

**BOROUGH OF WIND GAP
29 MECHANIC STREET
WIND GAP, PA 18091
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EXECUTIVE SESSION

Borough Council met in Executive Session from 6:30 p.m. – 7:35 p.m.

The Council meeting of the Borough of Wind Gap on Monday, November 1, 2010, was called to order at 7:40 p.m. by Council President, Scott Parsons, at which time he reminded those present that the meeting was being recorded. In attendance were Councilmen: Joe Weaver, Kerry Gassler, Dave Hess, George Hinton, John Maher, and Tony Curcio. Also in attendance were Mayor James M. Shoemaker, Borough Solicitor Ronold Karasek, Borough Engineer Brian Pysher and Borough Administrator Louise Firestone.

Council President Scott Parsons informed those present that Borough Council met in Executive Session to discuss Real Estate Acquisition, but no action would be taken at this time.

PUBLIC COMMENT

1. Victor Rodite, Slate Belt Council of Governments, was present to discuss Wind Gap Borough submitting an application for funding through the Transportation Enhancement Act Grant. He informed Council that there is a small window of opportunity to get an application completed and must be submitted before next week's submission deadline. The grant application must be submitted to PennDOT and the Lehigh Valley Planning Commission with a limit of grant funding of \$500,000. The negative part of this grant is the grant will not cover engineering costs, but is an 80% grant and a 20% local contribution with the engineering being considered to be part of the local share. He spoke to Robert Collura and Robert agreed not to charge the Borough until Council decides that this is a program that they want to pursue. Victor had a draft resolution if Council wishes to proceed with the grant application submission. The Slate Belt Council of Governments Board has directed Victor to offer to do the grant application free of charge. Brian Pysher explained that if the Borough is applying for a grant for installation of curb and sidewalk along Broadway they must be ADA compliant. Brian's estimate included: survey, stake out, drawings, specifications, ADA ramps and inspections. Victor stated that the inspections may be eligible reimbursable items under the grant. Brian emphasized that this is an estimate only and could be higher or lower depending on how much PennDOT directs the engineer to do the inspections. His estimate for the total cost of the project is \$314,200. The scope of the project is from Third Street north to Roberti's where the sidewalk was already replaced. Victor explained that the west side of Broadway has already been designated for consideration for Community Development Block Grant monies so Council might want to apply for CDBG money for those curb and sidewalks.

On motion by Kerry Gassler to apply for the Grant under the Transportation Enhancement Act and seconded by Joe Weaver. Roll call vote taken. In favor: T. Curcio, K. Gassler, G. Hinton, J. Maher, S. Parsons, J. Weaver. Opposed: D. Hess. Motion carried with a vote of 6-1.

On motion by John Maher to approve the Resolution 2010-03 as follows: A Resolution of the Borough of Wind Gap, PA Authorizing the filing of an Application for PA Department of Transportation (PennDOT) for a Transportation Enhancement Grant. Whereas, the Borough of Wind Gap is desirous of obtaining funds from PennDOT in the amount of \$314,200 for a Transportation Enhancement Grant for a sidewalk improvement project for 3 blocks of Broadway from intersection of Third Street and

Broadway to the former Roberti Property. Whereas, the Borough of Wind Gap understands that all Engineering costs for this proposed Transportation Enhancement Grant shall be paid by the Borough of Wind Gap from the Borough General Fund and that these expenditures shall constitute the 20% local share for this project. Now Therefore, Be It Resolved by the Borough Council of the Borough of Wind Gap that the Slate Belt Council of Governments authorizes to prepare a Transportation Enhancement Project grant application for a sidewalk improvements. Be It Further Resolved, that the Secretary of the Borough of Wind Gap is directed to execute a certificate (below) attesting to the adoption of this resolution and to furnish a copy of this Resolution to PennDOT and seconded by Kerry Gassler. Roll call vote taken. In favor: K. Gassler, G. Hinton, J. Maher, S. Parsons, J. Weaver, T. Curcio. Opposed: D. Hess. Motion carried with a vote of 6-1.

APPROVAL OF EXPENSES

On motion by Tony Curcio to approve the expenses for the month of October in the amount of \$ 12,499.63 and seconded by Kerry Gassler. Roll call vote taken. Motion carried unanimously.

APPROVAL OF MINUTES

On motion by Dave Hess to approve the meeting minutes of July 12, 2011 and seconded by John Maher. Roll call vote taken. In favor: J. Maher, S. Parsons, J. Weaver, K. Gassler, D. Hess. Abstained: G. Hinton, T. Curcio. Motion carried with a vote of 5-0-2.

On motion by Kerry Gassler to approve the meeting minutes of September 21, 2011 and seconded by Dave Hess. Roll call vote taken. In favor: S. Parsons, J. Weaver, K. Gassler, D. Hess, G. Hinton. Abstained: J. Maher, T. Curcio. Motion carried with a vote of 5-0-2.

SOLICITOR'S REPORT

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

Subdivision Matters: Comprehensive Status Correspondence to Developer's Attorney re: Completion of First Street in Gap View Estates f/k/a Posh Major Subdivision.

Land Development Matters: N/A.

Zoning and Other Land Use Matters: Preparation of Land Use Appeal in PetroMart Zoning Hearing Board Free-Standing Sign Decision. Preparation of Stipulation and Order of Court for Remanded ZHB Hearing in PetroMart Zoning Hearing Board Free-Standing Sign Decision.

Developments on Outstanding Litigation: Correspondence to Sprint attorney re RF Coverage Issues in PPL Cell Tower Lawsuit.

Court Decisions on Borough Cases: N/A.

Miscellaneous: Receipt, review and administration of Neighboring Municipality Agreement with Waste Management re: Annual Donation to Fire Company. Meeting with Mayor, Police Chief, and Borough Administrator re: personnel issues, Assist in preparation of Discipline Correspondence – personnel issues, Assist in preparation of Step 1 Grievance Response – personnel issues, 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: Re-zoning for Upper North Broadway. 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 he spoke to Pete Laymen, who is representing Reimers, and received commitment from him to re-open the case before the Borough's Zoning Hearing Board.

Ron stated that in regards to the PPL settlement the Judge wants to hold a settlement conference.

Ron reported that last week he received a call from Jim Flad – Editor of the Express Times regarding Police reports and wanted to make Council aware that he is looking for police reports. Scott asked the Mayor to contact him regarding his concerns.

ENGINEER'S REPORT

Brian Pyscher reported that the Lehigh Avenue project is complete. He believes that it is in the best interest of the Borough to post Lehigh Avenue with "No Trucks Allowed" signs.

On motion by George Hinton to have the Borough Engineer prepare a letter stating in his professional opinion there should be no truck traffic except local deliveries on Lehigh Avenue from the monument at Route 512 down to West Street so that Council can direct the Borough Solicitor to draft an ordinance for enactment and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

Brian reported that he met with John Zucal and Chief Armitage regarding putting up the speed limit signs on Lehigh Avenue. The speed limit signs were installed on Third Street and Center Street to reduce traffic speed to 30 m.p.h.

Brian reported on the progress of West Street. The box culverts are in and the curbing should be done by the end of the week. Once the curbing is installed the street can be black topped. He received estimates for paving on West Street to repair the road where the Municipal Authority did work. The three estimates were: Schmauder - \$8,600, Pan - \$8,652, Muschlitz - \$9,000.

On motion by Kerry Gassler to accept the bid from Schmauder Excavating at a cost of \$8,600 and seconded by George Hinton. Roll call vote taken. Motion carried unanimously.

Brian asked if he could get into the Firehouse so that he can prepare the specifications for repair of the floor in the social hall.

Brian stated that First Street was black topped. The Sewer Authority gave final approval because the installed sewer line passed the vacuum test and met all the requirements. He informed Council that First Street has not been turned over to the Borough or ordained so it is not a Borough road. Gibraltar is responsible for maintenance of the road, which includes snow plowing, until the road is turned over to the Borough.

Gibraltar submitted a request for reduction of their Letter of Credit. After review, Brian stated that they included an amount of \$6,880.20 which should not be released because the properties of the Karners and Cortezos has not been graded or cut back.

On motion by George Hinton that based on the engineer's recommendation to reduce the Letter of Credit for the Gibraltar Development by \$297,128.14 and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

OLD BUSINESS

1. Waste Management. Scott Parsons and Tony Curcio met with representatives, Adrienne Borger and Scott Perin, from Waste Management on Monday, October 25, 2010 to discuss the \$25,000 donation to the Wind Gap Fire Company that was eliminated from their budget. Scott stated that it is Waste Management's position that the fire truck should have been paid off and they are not obligated to make payment. Waste Management does not feel that they have violated the neighboring agreement. If the Borough wishes to re-open the contract, Mr. Perin indicated that the first thing that Waste Management would discuss is eliminating the free garbage collection in the

Borough due to the overuse and abuse of the amounts set out by residents. Scott stated that the Borough of Wind Gap is not the only municipality to see a reduction in benefits from Waste Management.

On motion by Kerry Gassler to authorize the Borough Solicitor to send a letter to Waste Management stating that Waste Management breached the contract because the intent was to continue to make the contribution to the Fire Company until the Pumper Truck was paid for and it is not fully paid for and send copies of the letter to the DEP and the local newspapers and seconded by Dave Hess. Roll call vote taken. In favor: K. Gassler, D. Hess, G. Hinton, J. Maher. Opposed: S. Parsons, J. Weaver. T. Curcio. Motion carried with a vote of 4-3.

2. Route 33 Traffic – Fire Police. Scott Parsons stated that when accidents occur on Route 33 the traffic through the Borough is affected. Scott asked that a meeting be set up between the Mayor, PennDOT and the Police to discuss if there is a better way to handle the traffic during accident events. Dave Hess stated that the traffic control is dumped on the Fire Company. Chief Armitage stated that the lights can handle the traffic as they are set, but because of the additional amount of vehicles traffic will be slower through the Borough until Route 33 is reopened. The Chief stated that the Borough Police Department typically only call out the Fire Police if there is a power outage or the traffic lights are not functioning properly. Dave stated that he will take that information back to the Fire Company.

3. Scott Parsons informed Council that he has asked that all ongoing old business be kept on the agenda until that issue is resolved.

NEW BUSINESS

1. 2011 Budget. Scott asked Council to review the 2011 Budget.

Scott informed those present that Council will meet on Monday, November 22, 2011 at 7:00 p.m. for the sole purpose of discussing the 2011 Budget.

On motion by Tony Curcio to adjourn the meeting of November 1, 2010 and seconded by John Maher. Council agreed unanimously.

The meeting of November 1, 2010 adjourned at 9:32 p.m.

Louise Firestone, Borough Administrator