

## STOCKERTOWN BOROUGH COUNCIL MINUTES OF AUGUST 6, 2012

THE BOROUGH OF STOCKERTOWN HELD A MEETING ON MONDAY, AUGUST 6, 2012, AT 7:30 PM AT BOROUGH HALL.

### Attendance

- Councilors present were: Council President Amy Richard, Council Vice President Paul Zaboy, Sr., Mr. Carl Zito, Mr. Jack Fatzinger, Mr. Joe Gosnell, Ms. Cindy Hower, and Mrs. Rosemarie Wenzelberger.
- Mayor Metzgar was absent.
- Borough Solicitor Gary Asteak, Esq., Police Chief/Zoning Officer John Soloe, and Secretary Chris Burmood were present.
- Patrolman Vrabel was present to preserve the order.

**Meeting called to order at 7:36 PM by Council President Amy Richard, followed by the pledge of allegiance.**

### Public Comment

- Morgan Schafer, of 304 Old Easton Road, reported that no one had removed the stone piles in front of his house, and that the heavy rains had spread them out more. Ms. Richard advised that the task of removing them would be added to the Public Works project list.
- Eric Wenzelberger, of 111 Center Street, advised that the SYA community picnic was scheduled for Saturday, August 11, 2012 from 1-4 pm at Newhart Park. In the event of rain, the picnic would be moved to the Rod & Gun Club.
- Mr. Wenzelberger advised that he had personally looked at the ball field bleachers, and, they didn't look that bad in his opinion, given his coursework in engineering. He did not see the need to tear them down after tax dollars were spent on repainting them. Mr. Fatzinger stated that the Borough has been "lucky that no one has fallen off of them".
- Earl Kocher, of 302 Old Easton Road, stated that on July 17 at 3:13 pm, a Borough police car southbound on Old Easton Road, made the switchback turn onto northbound Route 115 without slowing down. Ms. Richard advised that the situation would be looked into. Mr. Kocher also stated that the new PP&L pole partially blocks the stop sign at that intersection.
- Mr. Kocher also expressed his observation that jobs in the borough requiring physical labor are not getting done.

### Council Comments

- Ms. Richard stated that we brought Charlie Davis on temporarily during PJ's vacation without the benefit of an executive session. Ms. Richard apologized, and advised that she had discussed it with half of Council – the members she sees daily. Mrs. Wenzelberger stated that it was not right when only half of Council knows what is going on. Ms. Richard asked if there was any objection to Mr. Davis filling in for PJ, at his old rate of pay. **Motion** by Joe Gosnell, seconded by Jack Fatzinger, to hire Charlie Davis temporarily at his final pay rate, to cover during PJ's vacation. Motion carried unopposed.
- Mrs. Wenzelberger distributed a copy of a letter from Jody Stahley, owner of Widows Tavern, regarding her proposed outdoor expansion. Mr. Soloe had already received that letter, and planned to contact Ms. Stahley during the week. He discussed that the outdoor expansion was currently using Port-a-johns, a temporary measure which needed to be addressed.
- Mr. Zaboy advised that the TCC had recalculated the voting ranks and that the Borough moved up from 0.12% to 0.14%.

### Secretary/Treasurer report

- **Motion** by Carl Zito, seconded by Jack Fatzinger, to approve the minutes of the July 16, 2012 meeting, with corrections, as noted below. Motion carried unopposed.
  - Add Council President Amy Richard to Attendance list on page 1.
  - Change “Bushkill Conservancy” to “Bushkill Stream Conservancy” under the 1<sup>st</sup> bullet point in the Mayor’s Report on page 1.
  - Change “manager” to “engineer” for continuity in the 4<sup>th</sup> bullet point under New, Old, or Unfinished Business on age 4.
- **Motion** by Paul Zaboy, Sr., seconded by Carl Zito, to approve the payables as presented. Motion carried unopposed.

### Mayor’s Report

- Mayor Metzgar was absent and no report was presented.

### Public Works Report

- Paul Zaboy, Jr. was absent and no report was presented.

### Police Report

- Chief Soloe had nothing of consequence to report.

### Zoning Report

- Mr. Soloe had nothing of consequence to report.

### Solicitor Report

- Mr. Asteak advised that Ordinance 2012-1, Adoption of the Codification, had been advertised, and was now ready for adoption by Council. Mr. Wenzelberger raised several questions about selected items included in the codification, which were addressed primarily by Mr. Asteak. **Motion** by Paul Zaboy, Sr., seconded Carl Zito, to Adopt the Codification as advertised under Ordinance 2012-1. Motion carried unopposed.
- Mr. Asteak stated he had met with Ms. Richard to discuss the changes to the Garbage Contract RFPs. They were essentially the same with a few minor changes to the list of commercial entities. Mr. Asteak stated that we were ready to advertise, with bids due and to be opened at the second meeting in September. Ms. Richard mentioned the possibility of seeking three (3) smaller recyclable containers to replace the two (2) large ones at the LeFevre Road Garage. Mr. Schafer asked if Council had discussed selling the recyclables to the garbage company. Mr. Asteak advised that such a venture would require multiple contracts, and may adversely affect the municipal waste contract bud prices.
- Mr. Asteak has reviewed the manhole replacement project bid specs, and they are ready for approval and advertising. The project is to fulfill the need for additional manholes in the sewer line that runs through the proposed trail bed. Mr. Schafer asked why this was not included with the original trail project. Mr. Zaboy advised that the manhole replacement is not part of the trail project, but became an issue due to the trail project. The sewer line upgrades have to be addressed prior to the installation of the trail. **Motion** by Paul Zaboy, Sr., seconded by Carl Zito, to approve advertising the bid specs for the manhole replacement project. Motion carried unopposed.

### Agenda Items

- Mr. Zaboy and Mr. Asteak met with the trail surveyor and our URDC trail design manager regarding a property boundary issue at the north end of the trail head in Plainfield Township. Mr. Asteak has requested zoning and permit info from Plainfield Township. Mr. Zaboy requested approval to enlist Midtown Abstract to provide a comprehensive title search regarding the property boundaries at the north end, with the cost to be covered by the Rails-to-Trials Fund. **Motion** by Carl Zito, seconded by Jack Fatzinger, to contract with Midtown Abstract to perform a title search for the properties at the north end of the rail bed for the trail project. Motion carried unopposed.

## Agenda Items, cont'd.

- COG updates per Mr. Zaboy:
  - A ten (10) week Citizens Academy open to 25 residents providing an in-depth review of how the County is run. Mr. Asteak nominated Mr. Wenzelberger to participate.
  - A recent Commonwealth Court ruling eliminated joint UCC appeal boards, requiring each municipality to establish and fund one as needed. House Bill 2530 has been drafted to overcome that. Mr. Asteak has recommended a letter to Representative Emrick supporting the Bill. Mr. Asteak also suggested that in lieu of the Bill's passage, we appoint the same board members as every other nearby municipality.
  - The County is to provide \$5 Million over 5 years under the Municipal Parks Acquisition & Development Program. Stockertown's portion is \$15,567.53. This is a 50/50 matching grant fund project. Mr. Asteak advised that the sooner we put in a request, the better our chances are of getting the funds.
  - Emergency Management Hazard Mitigation plan was due back to County officials. Alex Soloe and Ms. Richard are working on updating the current plan.
  - It is time to apply for a MS4 waiver. Is the Borough exempt again? Ms. Richard advised that Jeff Morgan, the engineer, is presently working on the paperwork. Per Mr. Zaboy, the cost with an exemption is \$2,500.00, and the cost without an exemption is \$5,000.00.
- Mr. Zaboy submitted a grant application for uncommitted funds. The grant is to fund a system of internal and external security cameras and recording facilities at the Borough Hall, Wastewater Treatment Plant, and LeFevre Road Garage. The total project cost is \$18,236.23, with the Borough requesting \$15,339.23 in grant funding. Mr. Fatzinger asked about the Park. Mr. Zaboy advised he has cost figures for the Park and the EMA building, but didn't include them because other items were initially going to be included in the grant application. Mr. Wenzelberger asked what vendors Mr. Zaboy planned to use for the project. Mr. Zaboy advised that the equipment would be purchased through COSTARS suppliers, and that Borough personnel would install the systems.
- Mr. Burmood had contacted several Fuel Oil vendors to secure pricing quotes for the upcoming season. Due to the variety differences between plans, Mr. Burmood will prepare a comparison for the next meeting.
- Mr. Burmood discussed the value of using biometric time clocks to accurately calculate wages, and inhibit employee dishonesty. He discussed several inexpensive options for hardware and software. **Motion** by Paul Zaboy, Sr. seconded by Carl Zito, to approve the purchase of a biometric time clock unit with appropriate software and output file capability, with a cap of \$600.00. Motion carried 5-2, with Mrs. Wenzelberger and Mr. Gosnell dissenting.
- Mr. David Derstine, or Polymer Products, has requested that the Borough remove the trees from alongside Winona Street. According to Mr. Soloe, anything not located within the blacktop belongs to the property owner. Mr. Soloe is to write a letter to Mr. Derstine of Polymer Products to that effect. With respect to the downed tree limbs along Winona Street at the PPC facility, because PPC personnel removed them from the roadway, our public Works staff will remove the storm debris from PPC's property. Ms. Richard indicated that we would research the costs involved to hire a tree company or rent a chipper 1-2 weekends per year, and have residents drop off appropriate items.

## New, Old, or Unfinished Business

- According to Ms. Richard, we had three (3) years to spend the Recreation Fund monies, and we are far beyond that date. We presently have over \$6,300.00 in the Recreation Fund. With an additional \$1,000.00, we could use the money to purchase two (2) new sets of bleachers for the ball field. Mr. Gosnell recommended that we immediately disassemble and remove the current sets of bleachers, as it is a lawsuit waiting to happen. Mrs. Wenzelberger suggesting that patrons use lawn chairs instead of the Borough spending money to buy bleachers. **Motion** by Carl Zito, seconded by Paul Zaboy, Sr., to purchase two (2) new sets of bleachers for a cost not to exceed a total of \$7,500.00, using the Recreation Fund balance of \$6,317.76, plus additional funds. Motion carried 6-1, with Mrs. Wenzelberger dissenting.

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

- Council discussed a number of changes to the Personnel Handbook. Mr. Asteak proposed several suggestions. Heated discussion took place regarding the inclusion of credit checks during background investigations of prospective and current employees. Council informally voted 4-3 to retain the language, with Mr. Zaboy, Mrs. Wenzelberger, and Mr. Gosnell dissenting.
- Earl Kocher requested a copy of the approved minutes, as they are not available on the website. Ms. Richard agreed to provide them.
- Mr. Gosnell inquired if anyone had contacted the owners of A&H Sportswear regarding the Lincoln Street bypass. Mr. Asteak advised he plans to make informal inquiries of their attorney.
- Mr. Gosnell also asked if Planning Commission could kick around ideas for the Parks grant fund grant. Ms. Richard advised that Council already has a couple ideas, but Planning Commission was welcome to discuss it and provide ideas to Council.

**Motion** by Paul Zaboy, Sr., seconded by Carl Zito, to adjourn to Executive Session for Personnel matters following a five minute break. Motion carried unopposed.

**Motion** by Cindy Hower, seconded by Jack Fatzinger, to exit Executive Session and return to regular session. Motion carried unopposed.

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

- **Motion** by Carl Zito, seconded by Cindy Hower, to hire Scott Deribin temporarily to the Public Works staff at a rate of \$12.00 per hour for the months of August and September. Motion carried unopposed.
- **Motion** by Carl Zito, seconded by Cindy Hower, to hire Rich Wagner temporarily to the Public Works staff at a rate of \$12.00 per hour for the months of August and September. Motion carried 6-1, with Mr. Zaboy dissenting.
- Mrs. Wenzelberger asked if the budget meeting scheduled for Wednesday, August 15<sup>th</sup> would still be held. Ms. Richard advised that she was uncertain.
- Mr. Zaboy announced the birth of his granddaughter at 5:30 pm on Saturday, August 4, 2012.

**Adjournment**

- **Motion** by Jack Fatzinger, seconded by Paul Zaboy, Sr., to adjourn the meeting at 10:40 pm. Motion carried unopposed.

The next regular meeting of Borough Council will be held on Monday, August 20, 2012 at 7:30 PM.

The foregoing were approved the 20<sup>th</sup> day of August, 2012.

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President of Council

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