

**BOROUGH OF WIND GAP
29 MECHANIC STREET
WIND GAP, PA 18091
863-7288
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The Council meeting of the Borough of Wind Gap on Monday, October 3, 2011, 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: John Maher, Dave Hess, Kerry Gassler, Joe Weaver 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 George Hinton.

PUBLIC COMMENT

1. Jon Faust asked when Council would be making a decision regarding the repair of the firehouse floor. Brian Pysher stated that if the cost estimate is less than \$10,000 the Borough could contact three contractors for estimates. Kerry added that when Council had previously discussed this issue they were informed that the repairs would require going through Labor and Industry for permits and upgrades to the building. Brian said that depending on the age of the building it might not be necessary to go through Labor and Industry (L&I). He will call L&I to discuss what the Borough needs to repair and what process they must follow and then report back to Council.

2. Patricia Sutter stated that she has had residents comment in her tax office regarding cars being broke into and there is nothing in the paper. Chief Armitage asked where this is happening. Pat replied that it is around Seventh Street. The Chief stated that approximately a month ago, there were cars broken into and an article was in the newspaper. Pat also stated that she has a petition in her tax meeting opposing the purchase of property by the Borough. Scott replied that this Council has not taken any official action regarding making a purchase of real estate or not. Council's biggest concern is deciding if a purchase is cost effective or not. Kerry added that Council has looked into a purchase because if not the decision has to be made to continue to stick money into all the older buildings and properties that the Borough currently owns. When Council changed the zoning for West Street it included the MSG property also and that would allow the owner to do anything that is allowable for that entire tract of land. John Maher stated that when and if Council does make a decision a public hearing will be held and a press release will be issued.

3. Alex Cortezzo asked for a First Street update. Brian reported that he has tried to make contact by leaving messages for the developer, stopping by the development to speak to the workers, but he has not heard anything. Ron Karasek reported that he had previously sent a fax outlining Council's options in regard to the Letter of Credit, but he does not have that file with him this evening.

On motion by Dave Hess to prepare to take action regarding the Letter of Credit from Gibraltar Development for the next meeting and seconded by Kerry Gassler. Roll call vote taken. Motion carried unanimously.

APPROVAL OF EXPENSES

On motion by Kerry Gassler to approve the expenses for the month of September in the amount of \$14,211.15 and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

APPROVAL OF MINUTES

On motion by Tony Curcio to approve the meeting minutes of September 19, 2011 and seconded by Joe Weaver. 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 September are outlined in a report. The report includes the meetings attended as Borough Solicitor.

Subdivision Matters: N/A.

Land Development Matters: Receipt, Review and Administration of file and Review of Township Engineer Review Letter (by Plainfield Township Engineer) of NAPER Development, Inc. Subdivision – Final Plan.

Zoning and Other Land Use Matters: N/A.

Developments on Outstanding Litigation: Receipt, Review and Administration of e-mail transmission and Order of Court (from Borough Insurance Attorney) confirming withdrawal of Attorney Kounoupis as Attorney for Officer T. Dailey in the federal lawsuit). Preparation of Comprehensive August 29 Memo to Mayor (including Loudermill Investigatory interview) re Officer T. Dailey. Review of file in Preparation for Loudermill Investigatory Interview. Review of file and comprehensive Memorandum from Police Chief dated September 14, 2011. Receipt, Review and Administration of Correspondence and conversation with Police Chief re: August 2011 Correspondence from the Municipal Police Office's Education and Training Commission regarding Wind Gap Borough Police Officers Certification in Firearms, First Aid and CPR. Receipt, Review and Administration of signed Stipulation of Counsel by both defense counsel, Preparation of Order of Court, Attendance at Motions to obtain Order and Preparation of Enclosure Correspondence to Opposing Counsel re: Order of Court on Stipulation of Counsel.

Court Decisions on Borough Cases: N/A.

Miscellaneous: Preparation of final draft of Street Opening Ordinance, Advertising Notice and Preparation of Enclosure Correspondence to Borough, Express-Times and Northampton County Law library. Preparation of final draft of International Property Maintenance Code Ordinance. 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 Karasek reported that the deadline at the Express-Times for advertising the street opening ordinance to be enacted this evening did not allow enough time for proper advertisement. He faxed over the final draft of the proposed International Property Maintenance Code (IPMC) and it is ready for advertisement. He will forward the proposed Zoning Ordinance Amendments to the Lehigh Valley Planning Commission this week for their review and comments. He is waiting to receive the survey and description so that he can complete the easement agreement with Kerry Gassler regarding the bus shelter.

ENGINEER'S REPORT

Brian Pysher reported that Lehigh Valley Site Contractors completed the paving project on Oak and Genoga streets. He reviewed the quantities that were originally included in the bid specs and the numbers were a little less. After some discussion with the contractor, Brian stated that in the specs he included paving F Alley, but later removed that from the project since it would not qualify for payment out of the Liquid Fuels account. Lehigh Valley Site Contractors to provide a final pay request to Council for the next meeting.

Brian reported that he completed the easement and description of Kerry's property related to the area needed for the installation of the bus shelters and will give Ron this information after the meeting.

Brian stated that the design work for Utica and A Streets has been completed and hopefully can be put out to bid early next year. PennDOT plans on paving the lower end of South Broadway and should complete the handicap access ramps at their expense not the Borough's expense. He had done a preliminary estimate for the lower end of Alpha Road should Council want to consider that road for repaving next year. Scott asked that Council review these costs during the budget process.

NEW BUSINESS

1. GIS – Professional Services. John Maher reported that he contacted three engineering firms to request quotes for GIS services. He requested a quote to include setting up the GIS and ongoing maintenance. John stated that he feels that this software is important for the Borough to keep important information as a tool to be used by the Borough Administrator in relation to tax information and the Borough Zoning Officer in relation to tax information, individual property zoning information. The Street Leader, John Zucal, will be retiring and it is vital to capture all the information that he has relating to street information and his job. The company who responded gave a quote of the first year installation and training at \$5,000 and the second year at \$2,000. Tony asked if the current hardware can support more software. John replied that the server is big enough for the added software, but it is possible that the office computers would need upgraded.

On motion by John Maher to hire SSM Group and use administrative tipping fees from capital reserve to pay for a Geographic Information System (GIS) planning and implementation service and seconded by Scott Parsons. Upon further discussion regarding receiving other quotes and clarification of hardware capabilities John Maher withdrew his motion. This topic will be tabled until the workshop meeting of October 18, 2011.

2. Mayor Shoemaker reported that the committee met with four police applicants from the list supplied by the Civil Service Commission. The applicants were informed of the salary and benefits offered to full-time police officers as employees of Wind Gap Borough. The Mayor, Council President Scott Parsons, and Chief Armitage recommend hiring Eric Donaldson.

On motion by Tony Curcio to hire Eric Donaldson conditioned upon his satisfactory completion of all required pre-employment tests and seconded by John Maher. Roll call vote taken. In favor: J. Maher, S. Parsons, J. Weaver, T. Curcio, D. Hess. Abstained: Kerry Gassler. Motion carried with a vote of 5-0-1.

3. Mayor James Shoemaker read a letter dated September 2, 2011 from the Valley Housing Authority regarding an out of control automobile that ran into the Wind Gap Senior Apartment building on August 24, 2011. The Executive Director of the Valley Housing Authority commended the emergency response of the Wind Gap Police Department, the Wind Gap Fire Company and the Wind Gap Ambulance Corps in their response and evacuation of the property. He wanted the Mayor to share with the organizations how appreciative and proud Valley Housing Development Corporation is to be part of the Wind Gap community.

OLD BUSINESS

1. Appraisal of Commercial Property in the Borough. John reported that he contacted three real estate appraisers to get quotes. The quotes he received: Imperial Realty Appraisal LLC \$2,000 plus \$175 per hour additional consulting, Pyramid Associates LL \$4,500 50% retainer, and Bearoff & Company Real Estate \$3,500. Discussion regarding having the entire property appraised or just the building. John did not favor the idea of hiring Imperial Realty Appraisal LLC because of the unknown with the hourly consulting fee.

On motion by John Maher to hire Bearoff & Company Real Estate at a cost of \$3,500 and seconded by Kerry Gassler. Roll call vote taken. Motion carried unanimously.

John will discuss the specific details of the appraisal regarding the building separate from the entire property and/or per acre included in the value.

2. Dave Hess stated that he will be meeting with Lucy Flinn regarding sending a letter asking for donations for the new poinsettia decorations that were recently purchased. Ron Karasek suggested that the request for donations be made from the "Beautification Committee" and not specifically from the Borough.

3. Chief Armitage presented Council with a draft of "Police Rules and Regulations" for their review. He asked that the document be reviewed and then Council should adopt them in their entirety in the form of a resolution. Council will share a copy of the document for review.

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

The meeting of October 3, 2011 adjourned at 8:50 p.m.

Louise Firestone, Borough Administrator