

MEETING OF THE MOUNT PENN BOROUGH COUNCIL
July 27, 2021

The Mount Penn Borough Council met in regular session on July 27, 2021.

President Goodman brought the meeting to order at 7:30 P.M. and led the Pledge of Allegiance. Responding to roll call were, Mayor Nowotarski, President Goodman, and Council Members: James Cocuzza, John Fielding, Rick Lombardo, Ryan Maurer, and Roger Reto. Also in attendance were Solicitor Tom Klonis, Engineer Chris Falencki, and Assistant Secretary Rochelle Gresh.

Absent was Tom Staron. .

Engineer Chris Falencki left at 8:56 PM

I. AUDIENCE PARTICIPATION:

Tara Chambers of 2455 Fairview Avenue and Ron Alfone of 2457 Fairview shared their concerns over their civil lawsuit with the neighbor at 2451 Fairview who is trying to get ownership of the alley and block off private alleyway. Solicitor Klonis stated to residents that this is a private civil matter and the borough cannot get involved.

Berks Commercial Renovation- No discussion was made and no attendance from business.

Attorney Keith Mooney spoke on the development at 2000 Perkiomen Avenue the Mount Penn Townhomes. The developer is willing to do a waiver for the conflict that the borough engineer has worked on the original design. Engineer stated that there are two conflicts, that the original plans were designed by McCarthy, however McCarthy has no involvement in this project anymore and engineer Falencki worked personally with Mr. Margusity on another development project. President Goodman asked the engineer Falencki if he could be unbiased. Engineer Falencki stated he could be unbiased and added if there is a conflict engineer McCarthy can step in for he has not worked with Mr. Margusity in the past.

A motion was made by Maurer to grant a waiver for the potential conflict of interest for McCarthy Engineering and Chris Falencki. Seconded by Lombardo. The motion carried unanimously. Solicitor Klonis asked attorney Mooney to prepare a letter waiving any potential conflict of interest of your client's part.

Ryan Home builder representative is asking for two variances, property perimeter set back and minimum distance between townhome buildings. Engineer stated they have to go through zoning hearing board and have a variance application. Solicitor Klonis requested a revised plan to be submitted and for them to go through zoning hearing board first.

Mayor expressed concerns from Lutz funeral home in regards to parking on the street during their funerals. The developer will work with their neighbors and will give the Borough a point of contact that is onsite that the Borough can reach if there are any issues. Mayor will report to funeral home that there will be no impact for them. Council gave consent for Mayor to do so.

President Goodman spoke on the concerns from the residence of 237 Endlich of which their trashcans were not being returned to the curb and were left in the street. The resident also expressed concerns over their neighbor burning in his backyard.

Resident Don Longlot of 115 North 25th Street spoke about his concerns on the rental property at 123 North 25th street where trash is kept in backyard and now attracting rodents and he expressed concerns on storm drain on Diamond.

II. ENGINEERING

- Engineering Report June 23- July 20, 2021 submitted to Council.
- **Parking analysis on 270 Friedensburg Road**- Engineering received a plan of record and \$1000.00 application fee. They are proposing to remove all the macadam in the front of the property and then put that macadam in the back of the property. According to their plan, they are reducing impervious surface and do not have to do any storm water. Engineer's concern is when this project started over a year ago some of this impervious surface did not exist a year ago. Where is my starting point for storm water to determine if it is necessary questioned the engineer. Solicitor Klonis commented if they did this without making the initial application then the starting point should be at the inception of change. Council determined the starting point was when they started the project.
- **DEP Endlich Project**- DEP requires a check for \$900.00 resubmission for the plan. A motion was made by Lombardo to issue a check for \$900.00 to pay for the resubmission of the plan for DEP review. Seconded by Reto. The motion carried unanimously.
- **Roof Bid**- Solicitor Klonis spoke on bid bond missing seal; the seal is for the surety. Solicitor's suggestion is not to award the bid to the lower bidder until they correct the deficiency on their surety form. A motion was made by Fielding to award the bid subject to receipt of bid bond surety form acceptable to solicitor. Seconded by Lombardo. The motion carried unanimously.
- **Occupancy permits**- Borough currently does not have an occupancy permit. Engineer drafted one for the Borough. Solicitor requested the engineer to send a copy of another municipality's ordinance to the solicitor and have the committee review.
- **Ordinance 632**- Solicitor and engineer need to go through codification and will need to make the amendment in accordance with the codification not in accordance with ordinance 632, since a codification occurred in 1995 by Ordinance 653. Engineer stated we can make the changes to the existing ordinance or we can totally modernize the ordinance. A motion was made by Lombardo to authorize the engineer to revamp the whole ordinance. Seconded by Reto. The motion carried unanimously. A motion was made by Lombardo to amend the previous motion for review by engineer and solicitor. Seconded by Reto. The motion carried unanimously.
- **DCED Multimodal Grant**- Grant is signed and survey completed, The engineers plan to put it out to bid and are looking for a spring construction for the sinkhole issue.

III. APPROVAL OF MINUTES

Moved by Mr. Lombardo, seconded by Mr. Reto, to approve the minutes of July 27, 2021. 6 Ayes and 2 abstentions, Fielding and Cocuzza.

IV. FINANCE REPORT

Moved by Mr. Maurer, and seconded by Mr. Fielding to accept the Treasurer's Report for June 2021 as presented. The motion carried unanimously. The following balances were reported:

Checking	91,647.15
Savings	625,692.15
Liquid Fuels	131,780.09
PIB Loan	40,339.29
Fire Tax	24,828.08
Ambulance Tax	8054.61
Petty Cash	50.00
Street Light Tax	21,456.73

Mr. Maurer made the motion, seconded by Mr. Fielding, for payment of all borough bills in all accounts including checks 18772-18799 for \$249,786.08 as well as payroll of 27,810.91 in June 2021. The motion carried unanimously.

V. COMMITTEE REPORTS:

- A. **STREETS:** Discussion was held on curbside weeds and how paving project came in under budget.
- B. **PARKS & PUBLIC PROPERTY:** No report
- C. **SOLID WASTE & PUBLIC UTILITIES:** President Goodman recommends setting up an appointment with Blosenski to discuss the yard waste complaints the borough has been getting from residents.
- D. **PERSONNEL:** No report
- E. **INSURANCE/PENSION:** No report
- F. **CODES:** Discussion was made on which organization will be paying for code enforcer's expenses and when does this switch actually occur. Codes Enforcement Administrator Lorah states that codes department needs to have interaction with the borough's engineer in some matters and is requesting Council to allow them to communicate via phone or email. Council granted the request.

Discussion was also made on rental inspections and waivers. The new ordinance brings up some issues in the upcoming year for the codes department that needs further planning to implement the new ordinance. It was determined that the codes department will put a list together of what they need to implement the new ordinance and give to the codes committee. The codes department can request a meeting with the committee if necessary. If Council needs to take action it can be brought to the borough through the codes committee.

VI: LIASION REPORTS:

- A. **Fire Company:** No report.
- B. **MPBMA:** Next meeting is on August 11, 2021 and MPBMA will be giving the borough a contribution of \$24,000.00 towards the roof.
- C. **AVMA:** James Cocuzza expressed interest in serving on the board. A motion was made by Mr. Fielding to appoint James Cocuzza by Resolution 30-21 to the sewer authority effective immediately to fulfil the unfilled term of Claudia. Seconded by Maurer. The motion carried unanimously.
- D. **Planning Commission:** No report
- E. **Police Commission:**
Next meeting Thursday, August 5, 2021 at 6:30PM. National Night Out was cancelled for this year.
- F. **RCAV:** No report

G. MT. PENN PRESERVE: No report

VI. OTHER REPORTS:

A. Mayor: No report

B. Solicitor: UCC Board of Appeals Ordinance- Solicitor Klonis stated that if Council is interested in entering into this contract, they have to adopt the ordinance first. Mr. Fielding made a motion authorizing the ordinance for adoption at our next meeting. Seconded by Cocuzza. The motion carried unanimously.

C. Secretary: Updating website having some issues, but plan to update website in the next week. The tax collector and assistant treasurer's bond application have been completed.

VII. ORDINANCES:

No report

VIII. RESOLUTIONS

No report

IX. UNFINISHED BUSINESS: None

X. CORRESPONDENCE: None

XI. NEW BUSINESS:

Updating bank signers- Solicitor Klonis recommended adding Ryan Maurer as a signer for the bank, because of his role in finance. A motion was made by Lombardo to add Ryan Maurer on as a signer for all borough accounts. Seconded by Reto. The motion carried unanimously.

New Phone System- Chairman Goodman is not recommending what AT&T presented. Council would like to look into what Comcast has to offer.

Vacant House- Chairman Goodman gave us an update on this property and stated that the homeowner's family is cleaning out the house in the upcoming weeks.

Damage done during plowing- Solicitor recommended having a standard release signed, before check is given to resident for damage done by plow.

XII. ADJOURNMENT:

Mr. Maurer made the motion for adjournment at 9:46 P.M. seconded by Mr. Reto. The motion carried unanimously.

Workshop meeting scheduled for 7:30 P.M. Thursday, September 23, 2021.

The next regularly scheduled Council meeting will be held 7:30 P.M., Tuesday, August 31, 2021.

Respectfully Submitted,

Rochelle M. Gresh
Assistant Secretary