

**BOROUGH OF WIND GAP
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EXECUTIVE SESSION

Council met in Executive Session from 6:30 p.m. to 7:30 p.m.

The Council meeting of the Borough of Wind Gap on Monday, January 7, 2013, 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 Dave Hess. Also in attendance were Mayor James M. Shoemaker, Borough Solicitor Ronold Karasek, Borough Engineer Brian Pysher and Borough Administrator Louise Firestone. Absent was Councilman Joe Weaver.

Council President George Hinton informed those present that Council met in Executive Session to discuss personnel, specifically hiring a new Street Leader. They discussed the MSG property.

PUBLIC COMMENT

1. Dan Turtzo, Power Broker, he represents energy exchange for about 30 different companies are suppliers. He thanked the Council for their past contract and was asking Council to consider renewing the contract with him. He stated that the current rate for Met-Ed is 9 cents per kwh and they anticipate increasing that rate. He proposed a rate of 6.9 cents per kWh for 24 months instead of just 12 months. George reported that the last rate was for 7.0 cents per kWh.

On motion by Kerry Gassler to hired Nextera Energy to provide electric at a rate of 6.9 cents per kWh for a period of 24 months and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

APPROVAL OF MINUTES

On motion by Kerry Gassler to approve the minutes of the December 18, 2012 Council meeting and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

SOLICITOR'S REPORT

Ron Karasek apologized for not having a written report to Council. He reported that he has spent a great deal of time on the Emerald Property.

He contacted Robert Guistine regarding the Male Road Bridge. He reached Mr. Guistine via e-mail regarding the bond that appears to still be in effect. Mr. Guistine informed Ron that the Borough should make their claim on the bond for the repairs to the bridge. The bond is with CNA for \$38,000 and is in effect until March 22, 2013. Ron stated that bonds are typically renewal every year. The claim should be made as soon as possible.

He was involved with the negotiations regarding the road crew contract and that issue has been concluded.

Ron has been in contact with the attorney for Gap View Estates. The attorney who represents the bank in the foreclosure wanted to have a meeting. He is in the process of setting up that meeting.

He has the Home Occupation Zoning change, the Fire Company ordinance and the Property Maintenance are all still on his to-do list.

ENGINEER'S REPORT

Brian Pyscher reported on the Male Road Bridge. He spoke with an engineer located south of Wyomissing down below Reading. His name was provided by the Bridge inspection company forwarded to the Borough. The engineer is familiar with the specific repairs to the bridge that has been acceptable by PennDOT. Brian is preparing a detailed spec sheet to send out to contractors to get estimates. One splice is estimated to cost approximately \$6,000. Ron will forward a copy of the specification sheet to the bond company in order to put them on notice that the repairs are required. Ron has received a copy of the bridge inspection report to attach with other paperwork for the bond company. Brian is in the process of trying to locate the original designs of the addition to the bridge in the 1990s. Brian explained that the repair includes saw cutting back two feet on either side of where the joint is located and strip away the concrete leaving the rebar cage, then connect the rebar cage.

Brian stated that the Planning Commission is meeting this Thursday to discuss the Borough's subdivision. Hanover Engineering made their review and Brian will discuss the comments at the meeting.

NEW BUSINESS

1. 2013 Meeting Schedule. A proposed meeting schedule for 2013 Council meetings has been distributed to Council for their review.

On motion by Jon Faust to approve the 2013 Council schedule and seconded by Dave Hess. Roll call vote taken. Motion carried unanimously.

2. Police Vehicle Purchase. George explained that the Borough applied for a grant for a new police vehicle, but we are still awaiting the grant award announcement. The Borough needs to make plans to purchase a new police vehicle. The Chief received State Contract pricing quotes on a 2013 Ford Sedan Police Interceptor 2013 at a cost of \$34,250 or a 2013 SUV Ford Utility Police Interceptor at a cost of \$36,782. George stated that the Borough has \$36,775.23 put away in the Capital Reserve account with an additional \$10,000 in the 2013 budget. Once a vehicle is ordered it takes approximately four months to take delivery from the dealer. The Chief was asked his opinion regarding the vehicles. Chief Armitage stated that Pen Argyl and Tatamy both have the sedan and is AWD (all wheel drive). It is his recommendation to purchase the police sedan. This vehicle will replace the 2005 Ford Crown Vic.

On motion by John Maher to purchase of 2013 Ford Sedan and seconded by Tony Curcio. Roll call vote taken. In favor: D. Hess, G. Hinton, J. Maher, T. Curcio, J. Faust. Abstained: K. Gassler. Motion carried with a vote of 5-0-1.

3. Lawn Tractor (Repair/Replace). George informed Council that the Park lawn tractor was taken to Hilltop Sales for an estimate to repair the mower deck. The repairs that Hilltop suggested total between \$1,200 to \$1,300. Hilltop is an approved State dealer for lawn tractors so that is why the Borough purchases the tractors there. The question is should the tractor be repaired or for that amount of money, should it just be replaced with a purchase of a new zero turn tractor. Hilltop will only offer \$200 for a trade-in of the old tractor. Jon will look into other options for the tractor, possibly a pull behind and report back at the workshop meeting.

OLD BUSINESS

1. MSG building. Borough Council received the sign sales agreement from MSG tonight. Ron reviewed the agreement with Council during the Executive Session. He outlined the conditions which include: the purchase price is \$1,350,000 with a down payment of \$50,000 to be made now, if this matter is not closed by May 31, 2013 a second \$50,000 payment will be made, out of the initial \$50,000 down payment there will payments made of \$10,000 a month to the seller's bank, if in fact this matter is not closed those payments will come back to the Borough and any payments made will reduce the purchase, the Borough has four months to get its due diligence done (inspections done, survey done, environmental studies done, get the State DCED to approve of the loans) after that four month period there will be another two months to close if necessary, however, if all of the items are taken care of and resolved within the initial four months it can close within 45 days after the last items are taken care of, the Borough is entitled to a pre-closing inspection within 24 hours before the day of settlement to see if anything has been changed or destroyed or injured with the exception of normal wear and tear, the remaining conditions are standard boilerplate conditions

On motion by John Maher to sign the Agreement of Sale, the Escrow Agreement and the Deposit Agreement with Emerald Property Group and seconded by Kerry Gassler. Roll call vote taken. Motion carried unanimously.

On motion by John Maher to pay the \$50,000 down payment made payable to King, Spry, Herman, Fraud, & Faul LLC as Escrow Agent and seconded by Kerry Gassler. Roll call vote taken. Motion carried unanimously.

2. Street Leader. George reported that the hiring committee met Wednesday, Thursday, and Friday and narrowed it down to four prospective applicants. The committee is asking permission from Council, barring any issues with background checks, to hire one of the two top applicants, either Elwood Ace or Richard Fox Jr. If there is a problem with both of those gentlemen, the committee will re-convene and make another recommendation at the next workshop meeting.

On motion by Tony Curcio to hire either Elwood Ace or Richard Fox, Jr. pending background checks and seconded by John Maher. Roll call vote taken. Motion carried unanimously.

3. LED Bulbs. Kerry Gassler informed Council that Lucy Flinn received an estimate to change out the lights on the Christmas decorations to LED bulbs. The LED bulbs have a longer live compared to regular light bulbs. The cost for the new bulbs would be \$2,959 at the after season sales price. Kerry asked Council to consider this request and it can be discussed at the workshop meeting.

4. Jon Faust asked if Council will be pursuing residents who do not shovel their sidewalks. Reminders have been placed in the Borough newsletter that an ordinance does exist in the Borough to clear snow after a snow fall. The Chief stated that if a complaint is made the Police do inform the residents of their obligation to clear off the snow.

5. John Maher will provide Ron Karasek with final draft of the nuisance ordinance for his review.

On motion by Tony Curcio to adjourn the meeting of January 7, 2013 and seconded by John Maher. Council agreed unanimously.

The meeting of January 7, 2013 adjourned at 8:10 p.m.

Louise Firestone, Borough Administrator