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Monday 14th of February 2022 - 2/14/2022 Council Meeting Minutes

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Pen Argyl Borough Council held their Meeting for February on Monday, February 14, 2022  
at 7:00 P. M. at Lookout Fire Hall Building.

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, Charles Kandl Jr., John Apgar, Janell Connolly, Stephanie Cooper, and Josephine Hildabrant. Councilman Scott Brumbaugh was absent.

Also present were Mayor Steven Male, Borough Solicitor Peter Layman, and Borough Secretary Juli Lemak.

Visitors:

Kathy Hinton, representative of the Blue Mountain Community Library, provided the Library's annual 2021 report.

Ethan Habrial, 100 A Street, expressed his frustration with the permitting requirement for his solar panel permit application. President LeDonne recommended if wants to appeal the zoning requirements, he would need to file an appeal through the Council of Governments.

Charlie Snyder, 306 E. Babbitt Avenue, inquired about the reconstruction of E. Babbitt Avenue.

Fire Chief's Report:

Fire Chief Parsons was present and reported the fire company responded to 9 calls for the month of February, spent 14 hours on calls and 186 hours on drills.

Executive Session:

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Councilwoman Tammy Kemp made a motion to go into Executive Session for potential litigation, seconded by Councilwoman Josephine Hildabrant. Unanimous by voice vote. Council went into Executive Session at 7:28 P.M. and reconvened at 8:14 P.M.

Waste Management:

All Council Members were given a copy of the Wastewater Treatment Plant's annual 2021 report.

Public Works:

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

Councilwoman Janell Connolly made a motion to approve the handicapped parking application for Daniel Stevens, 405 Railroad Avenue, seconded by Councilwoman Stephanie Cooper. Voting in favor of the motion were Council Members Joseph LeDonne, Tammy Kemp, Janell Connolly, Charles Kandl Jr. and Stephanie Cooper. Council Members Josephine Hildabrant and John Apgar voted no. There being five (5) yes votes and two (2) no votes, the motion passed.

All Council Members received a copy of the "Polar Spray Fundraiser" idea for the Weona Park Pool as proposed by Adrienne Fors, Waste Management representative. No action was taken on this matter.

All Council Members received a copy of the Park Board's Re-Organizational Meeting and Regular Meeting Agenda of February 9, 2022, and meeting minutes from November 9, 2021.

Councilwoman Stephanie Cooper made a motion to recommend the Park Board allow the Pool Pals to use the Park Boards 501c3 status and EIN number for the establishment of credit processing, seconded by Councilwoman

Janell Connolly. Unanimous by roll call.

All Council Members received a copy of a utility truck order from E.M. Kutz, Inc. for \$117,855.00.

All Council Members reviewed the plans for E. Babbitt Avenue, as provided by Colliers Engineering.

#### Zoning Report:

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

All Council Members received correspondence from John DeCusatis, representative of Barry Isett, regarding the requirements for the solar panel review at 100 A Street.

All Council Members received the Zoning Hearing Board's re-organizational meeting minutes from January 20, 2022 and the regular meeting minutes from January 20, 2022.

All Council Members received notification from John DeCusatis, recommending the requirement of carbon monoxide detectors for rental and resale inspections, pursuant to the 2018 Uniform Construction Code (UCC).

Councilman Charles Kandl Jr. made a motion to amend the rental and resale inspection policy, to be in compliance with the 2018 UCC code requirement to inspect for Carbon Monoxide detectors, seconded by Councilwoman Stephanie Cooper. Unanimous by roll call.

All Council Members received notification from the law offices of Broughal & DeVito, LLP. that the February 10, 2022 hearing for Life Recovery Solutions will reconvene on March 10, 2022 to further request a variance. The applicant has waived the time provisions set forth under the Pennsylvania Municipal Planning Code.

#### Police Report:

All Council Members were given a copy of the Slate Belt Regional Police Commission's minutes for their meeting of December 7, 2021, January 4, 2022 and January 20, 2022, December and January calls for service and the January 4, 2022, January 20, 2022 and February 1, 2022 agenda.

Council President LeDonne reported the Slate Belt Regional Police lease agreement with Plainfield Township was signed for one year.

#### Minutes:

Councilwoman Stephanie Cooper made a motion to approve the Minutes for the Council Meeting of January 3, 2022, conditionally with the correction from page 2, under the section of "Re-Appointments and Appointments" to replace: "seconded by Councilman Robert O'Donnell" with "seconded by Councilwoman Tammy Kemp", seconded by Councilwoman Tammy Kemp. Unanimous by roll call.

#### Correspondence:

All Council Members received correspondence from the Pennsylvania Department of Environmental Protection, Penn Slate, Inc. has applied for a GP104 Permit. Manager Zmoda has requested further information regarding the application.

All Council Members received notification from Kelley Drye & Warren LLP that RCN Telecom Services will operate under the Astound Broadband and Astound Business Solutions trade names.

All Council Members received correspondence from the Slate Belt Chamber of Commerce regarding the Pennsylvania Free Enterprise Week for students.

Councilwoman Stephanie Cooper made a motion to send a letter to Senator Scavella and Representative Ann Flood requesting their opposition to legislation that would increase truck size or weight, seconded by Councilwoman Tammy Kemp. Unanimous by roll call.

All Council Members received correspondence from the Lehigh Valley Conservation District, mosquito traps will be set on public property to test for the West Nile Virus.

All Council Members received correspondence from Keystone Collections, a review of their achievements and notification of reduced commission rates.

All Council Members received correspondence from Susan Wild, explaining the new Bipartisan Infrastructure Law which will allow Congress to consider and authorize locally driven infrastructure projects that the Army Corps may assist.

#### Mayor's Report:

The Pride in Pen Argyl contest has provided residents with the monthly themes for the year.

#### Planning Commission:

All Council Members received the Plan Slate Belt Multi-Municipal Comprehensive Plan Steering Committee's agenda from January 5, 2022 and February 2, 2022, and the November 3, 2021 minutes.

The next Planning Commission meeting is scheduled for February 17, 2022 to discuss the Huratiak Homes sketch plans.

All Council Members received correspondence from the Lehigh Valley Planning Commission, the next meeting will be held on January 31, 2022 to discuss revising local zoning ordinances in support of the comprehensive plan update.

All Council Members received correspondence from the Lehigh Valley Planning Commission to the Upper Mount Bethel Planning Commission, reviewing the RPL East Planned Industrial Park's land use application.

Solicitor:

All Council Members received correspondence from Gary Traub and Linda Cesare Traub, 200 Davey Avenue, expressing their frustration from a Quality of Life ticket issued for snow and ice on their sidewalks. Solicitor Layman provided recent court cases related to maintenance of sidewalks.

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Sanitation, Solid Waste & Recycling:

All Council Members were given a copy of the Wastewater Treatment Plant's January report.

Councilman Charles Kandl Jr. made a motion to approve the Kappe Associates Inc's UV repair quote for \$24,272.96, seconded by Councilman John Apgar. Unanimous by roll call.

All Council Members received Colliers Engineering & Design's annual 2021's fourth (4<sup>th</sup>) quarter report and January 2022's engineer report.

All Council Members received the Authority's February 7, 2022 agenda.

Councilman Charles Kandl Jr. made a motion to approve Colliers Engineering & Design's proposal to provide additional professional services for the proposed E. Babbitt Avenue reconstruction and west end pump station's force-main replacement design and permitting along West Main Street, seconded by Councilman John Apgar. Council Members voting in favor of the motion were: Joseph LeDonne, Tammy Kemp, Janell Connolly, Charles Kandl Jr., Josephine Hildabrant and John Apgar. Councilwoman Stephanie Cooper voted no. There being six (6) yes votes and one (1) no vote, the motion carried.

Finance, Tax Exoneration & Insurance:

Councilman Charles Kandl Jr. made a motion to accept the January treasurer report as prepared and submitted by Borough Manager/Treasurer Zmoda, seconded by Councilwoman Josephine Hildabrant. Unanimous by roll call.

Councilman Charles Kandl Jr. made a motion to turn over the delinquent real estate taxes to Northampton County for collection, seconded by Councilwoman Josephine Hildabrant. Unanimous by roll call.

Councilman Charles Kandl Jr. made a motion to turn over the delinquent per capita taxes to Berkheimer for collection, seconded by Councilwoman Josephine Hildabrant. Unanimous by roll call.

Councilman Charles Kandl Jr. made a motion to approve the 2021 Per Capita Tax Exonerations Report, seconded by Councilwoman Josephine Hildabrant. Unanimous by roll call.

Property & Utilities:

All Council Members received a meeting memo provided by Christine Mildner of Barry Isett & Associates, regarding partnership with Green & White Youth Association and MS4 requirements.

All Council Members received an offer to purchase the Borough property located at West Main Street from Goodwin Acres Inc. No action was taken on this matter.

Community Outreach:

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Councilman Charles Kandl Jr. made a motion to approve the vendor market and to close South Robinson Avenue on April 23, 2022, seconded by Councilman John Apgar. Council Members voting in favor of the motion were Joseph LeDonne, Tammy Kemp, Janell Connolly, Charles Kandl Jr., Josephine Hildabrant and John Apgar. Councilwoman Stephanie Cooper voted no. There being six (6) yes votes and one (1) no vote, the motion carried.

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

Borough Manager's Report:

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

Councilman Charles Kandl Jr. made a motion approve Resolution #2022-02, to request a Statewide Local Share Assessment Grant of \$533,615.00 from the Commonwealth Financing Authority for Phase II of the Weona Park Playground Improvement Project, seconded by Councilman John Apgar. Unanimous by roll call.

All Council Members received notification from Robert Cornman, Vice President of the Green Knights Economic Development Corporation, the Green Knights are accepting applications for this year's community grant program.

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Payment of Bills:

The following bills were presented for payment: General Fund, \$69,859.45; Sewer Fund, \$66,242.93; State Fund \$9,580.65 and Reserve Money Market Fund, \$6,639.86. Councilman John Apgar made a motion to pay the bills as presented, seconded by Councilwoman Tammy Kemp. Unanimous by voice vote.

Executive Session:

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Councilwoman Tammy Kemp made a motion to go into Executive Session to discuss personnel issues, seconded by Councilwoman Josephine Hildabrant. Unanimous by voice vote. Council went into Executive Session at 9:41 P.M. and reconvened at 10:08 P.M.

Adjournment

Councilwoman Tammy Kemp made a motion to adjourn, seconded by Councilman John Apgar. Unanimous by voice vote. Council adjourned at 10:10 P.M.

Respectfully Submitted,

Juli Lemak

Borough Secretary

Workshop - Tuesday, February 22, 2022 - 7:00 P. M.

Regular Council Meeting - Monday, March 14, 2022 - 7:00 P. M.