

**STOCKERTOWN BOROUGH COUNCIL  
MINUTES OF AUGUST 5, 2013**

THE BOROUGH OF STOCKERTOWN HELD A MEETING ON MONDAY, AUGUST 5, 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, and Mrs. Rosemarie Wenzelberger.
- Mayor Charlie Davis, Borough Engineer Al Kortze, and Borough Solicitor Gary N. Asteak were present.
- Acting Public Works Supervisor Paul Zaboy, Jr. (PJ) and Secretary Chris Burmood were in attendance.
- Police Chief/Zoning Officer John Soloe arrived at 8:00 pm.

**Meeting called to order at 7:33 PM by Council President Amy Richard, followed by the pledge of allegiance.**

**Public Comment**

- Eric Wenzelberger, of 111 Center Street, asked about the composition of the recreational trail. Mr. Zaboy advised that the trail was constructed of 2A Modified stone, with an application of #10 Limestone fines. The Limestone fines would chemically bond with the 2A Modified, creating a permeable, yet firm trail surface.
- Earl Kocher, of 302 Old Easton Road, stated he received a letter from the “chairperson”, which included a copy of the Public Notice from the Express-Times for the July 29 meeting. He read the letter, and called it a “form of harassment”. Ms. Richard advised him that during the July 29 meeting, he claimed not to have seen the notice, and complained about Council’s ability to call a meeting on short notice. She then stated she wanted to make sure that the meeting had been properly advertised as per requirements.

**Council Comments**

- Mrs. Wenzelberger stated that she was happy that her packet, including agenda and meeting materials, was ready for pickup at 2:00 pm.

**Secretary/Treasurer Report**

- **Motion** by Paul Zaboy, Sr., seconded by Carl Zito, to approve the minutes of the July 29, 2013 meeting, with the correction as noted below. Motion carried unopposed.
  - Page 1, 2<sup>nd</sup> bullet point of Public Comment, 1<sup>st</sup> line: change “shatter” to “shattered”.
- **Motion** by Paul Zaboy, Sr., seconded by Joe Gosnell, to approve the General Fund payables, Sewer Fund payables, and Rails-to-Trails Fund payables through August 2, 2013, as presented. Motion carried unopposed.

**Agenda Items**

- Dave Bray, of Jena Engineering, presented the basis of the plan for Joshua Tree’s Land Development Plan for the proposed building expansion. There was discussion of several issues including trees along the boundaries, stormwater runoff, and expanded parking area. Borough Engineer Al Kortze highlighted his recommendations for slight alterations to comport with code and applicable ordinances. **Motion**, by Carl Zito, seconded by Paul Zaboy, Sr., to grant conditional final approval of the Joshua Tree Land Development Plan, subject to the conditions set forth in the engineer’s letter of August 2, 2013, with the additional conditions that no subdivision improvements agreement is required, given the \$5,000.00 escrow, and planting of additional trees shall occur upon mutual agreement between the property owner and the borough. Motion carried unopposed.

**Mayor’s Report**

- Mayor Davis had nothing to report.

**Police Report**

- Chief Soloe had nothing to report.

## Zoning Report

- Mr. Soloe had no other zoning issues to report.

## Public Works Report

- PJ advised that the sand filter is bound again, due to algae growth. They are drying it out again in an attempt to kill off the algae. Pond 2/3 is currently at 4 ½ feet.

## Solicitor Report

- Mr. Asteak stated that the Ordinance creating the 4-way stop at the intersection of Faith and Jubilee was prepared and advertised as required and is ready for adoption. **Motion** by Paul Zaboy, Sr., seconded by Joe Gosnell, to adopt Ordinance 2013-1 to establish a 4-way stop intersection at the corner of Faith Avenue and Jubilee Drive. Motion carried unopposed.
- Mr. Asteak advised he has not heard back from Mr. Martino, attorney for Mark Tichy (owner of MT Automotive). Pursuant to the authorization granted by Council at the July 29<sup>th</sup> meeting, Mr. Asteak has prepared a complaint and is ready to file. Mr. Zaboy advised that he has been going through the minutes for the material Mr. Asteak requested, and that we have copies of the notifications to the residents. Mr. Asteak advised he only needs copies of letters to the owners in the immediate area.

## Agenda Items cont'd.

- Mr. Zaboy advised that we will be required to close out the first Rails-to-Trails grant before we can use the second one, if awarded. This has already been approved by DCNR and URDC is on board. So, current construction will stop at Ariel Court, where we will be required to complete a handicap access and parking space temporarily. Mr. Asteak asked about any easements, and requested that we pull plans from the subdivision for details.
- URDC has prepared the bid specs for the trailheads and median crossing. We need to advertise the bids twice, at least three days apart. **Motion** by Amy Richard, seconded by Joe Gosnell, to advertise the construction bids. Motion carried 5-1, with Mrs. Wenzelberger voting "Nay".
- Mr. Zaboy asked for authorization for he and Len Policelli ~~from~~ **from** URDC to open the sealed bids on a designated date – not a regular council meeting, and forward the three lowest bids to Mr. Asteak for review. Mrs. Wenzelberger voiced an objection to having the bids opened not by full council, nor at a meeting. Mr. Zaboy explained that time is of the essence, and that there would be no actual acting upon the bids. This way, Council would be prepared to take official action at the very next scheduled meeting. The timetable would be as follows:
  - Advertise on August 8 and August 14
  - Hold a pre-bid meeting on August 21 at Borough Hall
  - Bids be due by 2:30 pm on September 4 and opened immediately
  - Award contract on September 9 by full Council vote
  - Preconstruction meeting date to be determined

**Motion** by Amy Richard, seconded by Joe Gosnell, to authorize Paul Zaboy, Sr. and trail designer Len Policelli to open the sealed construction bids on September 4, 2013 at 2:30 pm at Borough Hall. Motion carried unopposed.

## New, Old, or Unfinished Business

- Trail construction has started north of Industrial Boulevard. A bridge and steps have been constructed at Werkheiser Street. Mayor Davis recommended installing a post on the west side of the bridge. PJ advised that we are unable due to ADA requirements. Mr. Zaboy added that once the wood cures, an anti-skid surface will be applied. Morgan Schafer, of 304 Old Easton Road, inquired about ADA access at the crossing and the trailheads. Mr. Zaboy advised that those will be installed as part of the construction by whichever firm is awarded the contract.
- Katie Santiago, of 213 Hope Street, asked to be put on the Agenda for the August 19 meeting.

## New, Old, or Unfinished Business cont'd.

- Mr. Zito asked if it is the homeowner's responsibility to trim weeds on the sidewalks. Ms. Richard advised that it is.

**Motion** by Paul Zaboy, Sr., seconded by Carl Zito, to exit regular session and enter executive session at 8:25 to discuss personnel matters with expected action afterwards. Motion carried unopposed.

**Motion** by Carl Zito, seconded by Paul Zaboy, Sr., to exit executive session and return to regular session at 8:55. Motion carried unopposed.

**New, Old, or Unfinished Business cont'd.**

- **Motion** by Paul Zaboy, Sr., seconded by Cindy Hower, to adopt changes to the Personnel Handbook, effective immediately. Motion carried unopposed.
- **Motion** by Paul Zaboy, Sr., seconded by Joe Gosnell, to authorize Chief Soloe to reduce police hours as necessary to meet the budget due to the unforeseen union activities and resultant costs. Motion carried unopposed.
- Mr. Zaboy pulled out a copy of the Ariel Court subdivision map and indicated there appears to be a right-of-way access to the trail from Ariel Court.

**Adjournment**

- **Motion** at 9:00 pm by Paul Zaboy, Sr., seconded by Carl Zito, to adjourn the meeting. Motion carried unopposed.

The next regular meeting of Borough Council will be held on Monday, August 19, 2013 at 7:30 pm. A Budget meeting will be held on Wednesday, August 14, 2013 at 7:30 pm.

The foregoing were approved the 5<sup>th</sup> day of August, 2013.

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

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