

**STOCKERTOWN BOROUGH COUNCIL  
MINUTES OF MAY 19, 2014**

THE BOROUGH OF STOCKERTOWN HELD A COUNCIL MEETING ON WEDNESDAY, MAY 19, 2014, 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 Secretary/Treasurer Anita Caughy were present.
- Solicitor Gary Astek & Police Chief/Zoning Officer, John Soloe, were present.

**The Meeting was called to order by Council President, Amy Richard, at 7:32 PM**

**Pledge of Allegiance**

**Guest Speaker**, Jim Beers, from Lessig appeared before Council to discuss the Borough's heating and cooling system and explain the proposals received from Lessig. He recommended the Hybrid with an electric heat pump and propane backup.

**Public Comment**

- Eric Wenzelberger advised that elections were being held the next day at the Borough Hall and that everything should be put away for safety.

**Council Comment**

- Robin Davis commented on thistles at Metzgar Park. Amy Richard advised that she would have Public Works add that to their list.
- Carl Zito advised that the Trail Bridge at Werkheiser will be taken care of. He also commented that since two trees were taken down at Metzgar Park that there is no shade for kids on the swings. Council agreed that additional planting needs to be done.
- Charlie Davis commented on the tall weeds along the trail and the parking lot at the school house.
- Robin Davis stated we should put "check on the elderly" on the Borough sign. She also commented that we should put something in the newsletter about not putting TV's out for garbage pick-up as Waste Management will not pick up televisions
- Rosemarie Wenzelberger commented that the public works crew should be wearing goggles for protection. Goggles have been given out to the employees.
  
- Mrs. Obulaney stated that someone tried to break into her house two weeks ago at 1:30 in the morning. She called Stockertown Police but no one was on duty. The State Police did respond within minutes. She advised that a neighbor's house was also broken into. Mrs. Obulaney also commented that 2 years ago she complained to the State about water run off but nothing has been done. She asked if there was an Ordinance against recreational trailers in the Borough and was advised that there is not.

### **Secretary / Treasurer Report**

- **Motion** by Kathleen Zdonowski, seconded by Carl Zito to approve the Minutes of May 5, 2014 with one correction. Motion carried unopposed.
  - Under Police Report, first line take out the word “out”.
- **Motion** by Robin Davis, seconded by Carl Zito to approve Accounts Payable for the General Fund, Sewer Fund and Rails to Trails Fund through May 19, 2014. Motion carried unopposed.
- Amy Richard reminded everyone that Household Hazardous Waste Drop-Off is scheduled for Saturday, May 31, 2014 at Northampton Community College. Information is posted on the board outside the office. Also tomorrow is Election day and the office will be closed.

### **Mayor Report**

- Nothing to Report

### **Police Report**

- Nothing to Report

### **Zoning Report**

- John Soloe stated all is quiet.
- Rosemarie Wenzelberger asked what was being put in the building above the Yoga Place. John Soloe advised that he has not seen any activity in the building. She also asked what the zoning classification was. She was advised that it was for mixed use.

### **Public Works**

- Bob Reimer, Superintendent of Public Works in Nazareth advised by email, that their Council approved to allow them to sweep the Borough streets at a cost of \$110.00 per hour. They will be able to sweep between 7:00 AM and 3:00 PM on regular working days. They expect to take approximately 5 hours total to do our streets. Amy Richard called for a Motion to hire Nazareth Public Works.
- **Motion** by Carl Zito, seconded by Joe Gosnell to hire Nazareth Public Works to clean the Borough’s streets at \$110.00 an hour. Motion carried unopposed.
- The Borough sign will post the date for the street cleaning. Residents will also be notified through Code Red to remove all cars from the streets.
- Amy Richard read the Employment Application submitted by John Polak for the Public Work’s position. Amy Richard asked if Council would approve Alex, Carl and herself interviewing personnel and being able to hire them during the week or do they need to ask council’s permission. Joe Gosnell and Kathleen Zdonowski advised that they were fine with it and Rosemarie Wenzelberger questioned whether the applicant was related to anyone. It was stated that they do not want to hire relatives. No decision was made.
- **Motion** by Robin Davis, seconded by Carl Zito and Kathleen Zdonowski to hire John Polak immediately for the open Public Work’s position. Motion carried unopposed.
- Applications continue to be submitted and appointments will be scheduled to interview and hire an additional public work’s employee.

## Solicitor Report

- Solicitor Asteak advised that the Sewer Loan Modification Ordinance has been posted for public inspection and duly advertised on May 6, 2014. He stated that the previous agreement started in 1995 and was refinanced in 2005. The current refinance will reduce the interest rate from 4.7% to 3.2% per annum over 10 years. The monthly payments will be \$6,847.15.
- Kathleen Zdonowski asked if we could refinance this loan again if rates go down and she was advised by Solicitor Asteak that we could.
- **Motion** by Joe Gosnell, seconded by Carl Zito to approve Sewer Loan Ordinance 2014-1. Motion carried unopposed.

## Ordinance No. 2014-1

AUTHORIZING THE AMENDMENT AND MODIFICATION OF THE BOROUGH OF STOCKERTOWN'S GENERAL OBLIGATION NOTE, SERIES OF 2005, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$1,360,000 FOR THE PURPOSE OF MODIFYING THE INTEREST RATE PAYABLE ON SAID NOTE; ACCEPTING A PROPOSAL FOR THE MODIFICATION OF THE NOTE; AND AUTHORIZING THE EXECUTION AND DELIVERY OF RELATED DOCUMENTS.

- Solicitor Asteak advised that the Floodplain Ordinance is complete and was forwarded to the Borough's Planning Board and the Lehigh Valley Planning Board for their comments. They each have 30 days to make their comments. He would like to adopt the Ordinance at the June 16, 2014 meeting.
- Amy Richard advised that Sean Dooley requested authorization for Solicitor Asteak to attend the next Planning Commission meeting on June 12<sup>th</sup> to answer any questions regarding the Floodplain Plan. Solicitor Asteak stated that Zoning Officer, John Soloe, would be more qualified to answer any questions.
- Solicitor Asteak stated that the Tichy Amended Settlement Agreement needed to be voted on and signed. The original Agreement was approved by all parties pursuant to a conference before Judge Hogan subject to going to court. He stated that in this new Amended Agreement the Borough grants an additional 36 sq. feet which Heitzinger requested. Heitzinger flew into town prior to the settlement hearing and met with his attorney and wanted to go over the plans. He came to the Borough Hall and met with Len Policelli and Amy Richard the Thursday and Monday before the trial. Heitzinger wanted another 4 feet added to the agreement. Gary stated we went to Court on Tuesday. Everyone signed off with the understanding that we would give him the extra 36 sq. feet. Amy Richard wanted money from the Heitzingers to pay for URDC and counsel fees in connection with these changes. Gary Asteak did not feel that these changes warranted them to pay additional money. The legal description did have to be changed because of an error which Len Policelli discovered in his measurements. Solicitor Asteak asked for Council to approve the Amended Agreement with the amended easements so they can be recorded
- Amy Richard stated that, for the record, "In order to get our Easements correct is important, however I was trying to get them to pay some portion of the additional legal and URDC fees". She stated she was up there today and had to bring the Agreement, which was signed in Court, to Mr. Tichy at his location, because he was trying to skimp on the pavement "getting a price from Hale Built down to 5" and 4" instead of 6" and 5". "This is the personality we have to deal with". "They managed to convince their attorney who apparently convinced our attorney that this 2 foot thing was agreed to when it was

not. When he left Monday afternoon, I told them on the phone that everything was off and that we were resorting to the original agreement. They did not agree so I told them we would see them in Court". Ms. Richard asked the Solicitor what would happen if we do not sign this agreement. Are we stuck with it?

- Solicitor Asteak stated "that we are stuck with it because he agreed to it. It is only 36 feet".
- Kathleen Zdonowski stated that she was at Tichy's property with Amy Richard today and that he is pushing for the additional 4 feet. She stated that a barrier should be put up or he will be running all over our property.
- Amy Richard stated that her only effort was to get this signed and settled, but all the times the Solicitor had to redo the Agreement, which has been 5 or 6 times, and Len Policelli spent an additional 4 hours going over the plans with them cost the Borough money. Len has approximately \$3,000 into this already. I was trying to recoup some of the taxpayer's money and I mentioned that to the Heitzingers on Friday and Monday and they refused. We have to answer to all of the tax payers and they only answer to their own bank account. We have to pay for everything, and I was trying to make them give something in return because they have given nothing.
- Joe Gosnell stated that every little change they ask for, without even giving a square millimeter, we have to pay for it.
- Solicitor Asteak stated "that he made an executive decision to settle this case or we would not have a trail". Had we gone to trial we might not have gotten a decision until the Fall. If Tichy doesn't comply with the Agreement, then we file a Petition for Contempt with the Court. There is a Court Order he has to abide by.
- Amy Richard stated, if we don't sign tonight, we already have one Agreement filed with the Court which allows us to continue with the trail, but easement numbers are incorrect. This new Agreement gives them the 2 feet but gives the Borough nothing.
- Joe Gosnell stated that he wants an impenetrable but decorative fence right up against the property. He also wants Alex right on top of Hale Built to be sure everything is done correctly.
- **Motion** by Kathleen Zdonowski, seconded by Carl Zito to approve the Amended Easement Agreement with Heitzinger.

A voice vote was taken as follows:

Carl Zito - Yes  
Kathleen Zdonowski – Yes, We have no choice  
Joe Gosnell – Against my better will and judgment - Yes  
Robin Davis - Yes  
Cindy Hower – Yes  
Rosemarie Wenzelberger – Yes  
Amy Richard – Yes, with grave reservation

### Agenda Items

- Trail Progress – Work is being started at Tichy's end. As soon as we get a full crew, work will begin on our end. They are hoping to begin work the beginning of June.
- Council discussed the proposals received from various companies regarding the heating/cooling system for the Borough. The Council decided to hire Deiter Bros to install the new heating/cooling system for the Municipal Building and EMS Building along with gas, automatic start generators. Deiter Bros offered an additional 5% discount if we purchase everything from them.

- **Motion** by Joe Gosnell, seconded by Carl Zito to accept the proposal from Deiter Bros for the new heating/cooling system and generators for the Municipal Building and EMS Building as follows:

Hybrid Heating System for Municipal Bldg.	\$10,151.69
Police Station Ductless Split Heat Pump	\$ 4,144.68
11 kW Standby Generator for Police Station	\$ 6,956.97
17 kW Standby Generator for Municipal Bldg.	\$ 9,259.36
Propane Tank Rental is \$7.00 a month.	

A voice vote was taken 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"/>

- Joe Gosnell stated that we are going to see an immediate and substantial decrease in the electricity use this season.

#### Adjournment

- **Motion** by Carl Zito, seconded by Kathleen Zdonowski, to adjourn the meeting. Motion carried unopposed at 9:16 PM.

The next regular meeting of Borough Council will be held on Monday, June 2, 2014 at 7:30 PM.

The foregoing were approved the 2<sup>nd</sup> day of June, 2014.

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President of Council

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