

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

**EXECUTIVE SESSION**

The Council met from 6:45 p.m. to 7:35 p.m. for Executive Session at Wind Gap Borough Hall.

The Council meeting of the Borough of Wind Gap on Tuesday, September 8, 2009, was called to order at 7:46 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, and Joe Weaver. Also in attendance were Mayor Mitchell D. Mogilski, Sr., Borough Solicitor, Ronold Karasek, Borough Engineer, Brian Pysher and Borough Administrator Louise Firestone. Absent was Councilman Tony Curcio.

*Councilman Joe Weaver took his leave following the Executive Session and was not present for the remainder of the Council meeting.*

Council President Scott Parsons informed those in attendance that Council met in Executive Session to discuss negotiations of police contract and personnel issue regarding a disabled police officer.

**On motion** by Jon Faust to appoint Ronold J. Karasek as the Borough Arbitrator for the Wind Gap Police Association collective bargaining agreement and seconded by George Hinton. Roll call vote taken. In favor: J. Faust, D. Hess, G. Hinton, S. Parsons. Abstained: K. Gassler. Motion carried with a vote of 4-0-1.

**PUBLIC COMMENT**

1. Marie Buskirk, 23 Oakwood Drive, Wind Gap. Marie appeared before Council to express her concern regarding the lack of street signs off of Roosevelt Street for Oakwood Drive. She had an incident back in February when she needed an ambulance and there was no problem with the Wind Gap Ambulance, but she needed the medics and the driver was from Palmerton and could not find the street due to the lack of street signs. There are thirty (30) apartments in the complex which houses around forty people of all ages and they deserve some safety protection in the event of a disaster so emergency personnel can find the complex. She was informed that Council had previously agreed to install signs, but it was later discovered that it was an unordained street and the property belongs to Parkhill Realty. She has spoken with the owner, Mrs. Perin, and she is here tonight to offer a compromise on her behalf, she is willing to pay for a street sign, if the Borough would agree to install the signs.

**On motion** by George Hinton to install the necessary streets signs for Oakwood Drive at the owner's expense with the borough workers doing the installation and seconded by Jon Faust. Roll call vote taken. Motion carried unanimously.

Kerry stated that Tony Curcio has to verify that the street is listed on the 911 Center map. Marie added that on the 911 map, Wood Street is listed, but Oakwood Drive is not listed. If you come off of Roosevelt onto Wood it turns into the cul-de-sac which is Oakwood Drive. Parkhill Realty owns both of those streets and need to be properly marked. Jon Faust will follow up with the 911 Center to verify that those streets are identified.

## APPROVAL OF EXPENSES

**On motion** by Kerry Gassler to approve the August expenses in the amount of \$47,259.52 and seconded by Jon Faust. Roll call vote taken. Motion carried unanimously.

## APPROVAL OF MINUTES

On motion by Kerry Gassler to approve the minutes of August 3, 2009 and seconded by Dave Hess. 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 August 2009 are outlined in a report. The report includes the meetings attended in August 2009.

**Subdivision Matters:** Receipt, review and administration of recorded Subdivision Improvements Agreement and Karner Construction Easement Agreement re: Posh Major Subdivision n/k/a Gap View Estates.

**Land Development Matters:** Receipt, review and administration of revised and updated Construction Cost Estimate for Brymac, Inc. L.D. Plan – 951 Broadway Car Wash.

**Zoning and Other Land Use Matters:** Receipt, review and administration of Site Plan for Jim's Scrub (Casio property at 508 North Lehigh Street).

**Developments on Outstanding Litigation:** Research and Attend Hearing on Borough's Request for Real Estate Tax Exemption Status on Borough's (formerly Keenhold) Property on North Broadway.

**Court Decisions on Borough Cases:** Decision of the Northampton County Revenue Appeals Board in which the Borough's (formerly Keenhold) Property on North Broadway has been granted Real Estate Tax Exemption Status.

**Miscellaneous:** Preparation of Borough Planning Commission Agenda for September 3, 2009 Meeting. 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 Karasek reported that he did check after last month's request on the Tittle property to determine if the Borough would want to file a lien for cost and expense incurred by the Borough related to that property. The search done on August 14, 2009 shows no mortgages or liens, but it does show an outstanding Discover Bank credit card judgment of approximately \$7,200 and some change, which would be prior to the Borough filing a lien. The property is still in Mr. Tittle's name. Jon Faust informed that a court date is scheduled within the next two weeks for the property owner regarding charges from the fire. Scott stated that the tree has not been taken care of as of yet. Ron advised that the Borough has to submit bills that were incurred because of the fire and clean up and paid by the Borough for this property related to health and safety issues as determined by the Borough.

**On motion** by Kerry Gassler to hire Gary Eagle Tree Service at a cost of not more than \$500 to cut down the tree on the property at 133 Lincoln Street pending review by Jon and George and seconded by George Hinton. Roll call vote taken. Motion carried unanimously.

Ron reported that he had filed a suit against PPL/Sprint with respect to the cell tower adjacent to the formerly, now Wind Gap Property. Suits in Northampton County basically sit for a while, until a judge looks at the list and asks what is happening with the lawsuit. Ron received notification that this suit got flagged on September 2, 2009, but Senior Judge Garb. Judge Garb has directed the Borough to either settle this case or within 90 days proceed with the lawsuit that was filed. Ron will contact the other counsel, Steven Hayber for Sprint, and Attorney Reybitz for PPL, to arrange a meeting. The last meeting did not accomplish much, since at that time, there were other PPL lines and electric lines on the tower, but have since been removed and is solely a dedicated cell tower. Ron does not believe that the other attorneys are aware that all the lines are gone so it may make it easier to resolve this matter. The Borough is only asking that when the time comes for the tower to be moved, it is moved at no expense to the Borough, because it was their guy that messed up by putting it in the wrong location.

## **ENGINEER'S REPORT**

Brian Pysher reported that he spoke to Ray Cullen, Shetron Welding, and was informed that the fence will be here Thursday, with a crew of four for installation and they intend to complete within one day, weather pending. Kerry suggested making a motion that if it is not completed by the workshop meeting, they can keep the fence. Brian replied that when the bid specs went out, there was no reference to time frame or completion date.

Brian reported Gibraltar, who is constructing the Posh Subdivision plan. He spoke to the water company today and was informed that the Borough will have to sign an agreement with regard to the fire hydrants. The Borough will have to pay the monthly rental fees for the fire hydrants. Once Gibraltar obtains the agreement they will give a copy to Brian and he will provide a copy to Council.

He asked if the street committee could get together this week to discuss Lehigh and Alpha. Kerry asked about West West Street storm water project? Brian replied that he has one done, but the other one needs a permit.

## **MAYOR'S REPORT**

Mayor Mitchell D. Mogilski, Sr. reported that the police responded to 154 calls for the month of August for a total of 1,126 calls year-to-date. The next COG meeting will be on September 23, 2009 at 7:00 p.m. at the Washington Township Elementary School. Scott Parsons added that Slate Belt COG agreed to submit an application for the TIGER grant, but with the application would cost approximately \$6,000 or \$500 per municipality for the engineering and grant writing. The Green Knight Economic Development Corporation picked up the fee for Pen Argyl, Plainfield, Wind Gap and the Pen Argyl Area School District.

## **NEW BUSINESS**

1. 2010 Budget. Louise Firestone reported that the worksheets for the 2010 budget have been distributed and she will begin work on the numbers over the next couple weeks

## **OLD BUSINESS**

1. Louise Firestone reported that the office is once again experiencing computer problems that have been linked to the server. Jim Lockard has suggested budgeting for a new server for next year, but she would like to see one purchased sooner and requested Council approve use of administrative tipping fees to be used to purchase one.

**On motion** by George Hinton to purchase a new server with a not-to-exceed amount that would require public bidding and upon review of the server by Councilmen Weaver and Curcio and seconded by Kerry Gassler. Roll call vote taken. Motion carried unanimously.

2. Scott Parsons informed Council that the office vehicle is in need of a water pump.  
**On motion** by George Hinton to fix the office vehicle and seconded by Jon Faust. Roll call vote taken. In favor: K. Gassler, D. Hess, G. Hinton, J. Faust. Opposed: S. Parsons. Motion carried with a vote of 4-1.

**On motion** by Jon Faust to adjourn the meeting of September 8, 2009. Council agreed unanimously. The meeting of September 8, 2009 adjourned at 8:15 p.m.

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Louise Firestone, Borough Administrator