

**BOROUGH OF WIND GAP
29 MECHANIC STREET
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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, April 5, 2010, 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: John Maher, Dave Hess, Kerry Gassler, George Hinton, Joe Weaver, and Tony Curcio. Also in attendance were Mayor James M. Shoemaker, Borough Solicitor Ronold Karasek, Borough Engineer, Brian Pysker and Borough Administrator Louise Firestone.

Council President Scott Parsons informed those in attendance that Council met in Executive Session prior to this evening's meeting to discuss personnel issues. No action will be taken at this time.

PUBLIC COMMENT

1. Lorraine Ruscher, 132 Jefferson, Wind Gap. Lorraine thanked Council for cutting the grass and cutting down the tree at the burned house at 133 Lincoln Street. She asked what can be done with the house, it smells, there is water in the basement and it is bringing down the entire neighborhood. Ron Karasek replied that the Borough had to obtain a court order to board up the property. The structure must be inspected prior to any discussion regarding demolishing the building, but if it is repairable that must be noted. The Borough will have to go to court in front of a judge to have a ruling on this property. Council discussed all their options.

On motion by George Hinton to have Brian Pysker review all the options regarding the Tittle property at 133 Lincoln Street, Wind Gap and seconded by John Maher. Roll call vote taken. Motion carried unanimously.

APPROVAL OF EXPENSES

On motion by Tony Curcio to approve the expenses for the month of March in the amount of \$33,594.84 and seconded by Kerry Gassler. Roll call vote taken. Motion carried unanimously.

APPROVAL OF MINUTES

On motion by Kerry Gassler to approve the minutes of the January 19, 2010 meeting and seconded by Dave Hess. Roll call vote taken. In favor: D. Hess, J. Maher, S. Parsons, J. Weaver, T. Curcio, K. Gassler. Abstained: G. Hinton. Motion carried with a vote of 6-0-1.

SOLICITOR'S REPORT

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

Subdivision Matters: Prepare Official Action Correspondence on Gassler Minor Subdivision – Preliminary and Final.

Land Development Matters: Prepare Conditions (to attach to Letter of Intent) re: purchase of Emerald Group – Goffredo Holdings Property.

Zoning and Other Land Use Matters: Prepare Tax Certificate Request on Keenhold Property.

Developments on Outstanding Litigation: N/A.

Court Decisions on Borough Cases: PA Office of Open Records – text messages (to and from) borough-issued cell phones are public records.

PA Office of Open Records – police officers complaints re: Chief are not public records.

Miscellaneous:

Status Correspondence to Borough re: Renewal of RCN Franchise Agreement, Legal Research and Preparation of Memo re: Civil Service Commission and Incompatible Offices, 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: 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 was asked to review the real estate tax issue with regard to the property owned by Richard Keenhold and condemned by the Borough for a potential industrial road. It is his opinion that the Borough would only be responsible for the taxes for the portion that was actually condemned and not the entire tract of the land. He calculated the Borough condemned 18.5% of the property. He will review the tax records and report the total amount to Council for their decision.

Ron reported that he was asked for a legal answer to the question, “Can a member of the Wind Gap Park Board also serve as a civil service commissioner?” His suggested answer is No. This opinion is based on the civil service provisions of the Borough Code, “No (civil service) commissioner shall at the same time hold an elective or appointed office under the United States Government, the Commonwealth of Pennsylvania or any political subdivision of the Commonwealth, except that one member of the commission may be a member of the council of the borough and one may be a member of the teaching profession.” 53 P.S. Section 46173.

ENGINEER’S REPORT

Brian Pysker reported that Council awarded the West West Street culvert project to Pinto Construction for approximately \$24,000 intending to use Community Development Block Grant funds (CDBG) that the Borough had already been awarded. The Borough has two grants one for \$35,000 and one for approximately \$65,000. When the Borough notified the County that a project was awarded using the grant money they were informed that because the grants are Federal funding, the bid specification should have included prevailing wages based on Davis-Bacon and also language for minority and women contractor. Brian and Louise met with the County Grants Coordinator to discuss the Borough’s options. Based on the meeting, Brian is recommending doing this project with Borough funds and using the two grants combined to complete the other West West Street storm water project. Brian estimates that the other project would cost approximately \$80,000, but the engineering from the first project can be included and make the total close to the \$95,000 of the combined grants. Brian apologized for not being aware of all the parameters of the grant, but feels that both projects are necessary to be completed by the Borough.

On motion by George Hinton to pay for the first West West Street culvert project out of Borough funds and put the other project out to bid using the CDBG grant funds and seconded by John Maher. Roll call vote taken. Motion carried unanimously.

Brian reported that the Lehigh Avenue storm water project design is down and he is completing the specifications. He would like to advertise and allow the bidders a month to go over the specs and ask any questions. The project would not start until after the Firemen's Parade on June 12, 2010 and must be completed prior to the start of school, August 30, 2010. Brian intends to include bidding on a portion of the curb and sidewalk that needs to be replaced on Lehigh. John Maher informed that the Wind Gap Municipal Authority intends to replace two laterals from old clay to plastic.

On motion by George Hinton to put the Lehigh Avenue project out to bid and seconded by Kerry Gassler. Roll call vote taken. Motion carried unanimously.

Brian reported that Wind Gap Electric contacted the Street Leader, John Zucal, regarding patching Diamond Street a/k/a West Seventh Street. Brian suggested looking at improving the street since Council properly ordained it.

Brian informed Council that Gibraltar Development has not paid their invoice for engineering and inspections. He suggests sending a letter and allowing them ten days to pay which is consistent with the agreement signed by the developer and the Borough.

NEW BUSINESS

1. Rezone North Broadway. Scott Parsons reported that any real estate transactions regarding the Borough property on North Broadway would be difficult unless the upper portion of North Broadway would be rezoned as initially intended in the Joint Comprehensive Plan done by Wind Gap, Pen Argyl and Plainfield Township several years ago. Scott appointed Kerry and Brian to get together to discuss and report back to Council.
2. Park Equipment Purchases. Joe Weaver reported that the Park Board approved the purchase of a new merry-go-round for the park.

On motion by Joe Weaver to purchase a merry-go-round at a cost of \$3,362 from tipping fees and seconded by Kerry Gassler. Roll call vote taken. Motion carried unanimously.

On motion by Joe Weaver to purchase 2 36 X 48 corkboard display cabinets for the park at a cost of \$609 each and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

3. George Hinton suggested installing a split rail fence along Third Street on the property by the park owned by the Borough to try to eliminate vehicles driving on that property.
4. Mayor Shoemaker stated that the candidates have been interviewed for the part-time police officer positions. He would like to move forward with the hiring. Scott suggested that the committee have their recommendations ready for the next meeting.

On motion by Joe Weaver to have background checks, psychological and physical examinations be done on the three lead candidates and seconded by John Maher. Roll call vote taken. In favor: T. Curcio, D. Hess, G. Hinton, J. Maher, S. Parsons, J. Weaver. Abstained: K. Gassler. Motion carried with a vote of 6-0-1.

OLD BUSINESS

1. The generator as requested by the Emergency Management Coordinator will be ordered.

2. Dave Hess asked about the traffic lights at Third Street and Male Road being LED and emitters. Louise will check into these issues.

PUBLIC COMMENT

Council Scott Parsons allowed public comment at this time.

1. Matt Kislack read the article in the newspaper regarding the police chief and stated that it is quite disturbing and something further needs to be done if this continues to be a problem in the police department.
2. Gary Bierks, representing Senator Pat Browne's office was in attendance and presented current legislative directories to the Borough.

EXECUTIVE SESSION

Council adjourned to Executive Session to discuss personnel matters at 8:58 p.m. They reconvened at 9:01 p.m. Scott Parsons informed those present that Council discussed police pension personnel issues and no action would be taken at this time.

On motion by Tony Curcio to adjourn the meeting of April 5, 2010 and seconded by John Maher. Council agreed unanimously.

The meeting of April 5, 2010 adjourned at 9:02 p.m.

Louise Firestone, Borough Administrator