

**BOROUGH OF WIND GAP
29 MECHANIC STREET
WIND GAP, PA 18091
863-7288
FAX 863-1011**

EXECUTIVE SESSION

The Council met from 6:45 p.m. to 7:30 p.m. for Executive Session at Wind Gap Borough Hall.

The Council meeting of the Borough of Wind Gap on Monday, March 3, 2008, was called to order at 7:30 p.m. by Council President Scott Parson., at which time he reminded those present that the meeting was being recorded. In attendance were Councilpersons: Jon Faust, Kerry Gassler, Todd Beil, George Hinton, Joe Weaver and Tony Curcio. Also in attendance were Mayor Mitchell D. Mogilski, Sr., Borough Solicitor Ronold Karasek, Borough Engineer Brian Pysner and Borough Administrator Louise Firestone.

Scott Parsons informed those present that Council discussed two separate legal issues during Executive Session, the Roberti condemnation and the cell tower related to the Keenhold condemnation.

On motion by George Hinton for the Borough to pay the balance due, an additional \$9,000 as awarded by the Review Board and seconded by Todd Beil. Roll call vote taken. Motion carried unanimously.

On motion by Kerry Gassler to proceed with the litigation required to move the cell tower and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

PUBLIC COMMENT

No one appeared before Council at this time.

APPROVAL OF EXPENSES

On motion by Kerry Gassler to approve the expenses for the month of February in the amount of \$31,781.55 and seconded by Tony Curcio. 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 meetings attended for Council on February 4 and 19, Planning meeting on February 7 and the Keenhold condemnation meeting held on February 26, 2008.

Subdivision Matters: Preparation of SALDO Waiver form and contact to Hanover Engineering for revised mylar re: Grand Central Investment Co., Ltd. Minor Subdivision – Condemnation of East West Street.

Land Development Matters: N/A.

Zoning and Other Land Use Matters: Review Borough zoning file and preparation of comprehensive correspondence Matlock – McNamara fence and wall issue. Correspondence to Plainfield Township Solicitor – Pen Argyl Solicitor re: suggested revision to Joint Comprehensive Plan and Intermunicipal Agreement.

Developments on Outstanding Litigation: Roberti's attorney has filed for a Pre-Trial Conference on his appeal of the Board of Viewers' Decision in the condemnation case. Review of file and Keenhold condemnation and contact Hanover Engineering for metes/bounds description of condemned area.

Court Decisions on Borough Cases: N/A

Miscellaneous: Preparation of Meeting Memorandum re: Police Chief Grievance/Compliant. Review various correspondence, subdivision and land development review letters, prepare correspondence, prepare extension agreements and approval forms of subdivision and land development matters, and make and receive telephone calls.

Outstanding Items: West Seventh Street: received metes and bounds description from Borough Engineer. Does Borough wish to proceed with street ordination and attempt to obtain property from adjoining property owners? Keenhold Condemnation – PPL Cell Tower matter – Need to determine action re: cell tower. Dentith storm water 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. Ordinance for Office Staff pension – pending meeting with Principal's Representatives. Ordinance for reimbursement of equipment, materials, and supplies in responding to environmental, hazardous, safety or rescue events (police, fire or both??).

ENGINEER'S REPORT

Brian Pysher reported that he had a meeting with representatives for Towns at the Gap, Scott McMackin, Tino Calantoni, PennDOT, James Potter, Borough Engineer, Robert Collura and Brian and Councilman George Hinton on February 21, 2008. They met to discuss the proposed storm sewer replacement along State Route 115 as a result of the Towns at the Gap Major Subdivision.

The proposed concrete pipe along the curb line of State Route 115, from Inlet 36 to Inlet 44a, will be replaced with a combination plastic pipe (perforated on top, solid bottom) to reduce overall cost and alleviate surface water on the state road caused by naturally occurring springs.

The existing inlet at Segment 0010 Offset 1231 (proposed Inlet 44a), hasn't had any reports of surcharge or flooding conditions. Because of this, the portion of the pipe run across private and Borough property (Inlet 44a-Endwall C) will remain as is; with exception to the last 24" pipe run. The existing 24" pipe run will be replaced with a 36" pipe to match what is upstream. The entire portion of storm sewer located within PennDOT's right-of-way will be designed to handle flows from the 25 year storm. This alteration will be conditioned upon the Borough monitoring the existing storm system for surcharging and flooding conditions. If these conditions are reported or observed, the Borough will be responsible to replace the last portion of pipe to rectify the situation.

Brian sent out a letter to Scott McMackin to re-emphasize what was said at the meeting. Scott will be making revisions on the plan, submit it back to PennDot with a copy of the letter and hopefully it will be approved with the revisions. Once PennDot approves the plan, Scott will send out construction drawings to contractors to get some concrete numbers on how much this project will cost. Brian believes that the cost will come back in around the original estimate for the Borough of \$100,000. Brian added that the only other issue is the security easement and he will go back to talk to the Candle Factory. The owner had already verbally agreed to earlier.

Brian reported that the Borough office receives complaints from the neighbors regarding Muschlitz Quarry. He spoke to the neighbors today. They are complaining about the speed of the trucks and the noise created by the quarry. He had asked them to attend the Council meeting tonight. The only thing that the Borough could enforce is the noise but the Borough does not have equipment to measure the noise. Brian did call the Pottsville Office of DEP Mining and spoke to Chris Kuba, and was informed that the quarry has their mining permit and mining license so they are within their rights

to do what they are doing. The decibel issue is a local government issue. The neighbor informed Brian that some days there have been 300 – 400 trucks per day in and out of the quarry. The crusher is located at the top of the pile and could possibly exceed the 70 decibels which would be at that property line of the neighboring property. Brian explained that the houses are situated across from an industrial district and since it is industrial it is 24 hours a day. The noise control in the Zoning Ordinance says that “any sound which is static sound, fluctuating or intermittent with a recurrence greater than one time in any 15 second interval, shall not exceed 70 decibel at all times. George will contact Pen Argyl Police Chief to inquire if they have a decibel meter and if they would be interested in testing the site for the Borough. Police should enforce the speed limit and they should be called right away with a complaint.

George asked if the easements were ever prepared for the properties on North Broadway? They have been completed and are in the Borough office. George stated that the two lower properties are having sinkhole problems again and he has received calls from the property owners.

Scott stated that he would be setting up a meeting with Brian Pysher, Mike Goffredo and a representative from Techo-Bloc before they start ramping up their hauling back to the MSG property.

NEW BUSINESS

1. Northampton County DCED CDBG Agreements. Ron Karasek explained that the contract with the County regarding Community Development Block Grant funds was received last year. He stated that the contracts are standard, but with some provisions might need to be discussed. The contract contains language that payment will be provided by the County within a reasonable time frame upon receipt by the County of itemized invoices for the work done, etc. The County can modify the content of the application that the Borough submitted, or change it around if there are not enough funds to do all the projects. The County may extend the term of this contract, but it does not have to extend it they do not want. The Borough is responsible for all inspection of the work and any claims against the project and we hold the County harmless. There are two separate grant contracts for projects 10 (Washington Street alley and West Street Culvert Replacement) and 12 (West Street – west of Taft Street Culvert Replacement), for the storm water studies done in 1998 in the Borough.

On motion by Kerry Gassler to sign the Community Development Block Grant agreements in the amounts of \$63,803.04 and \$35,000 and seconded by Jon Faust. Roll call vote taken. Motion carried unanimously.

On motion by Kerry Gassler to have Collura’s office proceed with these two projects related to the storm water projects to be funded by the CDBG funds and seconded by Jon Faust. Roll call vote taken. Motion carried unanimously.

Louise to verify whether engineering costs would be allowable under the grants.

OLD BUSINESS

1. Wind Gap Fire Company Picnic. Borough Council has to grant permission on a yearly basis. **On motion** by Kerry Gassler to allow the Wind Gap Fire Company to serve alcohol, the same as last year, at this year’s picnic and seconded by Todd Beil. Roll call vote taken. In favor: S. Parsons, J. Weaver, T. Beil, K. Gassler. Abstained: T. Curcio, J. Faust, G. Hinton. Motion carried with a vote of 4-0-3.

2. Speed Limit on State Roads through the Borough. George Hinton reported that he spoke to the Police Chief regarding the posting of signs related to a speed reduction through the Borough to 30 m.p.h. The signs need to be posted every two tenths of mile so from Brown Daub or Wendy’s to the top of the hill would require 18 signs or approximately 9 on each side. There is six tenths of a mile from the Turkey Hill to the Borough line past Detzi’s with another six signs. If all signs will be

consistent then West Center Street would need four signs. George reported that currently there are nine signs from Brown Daub up to the top of Wind Gap hill and twelve signs coming down that same distance, Lehigh there are four total, and Center Street there are five signs. With the total amount of signs, the Borough would probably not have to purchase any new signs, but would have to move their location. The Borough has to identify the reduced speed ahead with a sign that says "Reduced Speed Ahead, then "Reduced Speed Ahead with the speed limit sign" and then 500' then the new speed limit sign would have to be posted. It must be posted coming from all entrances into the Borough, Center Street, North Broadway, South Broadway or Sullivan Trail, and from the east from Pen Argyl. It was suggested that all signs be checked throughout the Borough for accuracy in placement. The cost of a regular speed limit sign is \$4.50 or \$8.00 sq. ft. for the high density speed limit signs.

On motion by Kerry Gassler to send a letter to PennDot requesting a study be done on all state roads in the Borough in order to reduce the speed limit and seconded by Tony Curcio. Roll call vote taken. In favor: J. Weaver, T. Curcio, J. Faust, K. Gassler, G. Hinton, S. Parsons. Opposed: T. Beil. Motion carried with a vote of 6-1.

3. Salt Spreader. George reported that the 1986 Chevy Truck has a cracked frame and would not pass inspection. He recommended removing the stainless steel salt spreader from this truck and installed on the new dump truck. SMF was contacted and gave a quote of \$4,518 and Modern was contacted, but they were not interested in providing a quote to transfer the spreader. The cost to purchase a new spreader was \$2,556 plus the cost of installation a hydraulic system to run the spreader. Jon asked that E M. Kutz be contacted to provide a quote? George will try to get this completed this week. The Mayor asked if this third company is reputable. Jon replied that when he worked for Plainfield he used them several times and he currently uses them for work.

On motion by George Hinton to obtain one more bid and based on the third quote, if the quote is lower than \$4,518 go with them and if the quote is higher go with SMF (Structural Metal Fabricators) and seconded by Kerry Gassler. Roll call vote taken. Motion carried unanimously.

On motion by George Hinton to put the 1986 GMC Dump Truck out to bid in the Morning Call newspaper and seconded by Kerry Gassler. Roll call vote taken. Motion carried unanimously.

4. Lehigh Street and Center Street. George Hinton reported that he received a phone call about the water issue at that intersection and Council should discuss the ongoing problem. The only real way to take care of the storm water on that street is to put catch boxes down to the Park.

On motion by George Hinton to have Collura Engineering provide a cost estimate from the monument on Park Avenue down Lehigh to the Park and seconded by Kerry Gassler. Roll call vote taken. Motion carried unanimously.

On motion by Tony Curcio to adjourn the meeting of March 3, 2008 and seconded by Todd Beil. Council agreed unanimously.

The meeting of March 3, 2008 adjourned at 8:22 p.m.

Louise Firestone, Borough Administrator