

**BOROUGH OF WIND GAP
29 MECHANIC STREET
WIND GAP, PA 18091
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The Council meeting of the Borough of Wind Gap on Monday, December 7th, 2009 was called to order at 7:30 p.m. by Council President Scott Parsons, at which time he reminded those present that the meeting was being recorded. In attendance were Councilpersons: George Hinton, Dave Hess, Tony Curcio, John Faust, Joe Weaver, and Kerry Gassler. Also in attendance were Mayor Mitchell D. Mogilski, Borough Solicitor Ronold Karasek, Borough Engineer Brian Pysker, and Borough Administrator Louise Firestone.

President Scott Parsons informed the public that at Council's last public meeting on November 17th, 2009 an Executive Session took place after the meeting to discuss building issues in which there was nothing to report. In addition, Council passed a motion to put a freeze on the office girls medical benefits.

PUBLIC COMMENT

NONE

APPROVAL OF EXPENSES

On motion by Tony Curcio to approve the expenses in the amount of \$27,524.87 and seconded by Kerry Gassler. Roll call vote take. Motion carried unanimously. Vote 7-0 in favor.

APPROVAL OF MINUTES

NONE

SOLICITOR'S REPORT

Ron Karasek reported that all the matters being handled by his law office for the Borough during the month of December 2009 are outlined in a report. The matters reported are as follows:
Meetings Attended: November 2, 2009 – attendance at regular monthly meeting of Borough Council
November 5, 2009 - attendance at regular monthly meeting of Borough Planning Commission
Subdivision Matters: Correspondence confirming official action to reduce the subdivision performance security – Letter of Credit in the Gap View Estates f/k/a Posh Properties Major
Land Development Matters: Status correspondence to Borough re: expiration date in land development performance security – Letter of Credit in Brymac, Inc. L.D. Plan – 951 Broadway Car Wash
Zoning and Other Land Use Matters: Receipt, review and administration of Petition for Appeal of Real Estate Tax Assessment re: Walden III Associates (325 North Broadway). Receipt, review, and administration of Petition for Appeal of Real Estate Tax Assessment re: Right Pedal Holdings, LLC (302 South Broadway)

Developments on Outstanding Litigation: Since police contract was approved, no Act 111 Arbitration is necessary

Court Decisions on Borough Cases: N/A

Miscellaneous: Preparation of Borough Ordinance No. 471 (including advertising notice, e-mail cover and three items of enclosure correspondence to Express-times, Northampton County Law Library and Borough) re: Real Estate Tax Millage for the 2010 year. Review of proposed Cable Franchise Agreement between Borough of Wind Gap and RCN Telecom Services, Inc. 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: Dentith stormwater 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.

ENGINEER'S REPORT

Brian Pysher reported that the West Street culverts are in the works, weather permitting they should be completed in early spring - the February/March time frame. We had to close Alpha Road 2 weeks ago for safety reasons to place the traffic grates on the oversized inlets. Brian stated that he inspected the Gap View Estates (Gibraltar Development Corp.) for completion of earth work and storm sewer work, and that it was ok to reduce their bond by the amount of \$115,414.92 that they requested. On motion by Kerry Gassler to reduce the bond held by Gibraltar Development Corporation by the requested amount of \$115,414.92 for a remaining balance of \$395,130.50, seconded by George Hinton. Roll call vote taken. Motion carried unanimously. Vote 7-0 in favor.

MAYOR'S REPORT

Mayor Mitchell D. Mogilski, Sr. reported that on December 16th there is a special COG meeting to discuss achievements and goals. RSVP went out today due back on 12/09/09. Arbitration for Act III – noted to send letters to legislators. The dues for the COG are now \$1400.00 per year. Mayor Mogilski stated that there were 136 police calls for the month of November, and 1525 for the year, 25 contractor licenses for the month of November, and 1600 for the year, there were no transient retail licenses for the month and at 350 for the year, and 0 amusement licenses and at 550 for the year.

NEW BUSINESS

1. Ron Karasek stated that the next Council meeting needs to be changed from December 15 to December 17th to allow enough advertising time for their real estate tax resolution. On motion by Dave Hess to change the December 15th Council meeting to December 17th at 7pm, seconded by George Hinton. Roll call vote taken. Motion carried unanimously. Vote 7-0 in favor.

2. Park Tractor Purchase – George Hinton asked John and Randy if the tractor had any problems and if it needed to be replaced – they replied it was okay. Joe Weaver asked Cathy Yob why they need a new tractor and she replied that it is old and heavily used, and still has trade-in value. Mr. Hinton stated that money should be set aside for the tractor purchase. No motion was made at this time.

3. Acceptance of Karen Skorochood's Park Board Resignation - On motion by Tony Curcio to accept the resignation of Karen Skorochood from the Park Board, seconded by Jon Faust. Roll call vote taken. Motion carried unanimously. Vote 7-0 in favor.

OLD BUSINESS

1. MAIG Resolution – Council discussed and Ron Karasek reviewed the resolution, but Council decided they didn't want to pass another law and decided not to take any action on the resolution and no motion was made on the resolution.

2. COG By-laws Resolution – Council decided to have Ron Karasek review the resolution and check for any duplication and report back to Council. This matter is tabled until the next meeting.

EXECUTIVE SESSION

Council adjourned to Executive Session to discuss property matters at 8:22 pm. They reconvened at 8:45 pm. Scott Parsons informed those present that Council discussed borough property issues and no action would be taken at this time.

ADJOURNMENT

On motion by Tony Curcio the meeting of December 7th, 2009 was adjourned. Council agreed unanimously. Vote 7-0 in favor.

The meeting of December 7th, 2009 adjourned at 8:22 p.m.

Darlene C. Plank, Asst. Borough Administrator