

**BOROUGH OF WIND GAP
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The Council meeting of the Borough of Wind Gap on Tuesday, June 18, 2013, was called to order at 7:30 p.m. by Council President, George Hinton, Jr., 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, 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.

PUBLIC COMMENT

1. Heidi Mason, Paychex Human Resources. Recently the Borough has become a Paychex client and another service they provide is human resources. Heidi reviewed some of the Borough's policies regarding human resources and indicated to Council some of the potential liability associated with the Borough not having written policies. She stated that the burden of proof is always on the business to prove that they are doing everything right. There are several specific items that need to be addressed including an employee handbook customized for the Borough that includes State and Federal requirement. It has to be understood and communicated to all employees with them signing off on the document to prove that they have received it. Job descriptions need to clearly identify people's responsibilities not only to hold people accountable, but being able to show compliance. The recordkeeping has to be consistent on how situations are handled. Last year there was a P3 Initiative - plan, protect, prevent. Heidi gave Council a handout outlining regulations, employment laws, safety. George informed Council that during the process of completing applications for insurance, more and more specific questions have been added to the application in regard to compliance by employers. Heidi said there really are two aspects: safety (OSHA) and employment law. She stated that the price is established based on the employee count, and can either be contracted for short-term to establish the necessary documents or use Paychex as a long-term solution. Once all the necessary documents have been written, a periodic review can be contracted to update any new laws and regulations.

APPROVAL OF MINUTES

On motion by Tony Curcio to approve the minutes of the June 3, 2013 Council meeting and seconded by Joe Weaver. Roll call vote taken. In favor: T. Curcio, K. Gassler, D. Hess, G. Hinton, J. Maher, J. Weaver. Abstained: J. Faust. Motion carried with a vote of 6-0-1.

COMMITTEE REPORTS

1. EMS – Kerry Gassler reported that the Ambulance Corps has not yet met this month, the meeting is tomorrow night.

2. Fire Co. – Dave Hess reported that the Fire Company sent fire equipment out to an outside company to be repaired several months ago and now it is either missing or different equipment was sent back. The equipment company was not aware of the actions of the employee who was responsible for handling the Wind Gap Fire Company account. The Fire Company received a letter from that individual's attorney offering a payment plan, but the issue is the equipment was purchased

with funds through the Fire Relief Association. The proposed payment plan is \$600 a month for thirteen months starting June 15, 2013 through August 15, 2014 because the repayment is through a wage attachment of the employee. The Fire Company is asking if Borough Council would authorize the Borough Solicitor to represent the Fire Company in this matter because the equipment was purchased with the relief money not fundraiser money. Ron stated that if he is provided the file he will review it if Council so wishes.

On motion by John Maher to authorize Borough Solicitor, Ronold Karasek, to review and advise the Wind Gap Fire Company in this issue and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

On motion by Dave Hess to accept the resignation of Fire Chief Jonathan Faust and appoint Jeff Thomas Fire Chief through the end of the year and seconded by Joe Weaver. Roll call vote taken. In favor: K. Gassler, D. Hess, G. Hinton, J. Maher, J. Weaver, T. Curcio. Abstained: J. Faust. Motion carried with a vote of 6-0-1.

3. Zoning – Tony Curcio reported that no new applications were submitted so the July 3, 2013, Zoning Hearing Board meeting has been cancelled.

4. Planning – George Hinton reported that no new plans were submitted so there will be not Planning Commission meeting in July.

5. Municipal Authority – John Maher reported that the Sewer Authority awarded the contract to replace the sewer line in Utica Avenue. Brian reported that he met with Terry Miklas and their engineer, David Martin, to discuss their request of laying out the right-of-way on Poplar Street. When the Authority replaces the main they can put their clean outs behind any potential curb that is put there in the future.

On motion by John Maher to authorize Robert Collura Engineering to do the survey work to establish the right-of-way on Poplar Street and seconded by Jon Faust. Roll call vote taken. Motion carried unanimously.

Brian Pysher stated that they had a question regarding the back of the firehouse because they are replacing the main on Utica and it comes out in the area that is paved. In order to avoid saw cutting the driveway and then having it patched, they suggested not putting a cleanout there. Council discussed this and directed Brian to inform the Sewer Authority that a cleanout be put there. He will tell the Authority that they should plan on permanent restoration of their trenches on Utica because of the uncertainty of the timing for the Borough to repave Utica. There is a pre-construction meeting on Wednesday, June 19 at 10:00 a.m. at the Wind Gap Sewer Plant.

6. Streets – Dave Hess and Rich Fox had nothing specific to report regarding streets. Dave stated that the standing water at the Park is starting to smell. The recent rain storms have flooded the kiddie play area hole and could potentially attract mosquitoes. George suggested pumping out the water and spraying for insects. Brian reported that he spoke to the plans examiner today and Brian got the impression that the plans will be examined in due time. The plans examiner stated that he wanted to see that the mulch meets the ASTM standards. The standards were provided from the nursery where the mulch will be purchased from and that information was forwarded to the examiner. The other comment was that the existing picnic tables do not meet ADA requirements so any proposed seating has to have accessibility to them. Labor and Industry is working through the new Code and that seems to be taking some time.

7. Police - Mayor Shoemaker reported that the Police Department responded to 107 calls for the month of May, 3 animal complaints, 4 motor vehicle accidents were investigated, they issued 47 traffic citations and one parking ticket. The air conditioning unit in the 2005 Crown Vic was repaired. Officers Flad and Donaldson completed training for the DUI Joint County Task Force.

8. Park – Joe Weaver reported that the Park Board was scheduled to meet last week, but only four members were at the meeting so no official action was taken. The Park Board asked to be kept in the loop regarding the Park Kiddie Play Area project completion date.
9. 911 – Tony Curcio had nothing to report.
10. Tipping Fees - Tony Curcio reported that there have been no changes since the last report.
11. Building Finance Committee – George Hinton reported that Labor and Industry has reviewed the new municipal building plan and is requiring that a sprinkler system be installed. The Borough has requested a variance for installing a sprinkler. A variance hearing is scheduled for Tuesday, June 25, 2013 in Harrisburg. When the building was originally built, a sprinkler system was not required to be installed, but the plans examiner is requesting one be installed now. Thursday, June 27, 2013 is the scheduled closing for the new municipal building.

Brian added that in 2012 the State upgraded the Code and became more stringent on sprinkler systems, fire suppression system and even for a portion of 2012 system were required in single family residential homes. That has been repealed, but it is required for anything over two dwellings is required to be sprinklered. According to Labor and Industry if those units are contained in a building, the entire building has to have a sprinkler system. The Borough is proposing interconnected fire detectors, pull alarms, heat sensors and there are significant provisions for fire alarms throughout the building.
12. GIS – John Maher reported that he met with the GIS engineers last Thursday to spec out the year two revisions that will be done for the Borough. The Zoning database, the parcel database, and minor software all has to be updated. There was discussion about having a way to alert emergency responders to an address through the GIS database as a way to identify residents who require assistance because of physical limitations, age, etc. This could be a challenge because of all the privacy, HIPAA laws. John will continue to explore these options.
13. Zoning Ordinance Changes (Signs) – Jon Faust had nothing to report.

MAYOR'S REPORT

Mayor Shoemaker reported that the Slate Belt COG will meet June 26, 2013 at 7:00 p.m. at the Slate Belt COG office and all Councilmen are welcome to attend. The banner program has been a huge success with all 75 banners that were order being in place. The Borough is still accepting orders for banners for residents and businesses and this will be advertised again in a future newsletter. The groundbreaking for the Slate Belt YMCA was held on Friday, June 7 at 12:00 p.m. Many local and state represented were in attendance. The Fire Company Picnic will be held on Friday, June 28 and Saturday, June 29, 2013.

NEW BUSINESS

1. Borough Property Appraisals. George stated that the Borough had the properties appraised over a year and a half ago and should be done again prior to putting the properties for sale. The Borough should have a reserve number in mind.

On motion by Joe Weaver to hire an appraiser with a not-to-exceed cost of \$10,000 and seconded by Kerry Gassler. Roll call vote taken. Motion carried unanimously.

The company who originally completed the appraisal will be contacted to update the appraisal.

George will form a committee to work on the telephone system, security cameras and computers. He would like to include himself and two other Councilmen and a representative each from the Ambulance Corps and the Fire Company. He has spoken to Brian to about getting a bid package together so as soon as the Borough has the permit, the project can begin as soon as possible.

2. Gustine Wind Gap Associates, Ltd. – General Release - \$38,000

On motion by Joe Weaver to authorize Borough Council President, George Hinton, Jr. to sign the release related to the Male Road Bridge Bond for the full amount of \$38,000, Gustine Wind Gap Associates, Ltd. and countersigned by Louise Firestone and seconded by Kerry Gassler. Roll call vote taken. Motion carried unanimously.

3. MSG Property Closing. Ron Karasek reported that the settlement for the property is scheduled for next Thursday, June 27, 2013 at 10:00 a.m. in his Brodheadsville Office. George and Louise need to attend to sign the necessary documentation, but if anyone else would like to attend, all are welcome to attend. In preparing for closing, the Subdivision Plan needs to be recorded after it has been signed by all necessary parties before closing on Thursday. He asked that a copy needs to be provided to Mike Goffredo's attorney, Terry Faul. The new language in the easement agreement has been changed to include "raising fish for commercial purposes". Brian will include the finalized easement agreement to include on the final plan.

4. Ordinances on Website. Joe Weaver stated that he has received comments about having easier access to the Borough ordinances. He asked if they could be put on the Borough website. Louise suggested putting the most common ordinances on the website to allow residents to look up the information, but they would not have the ability to search specific words in ordinance.

On motion by Joe Weaver to coordinate and put ordinances on the website and seconded by Kerry Gassler. Roll call vote taken. Motion carried unanimously.

OLD BUSINESS

1. Uniform Construction Code – Opt In / Opt Out Discussion

Brian Pysher provided Council with a memo prior to the Council meeting outlining points to be considered by Council regarding opting in or opting out of the Uniform Construction Code (UCC). Those points included:

- If the Borough opts into the code, the Borough is required to employ or contract with a building code official (BCO) in order to enforce the code.

- All building code officials shall have their mandatory state certification.

- If the Borough chooses to use a third party as the building code official, they must retain a second third party in case the primary code official is unavailable. This also holds true if the Borough employs a BCO.

- Whether the Borough employs a BCO or contracts with a third party BCO, the Borough is responsible for all permits issued and assumes any liability that may come with that permit. All new construction permits and their associated plans and documents are required by the State to be kept on file for the life of the building. If the Borough remains opted out of the code, the Borough assumes no liability since the State is issuing all permits.

- All fees for plan review, permit processing, inspections, etc. are all paid for by the applicant. If the Borough remains opted out, the applicant pays a fee to Labor and Industry that is based on the construction cost, and that fee pays for all plan reviews, permit processing, inspections, etc. The fee changed by Labor and Industry is always significantly less than that of a certified third party inspector.

George stated that his concern is the fees. He would be more comfortable voting if he knew what the fees would typically be from a third party for inspections. As Brian stated, the third party

inspectors are a for profit company so every time they are required to do an inspection, a fee is charged. Pennsylvania Department of Labor and Industry, the applicant pays one fee and whenever an inspection is necessary, they are obligated to come out and inspect. Brian suggested soliciting third party certified inspection companies for fee schedules. John Maher asked Brian if he believes that the Borough should be opt out. Brian replied that if it is a strictly a liability issue because right now being opt out, the State bears the liability issue not the Borough. Kerry added that 96% of the Boroughs have opted in with only 4% opting out in 2010, so are they doing something right and Wind Gap is not. Joe stated that the park project may have not escalated to this point had the Borough been opting in. Brian explained that there is only one code, it doesn't matter who does the inspections because even the third party has to inspect based on the code. If the Borough opts out, the State still does random audits on permits issued by third party through the local municipality. The State comes in and pulls a few permits, goes to the site to make sure that everything was done according to the plans.

On motion by Kerry Gassler to Opt In to the Uniform Construction Code and seconded by Joe Weaver. Roll call vote taken. In favor: K. Gassler, D. Hess, J. Weaver. Opposed: T. Curcio, J. Faust, G. Hinton, J. Maher. Motion did not carry with a vote of 3-4.

2. **Slate Belt Forward.** George stated that he provided Council with a Slate Belt Forward project packet and asked them to review the information to be discussed at the next Council meeting. They are looking for a support letter from Wind Gap Borough. The program would be a benefit to both residential and businesses for housing, sidewalks or store fronts. This will be placed on the agenda for the next Council meeting.

On motion by Tony Curcio to adjourn the meeting of June 18, 2013. Council agreed unanimously.

Reminder, the next Council meeting will be on Monday, July 8, 2013, with only one meeting to be held in July.

The meeting of June 18, 2013 adjourned at 9:05 p.m.

Louise Firestone, Borough Administrator