

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

EXECUTIVE SESSION

The Council met from 6:30 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, December 1, 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, George Hinton, Joe Weaver 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.

On motion by Jon Faust to agree to a settlement in the amount of \$28,000 with regard to the County Bond Issue and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously. George added that this would cover the Borough's expenses related to the bond issue. Scott stated that the County would help if NAPER still sues.

PUBLIC COMMENT

1. Rick Keenhold asked Borough Council if there is an update on the appraisal for his property that the Borough condemned. Ron Karasek stated that he is having difficulty securing an appraiser for this property because it is only a portion or a sliver of land. He knows that he could have someone do the appraisal, but the fee would be exorbitant, meaning \$4,000 or \$5,000. He advised that he would get it done.

APPROVAL OF EXPENSES

On motion by Kerry Gassler to approve the expenses for the month of November in the amount of \$34,751.30 and seconded by Jon Faust. 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 November are outlined in a report. The report includes the meetings attended in November 2008.

Subdivision Matters: N/A.

Land Development Matters: N/A.

Zoning and Other Land Use Matters: Finalize Amendment to Zoning District I-ME (Industrial – Mineral Extraction) Zoning District and enclosure correspondence to Lehigh Valley Planning Commission and Borough Planning Commission as required by PA MPC.

Revision of Bettini Stormwater and Drainage Easement Agreement.

Developments on Outstanding Litigation: N/A.

Court Decisions on Borough Cases: Receipt, review and administration of Stipulation (in Calantoni R.E. Tax Assessment Appeal) signed by Pen Argyl School District Solicitor.

Miscellaneous: Preparation of agenda for November 2008 meeting of Borough Planning Commission. Receipt, review and prepare correspondence to Tu-Way Communications re: FCC License Renewal for Point-to-Point MW System.

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: Preparation of Borough Ordinance No. 468 – Real Estate Millage for 2009 including advertising notice, enclosure correspondence to Northampton County Law Library and Borough and e-mail transmission to Express-Times re: Real Estate Tax Millage 2009.

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 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 asked Council for direction regarding the Amendment to the Zoning District I-ME.

On motion by George Hinton to set the public meeting for the Amendment to the I-ME Zoning District for January 20, 2009 and the special meeting for February 2, 2009 and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

Ron reported that he received a letter from Irene Bettini's attorney, Attorney Ceraul regarding the easement agreement and her porch/patio roof. There was a question changing the language in the agreement. Brian Pysker discussed this issue with Ron and suggested including that if any damages occur the Borough will fix. The changes have been made and returned to Attorney Ceraul, but Ron has yet to hear back from him.

Ron spoke with Mr. Bill Landis and was informed that the FCC license is in reference to a point-to-point microwave system established to carry a signal from an SECTV tower (behind the Oswald farm near Gracedale, Nazareth, PA) to a Wind Gap transmitter located on the Blue Mountain. This system was de-commissioned in 1999 or 2000 so Mr. Landis believes that the renewal of the license would make no sense and would be of no value to the Borough.

Ron reported that Wind Gap Manor has filed an appeal of their real estate assessment.

He is looking for the construction easement agreement that was signed by Mr. Knoble.

Ordinance 468 has been prepared which establishes the real estate tax millage for 2009.

On motion by Tony Curcio to release the microwave frequency for renewal by the FCC and seconded by Kerry Gassler. Roll call vote taken. Motion carried unanimously.

ENGINEER'S REPORT

Brian Pysker reported that the Borough has finally received the permit from DEP for the stream bank restoration project on the old Roberti property. Unfortunately, it is Brian's opinion that since the permit arrived so late it would not be wise to pour concrete for the retaining walls at this time. He suggests waiting until the spring.

NEW BUSINESS

There was no new business before Council at this time.

OLD BUSINESS

1. 2009 Budget – Advertise Proposed Budget. The 2009 budget includes a .50 mill increase to balance the budget.

On motion by Tony Curcio to approve the advertisement of the 2009 budget for enactment at the December 16, 2008 Council meeting and seconded by Jon Faust. Roll call vote taken. Motion carried unanimously.

2. Acceptance Councilman Todd Beil's Resignation. The Borough Office received a signed letter of resignation from Todd Beil.

On motion by Kerry Gassler to accept Todd Beil's resignation with regrets and seconded by Joe Weaver. Roll call vote taken. Motion carried unanimously. A letter of thanks will be sent to Mr. Beil.

Scott informed those present that Borough Council will accept letters of interest for the vacant Council seat. It will be advertised on the Borough website and in the Borough's newsletter. Ron Karasek explained the procedure for filling a vacancy on Council. Council has thirty (30) days from resignation to fill the seat. Todd's letter was dated November 23, 2008 so Council would have until December 23, 2008. The seat would be filled and that seat would be up for re-election for a term starting in 2010. A resolution would be made by motion to appoint an applicant to the seat. An applicant would be nominated, with a second and voted on. Once an applicant receives the majority of the votes, that person would take the seat. Scott asked Mayor Mogilski to be prepared for a swearing in of a new Council member on Tuesday, December 16, 2008.

3. Slate Belt Council of Government – Articles of Agreement. At a previous Council meeting, Council discussed if Wind Gap was considered a large or small municipality according to the COG. The COG distinguishes a large municipality with over 1,000 in population, while a small municipality has less than 1,000 in population. The small would include: Portland, Roseto, and East Bangor. The small would be charged \$700 and the large \$1,400 in yearly dues.

On motion by Jon Faust to accept the Slate Belt Council of Government's Articles of Agreement and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

After the initial vote, Solicitor Ron Karasek informed Council that an ordinance would have to be enacted to adopt the Articles of Agreement and then subsequently, any changes to the Articles of Agreement could be made by resolution. Council discussed the logic of spending a substantial amount of money to enactment an ordinance that is supposed to reduce the amount of money to belong to the COG.

On motion by Jon Faust to rescind his original motion to adopt the Slate Belt Council of Government's Articles of Agreement until the Borough Solicitor verifies if the Borough must do this by ordinance or it can be done by resolution and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

On motion by Tony Curcio to adjourn the meeting of December 1, 2008 and seconded by Joe Weaver. Council agreed unanimously. The meeting of December 1, 2008 adjourned at 8:05 p.m.

Louise Firestone, Borough Administrator