

**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 7:40 p.m. for Executive Session at Wind Gap Borough Hall.

The Council meeting of the Borough of Wind Gap on Monday, August 3, 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, 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. Lorraine Ruscher, 132 Jefferson Street, Wind Gap. Lorraine presented with a petition from the neighbors of 133 Lincoln Street, Wind Gap which read, "Dear Wind Gap Borough Council, This is a petition by the neighbors surrounding the property at 133 Lincoln Street, Wind Gap, PA 18091. Since the fire that burned down the house on May 14, 2008, the property has been an eye sore to the neighborhood. The grass is 3 feet high and the dead trees in the back of the property are a hazard. The dead trees have caused damage to the pool at 132 Jefferson Street. This is a community which takes pride in their homes and yards. There have been many complaints concerning snakes and other critters coming from the empty building. We would like the current owner to clean up the property, by maintaining the property, as a property owner who is required by law to do. We in the neighborhood are asking if Wind Gap Borough can help us to remedy the situation".

Ron Karasek reported that last year the Borough filed an injunction to clean up the property and raze or demolish the building. At the time when the paperwork was filed, it was discovered that the United States Government was foreclosing on the FHA mortgage on the home and that any activity involving that home would require involvement by the U.S. Government or their agent. Borough Council made a decision at that time to simply clean up and secure the home as best as possible and an order was entered to that fact. Ron received notification on July 15, 2009, that the mortgage was paid off on this property and the United States Government is no longer involved in this matter and the Borough could proceed with their injunction without having to worry about US Government if that is what the Borough wants to do. Council would have to decide if the property can be repaired or demolish or raze the building. If Council decides to demolish the building the property owner would receive no compensation, but if Council condemns the property the owner would receive some compensation. He asked if Council would desire to put this back on for a court hearing, but that hearing may not be until October or November. If the Borough incurs costs associated with clean-up it could file a lien on the property. The Fire Company already has costs to secure the building after the fire. George recommended cutting the grass and trimming the tree. Scott suggested that the title search be done by Mr. Karasek.

APPROVAL OF EXPENSES

On motion by Kerry Gassler to approve the June expenses in the amount of \$22,103.56 and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

APPROVAL OF MINUTES

On motion by Tony Curcio to approve the minutes of July 6, 2009 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 July 2009 are outlined in a report. The report includes the meetings attended in July 2009.

Subdivision Matters: Review of final documents in the Posh Major Subdivision Final Plan-Phase One n/k/a Gap View Estates (First Street).

Land Development Matters: N/A.

Zoning and Other Land Use Matters: Preliminary Research and Comprehensive Correspondence to PA Association of Boroughs re: a borough's ability to enact time limits for certain vehicles to travel borough streets so as to reduce noise. Additional research needed.

Developments on Outstanding Litigation: Hearing scheduled before the Northampton County (Real Estate Tax) Revenue Appeals Board on the Keenhold property (top of North Broadway by cell tower).

Review status of Injunction Lawsuit vs. N. Tittle to determine continuing interest (if any) of the United States on its outstanding mortgage.

Telephone Status Conference with a Northampton Judge re: lawsuit vs. PPL and Sprint on cell tower location.

Court Decisions on Borough Cases: N/A.

Miscellaneous: Prepare template of suggested conduct by Borough Police Officers for review by Borough Council. Receipt, review and administration of final Revisions to Agreement (with attachments) between Professional Design and Construction, Inc. and the Wind Gap Fire Department. Preparation of Monthly Solicitor's Report. 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.

Ron reported that there will be a hearing on Monday, August 17, 2009 at 4:20 p.m. regarding the Keenhold property on North Broadway and request for tax exemption now that the Borough owns the property. Ron checked, at no charge to the Borough, into enforcing a curfew on a Borough street due to the noise. He contacted the State Association of Boroughs and asked if they had any information that would be helpful. The Association forwarded a copy of a case in New Hampshire, which might or might not be controlling in Pennsylvania. A curfew was permitted on a road where there was substantial truck traffic because it was noisy and was a problem for the residents. He added that Council would have to decide if they want to pursue this issue and possibly try to enforce such a law in Wind Gap. Scott added that he and Tony met with Mike Nadeau from Techo-Bloc last

week to discuss the truck issues. Prior to the meeting, Techo-Bloc eliminated all the tractor trailers that were not Pen Argyl Techo-Bloc trucks, but Canadian Techo-Bloc trucks who were using the MSG lot to rest and/or sleep over and they have been instructed not to park at that lot. Mr. Nadeau has control over ten trucks and he explained that those trucks include three sleeper units that leave Monday morning and come back Thursday or Friday. He has seven trucks that leave in the middle of the night, 3:00 a.m. to 6:00 a.m., one time in and one time out unless they go in for maintenance, and they return around 5:00 p.m. His truck drivers have been informed to go as quietly as possible traveling up and down Alpha Road. He was very cooperative and apologetic and stated that if there are any problems to let him know because he meets with the drivers and discipline if necessary. There was discussion about the number of trucks and if they are accurate. Ron added that the Borough is a creature of the State Legislature and unless they tell the Borough that they can put restrictions on the road the Borough cannot do it. Council was in agreement that if the road would be paved then the bumps would eliminate the banging of the empty trailers.

ENGINEER'S REPORT

Brian Pysher was absent. George Hinton reported that the railing should be installed late next week. The sidewalks in the front of the property are completed, but the walks have to be poured along the house. The paver walkway and the bench still have to be installed. The project on North Broadway involving the Marsh and Bettini properties has been re-seeded and the grass is starting to grow. The wash line poles that were re-installed, need to be fixed or replaced.

MAYOR'S REPORT

Mayor Mitchell D. Mogilski, Sr. reported that the contractor license fees collected is as follows: January - \$925, February - \$175, March - \$100, May - \$75, June - \$50, July - \$150 for a total of \$1,475. Amusement license fees collected – April - \$75, May \$375, June \$100 for a total of \$550. Transient license fees collected – April - \$125, May - \$175, June - \$25 for a total of \$325. The next COG meeting will be on August 26, 2009 initially scheduled for September. The Executive Board has been meeting to discuss an application for a TIGER Grant.

Victor Rodite, Slate Belt Council of Governments, explained to Council that the Board has decided to apply for a Transportation Improvement Grant Program (TIGER Grant) through the Fiscal Stimulus. A grant from the Federal Government for transportation improvement projects with a range of \$20,000,000 and \$300,000,000. Initially, none of the municipalities thought that they could apply for this individually, but as a COG an application could be submitted. The idea is to have a major project within the municipality that could benefit industrial or business development and fall within the parameters. The COG is requesting each municipality provide a list of projects so that all the projects can be added to one application which has to be submitted by September 15, 2009. The COG hired an engineering consultant, Pennoni Consulting, Inc. to prepare the grant application. Another meeting is scheduled for Tuesday, August 11, 2009 at 1:00 p.m. in Pen Argyl Borough municipal building and State and Federal representatives have been invited to attend. Major road construction or minor paving projects, walkways and greenways will be included and consolidated on the application. Ron Karasek stated that the resolution is pretty innocuous.

On motion by Kerry Gassler to adopt a Resolution Supporting a Slate Belt Council of Governments Grant Application for a Transportation Investment Generating Economic Recovery (TIGER) Discretionary Grant and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

On motion by George Hinton to include the Industrial Drive from Route 33 to Route 512 in the TIGER Grant application and seconded by Kerry Gassler. Roll call vote taken. Motion carried unanimously.

Mayor Mogilski continued his report. He reported that the Police responded to 158 calls in June 2009 and 825 for year to date. The Mayor said that the Chief informed him of an accident study done by PennDOT, and of 2,566 municipalities, Wind Gap ranked in the top 200 for the least amount of accidents.

Scott Parsons asked the Mayor who takes care of transient applicants. The Mayor replied that first they go to the Police Department, they do a background check and then he issues the license. Scott asked if someone is out knocking on doors, who stops them to tell them that they need a license in the Borough? The Mayor replied that they can get by on the transient license and they need to get a license. He issued a license once it was okay with the Police.

The Mayor reported that the Click or Ticket It did not go over as well as in the past because the Police Department was down two officers.

NEW BUSINESS

1. Appointment of Earned Income Tax Delegate – Scott Parsons stated that the local municipalities have been appointing either the Council President or the Borough Manager/Borough Administrator. Scott volunteered to be the designated delegate. He stated that in his absence the Borough Administrator, Louise Firestone will be the designated alternate.

2. PennDOT – DotGrants – Municipal Resolution. Louise Firestone explained that PennDOT is requesting that local municipalities pass a resolution enabling all submissions of forms be done electronically.

On motion by Kerry Gassler to enact a resolution approving an Agreement to Authorize Electronic Access to PennDOT Systems (Political Subdivisions) and seconded by Dave Hess. Roll call vote taken. Motion carried unanimously.

OLD BUSINESS

No old business was before Council at this time.

COMMITTEE APPOINTMENTS

1. EMS – Kerry Gassler had nothing to report because there was no meeting last month.

2. Police – George Hinton reported that the old cruiser car has had the light bar, radio and decals has been removed. Scott reported that he spoke to Officer Troy Dailey last Friday and he is doing well, but he has no idea when he will be released to return to work. He is out of sick days, but his AFLAC insurance has picked up. Troy had major surgery on circulation issues down his legs. He still is not walking around too much.

3. Sewer Authority – Dave Hess reported that Brymac paid an additional \$5,000 into their feasibility account. The Authority hired a new employee effective August 3, 2009. Louise explained that the Borough's health insurance renews in February, but the representative from Blue Cross indicated that the use by additional employees would negatively affect the rating of the Borough and would increase the percentage of the rates. The Authority currently has a Blue Cross plan, but one that is not as good as the Borough's plan. Council would still like to look into this issue.

4. Fire Company – Jon Faust had nothing to report.

5. Streets – George Hinton reported that the Street Department continues to cut the grass and weeds.

6. Zoning – Tony Curcio reported no applications submitted so there will be no meeting in August.
7. Planning – Scott Parsons reported no Planning Commission meeting in August.
8. Parks – Joe Weaver reported that there will be no Park Board meeting in July or August.
9. 911 – Tony Curcio had nothing to report.
10. Buildings and Properties – Jon Faust reported that he is still waiting on Feasibility Study.
11. Finance – Louise Firestone reported that the auditor for Worker's Compensation will be here tomorrow. Jim Lockard informed Louise that the server in the office will need to be replaced and should be budgeted for 2010.

Scott reminded Council and those in attendance that the next meeting is scheduled for Tuesday, September 8, 2009.

On motion by Tony Curcio to adjourn the meeting of August 3, 2009. Council agreed unanimously. The meeting of August 3, 2009 adjourned at 8:41 p.m.

Louise Firestone, Borough Administrator