

**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, November 20, 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 Pysker and Borough Administrator Louise Firestone.

PUBLIC COMMENT

1. Jim Birdsall, Hanover Engineering Associates, Inc. Jim thanked Council for allowing him to attend this meeting and explain the invoices in question. The invoices were incurred during the review of a subdivision back in 2008 and 2009, which they believed were sent to the Borough, but never paid. He understands that typically municipalities wait for reimbursement from the developer prior to paying engineering bills so it was unusual for these not to be paid in a timely fashion. They did not know if the subdivision was recorded or whether it was finalized and there are times when the developer walks away from projects and never pays the engineering bills, but then the municipality must pay. He acknowledged that Hanover did not pursue payment and he apologized for not sending out a reminder of these past due invoices. It is typically not their policy to send out 30, 60, 90 day reminders since most of their clients are municipalities and the municipalities are usually waiting for the reimbursement from the developer to cover the bill. It only came to the attention of the accounting department when Hanover was asked by Wind Gap to review a set of plans as the Alternate Engineer. George stated that Council had an issue with receiving bills that were three years late and had requested that Hanover appear before Council to explain. He added that the developer does have money in escrow for these invoices so that is not the issue; the issue was the Borough was not aware of the invoices. Kerry added that he was the developer on this subdivision, the invoices are his, but that project has subsequently been sold.

On motion by John Maher to pay two invoices to Hanover Engineering Associates, Inc. in the amount of \$943.18 and seconded by Tony Curcio. Roll call vote taken. In favor: T. Curcio, J. Faust, D. Hess, G. Hinton, J. Maher, J. Weaver. Abstained: K. Gassler. Motion carried with a vote of 6-0-1.

2. Patricia Sutter, Wind Gap Borough Tax Collector. Pat provided Council with a letter from Keystone Collections Group explaining that Keystone is now doing the Earned Income Tax collection and she would like them to collect the Local Services Tax. Pat stated that she is no longer interested in doing the Local Services Tax collection because the compensation is not fair, in 2012 she collected and turned over \$36,017.75 and for that she received only \$180 commission on that amount. She contacted Keystone and received this letter back indicating that since Keystone already has the records it would not be difficult for them to add the LST collection. Pat will finish out 2012, but she will not do the collecting in 2013. She will however, continue to collect the Real Estate and Per Capita taxes for the Borough. Council asked Ron for his legal opinion regarding the ability of the tax collector to refuse to collect a Borough tax. Ron replied that he would have to review the ordinance that established the collection of Local Services Tax to see what parameters there might be with respect to the tax collector and whether she can say that she doesn't want to collect this specific tax anymore. George stated that this should be tabled until December 3, 2012 Council meeting to allow Ron to review the ordinance and provide Council with his opinion.

APPROVAL OF MINUTES

On motion by John Maher to approve the minutes of the November 5, 2012 Council meeting and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

COMMITTEE REPORTS

1. EMS – Kerry Gassler reported that the Ambulance Corps will be meeting next Thursday.
2. Fire Co. – Jon Faust reported that the Fire Company responded to 19 calls for the month of October and 137 year-to-date.
3. Zoning – Tony Curcio reported that no new applications have been received so the December 5, 2012 Zoning Hearing Board meeting has been cancelled.
4. Planning – George Hinton reported that the Planning Commission did not meet in October.
5. Municipal Authority – John Maher reported that the Municipal Authority met on October 24, 2012, but nothing new is going on. Under new business, one of the board members continued to express concern regarding the Borough's street opening ordinance, but nothing specific was cited as a complaint.
6. Streets – Dave Hess reported that John Zucal has not worked since last Wednesday and when Dave stops by the Borough Garage in the morning Randy is heading out the door or he has already left to go out for work. Some of the street signs have been fixed since the storm and the Christmas lights are up. John Maher added that the Teamsters have indicated that they want to go to arbitration regarding the contract. Joe asked if the storm damage at the Park will be repaired. Council discussed the repair to the fencing that was blown over during the tropical storm. It was suggested that since this would be defined as an emergency, the repairs should be made by a fence company. The committee will meet tomorrow to discuss this issue.
7. Police - Mayor Shoemaker reported that the Police Department responded to 124 calls for the month of October, 3 animal complaints, 9 motor vehicle accidents were investigated and they issued 37 traffic citations. Officer Arron Flad attended a police rifle instructor's course in October. Officers Donaldson and Redmond attended a narcotics field testing certification course. The Mayor read a Letter of Appreciation from Agnes C. Anderson thanking the Wind Gap Police Department and the Wind Gap Fire Department for their quick response and their knowledge regarding a large tree branch that fell down bringing utility lines down in her yard during the tropical storm.
8. Park – Joe Weaver reported that the Park Board met and discussed the Open Space Phase II funding that is a matching grant and their continued desire to use that funding to complete a fitness trail. They are hoping to draft a bigger trail and engage the services of Borough Engineer, Brian Pysner. John Maher expressed his opinion that the Borough replaces the equipment in the Park that does not meet standards. George added that the Borough was notified today that we are the recipients of a matching fund grant in the amount of \$24,000 towards a Park Master Plan which has an estimated cost of \$48,000. Joe added that the board asked if the plastic playground pieces on Third Street will be removed and what is being done about the damage caused by Hurricane Sandy. Lucy Flinn informed the Park Board that she has collected enough money to cover the cost of the lights in the Park. George stated that the street workers allowed the tree people in the Park, but they did not go through the proper channels to obtain a parking permit so both the Police and the Borough Office were unaware of their presence in the Park and who granted them permission.

9. 911 – Tony Curcio had nothing to report.
10. Tipping Fees - Tony Curcio reported that the street tipping fees in the amount of \$37,691.35 were used for the A Street project. The Borough received \$146,450.44 in tipping fees this year from Waste Management.
11. Building Finance Committee – George Hinton reported that the committee is working on the financing end of the project. He hopes to have the signed agreement before the next meeting so that the necessary paperwork can be filed with the State. He spoke to Mike Goffredo and should have something by Friday of this week. Ron Karasek can begin to prepare the paperwork, but he will need a letter from the bank saying they will commit to a note or so much percentage, so much for so many years and that has to be attached to the ordinance that is prepared. George and John will be meeting with the banks next week.
12. GIS Update. John Maher reported that he is in the process of revising the training manual. He wants to use some of the grant money for training.
13. Zoning Ordinance Changes (Signs) – Jon Faust reported that he has not had a meeting yet. John Maher and George will sit on the committee along with the three business owners, Joe DePue, Lucy Flinn and Janice Cesare.
14. Banners – Mayor Shoemaker reported that he has 37 orders and is continuing to solicit more orders until the end of the year. The number of orders will dictate the price of the banners.
15. International Property Maintenance Code (IPMC) – John Maher reported that he drafted some changes to the code. The Borough already has a nuisance ordinance 455 on the books. Chief Armitage suggested deleting sections that were not applicable for the Borough because they are superseded by State code. Animal Control Officer, Phil Bell, provided John with a definition of feral animals. The code has to distinguish between a feral animal and a stray. A stray is just an animal that has gotten out of the house, and they cannot be treated the same as a feral animal. He is suggesting that outside cats and dogs have a tag or license to identify them as house pets so they can be distinguished from feral animals. John hopes to have a draft of the code prior to the next Council meeting.

MAYOR'S REPORT

Mayor Shoemaker reported that the Slate Belt COG will meet on November 28, 2012 at 7:00 p.m. at the Slate Belt COG office, everyone is welcome to attend. The COG is sponsoring a Holiday Concert to benefit the YMCA on November 30, 2012; tickets can be purchased by calling the Slate Belt COG at 610-588-1000 and cost is \$10 for adults and \$5 for children. The annual tree lighting ceremony will be held on Sunday, November 25, 2012 from 3:00 p.m. – 4:30 p.m. Santa arrives at 4:00 p.m. The Mayor thanked Councilmen Kerry Gassler and Dave Hess and the Street Department for their help in getting the Christmas decorations hang up. On behalf of Borough Council, employees and himself he wished everyone a Happy Thanksgiving.

NEW BUSINESS

1. Police Computer Upgrade. George explained that the Wind Gap Police Department is required to upgrade their computers to continue to have access to the necessary websites for the County and the State.

On motion by John Maher to approve the computer expense of \$2,107 and seconded by Dave Hess. 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. George asked Council wishes with regard to planning a get together for John Zucal's retirement. It was decided that John would choose the location and his immediate family would be invited. Borough employees would also be invited to attend. Discussion about what an appropriate retirement gift would be for John. George will contact John and let Council know as soon as possible.

3. Kerry Gassler asked Council opinion about the mulch that is stock piled on Third Street (the Rubenstein property). He was approached by someone inquiring about the low grade mulch that would be willing to haul it away for free. He added that the street workers did not bring the leaves up to his property, so they are also piled down off Third Street.

OLD BUSINESS

1. 2013 Budget. The budget has been balanced with no tax increase necessary for 2013. Joe asked if there are any raises in the budget for the employees. The 2013 budget does not include any raises. He questioned the money necessary for doing street repairs. Kerry replied that the Borough receives Liquid Fuel funds that are used for street improvements. George explained that Utica Avenue is planned for next year. Brian added Utica is not as long as Lehigh so it will not cost as much for full depth reclamation with a portion of that street is not that bad. Alpha Road reclamation will be more costly, so it might have to be done in sections depending on the estimates. John asked if the CDBG (Community Development Block Grants) monies have dried up. Brian replied that the Borough has continued to submit applications to CDBG, but have not been awarded any monies recently. The requirements for the funding have been changed putting a big emphasis on housing since CDBG is basically funded by HUD. Application questions include how is the project increasing the public housing in Wind Gap Borough and street paving does not necessarily increase any housing. Tony asked about contributions to the Library in the budget. Louise explained that when doing the budget she does not break down any tipping fees to specific line items until the tipping fee committee decides what percentages will be used.

On motion by Kerry Gassler to advertise the proposed 2013 Budget with the millage remaining at 11.25 mills and seconded by John Maher. Roll call vote taken. Motion carried unanimously.

2. Gibraltar – Gap View Estates. George asked for guidance from Ron regarding how the Borough needs to proceed with the possible foreclosure of this subdivision. The Borough still has funds in escrow from the developer. The development still has seven or eight more lots to develop so that potentially could be issues with weeds and maintenance of those lots. The Bank should be informed what it will take for the project to be completed in accordance with the Land Development plan. Brian stated that the improvements not done are sidewalks, trees, street lights and monuments, basically decorations need to be done. Ron Karasek reported that he received a phone call regarding foreclosure by Lafayette Ambassador Bank on Gibraltar Development Corporation. Council discussed the need to have a meeting with the bank regarding moving forward and completing the improvements on the East First Street development. Ron will contact Mr. Pierce to arrange a meeting and inform Council of possible dates.

3. Local Services Tax Collector. A letter was received by Patricia Sutter informing her that the Borough must make a decision by December 1, 2012 if they are in favor of appointing Keystone Collections Group as the Local Services Tax Collector for the Borough.

On motion by John Maher to appoint Keystone Collections Group effective January 1, 2013. Motion died for a lack of a second. After further discussion by Council on who would collect the tax if Pat Sutter refuses to collect the tax and because of time constraints to be in effect by December 1, 2012 another motion was made. Ron explained that there is the possibility that if the Borough is forced to spend more on the collection of this tax, they could reduce the amount of Mrs. Sutter's commission on per capita or real estate. Pat disputes that she is only elected to collect the real estate taxes and not the local services tax. In order for Ron to further investigate whether she could be forced to collect the tax he would need more time and in the long run it may cost the Borough more money than just appointing another collector for the LST.

On motion by John Maher to appoint Keystone Collections Group effective January 1, 2013 to collect the Local Services Tax for Wind Gap Borough and seconded by Tony Curcio. Roll call vote taken. In favor: G. Hinton, J. Maher, J. Weaver, T. Curcio, J. Faust, D. Hess. Opposed: K. Gassler. Motion carried with a vote of 6-1.

On motion by Tony Curcio to adjourn the meeting of November 20, 2012 and seconded by John Maher. Council agreed unanimously.

The meeting of November 20, 2012 adjourned at 8:43 p.m.

Louise Firestone, Borough Administrator