

**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 Monday, January 5, 2009, 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, Dave Hess, 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.

PUBLIC COMMENT

1. Victor Rodite, Director of the Slate Belt Council of Governments, informed Council that the COG completed the zoning district map. They did not remove the outside border because they wanted to show the comparison with the surrounding municipality and their zoning district. Flood zone was added with contour lines and is still titled "Preliminary Map".

Scott Parsons asked about the latest change to the COG amendment and the concern by Council to spend money to adopt the ordinance with different fees for different size municipalities. Victor suggested sitting down with Borough officials to outline what has been done and what can be done for Wind Gap. He admitted that smaller projects may have been overlooked and welcome a meeting with officials. Scott stated that Mayor Mogilski, Scott and one other member of Council will sit down at the earliest convenience.

2. Richard and Lucille Achenbach, East Second Street, Wind Gap. Richard stated that the alley between Oak and Cherry needs to be plowed when the snow fall is four inches or higher because he cannot get out of the alley. He understands that smaller snow fall amounts do not always warrant plowing and that the alley is not an immediate need as the main streets of the Borough, but requested that it be plowed as soon as possible. It was determined that this was "B" alley and George promised that the alley will be taken care of in a timely manner. Richard asked Council if it would be possible to have real estate tax bills broken down into payments to make it easier to pay. Scott replied that Council looked into this option two years ago, but at that time it was decided to make that change because it might cost the Borough more money in compensation. Scott stated that Council would be open to reviewing this suggestion.

SOLICITOR'S REPORT

Ron Karasek reported that all the matters being handled by his law office for the Borough during the month of December are outlined in a report. The report includes the meetings attended in December 2008.

Subdivision Matters: Re-review status of Subdivision Improvements Agreement and Stormwater Easement Agreement re: Posh Properties Major Subdivision (First Street).

Land Development Matters: N/A.

Zoning and Other Land Use Matters: Preparation of public hearing advertising notice and e-mail transmission to Express-Times (and accompanying correspondence) for Zoning Amendments to I-ME (Industrial and Mineral Extraction) Zoning District.

Receipt, review and administration of original Knoble Construction, Maintenance and Drainage Easement Agreement and file at Northampton County Office of Recorder of Deeds.

Developments on Outstanding Litigation: Preparation of Deed of Confirmation of Condemnation in Keenhold Condemnation case along with ordering tax certificates and title search.

Court Decisions on Borough Cases: N/A.

Miscellaneous: Research and discussion with Northampton County Real Estate Tax Assessor's Office to confirm continuing real estate tax exempt status for Roberti parcel.

Legal research re: requirement of ordinance for amendment to Articles of Agreement of Slate Belt COG.

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:

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 reported that the Holland Subdivision map needs signed. Borough Council waived the planning process in September 2008 for the Albanese / Andrew plan, but he does not have a copy of the waiver request form. Brian believes that he received it and will check his files. Ron reported that he is still working on the Keenhold condemnation. He has been in contact with the Northampton County Tax Assessor's office and is waiting for the title search. He believes that the worse case scenario for back taxes for the Borough would be \$954.67. He stated that he has done the advertising for the January 20, 2009 zoning amendment public hearing and the February 2, 2009 Council meeting. He will provide the stenographer for the public hearing.

ENGINEER'S REPORT

Brian Pysher reported that the Posh Properties Subdivision needs a revised quantity cost estimate because the original one is dated September 2007. He forwarded the construction agreement with Mr. Karner to Ron Karasek for review.

Brymac Car Wash has received Labor and Industry approval. They have agreed to a new quantity and cost estimate. He will follow up with the Borough Zoning Officer and inform her not issue a certificate of occupancy until the developer puts up the rest of the security money.

Brian reported that the building committee met to discuss the corner of Lehigh and West Street, but the wetlands cannot be disturbed. Jon Faust confirmed that the location will not work. Scott asked if the committee would be getting something done this year. The building committee will meet again to discuss the size of the building and see where it would fit.

Brian is working on the storm drains for Lehigh Avenue. George requested that the water has to be kept away from the intersection of Center and Lehigh. Kerry asked how the design for the storm drains on West West Street are coming. Brian stated that a 2' X 4' box culvert would be in the design for Taft Street and no permit would be necessary. He is still working on the Washington Street design.

NEW BUSINESS

1. Heating Oil. On motion by Kerry Gassler to put the building heating oil out to bid and seconded by Jon Faust. Roll call vote taken. Motion carried unanimously.
2. Police Contract. George Hinton suggested sending a letter to the Wind Gap Police Association to inform them that the Borough is willing to sit down to negotiate their contract which is set to expire on December 31, 2009.

OLD BUSINESS

1. Borough Truck Accident. Scott informed Council that the 1980 International Dump Truck was involved in an accident on Friday, December 19, 2008. He commended and thanked George and Jon for their efforts in shopping around for a used replacement vehicle. They found and the Borough purchased a used 1992 GMC truck for \$17,500. MSG installed a spreader at no cost to the Borough and completed the inspection.

Scott asked if there is any policy regarding having Borough employees taken to the hospital after an accident. Ron stated that he would check into an ordinance, but Council must decide how specific they want to be with the severity of the accident and/or injury. Jon stated that he is aware that Forks Township, Palmer Township and Bethlehem Township all have policies in place for any accident that occurs with work accidents.

Scott stated that the committees will be discussed at the next Council meeting scheduled for Tuesday, January 20, 2009.

On motion by Tony Curcio to adjourn the meeting of January 5, 2009. Council agreed unanimously. The meeting of January 5, 2009 adjourned at 8:20 p.m.

Louise Firestone, Borough Administrator