

**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 Tuesday, July 10, 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, Joe Weaver, Kerry Gassler, Tony Curcio, John Maher and Dave Hess. Also in attendance were Mayor James M. Shoemaker, Borough Solicitor Ronold Karasek, Borough Engineer Brian Pysner and Borough Administrator Louise Firestone.

**PUBLIC COMMENT**

1. Victor Rodite, Slate Belt Council of Governments. Victor stated that he is before Council to make a recommendation and a request. The Slate Belt COG recommends that the Borough of Wind Gap and the Municipal Authority consider interviewing Daniel J. Comfort, Business Development Manager with Glacial Energy and/or Jane Seagraves with API Energy Consultants. Some of the members in the COG have experienced significant savings.

Victor requested that the Borough of Wind Gap make a motion to authorize the SB-COG to apply for GIS services from SSM pertaining to software and training for zoning and code data enhancements along with two other COG municipalities. This grant application is due July 27<sup>th</sup> to the Northampton County Gaming Revenue and Economic Redevelopment Authority (NCGR&ERA). The proposed grant application would seek to coordinate the way data is collected, stored and shared with adjacent municipalities. As a benefit, they propose (via the grant) to cover the GIS related to costs scheduled for the year 2013. They propose to involve John Maher in the process of designing and implementing the proposed project as well as educational outreach.

2. Chris Pacovich asked how she can make an appointment with the Chief regarding an incident that happened at the Park over this past weekend with a Borough Police Officer. She would like to follow the process of discussing this incident.

3. Patricia Sutter, Wind Gap Borough Tax Collector. Patricia informed Council that as of June 30, 2012 she was finished as the Earned Income Tax Collector for the Borough. She gave Council a letter for the June 4, 2012 meeting requesting the ability to work past June 30, 2012 in order to continuing collecting EIT from 2011. She asked Council if they would be willing to pay her an hourly rate to finish up and/or close out the Earned Income Taxes (EIT). Northampton County became involved with the EIT collection. Patricia confirmed that Keystone Collecting took over January 1, 2012. The money comes in late, the claims come in late, she has to pay claims, and she has to type 1099s for everyone who received a refund of more than \$10 for earned income tax for 2011. She feels that she should not have to do it for nothing because not much money will be collected. She made the same request from the Pen Argyl Area School District, but has not heard back from them. George asked how much time it would take to finish up the work she needs to complete 2011. Pat does not think time wise it would amount to many hours. Joe asked under her current pay structure how much would she get? Pat replied that she was compensated two percent (2%) for Earned Income Tax that she collected. Joe asked how much money is still to be collected. Pat explained that she has claim money to come in, which is people who work in different locations and their money

goes to the wrong municipality so she has to go through tax returns and request that the money be sent to Wind Gap. She has not finished claiming because she doesn't know if she will be paid or not by the Borough to do the job. She has to pay out claims to other municipalities as well. John asked what the risk is if Pat just shuts it down. Pat responded that everything would be turned over to the Borough Office and someone would have to deal with other municipalities and type up the 1099s. It should not go beyond October, with the exception of producing the 1099s. She offered to keep track of her hours until Council makes a decision regarding compensation for this work. Pat will figure out a reasonable amount and inform Council prior to their next meeting. Ron explained that he does not believe that even in this instance the Borough cannot increase compensation during the Tax Collector's term. George suggested that Pat do no more work until the Borough Solicitor has an opportunity to research this issue either by contacting other municipalities to understand how they are handling this situation or by legal research. Council hopes to have an answer by their next meeting which will be in August.

Patricia asked if Council has had a chance to review her suggestion to have the lights on 512 changed to allow people to safely cross the road. George replied that the State has to change the timing. The Borough has submitted a grant application to the State in an effort to get funding for upgrading and changing the timing of the lights.

Patricia informed Council that her son purchased a house on Alpha Road and the neighboring property has weeds that are really high. George replied that the property owner has been notified and fined, but the Borough has to allow the owner ample time to cut the grass.

4. Gayle Steinmetz, Wood Street. Gayle requested that the Wind Gap Police Department patrol Wood Street once in a while. She stated that she has been trying for two years to get a flag pole put on a pole. She heard that the Borough is trying to get new flags for the poles. George informed her that the Mayor is trying to get the word out to the residents through the newsletter to get an idea how many people would be interested in purchasing a flag. The Mayor added that he will be meeting with the committee and hopefully there will be a recommendation shortly on how to proceed to get the word out to the Borough residents.

## **APPROVAL OF EXPENSE**

**On motion** by Kerry Gassler to approve the expenses for June in the amount of \$13,096.41 and seconded by Tony Curcio. Joe asked about the invoice for lights in the Park. George replied that not all the halogen lights were working on the basketball courts so they were replaced. Jon asked about the invoice from Reagle to replace the light bulb on the Dodge. Chief replied that the bulb was replaced, but it also required re-programming the timing. Joe asked if the Ford Explorer is running okay since the transmission was replaced. The Chief stated that it is back on the road. Roll call vote taken. Motion carried unanimously.

## **APPROVAL OF MINUTES**

**On motion** by Jon Faust to approve the minutes of the June 19, 2012 Council meeting and seconded by John Maher. Roll call vote taken. Motion carried unanimously.

**On motion** by John Maher to approve the minutes of the July 2, 2012 Council meeting and seconded by Kerry Gassler. Roll call vote taken. In favor: K. Gassler, D. Hess, G. Hinton, J. Maher, J. Weaver, T. Curcio. Abstained: J. Faust. 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 June are outlined in a report. The report includes the meeting he attended as Borough Solicitor.

**Subdivision Matters:** June 1, 2012 – Meeting on status of Gibraltar Development Corp. – Gap View Estates f/k/a Posh Properties, Inc. Major Subdivision.

**Land Development Matters:** None.

**Zoning and Other Land Use Matters:** Forward Stipulation to School District Solicitor re: Real Estate Tax Assessment Appeal by Right Pedal Holdings, Inc. (bank building).

**Developments on Outstanding Litigation:** Payment in Full of six outstanding garbage tax liens from 1996 – 2001 re: 130 Roosevelt Street.

Preparation of Borough's Motion to Dismiss re: T. Dailey Appeal of Unemployment Compensation Claim to Commonwealth Court.

**Court Decisions on Borough Cases:** Receipt, Review and Decision Dismissing T. Dailey Federal Harassment and Discrimination Lawsuit.

**Miscellaneous:** Preparation of Monthly Solicitor's Report. Re-review Bids for Street Repairs i.e. A Street, East First Street and F Alley. Review newspaper ad and finalization of Property Maintenance Code Ordinance (proposed Borough Ordinance No. 479). 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:** Home Occupation, Clear Site Triangle (and related) Zoning Ordinance Amendments, Stop Sign Ordinance, Dog Park Ordinance, 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 he faxed a copy of the proposed zoning amendment regarding the home occupation, clear site triangle and other changes to the zoning ordinance. The Borough Planning Commission must review it at a meeting and make a recommendation to Borough Council. The ordinance must also be sent to the Lehigh Valley Planning Commission for their review.

**On motion** by Kerry Gassler to approve for the review of the zoning amendment by the Borough Planning Commission and the LVPC and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously. Ron suggested having a planning meeting scheduled for the first Thursday of August which would be the second or in September.

## **ENGINEER'S REPORT**

Brian Pysher reported that he sent the paperwork for the A Street project to Muschlitz. Once Brian receives the signed documents he will send them the notice to proceed. The Sewer Authority had to dig out an inlet that is at the intersection of A Street and 512. The Sewer Authority engineer informed him that it will be replaced with a new 2' X 4' inlet and an M top. He anticipates that they will be done by the end of this week. The last time he spoke with Guy Findon from Pennsylvania American Water Company he was told that they are scheduled to move in on Monday, July 16, 2012.

Brian reported that the contractors are on East First Street doing Alex Cortezzo's property. He sent out a proposal to three contractors: Muschlitz, Schmauder and Palmeri. Palmeri was the low bidder at \$7,200, Schmauder was \$7,800 and Muschlitz decided that they did not want to submit a bid. Representatives from Palmeri and Brian met with Mr. Cortezzo this morning to discuss how the yard area will be addressed. Alex will be by the property tomorrow to indicate if the work has been done to his satisfaction. Palmeri will be finalizing the grading, seeding the yard and installing the sidewalks. The walkway on the Karner's property will be finished also.

Brian informed Council that he drafted a letter to Mr. Pete Iselo, Gibraltar Development, as a follow-up to the meeting held with Northampton County Conservation District attended by Councilman Maher. Their permit to disturb earth is set to expire in August. Northampton County Conservation District has been trying to get in contact with Gibraltar for almost one year. Mr. Iselo did respond in June by stating that Wind Gap called in his money so contact the Borough because they are taking over the project. In the letter, Brian explains in detail to Mr. Iselo that the Borough did call in the money, but the money for the erosion and sedimentation control was already released back to Gibraltar. As a condition of the permit that he has, he is required to maintain that, but Brian does not believe that the property will be maintained. Based on the meeting, Northampton County Conservation District felt it would be best to convert the sediment basin to a detention basin and then essential let the permit expire. If Gibraltar were to build any more houses, he would have to acquire any permits that are necessary. Jon asked if the Borough would be responsible for that. Brian replied that the Borough would be responsible, but we do have \$4,000 in the bond money that was called in for the conversion of the sediment basin to the detention basin. A swale would have to be re-constructed which is only about 85' long. He estimates that it would be less than \$10,000, hopefully \$5,000 is a realistic number. Brian asked Council for direction regarding the letter being sent to Gibraltar. He plans on sending it tomorrow by certified mail notifying him that he has ten calendar days. Typically, Mr. Iselo has not responded to any correspondence sent by the Borough.

John Maher stated that the Borough has received complaints about the weeds on East First Street. Brian will follow-up with the Zoning Officer tomorrow.

## **COMMITTEE REPORTS**

1. EMS – Kerry Gassler reported that the Ambulance Corps had 91 trips in May for a year-to-date total of 342 in 2012. The Corps only missed three calls in the month of May because both rigs were out. The Ambulance Corps will be selling lottery calendars for a cost of \$10.00 for the month of September in the hopes of raising funds for a new vehicle. They are in the process of purchasing 911 green reflective signs so it is easier to find properties, they have been ordered for Colonial Springs. They had a coin toss on June 12, 2012 on Park Avenue to raise funds. The trustee board added Joe DePue in January and last month they added Jeff Baskin.
2. Fire Co. – Dave Hess reported that the Fire Company did not meet yet this month so he has nothing to report.
3. Zoning – Tony Curcio reported that the Zoning Hearing Board did not receive any applications so no meeting was held in August.
4. Planning – George Hinton reported that no plans were submitted so a meeting will not be held in July.
5. Municipal Authority – John Maher reported that the Municipal Authority met on June 27, 2012 and the meeting lasted 18 minutes. George asked if the Authority has been involved with anyone regarding the discharge into the Little Bushkill Creek. At a DCNR meeting, a gentleman was applying for grant money to research the quality of the water in the Little Bushkill. John will inquire at the next Authority meeting if they have been contacted for a support letter for a grant.
6. Streets – Dave Hess reported that the street workers have finished the immediate necessary repairs at the Park. Today the workers were out stripping the directional stop bars and directional arrows. Brian provided the workers with the most current map at the CVS intersection for doing the stop bar painting. He stated that Council needs to have an executive session to discuss the street leader's retirement. George stated that John Zucal handed in his letter of retirement effective at the

end of this year. George appointed John Maher, Tony Curcio along with himself to the committee for hiring. The committee will put together a job description and copy Council no later than the first meeting in September.

Dave reported that quotes were received for hydraulics for the dump truck. Jon Faust stated that they tried to get three quotes, PVT did not provide a bid, Structural Metal Fabricators and Merkin were also contacted. Merkin will do more work for less money.

**On motion** by Jon Faust to approve the upgrades to the white truck done by Merkin with dual acting cylinder and seconded by John Maher. Roll call vote taken. Motion carried unanimously.

Dave reported that he received two quotes for the gates at the Park. Tri-Boro Fencing provided a quote of \$1,411 (\$1,467) and Lehigh Fencing was over \$2,000.

**On motion** by Joe Weaver to approve the purchase of a fence for the Park with a not-to-exceed price of \$1,000 and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

7. Police - Mayor Shoemaker reported that the Police Department responded to 137 calls for the month of June, 6 animal complaints, 5 motor vehicle accidents were investigated and they issued 19 traffic citations. Officer Arron Flad attended and completed the Pennsylvania State Police Firearm's Instructor School.

8. Park – Joe Weaver reported that the Park Board did not meet this month. They are open to having an emergency meeting if that is necessary, but realize that a meeting would have to be advertised if there are any additional safety inspections done. George replied that the Borough's insurance adjuster was at the Park and looked at the swing to take pictures. The adjuster was asked if the Borough can replace the swing set, but it cannot be replaced until the attorney comes out to take pictures which should take place within thirty days. He recommended that the Park Board discuss making a recommendation regarding purchasing new swings. Joe stated that the members understand that things had to happen fast, but they would appreciate if they could be communicated with in a timely fashion.

9. 911 – Tony Curcio had nothing to report.

10. Tipping Fees - Tony Curcio reported that there is not change in the report.

11. Building Finance Committee – George Hinton asked Brian if the lot behind the school has been laid out. Brian will put that on his list of things to do.

12. GIS Update. John Maher reported that he provided Council with a written status report. The project is approximately 90% complete with the recent changes made by the engineer. John plans on beginning to collect data by next weekend. The engineer has produced a corrected zoning map. Kerry informed John that the zoning map is not correct with regard to his property which was changed in 2002 to C district along with Jaid Kerdzaliev's property.

**On motion** by John Maher to allow the Slate Belt Council of Government the authority to get grant money for GIS to assist paying for the Borough's 2013 budget of GIS and seconded by Kerry Gassler. Roll call vote taken. Motion carried unanimously.

13. Zoning Ordinance Changes – Kerry Gassler spoke to Joe DePue, Lucy Flinn and Janice Caesar and anticipates meeting by the end of the month. Tom Hill cancelled out because they have basically closed their place.

14. Banners – Mayor Shoemaker will have a meeting after July 21, 2012, but prior to the next newsletter.
15. Property Maintenance Code – John Maher was appointed as the chair of this committee.

### **MAYOR'S REPORT**

Mayor Shoemaker reported that the Slate Belt COG will resume their meetings in September. He reminded those present to clean your sidewalks and curbs to keep them free of weeds. A few residents on A Street contacted him regarding the transition from the street to their driveways. The paving should be completed within three to four weeks. The Mayor obtained a Park equipment maintenance sample to be reviewed and a recommendation should be made to adopt a formal maintenance program. The summer is more than half over, please have a safe remainder of the summer.

### **NEW BUSINESS**

No New Business was before Council.

### **OLD BUSINESS**

1. Kerry Gassler asked if the complaint regarding the weeds on East First Street will go out tomorrow. Brian will speak with the Zoning Officer tomorrow.

George reminded those present that the next Council meeting is scheduled for Tuesday, August 7, 2012 at 7:30 p.m.

**On motion** by Tony Curcio to adjourn the meeting of July 10, 2012. Council agreed unanimously. The meeting of July 10, 2012 adjourned at 8:45 p.m.

---

Louise Firestone, Borough Administrator