

**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 Monday, May 2, 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, Borough Engineer Brian Pysker and Borough Administrator Louise Firestone. Absent was Councilman Kerry Gassler.

PUBLIC COMMENT

No one appeared before Council at this time.

APPROVAL OF EXPENSES

On motion by Tony Curcio to approve the expenses for the month of April in the amount of \$25,770.24 and seconded by George Hinton. Roll call vote taken. Motion carried unanimously.

SOLICITOR'S REPORT

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

Subdivision Matters: Correspondence re: Planning Commission recommendation to Borough ZO/PO and Applicant's Engineer in NAPER Development, Inc. – Subdivision/Lot Line Adjustment. Correspondence to Borough ZO/PO re: extension of time in Wind Gap Development Group Major Subdivision – Emerald Forest.

Land Development Matters: Correspondence to Borough ZO/PO re: extension of time in West Street L. D. Plan.

Zoning and Other Land Use Matters: Preparation of Amendment to Borough Fee Resolution for Annual Structural Inspection Fee for Billboard Signs. Preparation of Street Opening Ordinance, Ordinance 475. Prepare Planning Commission Agenda.

Developments on Outstanding Litigation: Preparation of Stipulation of Counsel re: PPL Cell Tower Lawsuit. Receipt, Receipt and Administration of several items of correspondence and e-mails (received and responsive) from Police Chief, Attorney Barish (Borough Insurance Attorney) and Attorney Kounoupis (T. Dailey Attorney) re: T. Dailey EEOC and federal court claims and B. Redmond RTW Claim.

Court Decisions on Borough Cases: Receipt, Review and Administration of ZHB Decision in Reimer/Petromart Appeal.

Miscellaneous: Preparation of newspaper advertisement, enclosure correspondence, proposed Ordinance No. 474 and proposed Borough Resolution re: establishment of Animal Control Officer and establishment of fee. 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 reported that he prepared the Stipulation of Settlement in the PPL Tower lawsuit which is being circulated. He prepared the Ordinance for the Animal Control Officer. He is completing the Street Opening Ordinance. He completed the Official Action Correspondence for NAPER Development. He asked Council if there were any questions, there were none.

ENGINEER'S REPORT

Brian Pysher reported that he is working on the streets. He has paving specs for Genoga and Oak Street and asked that Council vote to advertise those bid specifications. As far as A Street and Utica Avenue being paved, the scope of the project needs to include handicap ramps, which totals six ramps. PennDOT permitting is required for these projects so Brian will submit the necessary paperwork. He spoke to the Permit Manager for the Route 33 Interchange project and they are proposing overlaying in front of A Street.

On motion by George Hinton to put Genoga and Oak Streets out to bid and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

Brian reported that he should have the bid specifications completed by the end of the week for the Park Court Rehabilitation project. He asked Council if they would give approval to put the specs out to bid because time is of the essence for this project.

On motion by George Hinton to advertise the Wind Gap Borough Park Court Rehabilitation Project bid specifications and seconded by Joe Weaver. Roll call vote taken. Motion carried unanimously.

Brian reported that he met with George Hinton and John Maher to review the street opening ordinance. He then sat with Bob Collura to further discuss the proposed ordinance. He will forward his notes to John and Ron Karasek to be included in the ordinance. John added that the escrow money needs to be further discussed. The intent of the escrow money is for a job that is not completed, money would be available to finish the job and cover engineering costs.

Brian faxed over an estimate to pave the trench in "F" alley. George stated that discussions were held with the Municipal Authority regarding paving the trench. The Authority's motion was to pave the alley 4' wide and only the length of the project. Council had already voted on requiring the Authority to put money in escrow to insure that the alley is properly restored. Brian stated that they are not willing to repave the entire alley, but their cost is for only 4' wide. John explained to the Municipal Authority that everyone is required to get permits to do work in the Borough, but in their case the Borough has always waived the fees associated with the permit.

On motion by John Maher to invoice the Wind Gap Municipal Authority for \$1,600 which would be their cost to restore F Alley relating to their project of sewer replacement. Motion died for a lack of a second.

Brian was concerned about enforcement of payment and the current Borough ordinance. Ron Karasek stated that the present ordinance just state a street. According to the Pennsylvania Municipalities Planning Code a street can be an alley so would the court say that the Borough really meant to include alleys as streets when the ordinance was enacted. Ron stated that the Borough could take the stand that it is a Borough road and it will not be opened unless the Authority pays the Borough prior to opening it.

On motion by George Hinton to send a bill for \$6,000 (\$4,400 owed from last year's project and \$1,600 for their portion of F Alley) to the Wind Gap Municipal Authority prior to the street opening permit being issued to be put in escrow and seconded by John Maher. Roll call vote taken. Motion carried unanimously. Roll call vote taken. Motion carried unanimously.

Brian reported that Community Development Block Grant (CDBG) applications are due Friday, June 10, 2011. Brian requesting meeting with the street committee to get their input in determining which streets should be included in the application.

Scott stated that he read that there is still casino money available not specifically for communities directly related to casinos, but for distribution throughout the County.

NEW BUSINESS

1. NAPER Development, Inc. Preliminary/Final Subdivision. NAPER Development was not represented at this meeting so Council decided that if any questions required answers it would be best that this be put on the June meeting agenda.

2. Civil Service Amendment to Rules and Regulations. Ron Karasek explained that the amendment to the Rules and Regulations is under Section 3.7 which allowed disqualification of the "habitual substance abuser" to the new standard which allows disqualification of anyone "who is illegally using a controlled substance" as defined by the Federal Controlled Substances Act. The Authority also amended the Rules to provide that all appeals must be sent to the Borough Office rather than to the address in the old Rules which I believe was the home address of the Civil Service Commission Secretary.

On motion by John Maher to Amend the Rules and Regulations of the Civil Service Commission and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

3. Municipal Authority Resignation – Jon Faust. **On motion** by George Hinton to accept the resignation of Jon Faust from the Wind Gap Municipal Authority and seconded by John Maher. Roll call vote taken. Motion carried unanimously.

4. Community Wide Yard Sale. On motion by Dave Hess to set the dates for the Community Wide Yard Sale as Friday, Saturday, Sunday, July 8, 9, and 10, 2011 and seconded by Joe Weaver. Roll call vote taken. Motion carried unanimously.

5. George Hinton reported that he was contacted regarding putting a fundraising thermometer for the Slate Belt YMCA in Wind Gap. Scott asked if they had a location in mind. At this point, the committee is just asking if it is allowed in Wind Gap. Council did not have a problem with the sign depending on where it is to be put. George will check with the Zoning Officer.

OLD BUSINESS

1. Animal Control Officer Ordinance is being advertised for enactment at the May 17, 2011 workshop meeting. The advertisement will be in the paper this Wednesday. George stated that the Animal Control Officer has a nasty dog in the kennel. ACO Phil Bell discussed having access to a tranquilizer gun because he is certified to use one, but he does not own a tranquilizer gun. Chief Armitage to check on the cost of a gun.

2. Jeff Yob, Emergency Management Coordinator. Jeff received a letter from Northampton County Emergency Management and it is time to review the Borough's Emergency Operations Plan. An ordinance will have to be adopted sometime in August.

3. Jake Brakes. John Maher reported that he looked on the Internet and did discover that the Borough must receive PennDOT approval to have an ordinance in the Borough. Brian will check into the grade and certain amount of distance requirements and report back to Council.

EXECUTIVE SESSION

Council adjourned to Executive Session to discuss personnel issues at 8:15 p.m. Council reconvened at 8:50 p.m.

On motion by Joe Weaver to extend a pay increase of 70 cents an hour to the Borough Administrator and the Borough Zoning Officer effective July 1, 2011 and seconded by John Maher. Roll call vote taken. In favor: G. Hinton, J. Maher, S. Parsons, J. Weaver, T. Curcio. Opposed: D. Hess. Motion carried with a vote of 5-1.

On motion by Tony Curcio to adjourn the meeting of May 2, 2011 and seconded by John Maher. Council agreed unanimously.

The meeting of May 2, 2011 adjourned at 8:52 p.m.

Louise Firestone, Borough Administrator