

**BOROUGH OF WIND GAP
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The Council meeting of the Borough of Wind Gap on Monday, April 3, 2006, was called to order at 7:30 p.m. by Council President Kerry Gassler, at which time he reminded those present that the meeting was being recorded. In attendance were Councilpersons: Jon Faust, Karen Skorochood, Todd Beil, George Hinton, Scott Parsons and Tony Curcio. Also in attendance were Mayor Mitchell D. Mogilski, Sr., Borough Solicitor Ronold Karasek, Borough Engineer Brian Pysher and Borough Administrator Louise Firestone.

Borough Engineer, Brian Pysher, arrived at 7:33 p.m.

Mayor Mitchell D. Mogilski, Sr. arrived at 7:36 p.m.

PUBLIC COMMENT

1. Winton Male. Winton distributed a copy of the Hazard/Vulnerability Analysis. Northampton County was working on their own analysis. The Borough's is a draft document to be reviewed. Nick Tylenda has requested a copy by forwarded to the County. The next step would be having a meeting with the Fire Department, the Ambulance Corps and the Police Department to actually start working on setting up the system. Winton will continue to work with Nick Tylenda, Northampton County Emergency Management Coordinator, to make sure that the Borough is coordinated with the County's plan. The Borough received a grant for setting a database for the ACT Program, the purchase of laptop computers, and creating a hotspot in the Borough. Winton asked who would have the key to gain access to the roof of the bank building. The bank will not provide anyone in the Borough with a key. Jon Faust to provide the office with the contact person so Jim Lockard can test from the roof top. Kerry stated that a meeting should be set up between Winton, Jon, Kerry and the Mayor for one evening.

The Mayor arrived at this time.

2. Randy Beck, owner 516 North Broadway, Wind Gap. Randy explained to Council that the amount of rain along with the high winds in January caused three trees to fall onto the house he owns. After the cleanup, his insurance company informed him that he would have to remove the rest of the trees because they were becoming uprooted and posed a threat of also falling on the house. Randy's insurance company contacted Mr. Keenhold, who he thought owned the property, but was informed that the Borough actually owned the property. He provided a copy of the letter to the Borough. Randy marked the trees on the adjacent property, which may fall if there are more high winds. He asked Council for some assistance regarding the trees on the Borough property to avoid them falling on his property. Both Kerry and George have looked at the property. George explained that the Borough's insurance company would not pay to have

the trees removed. Because tax dollars will be used to remove these trees, the Borough must get bids on the removal and then approve the contractor to remove them. Ron Karasek stated that if Council believes that it is an emergency, and it certainly appears to be, then he would support Council's decision that it is an emergency.

On motion by Scott Parsons to have the street committee look at the property and get quotes and determine if this is an emergency and should be done right away and seconded by Jon Faust. Roll call vote taken. Motion carried unanimously.

Randy asked if the Industrial Road will be a reality and if it will be, how close to his property would it come? Kerry replied that the road is close to a reality and would be on the railroad bed behind Cramer's. The Borough is trying to get a road from west of Broadway to Route 33. The Borough took eminent domain at 200' wide that included all the trees. George added that where the driveway goes into the cell tower, the lower curb radius would be in that area.

APPROVAL OF EXPENSES

On motion by Karen Skorochood to pay the expenses for the month of March 2006 in the amount of \$23,567.11 and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously. In the Monthly Vendor Report there are outstanding invoices due from National Realty to Hanover Engineering, but they will not be paid until National Realty reimbursing the Borough.

SOLICITOR'S REPORT

Ron Karasek reported that he contacted the SPCA regarding the Animal Services Agreement and they are in agreement with the Borough regarding signing the contract with a cap of \$1,200 for services. Council should keep in mind that they can get out of the contract at any time. That contract is ready for signature.

Community Services Group the action involving the Wind Gap Municipal Authority. Correspondence letters related to the property were requested by Community Services Group in their Federal Subpoena against the Authority. He was provided with several documents prior to the meeting and he will pass those along to Counsel for Community Services Group.

Weeast Matter. Ron filed preliminary objections and supporting brief. The brief by the Weeast will be due later this month. The matter will be scheduled for May 2. He is attempting to have the case thrown out. If the motion is denied, then it will proceed with the normal litigation steps, as any lawsuit would be handled.

Schinstine Condemnation. The Board of Viewers will meet at the property on May 18, 2006. Kerry, George, Ron Madison will attend along with any other Council members who wish to be there at 10:00 a.m. Once the Board has seen the property it will continue to determine what if anything the Schinstines should receive.

Brymac Matter. He received paperwork last week from Attorney John Molnar regarding Brymac regarding a Zoning Hearing Appeal. He asked if Council wants to intervene so that appropriate action can be taken?

RCN. The Borough received correspondence on March 12, 2006 regarding renewal of

the cable franchise under the various laws. RCN suggested exploring an informal procedure to proceed with discussions. He suggested that it might be worth it to explore the informal process first to understand what RCN might have in mind.

PPL / Cell tower issue. He met with interested parties on March 10, 2006 with representatives from PPL/Sprint. The meeting concluded with PPL was going to obtain cost estimates to determine how much it would cost to relocate the cell tower. The Borough Engineer was going to design a preliminary map to depict road design without pole relocation. He has not heard back from Hanover or PPL to this point.

Manor Haven, Towns at the Gap. The Borough had an agreement to resolve the Stormwater design to go down along North Broadway, but the deadline of April 17, 2006 is approaching. He spoke to the Manor Haven attorney, James Preston, and Mr. Preston has not heard anything at this point. Mr. McMackin, Manor Haven's engineer, informed Louise that the survey was to be done the third week in March and the last week of March, the plans and designs would be completed. Nothing has been sent to the Borough Office. If necessary, a special Executive Session would need to be called because it is related to the whole condemnation issue of that whole property. Ron is concerned with the costs associated with the redesign so the Borough would know how to fund the additional design.

He received the Subdivision and Deed descriptions for the East West Street dedication. He is waiting for meets and bounds descriptions for the Stormwater easements along the North Broadway properties. He asked if the Roberti Garage is still standing. Ron added that he would believe that Mr. Roberti would be asking for a review of the property, but he has not heard of anything yet. Kerry asked if it is up to Mr. Roberti to do something? Ron replied that it is and would not suggest chasing Mr. Roberti. The Borough can remove the garage, because they have paid Mr. Roberti. George added that he was provided a copy of items that cannot be put into a dumpster that is emptied into the landfill.

On motion by George Hinton to write a letter to Waste Management informing them that none of the items on the list are on or in the property and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

Scott asked Mr. Karasek regarding the legality of renting the Fire Company parking lot? Ron replied that he did some brief research, free of charge as a courtesy to the community, but he did not complete it because George indicated that he did not want the Borough to incur the cost unless the owners would agree. The owners did provide funds to allow for an extra hour of research, but preliminary indications would be that it could be done, but insurances should be in place.

ENGINEER'S REPORT

Brian Pysher reported that the upstairs was measured last week. They have to come back to do a site plan, land development as part of the requirement for Labor and Industry. Hopefully, this will be done this week.

He reported that they looked at the parking lot today, but they will be back tomorrow to further conclude the quantities needed to complete the project. They feel that the contractor should remove the stone that exists on the site, stockpile it on the property and then use what they can to restore. The parking lot needs to be graded. The specifications will be per ton in

addition to what they can reuse. They will try to get the rest of the Park located and surveyed tomorrow. Kerry asked if both specifications would come in together? Brian replied that they would concentrate on the parking lot specifications first. That will be done definitely this week.

Scott asked that the engineer submit a bill on a monthly basis. George added that these projects need to get done as quickly as possible. Council would like to have the Park project completed before the Park gets into the busy season. George asked Brian to relay to Bob Collura that Council understands that they are busy, but this Council had some concerns regarding getting things done in a timely manner when they appointed Bob's firm.

NEW BUSINESS

1. Approval County Bond Invoices. Tony reported that there are several outstanding invoices related to the County Bond Issue.

Zito, Martino and Karasek	\$58.25
Karl F. Longenbach	\$594.00
Zito, Martino and Karasek	\$101.25
Plainfield Township – Keystone Engineering	\$4,898.63
Dwight Danser	\$1,170.00
Hanover Engineering	<u>\$2,553.73</u>
Total	<u>\$9,375.86</u>

On motion by Tony Curcio to approve forwarding these invoices to the County and seconded by Scott Parsons. Roll call vote taken. Motion carried unanimously.

Todd stated that they are not being paid anymore? Kerry replied that the committee met with Dwight Danser and he suggested that since they are still working on this project that the invoices be approved and forward to the County. Even if the County money goes away, the County would still have to pay the approved bills that have been submitted. Tony added that the County originally instructed the Borough to approve and forward the bills. It is the County's decision, not the Borough's, to hold and not pay the bills. All these bills are on the municipal side, not the developer's side.

OLD BUSINESS

1. SPCA Agreement. Kerry reported that the SPCA agreed to take up to 30 animals or a total of \$1,200. The Borough could terminate the agreement after notification of 90 days. Jon asked how the animals would be transported to the SPCA. Ron Karasek expressed his concern about having volunteer citizens transport animals. He suggested that if that were the decision of the Borough, an agreement would have to be drawn up holding the Borough liable for any injuries sustained in the line of transportation. It would be better if an employee was to transport the animals for liability purposes, but it is a liability call to be made by Council. The Chief stated that during the summer the number of animals increases. John Maher volunteered to donate two carriers to the Borough. The Borough will only be billed for animals that are actually taken to the shelter. Kerry expressed his concern that animals could be dropped off and "charged" to the

Borough even if the person is not the resident of Wind Gap. George suggested that this topic be tabled until the workshop.

2. Scott asked where the Borough stands on the Nuisance Ordinance? The Chief informed council that some of the topics covered under the ordinance are already covered under the Pennsylvania Crime Code. Council discussed the need for a section prohibiting panhandling in the Borough. Ron Karasek to review the ordinance. He stated that if it is included in the ordinance, the Borough has two remedies to resolving an issue. The Police have the ability to enforce the Crime Code, or the Borough can enforce through their own Ordinance. The Police enforcing the Crime Code has more force and make more sense for them to enforce. The Mayor pointed out that in Section 8 – Littering in the proposed Ordinance is more specific than the Crime Code because it covers private property. The Crime Code covers streets, walkways and alleyways or dumping trash on another person's property. The Mayor stated that the more specific Littering should be included. Ron will provide a final draft of the ordinance for Council to review.

3. Scott recommended that the Mayor, the Police Chief get a meeting set up with the owner of the Scorecard. It seems that every Saturday night there are problems at the Scorecard. Scott stated that it is not right that the Borough continues to provide extra police coverage due to one business. The Mayor stated that the Borough of Cooldale just passed an ordinance regarding abuse and neglect of the Police because they keep calling them. The Mayor will call to get a copy of the ordinance. This has to be settled peacefully.

4. Ron Karasek asked what Council wishes to do regarding the Brymac matter? Council will discuss this at the workshop meeting. RCN issue to be discussed at the workshop meeting also.

On motion by Tony Curcio to adjourn the meeting of April 3, 2006 and seconded by Todd Beil. Council agreed unanimously. The meeting of April 3, 2006 adjourned at 8:20 p.m.

Louise Firestone, Secretary / Treasurer