

# **BOROUGH OF WEST EASTON COUNCIL MEETING MINUTES**

**December 13, 2021**

## ***APPROVED***

The regular monthly meeting of the Council of the Borough of West Easton, Northampton County, Pennsylvania, was called to order at 6:33pm using Zoom videoconferencing, due to the COVID-19 pandemic.

Roll was taken; Council President Matthew Dees noted there was a quorum. Council members – Paul James, David Bolash, and Janie Jones Brown were present. Council member Kenneth Decker, Jr, was absent. (Mr. Mammana entered the meeting at 6:34pm.) Solicitor Brian Panella of Goudsouzian & Associates; Borough Manager, Joan Heebner and West Easton Borough Police Chief, Robert Mahady were present. (Mayor DePaul entered the meeting at 6:35pm.) Members of the public in attendance: Bill and June Smith, and Leon Stull.

-Upon motion by Mr. James, seconded by Ms. Jones Brown; Council approved expenditures as presented. No discussion. Motion passed 4 - 0.

-Upon motion by Mr. James seconded by Mr. Bolash; Council approved the Deposits and Receipts from July 2021. No discussion. Motion passed 4 – 0.

-Upon motion by Mr. James, seconded by Ms. Jones Brown; Council approved the minutes from the November 22, 2021, Council Meeting. No discussion. Motion passed 4 - 0.

Mr. Mammana entered the meeting at 6:34pm.

-Upon motion by Mr. James, seconded by Mr. Mammana.; Council approved the Treasurer's Report for November 2021. No discussion. Motion passed 5 – 0.

### **Public Comment (Agenda Items) – None**

Mayor DePaul entered meeting at 6:35pm.

### **Engineer's Report** – Ms. Heebner referred to report from BIA engineer, Doug Brown:

“We have reviewed the items submitted by the contractor (Kobalt Construction) for payment request period 11/1/2021 through 11/30/2021 for the Storage Building project. We examined the actual constructed/completed quantities at the site based on a site observation conducted on 12/3/2021 and would recommend the payment request in the amount of \$10,000. The amount recommended for payment is \$9,000 due to 10% retainage.” Mr. Mammana made a motion to approve payment of \$9,000 to Kobalt Construction based on the recommendation of Doug Brown; seconded by Ms. Jones Brown. No discussion. Motion passed 5-0.

**Office Report** – Mr. James made a motion to approve the Bean contract for emergency snow removal; seconded by Mr. Bolash. No discussion. Motion passed 5-0.

-Mr. Mammana made a motion to approve Chief Mahady to sign paperwork and received delivery of the new police vehicle. Seconded by Ms. Jones Brown. No discussion. Motion passed 5-0.

-Mr. James made a motion to approve payment for the new police vehicle in the amount of \$48,273; seconded by Mr. Bolash. Discussion was had. Motion passed 5-0.

**Sewer Report** – Mr. James reported that the EAJSA presented their budget, and it was sent back for revisions. He stated there continues to be a major problem of rags in the sewer system; this causes damage to the pumps which cost approximately \$90,000. The rags cause maintenance problems which increase costs. There is a leak of a main in the Lehigh River and engineering costs are approximately \$90,000.

### **Resolutions**–

Mr. Mammana made a motion to adopt Resolution 2021 – 36, to adopt the 2022 Budget as presented and advertised; seconded by Mr. James. No discussion. Motion passed 5-0.

Mr. James made a motion to approve Resolution 2021 – 37, providing for the fixing of the tax rate and collecting of an annual tax, remaining at 11.7 mills, for the calendar year 2022 for the Borough of West Easton, Northampton County, PA; seconded by Ms. Jones Brown. No discussion. Motion passed 5-0.

Mr. Steve Klaver entered the meeting at 6:43pm

### **Ordinances** –

Mr. James made a motion to approve **Ordinance No. 2021-20A**, “An Ordinance of the Borough of West Easton, Amending Ordinance 2021-20, entitled “An Ordinance of the Borough of West Easton Amending the Ordinances at Chapter 18, entitled “Sewers and Sewage Disposal” to Comply with Updated Requirements of the Federal Environmental Protection Agency.” The proposed ordinance adopts the most recent substance discharge limits of the Easton Area Joint Sewer Authority; seconded by Mr. Mammana. Discussion was had: Mr. James clarified that this Ordinance is updating one from the 1980s. Motion passed 6-0.

Mr. Mammana made a motion to approve **Ordinance No. 2021-29**, “An Ordinance of the Borough of West Easton, County of Northampton, Commonwealth of Pennsylvania, Amending the Penalties for Late Payment of Sewer and Refuse Services.” The proposed ordinance sets forth a penalty of Ten Percent (10%) thereon. Interest on any unpaid balance, inclusive of said penalty, shall accrue at a rate of six percent (6%) per annum to commence on January 1, 2022; seconded by Mr. James. No discussion. Motion passed 6-0.

Mr. Bolash made a motion to approve **Ordinance 2021-34**, “An Ordinance of the Borough of West Easton, County of Northampton, Commonwealth of Pennsylvania, Amending the Zoning Ordinance at §27-1116(E) relating to noise.” The proposed ordinance repeals and replaces the entirety of the Borough’s current noise ordinance, setting forth findings and a declaration of purpose; definitions; prohibited conduct and exceptions thereto; responsibility for administration and enforcement; the manner of determining violations; and penalties for violations; seconded by Mr. Mammana. No discussion. Motion passed 6-0.

Ms. Jones Brown left the meeting at 6:49pm.

**Solicitor’s Report** – Solicitor Panella reported that he had nothing to discuss at this time.

**President’s Report** – Mr. Dees had nothing to report at this time.

**Police Chief’s Report** – Chief Mahady stated that for the month of November, there were approximately 68 calls for service, 53 citations and 22 warning issued. He looked at the video tape for information on the broken bench at the park and did not see anyone breaking it on purpose. Mr. Dees asked if the unhitched trailers are being taken care of; Chief Mahady said they are.

**Mayor’s Report** - Mayor DePaul stated that:

- 11/7, Officer Al Smith had a flat tire with a spike in it; the tire was plugged and taken care of.
- 11/9, the bore holes on 9<sup>th</sup> and Ridge have been filled in.
- the new leaf vac has some little problems but it’s still working.
- 11/10, there was a BIA meeting at the Pole Barn Building site.
- 11/11, there was a complaint about a chicken coop.
- 11/12, the old leaf vac was sold and picked up.
- he had checked on lights on utility poles, and all seemed to be working.
- he and Ms. Heebner went to Magistrate’s office but were not called to testify.
- he looked over gas and electric rates of the borough.
- people are wondering when meetings will be open again.

Ms. Jones Brown returned to the meeting at 7pm.

**Round Table** – Mr. James reported on attending a LVPC meeting. The meeting concerned the growth of warehouses in the Lehigh Valley, Northampton County area. We have the number one area of growth, coming in second is Dallas, Texas. The LVPC is working on an ordinance dealing with the “explosion of warehouses”. While we do not have space for warehouses, we may still be impacted by our roads and pollution.

At the meeting they also discussed that mini phone towers and solar farms are becoming popular. We may want to have ordinances in place. He mentioned an owner wanted a personal shooting range and was denied by zoning, but they appealed, and it was approved in court.

### **Committee Reports**

**Business and Finance Committee** – None

**Property and Roads Committee** – None

**Public Safety and Personnel Committee** – None

**Legal and Technology Committee** – None

**Utilities and Fire Committee** – None

**Parks and Recreation Committee** – Ms. Jones Brown said her committee is looking forward to judging the Holiday Lights Contest this week and thanked Mr. Decker, Jr. for getting donations of gift cards. She thanked the Ladies Auxiliary for their donation of 2 prizes.

**Grants and Public Relations Committee** – Ms. Heebner informed Council that the leaf vac grant is closed out and the funds have been received.

**Unfinished Business** – None

**New Business** – None

**Public Comment (Open)** – Bill and June Smith, Main Street, thanked everyone for working so quickly on the noise ordinance. He stated that the noise had been horrible even with windows shut and a television on. They appreciate everyone getting this taken care of and hope it stays this way.

Leon Stull, Second Street, asked if anyone checked on the lack of a streetlight on 3<sup>rd</sup> at East to Center. Mr. James said he will look into cost of one. Mr. Stull reports that Mr. Truz was told he cannot do anything on his burned down property, but he has put up a roof on his property and it looks like he is getting ready to put down a floor now.

**Executive Session Entered 7:18pm – Exited 7:33pm**

Council discussed personnel and legal matters.

Upon motion by Mr. Bolash, seconded by Mr. James, Council voted to approve hiring Attorney Syzane Arifaj to replace Attorney Jeremy Clark who offered his letter of resignation. No discussion. Motion passed 6-0.

Upon motion of Mr. James, seconded by Mr. Mammana, Council authorized Solicitor Goudsouzian to take appropriate action against Steel Valley Renegades to recover monies due to the Borough of West Easton. No discussion. Motion passed 6-0.

-Upon motion by Mr. James; seconded by Mr. Mammana, no discussion, Council voted to adjourn the meeting by a vote of 6-0. Meeting adjourned at 7:37pm.

Respectfully submitted by:  
Joan Heebner, Secretary/Manager