

# STOCKERTOWN BOROUGH COUNCIL

## MINUTES OF OCTOBER 17, 2011

THE BOROUGH OF STOCKERTOWN HELD A MEETING ON MONDAY, OCTOBER 17, 2011, AT 7:30 PM AT BOROUGH HALL.

### Attendance

- Councilors present were: Council President Amy J. Richard, Vice President Paul Zaboy Sr., Mr. Jack Fatzinger, Mr. Carl Zito, Mr. Joe Gosnell, Ms. Cindy Hower, and Mrs. Rosemarie Wenzelberger.
- Mayor Sherman Metzgar attended.
- Additionally present were Paul Zaboy, Jr. from Public Works, Steve Mills, Esq., from the office of Borough Solicitor Gary N. Asteak, Police Chief/Zoning Officer John Soloe, and Secretary Chris Burmood.
- Patrolman Vrabel was present to preserve the meeting.

**Meeting called to order at 7:30 PM by Council President Amy J. Richard, followed by the pledge of allegiance.**

### Public Comment

- None

### Council Comments

- Mr. Zito remarked that the boat trailer was again parked on Center Street, and that he had already spoken with Chief Soloe.
- Ms. Richard opened the floor to questions in order to quell rumors going around town with respect to the wastewater treatment facility and other issues. No one responded.

### Secretary/Treasurer report

- **Motion** by Paul Zaboy, Sr., seconded by Jack Fatzinger, to approve the minutes of the October 3, 2011 meeting with corrections to the dollar figures and typo of the word "from" in the first paragraph of the Public Comments section. Motion carried unopposed.

### Mayoral Report

- Mayor Metzgar thanked Council for the card and photos.
- He advised that the County's proposed budget was on the table in the vestibule. Mr. Zaboy asked that it be placed in the office with a notice in the vestibule that it was available to review upon request.
- Mayor Metzgar also asked if the Borough had received a Census packet. Ms. Richard advised that we did not.
- The Mayor also discussed the street sign mandate, citing nationwide protests as the reason for the delayed implementation until 2018.
- The Mayor also received a letter from the Bushkill Stream Conservancy, which Ms. Richard read aloud. The letter was a request for a donation of \$250.00, with a request that it also be allocated as an annual budget item. Mr. Gosnell suggested waiting until Council is further along in the budget process to consider. Issue tabled by Council consent.

### **Public Works Report**

- Per Paul Zaboy, Jr. (PJ), the brick for the sewer influent flood barrier has not yet been received.
- He expressed concern that the sand filter would be unable to keep up with current heightened flow. Pond 3 was at 5.5 feet. PJ inquired as to the scheduling of the sludge removal. Ms. Richard advised that paperwork was the only thing holding it up. PJ said that the pump was running at maximum capacity. PJ also advised that he received a call from Kevin Franks, who had received a telephone call from DEP requesting to do inspection today. Mr. Franks asked PJ to unlock the gate to the wastewater treatment plant and leave it open for the DEP inspectors. PJ advised he had since locked the plant access gate. Several parties expressed concern over no Borough official presence during the inspection.
- Paul Zaboy, Sr. discussed the letter he sent to PVS regarding the removal of the chlorination/dechlorination tanks, and that he had contacted Univar for a quote for cleaning the tanks prior to removal.
- Per PJ, the Road Department was looking good. They had installed the leaf box on the green dump truck. Leaf pickup was to continue through November. PJ also stated the curbs had been painted throughout the Borough, the backhoe was ready for winter duties, and Jeff Forrer was maintaining the trucks.
- Public Works had received ColdPatch, and PJ advised he had no idea who had ordered it. He also stated he would no longer be requesting approval to purchase ColdPatch to perform repairs to Commerce Way.
- PJ stated that he had put in a request for a quote to mill and replace the road surface on Commerce Way from Hale-Bilt. He apologized for not having Council approval prior to requesting the quote. The quote amount was \$109,143.62. However, there was a question as to prevailing wage calculations. PJ advised he would contact Hale-Bilt and ask for a new quote with the correct prevailing wage information.

### **Police Report**

- Chief Soloe advised of a computer “melt-down” in his office, and stated that he had no report available.
- Chief Soloe discussed the annual cleanout of police vehicles, stating the usual cost was \$100. He asked about the possibility of doing it in-house, and mentioned he had already discussed it with PJ.
- The Chief also indicated that Ken (Collins) would be on the patrol schedule in approximately one week.

### **Zoning Report**

- Mr. Soloe stated that there was significant correspondence going around regarding removal of the trailer on the Ferraro’s property between all concerned parties. It was reiterated that Mrs. Ferraro would have to appeal through the County Court.
- Additionally, Mr. Soloe advised that the manufactured home had been placed at the vacant lot at 75 Main Street.

## Solicitor's Report

- Per Mr. Mills, Gary Asteak had spoken to the US Postal Service, and found out that the Stockertown location was not on any closure list for the foreseeable future, and that the lease counter proposal was agreeable.
- Paul Zaboy advised that the USPS had contracted to make changes to the facility entry, in order to remain ADA compliant, without advising the Borough as landlord.

## Agenda Items

- Mr. Billy Weber, of InSource Power, discussed how his firm, an energy broker, operates. He advised that Pennsylvania became fully deregulated as of December 2010. PP&L rates shot up 30% in one quarter. InSource, works with and is paid by electricity generation companies in all deregulated states. At no cost to the end consumer, In Source obtains per kWh locked in rates from the generators for a set period. Duration can last from one to five years. Municipalities can bundle as part of a larger buying group, but set individual terms.
- Council discussed the issue of obtaining 2 or 3 signs for the Memorial Hall north side parking area. The signs should indicate residents only parking and vehicle parking at owner's risk. The Borough would assume no liability for any damages occurring in the lot. Mr. Soloe suggested painting lines to delineate parking spots. No parking signs for the south side lot were also discussed.
- Ms. Richard spoke again with National Water Main Cleaning. We have 20,000 feet of sewer line in the Borough. To camera and jet the entire system would cost approximately \$51,000.00. There was also discussion on converting several cleanouts to manholes, and replacing a couple of existing manholes. This would include the recreational trail bed.
- Ms. Richard and Mr. Zaboy met with an attorney who specializes in environmental litigation. The attorney was recommended by the sewer plant engineer, Jeff Morgan. The attorney would require a retainer of \$2,500.00 and has an hourly rate of \$345.00. **Motion** by Paul Zaboy, Sr., seconded by Cindy Hower, to retain Hanglely Aronchick, specifically attorney Steve Miano, to represent the Borough in the ongoing issue with DEP. Motion carried by majority, with Mr. Zito dissenting. Mr. Zito wanted to know the attorney's win/loss record before voting.
- Ms. Richard and Mr. Zaboy have been working with Mr. Morgan, the engineer, to compile a letter addressing the DEP violations and consent decree.
- Ms. Richard reiterated the realistic options with respect to the wastewater treatment plant and the ongoing DEP violations. Mentioned were hooking up with the Nazareth sewer system, pumping the effluent to the Schoeneck Creek, or potential sale of the plant. In order to approach any of these options, the entire wastewater system in Stockertown would require a financial valuation. A proposal from one such evaluator was for \$15,000.00 including expenses. The evaluator advised he has a list of prospective buyer firms that may be interested in a purchase of the plant.

### New, Old, or Unfinished Business

- With respect to the Rails-to-Trails project, the manhole issue was already discussed.
- Mr. Zaboy advised they did a walkthrough with a highly recommended surveyor. He is awaiting a proposal with cost estimates.
- Mr. Zaboy contacted the County in reference to the \$29,000.00 bond funds. He was advised that the County will pay it upon completion of the project and presentation of proof of costs. The money is guaranteed, having been set aside specifically for this purpose. Mr. Gosnell asked if that allows the County veto ability with respect to the design and construction of the trail. Per Mr. Zaboy, the County already passed a resolution authorizing the bond funds. The Borough must provide a detailed cost accounting.
- Mr. Fatzinger spoke with his contact at Chrin. The weather has caused significant delays. Mr. Fatzinger was asked what the Borough's priority would be, the light signals or the cross walks. Mr. Zaboy suggested the crosswalks would be the top priority, as it would be incorporated into the Rails-to-Trails design. He mentioned that both URDC and DCNR representatives suggested taking the trail up to the exit ramps for cross walks as opposed to Main Street. Mr. Fatzinger requested a letter be prepared to Chrin advising that the Borough considers the crosswalks as the priority part of the project.
- Earl Kocher requested a copy of the minutes for the October 3, 2011 meeting.
- Bob Werner, candidate for Northampton County Council in Region 2, was present for the meeting and introduced himself. He advised that he was on the Easton Sewer Authority, and had never heard of a wastewater facility in as dire straits as ours is with the ongoing DEP issue.
- Paul Zaboy, Jr. requested to address Council in an Executive Session. **Motion** by Carl Zito, seconded by Paul Zaboy, Sr. to adjourn to Executive Session after a five minute break. Motion carried unopposed at 9:09 pm. **Motion** by Joe Gosnell, seconded by Jack Fatzinger, to exit Executive Session and return to regular session. Motion carried unopposed at 10:02 pm.

### Adjournment

- **Motion** by Cindy Hower, seconded by Carl Zito, to adjourn the meeting. Motion carried unopposed at 10:03 pm.

There is a Budget meeting scheduled for October 19, 2011 at 7:30 pm, and another on Wednesday, November 2, 2011 at 7:30 pm. The next regular meeting of Borough Council will be held on Monday, November 7, 2011 at 7:30 PM.

The foregoing were approved the 7<sup>th</sup> day of November, 2011.

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President of Council

Attest: \_\_\_\_\_