

STOCKERTOWN BOROUGH COUNCIL

MINUTES OF SEPTEMBER 7, 2011

THE BOROUGH OF STOCKERTOWN HELD A MEETING ON WEDNESDAY, SEPTEMBER 7, 2011, AT 7:30 PM AT BOROUGH HALL.

Attendance

- Councilors present were: Council President Amy Richard, Council Vice President Paul Zaboy, Mr. Jack Fatzinger, Mr. Carl Zito, Mr. Joe Gosnell, Ms. Cindy Hower, and Mrs. Rosemarie Wenzelberger.
- Mayor Sherman Metzgar was also present.
- Additionally present were Paul Zaboy, Jr. from Public Works and Secretary Chris Burmood.
- Borough Solicitor Gary N. Asteak arrived at 8:05 pm.
- Police Chief/Zoning Officer John Soloe arrived at 8:07 pm.

Meeting called to order at 7:40 PM by Council President Amy J. Richard followed by the pledge of allegiance.

Public Comment

- Earl Kocher, 300 Old Easton Road, reported that during the recent storms, he observed children playing in and around the larger of the two retention ponds at Long's Development. He expressed his concern about a lack of fencing, as well as the high level of suction through the outflow pipes. He also submitted photos. Mr. Zaboy responded that the ponds are the responsibility of the individual property owners, not the Borough. Ms. Richard indicated that she would discuss the issue with Police Chief/Zoning Officer Soloe.

Council Comments

- Mr. Zito stated he had comments, but would reserve them for later in the meeting.
- Ms. Richard complemented the Public Works department staff members for their response to Hurricane/Tropical Storm Irene, and the pre-storm preparations they made. Mr. Gosnell also expressed his gratitude to the Public Works for their storm preparation and response, as well as the installation of the radar speed signs.

Secretary/Treasurer report

- **Motion** by Carl Zito at 7:49 pm, seconded by Cindy Hower, to approve the minutes of the August 15, 2011 meeting as written. Motion carried unopposed.
- **Motion** by Joe Gosnell at 7:52 pm, seconded by Paul Zaboy, to approve the minutes of the August 17, 2011 budget meeting as written. Motion carried unopposed.

Mayoral Report

- Mayor Metzgar discussed the recent storms and asked if the vacant Emergency Management Coordinator position had been addressed. Ms. Richard and Mr. Zaboy advised that they are both Deputy EMCs and have been working together for hazard mitigation, preparedness, and response.
- Mayor Metzgar requested a donation by the Borough to the Stockertown Youth Association (SYA). He indicated that the SYA has sponsored a number of functions, including the annual Easter egg hunt, the annual picnic, the Christmas Party, and the Halloween party. Mr. Zito recommended a \$500.00 donation by the Borough. Council

discussed prior donations and past inclusion in the budget. Mr. Zaboy advised that he considered it a conflict of interest for council members who are also on the SYA board to vote for a donation to the SYA. Ms. Richard stated that she, personally, would agree to donate \$250.00. Mrs. Wenzelberger cited greater expenses incurred by the SYA this year. Mr. Gosnell stated that if this issue were to turn into an argument between people rather than a public debate, he would recommend not holding a vote tonight. He also expressed his concerns over giving taxpayer money away as a charitable donation, but recognized no objections from community members present. Mr. Gosnell further advised that he would have no difficulty voting to donate \$250.00 if the vote were held now, but suggested waiting until the Council is further along in the budget process to see if more may be available. Mr. Zaboy stated that the borough picnic had not been held this year, so no expenses for that, yet. He also stated that previously, Public Works staff had been paid for assisting at the picnic. Mrs. Wenzelberger and Ms. Hower both stated that Jeff Forrer had helped all day on a volunteer basis. Ms. Richard and Mr. Zaboy responded that Mr. Forrer had submitted the hours on his time sheet and had been paid. Mrs. Wenzelberger asked Mr. Zaboy if he had a problem with the SYA and donating to it. Mr. Zaboy stated that the Borough is facing significant expenditures out of both the sewer and general funds, and that his concern is simply budgetary. He advised he applauded the SYA for their efforts. Mr. Gosnell reiterated his recommendation to vote \$250 now or wait until further in the budget process. Mr. Fatzinger stated he would vote for a maximum of \$250.00 right now. Mr. Zaboy asked Mr. Asteak if SYA Board members sitting on Borough Council voting for a donation to SYA represented a conflict of interest. Mr. Asteak indicated that there were no personal benefits by those members, but indicated it required further research by him. Council agreed to table the issue until further in the budget process.

Public Works Report

- Per Paul Zaboy, Jr., Jeff Forrer and Royce Getz picked up the yellow dump truck from SMF. He stated that Mr. Forrer had advised him that it drives well. Ms. Richard advised council that SMF had encountered other problems during the refurbishment, and had received authorization to address those issues. The original quote for repairs had been \$16,088.00. The final bill including the extra repairs is \$17,014.00. Mr. Fatzinger inquired about warranties. Mr. Zaboy requested that the truck be examined closely prior to payment of the bill.
- Paul Zaboy, Jr. advised that the radar speed signs were working well. Chief Soloe advised he had just attended a webinar about the speed sign data package, and needed online access to download the traffic data collected.
- Paul Zaboy, Jr. also advised that during Irene, the northern retention pond at Long's Development overflowed, and he had to clean out the backup storm sewer drain twice.
- The wastewater treatment plant is functioning well, despite the excessive rain. The ammonia levels are well within limits. The sand filter is not working well. He had to pump from the influent tank to pond 1 on several occasions, using external pumps. Paul Zaboy, Sr. suggested laying a course of non-pervious block around the influent chamber to prevent flooding. Paul Zaboy, Jr. advised this would be a wise precaution, which would not interfere with access for maintenance. Paul Zaboy, Jr. stated that 75% of the excess flow is coming from the Winona Street influent. He believes that people are running their sump pumps into the sewer. He advised that the recent service by National Water Main Cleaning revealed no breaks in the sewer line in that area. Paul Zaboy, Jr. also advised of seepage around the influent pipe in the northwest corner of the influent tank, which needs to be sealed.

Public Works Report, cont'd.

- One Steiner is still non-functional, due to a blown hydraulic line. Paul Zaboy, Jr. stated he has not spent any time evaluating the extent of repairs necessary until he gets direction from council. Paul Zaboy, Sr. recommended spending the time to determine how much repairing the Steiner would cost, before deciding to purchase a zero-turn mower. Mr. Gosnell concurred, but suggested that we schedule a side-by-side comparison of the zero-turn mowers before the cutting season is over.
- Ms. Richard asked if there are any additional speed limit signs available. She indicated that we should mount them on the radar speed sign posts.

Police Report

- Chief Soloe advised of personnel issues in his department. Discussion deferred to executive session later in the meeting.
- Chief Soloe recommended a candidate, Kendall Collins, for hire as a part-time police officer. He provided three (3) copies of Mr. Collins' résumé to Council. Mr. Collins is retired from the Washington Borough, NJ Police Department and a military veteran. Mr. Collins and his wife were in attendance. Council deferred consideration until after executive session.
- The sidewalk sign issue at Widow's Tavern has been resolved with the removal of the sign.
- There was further discussion of the retention pond at Long's issue. Mr. Asteak suggested that the Borough not get involved directly, but perhaps address the issue in a newsletter.

Zoning Report

- New owners are in the final stages of placing a manufactured home on the site of the old state police barracks. There are issues with locating the sewer lines. New owners may have to test dig.
- Tatamy just redid their garbage contract, to include yard waste. They agreed to terms with Waste Management for five (5) years at a total of \$525,000.00.
- The Ferraros are seeking relief from the Borough regarding the disposition of the trailer. Per Mr. Asteak, it would have to go through the Zoning Hearing Board. Mr. Gosnell doesn't think that the Ferraros deserve any favors from the Borough.

Planning Commission

- PennDOT regulations regarding the Engine Brake Ordinance have been passed along to Sean Dooley.

Solicitor's Report

- Mr. Asteak had drafted the new EIT ordinance under Act 32, unaware that the Borough Council had approved by Motion in December 2010 to allow for an exemption from EIT collection for all persons who earned under \$12,000.00. Since changes to the EIT have to be done through ordinances, the motion was "inadvisably made and approved." Mr. Asteak considers it to be null and void. Council agreed that keeping the exemption and including it in the new EIT ordinance would prove to be a logistical nightmare.

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Solicitor's Report, cont'd.

- Mr. Asteak reviewed the Rails-to-Trails Recreational Trail Design contract from Urban Research and Development Corporation (URDC). He found it to be in order and ready for approval. Mr. Zaboy discussed several concerns with the contract. **Motion** by Joe Gosnell at 9:01 pm, seconded by Jack Fatzinger, to accept the URDC Trail Design Contract. Ms. Richard, Mr. Zaboy, Mr. Gosnell, Mr. Fatzinger, and Mr. Zito voted Yea. Mrs. Wenzelberger and Ms. Hower voted Nay. Motion carried by majority.
- Per Mr. Asteak, post offices are closing around the nation. He recommended it was better to receive something than have an empty space not generating revenue. Ms. Richard agreed and indicated her preference to keep the rent figure the same, with no immediate increase. Mr. Asteak has not received any response to his letter to Paul Frye, dated August 16, 2001 offering to maintain the current rent figure for the next five (5) years, with an option to renew in 2017 for five (5) years at \$14,640.00 per annum.

Agenda Items

- Ms. Richard mentioned the fundraiser for Officer Lasso. Copies of flyer made available for members of the public and council.
- With respect to town siren research, the Borough received quotes from Sentry Siren for a one unit system and a two unit system. Ms. Richard acknowledged she had no idea how expensive a warning siren system would be, and submitted that further research is required.
- The fire apparatus has been advertised in PA Fireman, and we have already received several responses. Ms. Richard will be sending photos of the truck to prospective buyers in New York and Kentucky.

New, Old, or Unfinished Business

- The asbestos abatement at Memorial Hall has been completed with demolition scheduled to begin next week. Mr. Gosnell asked about the filtration during the abatement process. Mr. Soloe advised that everything is run through HEPA filters before being vented outside.
- Ms. Richard mentioned the EIT forms and requested that they be filled out by council members and turned in to Mr. Burmood as soon as possible.
- Mr. Zito raised the issue of the boat/trailer being parked on Center Street in violation of Ordinance 240, Section 6. Chief Soloe advised his officers to take action.
- Mr. Zito asked about the sand filter/sludge removal at the WWTP. Ms. Richard advised that we are waiting for the weather to clear.
- Mr. Wenzelberger asked about the trophies at Memorial Hall. Ms. Richard advised that someone had broken into the building and a number of items are missing, including several trophies. The trophy case was broken into, and several trophies are damaged. The demolition contractor, Beatty, is upset. Mr. Wenzelberger was further advised that the trophies had belonged to the fire company, not SYA.

Executive Session

- **Motion** by Paul Zaboy, Sr. at 9:25 pm, seconded by Carl Zito, to enter executive session after a five (5) minute break. Motion carried unopposed.
- **Motion** by Jack Fatzinger at 9:48 pm, seconded by Carl Zito, to exit executive session. Motion carried unopposed.

Personnel

- **Motion** by Paul Zaboy, Sr. at 9:48 pm, seconded by Jack Fatzinger, to hire Kendall Collins as a part-time police officer for the Borough. Motion carried unopposed.

Adjournment

- **Motion** by Carl Zito at 9:48 pm, seconded by Jack Fatzinger, to adjourn the meeting. Motion carried unanimously at 9:48 pm.

The next meeting of Borough Council will be a budget meeting held on Wednesday, September 14, 2011 at 7:30 PM.

The foregoing were approved the 19th day of September, 2011.

President of Council

Attest: _____