

**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 7:25 p.m. for Executive Session at Wind Gap Borough Hall.

The Council meeting of the Borough of Wind Gap on Monday, July 6, 2009, was called to order at 7:30 p.m. by Council President, Scott Parsons, at which time he reminded those present that the meeting was being recorded. In attendance were Councilmen: 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.

Council President Scott Parsons informed those in attendance that Council met in Executive Session to discuss personnel matters and no action would be taken at this time.

PUBLIC COMMENT

1. Route 33 and 512 Interchange Project Update. In attendance at the meeting representing the Pennsylvania Department of Transportation: Jay McGee, District Portfolio Manager and Heather Heeter, Senior Project Manager and representing the engineering firm of Alfred Benesch & Co., Howard Hyer. Mr. Hyer gave an overview of the Interchange Project utilizing a map that he left with the Borough. Mr. Hyer anticipates letting the project in September of this year and beginning construction in the spring of 2010 with a two year time frame for completion of the project. He explained that the scope of work has changed since this project was first discussed in 1993. The road will be milled and overlaid, they will extend the deceleration and acceleration lanes, there will be a new intersection to realign the roadway and a new traffic signal will be installed. The bridge over Route 512 will have the fascia beams replaced and the bridge will be re-decked. He did acknowledge that the ramp work will necessitate closing the ramps for a period of a minimum of one week. There will be plenty of prior notice and press releases as often as necessary to keep the public informed of the work schedule. Council expressed their concerns because of the last PennDOT project in the Borough. There were many traffic issues and issues with the subcontractor awarded that project because of the inability to contact them when there was an issue when they weren't working. Mr. McGee assured the Council that PennDOT will assist the Borough during this project.

2. Gibraltar Development Corporation. Attorney Pete Layman, representing Gibraltar, informed Council that he is confident that the developer has met all the requirements and the closing has been scheduled for the property this Wednesday. He submitted the original Letter of Credit for the Sewer Authority to the Wind Gap Municipal Authority Solicitor, John Molnar. Ron Karasek stated that all the necessary paperwork is in order for the Borough and he recommends the release of the mylars to have them recorded. Council agreed that they would be released.

3. Gary Birks, Local Government Specialist, for Senator Patrick M. Browne, was in attendance to introduce himself as a liaison between local officials and the Senator. Senator Browne has appointed Mr. Birks to get out to the local municipalities to open the lines of communication. Council stated that they might need the Senator's assistance to keep the PennDOT project on schedule.

4. Mike DePowers, Alpha Road, Wind Gap. Mike asked if there has been any progress with the trucks on Alpha Road. Scott replied that there has been no progress because the meeting that was scheduled was postponed. He stated that a meeting is necessary to inform Techo-Bloc that the Borough has issues with the trucks. Mike asked if a study of the volume of trucks has been done. Scott stated that the interpretation of the Zoning Ordinance is that there is nothing the Borough can do except sit and talk with a representative from Techo-Bloc. Mike asked what he can do as a resident to have some action taken. Scott suggested that as a resident he contact Techo-Bloc or possibly even send a letter to the Editor. Brian Pysker clarified by stating that both he and the Zoning Officer have reviewed the ordinance, but the ordinance does not specifically state that what the property owner MSG or the Techo-Bloc trucks are doing is prohibited. Mike asked if the Borough could make Alpha Road a one-way street. Ron Karasek stated that weight restrictions could be placed on the road if an engineering study is done. Brian added that the road is used by school buses, garbage trucks so the Borough needs to take all this into account.

5. Bob Matlock. Bob stated that there has been a lot of discussion regarding the trucks on Alpha Road and since this is a Borough road the Borough should have control over the road. Ron Karasek informed that State legislature says what the Borough can do with roadways within Borough limits. He is unaware of the ability of local municipalities to control time limits for certain vehicles to travel borough streets so as to reduce noise, but would look into the issue.

APPROVAL OF EXPENSES

On motion by Tony Curcio to approve the June expenses in the amount of \$49,927.97 and seconded by Kerry Gassler. 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 June 2009 are outlined in a report. The report includes the meetings attended in June 2009.

Subdivision Matters: Prepare Revised Subdivision Improvements Agreement and Revised Temporary Construction and Grading Easement Agreement (Karner Property) re: Posh Properties Major Subdivision along First Street – Phase I, Preliminary and Final. Receipt, review and administration of Revised Quantity and Cost Estimate, Karner Temporary Construction and Grading Easement Agreement, Cortez Detention Basin Easement Agreement, PennDOT HOP and related documents re: Posh Major Subdivision Final Plan – Phase 1 n/k/a Gap View Estates.

Land Development Matters: N/A.

Zoning and Other Land Use Matters: Preparation of Application for Real Estate Tax Exemption on the Keenhold Condemnation Real Estate.

Developments on Outstanding Litigation: N/A.

Court Decisions on Borough Cases: N/A.

Miscellaneous: Preparation of Monthly Solicitor's Report. Preparation of Solicitor's Letter – 2008 Calendar Year Audit. Legal Research on Heart and Lung Act – Police Officer Injury. Receipt, review and administration of revised Letter of Intent, Terms of Engagement and Attachment "A" from

Professional Design Construction, Inc. Proposal re: Feasibility Study for New Multi-Municipal Complex.

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: Writ of Summons filed against PP&L and Sprint re: cell tower location. 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.

ENGINEER'S REPORT

Brian Pysher reported that the fence/railing bids were received for the Roberti property. The plants have been planted and the grass seed has been planted. Brian received review comments from PennDOT for the curb and sidewalk and has resubmitted. He hopes to have the permit by the end of the week. He has two estimates for the sidewalk installation. Brian asked Council for their input on the Lehigh Street storm water design regarding installing a pipe behind the curb. George stated that installing a pipe behind the curb has work for the residents on Third Street when that road was overlayed several years ago. If that is the plan for Lehigh, the Borough may have to secure easements and that could become more involved. He advised Council that if they are serious about the Alpha Road paving, reclamation project for this year it must be done soon. Kerry suggested that Brian work on Alpha Road project for this year and leave Lehigh for next year. Kerry asked the status of the West West Street projects. Brian stated that one project does not require any type of permit, it is just installing a 2' X 4' box culvert and he is not sure about the other project.

MAYOR'S REPORT

Mayor Mitchell D. Mogilski, Sr. reported that the Slate Belt Council of Governments was discussing all the members getting together to try and reduce the garbage collection fee for the Slate Belt. Currently, Wind Gap Borough has free garbage collection. He stated that Act 32 "Earned Income Tax" information will be forthcoming. The next COG meeting is scheduled for September 23, 2009.

OLD BUSINESS

1. Miller Property Update. Brian Pysher reported that he tracked down Robert Miller regarding the property at the corner of North Broadway and Eighth Street. He owns property in Pen Argyl and the neighbors gave Brian the contact information in Maryland. He set up a meeting at the apartment building to do a walk through. Mr. Miller provided the Borough with a copy of an agreement of sale and closing is set for the end of July. Brian, Borough Zoning Officer, Darlene Plank-Turlington, Fire Chief, Jon Faust, and Police Chief Armitage were present at the property. The building is in poor shape structurally with holes in the roof which has caused water damage to the interior, wires are cut everywhere, windows are broken out all of which are a fire hazard. They asked Mr. Miller to board up the windows for safety reasons. Darlene spoke with Ron DeCesare, Great American Realty, and the buyer's intent is to fix up the property as it already exists with four apartments. Ron Karasek advised that the Zoning Officer and the Borough Engineer each draft a memo to the file outlining the condition of the building. Brian added that the property must meet all of Labor and Industry requirements including all the necessary permits to do the work because it is a commercial property.

2. Council requested that a letter be sent to PennDOT requesting the speed limit be reduced on upper North Broadway, Center Street, and and Third Street.

NEW BUSINESS

1. Roberti Property – Fence Bid

Brian Pysher reported that the fence / railing project was put out to bid. Brian required all potential bidders to meet him at the site. He met with eight contractors and the Borough received seven bids.

	Option A	Option B
JLM Construction	\$15,680.33	\$15,656.11
SVR Welding, Inc.	\$11,269.00	\$10,800.00
SC (Soul Customs)	\$12,557.50	\$12,857.75
Archcraft	\$17,860.00	\$17,910.00
Anvil Craft Corporation	\$9,404.00	\$8,480.00
Romamishan Metal Fabrication Inc.	\$9,000.00	\$8,500.00
Shetron Welding & Fabrication, Inc.	\$8,980.00	\$8,980.00

Brian stated that Shetron Welding's bid including sales tax so if that amount is subtracted it would be approximately \$8,440.00. The company is out of Carlisle and provided a list of references and jobs. Scott Parsons asked how long it would take them to complete the job. Brian replied that they anticipate it taking one to two days.

On motion by Kerry Gassler to accept the bid from Shetron Welding and Fabrication, Inc. at a cost of approximately \$8,500 pending the removal of the sales tax and seconded by Jon Faust. Roll call vote taken. Motion carried unanimously.

Scott questioned if the Borough could accept the bid from a local firm. Ron Karasek replied that the Borough must accept the lowest responsible bid.

Amended motion by Kerry Gassler to accept the Option A bid and seconded by Jon Faust. Council was in unanimous favor.

2. Community Maps. Discussions regarding mailing the community maps to residents or have the Boy Scouts possible deliver them. There is sufficient room on the outside to affix a mailing label.

3. Feasibility Study. Ron Karasek reported that he reviewed the agreement from Kevin Miller, Director of Architecture, Professional Design and Construction, on June 24, 2009 and has not heard from them since. He is sufficiently satisfied with the agreement. Council agreed that the agreement could be signed and a check of \$3,000 should be sent.

COMMITTEE APPOINTMENTS

1. EMS – Kerry Gassler reported that the ambulance responded to 40 calls in the month of May. They have been missing a few calls because of low manpower which is typical for them during the summer months. The call volume is down a little.

2. Police – George Hinton reported that the 2003 Crown Vic police cruiser has been removed from service leaving three police vehicle in use. The light bar and radio will be removed and used as a Borough vehicle.

3. Sewer Authority – Dave Hess reported that the Sewer Authority has decided to re-advertise for another employee as the first round of resumes received did not pan out. The Authority has been discussing their health insurance as their premiums have increased. Borough Council agreed to have

Louise check the insurance rates through the Borough health plan. The Authority has filed liens on twenty properties and several properties have had their water shutoff for non-payment of sewer bills.

4. Fire Company – Jon Faust reported that the Fire Company did not meet yet this month.
5. Streets – George Hinton reported that the North Broadway project is being completed and that the grass that was planted is growing. Dave Albanese will be out tomorrow to measure for concrete base to anchor the generator along side the Borough Garage.
6. Zoning – Tony Curcio reported no applications have been received to date, but the deadline is next week.
7. Planning – Scott Parsons reported no Planning Commission meeting in July.
8. Parks – Joe Weaver asked if the concert series checks will be ready in a timely manner as the performers expect to get paid. Louise replied that there was a delay due to the computer crash. George asked if the Park Board was aware that only one security camera is working. There was an incident in the park restroom and while reviewing the tape only one of the four appears to be taping. As it turned out, the incident in the restroom was an accident.
9. 911 – Tony Curcio reported that he received a list of radios and pagers from EMS. Jon Faust promised to forward the Fire Company list shortly.
10. Buildings and Properties – Jon Faust had nothing to report.
11. Finance – Louise Firestone reported that the office computer crashed, but it has been restored and appears to be working properly.
Scott informed Council that he requested that the street department cut the grass up on Fairview Avenue because of the number of neighbor complaints.

On motion by Tony Curcio to adjourn the meeting of July 6, 2009. Council agreed unanimously. The meeting of July 6, 2009 adjourned at 9:05 p.m.

Louise Firestone, Borough Administrator