

**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, September 4, 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, and Joe Weaver. Also in attendance were Borough Solicitor Ronold Karasek, Mayor James M. Shoemaker and Borough Administrator Louise Firestone. Absent was Councilman Dave Hess.

PUBLIC COMMENT

1. Alex Cortezzo thanked Council, Mayor Shoemaker and Attorney Karasek for all the work that was done on his property as part of the development on East First Street. He acknowledged that his property really looks nice now. Thank you.

APPROVAL OF EXPENSES

On motion by Kerry Gassler to approve the expenses for the month of August 2012 in the amount of \$14,611.31 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 August 7, 2012 Council meeting and seconded by John Maher. Joe Weaver asked that a correction be made under Public Comment, #1 to include the word "not". Change noted. 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 August are outlined in a report. The report includes the meetings attended as Borough Solicitor.

Subdivision Matters: N/A.

Land Development Matters: N/A.

Zoning and Other Land Use Matters: Sent Zoning Amendment re: No Impact Home-Based Business, Home Occupation, Clear Sight Triangle and Certificate of Compliance – Proposed Ordinance No. 480 – to Lehigh Valley Planning Commission (LVPC) for Review; and, LVPC Review Letter since received. Sign Stipulation re: DeCesare Real Estate Tax Assessment Appeal and send to DeCesare's attorney for circulation and signature by all Solicitors.

Developments on Outstanding Litigation: Receipt, Review and Administration of Notice to Claim for Injuries Allegedly Incurred by An Unlawful Arrest referred to the Borough's Liability Insurance Carrier.

Court Decisions on Borough Cases: N/A.

Miscellaneous: Preparation of Monthly Solicitor's Report. Make and receive/send telephone calls and e-mails.

Outstanding Items: Home Occupation, Clear Site Triangle (and related) Zoning Ordinance Amendments – finalized in early July and forwarded to Borough Planning Commission for Review at September 6 meeting. Stop Sign Ordinance – need street designation and traffic/engineering studies, Dog Park Ordinance – need designated area for park, Fire Company Ordinance, 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 there was not much activity in the month of August as his bill will reflect. There will be a Planning Commission meeting this Thursday, September 6, 2012 to discuss the home occupation and site triangle amendments to the Zoning Ordinance. He received a response from the Lehigh Valley Planning Commission (LVPC) regarding this matter and their comment was this is of local concern so they did not offer any comments. He still has outstanding issues with regard to the stop sign ordinance, the dog park which has to be a designated area for the ordinance to be completed and the Fire Company ordinance. There is nothing new to report on the personal injury claims that were made against the Borough.

ENGINEER'S REPORT

Brian Pyscher was absent.

NEW BUSINESS

1. Gibraltar Development – Approval of Expenses. Paving on East First Street was completed by Bracalente Construction and the Sedimentation Basin was completed by Palmeri & Sons, Inc.

On motion by Kerry Gassler to approve payment to Bracalente Construction in the amount of \$46,803.60 and Palmeri & Sons, Inc. in the amount of \$4,000 to be paid from funds in the Gibraltar Development – Gap View Estates account and seconded by Jon Faust. Roll call vote taken. Motion carried unanimously.

Joe asked if the amount of the invoice was the amount that was originally accepted and approved. Kerry replied that Bracalente had to do additional milling down around the corner of the intersection. That would have been done by a change order from Bracalente.

2. A Street Extension. George reported that everything has been done on A Street including the partial driveway at a cost of \$500. A bill will be provided to John to hand deliver to the Wind Gap Municipal Authority. Terry Miklas was notified about the repair to the driveway. The Mayor reported that he has received several complaints about speeding on A Street. The Mayor suggested installing "Children At Play" signs to slow the cars down. These signs could not be installed on the same posts as the speed limit signs because they would hang too low to the ground. It was agreed that the Police should sit on A Street and enforce the speed.

George stated that he and Dave attended the last Sewer Authority meeting and asked them about a house on A Street pumping sewer water onto the street. The line is broke going through the wall and the Sewer Authority ran a dye test to determine where the problem is and it is the property owner's responsibility. The house is rented out and the tenants indicated that the landlord is aware. The Borough's Engineer serving as the Sewage Enforcement Officer has to investigate.

The handicap ramps in the sidewalks are to be installed weather permitting this week. The contractor will not be paid until the entire project has been completed.

3. Appoint Alternate Engineer. George explained that the Borough has not appointed an alternate engineer this year. Kerry stated that the only reason to have an alternate would be if there is a conflict with the main engineer. Joe asked if the Borough is obligated to use them if the need would arise. Ron

acknowledged that the Borough could hire an engineering firm on an ad-hoc basis. Kerry added that in most instances, there is a timeframe that has to be adhered to by the Borough and their boards.

On motion by Jon Faust to appoint Hanover Engineering Associates as the Borough's alternate engineer and seconded by John Maher. Roll call vote taken. In favor: G. Hinton, J. Maher, T. Curcio, J. Faust, K. Gassler. Opposed: J. Weaver. Motion carried with a vote of 5-1.

OLD BUSINESS

1. Firehouse Floor. George reported that Brian Pysher will be meeting with a contractor tomorrow at 9:00 a.m. to go over the specs and receive a bid, hopefully by the mid-month meeting.
2. Lehigh Avenue Parking Lot. George reported that the drawing for the parking lot has been completed. Tony added that the zoning application has been submitted.
3. Property Update. Jon Faust reported that the School Board had discussed buying the MSG property, but it is still up for sale. He asked if Council has any interest in this property, because there is a strong possibility that there will be a long term lease, ten years, agreed upon in the very near future. Council discussed what the current asking price is and what was offered by the School Board. A few years ago, a piece of property back by the practice field was donated to the School District and then Waste Management secured the field behind MSG to be used by the District that adjoins the school property right up to the slate pile. The School Board's intention was to expand some of the administrative offices to this location. At this point in time, no sale has been completed between the School District and Mr. Goffredo. If the regional police were to become a reality then it would not be necessary to improve the building to accommodate a police department as previously discussed. Kerry added that during discussions with a bank there was the suggestion that the Borough do a construction loan, secure it and as properties are sold off then the loan could be paid down. The Firehouse is falling in disrepair and decisions will have to be made regarding major renovations to that building. Jon said that there is still interest in some of the properties, but the Borough has to have some place to go. It was decided that the Finance Committee make contact with him to set up a meeting.
4. John Maher reported to Council that the joint application with the Slate Belt Council of Governments (COG) for GIS funding through the Gaming Grant was awarded at 55% of the grant submission amount. The request for funding was \$50,000, with an award of \$27,500. John will be meeting with Victor to negotiate how to proceed on this project based on the dollar amount awarded. The COG's portion of the funding and expectations will have to be reduced just as the Borough's will have to be reduced.
5. Regional Police. Joe Weaver asked for a status update on the regional police. George replied that the committee intends to continue to move ahead. Washington Township expressed concerns about the amount of their portion of commitment to a regional department. The committee will be reviewing the budget, but another meeting has not been scheduled as of yet. Joe stated that he believes that there are other ways to allocate costs for the participating municipalities. The study does not provide sufficient information for the Borough to determine what those other formulas would result in as far as costs. He has worked on formulas that would include all the municipalities saving money, but maybe Wind Gap would save a little less money. George acknowledged that there are other ways to calculate the costs whether it be square miles, population or amount of traffic. Obviously the two townships involved in the study have more square miles than the three Boroughs involved. More discussion has to be forthcoming to make a regional police department a reality.

On motion by Tony Curcio to adjourn the meeting of September 4, 2012 and seconded by John Maher. Council agreed unanimously.

The meeting of September 4, 2012 adjourned at 8:07 p.m.

Louise Firestone, Borough Administrator