

**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, January 17, 2012, was called to order at 7:30 p.m. by Council President, George Hinton, at which time he reminded those present that the meeting was being recorded. In attendance were Councilmen: Jon Faust, Joe Weaver, Kerry Gassler, Tony Curcio, John Maher and Dave Hess. Also in attendance were Mayor James M. Shoemaker and Borough Administrator Louise Firestone.

Council President, George Hinton informed those present that Council met in Executive Session this evening from 6:30 p.m. to 7:30 p.m. to discuss personnel issues, but there is nothing to report and no action will be taken at this time.

PUBLIC COMMENT

1. Alex Cortezzo. Alex asked Council for an update regarding the Gibraltar Development on First Street and the Letter of Credit issue. George reported that he stopped at Attorney Karasek's office today to inquire if the developer or the developer's attorney had contacted the Borough. According to a prior Council meeting, the developer was supposed to contact Council to set up a meeting before or by January 16, 2012 to discuss his plans regarding his development. If a meeting was not scheduled, Council made it clear that they were going to call in the letter. Attorney Karasek contacted Mr. Layman and then subsequently did receive a fax from Attorney Layman stating that the developer, Pete Iselo, would put \$2,400 in an escrow account and then the two sides could sit and talk. That was not what was discussed at the Council meeting.

On motion by Kerry Gassler to pull the bond related to the Gibraltar Development subdivision on East First Street and seconded by Dave Hess. Roll call vote taken. Motion carried unanimously.

George stated that Attorney Karasek will be notified tomorrow. Once the Borough receives the funds the Street Committee will sit down and discuss how to proceed with the completion of this project. Alex informed Council that he would like to propose purchasing the paper alley that runs behind his property. George said that this would have to be discussed with the Borough Solicitor. Kerry added that it would have to be run by the attorney and possibly the engineer because of land development issues.

2. Paul Levits, representing the Wind Gap Municipal Authority asked Council for an interpretation of Ordinance 475. He informed Council that the Wind Gap Municipal Authority was charged \$155.00 for opening Washington Street and they have never been charged in the past. If the Authority is going to be treated the same as the other utilities then the Borough should send that in writing to the Authority Administrator. George replied that the Borough Zoning Officer, Darlene Plank spoke to the Municipal Authority Administrator back in October regarding the permit for the street opening. Paul stated that for thirty or forty years, the Authority has offered the Borough free sewer service, but if the Borough insists on charging the Authority then the Authority will charge the Borough for their seven meters, tap in fees and two required grease traps. The concern of Council is when the Municipal Authority does a project which requires digging up streets that the trench is properly backfilled and the street returned to pre-construction condition. George stated that a couple of council members agree that the Municipal Authority should have an interest bearing escrow account set up and if the work is

not done to the satisfaction of the Borough Engineer, then the Borough would have access to funds to complete the project. Paul stated that the Authority must accommodate the developer and the ordinance specifies that new construction is reason for winter construction. Discussion followed regarding the issues related to the project on First Street and the length of time the Authority allowed the street to remain in disrepair. George explained that the Borough Engineer was filling in for the Zoning Officer when the project was to begin. The Engineer determined that the fee should be charged for the street opening just as the Borough charges the other utilities when they open the streets in the Borough. There must be further discussion regarding how to handle the request for the Municipal Authority to conduct their street opening in the Borough.

APPROVAL OF MINUTES

On motion by Kerry Gassler to approve the minutes of the January 3, 2012 Council meeting and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

COMMITTEE REPORTS

1. EMS – Kerry Gassler reported that the Ambulance Corps was holding their monthly meeting tonight. The Ambulance Corps 68 trips in the month of November and 75 trips in the month of December for a total of 778 trips for the year of 2011. The Ambulance Corps is doing pretty good and wanted to send along their appreciation for the free rent. George asked Kerry approximately how many members the Ambulance Corps has right now. Kerry stated they have about twenty, some paid and some are volunteers.

2. Fire Co. – Dave Hess reported that the Fire Company responded to 13 calls in December 2011 for a total of 170 for the year of 2011. The Fire Company elected new officers for this year and they are: Fire Chief Jon Faust, First Assistant Chief Josh Lutz, Second Assistant Chief Carl Reinhart and President Tom Wills. Dave reported that the Fire Company is not going to have a carnival this year, but instead they are planning a one day picnic/community day, but at this point there are no real definite plans except no alcohol will be served. The date has been set as Saturday, June 30, with a rain date of Sunday, July 1 from 8:00 a.m. to 10:00 p.m. As more plans become available, Dave will report back to Council.

3. Zoning – Tony Curcio reported that the Zoning Hearing Board did not receive any applications so meeting will be held in February.

4. Planning – Louise reported that the Planning Commission had originally scheduled a special meeting for Thursday, January 26, but that has been cancelled. There is no meeting scheduled for February.

5. Municipal Authority – John Maher had nothing to report.

6. Streets – Dave Hess reported that since this is the first meeting he has nothing to report. He was confident that starting tomorrow

7. Police – Mayor Shoemaker reported that the Police Department responded to 120 calls for the month of December, 7 animal complaints, 11 motor vehicle accidents and they issued 23 traffic citations. George asked if the gas cards are being utilized and are they working. The Mayor replied that they are being used and working fine. George stated that he was questioned regarding the SUV sitting out in the parking lot. Chief Armitage replied that with the addition of Officer Donaldson, there

is sometime a need for all three vehicles and if for some reason no officer is on duty, the vehicle sitting out may give the appearance there is police working.

Chief Armitage asked Council if they have all had a chance to review the police manual that was submitted back in October. Council will share the copies they have so that the manual can be adopted.

Chief Armitage asked if his pay could be discussed. George stated that the consensus of Council was to freeze pay rates, including the Street Department and the office staff to be consistent with taxes not being raised this year. The Chief stated that he understood Council's view, however it is a State law that entitles him to a pay raise and thought this was settled last year. George said that according to a letter received from Attorney Karasek, that legislation was not adopted. The Chief agreed that House Bill 331 was not adopted, but Public Law 205 was adopted back in 1985 and the Borough has the document to show that the Chief meets the criteria under that Act of being removed from the bargaining unit. He assumed that this had been settled last year and he is entitled to the same raise that the police association received for this year. George informed the Chief that he will follow-up with Attorney Karasek tomorrow. The Chief provided Council with a copy of the Act dated December 18, 1984 and is current law in Pennsylvania.

8. Park – Joe Weaver reported the board met last week, but there is not a whole lot going on in the Park this time of year. They did discuss modifications to the park ordinance: set dusk as the closing for the park with the exception of lit areas such as the basketball courts, charging a fee of \$175 rental fee for the bandshell, no pets in the park unless in designated areas, modify the ordinance so that fees for pavilion rentals can be changed by resolution, institute removal of park board members from the board should they miss three consecutive meetings without an excuse. George suggested that the park board invite Attorney Karasek to a meeting so they could discuss with him directly. The Park Board would like to move their next meeting from February 14 to February 15, 2012. Joe reported that the Green Knight Economic Development Corp will not be issuing any grant funds this year so the Summer Sounds Concert series might be scaled back a little. John Maher suggested the locking of the gate be discussed and possibly added to the ordinance when it is updated. The park board has discussed this topic, but must institute a plan to be enforced regarding authorized or unauthorized vehicles in the park so there are no misunderstandings.

9. 911 – Tony Curcio asked that any issues pertaining to 911, by the Fire Company, the Ambulance Corps or even the Police Department be reported to him so that he is aware of concerns. Jon Faust stated that there was an incident at the elderly apartments with an apartment because a key was not readily available. He has been working on obtaining a key to avoid a similar incident in the future. The Fire Company will be utilizing a knox box system which would hold a master key, but also would make the personnel accountable for entrance on the property. The Mayor spoke to the manager of the apartments regarding allowing the police department to have a key and at this point they are agreeable.

10. Tipping Fees - Tony Curcio reported that a 2011 final tipping report has been distributed. Currently there is \$222,758.35 in Capital Reserve from the Waste Management tipping fees with \$122,356.33 being collected in 2011.

11. Property Maintenance Code – John Maher had nothing to report. John and Kerry to meet after John returns from vacation.

12. Building Finance Committee – George Hinton and John Maher had nothing to report.

MAYOR'S REPORT

Mayor Shoemaker reported that the Slate Belt COG will meet on January 25, 2012 at 7:30 p.m. at the COG office. The handicap sign was installed in front of the Buskirk residence on Lehigh Avenue. A teenager stole a bottle of Cognac from the Wind Gap Liquor Store, but our police department along with Plainfield Township captured the youth, charges are pending. There was a small write-up in the Morning Call newspaper and on Lehigh Valley live blog. March 20, 2012 is the first day of spring only nine weeks away.

NEW BUSINESS

1. Borough Committee Re-appointments

On motion by Kerry Gassler to re-appoint the Law Firm of Martino, Karasek and Martino at an hourly rate of \$95 as the Borough Solicitor and seconded by Jon Faust. Roll call vote taken. Motion carried unanimously.

On motion by Kerry Gassler to re-appoint the Law Firm of Martino, Karasek and Martino at an hourly rate of \$95 as the Borough Planning Commission Solicitor and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

On motion by John Maher to re-appoint The Molnar Law Firm as the Borough Zoning Hearing Board Solicitor at an hourly rate of \$65 and seconded by Jon Faust. Roll call vote taken. Motion carried unanimously.

On motion by Kerry Gassler to re-appoint Robert Collura Engineering as the Borough Engineer at a rate of \$85 an hour and Brian Pysher at a rate of \$65 an hour and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

Council tabled appointing an alternate Borough Engineer at this time.

On motion by Tony Curcio to re-appoint Robert Collura Engineering as the Borough Sewage Enforcement Officer at a rate of \$85 per hour and seconded by Jon Faust. Roll call vote taken. Motion carried unanimously.

On motion by John Maher to re-appoint France, Anderson, Basile and Company P.C. at a rate of Not-to-Exceed \$3,500 for the 2011 Audit and as the Borough Auditor and seconded by Dave Hess. Roll call vote taken. Motion carried unanimously.

On motion by John Maher to appoint Scott Snyder to the Zoning Hearing Board and seconded by Kerry Gassler. Roll call vote taken. Motion carried unanimously.

On motion by Kerry Gassler to appoint William Wallen, Richard Getz and George Hinton to the Planning Commission and seconded by Jon Faust. Roll call vote taken. Motion carried unanimously.

On motion by John Maher to appoint Dave Valley, Lucy Flinn and Deb Setar to the Park Board and seconded by Dave Hess. Roll call vote taken. Motion carried unanimously.

On motion by John Maher to re-appoint Linda Nittle to the Wind Gap Municipal Authority and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

2. Electricity Provider. Kerry Gassler reported that he obtained a quote from Dan Turtzo regarding the Borough changing electric provider to Nextra Energy at a rate of .74 per kw.

On motion by John Maher to sign an agreement with Nextra Energy for twelve months at rate of .74 kw and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

3. Jon Faust asked if the Borough has an ordinance regarding false fire alarms. Chief Armitage stated that burglar alarms are covered under State Law – three within a twelve month period. Jon will continue to research this issue.

OLD BUSINESS

1. GIS Update. John Maher reported that a meeting was held in mid-December with the engineering company to discuss the project plan. The project manager has e-mailed John three status updates so far. She is currently design a database for the Borough and compiling the data. She is coordinating with the County GIS designer to obtain the current zoning map information. She has to scale down information to be specific to the Borough so it is easier to deal with for the office. John does not know what the next step is in the process, but he expects her to update him when she is moving forward. He hopes that within in the next couple weeks, she will have enough information to meet with the office staff. John stated that prior to him leaving on vacation, he has loaded the new software to both office computers. John will be ordering the hand held devices under State Contract when he returns.

On motion by Tony Curcio to adjourn the meeting of January 19, 2012 and seconded by John Maher. Council agreed unanimously.

The meeting of January 17, 2012 adjourned at 8:48 p.m.

Louise Firestone, Borough Administrator