

REGULAR MEETING OF PALMERTON BOROUGH COUNCIL

HELD IN BOROUGH HALL COUNCIL CHAMBERS

THURSDAY, MAY 26, 2022, AT 7:00 P.M.

Terry Costenbader, President of Council, called the duly advertised meeting to order at 7:00 p.m., with the following members present:

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| Terry L. Costenbader, Council President | Jenny Y.C. Cheng Esq., Solicitor |
| Kris W. Hoffner, Council Vice-President | Don Herrmann, Mayor |
| Michael J. Ballard | Timothy Kromer, Police Chief |
| Andrew J. Hollywood | Donna I. McGarry, Manager/Secretary |
| Cory Kepner | Kimberly A. Rodrigues, Recording Secretary |
| Richard L. Nothstein | |
| Holly F. Hausman Sell | |

VISITORS

Lisa Snell-Kern, 220 Edgemont Avenue; Ryan and Valerie Heimbach, 120 Harvard Avenue; Carly and Grace Heist, 353 Circle Drive; Richard Kost, 220 Lafayette Avenue; Kevin Bush, 782 Molasses Valley Road, Kunkletown; David Huszar Jr., 40 Oriole Drive; Beth Lutz, 155 Edgemont Avenue; Zach Taylor, 155 Edgemont Avenue; Bill Gallagher, 877 Lafayette Avenue; Pamela and Todd Jones, 3770 Fireline Road; Jim Shull, 740 East Princeton Avenue; Terry Arner, Times News reporter.

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

PUBLIC HEARING – VACATION OF FIRST STREET

Attorney Cheng swore in Ryan and Valerie Heimbach, as well as Borough Manager Donna McGarry for their testimony regarding the vacation of First Street from Harvard Avenue to Alley L. She then confirmed the proper channels were executed and notifications received to proceed with the hearing. When questioned by Council about the intentions of the vacated street, the Heimbach’s explained they would eventually like to build on the eastern lot. Terry Costenbader feels this area of First Street would be beneficial to the Borough to run utilities to any properties developing to the West. Cory Kepner asked if Center Street would be a possibility of running those utilities.

On motion by Terry Costenbader, second by Michael Ballard and voice vote, Council entered into Executive Session at 7:10 PM to discuss land matters. On motion by Andrew Hollywood, second by Kris Hoffner and voice vote Council reconvened their regular meeting at 7:35 p.m..

Terry Costenbader informed Valerie and Ryan Heimbach that Council will table their decision and consult with the Engineer for more information. On motion by Holly Sell, second by Michael Ballard and voice vote, Council tabled their decision to vacate First Street from Harvard Avenue to Alley L. Jenny Cheng will keep the record open to allow for the Engineers report as well as any additional information from the Heimbach’s.

SENIOR RECOGNITIONS

Kris Hoffner presented Hannah Citron with a Senior Resolution, adopted at the April 28, 2022 meeting, acknowledging her excellence in academics and her community participation.

Andrew Hollywood presented Grace Heist with a Senior Resolution, adopted at the April 28, 2022 meeting, acknowledging her excellence in academics and her community participation.

HEARING OF VISITORS

No comments.

RATIFICATION OF MINUTES

On motion by Richard Nothstein, second by Michael Ballard and voice vote, Council approved the April 28, 2022 regular meeting minutes.

PETITIONS AND COMMUNICATIONS

President Costenbader announced that a summary of the petitions and communications is available for public inspection in the Borough Office in the form of a weekly mail log.

REPORTS OF VARIOUS COMMITTEES AND OFFICES

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|-----------------------------|---------------------------------|
| 1. Treasurer's Report | 5. Moving Permit Report |
| 2. Zoning Officer Report | 6. Code Compliance Agent Report |
| 3. Police Department Report | 7. Street Supervisor Report |
| 4. Fire Chief Report | |

President Costenbader announced that these are on file in the Borough Office for public inspection during regular business hours.

MANAGERS REPORT

Donna McGarry reported:

1. A Main Street Lehigh Valley Grant is available in an amount up to \$2,000. Donna McGarry would like to apply for funds to help with the Borough's share of the costs from the 50/50 Pocono Beatification Grant (if approved). On motion by Richard Nothstein, second by Holly Sell and voice vote, Council approved Donna McGarry to submit application for the Main Street Lehigh Valley Grant.
2. Reminder to residents to keep their properties maintained or risk being ticketed under the new Quality of Life program. Also note the maximum grass height has been lowered to six inches.

REPORTS OF STANDING COMMITTEES

FINANCE

Richard Nothstein reported:

1. On motion by Richard Nothstein, second by Michael Ballard and voice vote, Council approved the Carbon County Planning Commission CDBG Cooperation Agreement.

PUBLIC RELATIONS/BOROUGH CODE

Holly Sell reported:

1. On motion by Holly Sell, second by Richard Nothstein and voice vote, Council adopted Resolution 683-22, authorizing records disposal. A copy of this resolution is attached to these minutes.

BUILDINGS/RECREATION/PARKS

Cory Kepner reported:

1. On motion by Cory Kepner, second by Michael Ballard and voice vote, Council approved the VALOR request for use of the Park as a starting point for a motorcycle ride/rally. This approval is subject to scheduling and availability. A VALOR member provided an invitation to Mayor Herrmann to be a speaker at the event.
2. On motion by Cory Kepner, second by Richard Nothstein and voice vote, Council approved the Palmerton Festival Committee request for use of the Park for a community festival. This approval is subject to scheduling and availability.
3. Council discussed the recent Crusaders for a Cause Carnival before acting on their request for 2023. Donna McGarry relayed the organizers appreciated the presence of the Police Department throughout the Park and relayed there were no issues she or the Public Works Department were aware of. Cory Kepner commented on the quick clean-up of the Park at the conclusion of the event. Following a question from Richard Nothstein about donations, Kris Hoffner relayed the Crusaders for A Cause covered the costs of the flag pole outside the new Fire Station and Chief Kromer added they supplied the department with portable breath tests.

On motion by Cory Kepner, second by Kris Hoffner and Roll Call, Council approved the Crusaders for a Cause request for use of the Park for a carnival in 2023. This approval is subject to scheduling and availability.

Roll Call Vote:

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| Kris Hoffner | Yes |
| Richard Nothstein | Yes |
| Holly Sell | No |
| Michael Ballard | No |
| Andrew Hollywood | No |
| Cory Kepner | Yes |
| Terry Costenbader | Yes |

Secretary recorded 4 aye, 3 nay, motion carried.

4. Donna McGarry informed Council she has met with three fencing contractors for the proposed dog park and is awaiting the third quote. She also reached out to a former Palmerton resident, owner of a pet food company, who provided helpful information on developing a dog park. A few things to consider are dividing the park into a play area for small dogs and one for large dogs, installing agility items, waste stations, and plantings to provide shaded areas. Andrew Hollywood thanked Lisa Snell-Kern for her help and information as well. Donna McGarry thanked the Public Works Department for repairing the drainage system at the WERA field. Cory Kepner also thanked the Public Works Department for their hard work on restoring the park benches, saying he has received many compliments.

PUBLIC SAFETY

Kris Hoffner reported:

1. On motion by Kris Hoffner, second by Michael Ballard and voice vote, Council adopted Ordinance 765 amending vehicles and traffic for handicapped parking requests. A copy of this ordinance is attached to these minutes.
2. On motion by Kris Hoffner, second by Cory Kepner and voice vote, Council approved the Lehigh Township Fire Police assistance request for June 5, 2022.

STREETS & SIDEWALKS

Andrew Hollywood reported:

1. On motion by Andrew Hollywood, second by Cory Kepner and voice vote, Council adopted Ordinance 766 amending vehicles and traffic for unlicensed/uninspected vehicles. A copy of this ordinance is attached to these minutes.
2. On motion by Andrew Hollywood, second by Michael Ballard and voice vote (Terry Costenbader abstained), Council approved the Pace Makers Association parking lot and street closer request.
3. Jim Shull is seeking consent from Council to hold a block party on East Princeton Avenue but does not yet have a date as he wanted the approval first. After a few questions from Council Mr. Shull advised there will be tents in driveways, food, and some small games. He would like to have the street blocked from Sixth and Columbia Avenue to Eighth and East Princeton Avenue.

On motion by Andrew Hollywood, second by Michael Ballard and voice vote, Council approved Jim Shull's Block Party request for the 600 and 700 blocks of East Princeton Avenue. Donna McGarry told him to notify emergency services of the event and Cory Kepner asked that the residents maintain personal responsibility and do not drink and drive.

SEWER/SOLID WASTE/WATER

Michael Ballard reported:

1. Mike Ballard reminded residents to maintain their properties.
2. Michael Ballard reminded residents the Borough Code states metal trash cans should be used to protect trash from rodents and animals.

PERSONNEL

Terry Costenbader reported:

1. On motion by Terry Costenbader, second by Richard Nothstein and voice vote, Council appointed Kaila Gazaway to the Palmerton Municipal Fire Company.

DISPOSITION OF BILLS

On motion by Richard Nothstein, second by Michael Ballard and voice vote, Council approved payment of the invoices and the check register as presented.

REPORT OF THE MAYOR

Don Herrmann reported:

1. Two officers completed their bike training in Mid-May. We are still waiting for the large-sized Trek bicycle to be delivered, but the Trek shop in Allentown is saying it should be delivered the first week of June. In the meantime, our officers will be using the Trek bike we received last month. Officer Shimer has been using the bike since he passed his training and says it is performing well and was a great success at the Carnival this past week.
2. Officer Leadbetter has completed body and dash cam training with all the officers. Our Chief and Detective will be the last to be trained. Following their training, Chief Kromer will come up a policy of use.
3. Thank you to the “Kids for the Community” group for their planting of flowers in the park.
4. Congratulations to all of the Palmerton senior citizens who are participating in the Carbon Senior Games.
5. Best wishes and good luck in the State Track and Field competition at Shippensburg University this week. Natalie Walters and Anna Recker will represent the Palmerton High School Girls track and field team and Justin Herrmann will be the sole representative for the Boys track and field team.
6. Best wishes to Palmerton residents Delina Rodrigues and Matt Anthony who will representing our town in the Special Olympics in Orlando, Florida in June. Delina will be competing in

powerlifting and Matt will be competing in Bocce Ball. Best of luck to these two awesome athletes.

7. Please remember Monday is Memorial Day. Come out to show your respects to those that have given their lives for this great country of ours. If you can't make it to the parade please remember those who gave all in your thoughts and prayers.

REPORT OF THE POLICE CHIEF

Timothy Kromer reported:

1. The department has received our new patches and all the uniforms are in the process of being swapped out.
2. Body cameras and dash cameras are fully operational and uploading properly and all officers are trained on their use and documentation. I have finalized the policies and will be submitting those to Public Safety for review/approval. The battery issues in the patrol vehicles that occurred after their installation has been resolved.
3. Officers Shimer and Stern successfully completed Bicycle Patrol Certification at the Allentown Police Academy. The bicycle patrol is now active, and the officers will be sharing the Trek patrol bicycle until the second one arrives.
4. Officers Stern and Koch completed ARIDE (Advanced Roadside Impaired Driving Enforcement) that was hosted by Lehigh PD. That makes all the patrol officers ARIDE certified. Officer Koch has also completed VASCAR certification, which allows him to conduct speed enforcement in the Borough.
5. Officers Stern and O'Brien are scheduled to complete a course in June for Enforcement of PA Vehicle Inspection Regulations. This is important because, last month, almost half of the traffic citations issued were for expired inspection and/or emissions and will help ensure the safety of vehicles operating in the Borough.
6. Officer Shawn Leadbetter will be attending a car seat tech course in June which will provide him with a National Child Passenger Safety certification. Once certified, our department will be a resource for the community to ensure car seats are installed properly. Currently, citizens go to PSP Lehigh, Lehigh PD, or Lehigh Township PD. We also plan to have car seat check events throughout the year, which will provide citizens with a quick car seat installation safety check by Officer Leadbetter. Of course, citizens can request a car seat check by Officer Leadbetter at any time once his certification is complete.
7. Detective Buck and I have completed the training for Evidence Processing/Disposal and have developed a procedure for handling evidence moving forward which includes digital documentation of all evidence records. This will eliminate the possibility of a return to our current evidence situation. The procedure includes a new evidence and property disposition policy, which I am currently working on. The bicycles that were in the basement of the MSB building have been removed.

Detective Buck has spent the past two weeks reviewing and purging evidence and has already completed our temporary evidence storage, as well as the evidence that was stored in the evidence processing room in the basement. The only evidence that remains in that room are the large car parts for a case that has not yet reached final disposition. This constitutes approximately half of the evidence we have stored. Next week, he will be reviewing and purging evidence in the main evidence storage room, of which some evidence dates back decades. He has done a phenomenal job of reviewing and purging evidence and the problem is being rectified far quicker than anticipated.

8. A reminder to the public the speed limit in all alleys in the Borough 15 MPH. This is especially important now, as school is almost done for the summer and there will be an increased presence of kids in their backyards, alleys, and other public areas of town.

OLD BUSINESS

1. Richard Nothstein thanked all who attended the Dan Dailey event.
2. Cory Kepner relayed there is no update on the Municipal Service Building, and he is waiting to hear back from the architect.

NEW BUSINESS

1. Holly Sell thanked the Concourse Club for their clean-up and plantings around the Bandstand and in the Rose Garden.
2. Richard Nothstein relayed the United Veterans Organization will be placing 1200 to 1400 American Flags around the Park tomorrow and all volunteers are welcome.

ADJOURNMENT

On motion by Richard Nothstein, second by Michael Ballard and voice vote, Council adjourned at 8:20 p.m.

Respectfully submitted,

Kimberly A. Rodrigues
Recording Secretary

Donna I. McGarry
Manager/Secretary