

**BOROUGH OF WIND GAP
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The Council meeting of the Borough of Wind Gap on Monday, November 5, 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.

PUBLIC COMMENT

1. Mitchell D. Mogilski, Sr., South Broadway, former Mayor and former Councilman re-introduced himself to Council. He stated that he would like to speak about the MSG property that has been discussed for years regarding the possibility of purchasing the property. He asked them to think about what the initial price tag was and what it is now, and he feels that the Borough should go for it. The Borough would be getting one building as opposed to owning several buildings. He said that this purchase would save money in the short term and also in the long term.

APPROVAL OF EXPENSES

On motion by Kerry Gassler to approve the expenses for the month of October 2012 in the amount of \$18,565.10 and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

APPROVAL OF MINUTES

On motion by John Maher to approve the minutes of the October 16, 2012 Council meeting and seconded by Jon Faust. Kerry asked that a correction be made on the last page indicating that the name should be "George Collura". Motion was amended to include the correction. Roll call vote taken. In favor: J. Faust, K. Gassler, D. Hess, G. Hinton, J. Maher, J. Weaver. Abstained: T. Curcio. Motion carried with a vote of 6-0-1.

SOLICITOR'S REPORT

Ron Karasek reported that all the matters being handled by his law office for the Borough during the month of October 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: Research and Prepare Comprehensive Memorandum re: Procedure Under the PA Local Government Unit Debt Act (LGUDA) for General Obligation Note. Prepare Several Drafts of Agreement of Sale re: Emerald Property Group and cross check with other commercial property agreements.

Developments on Outstanding Litigation: Receipt, Review and Administration of filed Praecepta for Satisfaction in Comprehensive Municipal (Garbage) Claims and Enclosure Correspondence to Borough.

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 apologized for the late submission of his monthly report, but his office only regained power on Thursday. He reported that he spent considerable time the past month related to the review of options and the legal procedures necessary to obtain approval for any purchase of real estate and in preparing the agreement. With respect to the agreement, several questions need to be addressed by Council prior to the execution of the agreement and since the matter has not been reduced to a written agreement of sale, Council has the option to discuss in the topic in Executive Session.

He stated that his next project would be to complete the Zoning changes regarding the Home Occupation, No Impact Home Occupation.

John Maher stated that the Property Maintenance Code Committee has met and discussed revising the current Borough's nuisance ordinance to include the main concerns expressed by Council and the residents that need to be covered. He asked if the ordinance that Ron has been working on regarding panhandling and loitering. Ron replied that ordinance has been previously discussed, but does need to be finalized. He continues to include it in his report so that it is not forgotten.

NEW BUSINESS

1. MSG Property - Real Estate Acquisition. George Hinton reported that he is aware of a petition regarding opposition to purchasing the property. Council has spent many years and many hours on trying to formulate a plan that would work for the Borough. At this time, the MSG property would have enough room to house the ambulance corps, the fire company and the Borough administrative offices. The property would allow enough room to build a new hall to be rented out. A hall would allow additional room to house people if the Borough were to experience another storm like we had last week. Council has and will continue to be sensitive to the issue regarding raising taxes. It is difficult to try to balance the budget without raising taxes because of increases in utility costs, oil prices, and gas prices. The plan would include the sale of property now owned by the Borough to reduce debt. The Borough would utilize the tipping fees received from Waste Management to pay for the mortgage. The local banks have been contacted regarding the possibility of borrowing money and the worse case scenario at this point would be a mortgage of less than \$8,000 a month. If the mortgage is \$8,000 a month that would be half of the money received from tipping fees. Council has asked Mr. Karasek to draft an agreement so that the Borough can move ahead with the property owner of MSG. We have to solicit the State with various forms because tax payers' money is being spent on this property. A press release will be issued to the newspapers and then a follow up meeting will be held specifically to talk about the purchase. John Maher stated that a suggestion was made to hold a public meeting at the MSG building so everyone has a chance to look at the property.

Brian Pysher arrived at the meeting at 7:45 p.m.

Alex Cortezzo asked if Council has done an evaluation on the cost to put an addition on the building because he does not feel it is big enough to do what the Borough needs it to do. John replied that there are 8 bays which would be sufficient to house the vehicles. George stated that downstairs the

only room that needs to be renovated would be the meeting room. The Ambulance Corps and Fire Company would occupy the upstairs and would be large enough to house both of them. The vehicles would be housed in the bays, with two bays for the ambulances as drive through with three vehicles stacked up. The Fire Company would take up two bays, which leaves the last section open initially. The Borough Street Department would not be moved at this time. There is still discussion regarding regionalizing the police so they would not be moved at this time either. Alex asked if the lot would be black topped. George said the initial discussion was to black top only into the bays. The Borough would be subdividing and purchasing approximately eight acres, but we are not purchasing the quarry.

On motion by John Maher to move forward and enter into an agreement with Mike Goffredo with the intent to purchase the property at a price of \$1,350,000 and seconded by Kerry Gassler. Prior to the roll call vote, Joe Weaver added that people will have to understand that this is being financed in a way that taxes will not have to be raised. Certain revenues will be diverted from the tipping fees and not going to the park, the fire company and the ambulance until the Borough sells off some of the properties. Roll call vote taken. Motion carried unanimously.

George asked if Council had an opportunity to review the press release drafted by John Maher. Council agreed to release the information and set up a public meeting for Wednesday, November 14, 2012 at 7:00 p.m. at the Fire Hall.

Tony asked where the funding would be coming from for the other facilities and modifications. George responded that the Borough would use the tipping fees until the Borough properties are sold. John added that the original plan was to do major renovations, but this plan only includes minor building improvements which the Borough can cover with monies set aside in savings. Tony expressed concern about the continued amount of tipping fees received from Waste Management. John informed Council that the tipping fees did increase by 7% over last year.

ENGINEER'S REPORT

Brian Pysher reported that he attended a meeting along with Louise and a representative from STV, a bridge inspection consulting firm retained by PennDOT. The bridge on Male Road has a crack on the exterior beam. Based on the inspection report it has downgraded the bridge to the point that requires follow up inspections every six months until the bridge is repaired. Although it is has been downgraded, it is not at the point that any weight restrictions will be imposed. The Borough pays for those inspections through their Liquid Fuels. Brian explained that the parapet is the concrete barrier at the top of the deck. PennDOT has an approved fix that would chop away ten feet of the parapet where the joint is, install a rebar cage and then re-pour that section as one contiguous parapet. That will add area to the structural beam on the end and reinforce the cracked beam. The representative from STV will be sending the Borough contacts for municipalities who have made similar repairs along with an acceptable design for the project. Brian will follow up with a call if we do not hear from him this week. STV gave a rough estimate of \$5,000 per splice (Brian believes only one splice needs done). Brian quoted a worse case scenario high estimate of \$10,000. Once the repair is done, the bridge should regain a high enough rating to have it inspected only every other year. The repair project could still be done this year if the weather remains warm. One lane would have to be shut down to complete the concrete work. Brian suggested that a letter be drafted to the owners of the plaza because based on a signed agreement in 1994, they are responsible for the maintenance of the bridge for twenty years. The section of the bridge that is crack is actually the portion that was installed when the plaza was built. Brian will forward a copy of the agreement for Ron's review.

Brian reported that as previously explained to Council, a resident on A Street has been discharging water from their sump pump onto the street. He did an inspection and found a cracked sewer line in the basement of the house; the leaking water was going into the sump pump hole and then being pumped out to the street. He sent her a certified letter, she responded by phone stating that the repairs have been made. He has tried numerous times to set up a follow-up inspection, but she is not responding to his phone calls. He will continue to try to contact her or just stop by the property.

2. Dave Hess thanked all the efforts from the Wind Gap Fire Company, the Wind Gap Ambulance Corps who worked non-stop for almost three days during the hurricane. He thanked Jeff Yob, who was on top of everything from the onset of the storm through the clean-up. It was a team effort, with all emergency responders working together. Jon added that the police provided 24 hour coverage. George asked if there is any word on the leaning pole on Third Street. The residents who lost power on Third Street put their trash out anyway for pick up, but since the street was closed off the Waste Management trucks did not go down the street. To compound the matter, the trash contained spoiled food from the residents' refrigerators. Jon stated that the truck holding the pole up may sit there for some time because it is not high on their priority list. Louise will contact Waste Management regarding the garbage situation on Third Street. Oakwood Apartments still is without power along with back Center Street. Jon informed Council that the generator at the firehouse spewed oil out in the parking lot. This is the second time that the generator had issues a few months ago. Jon suggested changing some of the circuits because no heat was connected for the social hall.

Jeff Yob, Emergency Management, reported on the update in the aftermath of the storm. Northampton County will be doing a public damage assessment with FEMA and PEMA on Wednesday. Once that is done if the County meets its threshold for lose a declaration will be sent to the President so funds will be available for low interest loans through FEMA and PEMA. If funds become available, the department heads have done a great job keeping track of expenses, the Borough can apply for reimbursement. 300 gallons of diesel were added to the tank up in the Oaten Garage on Wednesday as a precaution, but it was not used. The diesel fuel can be used during the winter this year. There is a privately owned pumping station on Sixth Street, Colonial Spring, which was spewing water out of a manhole. Upon investigation, it was overflowing from the pumping station and was isolated. Jeff contacted the owner of Colonial Springs, Tito Calantoni, who made arrangements to have All-State Septic bring in a generator so it was pumped out every three or four hours. Mr. Calantoni has indicated that a generator will be installed onsite. Jeff contacted the Sewer Authority, so the Borough may be contacted by Pennsylvania DEP. The tank had recently been pumped out, so only liquid waste was flowing and not any solids. He plans on holding a meeting between the owner of Colonial Springs, the Wind Gap Sewer Authority and Brian Pysher, as the Sewage Enforcement Officer of the Borough so the needs can be reviewed.

The County has assigned Tetra Tech to put together a New Hazard Mitigation Plan. At one time, the Sixth Street culvert was on the Hazard Mitigation Plan, but that has been completed. Jeff offered to spearhead the plan, but he does not have the information to put the plan together. He asked Council for approval to allow the Borough Engineer to work on the plan.

After Wednesday, he should know more information regarding any funding from the storm. The majority of the damage was to roofs and trees down. He suggested getting an estimate on the fence damaged at the park. He held a pre-storm meeting and he will have a debrief meeting following the FEMA, PEMA meeting to bring everyone up-to-date. The biggest challenge was the lack of cellphones in the Slate Belt because of the storm.

3. Chief Armitage asked approval to lock the basketball courts at dark. The kids are just hanging out there and not even playing basketball.

On motion by Tony Curcio to turn off the lights on the basketball courts at dark and lock up the courts and seconded by John Maher. Joe Weaver suggested taking this request back to the Park Board. Tony rescinded his motion. It was agreed that if the Park Board approves they will notify the Chief.

OLD BUSINESS

1. Phil Bell, Animal Control Officer. Phil spoke to the Chief, Mayor and the office staff. He has obtained copies of ordinances from Wilson Borough, but here in Wind Gap he has very limited power to enforce anything because nothing is addressed in our ordinances. He has removed fifteen cats from Mr. Roberts's trailer. Mr. Robert's family has asked Phil if he knows of anyone who would be willing to clean

up the trailer. With regard to Dr. Segatti's house, he has tried to get a hold of someone, so he posted the property with a notice informing them that the cats have to be up-to-date on their rabies shot because they are pets. He asked Council if Mr. Karasek could review these ordinances to make them specific for Wind Gap. He suggested that the Borough hired a part-time code enforcement officer because he has two properties that currently need condemned. Phil will be providing monthly written reports so Council is informed of what he is doing in the way of animal control within the Borough. John Maher asked Phil for a copy of the ordinances he is referencing so he could potentially incorporate into the new nuisance ordinance. Phil reported that he has investigated the cats on Lehigh and is getting cooperation from some of the neighbors. Arrangements have been made for donations to get the cats fixed up in that neighborhood. It will take time to get all the cats cleaned up. He suggested that the landlords request to see proper registration like a license, and shot records for pets if they rent to people who own pets, especially dogs because the landlord can be responsible for allowing the pets to be on the property. Phil spoke to the president of No Sense and she has made available \$1,000 which would allow 40 cats to be fixed. He will be responsible for the transportation as long as a \$10 donation is made toward the procedure.

2. Joe Weaver asked for an update on the hiring of a new Street Leader? John Maher reported that the Borough received 47 applications. He has prioritized the applicants to set up the first round of interviews.

3. Alternate Engineer. George Hinton reported that Hanover Engineering has been contacted and a message left. Louise to follow-up with Hanover to invite them to the Council meeting on Tuesday, November 20, 2012 to explain the delay in receiving the past due invoices.

EXECUTIVE SESSION

Dave Hess requested an Executive Session to bring Council up-to-date on the ongoing teamster negotiations.

Council adjourned to Executive Session to discuss personnel at 8:37 p.m. Council reconvened at 8:49 p.m. George Hinton stated that Council will take no action at this time.

On motion by Tony Curcio to adjourn the meeting of November 5, 2012 and seconded by John Maher. Council agreed unanimously.

The meeting of November 5, 2012 adjourned at 8:50 p.m.

Louise Firestone, Borough Administrator