

**Borough of Alburtis**  
Meeting Minutes  
November 13th, 2024

The November 13th, 2024, meeting of Borough Council was called to order by Council President Ron DeIaco at 7:00 p.m. in the Borough Hall, 260 Franklin Street, Alburtis, PA. The meeting was also available via zoom.

Council members in attendance via in person:

Ron DeIaco, Steve Hill, Hector Moss, Chad Atkins, Ashlynn Rivera, Mehmet Birtek, John Aleszczyk

Associates of Alburtis in attendance:

JP Karoly- Assistant Solicitor, Stephen Nemeth-Manager, Mike Preston- Engineer, East Penn Press

Associates of Alburtis Via Zoom:

Dave Knerr- Solicitor, Kathleen Palmer- Mayor, Tony Alsleben- Police Chief

Visitors in attendance: Gary DeRoner, Steve Werley, Mike Gerhart, Rocco Caracciolo- Jaindl, John McRoberts-Pidcock, Joe Zator- Zator Law

Visitors in attendance via zoom: Brooke, Tom, Kate, Alex Rainado, Chad Nevel, Bob, Thomas Gorr, Randi Gold

### **PUBLIC COMMENT**

Ron DeIaco mentioned I hope the wounds that have been sent out to all our friends and neighbors will heal quickly and we can move on with our lives. You know you may love how the election came out, or you may hate it. Either way the election is over. It's time for us all to work together and be friends and family again. So that's just my soapbox for today. Thank you for listening. No public comment was made.

### **MAYOR'S REPORT**

No Mayor report was given.

### **POLICE REPORT**

Mehmet Birtek mentioned the community I live in. Apparently, some people are disturbing people of Muslim faith, and they're running their cars and they're slurring. they're yelling at them. especially kids walking on the street. It's a shameful event that's happening in our town. I believe the Chief has been, or the police has been notified. But it happened in the Lower Macungie side. We are being very careful in our neighborhood. There's a specific car or red F 1 50 that runs through kids and yells both profanity words and uses bad things, and the other day she ran over the girl with you like trying to threaten the girl in the street with a bicycle. All has been reported to the police. It's just. It's sad to see that this is happening in our town, and I just want to bring this to your attention absolutely. It has now reached the level of the borough of Alburtis. Ron DeIaco mentioned again, we must remember, our friends and neighbors are just that and we're one country. Tony Alsleben mentioned Yeah, yeah, we are aware of it. We took we took a report. And we've been, we've been watching. We've been, you know, looking for vehicles and questions. So, the guys are aware of it on the street, for sure. I only have one thing, if I may. For my part in this. I just need the authorization of the council to purchase crime photography, equipment which we currently do not have. It will become out of the small equipment, my small equipment line. The total cost of the camera and tripod and memory

cards, lenses, flashes, and everything I would need. This is a basic kit that police departments would use. The total cost is \$3,100.

Hector Moss made a motion to approve the purchase of crime scene equipment, Ashlynn Rivera 2<sup>nd</sup> and a unanimous vote followed. Motion passes 7-0.

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| DeIaco- yay | Hill- yay | Moss-yay | Aleszczyk-<br>yay | Atkins- yay | Birtek- yay | Rivera- yay |
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Chad Atkins made a motion to approve the police report, Ashlynn Rivera 2<sup>nd</sup> and a unanimous vote followed. Motion passes 7-0.

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| DeIaco- yay | Hill- yay | Moss-yay | Aleszczyk-<br>yay | Atkins- yay | Birtek- yay | Rivera- yay |
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### **MEETING MINUTES of October 30th, 2024**

Chad Atkins made a motion to approve the Minutes of October 30th, 2024, Ashlynn Rivera 2<sup>nd</sup> and a unanimous vote followed. Motion passes 7-0.

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| DeIaco- yay | Hill- yay | Moss-yay | Aleszczyk-<br>yay | Atkins- yay | Birtek- yay | Rivera- yay |
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### **BILLS FOR PAYMENT – November 13th, 2024**

Hector Moss made a motion to pay the bills of November 13th, 2024, Mehmet Birtek 2<sup>nd</sup> and a unanimous vote followed. Motion passes 7-0.

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| DeIaco- yay | Hill- yay | Moss-yay | Aleszczyk-<br>yay | Atkins- yay | Birtek- yay | Rivera- yay |
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### **TREASURERS REPORT**

Hector Moss made a motion to accept the treasurer's report, Chad Atkins 2<sup>nd</sup> and a unanimous vote followed. Motion passes 7-0.

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| DeIaco- yay | Hill- yay | Moss-yay | Aleszczyk-<br>yay | Atkins- yay | Birtek- yay | Rivera- yay |
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### **ADMINISTRATION**

#### **Jaindl- Lot 85/ Lot 86 request for zoning map amendment**

John McRoberts mentioned So we file a sketch plan in October. It's for lots 85 and 86 of the hills at Lockridge on scenic View Drive. What we submitted for the Sketch plan is a bit unusual, and that we submitted in 2 parts. Typically, it's just the plan. What we submitted also included some stormwater analysis that stems from our discussion. Last January we filed a petition to rezone the property from l- 1 industrial to R-2 residential we were looking for. We've been trying for years to develop the site felt that residential is the best fit for this neighborhood. We were proposing single family dwellings. The current plan shows 10 single family dwellings. We had 12 when we're here in January and I'll go through that as we go through this homework in January there was a 5 to 2 vote to

reject the rezoning that was primarily based on some unique stormwater concerns that came up. So, we wanted to take this opportunity. We still feel that residential is the best type of development for this area. Typically, we wouldn't get into FEMA floodplains, stormwater management stormwater conveyance until we're into the land development stage right now, we're just looking at what zoning is. What menu should we order off? Should we pick a use out of the industrial district? We'll pick a use out of residential district regardless of the unique stormwater concerns are going to have to be solved. We also discussed the FEMA floodplain as it affects off-site areas specifically townhouses further to the west of us. Then we have onsite stormwater management. How will we control stormwater on our site, so that it doesn't negatively impact any of the other residences in the borough or further downstream from us. You know there's been some history with conveying stormwater from the existing development to the basin and to the stream.

Now that it leads us to offsite concerns there's been some question over whether the FEMA study is accurate because the existing townhouses experience them. We're into the floodplain mapping that that should not happen. They're not located within the picture that FEMA draws. When you look at the existing elevations of those townhouses. You take the cross-section elevations from the FEMA study, and you apply those. It shows that the rear yards of those townhouses are within the 100-year floodplain. that makes absolute sense with what was reported that they are experiencing some flooding in the rear yards. Then we came to the Onsite stormwater management. How will we manage to run off so that we're not exacerbating existing issues? So, lots 85 and 86 were included in the stormwater design for all the other lots in subdivision for the other 86 lots. 1.8 acres of impervious cover was allocated to lots of 85, and 86. That was envisioning something, a use out of the industrial district which is significantly more impervious cover than we would have with residential would be significantly less than. We'll have less impervious cover than proposed already managed in the existing basin facility, to meet dep volume control requirements. There will be additional facilities proposed.

Joseph Zator mentioned we would put together an ordinance. that ordinance would address this zoning change and the concerns and protections that have been expressed. That ordinance would appear in front of the council. We would request that you follow the municipalized planning code process which would then mean sending it to your planning commission and at some point, either simultaneously or soon thereafter, it eventually would go to the Valley Planning Commission as well. once the minimum statutory periods of time for each of those reviews occurred. We would hope that it would appear back in front of you for action following the public hearing. Which involves certain measures of advertising. Then ultimately the call would be yours whether to adopt or not to adopt. We're here tonight just to really get a sense of where your thoughts are on this. We're certainly hoping that they're going to initiate that process.

Rocco Caracciolo mentioned We have our studies that we do for the flooding. We will as we go through land development. We just need to know if the council agreeable, changing this to the R-2 zoning district. If not, we have a lot of permitted uses with the industrial. a residential use, and we'll work on the flooding or we're going to have to. You guys aren't agreeable to change the zone. We're at the point where we do have to find a way to develop it.

David Knerr mentioned if you rezone it, but they can't comply with the stormwater management ordinance, they still can't. So, no matter what you know. If it doesn't matter if you rezone it. If they can't meet the stormwater management, they still can't build this project. So, they just spent a fair amount of money. Give you a preliminary study to let you show that in theory, at least, it looks like this will suffice. Keep in mind folks that we're just looking for your preliminary feeling on it, because you can't rezone it tonight. Anyway, we must go through at least a month and a half worth of reviews and all that before you can finally pass an ordinance to do this. So, you're not making a final decision now, I think they're just trying to say, are you inclined to go in that direction? Or should they stop spending their time on this, and work on something else. Mehmet Birtek mentioned I'm not an engineer. I live in this neighborhood. I see people's houses get flooded. Maple Court, get flooded. The new places you build will be 2 feet above. The same analogy goes whether FEMA says it or not. You. You put more stuff people on Maple Court, since their house still backs into that flood zone. They will have more water in.

Hector Moss mentioned there have continued to be a lot of flooding issues on all those properties again, the studies were done prior to those homes being built, and still, some of the homeowners are still suffering. So, regardless of which way you would like to move forward, whether it be industrial or residential, I wouldn't consider any of this without more data.

Steve Hill made a motion to approve starting the process of rezoning Lot 85 and Lot 86 from L-1 to R-2, motion was 2<sup>nd</sup> by Ashlynn Rivera. A roll call vote followed. Motion passes on a vote of 4-3:

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| DeIaco- yay | Hill- yay | Moss-nay | Aleszczyk-yay | Atkins- nay | Birtek- nay | Rivera- yay |
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**ENGINEER’S REPORT**

Mike Preston mentioned We had a site meeting for Bicentennial Village with a contractor on October 18th to review the Punch list items. The remaining Punch list items were down to signage or service curb boxes. The contractor had contacted me. They will be replacing. There were 2 missing signs that weren't replaced from beginning of the job to the end of the jobs they'll be putting those up. They're supposed to do that this week. There were a number of service boxes. I think there were 12 or 13 altogether at public works. I noticed there were issues with, and those issues range from covers which weren't affixed to the upper section of the valve box to issues where, obviously the alignment of the valve box was off, so that public works, if they had not get a wrench on that. Will hopefully have findings contractor numbers by next council meeting. Next on the report, Chestnut Street Storm management tested out the inlets, they do work to design, will have closet documents ready for the next council meeting. John Aleszczyk asked if we could close out Franklin St Project on the report, Mike mentioned we are in the maintenance period until February, but we can close out the project on the summary. Hector Moss asked if we could close out pump station modifications on the report, Stephen Nemeth mentioned we left it open as an educational tool since we are seeing mops still in the pumps. So, we have been meeting with businesses.

Chad Atkins made a motion to accept the engineer’s report, Ashlynn Rivera 2nd and a unanimous vote followed. Motion passes 7-0.

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| DeIaco- yay | Hill- yay | Moss-yay | Aleszczyk-yay | Atkins- yay | Birtek- yay | Rivera- yay |
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**Recommendation to Approve Ott Consulting and Entech to move forward on Proposal for the Pressure Reducing Valve Upgrade**

Hector Moss made a motion to accept the engineer’s report, Chad Atkins 2nd and a unanimous vote followed. Motion passes 7-0.

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| DeIaco- yay | Hill- yay | Moss-yay | Aleszczyk-yay | Atkins- yay | Birtek- yay | Rivera- yay |
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**Ordinance 590**

**AN ORDINANCE RESTRICTING CERTAIN WATER USES IN THE BOROUGH OF ALBURTIS FOR THE REMAINDER OF THE CURRENT DROUGHT EMERGENCY.**

WHEREAS, the Mayor of the Borough and the Governor of the Commonwealth has declared an emergency within the Borough in connection with the current drought; and

WHEREAS, the Mayor reasonably believes that certain uses of water should be prohibited for the duration of the drought to help preserve life, health, and property and the availability of water for essential uses, and desires to include those prohibitions in her emergency proclamation; and

WHEREAS, Borough Council agrees that such uses of water should be so prohibited;  
NOW, THEREFORE, be it **ORDAINED** and **ENACTED** by the Borough Council of the Borough of Albur-tis, Lehigh County, Pennsylvania, as follows:

**SECTION 1.** The following uses of water are not permitted in the Borough until the Mayor declares that the current drought emergency has come to an end:

- (a) Washing of streets, roads, sidewalks, driveways, or other outdoor paved surfaces, except when necessary for repaving;
- (b) Filling and topping off of swimming pools;
- (c) Car washing, except in car wash facilities that recycle water;
- (d) Watering lawns and gardens, except with the use of a hand-held hose or container; and Operation of outdoor fountains and circulating pools.

**SECTION 2.** Any person violating this ordinance shall be guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of three hundred dollars (\$300.00) plus costs of prosecution, or, in default thereof, to undergo imprisonment for a period not to exceed thirty (30) days.

**SECTION 3.** This Ordinance is enacted without compliance with ordinary publication requirements due to the emergency conditions currently present. In addition, by his assent to this Ordinance, the Mayor incorporates the terms of this Ordinance into his proclamation of emergency.

**DULY ORDAINED** and **ENACTED** by the Borough Council of the Borough of Albur- tis, this 13<sup>th</sup> day of November, 2024, in lawful session duly assembled.

Mehmet Birtek made a motion to approve ordinance 590, Ashlynn Rivera 2nd and a unanimous vote followed. Motion passes 7-0.

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### **TNR contract request**

Hector Moss made a motion to approve contract with No Nonsense Neutering, Chad Atkins 2nd and a unanimous vote followed. Motion passes 7-0.

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| DeIaco- yay | Hill- yay | Moss-yay | Aleszczyk-yay | Atkins- yay | Birtek- yay | Rivera- yay |
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**Executive Session** - Personnel (possible vote to follow)

### **Resolution No. 2024-16-**

#### **A RESOLUTION TERMINATING EMPLOYEE NUMBER 600**

WHEREAS, in accordance with the Albur-tis Codified Ordinances §12-602 Employment is At Will. As required by Section 8 Pa. CON. STAT. ANN. § 1005(1) , all Borough officers and employees who are not elected by the people shall serve for an indefinite term at the pleasure of Council (unless under state law they are under civil service or have a definite term of office), and may be transferred, suspended, or terminated at any time for any reason or no reason at all.

WHEREAS, Employee number 600 has been unable to perform the essential functions of his job with or without reasonable accommodation since the 2nd day of January, 2024, it is unreasonable accommodation and undue hardship on the Borough to hold his job open hereafter;

NOW, THEREFORE, be it **RESOLVED** by the Borough Council of the Borough of Albur-tis, Lehigh County, Pennsylvania, that the employment of employee number 600 is hereby terminated.

**DULY RESOLVED** by the Borough Council of the Borough of Albur-tis, this 13<sup>th</sup> day of November 2024, in lawful session duly assembled.

Steve Hill made a motion to approve resolution 2024-16 terminating employee number 600. Ashlynn Rivera 2nd and a unanimous vote followed. Motion passes 7-0.

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| DeIaco- yay | Hill- yay | Moss-yay | Aleszczyk-yay | Atkins- yay | Birtek- yay | Rivera- yay |
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**Adjournment**

Ron DeIaco mentioned that we would be going into an executive session for Legal, and that no vote will be taken after. A motion to adjourn at 8:54 p.m. was made by Mehmet Birtek, 2<sup>nd</sup> by Ashlynn Rivera and a unanimous vote followed.

Meeting minutes were taken and submitted by:

Stephen Nemeth  
Stephen Nemeth, Borough Manager.

APPROVED