

**BOROUGH OF WIND GAP
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The Council meeting of the Borough of Wind Gap on Monday, January 3, 2011, was called to order at 7:30 p.m. by Council President Scott Parsons, in attendance were Councilmen: John Maher, Dave Hess, George Hinton, Joe Weaver, and Tony Curcio. Also in attendance were Mayor James Shoemaker, Borough Solicitor Ronold Karasek, representing Robert Collura, Ryan Engler and Borough Administrator Louise Firestone. Absent was Councilman Kerry Gassler.

PUBLIC COMMENT

1. Mitchell D. Mogilski, Jr. referred to his letter to Wind Gap Borough Council received December 29, 2010 outlining his complaint pertaining to failure to deliver initial notification of municipality taxes and Pen Argyl School District taxes. He was concerned that he does not receive his tax bills from the Borough Tax collector and by the time he is made aware of a bill, it is delinquent, includes penalty and interest and is being collected by Berkheimer Associates. It was determined that the bills in question were the per capita bill from the Borough of Wind Gap and the per capita bill from the Pen Argyl Area School District. Wind Gap Borough Tax Collector, Patricia Sutter, responded by stating that bills are mailed out with the addresses she has on file and unless the envelopes are returned undeliverable she has to assume that the mail is being delivered. She questioned if it is possible that there might be some confusion at the Mogilski house since both the father and son have the same name. When a resident turns 18 years of age, per capita bills are generated and sent to them. She would mail the bills in separate envelopes for the parents and any other residents over the age of 18 at that address. It was explained to Mitch that two per capita bills are issued one from the Borough on February 1 and one per capita bill is mailed from the Pen Argyl Area School District on September 1. It was suggested that if he does not receive these bills within a month of their mailing to contact Patricia Sutter.

SOLICITOR'S REPORT

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

Subdivision Matters: Notice to Borough re: additional extension needed in Wind Gap Development Group (Emerald Forest) Major Subdivision.

Land Development Matters: N/A.

Zoning and Other Land Use Matters: Travel to and from Easton and attendance at Motions Court re: Order for Remand in Reimer ZHB Appeal.

Developments on Outstanding Litigation: Receipt, Review and Administration of Correspondence and Affidavit from Opposing Counsel re: PPL/Cell Tower Lawsuit.

Court Decisions on Borough Cases: N/A

Miscellaneous: Prepare Ordinance, Advertising Notice and Enclosure Correspondence to Borough, Newspaper and Law Library re: Ordinance No. 472 - Real Estate Tax Millage for 2011. Receipt, Review and Administration of Neighboring Municipality Agreement with Waste Management re: Annual Donation to Fire Company. Unscheduled In-office Conference with P. Bell, Animal Control

Officer on 12/16/10. Preparation of proposed Ordinance and proposed Resolution re: Animal Control Officer. Preparation of Monthly Solicitor's Report. Legal Research re: police matters including T. Dailey, Conflict of Interest and B. Redmond. 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: Re-zoning for Upper North Broadway (to be finalized at February 2011 regular monthly meeting). 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 the Borough zoning change for North Broadway will be advertised for the February 7, 2011 meeting.

He stated that he has concerns regarding the ordinance for the police pension contribution because in 2008 Act 30 amended Act 600 which eliminates the statutory requirement that a police officer contributes to a pension fund that he or she is a member to a fund that is actuarially sound. In other words members of the fund will no longer continue to contribute before the municipality is required to do so. If the plan needs to be funded and the Borough is contributing, then it may be possible to get the police to contribute, although traditionally that contribution is a bargaining item. Louise has contacted the pension office, but they have not returned the call as of today.

There has been no progress with regard to the PPL Cell Tower and a status conference is scheduled for January 6, 2011. Since there has been no movement it will probably be put on a settlement conference list rather than letting the lawyers try to solve the issue.

Ron asked for an update regarding the tax ordinance. Scott stated that he agreed with the language used regarding his signature on the ordinance.

Ron reported that he has sent a draft of the Animal Control Officer Ordinance and Council needs to review that document.

He will be working on the ordinance for the Appalachian Trail that should have been enacted last August.

John Maher stated that he has copies Senate Bill 900 to Ron and all of Council regarding blighted properties and the issuance of permits or holding permits for those properties and also for non-payment of taxes.

On motion by John Maher to have Ron Karasek draft an ordinance after reviewing Senate Bill 900 and seconded by George Hinton. Roll call vote taken. In favor: T. Curcio, D. Hess, G. Hinton, J. Maher, S. Parsons. Opposed: J. Weaver. Motion carried by a vote of 5-1.

Discussion regarding who determines what property is defined as "blighted". The Property Maintenance Code committee needs to meet so that can be adopted and that would assist in the enforcement in this ordinance.

ENGINEER'S REPORT

Ryan Engler reported that Brian Pysher reviewed by pay request by Muschlitz for the Lehigh Avenue project and he is advising that the Borough approve payment.

On motion by George Hinton to approve payment for the Lehigh Avenue project in the amount of \$328,811.15 conditioned upon receipt of the maintenance bond and seconded by John Maher. Roll call vote taken. Motion carried unanimously.

Ryan reported that Brian did the final review of the Brymac Car Wash is recommending the release of the security escrow less the amount for engineering bills.

On motion by David Hess to release \$10,043 for the Car Wash and seconded by George Hinton. Roll call vote taken. Motion carried unanimously.

Ryan reported that the West Street Culvert project has been completed and he is recommending payment to Muschlitz Excavating.

On motion by George Hinton to pay Muschlitz Excavating when the grant money from Northampton County is received in the amount of \$99,114 and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

NEW BUSINESS

1. Mayor's Report. Mayor Shoemaker reported that the next Slate Belt Council of Government meeting is scheduled for Wednesday, January 19, 2011 at 7:30 p.m. at the Washington Elementary School. First Street paving is complete. Borough Council received a letter from the Blue Mountain Community Library informing that a fraud investigation is being conducted. The Mayor read the Police Report for November 2010. The police responded to 111 calls of which four were animal complaints. The Mayor received a letter from the PA Commission on Crime after they conducted an audit of the Police Department juvenile records and commended the Chief and Department for their recordkeeping.

John Maher requested that the Slate Belt COG get involved negotiating with the power company because they should be able to get a better rate if they include the municipalities and the municipal authorities. Mayor Shoemaker stated that they did discuss at their November COG meeting, but they did not meet in December. He will provide more information after the COG meeting this month.

2. Committee Reports. Scott Parsons stated that the committee reports were not put on the agenda, but if anyone has anything to report they could so. He asked Council to review the requests for reappointments on all the Borough boards.

John Maher reported that the Municipal Authority has rescheduled the meeting with the Borough Street Committee regarding "F" Alley to Tuesday, January 18, 2011 at 4:30 p.m.

3. Capital Reserve Balance Sheet. Scott Parsons stated that these monies are in the Borough's savings account and some line items need to be reviewed. He stated that a donation was made in the memory of Derek Holland, but no decision has been made on how to utilize this donation. John Maher offered to look into several options and report back to Council. Funds were set aside in 2008 for additional street overtime, so that money could be used this year or transferred back into the General Fund.

OLD BUSINESS

1. Security Camera Committee. Scott Parsons appointed John Maher, Dave Hess, Chief Armitage and Mayor Shoemaker to the committee.

2. Waste Management Tipping Fees. Scott requested that the committee of Tony Curcio, George Hinton and Joe Weaver get together to review the percentage allocated to each department.

3. Dave Hess asked if any progress has been made with no truck traffic on Lehigh Avenue. Brian Pysher will need to address this issue.

4. Brian Pysher informed Council that there is an issue with the site triangle at the intersection of Lehigh and Third Street. Third Street is a state road so that may make a difference on how this intersection is handled. The Street Committee to look at intersection and make a recommendation.

EXECUTIVE SESSION

Council adjourned to Executive Session to discuss personnel issues at 8:25 p.m. Council reconvened at 8:37 p.m.

On motion by Dave Hess to hire a part-time police officer due to the resignation of a part-time officer and seconded by John Maher. Roll call vote taken. Motion carried unanimously. Committee will be Dave Hess, Joe Weaver, Mayor Shoemaker, and Chief Armitage.

On motion by Joe Weaver to accept the resignation of Part-time Police Officer Luis Ruiz and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

On motion by Tony Curcio to adjourn the meeting of January 3, 2011 and seconded by John Maher. Council agreed unanimously.

The meeting of January 3, 2011 adjourned at 8:40 p.m.

Louise Firestone, Borough Administrator