

NAZARETH BOROUGH COUNCIL--REGULAR MEETING--MAY 2, 2022

The regular monthly meeting of the Borough of Nazareth was held on Monday, May 2, 2022 at 6:00 p.m.. The meeting was called to order by the President, followed by the recitation of the Pledge of Allegiance to the Flag. Present were President Daniel Chiavaroli, Vice President Carl A. Fischl, Mayor Lance E. Colondo, Councilpersons Carl R. Strye Jr., Jessica Teel, Laureen Pellegrino, Kayla Green, Michael Kopach and Christopher Crook, Solicitor Alfred S. Pierce, Borough Engineer Albert Kortze, Police Chief Randall Miller and Public Works Superintendent Keith Knecht. Absent was Councilman Charles A. Donello.

Public Property: Carl R. Strye Jr. moved and Christopher D. Crook seconded a motion to approve Resolution No. 5 - 22 - A which commends the Nazareth High School Wrestling Team for again winning the PIAA State Wrestling Championship. The Resolution follows:

WHEREAS, the residents of the Borough of Nazareth and Nazareth Borough Council share in the accolades and pride gained from the recent PIAA 3A State Championship won by the 2022 Nazareth High School Wrestling Team,

WHEREAS, the Council of the Borough of Nazareth seeks to recognize students, individual athletes, coaches and teams who have distinguished themselves by being victorious at the highest level of their sport,

NOW, THEREFORE, BE IT RESOLVED, and it is hereby resolved by the Borough of Nazareth in Borough Council assembled, that the 2022 Nazareth Blue Eagle Wrestling Team be congratulated and honored for another remarkable season culminated by once again winning the Pennsylvania State 3A Team Championship. Nazareth High School Wrestling is nationally renowned and year after year, it has consistently competed for District, Regional and State championships and has been remarkably successful. This year, eleven Nazareth wrestlers advanced to the State Championships and while two more wrestlers became state champions, eight wrestlers in total placed and won medals. To the team's credit, every team member was there to cheer on their teammates through the consolation rounds as the team fought through long odds to win this coveted team championship. Hall of Fame Coach Dave Crowell continues to lead the program to its lofty status and has guided his wrestlers as young men, responsible students and to become the nationally coveted wrestlers that they are. Nazareth Borough Council is extremely proud of the high school wrestling program and thankful for the enjoyment and recognition it has brought to us all. This talented and determined group of young men deserve the admiration of all of our residents who similarly recognize the critically important role that coaches and staff have played in making all of this possible. Congratulations once again to the wrestlers, coaches and staff, parents and supporting fans. Accordingly, the Borough Secretary is directed to memorialize this Resolution and include it for posterity in Council's Monthly Minutes.

The motion passed unanimously.

In order to recognize the team and coaches and honor for their recent Pennsylvania PIAA Class 3A State Championship, Mayor Colondo calls members of the Nazareth High School Wrestling Team to the front of the Chamber where they are congratulated after the Mayor reads the resolution.

Carl R. Strye Jr. moved and Charles A. Donello seconded a motion to approve Resolution No. 5 - 22 - B which commends the Nazareth wrestler Sonny Sasso for winning the 2022 PIAA 189 lb. State Wrestling Championship and for completing an undefeated season. The Resolution follows:

WHEREAS, the Council of the Borough of Nazareth seeks to recognize and publicly honor those young athletes who have accomplished exceptional achievements in their chosen sport,

WHEREAS, the Pennsylvania Interscholastic Athletic Association annually conducts State Wrestling Championships which culminate with triumphant wrestlers rising above all others in their weight classification by winning a coveted Pennsylvania State Championship,

WHEREAS, Nazareth High School wrestler Sonny Sasso has won a Pennsylvania Interscholastic Athletic Association (PIAA) Class AAA State Wrestling Championship, this year in the 189 pound weight classification and in so doing has become Nazareth High School's 26th state champion while equaling the all time record at Nazareth High School with an undefeated single season,

NOW, THEREFORE, BE IT RESOLVED, and it is hereby resolved by the Borough of Nazareth, in Borough Council assembled, that Sonny Sasso be congratulated for his recent state championship, his 46 - 0 undefeated season and his incredible career successes on the mat at the regional and state level. Nazareth Borough Council commends Sonny Sasso for his tremendous achievements and similarly commends National Wrestling Hall of Fame Coach Dave Crowell and his assistants for their ability to lead our high school wrestlers to continued state success and national prominence. Nazareth's Wrestling Program is renowned across our state, the Middle Atlantic Region and nationally and it has brought our fans enjoyment and pride thanks to Coach Crowell and wrestlers like Sonny Sasso whose career will continue next year in his Senior Season. Sasso also was a member of Nazareth's highly successful football program and provided leadership there as the starting quarterback while exhibiting the same determination and leadership that brought him state wrestling gold. Nazareth Borough Council proudly directs the Secretary to issue a citation memorializing this Resolution for presentation to Sonny Sasso as recognition for his state championship and his tremendous career as a Nazareth wrestler.

The motion passed unanimously.

In order to recognize Sonny Sasso and honor him for his recent Pennsylvania PIAA Class 3A 189 lb. State Championship, Mayor Colondo called for Sonny Sasso and Coach Dave Crowell to the front of the Chamber. Sasso was unavailable and away on a recruiting trip so Coach Crowell accepted the award for him.

Carl R. Strye Jr. moved and Charles A. Donello seconded a motion to approve Resolution No. 5 - 22 - C which commends the Nazareth wrestler Sean Kinney for winning the 2022 PIAA 285 lb. State Wrestling Championship. The Resolution follows:

WHEREAS, the Council of the Borough of Nazareth seeks to recognize and publicly honor those young athletes who have accomplished exceptional achievements in their chosen sport,

WHEREAS, the Pennsylvania Interscholastic Athletic Association annually conducts State Wrestling Championships which culminate with triumphant wrestlers rising above all others in their weight classification by winning a coveted Pennsylvania State Championship,

WHEREAS, Nazareth High School wrestler Sean Kinney has won a Pennsylvania Interscholastic Athletic Association (PIAA) Class AAA State Wrestling Championship, this year in the 285 pound weight classification and in so doing has become Nazareth High School's 27th state champion while becoming Nazareth High School's third State Champion in that weight classification,

NOW, THEREFORE, BE IT RESOLVED, and it is hereby resolved by the Borough of Nazareth, in Borough Council assembled, that Sean Kinney be congratulated for his recent state championship, his tremendous sophomore season on the mat at the regional and state level and similarly for his contributions to Nazareth's very successful football program where he is also a major contributor. Nazareth Borough Council commends Sean Kinney for his tremendous achievements and similarly commends National Wrestling Hall of Fame Coach Dave Crowell and his assistants for their ability to lead our high school wrestlers to continued state success and national prominence. Nazareth's Wrestling Program is renowned across our state, the Middle Atlantic Region and nationally and it has brought our fans enjoyment and pride thanks to Coach Crowell and wrestlers like Sean Kinney whose career will continue for the next two years in his Junior and Senior Seasons. Nazareth Borough Council proudly directs the Secretary to issue a citation memorializing this Resolution for presentation to Sean Kinney as recognition for his 285 Pound State Championship and his tremendous career as a Nazareth wrestler.

The motion passed unanimously.

In order to recognize Sean Kinney and honor him for his recent Pennsylvania PIAA Class 3A 285 lb. State Championship, Mayor Colondo calls Sean Kinney and Coach Dave Crowell to the front of the Chamber where Kinney and Crowell are congratulated after the Mayor reads the Resolution.

Communications: None.

The Secretary's minutes from the regular meeting of April 4, 2022 were approved as presented.

On a motion by Michael Kopach seconded by Kayla Green the Treasurer’s Report for the month of April 2022 was approved as follows:

General Fund--Cash on Hand March 31, 2022	\$ 1,751,663.59
Waste & Recycling Fund--Cash on Hand March 31, 2022	\$ 701,752.41
General Fund--Total Receipts	\$ 241,924.29
Waste & Recycling Fund--Total Receipts	\$ 57,945.91
General Fund--Total Receipts & Cash	\$ 1,993,587.88
Waste & Recycling Fund--Total Receipts & Cash	\$ 759,698.32
General Fund--Total Disbursements	\$ 611,679.57
Waste & Recycling Fund--Total Disbursements	\$ 70,147.86
General Fund--Cash on Hand April 30, 2022	\$ 1,381,908.31
Waste & Recycling Fund--Cash on Hand April 30, 2022	\$ 689,550.46
ESSA Payroll Account	\$ 2,021.45
Embassy Bank State Fund Checking Account	\$ 485,222.77
Embassy Bank Park Account	\$ 37,477.11
Embassy Bank Reserve Account	\$ 1,131,895.07
Pennsylvania Investment Trust Fund (Reg + Term Investment)	\$ 25,687.23
Total of All Borough Funds.....	\$ 4,052,539.72

Michael Kopach moved and Kayla Green seconded a motion to approve the payment of bills totaling \$681,827.43.

The motion passed unanimously.

Public Property: Carl R. Strye Jr. moved and Michael Kopach seconded a motion to approve a Rubber Duck Race to be conducted in the Borough Pool on Nazareth Day, July 16, 2022 at 10:30 am by the Nazareth Rotary Club.

The motion passed unanimously.

Carl R. Strye Jr. moved and Michael Kopach seconded a motion to approve the rental of a public address system for the Memorial Day Honors Service. Costs for the rental are not to exceed \$300.00.

The motion passed unanimously.

Carl R. Strye Jr. moved and Jessica Teel seconded a motion to approve the conducting of two (2) Sensitivity, Sexual Harassment and Child Handling training sessions to be held in the Park large

pavilion at 2:00 pm on Saturday, May 14, 2022 and again at 2:00 pm Sunday, May 15, 2022. All newly hired Pool employees, newly hired Borough employees and Borough supervisors are required to attend one of the sessions. The seminar/training sessions are open to all Borough employees and Refreshment Stand employees are also invited guests at no charge.

The motion passed unanimously.

Carl R. Strye Jr. moved and Christopher D. Crook seconded a motion to approve the Adult Soapbox Derby to be conducted on West Prospect Street between Phoenix Street and South Main Street on June 3, 2023. rain date for the event is June 10, 2023.

The motion passed unanimously.

Carl R. Strye Jr. moved and Kayla Green seconded a motion to approve a contract with the Blue Eagle Swim Team for the 2022 summer season. The contract allows for three (3) evening Swim Meets, morning unrestricted hours for training from 7:00 am till 9:30 am and partial Pool training use after 9:30 am. Seasonal rental is \$4,500.00 payable in increments at the end of each month...\$1,500 on June 30, 2022, \$1,500 on July 31, 2022 and \$1,500 on August 31, 2022.

The motion passed unanimously.

Finance: Jessica Teel moved and Christopher D. Crook seconded a motion to acknowledge submission of the first year "Interim Report" required by the U.S. Treasury Department for receipt of funds from the American Rescue Plan. The first half of the funding was received on June 10, 2021 and the second half is due on May 12, 2022. The final total amount of the American Rescue Plan funding is \$596,823.84.

The motion passed unanimously.

Jessica Teel moved and Carl R. Strye Jr. seconded a motion to acknowledge payment of the semi-annual ESSA loan amount due in the amount of \$216,233.31. Following payment, the Borough's outstanding debt on that borrowing is now \$3,204,000. The original borrowing was \$5.5 million.

The motion passed unanimously.

Police: Carl A. Fischl moved and Kayla Green seconded a motion to approve Resolution No. 5 - 22, a resolution which details the Borough's opposition to Pennsylvania's current Civil Service system for Police hiring in Borough's and all Police labor relations matters as follows:

A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF NAZARETH CALLING FOR THE PENNSYLVANIA STATE LEGISLATURE TO REMOVE THE CIVIL SERVICE PROCESS REQUIREMENTS IN CHAPTER 11, SUBCHAPTER J FROM PA GENERAL ASSEMBLY TITLE 8, MORE COMMONLY REFERRED TO AS THE PENNSYLVANIA BOROUGH CODE.

WHEREAS, Title 8 section 1121 allows Borough Council to establish a police department and provides that all officers within that department are granted the powers and abilities provided by the law of the Commonwealth; and

WHEREAS, powers and abilities granted under the law of the Commonwealth with respect to police officers is generally consistent across all classes of municipalities within Pennsylvania; and

WHEREAS, the number of individuals pursuing a career in law enforcement is shrinking; and

WHEREAS, the desire for municipal police departments to attract police officer candidates that more closely match the demographics of the communities they serve is great; and

WHEREAS, Title 8, Chapter 11, Subchapter J does not allow direct offers of full-time employment prior to the completion of the Civil Service process; and,

WHEREAS, the time needed to comply with Title 8, Chapter 11, Subchapter J when attempting to hire a full-time police officer result in a competitive disadvantage for Borough talent acquisition as related to other municipality classes; and

WHEREAS, Boroughs are able to hire part time police officers without following the process outlined by Title 8, Chapter 11, Subchapter J; and

WHEREAS, the full provisions on Title 8, Chapter 11, Subchapter J create delays in hiring police officers which directly result in delays getting an officer functioning as a full member of the police force.

NOW, THEREFORE, IT BE RESOLVED, the Borough Council of Nazareth Borough is calling for the Pennsylvania State Legislature to amend Title 8 to remove Subchapter J from Chapter 11.

The motion passed unanimously.

Fire: Lauren Pellegrino moved and Kayla Green seconded a motion to approve the Emergency Management Report for March 2022.

The motion passed unanimously.

Lauren Pellegrino moved and Carl R. Strye Jr. seconded a motion to approve the Fire Chief's Report for March 2022.

The motion passed unanimously.

Lauren Pellegrino moved and Kayla Green seconded a motion to donate two thousand (\$2,00.00) dollars to the Vigilance Hose Fire Company #1 to help subsidize the annual Nazareth Day Fireworks Display to be held on the evening of Saturday, July 16, 2022 in the Borough Park.

The motion passed unanimously.

Law: Michael Kopach moved and Christopher D. Crook seconded a motion to approve resolution No. 5 - 22 - D through which the Council of the Borough of Nazareth as the "applicable elected representative" of a governmental unit, allows Morningstar Senior Living to issue tax exempt obligations as follows:

WHEREAS, Morningstar Senior Living, Inc., a nonprofit corporation organized and existing under laws of the Commonwealth of Pennsylvania ("MSL"), owns and operates independent living facilities known as Moravian Hall Square, located at 175 West North Street, in the Borough of Nazareth, Northampton County, Pennsylvania (the "Facilities"); and

WHEREAS, a conduit issuer empowered to issue tax-exempt obligations on behalf of MSL will issue obligations in the aggregate principal amount not to exceed \$65,000,000 (the "Obligations") to: (a) finance the design and construction of the final phases of a cottage community known as Heritage Village, located at or near 139 W. Beil Ave., Nazareth, PA; (b) refinance the outstanding Revenue Bonds, Series of 2012 (Morningstar Senior Living, Inc. Project) previously issued for the benefit of Heritage Village and for Moravian Hall Square; (c) fund a debt service reserve fund; (d) fund capitalized interest on a portion of the Bonds; and (e) finance the costs and expenses of issuing the Bonds (collectively, the "Project"); and

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), provides that tax-exempt obligations may not be issued for the benefit of persons other than state and local governments unless the issue is approved by the "applicable elected representative" of a governmental unit having jurisdiction over the geographic location of the site of the facility to be financed, following a public hearing of which reasonable public notice is given; and

WHEREAS, the Council of this Borough is the "applicable elected representative" of a governmental unit having jurisdiction over the geographic location of the Facilities; and

WHEREAS, notice of a public hearing with respect to the portion of the Project located in this Borough (the "Moravian Hall Square Refinancing Project") and the proposed issuance of the Obligations as tax-exempt obligations was published in the The Home News, a newspaper of general circulation in the area to be served by the Moravian Hall Square Refinancing Project; and

WHEREAS, a public hearing with respect to the Moravian Hall Square Refinancing Project and the issuance of the Obligations was held on May 2, 2022, at the time and place set forth in such notice, and a summary of public comments received at such hearing with respect to the issuance of the Obligations as they relate to the Moravian Hall Square Refinancing Project has been provided at this meeting and been considered by the Council of this Borough.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THIS BOROUGH AS FOLLOWS:

1. The advertisement and conduct of a public hearing on behalf of this Borough regarding the Moravian Hall Square Refinancing Project and the issuance of the Obligations as tax-exempt obligations as they relate to such project, as required by Section 147(f) of the Code, is hereby authorized, approved, and ratified.

2. The President of the Council of this Borough is hereby designated to execute and deliver on behalf of the Council of this Borough a Certificate of Approval with respect to the Obligations, such Certificate of Approval to be substantially in the form attached hereto as **Exhibit A**.

3. The approval granted hereby shall not, in any way, pledge or obligate the credit or taxing power of this Borough, nor shall this Borough be liable for the payment of the principal of, or interest on, any obligations issued as contemplated herein.

4. Nothing in this Resolution is intended to be, nor shall it be construed as, an approval of the Obligations or of the Moravian Hall Square Refinancing Project by this Borough for any purposes, including any approval for any permit, license, or zoning required for the construction or occupancy of the Facilities, or any part thereof, to be financed or refinanced as part of the Moravian Hall Square Refinancing Project, other than the public approval requirement of Section 147(f) of the Code.

5. All prior actions of this Borough taken in conformity with the intent and purposes of this Resolution are ratified, confirmed, and approved.

6. All prior resolutions or parts of resolutions, insofar as such shall be inconsistent herewith, shall be and the same expressly are repealed.

DULY ADOPTED this 2nd day of May, 2022, by the Council of the Borough of Nazareth, Northampton County, Pennsylvania, in lawful session duly assembled.

The motion passed unanimously.

Michael Kopach moved and Lauren Pellegrino seconded a motion to approve the April 2022 Code Enforcement Report.

The motion passed unanimously.

Michael Kopach moved and Christopher D. Crook seconded a motion to begin the process of recodification of all Borough Ordinances

The motion passed unanimously.

Environmental Steering & Lighting: Carl A. Fischl moved and Michael Kopach seconded a motion to acknowledge that the Borough has been awarded a 2021 DEP Recycling Grant in the amount of \$44,352.00.

The motion passed unanimously.

Carl A. Fischl moved and Laureen Pellegrino seconded a motion to direct the Secretary to advertise for candidates to fill an opening on the Nazareth Borough Municipal Authority. The successful candidate will fill the balance of the term recently vacated by Robert Mertz. That term ends on December 31, 2022. Discussion followed. Carl R. Strye Jr. asked if an official Letter of Resignation had been received and the Solicitor responded that a letter was received.

The motion passed unanimously.

Technology: Kayla Green moved and Laureen Pellegrino seconded a motion to approve the April 2022 NEDC Report.

The motion passed unanimously.

Public Works: Christopher D. Crook moved and Jessica Teel seconded a motion to authorize the Public Works Chairman to form a Working Group to address issues with 'Traffic Calming' and other traffic control problems throughout the Borough. A particular area of focus for the group will be the Route 191/Broad Street corridor.

The motion passed unanimously.

Christopher D. Crook moved and Kayla Green seconded a motion to appoint Public Works Superintendent Keith Knecht to negotiate for pricing for various Highway and Road Materials. "No" bids were received in two separate public bid solicitations for several types of needed Road Materials.

The motion passed unanimously.

Christopher D. Crook moved and Kayla Green seconded a motion to appoint Public Works Superintendent Keith Knecht to negotiate for pricing for various Rental Equipment. "No" bids were received in two separate public bid solicitations for all of the 2022 Rental Equipment required items.

The motion passed unanimously.

Christopher D. Crook moved and Kayla Green seconded a motion to appoint Public Works Superintendent Keith Knecht to negotiate for pricing for the paving of Victory Lane. "No" bids were received in two separate public bid solicitations for this project.

The motion passed unanimously.

Christopher D. Crook moved and Laureen Pellegrino seconded a motion to appoint Public Works Superintendent Keith Knecht to negotiate for pricing for the paving of Birch Street. "No" bids were received in two separate public bid solicitations for this project. Discussion followed. Michael Kopach asked if the Public Works Department could pave Birch Street.

The motion passed unanimously.

Christopher D. Crook moved and Carl R. Strye Jr. seconded a motion to approve the Public Works Report for the month of April 2022.

The motion passed unanimously.

Christopher D. Crook moved and Michael Kopach seconded a motion to approve the hiring of three "Seasonal" Public Works employees.

The motion passed unanimously.

Mayor: Mayor Lance E. Colondo presented the Police Report for April 2022. Mayor Colondo reminded everyone about the Memorial Day Parade and the Honors Service which will follow at Council Chambers. Mayor Colondo also reported on the May 14, 2022 ceremony in the Dog Park and the posting of a new sign honoring late three term Councilman Jack R. Herbst. The Mayor invited anyone interested to come to the Dog Park at 12:30 pm on May 14, 2022 to attend the dedication. Colondo also informed everyone of the Rotary Club's planned Park Cleanup event at 9:00 that same morning.

Solicitor: No report.

Engineer: No report.

Police Chief: No report.

Old Business: None

New Business: None

There being no further business at 6:35 pm, on a motion by Michael Kopach seconded by Lauren Pellegrino, the Meeting was adjourned.

Paul A. Kokolus, Secretary

Daniel Chiavaroli, President