

February 10, 2020

The regular meeting of Lehighon Borough Council was held in the municipal building on Monday, February 10, 2020. The meeting was called to order at 7 PM by Pres. Grant Hunsicker. Members in attendance were: Councilors Lisa Perry, Darryl Arner, Autumn Abelovsky, Ryan Saunders and Jr. Councilor Grant Schaeffer. Absent: Joe Flickinger and William Rodweller.

Officials in attendance were: Borough Manager Nicole Beckett, Borough Secretary Brenda Kreitz, Solicitor James Nanovic, Bruce Steigerwalt, Mayor Clark Ritter, Police Chief Brian Biechy, PW Supervisor Kris Kunkle and Recreation Director Tom Evans. Absent: Fire Chief Patrick Mriss due to training and L&P Superintendent Lonny Armbruster.

Pledge of Allegiance

HEARING OF PERSONS PRESENT

Mr. Roy Christman, 6495 Pohopoco Drive was present to update council on the fact that Mahoning Twp. and Nesquehoning Borough passed the resolution he presented to council last month. Mr. Christman said it is very hard to get political reform in Pennsylvania and if it does not happen now it will not have a chance to happen again until 2030. He is hoping that council will pass the resolution this evening.

Rick Dopira of 231 Alum Street, Apt. 2 wanted to address council about the cars speeding near his home late at night. He has called the police several times about the issue but they need help to stop this problem. He feels the blocks are too long in that area and wondered if speed bumps would help slow cars down.

APPROVAL OF MINUTES

Reorganization Meeting and Regular Meeting of January 6, 2020

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

NEW BUSINESS

Motion to approve AFSCME Collective Bargaining Agreement

Councilor Perry said the 15-minute break was discussed but not changed in the agreement. Nicole said it will be handled administratively.

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

Consideration on request for the Debra Kaye & Joseph Bennett Land Development/Subdivision and Vacation Plan

Nicole said they have been working with Mr. Bennett and the contractor on the proposed retaining wall. Nicole asked Mr. Bennett to provide council with an update on the

project being we have continually granted extensions for about the past 1 ½ years. He did provide the update.

Nicole and Bruce have been working together on the stormwater permit and today they had a conference call with Attorney Nanovic to bring him up to date on what is being requested. At this point Mr. Bennett is requesting to stabilize the wall that was erected. Nicole said they are trying to work through all that and she asked the solicitor to come up with language for council.

Attorney Nanovic said what Mr. Bennett is looking to do is construct a retaining wall and calling it a phase of the project. Attorney Nanovic said it really isn't a phase because he doesn't have an approved project yet. At the same time the solicitor feels everyone agrees that there should be some work done there. The language would be authorization to allow the developer to proceed with the construction of a retaining wall as requested in his letter of January 31, 2020 conditioned upon approval and such conditions established by the solicitor, manager and engineer. Basically, council would authorize Mr. Bennett to do it and we would come up with whatever conditions were appropriate. That hasn't been finalized just yet. Mr. Bennett will need some type of improvement agreement and certain permits.

Nicole said the plans have all been submitted and a permit will need to go through our code official. The thought process was to bring this matter to council so if everything is in order prior to the next council meeting we can have the work begin to get the wall stabilized.

Bruce commented on the fact they are asking for another extension tonight.

Councilors Saunders/Abelovsky made the motions to authorization to allow the developer to proceed with the construction of a retaining wall as requested in his letter of January 31, 2020 condition upon approval and such conditions established by the solicitor, manager and engineer and all were in favor with no questions or objections.

Councilors Perry/Abelovsky made the motions to approve the time extension until October 31, 2020 and all were in favor with no questions or objections.

Motion to approve the retirement of Officer Neal Ebbert

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

Consideration on request from the Mahoning Inn to adjust sewer utility billing

Nicole provided council with Mr. Singh's letter regarding a leak he had at the Mahoning Court Motel that went on for about 6 months. He is requesting to have his water bill adjusted. You will see the Water authority did not grant Mr. Singh's request but will offer a \$500 credit once he replaces the service line.

Mr. Singh's argument to the borough is that the water did not go through the sewer system. We bill our sewer based on water consumption. Mr. Singh is asking council to consider granting him an adjustment considering her paid about \$2,300 extra because of the leak. Nicole provided council with a spreadsheet if they wish to consider approving an

adjustment or approving an adjustment if the service line is replaced. Nicole said Mr. Singh is not wrong in saying that the water did not go into the sewer system. We can't meter how many times a toilet is flushed or what have you and it may have gone into the ground but we don't know that for sure.

Councilor Abelovsky asked if this has ever happened there before. Nicole said there was one adjustment we made long ago but not near this amount.

Councilors Abelovsky/Perry made the motions to credit the account for \$708 provided the water line is fixed first and all were in favor with no questions or objections.
Consideration on request from LWA to waive the fee for Excavation Permit (\$75)

Nicole said they had obtained an excavation permit for the work being done on South 8th Street.

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

Update on Public Works Storage Building Project

Nicole said this was discussed again last year and money was put in the budget. There is about \$40,000 in the budget for the start of the construction of the project. Nicole discussed the project with Kris and Keystone Consulting. She received an engineering proposal for \$45,000 from Keystone. The building will cost much more than originally presented. Nicole talked to Kris and Jeff about options for the building. Nicole provided council with bids from another municipality who did a similar project. The bids ranged from \$391,000 and \$612,000. Their building was a bit larger than what we are proposing but it gave council an idea of what the cost is going to be.

Nicole's initial thought is to phase in engineering like we have done with other projects to get a good idea of what we will be doing. Nicole suggested proceeding with site feasibility at the existing site and to find out if we will need geotechnical engineering studies done. This will get the ball rolling and give insight to what we will be walking into in the future.

Kris said he is good with the way the project is being proposed. The current situation is tight like a jigsaw puzzle maneuvering machinery around. Equipment sitting outside is being deteriorated by the weather. Nicole said the need is there. She is comfortable working with Keystone Engineering for at least phase one of this project. Nicole will come back to council with costs.

Discussion on the \$230,000 award of the Local Share Grant for the Waterfront Pedestrian Safety and Traffic Calming and plan for the project

Nicole said this is a non-matching grant. The total project estimate was \$850,000. We did submit for both PennDOT and DCED multimodal funds. DCED, she believes will have the option again to waive the match but you can't use DCED funds to match DCED funds. She is recommending proceeding with applying with the PennDOT multimodal to use for a match. DCED Local Share was looking for an answer on whether we would like to reduce the

scope or what our game plan would be. She recommended seeking out additional grant funding this year for the project as our answer. The engineers did provide a recommendation to us in reducing the scope but Nicole does not feel it will accomplish what council wishes to have done down there.

Nicole said we still have the additional concerns of removing the overhead signs along with the condition of the roadway and wrong way traffic there.

Councilor Saunders felt we should try for the PennDOT multimodal. Nicole asked if council also wanted to go for the DCED multi-modal and then ask to request a waiver of the match. It doesn't cost anything to apply.

Councilors Saunders/Perry made the motions to seek additional grant funding and all were in favor with no questions or objections.

Nicole pointed out that this was a very sizable Local Share Grant and we were fortunate to receive it. Senator Yudichak went to bat for us to get this because he believes in the project.

Motion to approve Payment Application #1 for the Leighton Memorial Library Project in the amount of \$36,990

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

Consideration on the hire of Steve Anthony as a substitute crossing guard on the recommendation of the Police Chief

Councilors Perry/Saunders made the motions to approve pending passing the pre-employment process and all were in favor with no questions or objections.

Consideration on the hire of Felicia Sue Anthony as a substitute crossing guard on the recommendation of the Police Chief

Councilors Saunders/Perry made the motions to approve pending passing the pre-employment process and all were in favor with no questions or objections.

Consideration on the request from Elizabeth Lorenz for \$5 increase on health inspections and discussion on fee schedule

Nicole said this is due to the state no longer purchasing the computer for the inspector to use. Nicole said Elizabeth is a professional service entity to the borough and could have just said she was increasing her rates but instead requested council approve it.

Councilor Perry asked if it is a special laptop and Nicole was not sure but assumed there was certain criteria due to state programs being on the laptop. Council Saunders asked if she was requesting this increase from the other municipalities she works for and Nicole said she believes so.

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

Motion to approve \$50 ½ page Sports Hall of Fame advertisement

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

Consideration on the appointment of Richard Zimmerman to the Parks & recreation Board

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

Unfinished Business

Consideration on resolution R6-2020 supporting fair legislative district in Pennsylvania

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

Consideration on the appointment of William Rodweller to the Parks & Recreation Board

Councilors Abelovsky/Perry made the motions to deny the appointment. Councilor Perry stated the fact that Mr. Rodweller cannot be present at council meetings. All were in favor with no questions or objections.

Motion to award bid and alternate (if needed) for the Beaver Run 12,470 Circuit upgrade Project to Henkels & McCoy in the amount of \$608,000 based on the recommendation of Utility Engineers

Councilors Saunders/Perry made the motions to award the bid and alternate (if needed) and all were in favor with no questions or objections.

Officials Reports

Borough Manager

Nicole told council the month has been crazy and her written report will be emailed out tomorrow to everyone.

CCMA is requesting that council authorize payments of the O&M bills at each meeting because the secretary can't get them to us in time now that we have changed the meeting date.

Councilors Saunders/Perry made the motions to pre-authorize the payments of the CCMA O&M invoices with Nicole's approval and all were in favor with no questions or objections.

Borough Engineer

Nothing.

Police

Chief Biechy said the body cams are working well. They needed a bit of tweaking but the guys seem to enjoy them. The state updated and changed their UCR reporting website and it is nothing like it used to be. He has been working with Karen to make some changes to accommodate for that.

An SFST Instructor class was held upstairs at the department with the state police, different local agencies and one of our people got into the class and is now an instructor.

The department is getting caught up with our training both at that academy and with Taser and Fire Arms.

KME called and the new vehicle is ready and we should be able to pick it up this week. Car 1 is now out of service. The school district has indicated that they are still interested in it. Chief Biechy is recommending donating it to them but that is council's decision.

Councilors Perry/Abelovsky made the motions to donate Car 1 to the school district once the new vehicle arrives.

When the new distillery on Lehigh Drive is full, cars are parking on the West side of Lehigh Drive in the grassy area where the monuments are. Nothing is posted saying they can't but his nightshift guys are telling him they first park in the trailhead parking lot, then behind the building, then in front of the building on Lehigh Drive and when that is full they start parking on the West side of Lehigh Drive. Officers have not asked them to move due to nothing being posted in the area. Chief Biechy said he just wanted to bring this to council's digression.

Nicole said she will talk to them about the situation and see what can be worked out.

Mayor

Nothing.

Fire Chief

Absent due to conducting a training.

President of Council

Nothing.

Solicitor

Nothing.

Treasurer

Additional bills totaling \$65,804.86.

Light & Power Superintendent

Absent.

Public Works Supervisor

Kris said 69 ½ Stedman Avenue is finally completed thanks to Joe Hutta. His department is working on treating the ice, chipping trees and reinstalling a catch basin.

Recreation Director

Nothing.

Committee Reports

Finance and Administration – Lisa Perry, Chair; Joe Flickinger, Co-Chair – Lisa said Nicole attached their agenda to council's meeting packets. It is going to be a tight year. Nicole said we will monitor cash flow into March and then make additional recommendations to council at that time.

Economic Development, Buildings and Codes – Joe Flickinger, Chair; William Rodweller, Co-Chair – nothing. Both absent. Nicole said the update on the Main Street

Steering Committee will be in her report. The committee did submit for HGTV's Hometown Takeover. Our video is on YouTube and Facebook if you would like to see it. The committee remains active and continues to have a full table every month. The sub-committees are becoming more active. It has been positive and things with Beth are going extremely well. She is full speed ahead to be sure she can get the tasks completed by her end date which is the end of April. Beth will be providing a written report to council and presenting it to you on her data collection.

Ryan wanted to add one thing under Buildings. The Chief, Nicole, and himself met with McCullion regarding the police station having some issues and it is in need of repair. He had some questions which he asked the Chief and Nicole but would like to ask the other directors also. Ryan is aware that we don't have any yearly preventative maintenance scheduled for any of our buildings. Tom has it scheduled for the Annex but we should have a plan in place for all buildings.

Grant said we did have one in place a few years ago. Nicole said we have had several but now with all the buildings we have it would be better to have the maintenance of all buildings in one person's hands instead of the department heads. We are working on that now. She asked Brian if he spoke to McCullion and he did to get the quote but he is on vacation.

Kris said he has a young kid in his department, Zack Klotz, who just graduated from Vo-Tech in Heating & HVAC. Ryan asked if council wanted to do this internally then. Kris said he is not sure how involved he could be with it. Kris thinks Zack knows a sufficient amount of knowledge. Brian said he doesn't care who does the work. The work just needs to be done.

Ryan asked Kris if he was comfortable talking to Zack and taking him around to each building to see if he is comfortable taking care of them. Nicole said she will speak to the department heads and see what the best route will be whether it's in house or contracted out.

Kris said Zack is pretty much working full time he thinks with Shawn Kresge. Nicole will work with Kris over the next month and bring it back to the next meeting.

Police, Fire and Safety – Ryan Saunders, Chair; Autumn Abelovsky, Co-Chair – nothing. Autumn had one item. She has been in constant contact with the Chief and Mayor over the traffic situation on Mahoning Street during after school hours. The issue is getting worse as time is going on. She would like to sit down with the Mayor and Chief to brainstorm more ideas of what can be done there. Her goal is more education right now to the community of where our school zones are. As people get past Beaver Run Road she thinks people feel they are past the school zone and yet there is one more crosswalk. Numerous children have almost been hit in the past month even with the crossing guard standing in the middle of the street. We have cars go around our crossing guard. They are just disregarding the area. Autumn would like to get the information out to our public

whether it is through a PSA or signage, flashing lights, social media, newspaper or something. She asked if council is ok with that and they were.

Brian said his guys have been sitting out there and maybe not reporting back to him that level of problem. He did however reach out to a local business. It is called Radar Sign. It flashes your speed as you approach and also collects data through software that lets us know times speeds are an issue. He did reach out to another community business to see if through their community outreach they might be able to help fund this or a part of it. The cost is about \$3,300. Brian said it is a way for his department to see if the issue is school related or not.

Autumn said when the police car is there and visible then everyone slows down so the officer is not seeing what the parents do. Council asked if the school district could park the old Crown Vic there and Brian said if they re-letter it that would be a possibility to have them park it on the edge of their property and his department could then focus on Beaver Run Road.

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

Sewer Committee – William Rodweller, Chair; Darryl Arner, Co-Chair – nothing.

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

Canal Commission – Ryan said there will be no meetings until March.

Library Board – Autumn said the ground breaking ceremony will be held next Wednesday, February 19th at 4pm. She encouraged all of council to be there and support the local library. There will be food too.

Parks & Recreation Board – Autumn said they made some headway in changing their directions at their last meeting. Their Facebook name has been changed to Lehighton Borough Parks and Recreation Board. They are very happy to have Mr. Zimmerman join the board. She thinks one of the first things they will have him focus on is working with FTAA and Public Works and get Baer Memorials baseball diamond worked on and completed.

Kris said he went down to the Lower Park today and the eagle is not ready to fall over yet. He did get some quotes for the removal of some trees. He, Tom and Lonny walked the parks and Grove and got 3 different quotes for each quadrant. He said the Grove is \$6,000, \$4,000 for the Upper Park and \$6,000 for the Lower Park for tree removal. There is one at the Grove that was struck by lightning and damaged some of the play equipment. Nicole said there is about \$8,000 in the budget for tree removal. Depending on how the tree would impact the electric lines there would be money in Light & Power too.

Councilor Abelovsky suggested doing whatever could be done with the money already budgeted.

School Board – nothing.

Acceptance of Officials Reports

Councilors Saunders/Abelovsky 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

Councilors Saunders/Abelovsky made the motions to accept the accounts payable plus additional bills totaling \$65,804.86 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 7:55 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 8:23 and all were in favor with no questions or objections.

Action on Items from Executive Session

Councilors Saunders/Perry/ made the motions to reclassify Ren Wentz as recommended by the L&P Superintendent and all were in favor with no questions.

Councilors Abelovsky/Perry made the motions to request the Civil Service Commission to proceed with the eligibility list for patrolman and all were in favor with no questions or objections.

Councilors Perry/Abelovsky made the motions to approve the two year borough manager employment agreement and all were in favor with no questions or objections.

Councilors Saunders/Perry made the motions to approve the one year police chief employment agreement and all were in favor with no questions or objections.

Councilors Perry/Saunders made the motions to approve the Salary Resolution R07-2020 as presented and all were in favor with no questions or objections.

Motion to Adjourn the Meeting

Councilors Perry/Saunders made the motions to adjourn the meeting at 8:26 PM and all were in favor. Meeting adjourned.

Brenda L. Kreitz
Borough Secretary