

July 6, 2020

The regular meeting of Lehighon Borough Council was held in the municipal building on Monday, July 6, 2020. The meeting was called to order at 7 PM by President Grant Hunsicker. Members in attendance were: Councilors Lisa Perry, Darryl Arner, Donnie Rehrig, Autumn Abelovsky, Ryan Saunders, and Joe Flickinger

Officials in attendance were: Borough Manager Nicole Beckett, Assistance Treasurer/Secretary Kim Rubin, Mayor Clark Ritter and Recreation Director Tom Evans. Police Chief Brian Biechy and Fire Chief Patrick Mriss via zoom. Absent: Borough Secretary Brenda Kreitz.

Pledge of Allegiance

Hearing of Persons Present

Councilor Saunders addressed the residents present regarding the fire work issue in the borough. He said council has seen the petition and the information provided by the group and on behalf of the Police, Fire & Safety Committee. The committee met three weeks ago to act on the petition. If you choose to stay throughout the meeting you will hear us discuss items pertaining to the issue of fireworks. One agenda item is to revise the current ordinance to be safer for the public and residents of our town. It is the committee's goals is to ensure the residents feel safe and to be sure your voices have been heard. Councilor Saunders said a resident did call the Comm Center but did not leave a name. The person was arrested along with several others throughout the last few weeks for people shooting off aerial fireworks in town. Ryan asked residents to leave their name and address and phone number so that if officers arrive and see nothing the officer can contain the resident who made the complaint, take their statement and see that charges are filed. We need the communities help with this problem and by coming forward and giving a statement and being called as a witness if need be you will be making a difference. The borough manager added that a Senate bill was adopted allowing 9 highly populated communities to prohibit consumer fireworks within their borders. Based on the laws out there now it makes it difficult to prohibit fireworks. The PA Municipal League recommended today contacting your House and Senate members today and contacting the local authorities on the need to prohibit consumer fireworks in every community. Annette Tenisci of 238 South 2nd Street wanted to say the residents really appreciate all our efforts and to Mayor Ritter who got on this issue immediately. We are not here to complain but to say thank you. She then read a letter from Darlene Hagenah who could not be present tonight. Her letter told about a car that pulled Infront of her home on South 2nd Street with a trunk full of fireworks that

were set off in the street to the point there was so much smoke she could not see off her porch. The people shooting them off did not see her either but Darlene did say she heard on the people say they had a weapon. Eventually they went into the back alley.

Timothy Snyder of 254 South 2nd Street also wanted to thank everyone for responding to the calls and complaints pertaining to fireworks.

Nicholas Smith of 199 Bankway said the youth is a problem in town. As a youth he is here with the perception of a kids. He sees the kids in Section 8 housing setting off fireworks alone and it is dangerous and he doesn't want anyone to get hurt. These kids are shooting off fireworks at structures, weeds and their friends because they don't know what they are doing.

James Marcum of 279 South 1st Street wanted to make council aware of the issue facing veterans with PTSD and fireworks. He served several tours in Iraq and these big fireworks and mortars do not need to be going off. He said for those who went through it and lived it; you don't need it. When those fireworks go off in the middle of the night and wake you up it's a problem for these veterans and they don't need it.

Councilor Abelovsky wanted to mention about the incident Mr. Snyder spoke about where no officer responded. She said you need to call the Comm Center's non-emergency line. If you call the police stations direct line and it is after hours the call will go to voicemail that might not be checked during the evening.

Guest Speakers – Beth Alboucq, Main Street Steering Committee – Data Presentation to Council

She provided council with packets full of information she has collected during her assistantship on the steering committee. She pointed out the graphs pertaining to the survey results she gathered and explained her findings. Businesses in existence more than 15 years pose the biggest risk of going under at this point in time. Why this is, Beth was not sure. The business district does feel local government is doing a good job of helping them to succeed. Parking at businesses is still an issue. Zoning is an issue for business owners if council is interested in finding a way to streamline the process.

Nicole said two additional members of the steering committee are present tonight. Beth will be with us for another month to month and a half. She is going to assist the steering committee with the business owners round table that will be held July 27. At that time there will be a short survey given to those who attend the round table to see what can be done post COVID.

Approval of Minutes

Regular Meeting of June 1, 2020

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

NEW BUSINESS

Ratification of COVID-19 "Task Force" Actions since June 1, 2020

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

Discussion on continuation of COVID-19 Emergency Declaration

Nicole said there has been talk about how long the declaration should be in place. Ours has an end date to be determined by council. Nicole wanted to provide council with the memo from emergency management suggesting to keep this on the books for now and not removing it.

Councilor Flickinger believes that the County is going to recommend this week or next week keeping this in place until the end of the year and will recommend that to the other municipalities as well. Councilor Flickinger agreed with the County.

Approval of Resolution R21-2020 approving price adjustment of bituminous materials in small quantities

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

Approval of Resolution R22-2020 establishing the current base purchased power cost for the purchased power cost

Councilor Saunders asked what the base is now. Nicole said it is \$54.78 and this will be the final adjustment based on our NextEra contract

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

Approval of resolution R23-2020 authorizing Council President to execute all documentation for the Master Equipment Lease Agreement for the Ladder truck

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

Approval of Ordinance 657-2020 amending sewer rates

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

Motion to approve Payment Application #2 in the amount of \$183,079.54 for the Beaver Run 12,470 Volt Circuit Upgrade Project

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

Motion to approve Payment Application #2 in the amount of \$51,300 for the Cooling Tower Replacement Project

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

Discussion on the 2020 CDBG Pre-Application Project Submission, CDBG-CV Project and Update on 2016-2018 Funding/Project

Nicole said she had provided council with a memo on all the CDBG projects. The construction documents for the ADA and stormwater improvements were submitted to the county and we will be using 3 years of funding for that project with a total budget of \$248,000. The Commissioners will be receiving the bids and acting on them on August 13th. If it is in the budget, they will discuss it with the borough and awarding. If it is outside of the budget, they will discuss it with us further. We had to exclude 7th & 8th Streets from the project to stay within budget.

Nicole said the CDBG-CV application was due June 30th and she submitted for 20 sets of coveralls for the Lehighton Fire Department, assistance to businesses and assistance for the food pantry depending on what funds would be available on the LMI requirement for the businesses.

Nicole said the last meeting we had discussed the CDBG Pre-Application and street improvements. We had difficulty getting it in as the borough engineer was very busy with the Iron Street Project. Nicole submitted a previous application which we had moved funds for ADA ramps. However, we are able to save up funds as we did for the 2016-2018 term and then do another large street project in two years. It doesn't have to be in stone but she did submit for the ADA ramps as a matter of ease for the application.

Discussion/Action on vacancy on Central Carbon Municipal Authority

President Hunsicker said the only letter received was from Manny DaCosta. Councilors Rehrig/Flickinger made the motions to appoint Manny DaCosta to fill the vacancy and all were in favor with no questions or objections.

Motion to approve the vehicle fuel and diesel fuel bid award to Suburban Heating Oil Partners, LLC/Suburban Propane L.P.

Nicole said we bid this out on Penn Bid to reach more vendors. The low sulfur diesel came in at \$1.50 and the unleaded regular came in at \$1.45 and an escalator clause is in there also. This meets our bid requirements for the fuel. They were our only bid and they are our current vendor.

Councilors Saunders/Rehrig made the motions to award the bid to Suburban and all were in favor.

Discussion on recommendation of Police, Fire, and Safety Committee to update fireworks ordinance and recognition of the petition of the South 2nd Street residents

Councilor Saunders said the committee met earlier along with the Mayor, Police Chief and Fire Chief. There were several points of view for a new ordinance. Councilor Saunders would like to form a committee of 2-3 council members to put together some ideas on today's criteria that keeps everyone safe. He said we already have in place that you can't set

fireworks off within 150 feet of an occupied structure and there is nowhere in town that you can set off aerial fireworks and not be within the 150 feet of a structure. Ryan said the fire chief feels all fireworks should be unlawful in the borough.

Councilor Saunders said he would like to sit on the committee. Councilor Abelovsky suggested the Police, Fire & Safety Committee meet again and have any other council members that wish to attend be there as well to discuss the needed changes then present it to council and the solicitor and council agreed.

Mayor Ritter said he would like to set up a neighborhood watch with a block captain so anyone can relay license plates and descriptions of the people setting them off to the captain who can relay the information to the police. Councilor Rehrig said he helped with a Crime Watch group in the past and thinks by the number of residents present tonight it would work again.

Nicole asked council if they wished her to follow up with our representatives on the email she received today regarding legislation and council said yes.

Consideration on the request from UGI Utilities granting Right-of-Way on Lehigh Street

Nicole said this is behind their land on Lehigh Drive and Lehigh Street that comes down from 443. It won't negatively impact us in any way.

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

Consideration on the request to hold the Third Annual Grove Guerilla Reunion

Nicole said they held it before and it was under 25 people but they were hoping to have a larger event this year. She did ask them to come up with a social distancing plan. They also want to donate picnic table to the Grove and leave them there for use by anyone using the Grove.

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

Presentation of the new website proposal

Nicole said we have been discussing our website for some time. It is probably about 11 years old, out dated and not user friendly. We in borough hall cannot update it ourselves. Nicole narrowed down the proposals down to Civic Plus and Revize. She personally likes Civic Plus because they cater to municipalities. They have done Jim Thorpe's and Lansdale's both of which are user friendly and UpToDate and mobile friendly.

Implementation Development is \$7,500 and yearly maintenance fee would be \$2,000. Both companies also will have the website be ADA compliant which our current one is not. Councilors Rehrig/Perry made the motions to go with Civic Plus on building a new borough website and all were in favor with no questions or objections.

Consideration on the request from the Recreation Director to open Baer Memorial Pool to Carbon County Residents

Tom said he would like to open the pool up to the 4 towns around us. Those being Jim Thorpe, Summit Hill, Lansford and Nesquehoning. The other towns in Carbon County have higher numbers of COVID cases. He is averaging 150 per day and is closing the gates when he reaches 200. He is also doing away with parties. He has 4 already booked but will not take any after that. Councilor Flickinger said you cannot tell where next uptick or rise in cases will be.

Councilor Perry asked if restricting the pool to only certain town would it be considered discrimination. She would like the solicitor's input first.

Councilor Rehrig said he will only go along with this proposal if temperatures are taken prior to entry.

Councilors Perry/Saunders made the motions to open the pool to the 4 towns mentioned as long as the solicitor agrees and that temperatures are taken and all were not in favor. Roll Call: yes – Councilors Flickinger, Saunders, Arner, Perry, Rehrig, Hunsicker; no – Councilor Abelovsky. Motion carried.

Consideration on the hire of additional Baer Memorial Swimming Pool employees as recommended by the Recreation Director

Tom said they all 15 years old and their lifeguard class just finished so when the college kids leave, they will be ready.

Councilors Rehrig/Saunders approved the hires and all were not in favor. Roll call: yes – Councilors Flickinger, Saunders, Arner, Perry, Rehrig and Hunsicker; no – Councilor Abelovsky. Motion carried.

Discussion on the renewal rates for the PathStone Lease

Tom said they want to lease the whole building and Tom is suggest \$220,000 for the whole year. They use the auditorium and other rooms for storage. We will still have use of the auditorium and gymnasium rental for the evenings and weekends.

Nicole said the current lease is for \$208,603. Nicole said Tom has included a 2% yearly increase and asked if he was looking at a 2- or 3-year lease. Tom said he would do a 5-year lease.

Councilors Saunders/Abelovsky made the motions to approve the lease if it can be for 5 years with a 2.5% yearly increase and all were in favor with no questions or objections.

Motion to approve the PennDOT Winter Maintenance Agreement

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

Motion to accept Esther Aquero resignation from the Shade Tree Commission

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

Consideration on request from Kim Serfass regarding adjusting commercial rates for home salon during COVID-19 closure

Nicole said Ms. Serfass' letter was provided to council. She operates the salon out of her home and is charged the commercial rate year-round but is requesting residential rates for the 3-month period she was shut down. Nicole said Ms. Serfass talked to her congressman, her accountant and numerous other people which is how this request came to us asking for the adjustment.

Council felt for her and her business but they feel this will set a precedent and are not in favor of doing that.

Motion to award Bids for Road Materials and Aggregates as presented

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

Unfinished Business

Continued discussion for Safe School Awareness and Plan

Councilor Abelovsky said she is sure everyone has heard that for the 2020-2021 school year there will be no busing for students. They are looking at the possibility of adding some busing back in but not for the students who reside in the borough. She met with the Mayor and Police Chief last year to discuss our crossing locations and boosting the safety of those. COVID kind of put that by the wayside. Now looking at doubling our foot traffic in the next year this is something we really need to look into now with no bus stops being within the borough. Maybe we need to meet with the school district to discuss if there will be school routes for the children to follow to and from school.

Council felt it wise to advertise for crossing guards in the event they will need them and to have several substitutes for the coming year.

Councilor Abelovsky said in talking to the superintendent about the signage and so forth she was told there is not money in the budget for that but there is money for additional 3-4 crossing guards at the school's 60% rate is doable. She will be reaching out to the school district again soon.

ADDENDUM

Discussion on Universal Face Coverings Order and thoughts of Council

Nicole said we have had some complaints about restaurants not wearing face masks and it was discussed with the health officer as to how that would be handled and what could be done. A of July 1 the order came out requiring face masks for anyone and everyone. She provided council with the background information on what is done when he goes out on complaints and the cost associated with that.

Nicole is not sure how all this is going to play out due to not being given any more information to date but wanted council to be aware more changes are coming. Council did not provide any comments.

Motion to approve the bills as presented and the additional bills totaling \$486,776.70

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

Motion to advertise for part time public works laborer

Nicole said we have one who is working less hours due to a full-time job and will keep him on our books but won't have as many hours with him as we did.

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

Presentation of Manager's Report

Nicole wanted to touch on a few items in her report. She said we are still waiting for our final reimbursement from our multimodal grant for the Upper Park since February. The Downtown Revitalization hosted a meeting June 22nd and are working on a Lehighon Trail Blog with the D&L as well as the business owners Round Table. Nicole said the utility office does have ACH active for cycle 1 and cycle 2 has been distributed. In a couple months the rest of the cycles will go out. Under the Waterfront Traffic Engineering Study and grant application, we did receive the Local Share award. The grant applications for both multimodal and the Greenways Trials will be due by the end of September. She has the grant writer working on that. The issue at 135/139 North 1st Street is constantly requiring Nicole's attention. It is nonstop with no response from the newest property owner. We do have a civil complaint filed but it has not improved at a cost to the borough.

Motion to go into Executive Session for Personnel and Real Estate

Councilors Perry/Saunders made the motions to go into Executive Session at 8:35 PM and all were in favor.

Councilor Flickinger and Mayor Ritter left the meeting.

Motion to go back into Regular Session

Councilors Perry/Saunders made the motions to go back into regular session at 9:03pm.

Motion on items from Executive Session

Motion to proceed with the appraisal of 114-116 South Third Street

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

Motion to appoint Kim Rubin as Acting Manager during the Borough Manager's leave of absence at the rates negotiated.

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

Councilors Abelovsky/Rehrig made the motions to adjourn at 9:05pm and all were in favor with no questions or objections.

Brenda L. Kreitz
Borough Secretary