

BOROUGH OF WEST EASTON COUNCIL MEETING MINUTES

February 14, 2022

APPROVED

The regular monthly meeting of the Council of the Borough of West Easton, Northampton County, Pennsylvania, was called to order at 6:31pm using Zoom videoconferencing, due to the COVID-19 pandemic.

Roll was taken; Council President Paul James noted there was a quorum. Council members – Janie Jones Brown, Matthew Dees, Pete Mammana, David Bolash, Kenny Decker, Jr. and Steve Klaver were present. Mayor Daniel DePaul; Solicitor Steve Goudsouzian; Borough Manager, Joan Heebner and West Easton Borough Police Chief, Robert Mahady were present. Members of the public in attendance: Carl Pierson, Doug Brown from Barry Isett & Associates, Kevin Thomas from Barry Isett & Associates, Steve Ackerman from Boyle Construction (Laurel Hill), and Justin Stewart from GeoTech Engineering, Inc. (Laurel Hill).

-Upon motion by Mr. Dees, seconded by Ms. Jones Brown; Council approved expenditures as presented. Some discussion. Motion passed 7-0.

-Upon motion by Mr. Mammana, seconded by Mr. Decker; Council approved the Deposits and Receipts from January 2022. No discussion. Motion passed 7-0.

-Upon motion by Ms. Jones Brown, seconded by Mr. Dees; Council approved the minutes from the December 13, 2021, Council Meeting. No discussion. Motion passed 7-0.

-Upon motion by Mr. Mammana, seconded by Mr. Dees; Council approved the minutes from the January 24, 2022, Council Meeting. No discussion. Motion passed 7-0.

-Upon motion by Ms. Jones Brown, seconded by Mr. Decker; Council approved the Treasurer's Report for December 2021. No discussion. Motion passed 7-0.

-Upon motion by Mr. Mammana, seconded by Ms. Jones Brown; Council approved the Treasurer's Report for January 2022. No discussion. Motion passed 7-0.

Public Comment (Agenda Items) – Carl Pierson, 9th Street, asked about the stormwater drains and catch basins for the Laurel Hill project. He was told that would be addressed in the Engineer's Report, following Public Comment.

Engineer's Report – Based on the engineer's recommendation, Mr. Dees made a motion to approve payment #3 to Kobalt Construction in the amount of \$27,000; seconded by Ms. Jones Brown. No discussion. Motion passed 7-0.

Mr. Brown discussed the changes proposed for the Laurel Hill project. Mr. Dees made a motion to authorize the developer to move forward with the nine building permits for lots one through nine, conditional on changing the stormwater and all other plans subject to the approval of the borough engineer and the borough solicitor and subject to the modification of the various lot lines to the approval of the borough engineer and the borough solicitor and the combining of lots

35 and 36 on the plan. It would also be subject to the developer recording a revised plan; seconded by Ms. Jones Brown.

Discussion was had: Solicitor Goudsouzian explained that the end result of this motion is that the builder/developer can ask for the building permits for lots one through nine now, so they are not held up. In the meantime, he has to change the plans to meet the approval of the engineer and solicitor to be sure that everything is done correctly. When they come back for more permits, there will be a complete revised plan that will be recorded and that will reflect all the changes that are made. We do not want to hold up the developer, but we want to be sure it is done right.

Mr. Stewart said they have a new surveyor that would be resurveying the lots the following day.

Solicitor Goudsouzian checked with Mr. Ackerman, as the Laurel Hill representative, to be sure he understood and agreed with the motion that was put forward. Mr. Ackerman said he did.

Motion passed 7-0.

Solicitor Goudsouzian brought up another matter: The developer has an existing Letter of Credit. They have decided they want to go with a different bank, for a different Letter of Credit. What has been required of them is to be sure the second Letter of Credit is in place before the borough releases the first Letter of Credit; that way the borough always has its security.

Solicitor Goudsouzian suggested a motion to authorize the Borough Solicitor to take the steps to allow the developer to put together a new Letter of Credit under the condition that the second Letter of Credit is in existence before we release the first. Motion made by Mr. Mammana, seconded by Mr. Dees. Discussion was had. Motion passed 7-0.

Office Report – Ms. Heebner informed Council that she had heard from the Ladies Auxiliary, and they would like to hold the Easter Egg Hunt again this year; no definite plans have been made. She once again thanked Mayor DePaul for all he continues to do and wanted to thank Mr. Dees as he continues to donate hours of his time updating the Borough website, running the Emergency Text System, and continues to run the Zoom meetings. Mr. James said that he would like to thank Mr. Dees as well for all he continues to do.

Sewer Report – Mr. James shared that at the EAJSA meeting, officials were elected, the same officials as before. Continuing projects are still moving forward.

Ordinances and Resolutions –Mr. Dees made a motion to approve to Advertise **Ordinance 2022-12: AN ORDINANCE OF THE BOROUGH OF WEST EASTON, COUNTY OF NORTHAMPTON, COMMONWEALTH OF PENNSYLVANIA, RECOGNIZING THE WEST EASTON VOLUNTEER FIRE COMPANY NO. 1 AS THE FIRE DEPARTMENT SERVING THE BOROUGH OF WEST EASTON; PROVIDING FOR ITS FINANCIAL SUPPORT; AUTHORIZING IT TO PROVIDE COMMUNITY EMERGENCY FIRE AND RESCUE SERVICES; AND SETTING FORTH RULES AND REGULATIONS GOVERNING ITS ORGANIZATION AND OPERATIONS,** seconded by Mr. Klaver. Discussion was had. Motion was approved with one change, 7-0. Mayor DePaul would like to be sure the borough has first right to purchase the fire station should it come up for sale at any point in time.

Mr. Klaver made a motion to approve **Resolution 2022-13**; A resolution to approve the Borough requesting a Statewide Local Share Assessment grant for \$290,200 from the Commonwealth Financing Authority to be used for the removal of two deteriorated, unused railroad trestle bridges that have become a public safety concern, seconded by Ms. Jones Brown. Discussion was had. Motion passed 7-0.

Solicitor's Report – Solicitor Goudsouzian reported that he had legal matters to discuss in Executive Session.

President's Report – Mr. James reminded everyone that there is a zoning hearing scheduled for March 2nd at Borough Hall. He reminded everyone that the Statement of Financial Interests should be turned into the office as soon as possible.

Police Chief's Report – Chief Mahady stated that the police car had been picked up from having a key fob and auto-start taken care of. He stated there were 38 calls for service. There were 12 parking violations, 11 PA traffic violations, 4 incidents, 10 other reports and 1 non-reportable crash.

Mr. Dees asked if the body cameras were being used. Chief Mahady said they were, all the time.

Mayor's Report - Mayor DePaul reported that he's been busy with many things. He said he found a new place to have the trucks inspected. A back brake line broke on one of the trucks and was fixed for eleven dollars. He stated that the vehicles should be fixed first and then inspected.

Round Table – None

Committee Reports

Business and Finance Committee – None

Property and Roads Committee – Mr. Klaver mentioned the sidewalks and curbs. Mr. Dees would like to see the list for a meeting with the Public Safety and Personnel Committee.

Public Safety and Personnel Committee – Meeting scheduled for February 28th, 5pm at Borough Hall.

Legal and Technology Committee – None

Utilities and Fire Committee – Meeting scheduled for March 1st, 5pm, at Borough Hall.

Parks and Recreation Committee – Meeting scheduled for March 2nd, 5pm, Zoom.

Grants and Public Relations Committee – None

Unfinished Business – Mr. Dees asked Mr. James about the senior discount on sewer/refuse bills. Mr. James said that would be discussed at the meeting March 1st.

New Business – None

Public Comment (Open) – Mr. Pierson, 9th Street, thanked Council and the Mayor for all the hard work they put in. He told Chief Mahady that he loves seeing the police patrol cars; he feels that the police visibility is very important. He said the catch basins on Center Street have been kept clean; there has been no flooding. He mentioned two streetlights that he does not believe are changed over to LED. Mr. Pierson stated again that it is just his opinion, but he likes the flat rate for the sewer billing. He feels it is easier to invoice, etc.

Mr. Dees shared his opinion on the sewer/refuse billing. He stated that sewer usage is a utility and compared it to an electric utility. He said we don't share equally in the electric usage, why should we share in sewer usage. There is no incentive to cut back on water usage. He feels it is about fairness in billing, if you use more, you should pay more. Mr. Dees agreed it is much simpler to use the flat rate for billing, but feels it is not fair to the residents who are conserving water trying to save money.

Executive Session Entered 7:56pm – Exited 8:01pm

Council discussed legal matters. Solicitor Goudsouzian stated that the borough had received documentation and a proposal from Mr. Atiyeh's lawyer in the litigation and suggested a motion for the borough Solicitor to forward to the borough engineer the proposal to have them review the engineering issues contained in that proposal. Motion made by Mr. Dees, seconded by Mr. Mammana. No discussion. Motion passed 7-0.

-Upon motion by Mr. Mammana; seconded by Ms. Jones Brown, no discussion, Council voted to adjourn the meeting by a vote of 7-0. Meeting adjourned at 8:03pm.

Respectfully submitted by:
Joan Heebner, Secretary/Manager
