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Tuesday 7th of February 2023 - 2/7/2023 Council Meeting Minutes

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Pen Argyl Borough Council held their Meeting for February on Tuesday, February 7, 2023 at 7:00 P. M. in the Borough Social Hall.



Pledge of Allegiance:

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

Roll Call:

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

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

Revised Agenda:

Councilman Charles Kandl Jr. made a motion to accept the revised agenda, as provided by Manager Zmoda, with the addition of Huratiak Homes, LLC Sewer Module and Huratiak Homes sewer line discussion, seconded by Councilwoman Josephine Hildabrant. Unanimous by roll call.

Visitors:

Judy Piper, treasurer of the Blue Mountain Community Library, provided the Library's annual 2022 report. Councilwoman Janell Connolly thanked the Library for all they do for the community, praised them for how well they spend their money, and provide wonderful programs for the kids.

Norma Jean Koch handed a letter to all Council Members, addressing concerns with the proposed development at 410 S Main Street. Solicitor Layman advised her of a Special Council Meeting to be held on Monday, February 13, 2023 to discuss that proposed development at the Lookout Firehall.

Barry & Karen Wooley, 405 W Pennsylvania Avenue, expressed their concerns about truck traffic coming up B Street and turning onto Pennsylvania Avenue. Trucks are driving over sidewalks and grass. Manager Zmoda informed Council she had a discussion earlier in the day with Dan Tobler, 401 W. Pennsylvania Avenue about the same issue.

Ethan Habrial, 100 A Street, expressed his frustration with the permitting requirement for his solar panel permit application.

Brian Gold, 403 W. Main Street, asked what is going on at 301 W. Main Street, they are loud and working in the building at 11:30 P.M. He spoke with one of the construction workers and was told they are putting in a youth center. Manager Zmoda informed him the Borough has made attempts to be in contact with the owners, have not heard back from them, and they have not applied for anything. He also complained about dump trucks coming through the alley from the slate quarry, they are using their jake brakes.

Connor Perry, 309 W. Main Street, suggested Waste Management use alternate routes through their property instead of through the town.

Public Works Report:

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

All Council Members received a copy of the updated playground schedule.

All Council Members received a copy of correspondence from the County of Northampton Division of Parks & Recreation, Department of Public Works, the Borough's request to extend the livable landscape grant for one year has been approved, to end on December 31, 2023.

Zoning Report:

All Council Members were given a copy of Zoning/Codes Office's January report and property maintenance log to review.

President LeDonne informed all Council Members a zoning hearing was scheduled for January 19, 2023, regarding a short term rental variance.

Police Report:

All Council Members received a copy of the Slate Belt Regional Police Department's agenda from January 19, 2023 and minutes from December 15, 2022.

Borough Manager Zmoda reported the Police vehicle, Dodge Intrepid was sold for \$4,000.00.

Fire Chief's Report:

Fire Chief Dean Parsons reported in January the fire company responded to 5 calls, spent 258 hours on drills and 185 hours on calls.

Minutes:

Councilwoman Tammy Kemp made a motion to approve the Minutes for the Regular Council Meeting of Tuesday, January 3, 2023, with the correction of changing the bottom of

page five (5), to change the Regular Council Meeting date from Monday, February 7<sup>th</sup> to Tuesday, February 7<sup>th</sup>, seconded by Councilman Scott Brumbaugh. Unanimous by roll call.

All Council Members received a copy of the Park Board's January 11, 2023 agenda and November 9, 2022 minutes.

Correspondence:

Nothing to report.

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Mayor's Report:

The Mayor announced the Summer Sounds program at Weona Park, for the 2023 season has been completed.

Planning Commission:

All Council Members received a copy of the Plan Slate Belt Multi-Municipal Comprehensive Plan, Virtual Steering Committee's January 4, 2023 and February 2, 2023 agenda, and minutes from January 4, 2023 and December 7, 2022.

All Council Members received a copy of Jeff Fox's resignation from the Planning Commission. Councilwoman Josephine Hildabrant made a motion to accept the resignation with regret, seconded by Councilwoman Stephanie Cooper. Unanimous by voice vote.

All Council Members received a copy of the Lehigh Valley Planning Commission's review of the Borough's stormwater ordinance.

Solicitor's Report:

Nothing to report.

Sanitation, Solid Waste & Recycling:

All Council Members received a copy of the Wastewater Treatment Plant's January report, and the Sewer Authority's meeting minutes of January 9, 2023 and December 5, 2022 agenda.

All Council Members received a copy of the proposed CRG Warehouse Industrial development, 991 Pennsylvania Avenue, Plainfield Township, sewer feasibility review. Solicitor

Laymen commented the Plainfield Planning Commission agenda noted this will be tabled until the March meeting.

Councilman John Apgar made a motion to deem the revised Sewage Facilities Planning Module as complete and endorse the provided "Completeness Checklist" (PADEP Form 3800-FM-BPNPSM0383) for submission to the Pennsylvania Department of Environmental Protection, seconded by Councilwoman Tammy Kemp. Unanimous by roll call.

Councilman Charles Kandl Jr. made a motion to approve the advertisement for the 30 day comment period regarding the proposed supplement for the new land development to the municipality's Official Sewage Facilities plan at 410 S Main Street (Parcel No. E9-1-24-0625), in accordance with the public notification requirements provided in Section P of the Sewage Facility Planning Module Instructions (PADEP Form 3800-FM-BPNPSM033) and Title 25, Chapter 74-02, Subchapter B, which requires a public hearing to be held on the proposed supplement to the Official Sewage Facilities plan at the next regular meeting of the Planning Commission, which is scheduled for February 14, 2023 at 7:00 PM.

Chapter 11.53 of the Pennsylvania Code, with a Special Meeting to be scheduled after the March 7<sup>th</sup> Council Meeting to satisfy the 30-day requirement, applicant to pay for the ad, seconded by Councilwoman Josephine Hildabrant. Unanimous by roll call.

Councilman Scott Brumbaugh made a motion to hold a special meeting March 13, 2023 to discuss the sewage planning module for the Huratiak Homes Development at 7:00 P.M. in the Brough Social Hall, seconded by Councilwoman Tammy Kemp. Unanimous by roll call.

All Council Members received a copy of a memorandum from Colliers Engineering & Design, Sanitary Sewer connection fee review, and sanitary sewer extension preliminary/final plan set review, to be discussed at the Special Meeting on February 13, 2023.

#### Finance, Tax Exoneration, Insurance & Personnel:

All Council Members were given a copy of the January Treasury Report as prepared and submitted by Borough Manager/Treasurer Zmoda. Councilwoman Tammy Kemp made a motion to accept the report, seconded by Councilman John Apgar. Unanimous by roll call.

All Council Members received a copy of the 2022, 4<sup>th</sup> Quarter budget review.

Councilwoman Tammy Kemp 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.

Councilwoman Tammy Kemp made a motion to turn over the delinquent per capita taxes to Berkheimer for collection, seconded by Councilwoman Stephanie Cooper. Unanimous by roll call.

Councilwoman Tammy Kemp made a motion to approve the 2022 Per Capita Tax Exonerations Report, seconded by Councilman Scott Brumbaugh. Unanimous by roll call.

#### Finance, Tax Exoneration, Insurance & Personnel con't:

Councilwoman Tammy Kemp made a motion to exonerate the Borough's Real Estate Taxes, seconded by Councilwoman Josephine Hildabrant. Unanimous by roll call.

Councilwoman Tammy Kemp made a motion to approve Resolution #2023-1, implementing Act 57 of 2022, by requiring the tax collector to waive additional charges for real estate taxes if a taxpayer files the required waiver request and meets all the conditions for the waiver, set forth in Act 57 of 2022, seconded by Councilman Scott Brumbaugh. Unanimous by roll call.

#### Property & Utilities:

Councilman Charles Kandl Jr. made a motion to approve the sales quote from Street Decor, Inc. for twenty (20) 4' pole mounted forked snowflakes for \$9,000.00, seconded by Councilwoman Josephine Hildabrant. Unanimous by voice vote.

Councilwoman Tammy Kemp made a motion to approve the estimate for blinds in the Borough Office for \$5,141.46, seconded by Councilman John Apgar. Unanimous by roll call.

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#### Community Outreach:

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

Councilman Charles Kandl Jr. made a motion to approve the Spring Vendor Market to be held on April 15, 2023, seconded by Councilwoman Stephanie Cooper. Unanimous by voice vote.

All Council Members received a copy of the Slate Belt Rising Subcommittees.

Councilman Charles Kandl Jr. made a motion to approve the community wide yard sale dates for June 9<sup>th</sup> – June 11, 2023 and September 15<sup>th</sup> – September 17, 2023, seconded by Councilman Scott Brumbaugh. Unanimous by voice vote.

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#### Borough Manager's Report:

Borough Manager Zmoda provided Council with her January monthly report.

Councilman Charles Kandl Jr. made a motion to approve Resolution number 2023-2 fixing fees for applications and permits for the establishment, repair, alteration, or abandonment of on-lot septic systems, pursuant to the provisions of §103.5 of the Pennsylvania sewage facilities act (35 P.S. §750.1 ET SEQ), seconded by Councilman John Apgar. Unanimous by roll call.

Councilman Charles Kandl Jr. made a motion to approve Resolution number 2023-3 appointing Barry Isett as special projects engineer on projects in progress for the MS4 requirements of the Department of Environmental Protection and for projects in progress at Weona Park which include the concession stands and playground renovations, seconded by Councilwoman Josephine Hildabrant. Unanimous by roll call.

All Council Members received a copy of an invitation to attend a County Grant Workshop on February 23, 2023.

All Council Members received notification of the 2023 Green Knights Economic Development Community Grant Program.

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Payment of Bills:

The following bills were presented for payment: General Fund, \$59,637.44; Sewer, \$355,394.43; State Fund \$11,069.14, and Reserve Money Market Fund, \$179,253.23. Councilman Charles Kandl Jr. made a motion to pay the bills as presented, seconded by Councilwoman Josephine Hildabrant. Unanimous vote by voice vote.

Executive Session:

Councilwoman Tammy Kemp made a motion to go into Executive Session to discuss potential litigation, seconded by Councilman John Apgar. The motion passed unanimous by voice vote.

Council went into Executive Session at 9:13 P.M. and reconvened at 10:25 P.M.

Special Note: Borough Administrative Assistant Juli Lemak left the meeting at 9:13 P.M. and the rest of the minutes were taken by Borough Manager Zmoda.

Adjournment:

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Councilman John Apgar made a motion to adjourn, seconded by Councilwoman Josephine Hildabrant. Unanimous by voice vote. Council meeting adjourned at 10:27 P.M.

Respectfully Submitted,

Juli Lemak  
Borough Secretary

Special Council Meeting – Monday, March 13<sup>th</sup> 7:00 P.M.

Workshop – Tuesday, March 28<sup>th</sup> 7:00 P.M.

Regular Council Meeting – Tuesday, April 4<sup>th</sup> 7:00 P.M.