

**BOROUGH OF WIND GAP
29 MECHANIC STREET
WIND GAP, PA 18091
863-7288
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EXECUTIVE SESSION

Council met in Executive Session from 7:00 p.m. to 7:30 p.m.

The Council meeting of the Borough of Wind Gap on Monday, October 1, 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 Mayor James M. Shoemaker, Borough Solicitor Ronold Karasek, Borough Engineer Brian Pysher and Borough Administrator Louise Firestone.

Council President George Hinton informed those present that Council met in Executive Session to discuss the teamster contract and real estate, but no action will be taken at this time.

PUBLIC COMMENT

1. Lori Predmore. Lori asked Council if they are all aware of the issues regarding Officer Long at the Wind Gap Middle School. She is gathering information so when they attend another School Board meeting they have all the facts they need. She asked if the Borough had been contacted by anyone from Plainfield Township or the Pen Argyl School Board asking if they Borough would be willing to contribute money toward Officer Long. George stated that he received a call from Plainfield Township the morning after the Plainfield Supervisors' meeting. At Wind Gap's last stated meeting, Council was made aware of the situation and the possibility of a financial contribution toward the police officer at the middle school. In order for Wind Gap to contribute to pay their "share" the Borough would have to raise taxes a half of a mill. The 2013 budget has not been completed, but it would have to be discussed at that time. Lori asked if Plainfield approached Wind Gap and Pen Argyl to find out if they would be willing to share in the cost. Jon asked that if the Regional Police were to go through this would change who would be responsible for the police department. Lori stated that there is a petition going around signed by concerned parents and she attended tonight's meeting to report back to the parents. George stated that like the other municipalities it is a budgeted item and provisions would have to be made if Borough Council would decide to raise taxes to cover this unanticipated expense. This whole program was started because of a police grant opportunity that was taken advantage of by Plainfield Township. The grant was for a period of three years, but has since been exhausted. Plainfield Township used the officer twenty percent of the time in the township and the other time was spent at the Wind Gap Middle School. The new supervisors made the decision that they could not afford to keep the officer at the school. The parents believe that having the officer in the school is beneficial because he is a good role model for the kids. The officer teaches the drug program and is involving with the anti-bullying program. The group does feel that the School Board should take the brunt of the amount to pay him. Dave suggested that the Plainfield Township Police Department could stop at the school during their shift to make their presence seen. Lori thanked Council for their time.

APPROVAL OF EXPENSES

On motion by Kerry Gassler to approve the expenses for the month of September 2012 in the amount of \$13,610.85 and seconded by Tony Curcio. Joe questioned a bill from Cramer's which appears to have been included twice. Invoice will be reviewed, motion was amended to reduce the amount of the total bills by \$135.44. Roll call vote taken. Motion carried unanimously.

APPROVAL OF MINUTES

On motion by Tony Curcio to approve the minutes of the September 18, 2012 Council meeting and seconded by Kerry Gassler. Correction to be made to name typo. 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 Request for Unification and Merger of Wertheimer Property and Review of Deed and Tax Information.

Zoning and Other Land Use Matters: Receipt, Review and Administration of LVPC Review Letter re: proposed Zoning Amendment for Home Occupation, Clear Sight Triangle et al. Home Occupation, Clear Site Triangle (and related) Zoning Ordinance Amendments – in process of making changes (as per recommendation by Planning Commission) for review and approval by Borough Council.

Developments on Outstanding Litigation: Receipt, Review and Administration of e-mail from Attorney W. Barish. Filing of multiple Praecipes for Satisfaction on D. Cunningham Municipal Claims (Garbage Bill).

Court Decisions on Borough Cases: N/A.

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: Property Maintenance Code – return to Committee for further review, Stop Sign Ordinance – need street designations 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 the recent invoice was a combination of August and September. Ron prepared a memo outlining the Local Government Unit Debt Act (LGUDA). He sent the mechanics of securing PA Department of Community and Economic Development (PA DCED) approval of the Note that the Borough would issue to purchase real estate.

He will be sending the zoning amendments related to home occupation and clear site triangle for Council's review that were discussed at the Planning Commission. If it meets to Council's approval, it would have to be advertised for adoption.

He elaborated on his memo; it is quite an intense procedure that has to be followed. The Borough would be getting a Note not a mortgage. A Note is based upon the full faith and credit of the Borough paying their bills and the taxing power the Borough has. Two ordinances have to be prepared, a resolution, a review by PA DCED, a borrowing certificate has to be prepared, a debt statement has to be prepared, and the entire packet has to go PA DCED for their approval prior to the beginning of making

an obligation to making a note. John asked what the timeframe would be for the entire process. Ron replied that it could take months. The document would have to say that the obligation to purchase is conditioned upon PA DCED approval. The Borough can negotiate the best possible interest rate of it can be bid. If Council chooses to proceed by bidding, a comprehensive public sale and sealed bidding procedure must be followed. It would be wise at that point to secure a special solicitor and/or bond counsel for this.

ENGINEER'S REPORT

Brian Pysher reported that Muschlitz Excavating has submitted their invoice for the A Street project. Included in the invoice is a \$500 change order for the driveway that was dug up by the Wind Gap Municipal Authority. Terry Miklas requested a copy of the invoice for the WGMA meeting. John Maher added that at the last meeting, WGMA authorized payment of this invoice. Brian further explained that the WGMA had to dig up a driveway because the lateral was located in the driveway. They had trouble getting their contractor back to complete the work. It came down to the day that Muschlitz was ready to pave so rather than have their contractor come back just to do that small paving, the Authority okayed the Borough's contractor completing the job. Brian recommended that Council approve the original contract amount of \$95,631.55 plus the \$500 change order. He explained there is a small difference in the amount because of additional curbing and less paving that was done. John stated that WGMA discussed the cement work that was done. Brian has to determine the exact quantities used because of additional cement work on one property, but less on another property. Brian anticipates receiving \$2,600 from the WGMA for the change order and the cement work. (the concrete sidewalk was \$71 per sq. yd. and there was approximately 30 sq. yds.)

On motion by Jon Faust to approve payment to Muschlitz Excavating in the amount of \$96,131.55 for the project on A Street and seconded by John Maher. Roll call vote taken.

NEW BUSINESS

1. Officer Donaldson – Approve Status to Full-Time Police Officer. George stated that Council received a memo from the Chief recommending that Officer Donaldson be removed from probationary status. He was hired as a police officer on October 11, 2011.

On motion by John Maher to approve Officer Eric Donaldson status to Full-time Police Officer effective October 1, 2012 and seconded by Tony Curcio. Roll call vote taken. In favor: D. Hess, G. Hinton, J. Maher, J. Weaver, T. Curcio, J. Faust. Abstained: K. Gassler. Motion carried with a vote of 6-0-1.

2. Resolution Submission/Signature – DCED Gaming Funds Grant. Joe asked what the project would be for the grant. George replied that it is for police vehicles.

On motion by Kerry Gassler to approve signature of the DCED Gaming Funds Grant and seconded by Jon Faust. Roll call vote taken. Motion carried unanimously.

3. Job Description – Street Leader. Council received a copy of the Street Leader's Job Description at the previous meeting and has reviewed the description. There was a suggestion to add some minor computer skills to the description.

On motion by Kerry Gassler to accept the proposed Street Leader's Job Description with the suggested amendments and seconded by Jon Faust. Roll call vote taken. Motion carried unanimously.

4. Dave Hess stated that he was approached by the High School Soccer Coach complaining about the divots and bare spots on their home soccer field at the Borough Park. He is concerned about the condition of the field. Joe stated that the Park Board usually defers to the Wind Gap Athletic Association. The WGAA should coordinate with the Pen Argyl School District Athletic Association. Joe said that the

Park Board will be meeting tomorrow night and Tony Borger usually attends the meetings so he will mention it to Tony.

OLD BUSINESS

1. George Hinton updated Council with regard to the cat issue discussed at the last meeting. Animal Control Officer Phil Bell spoke with the homeowner. The gentleman has some health condition and had difficulty comprehending what the issue was with regard to the cats. A family relative has become involved coordinating with Phil in remedying the situation. The family is very appreciative that the Borough stepped in to assist them. Phil has written permission to take cats out and have them neutered. They have also asked Phil if he could give them assistance with cleaning up the house. This is not a Borough concern at this time. George urged the Property Maintenance Code committee to provide Council with a recommendation on the code as soon as possible. The ACO posted another property on Lehigh Avenue and has made contact with the daughter. So he is in the process of cleaning up that property also.

2. Play Equipment Seminar – George Hinton suggested that a member of the Park Board attend a seminar about play equipment. He recommended that the Borough pay the fees for any interested member of the board. He provided Joe with the pamphlet to be given to the Park Board at their meeting tomorrow night.

3. Kiddie Play Area – Course of Action. George asked Joe to also bring up the outlined course of action for the kiddie area in the Park at their meeting tomorrow. Now that it is the fall, Brian is going to locate all the equipment the way that it sits in there now. It is recommended that the area be dug down 12" to bring it up to standards. It was suggested that the best way to do this is to remove all the play equipment and then reset all the pieces. Once it is reset, install 4" of 2B stone for drainage, 12" of approved mulch which would settle to 8". The question would be to do this project in two separate parts, half at a time, or do it all at once. Joe informed Council that the Park Board is in favor of doing it all at once because if it is in the state of construction no kids would have access to that area. Brian will put together a scope of work with the mapping and then ask the representative from George Ely Associates to review the layout for safety regulations and give final approval to the Borough. Joe asked to be involved with the process.

On motion by Tony Curcio to adjourn the meeting of October 1, 2012 and seconded by John Maher. Council agreed unanimously.

The meeting of October 1, 2012 adjourned at 8:10 p.m.

Louise Firestone, Borough Administrator