

**BOROUGH OF WIND GAP  
29 MECHANIC STREET  
WIND GAP, PA 18091  
863-7288  
FAX 863-1011**

The Council meeting of the Borough of Wind Gap on Monday, February 6, 2012, was called to order at 7:36 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, and Dave Hess. Also in attendance were Borough Solicitor Ronold Karasek, Borough Engineer Brian Pysner, Mayor James M. Shoemaker and Borough Administrator Louise Firestone. Absent was Councilman John Maher.

Council President, George Hinton informed those present that Council met in Executive Session this evening from 6:30 p.m. to 7:35 p.m. to discuss personnel issues, but there is nothing to report and no action will be taken at this time.

**PUBLIC COMMENT**

No one appeared before Council at this time.

**APPROVAL OF EXPENSES**

**On motion** by Kerry Gassler to approve the expenses for the month of January 2012 in the amount of \$24,592.05 and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

**APPROVAL OF MINUTES**

**On motion** by Tony Curcio to approve the minutes of the January 17, 2012 Council meeting and seconded by Jon Faust. 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 January are outlined in a report. The report includes the meetings attended as Borough Solicitor.

**Subdivision Matters:** Call-In Letter of Credit in Gap View Estates f/k/a Posh Properties Major Subdivision. Cashier's Check of \$98,002.36 received by Borough on January 30, 2012.

**Land Development Matters:** N/A.

**Zoning and Other Land Use Matters:** N/A

**Developments on Outstanding Litigation:** Prepare for (including Legal Research, Direct and Cross Examination and Exhibits) and Attendance at Unemployment Compensation Hearing re: T. Dailey.

**Court Decisions on Borough Cases:** Unemployment Compensation Referee's Decision (favorable to Borough) re: T. Dailey. Civil Service Commission Decision (favorable to Borough) re: T. Dailey.

**Miscellaneous:** 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:** Zoning Ordinance Amendment re: home occupation, certificate of compliance and clear site triangle. 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 added that he spent a good portion of his time related to the Dailey matters and to take the necessary steps to call in the Letter of Credit on Gap View Estates. Outstanding issues inadvertently omitted on his report include the bus shelter easement agreement that is still be reviewed by Kerry Gassler and the Fire Company ordinance which has been prepared and sent out for review.

## **ENGINEER'S REPORT**

Brian Pysher reported that he heard back from PennDOT regarding the plans that were submitted for handicap ramp permits on upper Lehigh, Park and Utica. They are requesting that minor changes be made on the plans. Brian stated that previously the committee had plans to do A Street and the last two years, PennDOT assured the Borough they would be doing their project in the spring. At this point, Brian is unsure when PennDOT will actually get their project started. He questioned if Council would like to move ahead with fixing A Street or keep waiting on PennDOT. PennDOT's policy is that if the Borough proceeds with street repairs, the Borough would be the first to change the grade the road and would be responsible for upgrading the handicap ramps. Included in the PennDOT project is to overlay Route 512, so if they do the work on 512 first, then they would have to upgrade the ramps not the Borough. PennDOT is widening Route 33 and their right-of-way so they have to take land and Brian has been receiving phone calls from appraisers asking him about properties. So it would appear that PennDOT has not secured all the necessary right-of-ways to build. Jon asked if he had an idea how much it would cost to install a handicap ramp. Brian stated that he believes that the ramps could be installed for less than \$5,000. Dave reported that the Street Committee did meet and the Borough has been receiving letters from residents complaining about the condition of the street. Louise reported that in the 2012 budget Street Materials were budgeted at \$10,000, but that line item includes cold patch for the entire year, anticipated Liquid Fuels is approximately \$55,000, and \$102,000 in Capital Reserve from tipping fees. Jon asked if Brian had an estimate for Utica, but unfortunately he does not have those figures with him tonight. George recommended that Brian meet with the Street Committee to review costs for A Street including installation of the handicap ramps. Brian would recommend at the minimum that the street is dug up and base repairs be made where necessary, if not reconstructing or entire reclamation of the street. George asked that they have a report at the workshop so Council can move forward with street projects as soon as possible. Council did agree that A Street is the priority for this year and whatever funds are available after that estimate could be used for Utica. Jon Faust asked if anything further has been done with the firehouse floor. Brian stated that he has not done any work on that issue.

## **NEW BUSINESS**

1. Gap View Estates Outstanding Invoice Approval. George Hinton reported that the Letter of Credit has been pulled and placed in a separate interest bearing account, but any bills to be paid out of that account have to be approved by Council.

- Schmauder Excavating - \$2,430

**On motion** by Kerry Gassler to approve payment from the Gap View Estates escrow account in the amount of \$2,430 to Schmauder Excavating for work done to the property adjacent to

the development on East First Street and seconded by Tony Curcio. Ron Karasek wanted to confirm that the payments for approval are part of the required improvements pursuant to the Improvements Agreement that was entered into with Posh and subsequently Gap View Estates. Brian replied that Schmauder was an addition as a result of the change in the road design and was included in the letter requesting additional funds sent a couple months ago. The handicap ramps and the PennDOT inspection fees were part of the agreement. Gibraltar Development was notified that the Borough was asking for reimbursement for this specific item. Roll call vote taken. Motion carried unanimously.

- Morgan Concrete - \$2,755. George stated that Morgan Concrete actually did the handicap ramps on First Street and Route 512. Brian explained that the handicap ramps were within the PennDOT right-of-way and part of the HOP requirement, but PennDOT has yet to sign off on those handicap ramps. Brian spoke with the PennDOT inspector today and they will not do the final inspection until the final street overlay is complete. Brian was present when the ramps were constructed and everyone was in agreement that they were installed properly. This bill should have been paid thirty days after the work was completed by the developer, but was not paid. Brian believes that the developer and contractor should have entered into an agreement stating that payment will be made, but if during the final inspection PennDOT does not approve the work it is the responsibility of the contractor to repair the ramps. Jon asked if the Borough could make that same agreement. Ron replied that the Borough can make that request, but the contractor does not necessarily have to agree to the request.

**On motion** by Kerry Gassler to approve payment from the Gap View Estates escrow account in the amount of \$2,755 for Morgan Concrete for work done related to the development on East First Street and seconded by Jon Faust.

**Amended motion** by Kerry Gassler to include signing an agreement to replace the ramps if necessary and seconded by Jon Faust.

Roll call vote taken. Motion carried unanimously.

Ron stated that if the contractor agrees, a simple Memorandum of Understanding to be signed by the contractor. Brian will contact Morgan Concrete, but he will need to inform the contractor when the Borough intends on paving First Street. Council wants the specifications for the paving to be done as soon as possible. Jon asked if anything else needs to be done before the final top coat is put down. Brian stated that typically the developer waits until 75% of the development is built out, but at the current rate, that might not happen for another ten years, but he will verify that all the work is complete.

- PennDOT Inspection Fee (paid by Borough) - \$1,729.64

**On motion** by Kerry Gassler to approve payment from the Gap View Estates escrow account in the amount of \$1,729.64 for Inspections done by PennDOT at the site and already paid by Wind Gap Borough and invoiced to Gibraltar Development and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

2. Priority Care. George Hinton explained that a meeting was held with Priority Care on Male Road to get information regarding workers compensation claims. The Center is opened from 8:00 a.m. to 8:00 p.m. seven days a week, if it is after 8:00 p.m. the employee can go to Easton Hospital. The Borough would provide a list of Borough employees, volunteers from the Fire Company and Ambulance Corps personnel who may possibly utilize the facility. As it is currently, if an employee or volunteer is injured they are responsible for reporting the claim to the Borough Office, this way they can be seen by a doctor first and the paperwork will be simplified. The individual can go to the Center, be treated even if they do not have the necessary documentation because they will be on the list provided by the Borough. Tony asked if all the personnel will be given notice. George replied that he wanted to make Council aware of this and ask for a motion to proceed.

**On motion** by Jon Faust to partner with Priority Care and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

## **OLD BUSINESS**

1. Police Chief Pay Raise. George Hinton reported that he attended a meeting with the Police Chief, the Mayor and Attorney Karasek regarding the Chief's pay raise. The Chief provided information related to legislation for pay increases in the Police Department and the rights of the Chief for that same increase. Ron Karasek added that the question is does Borough Council wants to give a raise to the Chief based on his overall performance or if Council is not willing to do that because Council has established a policy that for this year no one is going to get raises and that it might create a social problem so Council will not give a raise voluntarily. The office employees and street workers did not get a raise so Council will stay consistent and not give the Chief a raise either. Ron explained that if the Chief wishes to file with the PLRB (Pennsylvania Labor Relations Board) to obtain an adverse ruling, which would then make him qualified for a raise under the Police Chief Act, then that action can be taken. George stated that Borough Council was provided with a memo from the Chief stating that in lieu of the 82 cent per hour raise received by the Police Officers, he offered a proposal of an increase of 65 cents per hour.

**On motion** by Tony Curcio to give Police Chief Craig Armitage a 65 cent an hour pay increase for 2012. Motion died for lack of a second.

**On motion** by Tony Curcio to adjourn the meeting of February 6, 2012. Council agreed unanimously.

The meeting of February 6, 2012 adjourned at 8:08 p.m.

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Louise Firestone, Borough Administrator