

Pen Argyl Borough Council held their Meeting for May on Tuesday, June 6, 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:

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

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

Visitors:

Ethan Habrial, 100 A Street, repeated his claims of having to hire Borough contractors to get solar panels on his roof. He cited anecdotal stories and rumors from people he does not name to disparage the Borough on various topics. The Mayor asked Mr. Habrial if he ever mentioned anything positive about the Borough and cited various projects improving the Borough and the Park, but Mr. Habrial continued to complain. He referenced an individual from Plainfield placing solar on their roof the way he would like to have on his roof, and he has his permit. Council President LeDonne suggested he contact that contractor to assist him in complying with the regulations and getting his plans signed off on, he refused saying he could design and complete by himself and furthermore, he has approached other firms and they refuse to sign his plans. He went onto say he feels the Borough's demands for permit applications are insane, arbitrary, and ridiculous. He claims he has experience with roof construction and electric installations and could complete the solar project easily.

Roxanne Shook, 400 W. Main Street, requested an update on the Salvation Army building. Solicitor Layman explained the Magistrate found the new owner guilty on all 22 counts of working without a permit and no appeal had been filed as of this date. Ms. Shook is concerned there is still work going on, as there are people still going in and out and lights are on all hours of the night. Chief Dean Parsons of Lookout Fire Company stated that Sunday night, (June 4, 2023), they took an individual out of the building to an ambulance. They had called the Fire Company for a lift assist, but before he got there, they had the individual down to the ambulance and at that time there were at least four people there from the building. There had been no report to the Borough. The Borough Manager will request the report. Ms. Shook and Mr. Brian Gold, 403 W. Main Street both stated the bus parked in front of the building has not moved. Solicitor Layman also stated the fines from the magistrate plus court fees will be upwards to \$24,000, but they have a right to an appeal.

Brian Gold, 403 W. Main Street, reported an old pick-up truck partially parked on the sidewalk, on Jory Avenue which has been there for years. The truck has no current inspection and flat tires. Council President LeDonne stated he would have the police investigate it.

Visitors con't:

Tom Carlo, 306 S. Robinson Avenue, was also there for the Salvation Army update. He also discussed Waste Management and their push to expand. Wondered where the Borough Council stood on the subject. He asked if they would be willing to come out against the landfill expansion or will they be doing what Wind Gap did and renegotiate agreements to get more money. Solicitor Layman asked if Mr. Carlo knew if new plans have been submitted to Plainfield. Mr. Carlo said no, but the landfill has been sending out mailers to the public to encourage voters to choose candidates that would be positive to an expansion. Council President LeDonne did indicate the primaries will cause a change in Plainfield's Board of Supervisors but did not know how that would impact the landfill. He also inquired about the mulch piles in the parking lot of where Pen Argyl Pizza is located, Borough Manager Zmoda did not believe they were in violation of any regulations.

Public Works Report:

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

Council Members were given a draft copy of Ordinance 727 restricting truck traffic on a portion of George Street and increasing fines for violations of the ordinance restricting truck traffic to \$500. Councilman Charles Kandl Jr. made a motion to advertise Ordinance 727 as presented, seconded by Councilwoman Tammy Kemp. Unanimous by roll call.

Council Members discussed the amount of the fee that should be incorporated into the Resolution for local fee in lieu of recreational land that will be drafted for adoption at the July meeting. Councilman Charles Kandl Jr. made a motion to use \$1,500.00 (one thousand five hundred) per EDU as the amount of the fee, no second was made. Councilwoman Janell Connolly made a motion to set the fee at \$2,000.00 (two thousand dollars) per EDU, seconded by Councilwoman Tammy Kemp. Unanimous by roll call.

Special Note: Borough Secretary Juli Lemak left the meeting at 7:30 P.M. and the rest of the minutes were taken by Borough Manager Zmoda.

Council Members were given a copy of the Blue Valley Drive Pedestrian Crossing, LTAP Crossing Assessment and information on Flagger Force pricing for traffic control. Discussion was had on doing all the crosswalks along Rt 512. It was decided to get a quote that would cover the cost of the minimum of planned work hours and then put in budget packet for 2024.

Council Members were also given copies of an email from Mr. Frank Febbo, regarding conditions on Vine Street near his home; the Public Works Director's response; and the letter sent by Borough Manager Zmoda as approved by Council.

Zoning Report:

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

Zoning Report con't:

Councilwoman Stephanie Cooper pointed out on the Zoning Permit report that a property owner who followed procedure received a permit for a solar panel project.

Police Report:

All Council Members received a copy of the Slate Belt Regional Police Department's May 2, 2023 and May 18, 2023 agenda, and minutes from April 20, 2023 and May 2, 2023.

All Council Members discussed negotiations for the lease agreement with Plainfield Township and Wind Gap for the Slate Belt Regional (SBR) Police Station. Presently, the Commission is waiting on a letter from Wind Gap Borough's solicitor regarding their concerns.

Fire Chief's Report:

Fire Chief Dean Parsons reported in May the fire company responded to 11 calls, spent 390 hours on drills and 315 hours on calls.

Chief Parsons also reported that the cost of the new fire truck they were looking at has increased to over \$975,000, he has been told those rates increased will potentially continue to rise every three months with the next increase coming mid-June and the lead time is at least two (2) years. The next meeting of the Fire truck committee will be Wednesday, June 28, 2023 at 6:00 P.M. to discuss possible ways of funding.

Council Members received a copy of the Fire Company's response to the request that the Summer Sounds be able to utilize the Social Hall in case of rain. The Fire Company refused to allow the usage based on the impact of the loss of revenue should they decline rental.

Solicitor Layman provided two (2) memos over the past month in response to Lookout Fire Company request to adopt an ordinance about recovery fees for Volunteer Fire Companies. The memos reflected Solicitor Layman's concerns regarding the ordinance samples Chief Parsons had given for review. He also contacted Shelley Houk, Executive Director of Pennsylvania Borough Solicitors Association for guidance. She provided a sample ordinance from the Pennsylvania Fire & Emergency Services Institute, however that only provided for responding to motor vehicle accidents. He also noted that the Pennsylvania Borough Code does not provide for charging fees to people when responding to an emergency at their home. The other concern he has is the recent case by the courts that ruled that records of a Volunteer Fire Company, because of the interconnectivity with the municipality, can be made to be turned over to a requester through the Right To Know Law. There was also a discussion over the costs and fees that would be incorporated into the ordinance. The Borough Manager was directed to send a copy of the ordinance to Chief Parsons.

Minutes:

Councilman John Apgar made a motion to approve the minutes for the Regular Council Meeting of Tuesday, May 2, 2023, with the correction under Sanitation, Solid Waste & Recycling removing the duplication of the bid amount (for \$266,353.00) on the East Babbitt and Moyer Avenue Project, seconded by Councilwoman Tammy Kemp. Unanimous by voice vote.

All Council Members received a copy of the Park Board's May 10/2023, 2023 agenda and April 12, 2023 minutes. Council President inquired about the Games of Chance License and if it was required for those named on application to have the license with them during an event, Councilwoman Janell Connolly said yes. Borough Manager Zmoda will send a copy to those individuals on the application that are responsible to adhere to the regulations of the license.

Correspondence:

Jennifer DeLong, Branch Executive Director of the Slate Belt YMCA, sent in an application for a special event on behalf of the Slate Belt YMCA. The application is for the "Slate Belt Sprint", a 5K to be held on August 19, 2023. The roads involved are: Speer, W. Applegate, N. Schanck, E Mountain, and N. Westbrook Avenues (all local roadways) for about one (1) hour. They will be providing the traffic control and provided the insurance certificate required. Councilwoman Tammy Kemp made a motion to grant permission as requested for the road closure, seconded by Councilman Scott Brumbaugh. Unanimous by roll call.

Mayor's Report:

All Council Members received a copy of the Slate Belt Council of Governments May 31, 2023 minutes.

Planning Commission:

Council Members received a copy of the Plan Slate Belt Agendas of May 4, 2023 and June 1, 2023 and minutes of the March 2, 2023 and May 4, 2023 minutes. Borough Manager Zmoda reported that the Borough of Portland voted at their May 5, 2023 Council meeting to continue to be a part of the plan.

Solicitor's Report:

Nothing to report.

Sanitation, Solid Waste & Recycling:

All Council Members received a copy of the Wastewater Treatment Plant's May report, Colliers Engineer's quarterly report and the Municipal Authority Agenda for June 5, 2023.

Borough Manager Zmoda provided an update on the projects.

Sanitation, Solid Waste & Recycling con't:

Councilwoman Stephanie Cooper inquired about a PennDOT Field Office sign on a door across the street from her home. Borough Manager Zmoda will investigate its legitimacy.

Borough Manager Zmoda also updated the Council on the Municipal Authority meeting and the planned field trip to Waste Management Landfill to get a better understanding of the sanitary lines coming into the Borough providing service to Techo-Bloc, Green Knight Energy plant, Waste Management's office building and scale house.

Zmoda also reported the PLC upgrade will begin on June 26, 2023, and there is a possibility that the plant will need to be run manually for some time and that may mean an increase in overtime until the project is complete. Additionally, the reed beds are being cleaned out and trimmed.

Finance, Tax Exoneration, Insurance & Personnel :

All Council Members were given a copy of the May Treasury Report as prepared and submitted by Borough Manager/Treasurer Zmoda. Councilman Charles Kandl Jr. made a motion to accept the report, seconded by Councilwoman Tammy Kemp. Unanimous by voice vote.

Borough Manager Zmoda reported the DCED and Liquid Fuels Audits were completed, and no findings were found. Zmoda also gave copies of the 1st Quarter Budget Review.

Councilman Charles Kandl Jr. made a motion to advertise for the vacant public works laborer, seconded by Councilman Scott Brumbaugh. Unanimous by roll call.

Property & Utilities:

Borough Manager Zmoda reported that authorization was given by PennDOT to utilize the Highway Beautification Management System to apply for the sign at the Park, she will begin to apply for permit.

Community Outreach:

Councilman Joseph LeDonne praised and thanked the organizers of the Carousel's 100th Birthday event. Councilwoman Tammy Kemp agreed and thanked all those that assisted her. LeDonne stated he has some video of the event but will need assistance, Councilwoman Janell Connolly volunteered to edit the videos and get them up on our facebook.

Councilwoman Janell Connolly also praised the summer workers at the Golf Shack and Carousel, she stated they are conscientious, helpful, and eager to promote the Park.

Councilman John Apgar reported that he received a \$700.00 donation to the Carousel and a \$700.00 donation to the Pool Pals during the event from a family that has utilized the Park for many years for reunion.

Community Outreach con't:

All Council Members received a copy of the Slate Belt Rising's Steering Committee Meeting's May 11, 2023 agenda and April 13, 2023 minutes.

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

Borough Manager's Report:

Borough Manager Zmoda provided all Council Members with her May monthly report.

Payment of Bills:

The following bills were presented for payment: General Fund, \$33,056.91; Sewer, \$54,061.67 and Reserve Money Market Fund, \$484,209.10. Councilman Charles Kandl Jr. made a motion to pay the bills as presented, seconded by Councilman Scott Brumbaugh. Unanimous by voice vote.

Executive Session:

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

The Council went into Executive Session at 8:35 P.M. and reconvened at 9:13 P.M.

Councilwoman Stephanie Cooper made a motion to send correspondence to residents of 803 W Babbitt Avenue, regarding their road concerns, seconded by Councilman John Apgar. Unanimous by voice vote.

Adjournment:

Councilman John Apgar made a motion to adjourn, seconded by Councilwoman Tammy Kemp. Unanimous by voice vote. The council meeting was adjourned at 9:15 P.M.

Respectfully Submitted,

Robin Zmoda
Borough Manager

Workshop – Tuesday, June 27th 7:00 P.M.

Regular Council Meeting – Wednesday, July 5th 7:00 P.M.