

**STOCKERTOWN BOROUGH COUNCIL  
MINUTES OF SEPTEMBER 9, 2013**

THE BOROUGH OF STOCKERTOWN HELD A MEETING ON MONDAY, SEPTEMBER 9, 2013, AT 7:30 PM AT BOROUGH HALL.

**Attendance**

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

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

**Public Comment**

- Earl Kocher, of 300 Old Easton Road, stated **it is** his belief that the minutes of August 5 misrepresented facts.
- Mr. Kocher also inquired about the minutes of the July 29 meeting, specifically the reference to the Motion regarding entering into a Settlement Agreement with former officer Collins. Ms. Richard stated that the Agreement is sealed with a non-disclosure clause. Limited information would be made available upon receipt of a Right-to-Know request.
- Mr. Kocher also complained that the August 28 budget meeting cancellation wasn't posted except on the electronic marquee sign, the day of the meeting. Mr. Burmood stated that the notice went on the sign several days before, and that the Calendar on the Borough website had also been marked Cancelled prior to the meeting date. Mr. Kocher argued that it had not. No sign was posted on the entry door to Borough Hall.
- Robin Davis, of 300 Main Street, stated she had been asked by Mrs. Metzgar when a plaque would be placed in honor of the late mayor at Sherman Metzgar Park. Ms. Richard responded that signage would be installed when the trailheads for the recreational trail were constructed, but we did not have a firm date.
- Eric Wenzelberger, of 111 Center Street, understood the idea behind "melding" signs with the recreational trail project, but proposed at least a temporary sign.
- Mr. Wenzelberger also stated that someone had placed a large box into the recycling container, without breaking it down first. He offered to provide the Borough with the identifying information of who discarded the box inappropriately. Ms. Richard indicated the Borough may be interested in following up.

**Council Comments**

- Ms. Richard advised that the Borough has scheduled an opening negotiation meeting with the police union for September 26. The Borough Bargaining Committee (BBC) comprised of herself, Mr. Zaboy, and Ms. Zdonowski, would be attending. Mrs. Wenzelberger asked why this was not being done through the Police Committee, or if the Mayor was being included. Ms. Richard advised that because of his nominal role overseeing the police department, this would constitute a conflict of interest, as per our labor attorney. Mr. Zito expressed his dissatisfaction with the committee (BBC), stating the mayor should be included. Ms. Richard reiterated that the labor attorney recommended creating a bargaining committee and that the mayor should not be included due to a conflict of interest.

## Secretary/Treasurer Report

- **Motion** by Paul Zaboy, Sr., seconded by Carl Zito, to approve the minutes of the August 19, 2013 meeting, with the correction as noted below. Motion carried unopposed.
  - Page 2, 2<sup>nd</sup> bullet point of Solicitor Report, 1<sup>st</sup> line: change “signed” to “signs”.
  - Page 2, 1<sup>st</sup> bullet point of New, Old, or Unfinished Business, 1<sup>st</sup> line: change “with” to “we”.
  - Page 2, 4<sup>th</sup> line of Agenda Items: add “of” between “her” and “expected”.
- **Motion** by Carl Zito, seconded by Cindy Hower, to approve the General Fund payables, Sewer Fund payables, and Rails-to-Trails Fund payables through September 6, 2013. Motion carried unopposed.

## Mayor's Report

- Mayor Davis stated that Hercules wants our leaves from leaf pickup this fall for their slag heap. He stated that the leaves help in their environmental repair of said heap. They will be installing extra stone. PJ asked if Hercules will be installing a better base to drive on, indicating his concern about trucks getting stuck as they have previously.
- Mayor Davis also advised that he pulled the weeds at the Monument. He suggested against planting pansies there next year, requesting longer lasting flowers be planted.

## Police Report

- Chief Soloe advised that correspondence and paperwork received about road construction to repair the Route 191 overpass was actually for the overpass near the Pizza Hut in Nazareth. Construction is to last approximately one year.
- Chief Soloe also advised that there is activity underway to alter the current districting for the magistrates. If the District Justices' proposal is accepted, Stockertown would be moved under the Magisterial District Justice in Wind Gap. Mr. Asteak stated that the District Justices submitted a counter proposal to the County one, to avoid a run-off election between two sitting justices.

## Zoning Report

- Mr. Soloe had nothing to report.

## Agenda Items

- Len Policelli, of Urban Research and Development Corporation (URDC) and chief designer of the recreational trail, advised Council of the results of the Trailheads and Crossing Construction bid, in which Hale Built was the low bidder overall, with the lowest base bid and a reasonable figure for the alternates. URDC compiled the calculations, and advised of two (2) errors by other bidders that did not affect the outcome in any way. Mr. Zaboy stated that the low bid was determined on the aggregate of the base bid and all alternates. Mr. Policelli advised that awarding the base and all alternates at this juncture would negatively impact the ability of the Borough to obtain grant funding for the alternates at a later date. Mr. Asteak clarified that URDC recommended awarding the base bid plus certain alternates, reserving remaining alternate projects until grant is awarded and received. Morgan Schafer, of 304 Old Easton Road, asked what would happen if no grant was awarded. Mr. Zaboy stated that the alternates would be covered out of general reserve funds. Mr. Wenzelberger asked for a total estimated cost of the project. Mr. Zaboy stated that he estimates approximately \$300,000.00, which includes in-kind contributions, not all cash outlay. This was above initial estimates, due to PennDOT changes to plans, the north end property issue, etc. **Motion** by Paul Zaboy, Sr., seconded by Joe Gosnell, to award the contract to Hale Built, reserving the awarding of the alternates, until applied for grants are received, subject to approval by Hale Built. Motion carried 6-1, with Mrs. Wenzelberger casting the lone “nay” vote.

## Public Works Report

- Ms. Richard advised she received an email from Jeff Morgan at SC Engineers, with the first proposal to prepare specs for the replacement of the sand in the WWTP sand filter. The amount proposed to prepare the specs was over \$22,000.00. She indicated that we are expecting other proposals.
- Currently, the road crew is working on shoring up the banks of the ponds at the WWTP. Our backhoe is currently inoperable, and the road crew disassembled the part needing repair and took it to Plasterer Equipment. Currently we are using the backhoe rented for trail construction.
- Mr. Zito asked why the yellow dump truck has no mud flaps. PJ advised that the mud flaps hung too low and kept getting pulled off. Once they are done with using it on the current projects, the mud flaps will be reinstalled.
- Mr. Zaboy stated that there was a meeting with members of URDC, PA Dept. of Conservation and Natural Resources, and the Delaware and Lehigh National Heritage Corridor regarding the recreational trail. Attendees walked finished portions of the trail and provided several positive commentaries on how well designed and constructed the trail is so far. This will increase the chances of receiving future grants.
- Currently, the sand filter is working ok. It will continue as long as we maintain ponds 2 & 3 above 4.5 feet of depth.

## Solicitor Report

- Mr. Asteak stated that he will need to discuss the north trailhead property boundary issue in an executive session as there is litigation pending.
- With respect to a traffic signal easement for the radar speed sign currently located in front of Ralph's Radiator, Mr. Asteak stated we will require a legal description of the property plus a survey. He asked for authorization from council to contact Keystone Consulting Engineers to prepare the required items. Council approved Mr. Asteak's request.
- Mr. Asteak stated he will provide a summary of the Service Electric Cable Franchise Agreement at the next meeting.

## Agenda Items, cont'd.

- Mr. Burmood read a letter from Linda Iudicello of the Bushkill Stream Conservancy, in which the BSC requested council approval to plant a tree in memory of Mayor Metzgar in the park that bears his name. **Motion** by Carl Zito, seconded by Joe Gosnell, to accept the Bushkill Stream Conservancy offer to plant a memorial tree in Sherman Metzgar Park. Motion carried unopposed. Mrs. Wenzelberger volunteered to coordinate with the BSC.

## New, Old, or Unfinished Business

- Mr. Zaboy requested authorization for a letter to be prepared in support of the Borough's efforts toward conservation and beautification with respect to the recreational trail, and pledging \$10,080.00 in matching funds to be attached to a pending application for the Lehigh Valley Greenways 2013 mini grant. **Motion** by Carl Zito, seconded by Kathleen Zdonowski, to prepare such a letter. Motion carried unopposed.
- Mr. Zaboy also presented photos of the signs installed at the Plainfield Township Recreational Trail, and indicated that while not identical, the Borough's trailhead signs should be of "the same flavor". He suggested that given the proximity of the trailhead to Sherman Metzgar Park, that the proposed sign for the park be similar in design. Mrs. Wenzelberger and Ms. Hower agreed to work on the sign designs with Mr. Zaboy.
- Ms. Hower inquired about the Budget meeting scheduled for September 18<sup>th</sup>. The meeting will be held.

**Motion** at 9:01 pm by Carl Zito, seconded by Cindy Hower, to exit regular session and enter executive session after a 5 minute break to resolve personnel matters and legal issues. Motion carried unopposed.

**Motion** at 10:30 pm by Carl Zito, seconded by Kathleen Zdonowski, 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 Joe Gosnell, to terminate the employment of Scott Deribin for due cause, effective September 11, 2013. Motion carried unopposed.

**Adjournment**

- **Motion** at 10:31 pm by Cindy Hower, seconded by Carl Zito, to adjourn the meeting. Motion carried unopposed.

The next regular meeting of Borough Council will be held on Monday, September 23, 2013 at 7:30 pm. The next Budget meeting will be held on Wednesday, September 18, 2013 at 7:30 pm.

The foregoing were approved the 18<sup>th</sup> day of September, 2013.

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President of Council

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