

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

The Council meeting of the Borough of Wind Gap on Monday, August 4, 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: 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. Absent were Councilmen Jon Faust and Kerry Gassler.

**PUBLIC COMMENT**

1. Victor Rodite, Slate Belt Council of Governments. Victor reported that the Council of Governments (COG) would be sponsoring a workshop to be held at the Wind Gap Borough hall on Thursday, August 13, 2008 at 7:00 p.m. The workshop will deal with various issues targeted for the moderate and low income people in the southwest corner in the Borough although everyone in the Borough is invited. The issues include: health insurance, long-term care insurance, and mortgage refinancing or mortgage foreclosure (reverse mortgages), emergency service planning. Daniel Radom, COG Intern, has been working on a new zoning map for the Borough. The COG will not be updating the data disk, but they will work on the map and should be completed within a month. Victor explained that there is a study grant opportunity related to energy conservation. The DEP would have the municipality could look at the buildings, equipment, operation of signal lights to be more energy efficient. There are designated, qualified consultants to do this study and one of them is the Lafayette College Technology Group. The deadline for the grant application is August 29, 2008 with a maximum grant award of \$20,000. If the Borough would be interested and successful in obtaining this grant, the full amount would be paid by the State to the consultant. The consultant does the study and would make a recommendation to the Borough. The application would compare energy costs between 2000 and 2007 within the Borough. Victor will e-mail the grant application tomorrow.

**On motion** by George Hinton to apply for the energy conservation grant and seconded by Joe Weaver. Roll call vote taken. Motion carried unanimously.

2. Richard Keenhold. Rick stated that a few weeks ago he sent a draft out to the Council for the property condemned by the Borough. He asked for a progress report along with any comments from Council. Scott stated that the discussion was held during Executive Session at a previous meeting. Ron replied that the proposal was an attempt to settle the outstanding condemnation matter. If a settlement has been reached that has to be voted on at an open meeting, but if a settlement has not been proposed or reached it does not have to be discussed during an open meeting. Scott stated that Borough Council asked the Borough Engineer to review the proposal. Brian stated that he needs more information regarding the property. George stated that the committee would meet with Brian and then when Rick is in town, they will sit with him. Ron asked if the real estate tax issue with this property. Rick replied that none he knows of at this moment, but he knows the taxes have not been paid for the six or seven years since the property was condemned because he doesn't know what property is his or the Borough's property.

3. Resident questioned what is going on with the BeerStein because it is a real eyesore? George replied that the person who could answer that question is not in attendance tonight.

### **APPROVAL OF MINUTES**

**On motion** by Todd Beil to approve the minutes for the meeting of June 2, 2008 and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

### **APPROVAL OF EXPENSES**

**On motion** by Todd Beil to approve the expenses for the month of July in the amount of \$33,285.74 and seconded by Joe Weaver. 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 July are outlined in a report. The report includes the meetings attended in July 2008.

**Subdivision Matters:** N/A.

**Land Development Matters:** N/A.

**Zoning and Other Land Use Matters:** Prepare ordinance, advertising notice, e-mail transmission and correspondence to all pertinent parties re: Borough Ordinance No. 464: Intergovernmental Agreement to Implement Regional (Pen Argyl – Plainfield – Wind Gap) Comprehensive Plan.

Legal research and discussion with PSP Fire Marshall re: Tittle fire.

Prepare ordinance, advertising notice, e-mail transmission and correspondence to all pertinent parties re: Borough Ordinance No. 465: Re-Ordain and Re-Open West Seventh Street f/k/a Diamond Avenue.

**Developments on Outstanding Litigation:** Preparation of Injunction Complaint and Petition/Rule for Hearing on Request for a Preliminary Injunction on N. Tittle property – 133 Lincoln Street.

Receipt, review and administration of background information regarding the Calantoni Real Estate Tax Assessment Appeal and status to Borough.

**Court Decisions on Borough Cases:** Borough's Motion in Limine (reducing the amount of damages that can be claimed by the Robertis in their condemnation case) has been granted in favor of the Borough.

**Miscellaneous:** 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:** Keenhold Condemnation – In process of securing appraisers to determine value of partial taking.

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 Office Staff pension – pending meeting with Principal's Representative.

Ordinance for loitering, begging and panhandling – pending but inactive.

Ordinance for reimbursement of equipment, materials, and supplies in responding to environmental, hazardous, safety or rescue events (police, fire or both?) – pending but inactive.

Ron reported that a settlement conference is scheduled for August 12, 2008 regarding the Roberti condemnation case. Ron asked for a representative from Council to attend the conference.

Ron received from Attorney Backenstoe, County Solicitor for County Real Estate Office, additional information regarding the Calantoni real estate tax appeal so that should be put back on a future Council agenda.

Ron reported that the Borough received a good decision from the Court regarding the Motion in Limine for the Roberti that significantly reduces the amount of damages that they will be able to claim so that will help in the settlement negotiation conference.

Ron stated that he notices that Brymac is doing work at the car wash on South Broadway and he does not believe that an improvements agreement has been signed by the developer. He will recheck his file. If there is no improvements agreement, the Borough will have to direct Ron on how to proceed. The project was approved in June 2007. He explained that the agreement that is a legal document that states the developer will complete the project as it has been improved, post a letter of credit or a bond or a security to make sure that the improvements go in and if they are dedicating any improvements then the Borough holds an additional 15% for 18 months to assure that those improvements are structurally sound and working. If the improvements are not going to be dedicated, once they go in the developer gets his money back. Perhaps since it is not a residential subdivision, Brymac may have thought that they did not have to execute an improvements agreement, but one of the conditions on the conditional approval was to have a signed improvements agreement. Todd stated that the Wind Gap Municipal Authority said that they never received a plan for this project. Ron recommended that if work on the project needs to be stopped, an injunction may need to be filed.

**On motion** by Tony Curcio to have the Zoning Officer or the Borough Solicitor do what is necessary to stop work on the Brymac car wash project if an Improvements Agreement has not been executed and seconded by George Hinton.

Scott asked for any public comment since this item was not on the agenda. No public comment was heard.

Roll call vote taken. Motion carried unanimously.

## **ENGINEER'S REPORT**

Brian reported that the property in the Park was surveyed and

## **NEW BUSINESS**

1. Ordinance 464 – Intergovernmental Agreement to Implement Regional Comprehensive Plan
2. Ordinance 465 – Re-Ordaining and Re-Opening West Seventh Street
3. Ordinance to establish new Speed Limit on 512

## **OLD BUSINESS**

1. Emerald Forest Major Subdivision Waiver Request.
2. Office Staff Retirement

**On motion** by Tony Curcio to adjourn the meeting of August 4, 2008 and seconded by Todd Beil. Council agreed unanimously. The meeting of August 4, 2008 adjourned at 9:14 p.m.

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Louise Firestone, Borough Administrator