

**BOROUGH OF WIND GAP
29 MECHANIC STREET
WIND GAP, PA 18091
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The Council meeting of the Borough of Wind Gap on Tuesday, March 5, 2007, 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, Nathan Hinton, George Hinton, Scott Parsons and Tony Curcio. Also in attendance were Mayor Mitchell D. Mogilski, Borough Solicitor Ronold Karasek, Borough Engineer Brian Pysher and Borough Administrator Louise Firestone. Absent: Todd Beil.

PUBLIC COMMENT

No one appeared before Council.

APPROVAL OF EXPENSES

On motion by Tony Curcio to approve the expenses for the month of February in the amount of \$22,771.50 and seconded by Jon Faust. Roll call vote taken. Motion carried unanimously.

On motion by Tony Curcio to approve County Bond invoices from Hanover Engineering Associates in the amount of \$2,622.83 and seconded by Scott Parsons. Roll call vote taken. Motion carried unanimously.

On motion by Tony Curcio to approve a retainer in the amount of \$2,000 to be paid to Attorney Dwight Danser for the Appeal to County Ordinance 462 and seconded by Scott Parsons. Roll call vote taken. Motion carried unanimously.

SOLICITOR'S REPORT

Ron Karasek reported that all the matters being handled by his law office for the Borough during the month of February are outlined in a report. The report includes the meeting attended as Borough Solicitor.

Subdivision Matters: (Preparation of Subdivision Improvements Agreement for Manor Haven Major Subdivision – Towns at the Gap. Comprehensive Telephone conference with property owner regarding temporary construction easement for proposed East First Street).

Land Development Matters: N/A

Zoning and Other Land Use Matters: (Finalization of advertising and review of ordinance for adoption regarding Ordinance 453 – Police Pension Contribution Ordinance. Finalization of advertising and review of ordinance for adoption regarding Ordinance 454 Amendments to Zoning Ordinance on Clear Sight Triangles and Nuisances).

Developments on Outstanding Litigation: (Board of Viewers inspection of the Roberti Garage on February 27, 2007. Close out correspondence with release and payment on Schinstine condemnation).

Court Decisions on Borough Cases: N/A

Miscellaneous Matters: (Finalization of advertising and review of ordinances for adoption regarding Ordinance No. 453 – Police Pension Plan Contribution, Preparation of draft of proposed Borough Ordinance prohibiting the parking of unlicensed, unregistered or inoperable vehicles, Prepare Agenda

for March Planning Commission Meeting, Finalize PPL Easement Agreement for Installation of Lines regarding North Broadway/R.P.M. Recycling, Review various correspondence, subdivision and land development review letters, prepare correspondence, prepare extension agreements and approval forms for subdivision and land development matters, and make and receive telephone calls.

Outstanding Items: (East West Street condemnation (Grand Central property) – revised map received, Awaiting Applicant's approval before Planning Commission and Council can act on SALDO Waiver, RPM Recycling License Agreement and related Met Ed Agreements, PPL Cell Tower matter – in process with enforcement notice and related proceedings, Weeast lawsuit for Interest – pending, Dentith Stormwater counterclaim (filed in response to Borough's injunction lawsuit and request for Borough's expenses) – no action taken and remains pending, Ordinance for loitering, begging and panhandling – pending, Ordinance for unlicensed and unregistered vehicles – draft with Council for review, Ordinance for Office Staff pension – pending meeting with Principal's Representatives, Ordinance and Agreement for adopt Intermunicipal Comprehensive Plan, Update to Ordinance No. 444 adopted 3/7/05 – updated Stormwater management for Bushkill Creek.

The PPL agreement was entered into at the onsite meeting a week ago Friday. Jim Milot, Hanover Engineering, was going to check information regarding meets and bounds in respect to the dimensions and areas of the PPL easement agreement so that the easement agreement with Met-Ed can be finalized. The cell tower issue is still in progress.

Principal Financial has been contacted in order to set up a meeting for discussion regarding the office staff pension ordinance. It will be an informational meeting.

Borough Council should review the ordinance and agreement to adopt the Intermunicipal Plan sent by Dave Backenstoe.

A Board of Viewers inspected the Roberti Garage on February 27, 2007. He expects a condemnation hearing to be held in mid April to late April.

Ron spoke to Mr. Karner regarding the temporary construction easement agreement on East First Street extension dealing with the Posh Subdivision. Mr. Karner stated that he would speak to Robert Collura.

George asked Ron about the Board of Review regarding the Roberti property. Ron informed Council that the Board, consisting of three individuals, did inspect the property on February 27, 2007 along with Mr. Roberti and his counsel. There will be a hearing before the Board of Viewers. Ron Madison and Mr. Moore will need to be present as a witness. Ron was the Borough Engineer at the time and Mr. Moore did the valuation of the property. He invited members of Council to attend the hearing.

ENGINEER'S REPORT

Brian Pysher reported that he was present at a meeting with Nolan Perin, Met-Ed, PPL and Hanover Engineering for placement of the utility poles. Robert Collura and Brian attended to be more informed regarding the project. Brian stated that he reviewed the grant award letter related to the Community Development Block Grant (CDBG) and he believes that the wording is typical. He asked if Council wants Collura's firm to take this over or if Hanover Engineering would continue do the work on this project because they already started the permit applications and drawings. Ron Karasek added that he also reviewed the grant agreement and it is a standard agreement.

Brian will be meeting with Mr. Karner this week to discuss concerns related to the extension East First Street. He feels that none of the concerns expressed by Mr. Karner are a major issue, but he will discuss the issues with Mr. Posh's consultant, Jeff Ott.

Brian asked Council if they desire to allow him to follow through with any outstanding zoning issues, which include two ongoing permits by one applicant, and another one property next to the CVS. They will be before the Zoning Hearing Board on Wednesday.

On motion by Jon Faust to allow Brian Pysher to finish zoning issues that he has already started and seconded by George Hinton. Roll call vote taken. Motion carried unanimously.

Jon asked Brian about the tattoo parlor? Brian replied that the new Zoning Officer spoke to the owner and he will do the necessary paperwork to be in compliance with the ordinance. He believes that the issue has been resolved. George asked if the Dunkin Donuts occupancy permit issue has been resolved? Brian replied that he did not realize that the Borough had an occupancy form. They received their occupancy permit from Labor and Industry and a copy was faxed to Brian.

NEW BUSINESS

1. Greenway Plan. **On motion** by George Hinton to adopt the Greenway Plan in the form of a resolution and seconded Tony Curcio. In favor: S. Parsons, T. Curcio, J. Faust, K. Gassler, G. Hinton. Abstained: N. Hinton. Motion carried with a vote of 5-0-1.

2. Office/Police Copier. Jon Faust reported that the Police Department's copier is having electrical problems. Louise stated that because of the heavy use of the office copier she had already been in contact with companies who are under the state contract for copiers to check out pricing. She received two state bids, one from Valley Business and one from Stratus Systems, used to be Copy World. Valley Business Systems quoted a price for a Panasonic for \$3,995, Stratus Systems quoted a price of \$4,500.

On motion by George Hinton to purchase an office copier from Valley Business Systems for \$3,995 with the money being taken out of Capital Reserve, Administrative line item and seconded by Tony Curcio. Roll call vote taken.

3. Jon Faust stated that he has been going over the police vehicle repair costs. He would like to see the Police Department liaison give approval for repairs. George will talk to the Chief tomorrow regarding the vehicle expenses.

OLD BUSINESS

1. Adopt Ordinance 453 – Police Pension Contribution. Kerry informed the public of Ordinance 453. Kerry stated that the money collected from the State for the police pension is not enough to contribute for the year so the police have to have 5% deducted from their pay to go toward their pension plan. Kerry asked for any comments. Ron stated that it is possible that the ordinance can be amended if the fund so dictates.

On motion by Scott Parsons to enact Ordinance 453 and seconded by Jon Faust. Roll call vote taken. In favor: T. Curcio, J. Faust, G. Hinton, N. Hinton, S. Parsons. Abstained: K. Gassler. Motion carried with a vote of 5-0-1.

2. Adopt Ordinance 454 – Amendment to Zoning Ordinance clear site triangle. Brian Pysher explained that the amendment to the Zoning Ordinance would clarify the site triangle with regard to an alley and a through street. The Zoning Ordinance contained wording about having one street being controlled and one being uncontrolled. Most of the alleys in the Borough do not have stop signs. The section has been reworded to include streets and alleys.

On motion by Tony Curcio to enact Ordinance 454 and seconded by Jon Faust. Roll call vote taken. Motion carried unanimously.

3. Approve Advertising Ordinance – Unregistered/unlicensed vehicles. Ron asked for any input from Council regarding this proposed ordinance prior to advertisement.

Ron stated that there cannot be any unregistered / uninspected or inoperable vehicle parked on any public street or public alleyway. The ordinance defines what those terms mean. Penalties provisions are \$50 for first offense and if failure to pay imprisonment of not more than five days, \$100 for second offense if failure to pay imprisonment of not more than ten days, third or subsequent

offense, the vehicle can actually be removed by the Borough at the expense of the owner of the vehicle, plus \$300 fine plus cost if failure to pay, imprisonment of not more than 15 days. The zoning officer or the Borough police department can enforce the ordinance and at their discretion, but are not required to, give the person an oral notice.

Scott asked if any stipulation could be included about a commercial vehicle parked in a residential area for a specific time? Ron replied that it would not be included in this ordinance, but could be included in an amendment to the Zoning Ordinance. This ordinance deals with uninspected, unlicensed and inoperable vehicles. Scott stated that he is specifically asking about a recreational vehicle. Ron replied that Council would be dealing with the constitutional rights to travel, the public streets, public highway, etc. If it is inspected and registered it would be difficult to enforce. Ron agreed to look into this issue and was informed by the Mayor that it is addressed in the Zoning Ordinance.

On motion by Jon Faust to advertise the ordinance in regard to unregistered and unlicensed vehicles and seconded by Nathan Hinton. Roll call vote taken. In favor: J. Faust, G. Hinton, N. Hinton, S. Parsons, T. Curcio. Abstained: K. Gassler. Motion carried with a vote of 5-0-1.

4. George Hinton reported that the blue truck used by the Street Department is no longer on the road. The leaf vacuum should be included and any other office machinery.

On motion by George Hinton to advertise the used equipment of the Borough and seconded by Jon Faust. Roll call vote taken. Motion carried unanimously.

5. Scott Parsons asked about the driveway off Broadway that is owned by Nolan Perin? George replied that he has not met with Nolan yet. Scott asked that the sewerage be discussed at that meeting also.

On motion by Tony Curcio to adjourn the meeting of March 5, 2007 and seconded by Kerry Gassler. Council agreed unanimously. The meeting of March 5, 2007 adjourned at 8:10 p.m.

Louise Firestone, Borough Administrator