

**BOROUGH OF WIND GAP
29 MECHANIC STREET
WIND GAP, PA 18091
863-7288
FAX 863-1011**

EXECUTIVE SESSION

The Council met from 6:30 p.m. to 7:30 p.m. for Executive Session at Wind Gap Borough Hall to discuss the police contract, and property issues. No decision was made on the police contract. The property issues involved obtaining an appraisal of the Borough properties. **On motion** by Jon Faust to obtain an appraisal on the Borough properties not to exceed \$3,000.00 and seconded by Kerry Gassler. Roll call vote taken. Motion carried unanimously. Vote 7-0 in favor.

The Council meeting of the Borough of Wind Gap on Monday, October 5th 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, Kerry Gassler, Dave Hess, Tony Curcio, John Faust, and Joe Weaver. Also in attendance were Mayor Mitchell D. Mogilski, Borough Solicitor Ronold Karasek, Borough Engineer Brian Pysher, and Borough Administrator Louise Firestone.

PUBLIC COMMENT

1. Rocco Caracciolo from Pennoni Assoc. and Jack Muschlitz were present to discuss the potential for a subdivision plan to create housing on West Street at the Quarry. They stated that they met with Brian Pysher at Bob Collura's office to get some feedback regarding their ideas for a subdivision plan and showed them a sketch plan. Brian told them that the first thing they will have to do is submit an application to the Zoning Hearing Board for variances. The plan is for a gated active adult community with a home owner's association and private access drive that will have an established right of way per Boro specs. Hoping to have a 50' tall building with peaked roof and of architectural design. Brian mentioned that he will have to further review the SALDO for their submission of waiver requests. Brian stated that once they get ZHB approval for their variance requests, then they need to present a sketch plan to the planning commission to get their input on the project.

APPROVAL OF EXPENSES

On motion by Tony Curcio to approve the expenses in the amount of \$16, 470.75 and seconded by Kerry Gassler. Roll call vote take. Motion carried unanimously. Vote 7-0 in favor.

APPROVAL OF MINUTES

On motion by Jon Faust to approve the minutes of September 8th, 2009, and seconded by Dave Hess. Roll call vote taken. Vote 5-0 in favor. Councilman Weaver and Councilman Curcio abstained.

SOLICITOR'S REPORT

Ron Karasek reported that all the matters being handled by his law office for the Borough during the month of September 2009 are outlined in a report. The report includes the meetings attended in September 2009.

SOLICITOR'S REPORT

Ron Karasek reported that all the matters being handled by his law office for the Borough during the month of September are outlined in a report. The report includes the meetings attended as Borough Solicitor.

Subdivision Matters: None.

Land Development Matters: Additional correspondence to Applicant's Attorney re: Posting of Performance Security before re-activating project construction re: Brymac, Inc. L.D. Plan – 951 Broadway Car Wash

Zoning and Other Land Use Matters: Preparation of Comprehensive Recommendation Letter to Borough Zoning Hearing Board re Special Exception Use of Casio Property for Clothing Store and Lottery Sales – Jim's Scrubs Site Plan. Legal research and Preparation of Correspondence to B. Knitter re: Private Civil Matter between he and neighbor, A. Germanton re: Stormwater Discharge. Preparation of Memo re Closing Alpha Road for Inlet Repairs/Replacement

Developments on Outstanding Litigation: Preparation of Comprehensive Correspondence to Opposing Counsel pursuant to a Status Conference held before a Northampton County Judge on September 2, 2009. Case to be either settled or full Complaint filed by December 31, 2009.

Court Decisions on Borough Cases: None

Miscellaneous: Several items of correspondence to and from opposing counsel, American Arbitration Association and Borough re: Appointment of Arbitration Panel re: Police Contract with Contract Year beginning January 1, 2010. Preparation of Monthly Solicitor's Report. Prepare meeting agenda for regular monthly meeting of Borough Planning Commission. Review various correspondence and make and receive telephone calls. If applicable, subdivision and land development review letters, prepare correspondence, prepare extension agreements and approval forms for subdivision and land development matters

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 specs are ready to go on the West street culvert. Scott Parsons asked the cost, Brian stated that he will have to make some calls for numbers and will report back at the workshop meeting. Railing at the Roberti property was installed – lousy job – powder coating was bubbly and flaking off. Scheduling a re-coating next Tuesday. The inlets on Alpha – need to reconfigure boxes to make them work- close road for 2 days – 1 inlet per day. Once materials are received we will set a date and notify drivers.

MAYOR'S REPORT

Mayor Mitchell D. Mogilski, Sr. reported that the Contractor License, Transient Retail License, and the Amusement License will be discussed at the mid-month meeting. At the COG is was stated the Act 32 Berkheimer will take place – will get a copy of their presentation from Laura. Next COG meeting will be 10/28/2009 at 7:00 pm.

NEW BUSINESS

Scott Parsons reported that the Gibraltar Subdivision had a couple of items that were listed incorrectly on the first street project. However, the Erosion control, Storm Sewer, and Earth work was satisfactory and complete. Pete Iselo requested in a letter that his bond be reduced for the percentage of completed work. Based on the Engineer's (Brian Pysher) calculations that revised number for work completed would be \$192,814.18. **On motion** by Kerry Gassler to reduce the bond for the Gibraltar property by \$192,814.18 to a remaining balance of \$510,545.42, and seconded by Jon Faust. Roll call vote taken. Motion carried unanimously. Vote 7-0 in favor.

Scott mentioned that we need to approve the public fire hydrants agreement with PA American Water for their placement on 1st street. The hydrants will be placed on 1st street just southeast of intersection of Chestnut Street and First Street, and on First Street just southeast of intersection of Broadway State Route 512. **On motion** by Tony Curcio to approve the contract for the hydrants with PA American Water with the inclusion that the public fire hydrant shall be furnished, installed, inspected, and maintained by the Water Company, and seconded by Kerry Gassler. Roll call vote taken. Motion carried unanimously. Vote 7-0 in favor.

On motion by Joe Weaver to allocate the \$2,500.00 donation from the American Legion for New Park Equipment to the Capital Reserve fund until utilization at a later date, and seconded by George Hinton. Roll call vote taken. Motion carried unanimously. Vote 7-0 in favor

OLD BUSINESS

Scott Parsons stated that Emerald Forest requested another extension for his subdivision plan. The extension takes the plan to March 15th, 2010.

ADJOURNMENT

On motion by Tony Curcio the meeting of October 5th, 2009 was adjourned. Council agreed unanimously. Vote 7-0 in favor.

The meeting of October 5th, 2009 adjourned at 9:41 p.m.

Darlene C. Plank, Asst. Borough Administrator