

**STOCKERTOWN BOROUGH COUNCIL  
MEETING MINUTES OF DECEMBER 21, 2020**

THE BOROUGH OF STOCKERTOWN HELD A COUNCIL MEETING ON MONDAY, DECEMBER 21, 2020 AT 7:30 PM AT BOROUGH HALL.

**Attendance**

- Council Members present were: Council President Amy Richard, Vice President, Kathleen Zdonowski, Cindy Hower, Joe Gosnell and Rosemarie Wenzelberger. Carl Zito and Pam Davis were absent.
- Borough Secretary/Treasurer Anita Caughy, Chief Eric Schwab, John Soloe and Mayor Ken Zemencsik were present.
- Solicitor Gary Asteak was present virtually by phone.

**The Meeting was called to order by Council President, Amy Richard, at 7:30 PM**

**Pledge of Allegiance**

**Public Comment**

- There was no public comment.

**Secretary / Treasurer Report**

- **Motion** by Joe Gosnell, Seconded by Cindy Hower to approve Council Meeting Minutes of December 7, 2020, as written. Motion carried unopposed.
- **Motion** by Joe Gosnell, Seconded by Cindy Hower to approve accounts payable for the General Fund and Sewer Fund through December 21, 2020. Motion carried unopposed.

**Solicitor**

- Solicitor Asteak joined the meeting virtually by phone. He addressed Tax Ordinance No. 2020-4 affixing the 2021 tax rate at 14 mills. Mr. Asteak stated that the Ordinance has been duly advertised and is ready for adoption. The Ordinance states that the tax rate remains at 14 mills which is the same as last year. Amy Richard asked for a Motion to adopt Ordinance No. 2020-4.
- **Motion** by Joe Gosnell, Seconded by Cindy Hower to adopt Ordinance No. 2020-4
  - **ORDINANCE 2020-4 – FIXING THE TAX RATE FOR THE BOROUGH OF STOCKERTOWN FOR THE YEAR 2021 AT 14 MILLS.**Motion carried unopposed.

- Solicitor Asteak explained the reasons for an Appeal to Joshua Tree's Zoning Appeal Application. He stated that the Zoning Board granted approval for expansion of the Joshua Tree facility. They not only granted the extension of the Use but also the expansion of the existing structure for a new building. There has been some concern raised by some of the residence regarding the expansion. Solicitor Asteak stated that he was advised that Council would like to make an appeal. He stated that there are legitimate reasons for an appeal. He stated that the Opinion should have been articulated with much more detail so that the residence and neighbors knew exactly what they were doing. He stated that there are different legal standards for each of the variances that are required and there should have been certain findings of fact and reasons giving by the Zoning Board for granting the variance. The Appeal must be filed within 30 days of the signing of the Opinion which was on December 10, 2020. He asked Council if they had any questions. Amy Richard asked Phil Malitsch of Hanover Engineers for his opinion. Phil Malitsch stated that his comments are that this is a relatively large expansion in a residential zone. This property was not rezoned so there is a commercial business in a residential zone. There is potential for problems. Solicitor Asteak stated that he feels he has enough criteria to file an appeal. He stated that Council needs to authorize him to file an Appeal on their behalf. Amy Richard asked for a Motion authorizing Gary Asteak for file an Appeal of the Zoning Boards' Decision.
- **Motion** by Joe Gosnell, Seconded by Kathleen Zdonowski to authorize Solicitor Gary Asteak to proceed with preparing and filing an Appeal to the Zoning Board's Decision of Joshua & Angel Malik's Application for a Variance request to expand their non-conforming use.

## Agenda

- Council received a letter from Entech Engineering informing them that they have made a donation on behalf of the Borough to the Northampton County SPCA.
- Council received a letter of appreciation from Jennie Barna for the assistance by Officer Samira Sabbagh who pumped gas into her vehicle when she was unable to due to her medical issues.

## Public Works

- Amy Richard read a list of the Public Works' projects they currently are working on:
  - Snow Removal; Lights on the EMA Building; Trees being removed from Bushkill Creek; Pulling manhole covers and checking for clogs; Maintenance on Equipment (including leaf box); Maintenance on Picnic Tables for Newhart Park; and Maintenance of Vehicles.

**Adjournment**

- **Motion** by Joe Gosnell, Seconded by Cindy Hower to adjourn the Council Meeting at 8:25 PM. Motion carried unopposed.

The next regular meeting of Borough Council will be held on January 4, 2021

The foregoing was approved the 4<sup>th</sup> day of January, 2021.

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President of Council

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