

**BOROUGH OF WIND GAP
29 MECHANIC STREET
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The Council meeting of the Borough of Wind Gap on Monday, February 4, 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, Joe Weaver 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 John Maher.

PUBLIC COMMENT

1. Archie Albanese, 91 Roosevelt Street, Wind Gap. Archie explained that he received a letter dated January 28, 2013 sent by the Borough, "...according to Borough Ordinance #455, Section 9 Water and other Debris, it is unlawful for any person to discharge or deposit water (or other liquid), leaves, grass, sticks, wood, stones, rocks, dirt or debris of any type into or onto any street, right-of-way, alley, curb, sidewalk, gutter, culvert or drain". He stated that most houses in the Borough pump water onto the streets. A lot of people have small properties so there is no where for the water to discharge in the town so what is the solution. He asked why the residents on Roosevelt Street received this letter when it happens all over the Borough. The problem on their street is the winter months when it forms ice on the street. The water comes in front of his street from Wood Street that goes back to the Perin apartments and it flows down to the collection drain, but the drain is set too high for the street. The water diverts itself around that drain and goes back down Roosevelt. He stated that he does pump water to keep it out of his basement to protect his property. He is open to help to resolve this problem because he doesn't know what the solution might be. He wondered if it would be possible to put the pipes and water into the storm drains that already exist. George stated that it was brought up at the last Council meeting that the Borough received complaints. There were so many days below freezing that any water that was pumped out into the street was freezing and causing a hazard condition in the street. The Borough has been trying to resolve this type of pumping issue when a street is being upgraded. Third Street had improvements to the storm water system and street paving done several years ago, the Borough put 4" pipe behind the curb and required that anyone who had a pump had to connect into this pipe. The same issue arose when the Lehigh Avenue project was done, so a pipe was installed and sump pumps were connected behind the curb also. The Janson Woods development caused additional water issues on Roosevelt. The street committee received a call that the road was dangerous due to the icy conditions caused by the sump pumps discharging on the street. The street committee went to investigate and noticed that the water was being put on the street. If the water is continually discharged into the street, it will tear up the street that much quicker, more salt will be put down and more money will be spent trying to make the street safe. Jon added that the Borough is responsible for what is in the roads. Brian asked if the water could be discharged into the backyards. Archie replied that the property belongs to someone else. The water used to be diverted into the channel back there, but when Keller put the road in they did not continue the pipe across so the water goes into the neighbors' backyards. The short term solution might be to make the property owner who pump should be accountable by throwing sand or salt the icy areas. Brian will look at the drain that currently exists on Wood Street. George told the property owners that the Borough will look into all options and be in touch with the residents on Roosevelt.

2. Frank Ferruccio, writer/producer/director informed Council that he is making a movie about movie star Jayne Mansfield. He wanted to present to Council his plans for shooting a portion of the movie at the Gap Theater. He would like to stage an old 1950's movie premier. It would be shot from inside the theater out toward the street so everything would be contained on that side of the street. He has a 1954 Packard Limousine, which is supposed to pull up in front of the building with the actress playing Ms. Mansfield getting out of the car and then pull away. He does not want to cause a safety hazard or any violation because there is a fire zone in front of the theater. He informed Council that the plan is to shoot on a Saturday night after the movie theater's last showing of the evening. It should only take approximately 10 to 15 minutes if everything goes according to plan. They plan to re-enact the funeral in Pen Argyl as part of the movie as well. The road would not have to be closed because the car would be parked in front of the theater only until she got out and they go the shot they need, then the car would pull away. They anticipate shooting this scene on Saturday, March 9 if all the schedules work out. He provided his contact information to Council and asked them to contact him should any questions arise.

APPROVAL OF MINUTES

On motion by Tony Curcio to approve the minutes of the January 22, 2013 Council meeting and seconded by Kerry Gassler. Roll call vote taken. In favor: T. Curcio, J. Faust, K. Gassler, D. Hess, G. Hinton. Abstained: J. Weaver. Motion carried with a vote of 5-0-1.

APPROVAL OF EXPENSES

On motion by Kerry Gassler to approve the expenses for the month of January 2013 in the amount of \$27,596.59 and seconded by Dave Hess. Roll call vote taken. Motion carried unanimously.

SOLICITOR'S REPORT

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

Subdivision Matters: Receipt, review and administration of Time given by Applicant re: Wind Gap Development Group – Emerald Forest Major Subdivision.

Land Development Matters: Review of Borough's File and Prepare Comprehensive Correspondence to Gustine Associates re: Male Road Bridge Repair.

Zoning and Other Land Use Matters: Receipt, Review and Administration of Multiple Telephone Conferences, e-mails and drafts of Agreement of Sale, Escrow Agreement and Deposit Agreement re: Emerald Property, LLD to Wind Gap (Sale of 545 East West Street).

Developments on Outstanding Litigation: N/A.

Court Decisions on Borough Cases: N/A.

Miscellaneous: Receipt, Review and Administration of Keystone Collection Group Agreement to Collect Local Services Tax (LST). Receipt, Review and Administration of Prior Memo and Additional Legal Research re: Borough Tax Collector and Third Party Collector for Real Estate Per Capita Taxes, 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: Property Maintenance Code – return to Committee for further review, Stop Sign Ordinance – need street designations and traffic/engineering studies, Dog Park Ordinance – need designated area for park, Fire Company Ordinance, Dentith storm water 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.

Ron stated that Council should have his December report and he will provide his January report by the mid-month Council meeting. He added that he has two additional items that are under New Business, the purchase of the Emerald Property resolution that needs to be discussed and approval of the union contract with the road crew.

ENGINEER'S REPORT

Brian Pysher reported that the proposals for the repairs to the Male Road Bridge will be sent out tomorrow. He hopes to have firm numbers by the mid-month meeting so Council can move ahead with getting the bridge repaired.

He finally received copies of the MSG building layout from Mr. Goffredo. A meeting should occur to discuss how the layout of the interior of the building should be designed. Mr. Goffredo signed paperwork that requests a copy of the original permitted plans from Labor and Industry. The building was permitted when it was originally built in 1988. L&I has three recorded sheets and should be sent to the Borough shortly. Everything has been completed related to the subdivision of the MSG property, but a final review has to be done by Mr. Goffredo. George added that copies of drawings have been given to Jon Faust, Fire Company, and Kerry Gassler, Wind Gap Ambulance Corps, to be forwarded to both of those entities. He asked them to meet with their organizations to come up with a wish list and then meet with the Borough and the engineer. Once a meeting has occurred the drawing will be submitted to Labor and Industry for review.

NEW BUSINESS

1. Wind Gap Borough – Conditional Preliminary/Final Plan Approval of the property behind the school. George reported that he spoke to Brian Pysher regarding this plan. Brian requested additional time to provide answers to some of the questions asked by Hanover Engineering from the Planning Commission meeting. This will be tabled until the March 4, 2013 Council meeting. Brian will provide an updated plan to Council. Ron added that he prepared an Agreement for Conditional Approval and SALDO waiver forms. He will give Brian a copy of these forms.

2. Purchase of MSG Property. The Merchant's Bank letter has to be revised because it references an incorrect closing date of March 30, 2013. A new letter has to be typed with the correct date to be included with the paperwork being sent to the State. Ron began preparing the ordinance for approval by Pennsylvania Department of Community and Economic Development; he contacted a lawyer for the PA DCED that he spoke to in the past. He asked if she could advise him prior to the Borough submitting all the paperwork. She had an issue with the interest rate on the mortgage. She said that at the end of the five years when it kicks into 66% of the Wall Street prime rate, it should specify what rate the Borough would be willing to accept. If it goes above that set rate, the Borough would be allowed to go out and re-finance the mortgage. He has prepared the resolution that basically states this and the resolution is necessary because the Borough did not bid out the request to issue this note. The Local Government Unit Debt Act (LGUDA) requires that if it is done by private negotiation a resolution is necessary. He asked Council to consider setting an interest rate after the initial five years because it is too open-ended. George suggested that the finance committee meet with the bank to further discuss the numbers.

OLD BUSINESS

1. Teamster Contract. Ron Karasek reported that he spoke to Joe Weider, Teamster Agent, and all the changes that had previously been discussed have been made in the contract. Ron e-mailed a clean copy of the contract and the pension participation agreement, so it can be printed and signed by Council.

Council has already approved that this document can be signed. He added that the Borough is entering into the agreement based on the fact that the Borough has two employees for the road crew, because a union cannot exist with only one employee. As a matter of information, if at anytime there appears to be only one person on the road crew, a motion can be made to decertify the union.

2. George Hinton stated that he has received a lot of compliments for the cleaning of the streets and thanked Rich and Randy. George asked Rich if the Park parking lot had been plowed. Rich replied that it has been plowed along with the sidewalks being shoveled. Rich Fox reported that he is obtaining prices for the truck from Merkin and E.M. Kutz on the salt spreader/plow, but as the winter is winding down it does not have to be done immediately.

On motion by Tony Curcio to adjourn the meeting of February 4, 2013. Council agreed unanimously.

The meeting of February 4, 2013 adjourned at 8:35 p.m.

Louise Firestone, Borough Administrator