

**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, April 2, 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, John Maher, Kerry Gassler, Tony Curcio, Joe Weaver and Dave Hess. Also in attendance were Borough Solicitor Ronold Karasek, Borough Engineer Brian Pysher, Mayor James M. Shoemaker and Borough Administrator Louise Firestone.

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 March 2012 in the amount of \$17,624.46 and seconded by John Maher. Roll call vote taken. Motion carried unanimously.

APPROVAL OF MINUTES

On motion by John Maher to approve the minutes of the March 20, 2012 Council meeting and seconded by Tony Curcio. Roll call vote taken. In favor: G. Hinton, J. Maher, J. Weaver, T. Curcio, J. Faust. Abstained: K. Gassler, D. Hess. Motion carried with a vote of 5-0-2.

SOLICITOR'S REPORT

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

Subdivision Matters: None.

Land Development Matters: None.

Zoning and Other Land Use Matters: Office Conference with Borough Engineer and Surveyor re: Jerry Lane a/k/a Jerry Alley.

Developments on Outstanding Litigation: Read and Annotate Hearing Transcript (over 100 pages) and Prepare Borough's Brief in support of Referee's Findings re: Unemployment Compensation Appeal by T. Dailey. Prepare Stipulation of Police Chief Duties re: Petition for Unit Clarification filed with PA LRB. Receipt, Review and Administration of Second EEOC Complaint filed by T. Dailey.

Court Decisions on Borough Cases: Receipt, Review and Administration of Decision of Unemployment Compensation Board of Review denying T. Dailey's Appeal.

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: 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 spent quite a bit of time on police matters, specifically the Dailey matter. He has had correspondence regarding unit certification in regards to the Police Chief and his pay increase. He informed Council that the order in the Petition for Unit Clarification regarding the Chief, needs to be reviewed by them, but really no action needs to be taken. The order will become effective in twenty days. He prepared changes to the street opening application, which was just sent over today and if Council wishes they could include this on the agenda for adoption at the Borough's workshop meeting on April 17. He started a file for the stop signs when the Borough updates their stop sign ordinance. He really has not had a chance to review the police contract, but he would like to include the pension contribution in the contract. He asked Council if they want him to include the entire 3.85 acres parcel for the dog park, because he needs to include the dimensions of the designated area for the park. Council discussed the specific location of the potential dog park; the Mayor previously had contacted Waste Management to obtain a donation for chain-link fencing. The Park Board is suggesting utilizing an area of the parking off of Third Street for the dogs. The Borough property does go back into the wooded area and this could be a safe place to fence off. John Maher suggested having the Park Board revisit this issue and being specific with their desired location. Joe added that this was issue/idea was brought up during the discussions to update the Park ordinance and since the Borough was going through the cost the board wanted to include the dog area. It was the Solicitor's opinion that the dog park area be specifically identified in the ordinance. Ron has drafted the new ordinance without the dog park dimensions so this could be added at a later date.

ENGINEER'S REPORT

Brian Pysher reported that he spoke to the owners of Sliders Grill regarding their request for a ten minute parking sign on Broadway in front of their business. Ron Karasek stated that he did check into the ability of the Borough to enact parking on a State Road within the Borough. Council would be required to enact an ordinance, based on an engineering/traffic study. Once the study is complete there would need to be a reasonable engineering basis for enacting the parking restriction should it become challenged during enforcement. Council expressed concern about other businesses in the Borough making the same parking restriction signage in front of their property. Brian added that he is not sure that he would be able to find a legitimate engineering reason to restrict parking on 512. George asked Council if they wish to pursue this issue or not. Council agreed that they did not want to set a precedent with parking restrictions.

Brian reported that he attended the Wind Gap Municipal Authority meeting with John Maher to discuss the Borough's intent on fixing A Street. Terry Miklas informed them that in the past the Sewer Authority had piggybacked on bids with the Borough and suggested it be done for this project. The Authority members agreed that this would be a good idea. Kerry said that he does not recall the Borough doing this in the past. Brian stated that it does sound like a good idea because the cost of advertising would be split, but there could be a problem when it comes to awarding the bids. Both bid specification packages would be completed by the respective engineers, but if advertised together it would have to be awarded as one project. If the Borough receives the bids and decides to award the street portion of the bid to the lowest bidder, that same contractor might not necessarily have the lowest bid for the sewer repair portion of the project. Potentially this could cause a conflict with the Authority because they would want to have the lowest bidder complete their portion of the project. Jon suggested that some contractors may not have the ability to complete both the street reconstruction and paving and the necessary sewer work, so they would choose not to bid on the project at all.

On motion by John Maher to communicate to the Municipal Authority that on this specific project the bidding process the Borough and the Authority should keep the bidding separate and seconded by

Jon Faust. Roll call vote taken. In favor: G. Hinton, J. Maher, J. Weaver, T. Curcio, J. Faust. Opposed: K. Gassler, D. Hess. Motion carried with a vote of 5-2.

Brian spoke to the Authority engineer and he indicated that he could have the bid package completed within a month and the overall project would only take a couple weeks to finish. The Authority already gave their engineer the go ahead to complete the specifications.

NEW BUSINESS

1. Male Road Bridge Inspection Report. Brian reported that the inspector for the Male Road Bridge delivered the inspection report to the Borough. Brian explained to Council that there is diagonal cracking on the bridge, which is common with these types of bridges. The engineer gave a rating of 3 on a scale of 0 to 9 for the superstructure. The left fascia beam has a 5" long hairline web crack under the midspan parapet deflection joint. There are also longitudinal cracks from the midspan to the far end. Because the bridge had such a low rating, the inspector will be out to re-inspect this April. Once that inspection occurs, the Borough will be advised that they have to take action to make the necessary repairs. PennDOT approves splicing the beam as a temporary fix. Brian estimates that this type of repair could cost approximately \$5,000. Once this repair is made, the inspector suggested that the Borough attempt to get the bridge included in PennDOT's twelve year plan. George suggested that the Borough contact all the merchants who utilize the bridge be notified of the potential repairs. This item to be placed on the April 17, 2012 agenda. Brian suggested as a preventative maintenance measure, the Borough Street workers could seal the road surface longitudinal cracks. Dave Hess will check if there is tar available tomorrow. Kerry suggested checking the land development plan when the shopping center was built.

2. Old Basketball Backboards. George reported that he has been contacted about the old basketball backboards that were removed from the Park last year. They are currently stored behind the Wind Gap Ambulance building. He took the post and backboard down to JFR Salvage and was told that the scrap weight would be \$42.00. Ron advised Council that if the property is less than \$1,000 it can be disposed of as Council wishes.

On motion by Kerry Gassler to donate or scrap the old basketball hoops/posts at a price of \$42 and seconded by John Maher. Roll call vote taken. In favor: D. Hess, G. Hinton, J. Maher, T. Curcio, J. Faust, K. Gassler. Opposed: J. Weaver. Motion carried with a vote of 6-1.

George asked that the Police unlock the basketball court gate no matter what the weather might be.

3. South Broadway Park Maintenance. George Hinton reported that he has received a complaint regarding the condition of the park at the old Roberti property. Last year he paid to have a contractor pull the weeds and clean up the property. Dave will talk to the street workers, but their issue may be that they do not know the weeds from the plants. John Maher stated that his wife is a master gardener and she could identify weeds from plants for the street workers. George will get a price to have an outside contractor do the work and report back to Council.

4. Dave Hess stated that since it would appear we are out of any winter weather, how bids are received for street sweeping and is it necessary to get Council approval. George replied that typically the Borough contacts contractors to obtain three bids and then awards to the lowest bidder. John Zucal usually calls around for quotes.

5. John Maher reported that the Wind Gap Municipal Authority put together a check list, a work flow chart to be used for permitting process. The purpose is to give the applicant an idea what steps must be

followed to complete the process during development. John will provide a copy to the Borough office once the Authority makes a final copy.

6. Slate Belt Vision. John Maher reported that Mayor Shoemaker and he attended the Slate Belt of Governments Vision Summit at Bangor High School on Saturday, March 24, 2012. Centre Region COG made a presentation of what a COG can do and should be doing. John provided Council with a memo outlining his disappointment with the efforts of the Slate Belt COG. He did acknowledge that Mayor Brown, Mayor of Bangor, is trying to pull the BOG back together and move it in the right direction. It is John's opinion that if Council does not see an improvement in the Slate Belt COG, that we do not renew our membership.

OLD BUSINESS

1. Park . Restroom Opening/Closing Weekends. Joe Weaver opened the Park restroom this past weekend. Dave Hess suggested that the Borough find a college student to do the work. Jon Faust added that Pen Argyl has a stipulation in their contract that part-time employees must do the work. George stated that Joe has volunteered to keep an eye on the restroom the next couple weeks. Jon suggested renting the port-a-potties because then the company is responsible for the cleaning and maintenance of the units.

2. Property Maintenance Code. The committee of Tony Curcio, Kerry Gassler, and John Maher will meet on Monday, April 9, 2012 at 2:00 p.m. to discuss the maintenance code.

3. Bus Shelter. Kerry Gassler decided for personal reasons he informed Council that he will not be allowing the bus shelter to be placed on this property. Brian Pysher stated that LANTA will have to be contacted for acceptable locations for the bus stop along Broadway.

4. Street Roller. Jon Faust reported that after receiving approval from Council to purchase the street roll, it was already sold. George suggested that Council give pre-approval should the street committee locate another roller to purchase. Council discussed an acceptable price to set.

On motion by Tony Curcio to set a not-to-exceed number of \$7,000 to purchase a roller and list the old street roller on Craig's List at a price of \$999 (the sale proceeds to be used toward the purchase of a new roller) and seconded by Joe Weaver. Roll call vote taken. Motion carried unanimously.

5. Street Opening Ordinance. Council to review the changes made by Mr. Karasek and acted upon at a future Council meeting. Ron explained that the ordinance has already been approved so the application must be approved by Council by resolution.

6. Kerry asked Council if any action was taken regarding the letter received by Donald Grossbauer regarding Ms. Taylor's home business at the last Council meeting. Mr. Karasek to look at the letter. George asked Council to review the correspondence. Brian Pysher will meet with the Zoning Officer to discuss this issue. Ron added that the amendment to the zoning ordinance addresses home occupation issues.

On motion by Tony Curcio to adjourn the meeting of April 2, 2012 and seconded by John Maher. Council agreed unanimously.

The meeting of April 2, 2012 adjourned at 8:46 p.m.

Louise Firestone, Borough Administrator