

**BOROUGH OF WIND GAP
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The Council meeting of the Borough of Wind Gap on Tuesday, June 19, 2007, was called to order at 7:30 p.m. by Kerry Gassler at which time he reminded those present that the meeting was being recorded. In attendance were Councilpersons: Jon Faust, Nathan Hinton, Todd Beil, George Hinton, Scott Parsons and Tony Curcio. Also in attendance were Mayor Mitchell D. Mogilski, Borough Solicitor Ronold Karasek, and Borough Administrator Louise Firestone.

PUBLIC COMMENT

1. Ajay Sood, Sunoco Gas Station. Mr. Sood presented Council with a letter that read, "We are requesting to you the removal of the medium (divider) that has been recently put in front of our store. We understand that the reason the left lane was created was to minimize the traffic, but in doing that it has hurt most of all our business. The divider makes it very hard for our customers to make a left turn into our store from the North bound lane. Also, it blocks one of the entrances from the North bound traffic. Our customers cannot make a left turn out of our exits, which makes it inconvenient for them. Is there a way we can have a sign requesting South bound traffic not to block our driveway which is accessible from the North bound lane? We have dealt with a loss of sales and business due to the construction, which was indeed needed, but we need to have both of our entrance accessible for our sales to pick back up. Please help us find a solution to this problem as soon as possible. Also please find attached all previous letters sent to the state regarding this matter as well as petition signed by our customers". He informed Council that they are losing business (down almost 70%) because of the new configuration. He has written PennDOT and Plainfield Township. Kerry asked Ron Karasek if there is anything that the Borough can do because it is a PennDOT road. Ron replied that the Borough cannot do anything to regulate it or to put any restrictions on it, but as a matter of courtesy to a business the Borough can send a letter to PennDOT and request a review. Ajay asked that a sign be installed so that traffic does not back up and block his driveway so customers can exit northbound. He presented a petition with over 300 signatures of customers asking for help. Joan Schodner, Sullivan Trail resident, explained that she is a frequent customer of the Sunoco and explained that it is difficult to get in and out. The Diner across the street has easy access to north or south and that is what Ajay is asking to be changed for the Sunoco. George Hinton and Scott Parsons stated that they would contact Representative Craig Dally to try and schedule a meeting with PennDOT representatives.

2. John Maher. John stated that he hopes to try to bring the Disaster Recovery Committee to a conclusion. He has had no comments with the committee. The computers need to be configured and finalized for use within the Borough. He asked if the Borough computer professional finish the job with the configuration. They were supposed to be working with another community and copy the same database. George asked if he had spoken to Jeff Yob, Emergency Management Coordinator, recently? John stated that they have not communicated for a month or so. Jeff needs to spearhead and get the computers ready for use.

3. Chris Terhune, 121 East Second Street, Wind Gap stated that they have a lot of cats hanging around their property and as time as gone on the cats have multiplied. She presented Council with information about the Center for Animal Health and Welfare (formerly SPCA). They have a trap, neuter and release program that can be used by citizens, but they prefer to work with municipalities.

They use their have-a-heart traps, bring the cat to the center and then return them to the municipality. The cats are still living, but it is intended to stabilize the cat population. She is not sure what the cost is, but if the Borough is interested, they must call. She hopes that this is a possible solution before it becomes a real public health issue.

4. Troy Leidy asked if the towers are coming down because they did cut the lines? Jon Faust asked if the traffic has increased? Troy said that the cars coming out of Cramer's don't realize there is traffic coming out from the driveway. He complained that the RPM Recycling Center backfilled with the black dust and did not even use any modified stone. Ron Karasek received a letter in the mail today, but has not even read it. Ron read from Mr. Perin's letter stating, that Mr. Perin believes that the records here at the Borough show that the area he is accessing is a deeded right-of-way, as per deed given to him and other people in the chain (Supradur, Waste Management, NAPER) and they could use as an access. Mr. Perin writes that there is no earth moving activity occurring. The question becomes can the Borough require that someone bring a deeded right-of-way up to Borough standards when there is no development or activity within Wind Gap Borough. Ron would have to research this question. Scott asked who says Nolan has a deeded right-of-way. Ron replied that according to the letter, the Pidcock plans in the Borough's possession for the Industrial Drive show that it is a deeded right-of-way. Kerry said that Nolan never finished the conditions of Industrial Drive or the road would be there. Scott said that it should be challenged, but he does not believe that to be true. George stated that there was earth moving within the Borough and suggested that a meeting with Nolan Perin should be scheduled. Troy asked if this is a temporary access? Council does not believe that this is a temporary drive. Nolan Perin has suggested a meeting in his letter. Kerry asked Ron to review the Pidcock plans. The meeting will be scheduled to include the committee, Ron Karasek, Brian Pysher, the Zoning Officer and Mr. Perin. Troy will be contacted after the meeting.

APPROVAL OF MINUTES

On motion by Tony Curcio to approve the minutes of May 7, 2007 and seconded by Jon Faust. Roll call vote taken. In favor: T. Beil, T. Curcio, J. Faust, K. Gassler, N. Hinton, S. Parsons. Abstained: G. Hinton. Motion carried with a vote of 6-0-1.

On motion by Todd Beil to approve the minutes of May 15, 2007 and seconded by Tony Curcio. Roll call vote taken. In favor: T. Curcio, J. Faust, G. Hinton, N. Hinton, S. Parsons, T. Beil. Abstained: K. Gassler. Motion carried with a vote of 6-0-1.

COMMITTEE REPORTS

1. EMS – Nathan Hinton had nothing to report.

2. Police – George Hinton reported that the Police participated in the "Click It or Ticket" campaign. The Department received \$2,500 from the State for overtime to patrol and enforce the seat belt law.

3. Streets – George Hinton reported that the street sweeping has begun and will continue through this week. The Street Department finished the monument for Victor Zucal and a ceremony will be held. They repaired two inlet boxes at the corner by the PetroMart. They are checking out the condition of other inlets in the Borough. They will be fixing the inlet box at the corner by Jimmeze Jeweler's. They will begin to tar the cracks and seal the streets.

4. Zoning – Tony Curcio had nothing to report.

5. Planning – Todd Beil reported that there was no meeting because the commission did not have a quorum.
6. Parks and Recreation – Nathan Hinton reported that the security cameras would be installed this Friday by Fox Brothers. George asked the schedule for the paving project in the parking lot? Louise stated that they have been contacted.
7. Fire Company – Jon Faust reported that the Fire Company responded to 13 calls in May for a total of 63 this year. Jon stated that the Fire Company President, Jeff Yob, provided a sample ordinance enabling the Fire Company to bill for their services. Ron Karasek to review the sample ordinance and provide his comments and/or a draft to Council. Kerry asked if the Fire Company is considering installing an automatic door at the Ambulance building before the winter.
8. Sewer Authority – Scott Parsons reported that he did not attend the last meeting, but he did get a copy of the engineer's report regarding the capacity if the Borough was built out. They did recommend hiring more help, but Scott does not believe that they acted upon anything. Scott was pretty sure that the plant has a license for 1 million gallons a day, but capacity is 2 million.
9. 911 – Tony Curcio had nothing to report.
10. Insurance – Louise Firestone reported that the Borough's insurance agent, Brown and Brown did receive a quote for Worker's Compensation from Selective Insurance, but it is \$10,000 more than last year. They suggested that the Borough consider using the State Worker's Insurance Fund for coverage this year, which would increase the premium by a little more than \$4,500 over last year.
On motion by George Hinton to approve purchasing State Worker's Insurance coverage and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.
 Scott asked if the Borough insures the ambulances? Louise replied that the Borough does not provide vehicle insurance for the ambulances. Scott asked who owns the fire trucks? Louise replied that she could not locate owner's cards in the Borough office. Scott asked how the fire trucks could be covered by municipal insurance. Louise stated that they are municipal vehicles and can be covered. Ron added that the Borough Code allows the Borough to provide fire apparatus.

Mayor's Report

Contractor's license for the month of May was \$50 for a total in 2007 of \$1,100, transient sales license zero for a total in 2007 of \$225, amusement licenses of zero for a total of \$475 for a grand total collected of \$1,800. Police have responded to 708 calls this year. The Police Department participated in the Buckle-Up Program over Memorial Day weekend. Next COG meeting is scheduled for June 27, 2007 at 7:00 p.m. at the old Washington Township municipal building with the recreation meeting will be held at 6:30 p.m. Mayor Mogilski reported that he received a letter referencing Act 4 of 2006, Presentation of Open Space, but he only received the cover letter. He contacted Ron Angle and was informed that the information would be forwarded to the Borough. Ron Karasek explained that he had previously research this topic regarding freezing millage.

The Mayor stated that in regard to Ordinance 458, he has done research and has decided to veto the ordinance and read the following letter dated June 11, 2007 to Council:

I am vetoing Ordinance #458 which was voted on June 4, 2007. Although this vote has been carried by 6 yes, 0 no and 1 abstention, I feel it is in the best interest of our Borough and its residents to veto this action. Alcohol does have its place but the Borough Park is not an appropriate location, and this is why.

1. Will the groups who serve alcohol be trained in RAMP (Responsible Alcohol Management Program) or TIPS (Training Intervention Procedures)? TIPS is the global

leader in education and training for the responsible service, sale and consumption of intoxication, underage drinking, and drunk driving.

2. Who will be legally responsible if a person becomes intoxicated and goes on to damage property or even worse cause bodily injury or even death? Will it be the supplier of the alcohol, the group that is holding the event, the Wind Gap Park Board, or the Borough Council and its Mayor?
3. Who would pay for damages? The taxpayers with higher assessments? My concern is that there is not a hold harmless agreement in place to secure the Borough's assets.
4. Will the group be required to have liquor liability insurance? If so, how much and will the Borough get a copy of their policy?
5. Will there be extra police available to enforce the drinking rules and at who's expense?

Furthermore proper procedure was not followed to enact this ordinance. Section 1008(b) of the Borough Code states "Any such consolidation, modification or revision of borough ordinances to be enacted as a single ordinance shall be introduced in the borough council at least 30 days before its final enactment" This is evident in the fact that President Gassler had to stop the meeting and ask the Secretary to copy council and the Mayor on this ordinance to be voted on. This leads to the fact that the public would not have adequate time to be heard as to its views on the passing of this ordinance.

I realize that the Wind Gap Borough Council is enacting Ordinance #458 at this time to support the Wind Gap Fire Co. by allowing its sale of alcohol at its annual picnic. Although I do support our volunteers in town I believe it is in the best interest of our residents to veto this action.

I always took my office as Councilman, and now as Mayor, very seriously and acted and will continue to act in the best interest of everyone and not a specific group.

George stated that understands that the Mayor has concerns and hopes that he can provide answers. The Fire Company is hiring two outside security people, and they have a 2 million dollar insurance policy. When the Fire Company applied for the liquor license, the Liquor Control Board instructed the Fire Company about the insurance. George feels that this has been blown out of proportion because the people who contacted him did not have the whole story about how this is being handled. He said that the Mayor referenced taxpayers in his letter, but how many did the Mayor actually speak to? The Mayor replied about ten total, but when he talked to people he thought would agree with serving alcohol, by the end of the conversation they were not in favor of it either. George said that he doesn't think the Borough should not do anything for fear of being sued. He stated he was offended that the Mayor would say that anyone who eats clams and drinks beer has no family values. The Mayor concurred that beer has a place, just not at the Borough Park. Kerry added that RAMP is not mandatory and it is only a six-hour program. Jon Faust stated that this is not a drinking feast because it will be regulated and confined to a designated area. The Fire Company is trying to explore other fundraising avenues. Scott asked what the next move is? In Section 2 of the Ordinance, "The sale, use and consumption of alcoholic beverages are not permitted in, at or on the Park premises except at special events. These special events shall be determined and approved by Borough Council; and, Borough Council shall also have the authority to establish any rules or regulations for the sale, use and/or consumption of alcoholic beverages in, at or on the Park premises including Inter alia requiring that any organization must secure any and all necessary permits for the sale, use and consumption of alcohol." Scott stated that the Fire Company has done everything that Council has asked according to the rewritten section of the ordinance. Council has the ability to establish rules or regulations for each specific request.

On motion by Todd Beil to override the Mayor's veto of Ordinance 458 and seconded by Nathan Hinton. Roll call vote taken. In favor: K. Gassler, G. Hinton, N. Hinton, S. Parsons, T. Beil, T. Curcio. Abstained: J. Faust. Motion carried with a vote of 6-0-1.

Mayor Mogilski wanted the people to understand his point of view on this issue.

The Mayor reported that there was a Memorial Day celebration at the monument.

NEW BUSINESS

1. SPCA was already discussed. Council will look into this issue further.
2. Planning Commission Members. Kerry Gassler stated that in January, February and June there was not a meeting because the commission did not have enough members available for a meeting. A letter was sent to each individual member of the commission asking their intent to serve on the planning commission. Ron explained that according to the MPC the Borough has to give them 15 days advance notice of the intent to have them removed. They can ask for a public hearing to show why they are being removed. They can be removed for misfeasance, nonfeasance, malfeasance, so whether they have done something, not done something or did nothing. Scott recommended getting together with the planning members. Kerry and Todd to visit the members and find out their intent to remain and serve on the planning board. The next meeting is July 5, 2007.
3. Uniform Construction Code – Scott reported that he asked Darlene to put a list together regarding the Third Party Agencies. She will provide Tony, Todd and Scott with a list.
4. Fire Company – George reported that the Fire Company is researching software for the laptops. The Fire Company will keep Council informed.
5. Bond Issue. Kerry reported that Council received a past bill from Dwight Danser, which included the time period January 26, 2006 through February 15, 2007. These expenses were prior to the County's action regarding the Bond Issue. George stated that National Realty still owes Hanover Engineering almost \$4,600. George spoke to Jerry Bermingham and was informed that National Realty will probably not pay that bill. Ron stated that he believes that there will be a hearing in July on the appeal of the County trying to repeal the money, but he does not know the complete status.
On motion by Tony Curcio to submit Dwight Danser's legal bill in the amount of \$4,266 to the County regarding the County Bond Issue Slate Belt Industrial Center and seconded by George Hinton. Roll call vote taken. Motion carried unanimously.
Louise to provide a list of outstanding invoices owed to the Borough's professionals related to the County Bond Issue.
6. George Hinton reported that the Chief's contract expires December 31, 2007. He asked that a committee be formed to negotiate the contract. Kerry appointed George, Scott, Jon and Louise. The Mayor stated that he would be sitting in on the negotiations also.

OLD BUSINESS

1. Valley Housing Meeting – week of July 23, 2007. George, Jon and Brian would be available for a meeting.
2. Jon Faust requested approval to allow the Borough Engineer look at the property for the municipal complex regarding the amount of land and dimensions of the property. Jon stated that the committee met several times and they drew up some rough plans. They would like to sit and discuss the cost per square foot. The complex would be on existing Borough property. They would like to house the Borough office, Police Department, Fire Company and Ambulance Corps in one complex.
On motion by Jon Faust to permit the Borough Engineer to review the draft plans and give an estimate for the municipal complex and seconded by Nathan Hinton. Roll call vote taken. Motion carried unanimously.

3. George Hinton asked what the Borough wants to do regarding the property adjacent to Roberti's property. He did call the property owner and left a message on his answering machine, but has not received a call back. The property is unfinished and still under construction. He suggested sending the Zoning Officer to that property.

4. George Hinton asked if the Zoning Officer could be sent to Miller's property on Eighth Street.

On motion by Tony Curcio to adjourn the meeting of June 19, 2007 and seconded by Todd Beil. Council agreed unanimously. The meeting of June 19, 2007 adjourned at 8:50 p.m.

Louise Firestone, Borough Administrator