

**BOROUGH OF WIND GAP  
29 MECHANIC STREET  
WIND GAP, PA 18091  
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The Council meeting of the Borough of Wind Gap on Tuesday, October 19, 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: Dave Hess, Kerry Gassler, 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. Absent was Councilman Joe Weaver.

**PUBLIC COMMENT**

1. Animal Control Officer, Phil Bell. Scott introduced Phil and informed him that Council is interested in what he specifically does with the animals once they are caught. Phil replied that he understands that there are concerns with regard to cats. He has a good relationship with "Nonsense Spay and Neutering" out of Allentown and the SPCA. He receives grant to have the feral cats fixed so when they are released there is no more reproduction. This is one way to get the Borough cat population under control although it takes time and could take approximately five years to get complete the cycle. The only time he has an animal put down is if it is hit on the street and the vet determines that it cannot be repaired the decision is made to put it down. He is on call twenty-four hours a day seven days a week. He is also a wildlife pest control agent and can handle all wildlife with the exception of deer, bear and wild turkey. He charges a flat rate of \$25 to residents if they have a wildlife problem on their property. He does the live trap and transportation. He is trying to get a hold of PETA because they have indicated that they have funding for feral cats and he is investigating that funding source. He has some farms that accept cats, but would rather not disclose the locations so as not to compromise his relationship with those property owners. He will deal directly with the Police Department and the Borough Administrator and provide them with monthly reports to show all animal issues he encounters each month. He emphasized that he is concerned about the animal and responsible pet owners. He will only cite individuals when he feels it is warranted. He stated that one law he cannot handle is cruelty so he calls the Police and they can cite the people. There is a new dangerous dog act and he has all the information that pertains to animals so he keeps up on this information. He will utilize the dog kennel behind the Police Station to hold dogs until he can find the owner, if necessary, when he cannot find the owner he will set in motion for the dog to be put up for adoption. Phil handles all transportation with regard to animals.

**On motion** by John Maher to hire Phil Bell as the Wind Gap Borough Animal Control Officer and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

2. Victor Rodite, Slate Belt Council of Governments. At the last board meeting Mayor Shoemaker requested assistance from the COG in the area of sidewalk improvements, so he is here to get more information from Council. He will meet with Lorraine Ruscher, Wind Gap Borough Beautification Committee, to discuss possible grant opportunities. He reported that the COG has made some recommendation regarding energy purchases next year. Met-Ed is going to adjust their rates and some municipalities have asked for recommendations from the Council of Governments. Victor provided information from three companies. First is Glacier Energy, Pennsylvania company, they purchase energy at the wholesale market and can be either short-term or long-term (they entered

into an agreement Bangor Area School District). Second is RTE, a New Jersey company, but they are in close proximity to Pennsylvania, they are small and promote that they are more responsive and customized than a larger company. Finally is APPI, a larger firm, recommended by the Chamber of Commerce. They all focus on larger business and industry, but government would include sewage treatment plants or water treatment plans with their enormous amounts of energy consumption. The municipality can lock rates with any of these companies.

3. Lorraine Ruscher. Lorraine asked if Council has made any decision on the advertising in the bus shelters. Scott stated that Council has been advised not to put any advertising on the shelters. Council still intends to put up the shelters. The company went ahead and fabricated the shelters prior to receiving an approved signed purchase order from the Borough. Lorraine stated that they are willing to take the advertising sign off and put clear glass up instead at the same cost. Brian stated that the shelters are crated and ready to be shipped out. Lorraine will try to contact the sales representative to inquire whether there would be a discount because the shelters will no longer need to be made for advertising.

**On motion** by John Maher to approve purchase of the bus shelters which were originally supposed to be 5x8, but built 5x10 at the same cost and seconded by Kerry Gassler. Roll call vote taken. Motion carried unanimously.

## **ENGINEER REPORTS**

Brian Pysher reported on the Lehigh Avenue project. He spoke to Muschlitz last week and they are scheduled to pave the final course at the end of this week, hopefully Thursday or Friday. He spoke to the Street Department and asked them to post the No Parking signs. The project was \$40,000 over budget on the upper end of Lehigh because 20" of material had to be excavated out and replaced and that was not anticipated prior to the road surface being removed. Brian stated that the delay on the final paving was because of issues with the sub-base on the lower end of Lehigh. There were soft spots in the road and that had to be over excavated out, filled with shale, and new base course was put in. The contractor wanted to let the area sit for a week, allow traffic drive over this area where the additional work was done to be sure that no more soft spots would appear and what repairs were done would settle.

Muschlitz Excavating started the project on West Street today. They need a few more days to complete building the culvert. They will not take out the old storm sewer without having the built. They anticipate having the culvert ready for next Monday. Brian asked Council if any further discussion occurred with the Sewer Authority regarding paving West Street. Scott stated that the Borough is going to pave the road. Brian informed Council that the Authority completed a project two month ago that the Water Company never finished and they did not have the road repaved. Brian received a price from Muschlitz to complete of \$9,500. In the contract between the Borough and Muschlitz Excavating he only figured in trench restoration because the project is \$1,000 over the Community Development Block Grant (CDBG) funding which the Borough received. He hopes that in the future the Borough would receive more CDBG funds and then the road could be repaved, but if it is Council's wishes he will contact two more contractors to solicit a bid so that the Borough has three bids. Scott asked if the Borough could just put it on as an add-on to the grant project. Brian replied that it should not be added since the guidelines for the federal grant funding contract is very restrictive. He had the Street workers post no parking on West Street so that street work can begin.

Brian reported on the development Gibraltar on First Street. PAN Company was onsite on Monday to put in 3" base course and they figure on four days to have it completely paved up to the binder. Unfortunately, they were out of material because PennDOT was paving Route 33 and all material was going to that project. Hanson informed PAN that material will be available again on Wednesday. After the road is in, the Sewer Authority can do a vacuum test. The final top coat will not go on until 90% is complete.

The State approved the reduction in the speed limit from 35 m.p.h. to 30 m.p.h. on East Third Street and West Center Street. Brian reported that the street workers were installing the new speed limit signs today at the locations indicated by the State drawing.

Brian provided a copy of his review letter for the car wash on South Broadway. He stated that they still have several issues with regard to the fence around the detention basin. Ron added that he reviewed the file and the Letter of Credit that was issued for \$184,000 and expired on October 9, 2010. The Borough still has \$27,189 cash that was given to the Borough when the project started.

**On motion** by George Hinton to release \$16,236 to Brymac and retain \$10,953 until the fence has been completed and seconded by Kerry Gassler. Roll call vote taken. Motion carried unanimously.

Brian reported that Dave Hess, George Hinton, Dave Policelli and Brian met at the firehouse to discuss the floor and try to obtain an estimate to repair the floor. Brian believes that permitting for Labor and Industry would not be necessary since the existing space is being renovated and the use is not being changed. Kerry asked how the plan was coming along for the Borough to purchase property. Scott stated that a meeting was held yesterday to discuss the Borough's properties. Council has to decide if they are in agreement to pursue a zoning change for North Broadway. A meeting will have to be held to further discuss financing possibilities. George added that the committee agrees that \$20,000 is a lot to invest in a Borough property.

**On motion** by John Maher to do bid specifications to repair the firehouse floor and seconded by George Hinton. Roll call vote taken. Motion carried unanimously.

## **COMMITTEE REPORTS**

1. EMS – Kerry Gassler had nothing to report.
2. Fire Co. – Dave Hess reported that the Fire Company responded to 13 calls in September. The Fire Company and the Ladies' Auxiliary will be holding a pie sale for Thanksgiving. He received and forwarded to Ron Karasek copies of two sample ordinances for the Knox boxes from other municipalities. He reported that the roof leaks over the kitchen in the firehouse. Would it be possible to have the street workers take a look at the roof? George will pass this along to John and Randy.
3. Zoning – Tony Curcio reported that no applications were submitted so no meeting will be held in November.
4. Planning - Scott Parsons reported that the Planning Commission will meet in November to review a possible lot line adjustment for Nolan Perin's property. Brian stated that he just received the plan, but has not reviewed it as of yet.
5. Municipal Authority – John Maher was not at the last Sewer Authority meeting. Scott reported that he attended the meeting and after listening to the Authority's comments regarding recent projects in the Borough Scott recommended to Council members that when anything is discussed with any representative from the Authority that it is put in writing. After Council discussed the cost of paving at the last meeting with regard to Center Street for the Authority at a cost of \$10,000 the Authority made and approved a motion to pay the Borough \$5,000 for that paving. Brian stated that he will get a copy of the Bangor Borough's ordinance for any road opening in the Borough and have Council review it to see if Wind Gap should adopt a similar ordinance.
6. Streets – George Hinton reported that he was contacted by Pete Albanese, Wind Gap Electric, about the paving on Seventh Street and George suggested Pete attend the Council meeting. Wind Gap Electric has expanded their operation and they are getting ready to pave and asked if the Borough would be interested in putting any money toward material so they can extend the scope of

their project to pave a decent road back Seventh Street. Every year the Borough patches holes on Seventh Street so this might be an opportunity for the road to be improved. George asked Brian to measure the road from the corner and it would take approximately 50 tons of blacktop needed to do that part of Seventh Street. After calling around and getting a quote of \$60 per ton it was estimated to cost the Borough \$3,000. Pete Albanese added that it is a street that services three different businesses and the Borough has been constantly dumping money making minor repairs. Wind Gap Electric hired Muschlitz to grade the road and pave it and then the Borough will pay the contractor directly.

**On motion** by John Maher to pay a not-to-exceed price of \$3,000 towards blacktop for Seventh Street upon completion of the work and seconded by Kerry Gassler. Roll call vote taken. Motion carried unanimously.

7. Police – Mayor Shoemaker reported that the Police responded to 140 calls in the month of September, 8 motor vehicle accidents, and issued 5 traffic citations.

Patricia Sutter stated that all the incidents reported by the Mayor, how much of that got in the paper. The Mayor replied that The Express Times is provided with the stories, but they decided what goes in the paper and the paper changes the stories to sell papers. Scott suggested that the Mayor keep a copy of all the faxes sent down to the paper. Bob Matlock asked why the paper stated that Lieutenant Dailey hung his hat on the camera, since when was Mr. Dailey made a Lieutenant in the Wind Gap Police Department and that is wrong, why was it printed and why wasn't there a retraction printed. Scott stated that the information was provided to the paper by an anonymous source. Scott asked Ron Karasek if there is any action that Borough Council needs to take. Ron replied that the Mayor can suspend an officer any amount of days up to ten days without Borough Council taking any action. Ron reiterated that beyond ten days of suspension Borough Council must take action. Officer Dailey has filed a grievance and it will go through the process.

8. Park – Joe Weaver was absent. Scott stated that the Park Board Chair, Cathie Yob, has been in correspondence through e-mail with Louise regarding the Park Master Plan, but it turns out that the Park had a wetland delineation done and a diagram of the park. The Borough needs to complete the Park Master Plan. Louise will continue to investigate and confirm that everything in the Borough's file is what actually was completed. It may have to be re-bid for completion. Louise to contact Urban Research and Rettew for input regarding the Master Plan.

9. 911 – Tony Curcio had nothing to report.

10. Building Finance – Scott Parsons reported that we will invite the advisor to the next meeting. John Maher to follow-up tomorrow with a phone call.

11. Tipping Fees – Tony Curcio reported that the Borough received \$28,911.50 from Waste Management. He will have the updated report for Council next meeting.

12. Property Maintenance Code – Scott Parsons reported that the committee of Scott Parsons, Tony Curcio, and George Hinton will meet as soon as possible.

## **MAYOR'S REPORT**

Mayor Shoemaker reported that the Slate Belt Council of Governments will assist with the sidewalk grants. The next meeting of the Slate Belt COG will meet on October 27, 2011 at 7:00 p.m. at the Washington Elementary School. The speed limit signs have been installed on Center Street and Third Street. Tony asked about speed control on North Lehigh Avenue. The Mayor stated that he will look into have the speed limit enforced.

## NEW BUSINESS

1. 2011 Budget. Scott stated that Council has their first draft of the 2011 Budget so he asked Council to review it and it will be further discussed at the next Council meeting.
2. Knox Box Ordinance. Ron Karasek asked Council if he should draft an ordinance or does Council want to discuss this issue further. He has been asked by Upper Mt. Bethel to draft a similar ordinance for their township. Kerry asked what the cost would be for a business to purchase the Knox box. Dave stated that the box has to be installed by the main entrance, but he does not have a specific answer for the cost. Scott asked Ron to draft the ordinance at Council's direction.
3. Brian Pysker asked about the Zoning Amendment for North Broadway. Brian has prepared maps for that area. Ron stated that he has a copy of the map, but has to forward it to the Lehigh Valley Planning Commission. A hearing will have to be held after it has been properly advertised. The LVPC has either 30 or 45 days for their review and Council must have their review comments prior to the public hearing.
4. Approval of Minutes. **On motion** by John Maher to approve the meeting minutes of October 4, 2010 and seconded by Kerry Gassler. Roll call vote taken. Motion carried unanimously.

## OLD BUSINESS

1. Surveillance Cameras. Kerry Gassler asked since the Borough has the cameras installed what is the procedure. John Maher replied that they are operational and are recording. Kerry requested that a procedure be written. John has been asked to write one and he will do that immediately. Kerry asked who is allowed to look at the recordings. John stated that he has procedures set up to allow Council to look at it, the Mayor can look at it, and the Police Chief can look at it. Kerry questioned how someone could look at the recordings if there are no procedures in place. John has administrative privileges because he set it up the camera recordings and Jim the Borough's computer administrative has the ability to review the tape. Kerry insisted that the Borough cannot take corrective action on stuff where no procedure exists. John added that there is no public access to the recordings. Chief Armitage stated that he has the right as Chief of Police to review the tapes. Dave Hess added that someone was disciplined for putting a cap over a camera, but the camera in the Borough meeting chambers has a cup that is stuck over it sometimes. John said that he is the only one who has every done that and it was because Council has held their Executive Sessions in Chambers and not the office. The last meeting, John put the cup on the camera, but Council went into the office for the Executive Session and he forgot to remove the cup. He came back the next meeting and came back the next day and removed it. Dave is not saying what is wrong or right, but it comes back to the procedure. Scott stated that the cameras were installed because there was a need to have them installed. The Chief stated that the camera in the Borough Hall was installed with the ability to provide a live feed of the Council meetings, but the camera in the Police Station was installed for security reasons for both the Police Officers and anyone taken into the Police Station.

**On motion** by Dave Hess to disable the cameras until an SOP is in place and seconded by Kerry Gassler. Roll call vote taken. In favor: T. Curcio, K. Gassler, D. Hess. Opposed: G. Hinton, J. Maher, S. Parsons. Motion was tied 3-3. In the event of a tie, Mayor Shoemaker was asked to vote on this motion. Mayor Shoemaker voted in opposition of the motion. Motion did not pass and the cameras will stay on. John Maher will work on the Standard Operating Procedure.

2. Kerry Gassler asked about Waste Management's meeting. Scott stated that the meeting is scheduled for next Monday afternoon.

3. Scott Parsons asked Council to limit the time their time in the Borough office so the office staff can complete their work.

**On motion** by Tony Curcio to adjourn the meeting of October 19, 2010. Council agreed unanimously.

The meeting of October 19, 2010 adjourned at 9:20 p.m.

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Louise Firestone, Borough Administrator