

Pen Argyl Borough Council held their Meeting for May on Tuesday, May 2, 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, Josephine Hildabrant, Charles Kandl Jr. and Scott Brumbaugh. Councilwoman Janell Connolly was absent.

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

Public Hearing

Ordinance No. 725:

Solicitor Layman stated that a public hearing was being held for the proposed amendment to the Borough Zoning Ordinance. The proposed municipal curative amendment to Ordinance No. 725, to revise the Subdivision and Land Development Ordinance (SALDO) of the Borough of Pen Argyl to incorporate revised stormwater management provisions. The proposed change to the SALDO, as required by the MS4, requires any new developments' stormwater to be managed on-site instead of running into the stormwater system.

Solicitor Layman, who had prepared the Zoning Amendment, explained the conditional provisions and uses. He stated this Ordinance was recommended by the 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 Amendment and further no written comments were received.

Councilman John Apgar made a motion to adopt Ordinance 725, an ordinance to revise and adopt the subdivision and land development ordinance of the Borough of Pen Argyl to incorporate revised stormwater management provisions, seconded by Councilwoman Josephine Hildabrant. Unanimous by roll call.

Ordinance No. 726:

Solicitor Layman stated that a public hearing was also being held for the proposed municipal curative amendment to the Borough Zoning Ordinance No. 726, an ordinance amending the subdivision and land development ordinance of the Borough of Pen Argyl to incorporate a recreation fee. The proposed change allows the Borough to charge a recreation fee per residential unit to new developers, as permitted by the Municipalities Planning Code. The money collected will be used for recreational use.

Ordinance No. 726 con't:

Solicitor Layman, who had prepared the Zoning Amendment, explained the conditional provisions and uses. He stated this Ordinance was recommended by the 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 Amendment and further no written comments were received.

Councilwoman Tammy Kemp made a motion to adopt Ordinance No. 726, an ordinance amending the subdivision and land development ordinance of the Borough of Pen Argyl to incorporate a recreation fee, seconded by Councilwoman Josephine Hildabrant. Unanimous by roll call.

Councilwoman Tammy Kemp made a motion to adjourn the Public Hearing, seconded by Councilman Scott Brumbaugh. Unanimous by voice vote.

Visitors:

Ethan Habriel, 100 A Street, repeated his claims of having to hire Borough contractors to get solar panels on his roof. He went onto say he feels the Borough's demands for his solar panel permit application are insane and ridiculous. He claims he has experience with roof construction and electric installations. He stated this town is just like a communist town and all of Council are just like Putin. Council President LeDonne, once again explained to Mr. Habriel that Council never said he had to hire "our contractors". The Council has told him time and time again the path to resolve the issue and he does not avail himself to the process. Mr. Habriel then shouted he would not pay off your friends and buddies.

Nick Yetter, 407 Broad Street, Connor Peery, 309 W. Main Street, Brian Gold, 403 W. Main Street and Roxanne Shook, 400 W. Main Street, expressed their concerns about 301 W. Main Street. Solicitor Laymen stated a hearing is scheduled next week for citations issued by the Borough for doing work without permits. Chief Hoadley assured the audience the police are doing all they can within the law to alleviate their concerns.

Brian Gold, 403 W. Main Street, questioned the no parking sign on the Borough property across the street from his house, and requested a "No Trucks" sign on George Street. Manager Zmoda stated that there will be a discussion and potential vote further on in the meeting for the "No Trucks" sign on George Street.

Public Works Report:

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

Public Works Report con't:

Manager Zmoda informed all Council Member that UGI will be working on S. Heller Avenue, extending their pipeline main extensions. UGI will fill in the trenches and provide a road overlay. There may be more extensions in the future. She further stated Frontier has presented plans to lay buried fiber optic cable in the northeast section of town. Frontier's plans will be reviewed by the Borough engineers.

Manager Zmoda informed all Council Members that the Public Works Director, Steve Bender, E. F. Possinger, the Weona Park playground contractor, and Manager Zmoda agreed that adding gutters to the small pavilion roof, as presented in Change Order number 1, will become an attractive nuisance. The concern is that people will hang on the gutters and rip them down, which is what they are doing now with conduit along the roof line. The recommendation to Council is to rescind Change Order Number 1. The drainage from the basin will alleviate the water from the building. There will be an opportunity to put in gutters next year if necessary. Councilman Charles Kandl Jr. made a motion to rescind the April 25, 2023 Special Council Meeting's motion to approve Change Order number 1, for the Weona Park playground project to add tees, piping and 90-degree fittings for drainage off the small pavilion roof in the amount of \$1,865.00, seconded by Councilwoman Stephanie Cooper, unanimous by voice vote.

All Council Members received a copy of new truck restrictions from Penn DOT, and a completed application for George Street, to conduct an engineering and traffic study for restrictions as to weight, size, kind or class, or type of load based on highway, bridge, or traffic conditions. Councilwoman Stephanie Cooper recommended to revise the response to the question on page two (2), to change question eleven's (11) response to the question, "Does the highway have adequate turning radii, horizontal width, or under clearance?" from "N/A" to "No".

Councilwoman Tammy Kemp made the motion to advertise an ordinance for no trucks allowed on George Street, seconded by Councilman John Apgar. Unanimous by roll call.

Councilwoman Tammy Kemp made a motion to increase the fines, as described in section 103-14 of the Code of the Borough of Pen Argyl, from \$100.00 to \$500.00, for truck traffic on prohibited streets, as described in section 103-13 of the Code of the Borough of Pen Argyl, seconded by Councilman Charles Kandl, Jr. Council Members voting in favor of the motion were: Tammy Kemp, Scott Brumbaugh, Charles Kandl Jr. Stephanie Cooper, Josephine Hildabrant and John Apgar. Council President Joseph LeDonne voted no. There being six (6) members voting yes and one (1) voting no, the motion passed.

Zoning Report:

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

Police Report:

All Council Members received a copy of the Slate Belt Regional Police Department's April 4, 2023 and April 20, 2023 agenda, and minutes from March 7, 2023 and April 4, 2023.

All Council Members discussed negotiations for the lease agreement with Plainfield Township and Wind Gap for the Slate Belt Regional (SBR) Police Station.

Fire Chief's Report:

Fire Chief Dean Parsons reported in April the fire company responded to 13 calls, spent 250 hours on drills and 310 hours on calls.

Parsons also requested that Council look into an Ordinance for an Emergency Response Fee and provided Solicitor Layman with samples of what other communities have passed. Solicitor Layman will review and have recommendations at the June Meeting.

Minutes:

Councilman Charles Kandl Jr. made a motion to approve the minutes for the Regular Council Meeting of Tuesday, April 4, 2023, seconded by Councilwoman Stephanie Cooper. Unanimous by voice vote.

Councilman Scott Brumbaugh made a motion to approve the Special Council Meeting minutes from April 25, 2023, seconded by Councilman Charles Kandl Jr. Unanimous by voice vote.

All Council Members received a copy of the Park Board's April 12, 2023 agenda and March 8, 2023 minutes.

Councilman John Apgar recommended term limits for Park Board members, as he felt there were some ineffectual people on the Board and there are others in town who are interested that could get things done. Zmoda reminded the Council the Park Board is their own 501(c)3, with their own by-laws, so that would be at their discretion. No further action was taken on this matter, the discussion was tabled.

Correspondence:

All Council Members received a copy of correspondence to President LeDonne from the Office of the Comptroller of the Currency (OCC), regarding PNC Bank closing the Pen Argyl branch. The bank's decision to close the branch does not require the approval of the OCC.

Fran Rowley, Immaculate Conception School, requested a street closure for their annual Mayfair to be held on May 17, 2023. They are requesting to close N. Heller Avenue from W. Bell Avenue to W. Babbitt Avenue from 8:15 A. M. to 2:00 P. M. Councilwoman Tammy Kemp

Correspondence con't:

made a motion to grant permission as requested for the road closure, seconded by Councilman Scott Brumbaugh. Unanimous by roll call.

Mayor's Report:

Mayor Male reported the April Pride In Pen Argyl winners were posted on Facebook and he is working with the Carousel Committee for the June 3rd 100th birthday party at Weona Park.

All Council Members received a copy of the Slate Belt Council of Governments April 26, 2023 minutes.

Planning Commission:

All Council Members received a copy of the Planning Commission's April 20, 2023 agenda.

All Council Members received a copy of correspondence from the Lehigh Valley Planning Commission to the Plainfield Township Planning Commission, review or 45-65 Beers Way, lot consolidation and land development.

All Council Members received a copy of correspondence from Dynamic Engineering, on behalf of Huratiak Homes, to the Northampton County Conservation District, response to public comments regarding concerns for the proposed multi-family residential community at 410 South Main Street.

All Council Members received a copy of correspondence from the Lehigh Valley Planning Committee regarding Portland's participation within the Plan Slate Belt group.

Solicitor's Report:

Nothing to report.

Sanitation, Solid Waste & Recycling:

All Council Members received a copy of the Wastewater Treatment Plant's April report.

Councilwoman Tammy Kemp made a motion to accept RC III Construction's bid of \$373,939.00 for the West Main Street sanitary force main replacement, contingent upon the surety company not pulling the bid bond and contingent upon RC III Construction providing a performance and payment bond, seconded by Councilman Scott Brumbaugh. Unanimous by roll call.

Sanitation, Solid Waste & Recycling con't:

Councilwoman Tammy Kemp made a motion to accept Sikora Brothers Paving Inc.'s bid of \$266,353.00, for the East Babbitt and Moyer Avenue sewer project for \$266,353.00, contingent upon the surety company not pulling the bid bond and contingent upon Sikora Brothers Paving Inc providing a performance and payment bond, seconded by Councilman John Apgar. Unanimous by roll call.

Councilwoman Tammy Kemp made a motion to accept Waste Management's bid for the Wastewater Treatment Plant sludge removal for \$122.49/Ton, seconded by Councilman Scott Brumbaugh. Unanimous by toll call.

All Council Members received the Sewer Authority's agenda from April 3, 2023 and minutes from March 6, 2023.

Finance, Tax Exoneration, Insurance & Personnel :

All Council Members were given a copy of the April 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 Josephine Hildabrant. Unanimous by roll call.

Property & Utilities:

Manager Zmoda informed all Council Members new blinds were installed in the Borough Hall and Social Hall.

Community Outreach:

All Council Members received a copy of the Slate Belt Rising's Steering Committee Meeting's April 13, 2023 agenda and March 9, 2023 minutes.

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

All Council members received a copy of a letter from Brian Fenstermaker, Director of Slate Belt Rising, thanking Council Members: Joseph LeDonne, Tammy Kemp and her husband Dean Kemp, Manager Zmoda and her husband Dan Zmoda, who helped with the Slate Belt Rising Litter Clean-Up event on April 22nd.

Borough Manager's Report:

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

Payment of Bills:

The following bills were presented for payment: General Fund, \$203,951.57; Sewer, \$65,549.58 and Reserve Money Market Fund, \$106,995.11. Councilman Charles Kandl Jr. made a motion to pay the bills as presented, seconded by Councilwoman Josephine Hildabrant. Unanimous 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 8:45 P.M. and reconvened at 9:36 P.M.

Special Note: Borough Secretary Juli Lemak left the meeting at 8:45 P.M. and the rest of the minutes were taken by Borough Manager Zmoda.

Adjournment:

Councilman Scott Brumbaugh made a motion to adjourn, seconded by Councilman Charles Kandl Jr. Unanimous by voice vote. The council meeting was adjourned at 9:40 P.M.

Respectfully Submitted,

Juli Lemak
Borough Secretary

Workshop – Tuesday, May 30th 7:00 P.M.

Regular Council Meeting – Tuesday, June 6th 7:00 P.M.