

**STOCKERTOWN BOROUGH COUNCIL
MINUTES OF JULY 29, 2013**

THE BOROUGH OF STOCKERTOWN HELD A MEETING ON MONDAY, JULY 29, 2013, AT 7:30 PM AT BOROUGH HALL.

Attendance

- Council members present were: Council President Amy Richard, Council Vice President Paul Zaboy, Sr., Mr. Carl Zito, Mr. Joe Gosnell, Ms. Cindy Hower, Mrs. Rosemarie Wenzelberger, and Ms. Kathleen Zdonowski.
- Mayor Charlie Davis was present.
- Borough Solicitor Gary N. Asteak was present.
- Police Chief/Zoning Officer John Soloe and Secretary Chris Burmood were in attendance.

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

Public Comment

- Eric Wenzelberger, of 111 Center Street, asked about the “Detour” sign north of town, stating that it had not been removed yet.
- Mr. Wenzelberger also advised that glass from a bottle in the recycling container shattered when he tried to close the depository door and a piece of glass got into his eye. He requested that some warning signs be posted.
- Earl Kocher, of 302 Old Easton Road, asked both how and why the meeting had been called. He said that the rapid scheduling of the meeting appeared “shady”. Ms. Richard replied that he (Mr. Kocher) was present, and that it was an open meeting to conduct business. She further stated that it could not be more transparent than that. Mr. Asteak advised that a newspaper ad is the only public notification requirement, and that council can call a meeting for a variety of reasons. Mr. Burmood advised that he had arranged on Thursday to have the ad run in Friday’s Express-Times, and also placed a message on the electronic marquee sign.
- Kathy Dimmick, of 300 Birch Street, stated that the sinkhole on Birch that started a few years back has grown larger. It runs along the water line installation.
- Mrs. Dimmick also stated that the weeds throughout town are horrible and especially noticeable as you drive along Main Street.
- Mrs. Dimmick also advised that her mother, Jeanette Itterly, had reserved Newhart Park and found the facilities there to be “way below standards” in terms of cleanliness. Ms. Richard read a letter to that effect submitted earlier in the day by Mrs. Itterly, and advised that Council would look into the matter further.

Council Comments

- None

Secretary/Treasurer Report

- **Motion** by Paul Zaboy, Sr., seconded by Carl Zito, to approve the minutes of the July 15, 2013 meeting, with the correction as noted below. Motion carried unopposed.
 - Page 2, third bullet point of Agenda Items, cont’d., third line: change “removed timely” to “removed in a timely manner”.
- **Motion** by Paul Zaboy, Sr., seconded by Carl Zito, to approve the General Fund payables, Sewer Fund payables, and Rails-to-Trails Fund payables though July 29, 2013, as presented. Motion carried unopposed.

Mayor's Report

- Mayor Davis attended the meeting held at Widows with Representative Emrick on the 19th. Rep. Emrick discussed the budget, including the notable increase in school funding. Additionally, the contracts for the Tatamy Interchange had been signed.

Public Works Report

- Per Paul Zaboy, the level for ponds 2 & 3 are at 4.75 feet. The sand filter is functioning. Presently we are not using the dosing pumps, but only the sump pumps, as per the direction of Sewer Operator Kevin Franks.
- Public Works staff has also started maintenance of the berm around Ponds 2 & 3. Once completed, this should provide the ponds with an extra foot of capacity. Since this only affects retention capacity, it does not require any changes or alterations to our permit.

Solicitor Report

- Mr. Asteak stated that the Ordinance creating the 4-way stop at the intersection of Faith and Jubilee has been prepared and advertised as being presented for adoption on August 5th. If we reschedule the August 5th meeting, we would have to re-advertise the Ordinance.

Agenda Items

- There was a meeting Thursday, with URDC and DCNR regarding the trail. We were advised of a grant opportunity with a deadline for application by the end of July. The application required a resolution by Borough Council. The trail project has experienced increased costs due to PennDOT input regarding the trailheads and the Industrial Boulevard crossing. For the grant, we will request \$138,835.00, with the Borough proposing to match \$46,280.00. **Motion** by Paul Zaboy, seconded by Joe Gosnell, to Adopt **Resolution 2013-3 Requesting a Greenway, Trails, and Recreation Program Grant from the Commonwealth Financing Authority** for the recreational trail. Motion carried 6-1, with Mrs. Wenzelberger voting nay.
- Ms. Richard then advised Council that we received notification from County Emergency Management that we would have to adopt the County Emergency Management Hazard Mitigation Plan, if we wanted to be eligible for any FEMA or PEMA monies, should a disaster hit. **Motion** by Paul Zaboy, seconded by Carl Zito, to Adopt **Resolution 2013-4 Lehigh Valley 2013 Hazard Mitigation Plan**. Motion carried unopposed.
- Mr. Burmood presented suggested changes to the fee schedule with respect to costs associated with obtaining and satisfying sewer liens, based off of figures provided by Borough Solicitor Gary Asteak. Additionally, Ms. Richard and Mr. Zaboy presented suggested changes to the fee schedule regarding use of Borough equipment and personnel. Mrs. Wenzelberger asked if other municipalities have equipment usage fees. Mayor Davis advised that Forks Township does. **Motion** by Paul Zaboy, seconded by Carl Zito, to approve changes to the Fee Schedule as discussed, effective July 29, 2013. Motion carried unopposed.

New, Old, or Unfinished Business

- Mr. Asteak requested authority from Council to initiate a lawsuit, if necessary, to secure the north end trail property and have items removed from Borough-owned property. **Motion** by Carl Zito, seconded by Kathleen Zdonowski, to authorize Borough Solicitor Gary Asteak to initiate legal action against MT Automotive, if necessary, to secure free and clear access to Borough-owned property for the purpose of constructing the recreational trail.
- Mr. Burmood had contacted General Code for confirmation of the annual maintenance fees. He read the response from General Code indicating that the new ordinances are reviewed for conflicts with the existing code, and indexed appropriately. It is not a total duplication of Mr. Asteak's efforts.

Motion by Paul Zaboy, seconded by Kathleen Zdonowski, to exit regular session and enter executive session at 8:25 to discuss legal and personnel matters. Motion carried unopposed.

Motion by Carl Zito, seconded by Cindy Hower, to exit executive session and return to regular session at 8:35. Motion carried unopposed.

New, Old, or Unfinished Business cont'd.

- **Motion** by Paul Zaboy, seconded by Joe Gosnell, to authorize Borough Council President Amy Richard to sign the settlement agreement pertaining to former Police Officer Collins. Motion carried unopposed.

Adjournment

- **Motion** at 8:36 pm by Carl Zito, seconded by Paul Zaboy, Sr., to adjourn the meeting. Motion carried unopposed.

The next regular meeting of Borough Council will be held on Monday, August 5, 2013 at 7:30 pm. The foregoing were approved the 5th day of August, 2013.

President of Council

Attest: _____