

**STOCKERTOWN BOROUGH COUNCIL
MEETING MINUTES OF JANUARY 18, 2021**

THE BOROUGH OF STOCKERTOWN HELD A COUNCIL MEETING ON MONDAY, JANUARY 18, 2021 AT 7:30 PM AT BOROUGH HALL.

Attendance

- Council Members present were: Council President Amy Richard, Cindy Hower, Joe Gosnell, Pamela Davis and Rosemarie Wenzelberger. Kathleen Zdonowski was absent.
- Borough Secretary/Treasurer Anita Caughy, Police Chief Eric Schwab and Mayor Ken Zemencsik were present.
- Solicitor Gary Asteak was present by phone.

The Meeting was called to order by Council President, Amy Richard, at 7:30 PM

Pledge of Allegiance

Council Comment

- Pam Davis expressed her concern with the slot machines which were installed at Tolino's gas station by the new owners. Chief Eric Schwab stated that he addressed the matter and that they are now shut down. He stated that there is currently an ongoing investigation.

Solicitor

- Amy Richard called Solicitor Asteak to join the Council meeting by phone. Solicitor Asteak stated that the first issue is with regard to the sewer project in that it was necessary to obtain Easements from Polymer Products, Equipto and the Borough of Tatamy. Polymer Products has agreed to the easements and has executed the necessary documents and has asked for no compensation for the easements. Equipto, however, has demanded that we make a payment to them for the easement over their land. Attorney Asteak stated that under the law, the Borough is obligated to pay them just compensation for the value of the easement. An offer of \$10,000 was made which we believe is fair market value for that easement. It was rejected by Equipto. The Borough now needs to hire an Appraiser to do a fair market value of that piece of property and make that offer. If Equipto does not accept that fair market offer based on an appraisal, the only option for the Borough is to condemn the land by filing a condemnation proceeding in Court. In order to proceed, we need authorization to hire an appraiser. Jeff Morgan of SC Engineers is in the process of finding a qualified appraiser.

- Solicitor Asteak stated that the second issue concern the Malik Appeal. He stated that he has filed an Appeal pursuant to Council's authorization with regard to the Zoning Hearing Board decision in the Joshua Tree variance. The transcript has been received. Solicitor Asteak stated that he feels very confident that based on the

transcript they were unable to establish a hardship that would justify the expansion of their business. Another issues which arose is that when Joshua Tree was approved for the original variance it did not include a pest control business which according to their website, they are operating out of that site. He is concerned whether the proper safety precautions are in place with the chemicals they are using. He informed Council that Zoning Officer John Soloe has issued a Cease and Desist Order against them informing them that they do not have zoning approval for the pest control business.

Public Comment

- A resident expressed concern with the enhancement items being sold in the convenience store on the premises at Tolino's gas station.

Secretary / Treasurer Report

- **Motion** by Joe Gosnell, Seconded by Cindy Hower to approve Council Meeting Minutes of January 4, 2021, as written. Motion carried unopposed.
- **Motion** by Joe Gosnell, Seconded by Cindy Hower to approve accounts payable for the General Fund and Sewer Fund through January 18, 2021. Motion carried unopposed.

Police

- Chief Schwab had a suggestion to add a section to the Police website where residents could leave any helpful information concerning illegal or suspicious actions they have witnessed within the Borough. This information would assist the police with their investigations.
- Chief Schwab introduced, Fatima Zimmer, a new potential part-time police officer for Council's approval. Council questioned Officer Zimmer as to her experience and hours she would be available to work. Council approved the hiring of Officer Zimmer and welcomed her to the Borough. Amy Richard asked for a Motion to approve the hiring of Fatima Zimmer.
- **Motion** by Joe Gosnell, Seconded by Pam Davis to hire Fatima Zimmer as the Borough's new part-time police officer. Motion carried unopposed.

Zoning

- John Soloe informed Council that there is a new business moving into town on Hercules which is a truck driving school.
- Amy Richard questioned Mr. Soloe regarding the cars parked at the end of Werkheiser Street and what can be done. Mr. Soloe stated that he needs to get to the Courthouse and pull Deeds for information on the property.

Public Works

- Amy Richard informed Council that the Bids for the sewer interceptor project were opened this Wednesday, January 13th. There were eight bids in total received. Three of the bids were in the range of \$2 Million Dollars which was the general area they were hoping for. Solicitor Asteak has a copy of the lowest bid to review the documents. It does appear that all documents are in order. Entech Engineers and Jeff Morgan, Borough Sewer Engineer are both recommending the company which came in with the lowest bid. The Bid will be approved at the next Council meeting. They are hoping to start the project in March.
- Amy Richard reiterated what Solicitor Asteak explained regarding the Equipto easement and asked for a motion to hire an Appraiser to provide a fair market value of the property needed for the easement.
- **Motion** by Pam Davis, Seconded by Cindy Hower to appoint an Appraiser to provide a fair market value of the Equipto property needed for the easement. Motion carried unopposed.
- Council was provided with estimates for additional road paving within the Borough. Amy Richard explained to Council that she had asked Alex Hennings to obtain estimates for repaving of Longs Development since they are approximately 15 years old and she would like to cover them now before they begin to crack. She also asked for estimates for Birch Street and Hillside. The only streets in town that would not have been done in the last 5 years would be Ariel Court which has very little traffic and Main Street which we cannot do because it is a State Road. Ms. Richard stated that the Highway Aid account is over \$95,000 and can be used towards this project. Additional funds will be received in 2021. The rough estimate for the paving of these roads is as follows:

Faith, Crown View, Hope, Jubilee, Patriot & Freedom - \$207,683.25
Hillside and Birch Street - \$78,932.75

This will be discussed further at the February meeting. Amy Richard highly recommends proceeding with this project.

Agenda

- Amy Richard discussed the issue of appointing a new Council member to replace Carl Zito who had retired as of December 31, 2020. There were two letters of interest received by the Borough office. One candidate recanted her letter which leaves Renee Cantwell who has submitted a Letter of Interest. Amy Richard asked Ms. Cantwell if she would like to be nominated as a new Council member and she replied, Yes.
- **Motion** by Amy Richard, Seconded by Joe Gosnell to nominate and appoint Renee Cantwell to replace Carl Zito's position on Council. Motion carried unopposed. She was informed that Mayor Zemencsik could swear her in after the meeting.

Adjournment

- **Motion** by Joe Gosnell, Seconded by Pam Davis to adjourn the Council Meeting at 8:12 PM. Motion carried unopposed.

The next regular meeting of Borough Council will be held on February 1, 2021
The February 1, 2021 meeting was cancelled due to an extreme snow storm.
The February 15, 2021 meeting was cancelled due to extreme weather.

The foregoing was approved the **22nd** day of **February, 2021**.

President of Council

Attest:_____