

**BOROUGH OF WIND GAP
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EXECUTIVE SESSION

The Council met from 6:45 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 Tuesday, May 18, 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 Council persons: John Maher, Dave Hess, Kerry Gassler, George Hinton, Joe Weaver, and Tony Curcio. Also in attendance were Mayor James M. Shoemaker, Borough Solicitor, Ronold J. Karasek, Borough Engineer, Brian Pysner and Borough Administrator Louise Firestone.

Council President Scott Parsons informed those present that Council met in Executive Session to discuss personnel matters.

PUBLIC COMMENT

No one appeared before Council at this time.

OLD BUSINESS

1. Pete Layman, Attorney representing Pete Iselo, Gibraltar Development, explained that following the last Council meeting he sent a waiver agreement to Ron Karasek for his review regarding the request to waive the sidewalk requirement in front of Mr. Cortez's property. He brought two original agreements in the hope that Council would act on this tonight. Ron Karasek stated that he reviewed the agreement and that page two contains the pertinent information. 1. "The requirement that a sidewalk be constructed in front of the lot known as Northampton County Tax Parcel F8NW1D-15 owned by Cortez depicted as lot 12 on the attached plan is hereby waived so that the sidewalk shall end at the easterly boundary of Lot 11. Both Cortez and Gibraltar waive any claim they may have against each other or against Borough arising out of the approval of the plan for the installation of the sidewalk and agree that the sidewalk shall not be installed. 2. This Agreement shall run with the land and shall bind Gibraltar and Cortex, their heirs, successors and assigns." Ron suggested that the additional wording be added, "Any and all terms, conditions and provisions of the filed final plan (as found in Map Book Volume 2009-5, at Page 220), and the Subdivision Improvements Agreement (as found in Record Book Volume 2009-1, at Page 175618 et seq. and any and all supporting plan documents and exhibits that are not inconsistent herewith shall remain in full force and effect and all of those consistent terms, conditions and provisions are herein incorporated by reference as fully as though the same were reiterated at length and appeared at large hereto.

On motion by Kerry Gassler to approve the "Waiver of Sidewalk Requirement" Agreement for the Gibraltar plan and seconded by George Hinton. Roll call vote taken. Motion carried unanimously.

2. First Street. Brian Pysner, Borough Engineer, asked Council if they had any questions regarding the potential curve in First Street and the desire to straighten the road as much as possible. Brian explained that Gibraltar already has an approved subdivision plan and the street can be put in as is so the Borough may have to incur the cost of trying to straighten the street. He added that to re-

design and stake out the road may cost, at the high end, \$3,000. Scott expressed his concern regarding the Borough's commitment to a dollar amount since an engineer could potentially charge that amount. Bob Collura interjected that it should not come close to that amount. Ray Cortez stated that he wanted to make sure that the curbs line up on his side of the street. Brian assured him that it would be as close as it possibly could be.

On motion by Tony Curcio to approve a redesign with an amount not-to-exceed \$3,000, as per the Borough Engineer, Brian Pysher's recommendation and include an "As-Built" on the plan and seconded by John Maher. Roll call vote taken. Motion carried unanimously.

NEW BUSINESS

1. Lehigh Avenue Stormwater Project. Brian Pysher reported that the Borough received eight bids for the Lehigh Avenue Stormwater Project today. After field work was done, it was decided that in order to complete the project properly the street would have to be milled down. Over the years, the road has been raised because it was just overlaid and not milled down and this caused less curb reveal, in some places only 2" instead of 6" – 8". The only way to correct that is to take out material from the road. The base bid for reconstruction stated that all the bituminous would be removed and mix with cement and put back down as the BCBC course. Brian took some sample probes in the road to get an idea how much bituminous was there and in some spots there was a decent amount, but other spots there was not much material. The alternate bid was included in the bid specification, which was to mill off the bituminous, remove existing material, put down leveling course of 2A modified stone, BCBC, 2" binder and 1.5" wearing course. It is Brian's recommendation to not go with the recycling bid and actually go with a new roadway since it is only approximately \$15,000 more and the Borough would be paying for a new road. The problem with the recycling approach would be the unknown amount of actual material that could be recycled. If the existing material was not sufficient to reuse, then there would be an undetermined amount of additional cost associated with purchasing new material to put down in the road to complete the project. They will be milling right down to the dirt and the road will be reconstructed. The curb and sidewalk will replace on the road as needed. Louise reported that the State Liquid Fuels approximately \$300,000 will be used along with the tipping fees in Capital Reserve from 2006, 2007, 2008, 2009 which totals approximately \$190,000 to pay for this project. Dave Hess asked Mr. Karasek if he should abstain from voting since his property fronts Lehigh Avenue and the curbs will be replaced in front of his house. Ron replied that he would have to show that he has some personal financial interest or some other interest, but just because the curb is being replaced may not fall under those criteria, but by abstaining no one could challenge the vote at a later date.

On motion by George Hinton to award the Lehigh Avenue Storm Sewer and Road Reconstruction project to Muschlitz Excavating, Inc. based on the alternate bid which was the base bid of \$458,675.10 less the amount of recycling the road, \$96,525.00 totaling \$362,150.10 plus the cost of the new roadway \$111,090.00 for a total project cost of \$473,240.10 and seconded by Kerry Gassler. Roll call vote taken. In favor: G. Hinton, J. Maher, S. Parsons, J. Weaver, T. Curcio, K. Gassler. Abstained: D. Hess. Motion carried with a vote of 6-0-1.

2. Park Pavilion Roof Replacement. Joe Weaver reported that the Park Board got three bids for replacing the roof at the large pavilion in the park.

On motion by Joe Weaver to award Lobb Roofing at a cost of \$5,400 to come out of the Capital Reserve Repairs/Maintenance 2008 line item to replace the large pavilion roof and seconded by John Maher. Roll call vote taken. Motion carried unanimously.

3. Robert Pepe. **On motion** by Dave Hess to put Sgt. Robert Pepe on disability pension effective April 1, 2010 and seconded by Tony Curcio. Roll call vote taken. In favor: J. Maher, S. Parsons, J. Weaver, T. Curcio, D. Hess, G. Hinton. Abstained: K. Gassler. Motion carried with a vote of 6-0-1.

OLD BUSINESS

1. Keenhold Property – N. Broadway Reimbursement for Real Estate Taxes. Scott reported that the Borough offered Mr. Keenhold \$277.50 for the portion of the property taxes. Rick replied with a letter asking Council to consider making it an even \$500.00. There was some issue on what taxes were paid or not paid, but the Borough property is now exempt. Ron Karasek stated that on the search that he did there are some back taxes owed, but overall the taxes owed were only a few hundred dollars.

On motion by George Hinton to offer Mr. Keenhold \$300.00 and seconded by Joe Weaver. Roll call vote taken. In favor: S. Parsons, J. Weaver, T. Curcio, G. Hinton, J. Maher. Opposed: K. Gassler, D. Hess. Motion carried with a vote of 5-2.

2. John Maher reported that he contacted the engineering working on the installation and he is in the process of bench checking all the equipment prior to the install and is planning to be out a week from Friday.

COMMITTEE REPORTS

1. EMS – Kerry Gassler reported that there were 27 calls for March for a total of 137 trips for the year. Kerry submitted a copy of the 990 report from last year for the Ambulance Corps as requested by Council President, Scott Parsons to be kept in the Borough Office. Kerry asked if they could put up a temporary wall in the office to make it more secure. He estimates it will take 25 2'x4', 8 sheets of drywall and a door. Council agreed that since it is temporary and not a supporting wall it could easily be removed if necessary. Kerry stated that the building has had problems in the winter with freezing of the air handler and it was suggested that the whole air handler be moved to the bay area. Since it is a Borough building the Borough would have to pay for this to be moved. George suggested getting estimates on this so Council can decide if they want it done.

2. Fire Company – Dave Hess reported that the Fire Company responded to 16 calls for March. The carnival is scheduled for June 8 through June 12 with the parade scheduled for Saturday, June 12, 2010 starting at 2:00 p.m. It goes from Second Street up Broadway to Turkey Hill to the monument and then back down South Lehigh to the Park. The annual fundraiser through the mail will be going out sometime this week. Dave asked Ron if he has had a chance to review Ordinance 81. Ron stated that since it is an older ordinance he would update the entire ordinance and then ask a representative from the Fire Company to review it to make sure it is all inclusive with regard to fire protocol. Council agreed to permit the Borough Solicitor, Ron Karasek, to update Ordinance 81.

3. Zoning – Tony Curcio reported that no applications were received so there will be no meeting on June 2, 2010.

4. Planning – Scott Parsons reported that plans were received from Muschlitz for the June 3, 2010 meeting. Brian added that there were five zoning variances that they needed, most just being formalities. The biggest one was parking. They have reworked the plan; they moved the community center to a new location with its own parking, improved half of Longcore Road with curbing/sidewalks.

5. Municipal Authority – John Maher reported that he attended the April 28, 2010 meeting. There was a lot of discussion regarding County Junction and St. Luke’s Hospital and Coordinated Health. Coordinated Health will be putting up a building on Jacobsburg Road and St. Luke’s is taking over Country Junction. They approved their staff to go out to bid to replace sewer lines that cross Mechanic and Center Street while it is dug up by the Borough.

6. Streets – George Hinton reported that the Street Department has been out painting curbs, stop bars, and turning arrows. They have been in the Park installing two new pieces of equipment, cutting grass whenever when it needs cut. They have been cutting the private property grass and trying to get any information from the realty signs to send letters. Scott asked that they keep track of the number of times they cut. Ron Karasek added a reminder that a hearing is scheduled for the Tittle property on June 4, 2010. The weed ordinance will be reviewed for the fine amounts and the Borough’s obligation once property goes into foreclosure. John expressed his concern about an increase in the amount of properties in foreclosure because of the economy.

7. Police – Mayor Shoemaker reported that the Police responded to 164 calls in April and the specific incidents the police were involved in during the month. The Mayor recommends that the SUV not be used on a regular basis during the summer months since it is not as good on fuel as the police cruiser cars. The Mayor stated that because of the police shortage right now he recommends that Council hire three part-time police officers as soon as possible. Council agreed that it should be explained that the officers can start work in Wind Gap as long as they are able to use their current vests with the understanding that the Borough will purchase vests for them as soon as possible.

On motion by Joe Weaver to hire Crystal Happel (Bushkill Township), Luis Ruiz (former PT Wind Gap police officer), and Jonathan Stonewall (Bangor/Roseto) as long as the Police Chief and Mayor agree that their background checks have been completed and their hourly rate is based on the current Police Contract and seconded by Tony Curcio. Roll call vote taken. In favor: J. Weaver, T. Curcio, G. Hinton, J. Maher, S. Parsons. Opposed: D. Hess. Abstained: K. Gassler. Motion carried with a vote of 5-1-1.

Mayor Shoemaker reported that there will be a kick-off of the Slate Belt YMCA at the Blue Valley Farm Show on Saturday, May 22, 2010 with registration being from 8:00 a.m. – 9:00 a.m. prior to walking a 2.1 mile loop. The donation for the walk is \$5.00. They are asking that all the communities get involved.

Mayor Shoemaker reported that a Police meeting was held on April 16, 2010 with the Mayor and Council President attending. Standard Operating Procedures (SOPs) were discussed.

8. Park – Joe Weaver reported that Tony Borger, Wind Gap Athletic Association (WGAA), attended the last park board meeting to discuss an organized basketball summer league to be held on Wednesdays and Sundays. Park Board unanimously approved that league request. As part of the league, the WGAA has agreed to install new backboards. The new merry-go-round was installed. George Hinton stated that the merry-go-round was already broken, but the Street Department will be getting it fixed. The Park Board stated that they are aware that John Zucal opens the bathrooms in the Park on the weekends. George stated that John has been doing that for years on his own and added that when you see John just thank him. Joe reported that the WGAA Car Show is scheduled for Sunday, May 23, 2010 and is already on the sign. The Mayor stated that he is looking into the curfew issue at the park. The No Parking signs are back up on Lehigh Avenue by the park.

9. 911 – Tony Curcio had nothing to report. Dave Hess has a list of the numbers and will print them out for Tony.

10. Building Finance Committee will meet Thursday at 9:00 a.m. in Borough Hall with a representative from the County Community and Economic Development office. John Maher is doing research on-line in search of sources of financing.

11. Tipping Fees – Tony Curcio reported that the quarterly check was received.

12. Property Maintenance Code – The committee has received their copies of the Property Maintenance Code. Scott, Tony and George will get together and come back to Council with their recommendations regarding the implementation of a maintenance code for the Borough.

On motion by Tony Curcio to adjourn the meeting of May 18, 2010. Council agreed unanimously.

The meeting of May 18, 2010 adjourned at 8:36 p.m.

Louise Firestone, Borough Administrator