

Pen Argyl Borough Council held their Meeting for September on Tuesday, September 5, 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, Tammy Kemp, Josephine Hildabrant, Charles Kandl Jr., John Apgar, Scott Brumbaugh and Stephanie Cooper. Councilwoman Janell Connolly was absent.

Also present were Mayor Stephen Male, Borough Manager Robin Zmoda, and Borough Secretary Juli Lemak. Borough Solicitor Peter Layman arrived at 7:45 P.M.

Visitors:

Ethan Habriel, 100 A Street, complained about vandalism to his property, a wasp's nest in Weona Park, and a woman in distress at the park. He further stated his complaints to Council regarding the requirements for installing solar panels are not helping advance his project.

Melissa Finken, 436 George Street, requested an update regarding the truck traffic on George Street. Manager Zmoda informed her "No Truck" signs were placed on the street, pursuant to PennDOT regulations.

Joann Anderson, 526 W. Pennsylvania Avenue, asked when the Weona Park pool will be on the agenda. President LeDonne informed her the pool is discussed at every meeting and they are waiting for a response from Wallover Architects Inc. with a re-design for the existing bath house. Mayor Male stated the old filter tanks were removed from the pump room and the dirt fill is taken from a local job in town to raise the level of the dirt in the old pool.

Public Works Report:

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

All Council Members received a copy of the Street Committee meeting memo from August 30, 2023.

Councilwoman Tammy Kemp made a motion to approve the E. Babbitt Avenue Change Order No. 01 from Sikora Brothers Inc., to change the crosswalk material from asphalt to concrete in the amount of \$3,540.00, seconded by Councilman Charles Kandl Jr. Unanimous by roll call.

All Council Members received a substantial completion report and punch list from Sikora Brothers Inc. for the E. Babbitt & Moyer Avenue sewer project.

Public Works Report con't:

Councilman Charles Kandl Jr. made a motion to accept Change Order No. 02 from Sikora Brothers Paving, Inc. for unmarked storm sewer repairs at E. Babbitt and Moyer Avenues, in the amount of \$2,968.17, seconded by Councilwoman Josephine Hildabrant. Unanimous by roll call.

Councilman Charles Kandl Jr. made a motion to approve core samples on Laurel, Walter and Heller Avenues to determine the base for mill and overlay, and to video the N. Westbrook storm sewer line, costs not to exceed the amount of \$3,000.00, as recommended by the street committee, seconded by Councilwoman Stephanie Cooper. Unanimous by roll call.

Zoning Report:

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

All Council Members received a copy of the Zoning Committee meeting memo from the August 15, 2023 meeting.

Councilwoman Tammy Kemp made a motion to draft an Ordinance for short term rentals, seconded by Councilman Scott Brumbaugh. Council Members voting in favor of the motion were: Joseph LeDonne, Tammy Kemp, Scott Brumbaugh and Stephanie Cooper. Council Members voting no were Charles Kandl Jr., Josephine Hildabrant, and John Apgar. There being four (4) members voting yes and three (3) voting no, the motion passed.

Police Report:

All Council Members received a copy of the Slate Belt Regional Police Department's July 20, 2023 and August 17, 2023 agenda. President LeDonne noted the next meeting is September 21, 2023 to discuss the budget workshop and the police MMO.

Fire Chief's Report:

President LeDonne read Chief Parsons August report; the fire company responded to 8 calls for service, spent 290 hours on drills and 186 hours on calls.

All Council Members received a copy of the year 2022 audit report from the Fireman's Relief Association.

Minutes:

Councilwoman Tammy Kemp made a motion to approve the minutes for the Regular Council Meeting of Tuesday, August 1, 2023, seconded by Councilman Charles Kandl Jr. Unanimous by voice vote.

Minutes con't:

All Council Members received a copy of the Park Board's August 9, 2023 agenda and June 14, 2023 minutes.

Councilwoman Stephanie Cooper made a motion to approve Louise Miller as student representative to the Park Board, seconded by Councilman Charles Kandl Jr. Unanimous by roll call.

Correspondence:

All Council Members received a copy of correspondence from On the Spot Dry Cleaners, 229 S. Robinson Avenue.

Mayor's Report:

Mayor Male reported filter tanks were removed from the Weona Park pool pump room and he has an opportunity to obtain additional clean fill for the pool. He further stated the Council of Governments (COG) will discuss grant money for new fire trucks with state representatives.

Councilman Charles Kandl Jr. made a motion to replace the transmission control module in the 2013 GMC truck for no more than the amount of \$4,500.00, seconded by Councilman Scott Brumbaugh. Unanimous by roll call.

Planning Commission:

All Council Members received a copy of Plan Slate Belt's Multi-Municipal Comprehensive Plan Steering Committee Meeting August 3, 2023 agenda and July 6, 2023 minutes.

Solicitor's Report:

Nothing to report.

Sanitation, Solid Waste & Recycling:

All Council Members received a copy of the Wastewater Treatment Plant's August report and the Sewer Committee meeting memo from August 7, 2023.

Councilman Charles Kandl Jr. made a motion to approve increasing all sewer rates by 8.57%, as advised by the Sewer Committee, seconded by Councilman Scott Brumbaugh. Council Members voting in favor of the motion were Joseph LeDonne, Tammy Kemp, Scott Brumbaugh, Charles Kandl Jr., Stephanie Cooper, and John Apgar. Councilwoman Josephine Hildabrant voted no. There being six (6) yes votes and one (1) no vote, the motion carried.

Sanitation, Solid Waste & Recycling con't:

All Council Members received a copy of the Municipal Sewer Authority's August 7, 2023 agenda and July 10, 2023 minutes.

Councilman Scott Brumbaugh made a motion to approve the quote from Kappe Associates Inc. to replace and repair the Fairbanks Nijhuis Vertical Turbine Bowl, for the amount of \$16,205.00, seconded by Councilwoman Stephanie Cooper. Unanimous by roll call.

Finance, Tax Exoneration, Insurance & Personnel:

All Council Members were given a copy of the August 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.

All Council Members received and accepted Borough Clerk, Kennady Lorrach-Pfeifer's resignation.

Councilman Charles Kandl Jr. made a motion to hire Melissa Shook for the open position of Borough Clerk, seconded by Councilwoman Josephine Hildabrant. Unanimous by roll call.

All Council Members received a copy of the six (6) month budget review, as prepared and submitted by Borough Manager/Treasurer Zmoda.

All Council Members received a copy of the Finance, Tax, Exoneration, Insurance & Personnel Committee's August 22, 2023 meeting agenda. The agenda included recommendations for budget considerations including: ½ to 1 mil fire tax, the budget meeting schedule, administration employee's flat rate increases based on COLA, and to repeal the per capita tax.

Councilwoman Josephine Hildabrant made a motion to approve Resolution 2023-10, raising the moving permit fee from \$1.00 to \$5.00, seconded by Councilman Charles Kandl Jr. Unanimous by roll call.

All Council Members were given information on the Minimum Obligation (MMO) for non-uniformed members for the plan year of 2024; total amount of obligation is \$37,930.00.

Property & Utilities:

Nothing to report.

Community Outreach:

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

Community Outreach con't:

All Council Members received a copy of the Slate Belt Rising minutes from August 10, 2023.

Borough Manager's Report:

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

Borough Manager Zmoda reminded all Council Members Trick-Or-Treat is on Halloween, October 31, 2023, from 6 P.M. – 8 P.M., rain or shine.

Councilman Charles Kandl Jr. made a motion to set the date of the November Council Meeting to November 9, 2023, Budget Workshop to Monday, November 6, 2023, Special Meeting for Tentative Budget Adoption and Workshop on Tuesday, November 28, 2023, Final Budget Adoption and December Council Meeting on Wednesday, December 12, 2023 and January Re-Organization Meeting and Regular Council meeting to Wednesday, January 3, 2023, seconded by Councilwoman Josephine Hildabrant. Council Members voting in favor of the motion were: Joseph LeDonne, Tammy Kemp, Scott Brumbaugh, Stephanie Cooper, Josephine Hildabrant and John Apgar. Councilman Charles Kandl Jr. voted no. There being six (6) yes votes and one (1) no vote, the motion carried.

Payment of Bills:

The following bills were presented for payment: General Fund, \$18,407.98; Sewer, \$56,762.08 and Reserve Money Market Fund, \$221,608.81. Councilman Charles Kandl Jr. made a motion to pay the bills as presented, seconded by Councilman John Apgar. Unanimous by roll call.

Executive Session:

Councilwoman Tammy Kemp made a motion to go into Executive Session to discuss potential litigation, seconded by Councilwoman Josephine Hildabrant. Unanimous by voice vote.

Council Members went into Executive Session at 8:01 P.M. and reconvened at 8:28 P.M.

Special Note: Borough Secretary Juli Lemak left the meeting at 7:59 P.M. and the rest of the minutes were taken by Borough Manager Zmoda.

Lobb Avenue:

Councilwoman Tammy Kemp made a motion to direct Solicitor Layman to compose a letter to both Doli, Inc. and Barry Isett & Associates, informing them of Van Cleef Engineering Associates, LLC's, Mark Bahnick's "as-built surveys" for Lobb Avenue including deficiencies at driveways, handicap crossings, curbing and punch list items, seconded by Councilwoman Stephanie Cooper. Unanimous by voice vote.

Executive Session:

Councilwoman Tammy Kemp made a motion to go into Executive Session to discuss personnel issues and potential litigation, seconded by Councilwoman Josephine Hildabrant. Unanimous by voice vote.

Council Members went into Executive Session at 8:32 P.M. and reconvened at 9:22 P.M.

Special Note: Borough Manager Robin Zmoda and Solicitor Layman left the meeting at 8:30 P.M. and the rest of the minutes were taken by President LeDonne.

301 W. Main Street:

Councilwoman Tammy Kemp made a motion to direct Borough Manager Robin Zmoda to request a recommendation from Van Cleef Engineering for a Commercial Code Official to accompany the Borough's team during the search warrant of 301 W. Main Street, if Barry Isett & Associates do not respond with an individual by Thursday, September 7, 2023, seconded by Councilwoman Stephanie Cooper. Unanimous by voice vote.

Solicitor Peter Layman:

Councilwoman Tammy Kemp made a motion to direct Borough Manager Robin Zmoda to discuss with Solicitor Peter Layman the Borough Council's concerns that he is not being assertive enough in the handling of Lobb Avenue's legal issues, seconded by Councilman Scott Brumbaugh. Unanimous by voice vote.

Adjournment:

Councilman Charles Kandl Jr. made a motion to adjourn, seconded by Councilwoman Stephanie Cooper. Unanimous by voice vote. The council meeting adjourned at 9:23 P.M.

Respectfully Submitted,

Juli Lemak
Borough Secretary

Workshop – Tuesday, September 26th - 7:00 P.M.

Regular Council Meeting – Tuesday, October 3rd - 7:00 P.M.