

March 2, 2020

The regular meeting of Lehighon Borough Council was held in the municipal building on Monday, March 2, 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, Joe Flickinger, Ryan Saunders. Absent: Jr. Councilor Grant Schaeffer.

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

Pledge of Allegiance

GUEST SPEAKER: Joe Bennett– Presentation of 443 Development Project

Mr. Bennett wants to do the project in two phases. Due to the nature of the shale there he will be able to move the wall back gaining as much depth as possible. Phase 1 – install the wall with as much depth as possible. Test drilling has been done to show what the consistency of the shale is.

Mr. Bennett said Greg spoke extensively to Bruce last week and they discussed how to move forward and the only way to do that is to phase it. Initially we will do the wall and stabilize the shale that is on top then secondarily design a sufficient water runoff and determine what that will be based on where the wall ends up.

Mr. Bennett introduced Tim who said when they 1st started out they wanted to phase the wall with Greg from Carbon Engineering. When the wall was finished, we would do an as-built for the stormwater. There is a full design drawing done now. We need to bite into solid rock. Where the wall was originally going to go was infill material. An SRW or block wall could be put in but that would require digging all the rock out for the geo grid to go in and then do vertical shoring for that, which is not very economical.

Tim said the best option is to move the wall and thinks they have moved it back 8–9 feet off the original line. The wall engineering is the expensive part. It makes more sense to do this ahead of time and then as-built the stormwater as we go. It just makes more sense.

Dave Moyer said they brought drawings showing the rock they could tie into. Tim said it shows the boring locations both horizontal and vertical to figure out where the competent rock was and how far back it was and also the depth. Once we start excavating this out, we will really know what we are getting into.

Dave Moyer said the wall could move 4–5 feet either way and Greg from Carbon Engineering wanted to phase it to get stormwater for first phase and get the wall in and grass back on the slope before summer down to the retaining wall then as-built the rest of

the stormwater in front of the wall as he needs to add additional drainage in front of the wall. They picked up 8–10 feet on the AutoZone side. He thinks the rock near AutoZone is more competent.

We are asking to get phase 1 done tonight. Get the slope taken care of, get the grass back on and get the wall put up where it needs to be so it is secure and stabilized and then move on to an as-built to do the second phase.

Tim said the alternative is to do stormwater now and then have to as-built the wall which is not very economical. It just doesn't make sense to do it that way. It's better to set the wall where it needs to be and then as-built from there.

Joe said the shale has not moved off the property which is good and they don't plan to put macadam or a building or anything there. That will be phase 2. He has one tenant and is looking for a 2nd one. His request is to be allowed to do phase 1 and then come back to do phase 2.

Nanovic said at the last meeting council gave permission to proceed with the approval of Nicole, himself and Bruce. Nanovic thought this is what Bruce was working with Greg to iron out any issues there may be.

Joe is concerned that Bruce is looking for him to bond and secure the whole project with all the stormwater and that is cost prohibited at this time until we know where we are going with it and know that we can get the square footage with it to get two tenants in the property.

Joe said there is consternation in dealing with some of the issues with PennDOT. Three weeks ago, they dropped a bomb stating that no left turns will be allowed coming off the bridge onto his property. He has to get through that and hopefully do better than he has in the past with PennDOT.

Nicole said there are a lot of dynamics on our side. She has provided council with an email updating them of the conversations since February 10th and the 4 conditions we came up with (Zoning, building, stormwater permits and developers agreement for phase 1). Nicole also provided council with an update of why this project has been so complicated. There have been extensions since August 2018, NAPA, our 1st land development plan to fall under our new stormwater ordinance and just the overall changes in the plans.

Nicole asked Joe to verify that he is asking to not have to get the stormwater permit? Joe said they are asking right now to be able to proceed without planning for all of the stormwater. Nicole asked if he meant for the entire project or? Joe said they are going to look to do stormwater for the whole project but not at the present time.

Dave Moyer asked Tim if Greg had temporary stormwater in phase 1 because the drawing showed piping to a storm box to take care of phase 1. He just didn't want to move to the whole site.

Bruce said what Greg got permitted is not what is shown on the wall design. Joe asked if that was because it moved back. Bruce said it moved back, there was a larger

building shown on the wall design drawing (big “L” shape) at the Northwest corner and that changed all the grading up slope. What was a two-foot concrete channel behind the wall now on the wall design shows a 10-foot-wide concrete channel with inlets dropping down and taking some water and discharging it on the western side of your property. When we saw that Bruce feels that requires a major modification to Joe’s NPDES permit. It will change the impervious area, all the slopes will change, times of concentration, possible it will change all his stormwater piping and his overall design for his NPDES permit. The NPDES permit was issued for a completely different set of criteria. There are going to be some stormwater segments installed with this wall. Joe said that is correct.

Dave Moyer said yes, the channel will take stormwater to the piping going to the western side of the property and then go back and do an as-built for the project and work through that while the wall is being done.

Bruce said he understands that but the borough ordinance says that anything that is a regulated activity and before you start that regulated activity requires a stormwater permit and this is considered a regulated activity. Dave asked if it could be looked at as phase 1 and then phase 2 comes down. Can phase 1 be taken care of with the stormwater? Bruce said he doesn’t know how you get a stormwater permit for a regulated activity without going through the process of getting the permit. Nicole said she told Joe prior to the meeting that this is not the venue to go through all of these activities.

Joe said the issue is, can this be done. Yes. This is a very unusual property. This isn’t a flat property like the bypass. We need to gain as much square footage as we can and that is why a wall is required. To pay for the wall the square footage of the building must compensate for that cost. Bruce is correct that the building size has increased to accommodate a 2nd National Credit tenant. Therefore, in order for us to do this project is to stage it. He is asking us tonight to let us stage this project so we know we can add a 1,000 sq. ft. to this building. We won’t know that until that wall goes up. He has hired proficient people who build walls and this is what they do. Jim Thorpe and PennDOT are happy with that wall.

Joe said we are looking for this to be something flexible so we can get started and are asking for your approval tonight.

Nanovic said whether or not council wishes to take any action tonight is up to them. His understanding is that he thought we tentatively did. You want to put in a wall. That is going to have some effect on stormwater on that property correct? Joe said yes. Nanovic said and you’re going to have to have some stormwater management on that. We are looking and going alright, council did approve this going in. He looks at this as a completely separate project. The reason Nanovic says it is a completely separate project is because this project has been going on for several years. So, he looks at it as so the wall will go in but we have no idea when the rest of the project will go in. We want to make sure that it adequately addresses any stormwater issues that are created. That being said,

Attorney Nanovic now defers to Bruce, Tim or Greg and say as to what stormwater management devices are needed to address this project whether you call it a project or phase 1. There has to be some stormwater management that has to be done. So, Attorney Nanovic needs Bruce, Tim, Greg or some professional to tell me what that is. Joe agreed and gave a caveat. Can Joe proceed with phase 1 allowing for stormwater management for phase 1 and then come back with phase 2 once we know the square footage of the building, and how much is going to be imperious.

Nanovic asked if there has been a meeting where all of you sat down in the same room and discussed this. Joe said Bruce and Greg sat down last week. Nanovic asked how far they got and Bruce said they got very far with the plans he submitted to the Conservation District that he got an NPDES permit for. Then the question arose in a certain area who are they going to build this wall. They pulled the wall drawings out and laid them next to Joe's stormwater design and it was completely different. Bruce's question is why didn't Greg know that the wall design was different than what he was submitting to the Conservation District for an NPDES permit.

Joe said because these gentlemen know that they need terra-firma to drill through and therefore they knew they needed to build it back. Can we allow the experts to build it with assurance that it will be done right? Bruce asked when will they know that. Dave said he would answer that question. He said Greg knew early on. Bruce asked if Greg knew last August and Dave said they talked about that and the rock being loose and all. Greg's opinion all along was to talk to Bruce and get phase 1 and handle the stormwater with phase 1 and shows that going to the west side into the boxes and then he would like to do an as-built for the rest of the stormwater once we see what we have.

Bruce said what he showed Bruce he got the NPDES permit for was not phase one and it was not for the wall that was designed. Bruce said his question still is when did Greg know? Last August, July? Dave said no. He didn't know until they did the drilling. Tim said that was in the fall around November.

Bruce said then why didn't his stormwater design reflect your wall design? Dave said that is a question for Greg because Greg thought it was going to be phased. Bruce said Greg was flabbergasted when he looked at the wall design and it wasn't what he had designed as part of his stormwater. Now they are coming back and asking us because of a problem with your communication.

Nicole asked Council if they had any questions. Ryan said they already approved the job to move forward pending the proper permits. Joe said he has the NPDES permit. Bruce said it doesn't reflect what you are going to build. Dave said he would ask Bruce and Greg to have them get back together for phase 1 and look at how they can take care of stormwater for phase 1 and then move into phase 2 when you know what phase 2 is. Dave told Bruce that if he and Greg can work out the stormwater for phase 1 with the NPDES permit that Joe has. Bruce said then Joe has to submit a completely different set of drawings

for phase 1 stand alone for stormwater and that is not what he submitted to us for a stormwater permit. Joe said that will take 4–6 weeks and Bruce said he can't help that. Dave said he thinks that timeline was to redo the whole project. Dave thinks if we can get phase 1 it will shorten that up. Joe was ok with that. Bruce said he can't help that communication broke down between the wall design and Greg as to the extent that wall would be when he was doing his E&S Plans and stormwater calculations.

Dave is asking now if Bruce and Greg can sit down and work out phase 1 to meet the requirement of the stormwater ordinance and make it work out. Bruce said yes if Greg has something to submit. Nicole said this is what was agreed upon how long ago. This just came to us January 31st and we discussed it February 10th and its now March 2nd. We have been doing all we can. Bruce said he has been waiting since March 2019 for them to respond to his last review letter on the stormwater permit. Almost a year and we got no communication.

Nanovic said we have acted promptly to your requests. Council authorized Bruce meeting with Greg. Nicole said bring in a plan that works and makes sense. Ryan said council is on board. Dave asked if council was ok with phasing it then as phase 1 and phase 2 as long as the stormwater is met. Ryan said yes, we already told you that. He told Joe that he has council's support.

HEARING OF PERSONS PRESENT

Mr. Rick Dopira of 231 Alum Street, Apt. 2 wanted to address council about the cars speeding near his home late at night again. He had suggested speed bumps to help slow cars down. Mr. Dopira said the police chief thought this might be a good idea in the school district area.

Mr. Dopira thinks maybe passing legislation to require all drivers to have the safe driving app would help. The app lets you know if you are driving too fast or doing several other things you shouldn't be doing while operating a vehicle.

APPROVAL OF MINUTES

Regular Meeting of February 10, and Special Meeting of February 20,2020

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

NEW BUSINESS

Motion to approve request from Esther Agüero to join the Shade Tree Commission

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

Consideration on request from Palmerton Borough for Fire Police Assistance with traffic control March 28, 2020 for Raising the House and May 9, 2020 for St. Luke's University Hospital 5K

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

Motion to approve Resolution R08-2020 approving the Destruction List of borough records

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

Motion to approve Payment Request #2 in the amount of \$64,641.06 for the Library Building Addition Project

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

Motion to approve the resignation of Mary Eubanks as Crossing Guard

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

Discussion and consideration on the purchase of a 2020 Ford F-550 and Body (for chipping trees) in the amount of \$61,329.70

Nicole said this was discussed with the 2020 budget talks.

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

Motion to approve Payment Application #1 in the amount of \$2,250 for the Cooling Tower Replacement Project

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

Motion to approve Resolution R09-2020 requiring municipal officials to give bond for faithful performance in various borough positions

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

Motion to approve Resolution R10-2020 establishing a current base purchased power cost for the purchased power cost adjustment

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

Motion to approve Resolution R11-2020 authorizing the submission of the application for the SR0443/SR0902 Traffic Signal Application to PennDOT and authorizing the signer of the application (pending final review)

Nicole said she received these documents on Wednesday. The plans are in Lonny's hands for review and the resolution is authorizing her to sign them once signed off on by all necessary parties.

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

Motion to approve Resolution R12-2020 authorizing the submission of the application for the SR0443/SR0209 Traffic Signal Application to PennDOT and authorizing the signer of the application (pending final review)

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

Discussion and consideration on the engineering proposal from Keystone Consulting Engineering, Inc. for a preliminary sketch plan for an addition to the existing Public Works Building not to exceed \$2,000

Nicole said she was authorized to proceed with phase 1 last month. This is a preliminary sketch plan to see if it would work on the existing site. If the engineer starts the work and notices it is not a possibility he will stop and we won't be charged the full \$2,000

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

Unfinished Business

Follow up on South 8th Street Sewer Extension request

Nicole said council received a memo as a follow up from the discussion of August 2018. At that point in time we had an engineering estimate of about \$36,000. Council authorized bidding the project. In October 2019 we received the specs and drawings. We talked to some contractors and realized it would be better for the borough to purchase the materials and the contractor would provide a number for labor. Otherwise we would have ended up using Prevailing Wage after \$25,000. We did that and the proposal from Joe Hutta was near \$21,000 and the materials alone were near \$30,000 putting the project over \$50,000 not including Public Works wages or equipment. We can not recommend proceeding with this extension as it is. It would only at a maximum connect 2 properties.

Nicole said the property owner is aware of it and has a plan B.

Officials Reports

Borough Manager

Nicole told council the month has been crazy and her written report will be emailed out tomorrow to everyone. She will include the Main Street minutes from January and February. Parks & Receptions is proposing to have an event in late May as a follow up to the Park dedications. They are looking at Friday, May 29 in late afternoon. If council has an issue with the date, they should let her know as soon as possible.

Borough Engineer

Nothing.

Police

Chief Biechy said they are probably getting their new car marked this week. He has been meeting with the sheriff and some other chiefs on the training center. They are supposed to be adding a law enforcement element to it. We have been meeting to discuss some options we would like to see in it. The mayor and he will be meeting with St. Luke's to discuss the incident that happened over the weekend.

Mayor

He has an item for executive session.

Fire Chief

Discussion on the proposal for the ladder truck

Chief Mriss said the committee for the ladder truck has been meeting and diligently moving along. They have met with manufacturers. They are at the phase now where they should sit down with finance and administration and/or police fire and safety committee to see which way council wants to move forward with the replacement.

President of Council

Nothing.

Solicitor

Nothing.

Treasurer

Additional bills totaling \$8,847.75

Light & Power Superintendent

Lonny thanked council for approving the truck. He said originally, they had it designed as a body for chipping trees. Then they decided to put a dump body on it and can design a body that makes the truck a lot more useful.

Public Works Supervisor

Kris said they completely replaced a catch basin that collapsed on Bridge Street, repaired another one on South 8th Street and assembled the benches for the Upper Park. The F550 that their department ordered last March tentatively went into the body shop this morning.

Recreation Director

Tom asked council to please advertise for his helper.

Councilor Arner said he was in the gym at the Rec Center recently and there is a crack going across the floor. Darryl said it is a trip hazard if you are playing basketball or running.

Tom said he called the company and they are giving him a sealer for that. He said the floor is settling.

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 – nothing.

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 – Darryl wanted to commend Armond Galasso and the Water authority employees who are working on South 8th Street. They have been doing a great job and been wonderful with the residents.

Darryl would also like to see the borough building made truly handicapped accessible. He knows there are those who would like to attend meetings at times and cannot get into the building. It is a public building and we hold public meetings and all our other buildings are handicapped accessible even if it takes an elevator or ramps in the front. The steps in the front could be made into a ramp.

Nicole said the 1st floor is fully ADA accessible. We have ramps. When we applied for the Upper Park grant we did apply to make it accessible up here but it changed the whole design of the amphitheater and would have been very costly.

Streets, Public Works & Recreation – Darryl Arner, Chair; Ryan Saunders, Co-Chair –
Canal Commission – Ryan said there will be no meetings until March.

Library Board – Autumn thanked everyone who came to the ground breaking. The board is excited the project is under way.

Parks & Recreation Board – Autumn said they are planning to partner with local youth organizations for the Great American Cleanup. It is a national program. She said each weekend of the month there will be a cleanup or recycling event. Several scout and 4-H groups are interested along with LDI and Shade Tree. There are about 150 youth and their partnered adults willing to volunteer bringing the total to close to 300 people. This will be a very big community event.

A concert in the park the day after the dedication of the benches is being planned for May 30.

School Board – nothing.

Acceptance of Officials Reports

Councilors Perry/Arner 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/Perry made the motions to accept the accounts payable plus additional bills totaling \$8,847.75 and all were in favor with no questions or objections.

Addendum

Budgetary transfer for \$100,000 from L&P Fund to General Fund

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

Discussion on proposed Safe School Zone Awareness 4-point plan

Councilor Abelovsky gave a brief overview of the plan. She had asked to meet with the Chief and Mayor regarding the issue at the Mahoning Street school crossing. They did meet and came up with this 4-point plan. The end result would be to dedicate a school zone safety awareness week for the first week of the 2020–2021 school year. Autumn said other school districts do this. There are steps to get there. One is to mark the crosswalks differently.

Autumn asked council to please look it over and get their suggestions together so we can get started.

Council asked to have this item brought back next month.

Motion to advertise for part-time Recreation laborer

Councilors Saunders/Flickinger made the motions to advertise 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 7:57 and all were in favor with no questions or objections.

Motion to go back into Regular Session

Councilors Flickinger/Saunders made the motion to go back in at 8:21 and all were in favor with no questions or objections.

Action on Items from Executive Session

None.

Motion to Adjourn the Meeting

Councilors Saunders/Flickinger made the motions to adjourn the meeting at 8:21 PM and all were in favor. Meeting adjourned.

Brenda L. Kreitz
Borough Secretary