

**BOROUGH OF WIND GAP
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The Council meeting of the Borough of Wind Gap on Tuesday, January 22, 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, 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 were Councilmen John Maher and Joe Weaver.

Council President George Hinton introduced the new Street Leader, Richard Fox, to Council, the Park Board members in attendance and the residents in attendance. During the interviewing process, the hiring committee outlined the responsibility of the Street Leader in the Borough. They are looking for the Street Leader to take a more active and important role in every aspect of maintaining and repairing the streets. This includes participating in building good records within the GIS System that has been installed in the computers. The Borough has become more aware of safety issues throughout the Borough so maintenance must be a top priority. George expressed his appreciation with the snowplowing and clean-up of Borough sidewalks following the recent snow fall.

PUBLIC COMMENT

1. Glenn Redshaw asked Council for an update on the Property Maintenance Code and asked when it would be available for resident viewing. He asked if there would be a commentary opened up similar to the meeting at the firehouse regarding the building purchase for resident input on the Property Maintenance Code. George Hinton replied that Council wants to have as much conversation as possible on this subject before a decision is made.

APPROVAL OF MINUTES

On motion by Tony Curcio to approve the minutes of the January 7, 2013 Council meeting and seconded by Kerry Gassler. Roll call vote taken. Motion carried unanimously.

COMMITTEE REPORTS

1. EMS – Kerry Gassler reported that the Ambulance Corps responded to 68 calls in November 2012 for a total of 765 calls for the year. They held their monthly meeting last week. The third ambulance is now in service. The Fire Company has been helping out by providing drivers when available. He asked Council on behalf of the Ambulance Corps to forgive the rent for the building.

On motion by Jon Faust to waive the rent for Wind Gap Ambulance Corps for the year 2013 and seconded by Kerry Gassler. Roll call vote taken. Motion carried unanimously.

2. Fire Co. – Jon Faust reported that the Fire Company responded to 24 calls for the month December for a total of 177 calls for the year. The issue regarding the volunteer fire fighter was addressed at the meeting last night. Jon as the Fire Chief has forwarded a response to all the communications he received regarding the fireman.

3. Zoning – Tony Curcio reported that no new applications have been received so the February 6, 2013 Zoning Hearing Board meeting has been cancelled.

4. Planning – George Hinton reported that the Planning Commission met last month. Brian Pysker reported the Borough received a review letter from the alternate engineer, Hanover Engineering Associates, regarding the Borough property on Lehigh Avenue. The Borough was requesting multiple waivers. In the review letter, the engineer cited a couple additional sections that apply in the case, so Brian added those to the list of waiver requests. The Planning Commission recommended all the waivers and recommended the plan for approval with some conditions. This plan should be placed on the February 4 Council meeting agenda so action can be taken on this plan. Ron added that he prepared the SALDO waiver form, along with the conditional approval form and that will be forwarded to Council prior to the February 4 meeting. Brian asked if the Planning Commission made a decision on the outstanding plans that are still on their agenda. Ron replied that the Commission decided that they would meet in April which would be a month before the Seitz deadline comes up. The Borough has 90 days to act upon a plan once it is submitted and that is done to prevent a municipality from delaying in order to frustrate a developer. The developer has had no objection to the extension that has allowed this plan to be extended out for three or four years.

5. Municipal Authority – John Maher was absent.

6. Streets – Dave Hess reported that the Borough needs to provide the new Street Leader's contact information to the County 911 Center. Tony will generate a letter and copy all members. Dave suggested that it would make good sense to purchase portable radios.

On motion by Dave Hess to purchase two portable radios at a cost of \$750 and seconded by Jon Faust. Roll call vote taken. Motion carried unanimously.

Jon Faust reported that he spoke to the street workers and they expressed concern about the white truck not passing inspection. Jon had prior approval to purchase a roller, but that money might be better spent on updating the truck. The body of the truck is rusting off and will need to be inspected in six months. Dave suggested purchasing a different body for the green truck like a plow with a dump body and spreader and turn it into a snowplow. Kerry added that when the green truck was originally purchased the intent was to purchase different bodies. The street committee will discuss this with the street workers and research possible options.

7. Police - Mayor Shoemaker reported that the Police Department responded to 99 calls for the month of December, 3 animal complaints, 8 motor vehicle accidents were investigated and they issued 13 traffic citations. All officers attended CPR training in January.

8. Park – Joe Weaver was absent. Dave Hess attended the last Park Board meeting and asked the members to attend this meeting in order to meet the new Street Leader, Rich Fox and discuss the kiddie play area project. Cathie Yob stated that there was the incident last year and after that nothing has been done in the park. The first issue is the swings were never put back up even after a safety inspection was done, what is the status. The Park Board understands that the one set of swings has to be taken done, when will that happen. They would like to put more play chips in the twelve and under area, but that was not done because of the discussion to dig up the entire area. George replied that the law firm of Cohen and Feeley informed the Borough not to take the swing set down until further notice. Ron will call the insurance company to inquire the status. He did caution the Borough against accidentally destroying potential evidence then there would be a claim because the evidence has been damaged. The swing set by the bandshell has to be removed because of the close proximity to the paved drive. Brian Pysker provided copies of the kiddie play area that shows the layout / location of the existing equipment. In order to upgrade this area correctly, the proposal would be to remove all the equipment and material, dig down, install new material and place the equipment

properly and safely. Matt Dietz, a Park Board member, attended a playground safety seminar and should have significant input regarding the improvements necessary to the kiddie area. The Borough has contacted a representative from a playground company to assist in the specifications for safety. Brian suggested that an arborist should be consulted at a minimum of once a year. Cathie asked Council for a consensus to continue to move this work forward so that it is done as soon as possible. Borough Council wants to get this project moving and utilize the Borough workers for labor, but have the playground equipment professionally installed. Cathie will provide Brian with contact information for Matt Dietz this week so a meeting can be set up.

Cathie asked if it is true that there is a grant for the Master Plan, is it a Park or a Borough plan. George replied that it is for a Park Master Plan. There is a process that has to occur as outlined by DCNR who awarded the grant to the Borough. DCNR has to be provided a list of interested engineering firms for their approval. Cathie asked what role would the Park Board in the process. George stated that once an engineer has been approved, as part of the Master Plan process there has to be public meetings allowing residents input regarding what they would like to see in the park. Cathie stated that she has participated in two of these that never got finished so she appealed as a member of the Borough that everyone takes the responsibility to make sure this one actually gets done. She hopes that the park board would be able to participate in the process.

Cathie asked about the park lawn mower. George reported that the old mower has been returned to the Borough once Hilltop gave the estimate for repairs and a quote for a new mower with a trade-in of the old mower. He asked Randy how extensive the repairs would be and if the street workers could fix the mower and continue to use it. Jon stated that he spoke to Randy and was informed that the mower has been fixed. Jon added that during conversation he was made aware that a three point hitch mower is up at the park. George stated that Rich will need to an extensive inventory all equipment owned by the Borough.

Jon asked the Park Board what their intentions were for the piece of play equipment that currently sits in the Oaten Garage. Cathie replied that they have a plan for that in the lower part of the Park by the ballfield, but not in centerfield. She said that it was purchased for down below and they think there is a way it could go in below. Brian added that it would definitely be possible to explore the possibility of installing that piece of equipment in the kiddie play area once it has been dug up and arranged for safety purposes.

Under Old Business on the agenda was Christmas LED Lights (\$2,959) that was discussed at a previous meeting. George stated that funds are available in Capital Reserve under line item 276.30.

On motion by Kerry Gassler to purchase the LED lights at a cost of \$2,959 and seconded by Dave Hess. Roll call vote taken. Motion carried unanimously.

9. 911 – Tony Curcio had nothing to report. Jon Faust reported that there was a simple discrepancy on borderlines of Plainfield Township and Wind Gap. According to the County dispatch map it shows from the corner of the parking lot of Brown Daub to about the center of the Sunoco Gas Station is the line that cuts across 512 and then goes up the sidewalk in front of the McDonald's. Wind Gap would be considered everything in the roadway for emergency calls.

10. Tipping Fees - Tony Curcio reported that the Borough received the fourth quarter 2012 check in the amount of \$57,811.60. Waste Management estimates tipping fees for 2013 would be approximately \$140,000.

11. Building Finance Committee – George Hinton reported that he met with Brian to get all the necessary information to submit drawings to L & I. Louise received all the paperwork from the bank and the Borough Auditor that must be submitted to the State. Brian is working on getting the subdivision drawings done. George state that he is having difficulty in obtaining drawings on the MSG building and is getting concerns because of the timetable the Borough is working under for closing. He asked Council for permission to allow Ron Karasek to contact Mr. Goffredo's attorney to get

cooperation in moving this process forward. Brian added that when Izzy Industries did construct the building, they submitted plans to Harrisburg and they got Labor and Industry approval. It is beneficial to the Borough because when we submit plans for renovations there will be some grandfathering for some of the requirements of L&I. The paperwork for having L&I release the original plans and approvals for the building has to be signed by Mike Goffredo and notarized. Brian is waiting for CAD drawings and pdf drawings of the building that includes all the dimensions on the building, but Brian is still waiting for those drawings. Jon Faust said that he will call Mike tomorrow to follow-up.

George asked Kerry to approach the Ambulance Corps and appoint a committee of three or four to get together with Brian to get some ideas down on paper. George asked the Fire Company last night to form a similar committee.

Brian reported that his wetlands guy will be at the property tomorrow at 9:00 a.m.

12. GIS Update. John Maher was absent.

13. Zoning Ordinance Changes (Signs) – Jon Faust reported that he had a meeting to discuss signs. The committee reviewed the existing ordinance and came up with some suggestions. They are trying to keep and promote businesses in the Borough. Currently projecting signs are not allowed unless they are grandfathered (been there prior to a zoning ordinance being enacted), but projecting signs are more visible because they do stick out away from the building and are seen by drivers in passing vehicles. They are recommending installing a different color sign, not the green and white signs, for those businesses that are not located on Broadway, but off on the side roads. Brian agreed that signs projecting out are a good thing for the businesses. Ron added that the zoning ordinance that has been proposed is still in the process of being changed, but the sign changes could be included with this amendment. Jon stated that the committee would like to see the portable, triangle signs for being opened, but after further discussion it was explained that it would be a hazard which could put the Borough at risk or liability. Brian said the issue is more of the Borough issuing the permit, not necessarily a sign being on Borough property or the right-of-way. As part of the process of making a zoning ordinance change, a public meeting is required so at that point, the Borough business owners could attend and express their concerns or ideas about the sign requirements. Brian suggested including the Zoning Officer in the meetings and offered to sit in on any meetings with the committee. Jon agreed that the committee will continue to meet and will bring recommendations back to Council.

14. Banners – Mayor Shoemaker reported that he has 26 people for summer banners and 14 for winter banners. He has to have 30 banners for the cost to be \$85 per banner with an additional \$79 for the hardware. He will concentrate on the summer banners in trying to obtain the necessary 30 to be ordered. The deadline for orders will be extended for six weeks. The Mayor hopes to have them ordered and installed by Memorial Day.

15. International Property Maintenance Code (IPMC) – John Maher.

MAYOR'S REPORT

Mayor Shoemaker reported that the Slate Belt COG will meet tomorrow, January 23, 2013 at 7:00 p.m. at the Slate Belt COG office, everyone is welcome to attend. He received several calls about the nice light display in the Park during the holidays, thanks to all who contributed to the cost of the display. He has had several complaints regarding speeding between West Street and Third Street on Lehigh Avenue. He observed that most sidewalks have been cleaned with the 24 hour period after snow fall. He has had complaints about cars not stopping at the stop signs at Fifth and Lehigh.

NEW BUSINESS

1. Roosevelt Street – Ice Issue. Dave Hess and Jon Faust received a complaint about ice on Roosevelt Street. Dave reported that the complaint stated that the water is being pumped from the woods into the street. The house is below the Janson Woods development on the east side of the street. Brian stated that a Borough ordinance prohibits the pumping of water onto a Borough street so if we have an address an enforcement notice can be sent.

2. Reappointments.

On motion by Kerry Gassler to appoint Martino and Karasek L.L.P. as the Borough Solicitor and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

On motion by Tony Curcio to appoint Martino and Karasek L.L.P. as the Borough Planning Solicitor and seconded by Kerry Gassler. Roll call vote taken. Motion carried unanimously.

On motion by Tony Curcio to appoint The Molnar Law Office as the Zoning Hearing Board Solicitor and seconded by Dave Hess. Roll call vote taken. Motion carried unanimously.

On motion by Kerry Gassler to appoint Robert Collura as the Borough Engineer and seconded by Jon Faust. Roll call vote taken. Motion carried unanimously.

On motion by Kerry Gassler to appoint Hanover Engineering Associates as the Alternate Engineer and seconded by Jon Faust. Roll call vote taken. Motion carried unanimously.

On motion by Kerry Gassler to appoint Robert Collura as the Borough Sewage Enforcement Officer and seconded by Dave Hess. Roll call vote taken. Motion carried unanimously.

On motion by Kerry Gassler to appoint France, Anderson, Basile and Company as Borough Auditor and seconded by Tony Curcio. Roll call taken. Motion carried unanimously.

On motion by Tony Curcio to appoint Sam Nittle to the Zoning Hearing Board and seconded by Kerry Gassler. Roll call vote taken. Motion carried unanimously.

On motion by Kerry Gassler to appoint Gina McNamara to the Borough Park Board and seconded by Dave Hess. Roll call vote taken. Motion carried unanimously.

On motion by Dave Hess to appoint Mitchell D. Mogilski, Sr. to the Civil Service Commission and seconded by Kerry Gassler. Roll call vote taken. Motion carried unanimously.

On motion by Tony Curcio to appoint Roger Bet to the Wind Gap Municipal Authority and seconded by Kerry Gassler. Roll call vote taken. Motion carried unanimously.

3. Teamster Contract. Ron Karasek stated that he has reviewed the Teamster Contract regarding some language in the contract that he would suggest be "cleaned" up. Under Step 3 – Grievance Procedure – refers to "Manager" and the Borough does not have a manager so that should be deleted as it does not apply to the Borough. Page 7-Wages, This section states that employees who are newly hired as street laborers shall be paid the listed rates... after completion of their first full year (365 days of employment with the Borough?) He agrees that the part-time, seasonal employees have been clearly written. Page 13 – Article 5, Seniority, which states that all new employees are considered probationary employees for a period of ninety (90) days they shall have no rights to any fringe benefits, he believes that the eligibility should be clarified. Page 16 – Employer in accordance with temporary/seasonal which seems to be different terms from part-time, seasonal so this section should be changed to use the same wording. Article 18 – Pension eligibility should be the same as the 90 days of probation so it would start 91 days, 13 weeks of employment and created 86 hours or more, so that would not include part-time or seasonal workers who can only work 85 hours. Street Leader job description is very thorough, very clear.

On motion by Tony Curcio to approve the Teamster Contract with the changes / clarifications as explained by Attorney Ron Karasek and seconded by Jon Faust. Roll call vote taken. Motion carried unanimously.

OLD BUSINESS

1. Male Road Bridge. Brian Pysker reported that he has the design for the Male Road bridge done and will complete the proposal to be sent out for estimates. He is concerned that the bond will expire and the portion of the bridge that was built for the shopping center is cracked and deficient will not be repaired. The repairs being proposed are only a band-aid or temporary fix to satisfy current PennDOT requirements. The ultimate and proper fix would be to replace the fascia beam which is a major project. There are no guarantees that this temporary fix will be acceptable down the road. Brian would like to discuss this issue with Ron later this week.

On motion by Tony Curcio to adjourn the meeting of January 22, 2013. Council agreed unanimously.

The meeting of January 22, 2013 adjourned at 9:09 p.m.

Louise Firestone, Borough Administrator