

Tuesday 13th of December 2022 - December 2022 Council Meeting Minutes

Pen Argyl Borough Council held a Public Hearing on Tuesday, December 13, 2022 at 7:00 P.M. in the Borough Social Hall. The Regular Monthly Council Meeting for December 13, 2022 followed the Public Hearing at 7:00 P.M.



The Public Hearing was held regarding a Proposed Amendment to the Borough Zoning Ordinance.

Pledge of Allegiance:

Council President Joseph LeDonne opened the Council Meeting with the Pledge of Allegiance.

Roll Call:

Council Members present and responding to roll call: Joseph LeDonne, Tammy Kemp, Janell Connolly, Scott Brumbaugh, Charles Kandl Jr., John Apgar, Stephanie Cooper and Josephine Hildabrant.

Also present were Mayor Stephen Male, Borough Solicitor Peter Layman, Borough Manager Robin Zmoda and Borough Secretary Juli Lemak.

Public Hearing:

Borough Solicitor Layman stated that the Public Hearing was being held for the proposed Amendment to the Borough Zoning Ordinance. The proposed municipal curative amendment, Ordinance #722, addresses deficiencies, amending Chapter 108, Article VI, Section 108-21, related to the IL Light Industrial, Commercial District, allowing for conversion of existing buildings into apartments as a conditional use, and amends Article VII, Section 108-26, by modifying the table of minimum requirements for parking areas for accessory garages or parking areas to provide for changes to minimum parking spaces for certain uses. No zoning map changes are proposed in this amendment.

Borough Solicitor Layman, who had prepared the Zoning Amendment, explained the conditional provisions and uses. He stated this Ordinance was recommended by the Planning Commission, with no conflict comment from the Lehigh Valley Planning Commission, and was advertised two (2) times in the Express Times, one (1) week apart.

Council President LeDonne asked for comments from the public. There were no public comments on the proposed Zoning Amendments and further no written comments were received.

Councilwoman Tammy Kemp made a motion to adopt Ordinance #722, an ordinance amending Chapter 108 of the Pen Argyl Borough Zoning Ordinance, Article VI, Section 108-21, IL Light Industrial, Commercial District, allowing for conversion of existing buildings into apartments as a conditional use, and Article VII, Section 108-26, by modifying the table of minimum requirements for parking areas for accessory garages or parking areas to provide for changes to minimum parking spaces for certain uses, seconded by Councilman John Apgar. Unanimous by roll call vote.

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Adjournment

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Councilman Scott Brumbaugh made a motion to adjourn the public hearing, seconded by Councilwoman Tammy Kemp. Unanimous by voice vote. The Public Hearing adjourned at 7:05 P.M.

Visitors:

None.

Discussion and Final Adoption of Year 2023 Budget:

General Fund - \$2,533,100.00 (13 Mills)
Sewer Fund - \$1,549,000.00
Garbage Fund - \$526,275.00
State Fund - \$303,669.00
Reserve Fund - \$3,298,604.00
Capital Reserve Fund - \$657,873.00

Councilwoman Tammy Kemp made a motion to accept and approve final adoption of the year 2023 budget as presented, seconded by Councilman Scott Brumbaugh. Voting in favor of the motion were Council Members: Joseph LeDonne, Tammy Kemp, Scott Brumbaugh, Janell Connolly, Stephanie Cooper and Josephine Hildabrant. Council Members Charles Kandl Jr. and John Apgar voted no. There being six (6) yes votes and two (2) no votes, the motion carried.

Tax Structure

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Real Estate Tax Millage - 13.00 Mills (no increase)

Per Capita - \$ 5.00
Local Services Tax (LST) - \$52.00
Real Estate Transfer Tax - 1% - Shared Equally with School District
Earned Income Tax - 1% - Shared Equally with School District
Sewer Rental Fee - \$105.00 Minimum Quarterly Charge per Unit/10,000 Gallons
\$13.50 per Thousand Gallon over 10,000 Gallons use
\$157.59 Unmeasurable water consumption
Private/Public School Charge \$13.13/Student
Garbage Fee - Garbage Fee Waived for year 2023

Councilwoman Josephine Hildabrant made a motion to accept and approve the Tax Structure for the year 2023, seconded by Councilman Charles Kandl Jr. Unanimous by roll call.

The Borough's Assessment Valuation for the year 2023 is \$66,817,200: 2022 was \$66,969,800: 2021 was \$67,093,100: 2020 was \$67,029,500; 2019 Assessment was \$67,113,200. **One (1) Mill equals \$66,817.20;** less 5% uncollectible, collectible amount is \$63,476.34.

Prior years Millage was 13 Mills in 2022, 2021 and 2020, 2019 was 12 Mills and 2018 was 11 Mills.

Ordinance No. 724 to increase the quarterly sewer rental fees:

- Councilwoman Josephine Hildabrant made a motion to adopt Ordinance No. 724 to increase the quarterly sewer rental fee to reflect a \$3.00 rate increase to the quarter base rate from \$102.00 to \$105.00, a 3% rate increase to the flat rate for unmeasurable water consumption from \$153.00 to \$157.59 and a 3% rate increase for the school charge per student from \$12.74 to \$13.13 effective January 1, 2023, seconded by Councilman John Apgar. Unanimous by roll call.

- Resolution #2022-07 for fixing the 2023 Millage Rate:

Councilwoman Tammy Kemp made a motion to approve Resolution #2022-07 for the Millage Rate of 13.00 Mills for the year of 2023, seconded by Councilwoman Josephine Hildabrant. Unanimous by roll call.

Resolution #2022-08 for suspending 2023 charges of residential dwelling units' collection of municipal waste:

- Councilman Scott Brumbaugh made a motion to adopt Resolution #2022-08 to suspend the year of 2023's charges of residential dwelling units' collection of municipal waste, seconded by Councilwoman Tammy Kemp. Unanimous by roll call.

Resolution for Earned Income Tax, Per Capita, Local Services Tax (LST) and Property Transfer Tax for the Year of 2023:

Councilwoman Josephine Hildabrant made a motion to approve the Resolution for the Earned Income Tax of 1/2 of 1%, the Per Capita Tax of \$5.00, the Local Services Tax (LST) of \$52.00 and 1/2 of 1% Property Transfer Tax for the fiscal year of 2023, seconded by Councilwoman Tammy Kemp. Unanimous by roll call.

- Resolution to appoint Berkheimer Associates as Collector of the Local Services Tax (LST) and Keystone Collection Group as Collector of the Earned Income Tax for the Year of 2023:

Councilwoman Josephine Hildabrant made a motion to approve the Resolution to reappoint Berkheimer Associates as Collector of the Local Services Tax (LST) and Keystone Collection Group as Collector of the Earned Income Tax for the fiscal year of 2023, seconded by Councilwoman Tammy Kemp. Unanimous by roll call.

Ordinance No. 723 amending Chapter 85 Disruptive Conduct Board:

- Councilman John Apgar made a motion to adopt Ordinance No. 723, amending Ordinance No. 65, Chapter 85, of the code of to amend the composition of the disruptive conduct board of appeals to delete the police chief as a member and to amend the definition of "disruptive conduct", seconded by Councilwoman Josephine Hildabrant. Unanimous by roll call.

Visitors:

Lisa Wood, 1118 Candlewood Drive, Plainfield Township, and Norma Jean Koch, 409 Crestmont Street, Plainfield Township, asked questions about waivers, and how the Planning Commission and Borough Council approve and recommend plans.

- Public Works:

All Council Members were given a copy of Public Works Director Steven Bender's November report to review.

All Council Members received a copy of an email from PA Department of Transportation requesting a status update for the South Robinson turnback.

Councilwoman Tammy Kemp made a motion to accept the estimate from General Recreation, Inc. of \$94,030.00 for new playground structures at Weona Park, to include shipping and installation, seconded by Councilman Scott Brumbaugh. Unanimous by roll call.

All Council Members received a copy of correspondence from Manager Zmoda to Mr. and Mrs. Detzi, 21 N Lobb Avenue from 2021 regarding stormwater issues.

All Council Members received one (1) gas and oil bid for the year 2023 from Reimer Bros., Inc. Secretary Lemak also requested bids from Tolinos, who declined to bid, and Eastern Propane, who did not submit a bid.

Councilwoman Tammy Kemp made a motion to accept the bid for gas and oil for the year 2023 from Reimer Bros., Inc., for 7,500 Gallons regular ethanol gasoline at \$2.758 per gallon, 1,000 gallons of Sunoco ultra-low sulfur diesel fuel winter blend at \$3.859 per gallon, and 5,000 gallons of heating oil delivered for \$3.699 per gallon, seconded by Councilwoman Stephanie Cooper. Unanimous by roll call.

All Council Members received a copy of correspondence from Alexander Arruda, Project Manager for Barry Isett & Associates Inc., an email update regarding the concession stands improvement project at Weona Park, providing for the use of the allowances for gutters around the sausage stand.

Zoning Report:

All Council Members were given a copy of Zoning/Codes Office's November report.

Manager Zmoda informed Council that the Lehigh Valley Planning Commission has started their review of the stormwater ordinance.

All Council Members received a copy of the zoning variance application for an Airbnb at 312 N. Robinson Avenue.

Police Report:

All Council Members were given a copy of the Slate Belt Regional Police meeting minutes from October 20, 2022 and November 17, 2022 agenda.

Fire Chief's Report:

Chief Dean Parsons was not present.

Minutes:

Councilman Charles Kandl Jr. made a motion to approve the Minutes from the Council Meeting of November 1, 2022, seconded by Councilman John Apgar. Unanimous by roll call.

Councilman Scott Brumbaugh made a motion to approve the Minutes from the Special Council Meeting of November 29, 2022, seconded by Councilwoman Stephanie Cooper. Unanimous by roll call.

Council received the Park Board agenda from November 9, 2022 and minutes from September 14, 2022.

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Correspondence:

All Council Members received correspondence from Slate Belt Printers, the business is closing and their last day will be January 13, 2022.

All Council Members received the Fall 2022 newsletter from the Slate Belt Heritage Center.

All Council Members received a copy of correspondence from Manager Zmoda to the GIS Analyst at Northampton County, parcel number E8NE1-33-1-0625 is a duplex with the addresses of 745 W. Pennsylvania Avenue and 747 W. Pennsylvania Avenue, located within Pen Argyl Borough.

All Council Members received notification from the Plainfield Township Zoning & Code Office, of a zoning appeal at 701 North Broadway.

Mayor's Report:

Mayor Male stated the holiday party was a big success as many residents came to visit Santa Claus, received gifts, and congregated at the bon fires. Mayor Male thanked the following for their contributions to the Community Holiday Party: Council and family, Lookout Fire Company, Denny Miller, Pen Argyl Public Works Department, Pen Argyl Borough Manager, Slate Belt Regional Police Department, Mackenzie Hughes, Jamie Severson, Dawn Plummer, Giant Wind Gap, Dale's Concessions, Crayola, Nestle, Blue Triton Brands, Just Born and Dr. & Mrs. Robert McEvoy.

Mayor Male thanked Manager Zmoda and Steve Bender and the Public Works Department for their help with the Community Center demolition.

the Community Center demolition.

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Planning Commission:

All Council Members received a copy of the Planning Commission Meeting Agenda from November 17, 2022, draft agenda from December 15, 2022, and the Plan Slate Belt Multi-Municipal Comprehensive Plan Virtual Steering Committee Meeting Agenda from November 2, 2022.

All Council Members received a copy of a storm drainage review letter to Huratiak Homes, LLC. from the Lehigh Valley Planning Commission, for the proposed multi-family residential development at 410 South Main Street (HH).

All Council Members received a copy of the Preliminary/Final Land Development Plan Application from Dynamic Engineering Consultants, PC, on behalf of HH development.

All Council Members received a review letter from Ron Madison, PE, from Colliers Engineering & Design, for the HH development, review of the sewage facilities planning module.

Solicitor:

Nothing to report.

Sanitation, Solid Waste & Recycling:

All Council Members were given a copy of the Wastewater Treatment Plant November report and the Municipal Authority's November 14, 2022 agenda and October 3, 2022 minutes.

All Council Members received a copy of the Engineers' 4th Quarter Report from Ron Madison, PE., from Colliers Engineering & Design.

Finance, Tax Exoneration, Insurance & Personnel:

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Councilman Charles Kandl Jr. made a motion to approve the November Treasury Report as submitted by Borough Manager/Treasurer Zmoda, seconded by Councilman John Apgar. Unanimous by roll call.

All Council Members received a copy of an email from the Pennsylvania Office of the Budget, the \$500,000 ESA grant award for Phase I of the Pool Project was paid on December 9, 2022. Manager/Treasurer Zmoda noted the money is in the Reserve Fund.

Councilman Charles Kandl Jr. made a motion to hire Bryan M. Kostishion, to start working on January 1, 2023, and Nathan Bargiel, to start working on April 1, 2023 for the Public Works Department vacancies, contingent upon background checks, as recommended by the interview committee comprised of Steven Bender, Mayor Male and Manager/Treasurer Zmoda, seconded by Councilwoman Josephine Hildabrant. Unanimous by voice vote.

Property & Utilities:

Manager Zmoda informed Council that the new window replacements in the Borough Office and Social Hall was completed.

All Council Members received a request from the Fire Company to use the basement of Town Hall for drills. Manager Zmoda is waiting for a response from them if there will be soot and smoke in the basement, and recommended they finish emptying the basement.

Community Outreach:

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Borough Secretary Juli Lemak provided Council with the November feral cat report.

All Council Members received a Slate Belt Rising's Steering Committee's November 10, 2022 agenda.

Borough Manager's Report:

Council Members were given a copy of Borough Manager Zmoda's November report.

All Council Members received a copy of Slate Belt Chamber of Commerce's Development Committee agenda and minutes from November 18, 2022.

Councilman Charles Kandl Jr. made a motion to appoint Van Cleef as the Civil Engineer, effective January 1, 2023, excluding the projects that Barry Isett and Associates are currently overseeing, and Zoning/Code office responsibilities, as recommended from the the Engineering Committee, seconded by Councilwoman Josephine Hildabrant. Unanimous by roll call.

All Council Members received a copy of the first amendment to the neighboring municipal agreement between the Borough of Wind Gap and Waste Management.

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Minutes for Pen Argyl Borough Public Hearing and Regular Council Meeting of Tuesday,
December 22, 2022

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Payment of Bills:

The following bills were presented for payment: General Fund, \$11,769.39; Sewer Fund, \$25,472.90 and Reserve Money Market Fund, \$65,494.41. Councilman Charles Kandl Jr. made a motion to pay the bills as presented, seconded by Councilwoman Josephine Hildabrant. Unanimous by roll call.

Adjournment

Councilman Scott Brumbaugh made a motion to adjourn, seconded by Councilwoman Stephanie Cooper. Unanimous by voice vote. Council meeting adjourned at 9:11 P.M.

Respectfully Submitted,

Juli Lemak

Borough Secretary

Council Meeting – Tuesday, January 3, 2023 – 7:00 P. M.

Workshop – Tuesday, January 31, 2022 – 7:00 P.M.