

# STOCKERTOWN BOROUGH COUNCIL

## MINUTES OF SEPTEMBER 19, 2011

THE BOROUGH OF STOCKERTOWN HELD A MEETING ON MONDAY, SEPTEMBER 19, 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, Borough Solicitor Gary N. Asteak, Police Chief/Zoning Officer John Soloe, and Secretary Chris Burmood.
- Patrolman Vrabel was present to preserve the meeting.

**Meeting called to order at 7:38 PM by Council President Amy J. Richard followed by the pledge of allegiance.**

### Public Comment

- None.

### Council Comments

- None.

### Secretary/Treasurer report

- **Motion** by Paul Zaboy at 7:45 pm, seconded by Carl Zito, to approve the minutes of the September 7, 2011 meeting with the following correction: the word "form" on line 8 of page 2 should be changed to read "from". Motion carried unopposed.
- **Motion** by Carl Zito at 7:47 pm, seconded by Paul Zaboy, to approve the minutes of the September 14, 2011 budget meeting as written. Motion carried unopposed.
- Earl Kocher requested to receive copies of the minutes.

### Mayoral Report

- Mayor Metzgar mentioned a county emergency plan meeting, and asked if anyone would be attending. Ms. Richard advised that she would attend. Mr. Zaboy indicated he was interested in attending as well.
- Mayor Metzgar acknowledged receipt of the BSC testing results and asked for a copy to be kept in Borough records.

### Public Works Report

- Paul Zaboy, Jr. requested that Council prepare letters to both Jeff and Royce, thanking them for their continued efforts. He also requested that the letters be signed by each Council member. He further requested that Council send a get well card to Charlie Davis.
- Paul Zaboy, Jr. asked about the plan for the Memorial Hall parking area. This was addressed later in the meeting.
- Paul Zaboy, Sr. asked about the yellow dump truck. Paul Zaboy, Jr. advised that the refurbishing company did a "phenomenal job", that it was money well spent and the Borough basically got a brand new truck.

### **Public Works Report, cont'd.**

- With respect to keeping the undercarriage of the new truck clean, Paul Zaboy, Sr. inquired about pressure washing the yellow dump and other vehicles to remove road salt and other corroding materials. Paul Zaboy, Jr. advised that the floor drains in the garage are blocked, and that they will have to cut new drains in the floor. He suggested that it was something that could be done by Borough staff at minimal expense.

### **Police Report**

- Chief Soloe submitted a police incident log, which included hours on patrol, miles driven, and number and type of calls responded to.
- Per Chief Soloe, Nate Correll should be eligible for solo patrol by Friday, September 23, 2011.
- MPOETC is still in need of certain paperwork for Ken Collins.
- Ms. Richard advised that the Borough just arranged to purchase new speed limit signs for a little over \$300.00 to replace all existing speed limit signs in the Borough, as well as attach new ones to the radar speed sign poles. Paul Zaboy, Sr. recommended replacing the "Reduced Speed" signs. Paul Zaboy, Jr. also suggested replacing the "No Parking" signs. Ms. Richard indicated that the plan is to replace all the signs in steps.

### **Zoning Report**

- Mr. Soloe advised that a manufactured home should be delivered to 75 Main Street within the next ten (10) days. The new owners located the sewer lines on the property, which run towards the rear.
- Mrs. Wenzelberger asked Mr. Soloe about the Crown View property. Mr. Soloe advised that he has letters out to the respective parties, but has not received any response. He further advised that the properties might be up for short or tax sales.

### **Planning Commission**

- None.

### **Solicitor's Report**

- Mr. Asteak advised that he was asked to look into the issue of whether Council members who also sit on SYA board would have a conflict if Council voted to contribute to SYA. He advised that he spent too much time researching the matter and could not find a satisfactory answer. He wants permission from the President of Council to seek an opinion from the Ethics Commission.

### **Agenda Items**

- The parking lot where Memorial Hall stands. Lot will have to be blocked off, until lot settles. Borough will then have to decide what to do with the property, whether to make it a public parking area, reserve it for residents only, or some other idea. Discussion ensued, regarding reserving it for residents, limiting commercial vehicles, or vehicle storage there. Morgan Schafer recommended posting a sign advising that parking was at vehicle owners' risk, that the Borough would assume no liability. The question was raised over the specifics of the demolition contract with respect to how much of the structure is to be removed, and if it included the basement concrete slab floors. Ms. Richard referred to the signed contract and indicated that whatever was specified will be done. She asked if Council wanted to make the parking lot for Borough residents only.

Paul Zaboy, Sr. stated yes, with signage absolving Borough of liability and placing a time limit on parking. Chief Soloe indicated that limiting the lot to residents only would increase the workload for his officers, as they would have to run registration on every vehicle parked there, and cite the ones not belonging to residents.

- Memorial Hall is almost completely demolished. The cost was approximately \$43,000.00, including specs for bids, \$12,700 for the asbestos removal, and \$27,500 for the demolition.
- Ms. Richard asked Council about replacing Council chairs, and mentioned that one broke when she sat in it recently. Council discussed and agreed to further investigate.

### **New, Old, or Unfinished Business**

- Mr. Fatzinger suggested having a Christmas party, as they have before, in which Council pays for themselves. Ms. Richard agreed with the idea and recommended that they also try to fund the employees as well. No one else voiced any opinions.
- Ms. Richard read and discussed a letter (below) that she wrote to Council, advising of the current problems at the Wastewater Treatment Plant, including the DEP violations and DEP's current running total fines.

Council Members,

Our WWTP Engineer, Jeff Morgan, our WWTP Operator, Kevin Frank, Paul and myself were summoned to Wilkes-Barre on August 23<sup>rd</sup> to answer charges relating to the violations imposed on us over the last year **and** to find out if we were to be permanently permitted to treat the whole influent with the chlor/dechlor process we have been using as a pilot study. If you recall the pilot study was being tried as yet one more process to attempt to eliminate the ammonia being discharged into the Little Bushkill during the winter months when the plant's biological process fails due to the cold temperature in the ponds.

The DEP has kept a running total fine on the Borough for the past four or five years, choosing not to actually levy the fine in consideration of the money we have been spending on proposed remedies to the ammonia problem. This summer we added a few additional violations of BOD, and Fecal Coli form which were apparently a direct result of the sand filter blinding. The new current total fine is \$143,023.

The message we left with last time we met with DEP in 2010, was that the pilot project, (chlor/dechlor) was a worthwhile adventure, (the first year we did it for just a few months and it did remove the ammonia), and that if we could repeat that result for the winter season this past year it could be a solution they would consider permitting permanently. If we could not achieve a good result or come up with some other remedy for the ammonia, they would have no choice but to levy the fine and find us in violation of our current permit.

At the meeting, we were told in no uncertain terms and not without severe scolding, that the current violations were unacceptable, even though we had valid reasons for all of them. We were advised of the new fine total and told that we had 30 days to comply, (our problem to find a solution) or the fine would be levied. They felt that the DEP has been more than patient while we spend money on every process that we could find to try including solar covers, solar panel heating cells, bio bugs, massive green houses over the sand filter, and last but not least the new building, chemical tanks and all the paraphernalia involved with

the chlor/dechlor process. And by the way, they declined to permit us for the full treatment using chlor/dechlor.

The alternatives are simple but unachievable: 1, Hook up to Easton, who will not take our sewage under any circumstance, 2, hook up to Nazareth who will consider our sewage, but want to a, own the sewer plant and its operation, only if it meets their standards, or b, take us on as a bulk customer, which means we pay per gallon and for the infrastructure to convey the sewage to Nazareth, 3, Plug the effluent and truck the sewage to another plant for the winter season, and 4, consider selling the plant.

The costs to do the aforementioned alternatives are to follow.

Current loan balance \$1,112,612.45, interest rate 4.09%, 40 year loan. Original note was \$2.1M.

Mr. Asteak provided historical background of the original sewer project and lawsuit against the Bushkill-Lower Lehigh Joint Sewer Authority regional sewer plan.

Ms. Richard advised that the Chlorination/Dechlorination project, which we did not receive DEP permit for, would cost approximately \$250,000 per year to continue.

Hooking up to Nazareth would be cost prohibitive due to massive multimillion dollar infrastructure cost, plus the purchase of capacity.

Additionally, running a line to the Schoeneck Creek would be almost as expensive.

Contract hauling for 6 months would be approximately 6-8 loads per day at \$0.05/gallon. Semi-annual cost would be approximately \$450,000. Additional per EDU cost of nearly \$1200.

Borough hauling would require the purchase of at least one truck, and hiring a driver. The cost associated with that would be \$182,527 per year, which would break down to an additional \$474 per EDU per year. And, a single truck and driver would not be capable of making 6-8 loads per day, so the cost could nearly double.

Ms. Richard indicated the only feasible solution may be paying the fines. However, DEP can also get punitive with fines and seek criminal action as well. Ms. Richard advised of a plan to hire an appropriately experienced attorney experienced and filing a lawsuit against DEP.

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

- Sludge removal by Mobile Dredging will set up within the next two weeks and start with pond 1. The cost, including transport and disposal, is approximately \$124,000.00. Addressing the sand filter will have to wait until the sludge removal is complete.

**Adjournment**

- **Motion** by Carl Zito at 9:06 pm, seconded by Jack Fatzinger, to adjourn the meeting. Motion carried unanimously.

The next meeting of Borough Council will be held on Monday, October 3, 2011 at 7:30 PM.

The foregoing were approved the 3rd day of October, 2011.

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President of Council

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