

**STOCKERTOWN BOROUGH COUNCIL  
MINUTES OF FEBRUARY 2, 2015**

THE BOROUGH OF STOCKERTOWN HELD A COUNCIL MEETING ON MONDAY, FEBRUARY 2, 2015, AT 7:30 PM AT BOROUGH HALL.

**Attendance**

- Council Members present were: Council President Amy Richard, Vice President, Kathleen Zdonowski, Robin Davis, Joe Gosnell, Cindy Hower, Rosemarie Wenzelberger and Carl Zito.
- Mayor Charlie Davis and Borough Secretary/Treasurer Anita Caughy were in attendance along with Chief John Soloe and Officer Eric Schwab.
- Solicitor Gary Asteak was present.

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

**Pledge of Allegiance**

**Public Comment**

- Mr. Kocher of Old Easton Road complained that the Borough's plow threw chunks of black top onto his driveway. He also stated that someone who made a switchback turn onto his road went over his front lawn and left tire tracks in the snow. He was advised that if he does not have a license plate number that the police cannot do anything. He wants council to get rid of that turn.
- Eric Wenzelberger stated that he contacted UGI Gas Company regarding the proposed gas line from Longs Development to Polymer to see if residents could hook up to it. He was advised that it was only conceptual and they are only in the process of obtaining proposals. Mr. Wenzelberger also stated that Public Works were doing a good job with the snow plowing on Center Street.

**Council Comment**

- No Comments

**Secretary / Treasurer Report**

- **Motion** by Joe Gosnell, seconded by Carl Zito to approve the Council Meeting Minutes of January 21, 2015 as written. Motion carried unopposed.
- Carl Zito questioned the charge of \$5,469.78 to Hangle, Aronchick, under the sewer fund. Anita Caughy advised him that it was part of the attorney's fee for the DEP Appeal.
- Rosemarie Wenzelberger questioned the tax refund on the Accounts Payable. She was advised that it was a Veterans Disability Tax refund.
- **Motion** by Carl Zito seconded by Joe Gosnell to approve Accounts Payable for the General Fund and Sewer Fund through February 2, 2015. Motion carried unopposed.

### **Mayor Report**

- Mayor Davis stated that members of the COG liked the Borough's bike path except for the crossing at Rt. 191. They were interested in when it would connect to Tatamy.

### **Police Report**

- Chief John Soloe read out the Call Service Report from January 1, 2015 through January 31, 2015. There were a total of 88 calls which included 31 Traffic Summonses; 34 Traffic Warnings; 2 Thefts; and 2 Fire Alarms.

### **Solicitor Report**

- Solicitor Asteak has prepared a proposed Ordinance to repeal the provisions of Borough Ordinances regulating the possession of firearms, ammunition or ammunition components. He asked for authorization to advertise. A search of Borough Ordinances showed the only section which addressed this issue was the Borough's Park and Regulations Section.
- Amy Richard asked for a Motion to authorize advertising of this proposed Ordinance.
- **Motion** by Carl Zito, Seconded by Joe Gosnell to advertise the Firearms Repeal Ordinance. Motion carried unopposed. It will be advertised for the first meeting in March.
- Solicitor Asteak stated that he checked the Ordinances regarding false alarms at Peoples' Coal and found that there is an Ordinance which provides that after the Borough's Emergency Services Agency responds to three (3) false alarms during any 60 days that there is a fine of \$300.00 per false alarm. Adopted in 1986. The penalty is a civil penalty not criminal and the Zoning Officer needs to sign off on this.
- It was pointed out that the meeting in March and June needs to be corrected on the calendar to show the council meetings on the 1<sup>st</sup> and 3<sup>rd</sup> Mondays of the month. The calendar will be corrected. After checking the advertisement it was confirmed that the dates were advertised correctly.

### **Agenda**

- Amy Richard advised Council members that if there were going to be any changes in the tax collector's salary or place of business, it must be decided tonight. Amy Richard proposed to lower the salary to \$1,000 per year to fall in line with the proposals from Berkheimer and Keystone and whoever runs for tax collector can make arrangements as to the place of business. The fee change has to be set tonight by Resolution for next election. Solicitor Asteak stated that we need to adopt a Resolution tonight and he will put the format of the Resolution into the Minutes. Solicitor Asteak read the format of the Resolution to be set in the Minutes as follows:

WHEREAS, the Borough of Stockertown, Northampton County, is a borough within the Commonwealth of Pennsylvania; and

WHEREAS, Pennsylvania Consolidated Statutes, Title 72 Taxation and Fiscal Affairs, Chapter 4, Local Tax Collection Law, Section 5511.36a requires that when the local taxing authority proposes to either raise or decrease the compensation or salary for the office of an elected tax collector, such action shall be by resolution or ordinance, prior to the fifteenth day of February of the year of the municipal election; and

WHEREAS, 2015 is a municipal election year; and

WHEREAS, the office of elected tax collector is subject to election in this municipal election year; and

WHEREAS the duly elected Borough of Stockertown real estate tax collector resigned effective January 21, 2015, and therefore the office will be filled during the 2015 municipal election; and

WHEREAS, the term of the Borough of Stockertown real estate tax collector is for four years; and

NOW, THEREFORE, BE IT RESOLVED that the rate of compensation for the Borough of Stockertown real estate tax collector for the next term of office and continuing thereafter, unless amended, shall be set at One Thousand (\$1,000.00) Dollars per year.

DULY ENACTED this 2<sup>nd</sup> day of February, 2015

Amy Richard asked Council if everyone was in agreement with the proposed Resolution and asked for a voice vote. Voice vote went as follows:

	Yea	Nay	Abstain
Amy Richard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Robin Davis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rosemarie Wenzelberger	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cindy Hower	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Joe Gosnell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kathleen Zdonowski	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carl Zito	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- Robin Davis asked who would collect taxes in the meantime. Solicitor Asteak asked whether council wanted to bring the collection in house for this year. The Solicitor stated that since the next meeting will not occur until after the 30 days has expired and that there are no candidates for the position, that council should appoint the Borough Secretary officially to become interim tax collector.

- **Motion** by Robin Davis, Seconded by Carl Zito to appoint Anita Caughy, Borough Secretary, as interim tax collector for the Borough of Stockertown for the year 2015. Motion carried unopposed. Taxes will be mailed out on February 21, 2015.
- Amy Richard stated that a Borough CD in the amount of \$286,765.07 matures on February 3, 2015. The CD is broken down between the General, Sewer, Fire Prevention and Centennial Funds. Ms. Richard would like to cash in the CD in hopes of reinvesting a portion of it. Ms. Richard asked for permission to take the money out of the CD and put the funds in the Money Market Account. Current CD rates were obtained which are substantially lower. Rates range from .30% to 2.00%. Council agreed to cash in the CD at this time and deposit money into the Money Market Account.
- Amy Richard read the Bank Balances for each account as of December 31, 2014. Balance were as follows:

	<b>Amount</b>
General Fund Savings	\$84,249.74
General Fund Checking	\$16,106.95
Sewer Fund Savings	\$101,256.98
Sewer Fund Checking	\$70,357.29
Real Estate Tax Account	\$16,648.57
Special Sign Fund	\$2,050.00
Rails to Trails Fund	\$337.81
Centennial Fund	\$4,450.71
Recreation Fund	\$100.50
Highway Aid Checking	\$147,310.02
Fire Truck Fund	\$3,537.98
Escrow Account	\$100.00
Debit Card Acct.	\$1,946.33
Money Market Acct.	\$145,728.95

Amy Richard stated that the Special Sign Fund and the Centennial Fund should be closed out and the money put into the General Fund.

The break-down of the CD in the amount of \$286,765.07 which is due February 3, 2015 is broken down as follows:

General Fund (50%)	\$143,382.54
Sewer Fund (47.5%)	\$136,213.40
Fire Prev. Fund (1.5%)	\$4,301.48
Centennial Fund (1%)	\$2,867.65
<b>Total of CD</b>	<b>\$286,765.07</b>

- Nazareth Soccer Club requested permission to rent out Sherman Metzger Park this summer. Council agreed as long as a Certificate of Insurance was provided. The charge would be the same as the ball field rental of \$25.00 a day.
- Hanwei Cheng, owner of 100-102 Main Street questioned council as to who was responsible for maintaining the alley between her property and Tony's Pizza. She stated that the County advised her that the Borough owned that alley and she could not do anything with it. John Soloe, Zoning Officer advised Ms. Cheng that the Borough never dedicated or accepted that alley and has never maintained it. Solicitor Asteak reiterated that since the Borough has never accepted the alley and has never dedicated it as a public street or maintained it as a public street, it is not Borough property and it is not the Borough's responsibility to maintain it. He stated that it is not up to the County to tell you who owns the property. Zoning Officer, John Soloe stated that she would need to have the property surveyed and a new Deed prepared and filed. Solicitor Asteak suggested that the best solution for her was to consult with an attorney and have her attorney contact him and he would be happy to discuss the matter. Ms. Cheng stated that she advised her tenants to park on Center Street. Solicitor Asteak stated that the Borough is not stating that they cannot park in the alley. He wants to make it clear that the Borough is not telling them anything, it is not the Borough's property.
- Amy Richard commented that several people have come out and threatened the employees who are snow plowing. Amy Richard asked what the process for plowing is. John Soloe stated that the responsibility of Public Works is to clear the streets. Whether the angle on the plow is mild or not the snow is going to end up in people's driveways. No one has the resources to eliminate that. Snow plowing is not a fun job; it is a very difficult job. People have to clear their own driveways after the plows come by. It cannot be helped. Chief Soloe stated that he has the same problem and has to clear the end of his driveway after the plows go by.
- Amy Richard stated that Dave's Automobile plows their snow towards Widow Brown's and leave all the snow in the street. She would like a letter to go to them.
- Amy Richard stated that M&T is pushing the snow into the Borough's fence and into the swale. Solicitor Asteak stated that if he breaks the fence the Borough can sue him.
- Eric Wenzelberger asked if anyone can park in the alley. Solicitor Asteak told him No, that it is private property.

**Adjournment**

- **Motion** by Robin Davis, Seconded by Carl Zito to adjourn the Council Meeting at 8:42 PM. Motion carried unopposed.

The next regular meeting of Borough Council will be held on Monday, February 18, 2015 at 7:30 PM. February 18<sup>th</sup> Meeting was cancelled.

The foregoing was approved the **2<sup>nd</sup>** day of **March, 2015**.

\_\_\_\_\_  
President of Council

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