Jacob Hoffner

Water Authority (5-year term) Russell Schoenberger

Sewer Authority (5-year term) James Deebel, Manny DaCosta

Zoning Hearing Board (5-year term) Richard Zimmerman, Ricky Graver, Denise Murphy

Central Carbon Municipal Authority (5-year term) Manny DaCosta

Appointment to Vacancy Board (1-year term) Reagan Smyth

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

Motion to accept John Kreitz's resignation from the Planning Commission

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

Consideration on request from All Saints Episcopal Church for a Handicap Parking space

Council felt this was a dangerous place for a handicap spot. They felt it would be better placed on 2<sup>nd</sup> Street. Councilor Rehrig felt the church needs to provide more information on the request as to why they want it on Coal Street before a decision is made. Dane is to get clarification from the church as to why they want it on Coal Street.

Motion to approve Barry Isett UCC Fee Schedule for 2024

Dane said the rates aren't drastically raised. Everything has gone up. As we discussed last Thursday the fee for the Zoning Officer is going up. Dane wasn't told when they wanted to start seeing these increases. It's kinda on council to set these prices or what. We can't not have zoning so...

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

Consideration on Request to allow the St. Luke's 13<sup>th</sup> Annual Hospice Bike Ride June 1, 2024

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

Consideration on Request to allow LDI to hold the Hometown Vintage Christmas December 14, 2024

Councilor Perry said this is on the same day as LDI's event for the Hometown Vintage Christmas. Council didn't think 2 events going on at the same time would work out well.

This item is to be returned to the January agenda due to conflict with LAMA's event.

Councilors Perry/Rehrig made the motions to approve the LDI list with the exception of the Hometown Vintage Christmas event and all were in favor with no questions or objections.

Consideration on Request to allow LDI to hold Wine on the River May 4, 2024

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

Consideration on Request to allow LDI to hold Farmer's Market May 18 – September 28, 2024

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

Consideration on Request to allow LDI to hold Christmas in July on July 20, 2024

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

Discussion on holding the Christmas Light Contest – Residential done by Borough Police Department; Commercial done by LDI

Council decided to have the police department pick the residential winners on December 16<sup>th</sup> & 17<sup>th</sup> and announce them at the December 21<sup>st</sup> meeting.

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

Motion to adopt Resolution R24-2023 Changing the signers for the Multimodal Grant

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

Consideration on advertising for RFP's for 2024 Municipal Engineering Services

Dane currently knows there are a couple of proposals already and he really thinks it should go in the newspaper to give other local firms a chance to submit. He wants it in this week with adoption at the January meeting.

Discussion on Rental Inspection Applications

Dane said he has been working with Tyler and the billing office on what is going to be sent out. Dane got a thumbs up from Mr. Nanovic on the draft. It aligns with our ordinance. We plan on sending the letter out with all utility bills. It addresses landlords, tenants and homeowners. They will start going out December 7<sup>th</sup> over billing cycles concluding December 28<sup>th</sup>. The affidavit will also be included to be filled out and returned.

Autumn asked when the inspections are intended to start. Dane said Tyler believes they will be in February or March and will be done in 4 quadrants. There will be a lot of work

behind the scenes. From what Dane understands there will be other BIA employees involved in this.

Autumn asked if the fees were finalized. She was involved in this in the beginning and then got filtered out. From what Dane has seen so far has been a \$75 fee per year. If an inspection fails it will be a \$50 reinspection fee. Autumn said an initial inspection and one reinspection was included in the fee but it was a higher fee of \$150 she believes. Dane said that was news to him. The solicitor said the fee should be adopted by resolution but doesn't remember if one was adopted so if not it should be put on the January agenda. Autumn said there was a different fee for the high capacity units like Gypsy Hill, hi-rise and Victory Estates. Dane will speak to Tyler and Tim about this.

#### Consideration on awarding Garbage Contract

Council thought the biggest question is the toters. Councilor Saunders thought saving the taxpayers \$150,000 was a good thing but by the same token if that is built into the contract then the borough owns the toters and every contract after that would be less. President Hunsicker said then we will also have to repair and replace the toters. That is more work for Public Works to do.

Councilors Saunders/Perry made the motions to award the 5 year contract without new toters and all were in favor with no questions or objections.

#### Presentation of proposed 2024 Budget

Dane said in leu of the last motion we are still at a \$388,000 deficit. He had a couple options. The 1<sup>st</sup> one is what was discussed on Thursday evening, a 2 mill increase to the taxpayers, increasing the garbage rate by 60% and this would include a \$1.3 transfer from Light & Power. In this years budget it was passed as a \$1.5 million dollar transfer but have so far stuck to \$1.3. Dane's budget had a \$1.2 million transfer hoping to bring down but this option is to bring it back up to \$1.3, 2 mills and then the 60%. The 2<sup>nd</sup> option he provided in red would be the highest of the 5 he is proposing is the 2.5 mill increase, 80% increase in garbage collection fees and then \$1.5 L&P transfer. It's just showing the power of the transfer and how much money we are getting out of the revenues. The 3<sup>rd</sup> option in green shows what happens if we don't increase the taxes at all. If we don't raise taxes and L&P transfer we would need 100% increase in garbage collection fees and would have to impose a 5% increase in our sewer collection charges. He is under the assumption that we keep the L&P transfer at \$1.15. The 4th option is a 0% increase to trash and sewer but raising that L&P transfer to \$1.5 million that was budgeted for in 2023. If we basically go to the max that we have ever budgeted for and stick to it we would only need a millage increase of .5. Lastly, he showed what would happen if we went with an even lower L&P transfer to only \$1 million transfer we could do so with a 1 mill increase, a 90% increase in trash collection fees and a 12% increase in the sewer collection fees. These are only examples showing the worst case in any direction so it's, there's 1,000 possibilities here. He just outlined the ones showing what would get us close. They are

all within \$45,000. They would need to be tweaked here or there. He kept to whole numbers and percentages in powers of 5 to make it easier to understand.

Councilor Rehrig said we discussed 100% increase in garbage, leaving the \$1.3 million transfer without an increase in sewer. Dane said a 5% increase in sewer collection fees would be about \$72,000 in revenue for the borough. However, that is only ½ of what the difference in the transfer would be. So, if we were to eliminate and increase in our green line item it would require a \$1.2 million transfer which is lower than what we did this year but higher than what we he was hoping for next year.

Donnie said in lieu of knowing our garbage fees doubling this year he is looking at everybody creates garbage and it's a fair way across the board that everyone pays. If you do it on millage only certain people pay. Lisa said we would be doubling the garbage to \$50/month and a 5% increase to the sewer charge. Dane said that would allow us to, it would be \$2 more and we would be able to lower the L&P transfer to the lowest its been since 2020. Ryan agreed with Donnie on doubling the garbage and adding the 5% to the sewer fee. Autumn asked if the 5% in sewer could be used to cover the General Fund and was told its not to be used to cover the Geneal Fund by the solicitor. The solicitor went on to say that the 5% increase in sewer will be there for wages, materials that keep going up over the years and he feels it is kind of conservative. Dane said that line does not include a millage increase at all. We could completely avoid the Sewer Fund, do the 100% to the garbage rates and add in lieu of a \$72,000 revenue from the sewer we could do a millage increase and get \$76,000 and be right there. Go from 10 to 11 mills and not touch the sewer. Autumn said we never want to raise taxes but as everything is going up yet we want to provide the same services to the community we need to have more money. Councilor Perry liked option #3 and Grant and Becky agreed.

Councilors Perry/Worthy made the motions to go with option #3 for the budget and all were in favor with no questions or objections.

Councilor Saunders asked if they will see the draft at the December 21<sup>st</sup> meeting. Dane said the plan is to adopt or advertise the budget tonight with final adoption on. This will be addressed, basically with this we need to address because these numbers were simplified to be round numbers we are in the positive by , still have a deficit of (\$45,000 Ryan said) a surplus of \$45,000 that we could limit the sewer charge to 4.8% or whatever it needs to be or lower it to the next solid number so the billing office doesn't have an issue with it and it gets us closer to zero. That is everything you saw on Thursday evening plus these changes. The collection fees would go 1.5 times what they were last year to 2 times what they were last year. The sewer fees would be multiplied by 1.4 something to zero out the budget and the L&P transfer would go from the \$1.5 budgeted for this year, \$1.3 that we accomplished this year down to \$1.15 for next year. So that combined with what everyone saw Thursday night plus what Ryan and Dane discussed on Friday morning will need a motion to advertise that. Dane was asked to give an overview of what option 3 was by a member of the audience. Dane said option 3 was no increase to taxes, garbage rates would double from \$25 to \$50 a month, sewer fees will be

raised up to 5%, whatever is necessary to zero out the budget, the transfer from L&P would be lowered to \$1.15 million.

Motion to advertise the proposed budget

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

Motion to advertise Tax Levy Ordinance

This item was not adopted as there was no tax increase for the 2024 Budget.

Motion to approve Payment Request #2 for \$310,891.59 to Livengood for the Waterfront Pedestrian Improvement Project

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

Discussion on yearly horse-drawn carriage applications and permits

Dane said Bambi asked him if she could have a 1 time fee for a horse drawn carriage permit. There currently is only a yearly fee recently adopted before he came here. She is planning on having a horse drawn carriage at her event this weekend. Dane said he saw no issue issuing a 13 month permit for \$300. That would take her from this event through all of 2024.

Some of council thought this ordinance was to reflect the mobile food vendor license which has a choice of per event, monthly and yearly fees. The solicitor will have to look into this before suggesting any changes.

Dane said Bambi also wanted to know if the loading/unloading of passengers could be done on a closed street. Council didn't see that as a problem. Lisa didn't see a form for it on the website. The solicitor said he didn't see anything on General Code and is assuming the ordinance was never sent in.

Council agreed to use the mobile food vendor form for the horse drawn carriage for this event only with a \$20 fee and allow the loading/unloading on the closed street.

Officials Reports

President of Council

Nothing.

Borough Manager

Report enclosed.

Borough Engineer – Active Projects and Task Report

Vanessa said the awarding of the I&I Grant application is still being pushed off for an announcement date. It is now December 21<sup>st</sup>. The Senior Center Roof project is expected to start next week sometime. She is continuing to review the land application for 255 Bankway. It was discussed at the last planning commission meeting. If all revisions are made and approved by the commission it will be coming to council for approval.

Solicitor

Nothing.

Treasurer

Approval of additional bills totaling \$54,719.07

Mayor

Nothing.

Police

Consideration on dissolving current Civil Service List and creating a new list. The last person on the list was disqualified. The Chief is asking for the Civil Service to advertise for applicants. Troy said he does have a sample that he worked with the last time he was on the civil service commission for use. He does want to know if we are having an application fee, the application availability to apply timeline and end date. Ryan will contact the Chairman of the Civil Service and set up a meeting.

Councilors Perry/Saunders made the motion to have Civil Service create a new list and all were in favor with no questions or objections.

Fire Chief

In 2024 the department is celebrating it's 150<sup>th</sup> Anniversary of Providing Fire Protection to the borough. They are looking at having some festivities. The 1<sup>st</sup> date that comes to mind is September 28, 2024 which will be the parade and celebration. Patrick then asked if BIA has a list they will be going off of for the rental inspections that they can review and/or get out to the landlords to limit 2<sup>nd</sup> inspections or are they going off the IBC and IFC. Could the fire department have some input into what is looked for based on what they see going into places on calls?

Dane said from what Tyler has been suggesting they won't be going in there with a ruler measuring, ya know a step height and stuff. A lot of these buildings are old and it's gonna come down to are there safety railings, windows operable, working smoke detectors, batteries in them, can rescue personnel safely get into and out of the structure. Dane said after we receive the applications which are due within 30 days, as of February 7, which will be 60 days after we send out the first letter we should have a majority of them. If it's like tax collection, we should have like 92% by the date that we are putting.

Patrick asked if Tyler had a list that they could review. Patrick reminded Ryan that the department was well involved in this a few years ago and now this time he has no involvement. Patrick would like to have some input. Dane said he was shown a list that was basically before him but since then determined that running through the list, checking them off, was more of a waste of time than just sending out an umbrella letter to everybody in everyone's bill. Dane to provide Patrick with the list he has.

Autumn said she was also involved in the beginning of this and said Tyler was against sending out the list of what they will be looking for so people didn't think those were the only things that would be looked at. There is a place on the internet for the IBC.

Light & Power Superintendent

Absent.



Public Works Supervisor

Absent.

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 – nothing.

Police, Fire and Safety – Donnie Rehrig, Chair; Lisa Perry, Co-Chair – nothing.

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 thanked everyone involved helping to make the tree lighting a success again.

Canal Commission – Ryan had 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, additional bills

Councilors Rehrig/Abelovsky 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 Perry/Saunders made the motions to go into Executive Session at 8:50pm and all were in favor with no questions or objections.

Motion to go back into Regular Session

Councilors Saunders/Rehrig made the motions to go back into Regular Session at 10:05pm and all were in favor with no questions or objections.

Motion to Adjourn the Meeting

Councilors Saunders/Worthy made the motions to adjourn the meeting at 10:07pm and all were in favor with no questions or objections. Meeting adjourned.

Brenda L. Kreitz  
Borough Secretary