

**STOCKERTOWN BOROUGH COUNCIL
MINUTES OF APRIL 7, 2014**

THE BOROUGH OF STOCKERTOWN HELD A COUNCIL MEETING ON WEDNESDAY, APRIL 7, 2014, AT 7:30 PM AT BOROUGH HALL.

Attendance

- Council Members present were: Council President Amy Richard, Robin Davis, Joe Gosnell, Cindy Hower, Rosemarie Wenzelberger and Carl Zito. Vice President Kathleen Zdonowski was absent.
- Mayor Charlie Davis and Police Chief/Zoning Office John Soloe were present. Secretary/Treasurer, Anita Caughy was absent. Minutes notes were taken by Cindy Hower.
- Solicitor Gary Asteak was present.

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

Pledge of Allegiance

Public Comment

- Eric Wenzelberger stated that the park needs some cleaning for the egg hunt on April 12, 2014. The Stockertown Youth Group will clean up after the egg hunt.
- Trevor Garrett asked about a handicap parking spot for 121 Main Street for Royce Getz. He was advised that there is "No Parking" on Main Street and to speak with his neighbors regarding parking on their property.

Council Comment

- Carl Zito stated that he heard that people are saying that he hates Charlie Davis and that he wants it put on the record that "He doesn't hate Charlie"!
- Carl Zito questioned why the backstop was removed from Lincoln Park. He was advised that it was removed because of disrepair. He would like it put back or replaced.
- Carl Zito questioned why Paul Zaboy has been in the Borough office. He was advised that he is the IT person for the Borough and he was working on the computers. He was advised that Paul Zaboy has a contract with the Borough. Solicitor Gary Asteak would like to review the contract.
- Robin Davis stated that she does not like the look of Sherman Metzgar's sign at Lincoln Park.

Secretary / Treasurer Report

- **Motion** by Carl Zito, seconded by Robin Davis to approve the Minutes of March 17, 2014. Motion carried unopposed.
- **Motion** by Robin Davis, seconded by Carl Zito to approve Accounts Payable for the General Fund and the Sewer Fund through April 7, 2014. Motion carried unopposed.

- **Motion** by Carl Zito, seconded by Joe Gosnell to approve the Fee Schedule Resolution for 2014. Fee Schedule Resolution #2014-1. Motion carried unopposed.
- Borough updated Contact List for 2014 was handed out to Council.

Mayor Report

- Mayor Charlie Davis advised that the COG meeting set up was great. He stated that the COG meeting was very interesting.
- Mayor Davis advised that 5 kids approached him and asked to have a bike race or bike rodeo. He asked Rosemarie Wenzelberger and the Stockertown Youth Association to look into the matter.

Police Report

- Chief Soloe submitted the Police Department's Call Service Report which totaled 90 calls from March 1, 2014 through April 1, 2014.

Zoning Report

- A letter from the attorney for People's Coal & Supply Company was read aloud regarding the temporary moratorium on sewer connections imposed by the Borough. They are looking for the moratorium to be lifted. Solicitor Gary Asteak will look into the matter.

Public Works

- Alex Hennings prepared a report regarding the future work to be done which was handed out to Council.
- Amy Richard advised that she is looking into two generators with automatic start for the Borough Hall and EMS Building. She is in the process of obtaining quotes for the generators.

Agenda Items

- Amy Richard advised that there is a meeting with Hale Built concerning the Rails to Trails matter on Wednesday, April 9, 2014 concerning the street lights. Some of the street lights are not working because signs were put in damaging the electrical wires.
- There was a Settlement Conference scheduled concerning the Heitzinger/Tichy property. Gary Asteak read the settlement transcript to Council and the audience present. The terms of the settlement were as follows:
 - First, neither Defendants nor any of their successors in interest, employees, or business invitees shall encroach upon the Stockertown property as described in what will be designated as Exhibit No. 1, a map dated March 30, 2014, prepared by Urban Research & Development, Inc., entitled Stockertown North Trail Head, and Exhibit 2, a legal description for North Trail Head for Stockertown Borough Rails to Trails project.
 - Defendants shall remove storage containers from the Borough property which has already been done.
 - Defendants shall remove all vehicles, tires, debris, equipment, parts, metal drums, or any other property from that which has been described in Exhibit 1 and Exhibit 2.
 - No actions by Defendants, their successors or assigns, or business invitees shall in any way interfere with the free ingress and egress of the public over the

- subject property, and particularly the entrance drive and parking lot to be erected thereon, which will be designated as the Stockertown Rails to Trails facility.
- Notwithstanding the foregoing, the Borough shall grant access to the Defendant's garage via concrete pad located adjacent to the garage structure so long as access does not impede free ingress and egress of the public upon the driveway, lands of the Borough or parking lot.
 - Defendant shall not be required to remove the concrete pad on the west side of the building that lies within Borough property.
 - Defendants shall, at the intersection of Route 191 and the driveway, grant an easement in favor of the Borough to plant grass and delineate the access drive.
 - Neither Defendants, their successors or assigns, or any business invitees shall cause any damage to the Borough property or roadway by virtue of their use of the driveway as an access. There shall be no business parking, storage of materials, equipment, vehicles or the depositing of any materials or debris, or any item whatsoever within Borough property identified.
 - Defendant shall contribute to the Borough the additional cost for upgrading the driveway from Route 191 to the west side of the concrete pad to PennDOT highway specifications which will consist of a three inch base of bituminous, called a binder course and two inches of a wearing course. The cost shall be approximately \$5,000 and Heitzinger and Tichy are to contribute that amount to the Borough. Complete specifications will be outlined by URDC and incorporated in a more formal agreement.
 - Lastly, as part of this, since the project is imminent, the Borough expects the Defendants to commence vacating the area over which construction is proposed.
 - Borough also plans on erecting a fence on both sides of the Borough's property line which need not be part of the agreement.

Amy Richard called for a voice vote. Council unanimously agreed to the settlement.

- **Motion** by Joe Gosnell and seconded by Carl Zito to approve the Settlement Agreement between the Borough and Heitzinger, et al. with regard to the Rails to Trails matter. Council President is authorized to sign off on the Settlement Agreement. Motion carried unopposed.
- The Annual Municipal Audit for 2013 was conducted by C. Jane Bachman and is now concluded. C. Jane Bachman will now conduct a Real Estate Tax Audit for the past three (3) years.
- Union negotiations are moving forward. The hard financial plan was presented to us. It is very interesting to say the least. Next meeting is on April 22, 2014.
- We have approached KNBT to refinance the Stockertown Sewer Loan. We have received a loan modification from National Penn which is subject to credit approval. It will modify the terms of the existing loan changing payments from yearly to monthly. The interest rate will go from 4.7 percent to 3.2 percent (tax free) for a period of 10 years. Maturity date will be August 19, 2030. When we receive their attorney's modification agreement, it will be reviewed by the Borough Solicitor prior to signing.
- The Fire Department and Emergency Management are looking to get together an awareness program. They are also working on an emergency preparedness project. More details will be supplied at the next meeting.
- Trail Clean-Up. Public Works will clean up the trail. People using the trail must clean up after their pets. Those who do not follow the rules will be fined.

- Amy Richard asked Council's thoughts on having a one day tree limb pickup for the Borough Residents. Robin Davis proposed renting a chipper. The one day pickup will be published in the Borough Newsletter.
- Letter from Amy Richard to Council regarding applying for a Small Community Grant to purchase a new canopy backstop and bleacher screens for the Stockertown Rod and Gun Club Ball Field on LaFevre Road. Council agreed.
- Zoning Officer John Soloe is still working on the Floodplain Plan.
- A proposal was presented by Normandeau Environmental Consultants to test the algae at the Sewer Plant at a cost of \$2,400.00 for the complete scope of services.
- **Motion** by Joe Gosnell, seconded by Robin Davis to approve Normandeau Environmental Consultants to conduct a collection and identification of Fish and Zooplankton samples located at the Stockertown WWTP for a cost of \$2,400.00. Motion carried unopposed.

Adjournment

- **Motion** by Carl Zito seconded by Robin Davis, to adjourn the meeting. Motion carried unopposed at 8:45 PM.

The next regular meeting of Borough Council will be held on Wednesday, April 23, 2014 at 7:30 PM.

The foregoing were approved the 23rd day of April, 2014.

 President of Council

Attest:_____