

**BOROUGH OF WIND GAP
29 MECHANIC STREET
WIND GAP, PA 18091
863-7288
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The Council meeting of the Borough of Wind Gap on Tuesday, September 3, 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, John Maher, Kerry Gassler, Joe Weaver, 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.

PUBLIC COMMENT

1. Linda Davis, 115 Washington Street, Wind Gap. She had three complaints that she asked Council to address. First is the garbage behind the day care center on Water Street. She knows that the Zoning Officer did take pictures of the garbage. The second is the grate at the bottom of the alley needs to be cleaned between this street and West Street. The final one is if the Borough could get Valerie Fedon to clean up her clothing on her front porch and in the yard in the back. George said that he would follow-up with the Zoning Officer regarding the day care center issue. Louise stated that the owner of the property has been notified and received an enforcement notice. The Chief of Police has given him until the end of this week to have a dumpster delivered and the garbage removed and if this is not done, he will be cited. George asked Rich to take care of the debris on the grate. Valerie stated that she would take care of her property.
2. Bob Matlock, 346 Alpha Avenue, Wind Gap. Bob stated that he has filed several complaints against residents in the Borough and would like to have an answer on how these complaints are being handled and does the Borough have a Code Enforcement Officer or not. He feels that nothing has been done by the Borough to correct any issues he has with his neighbor's property in the last month. Kerry asked to be copied on all complaints filed at the Borough office. Council talked about who would be the code enforcement official during the discussion of the proposed nuisance ordinance and it was stated that the proper official of the Borough would respond (i.e. Animal Control Officer, Borough Engineer, Chief of Police, Zoning Officer) depending on the complaint and they would make a decision. George and Kerry will follow up with the Zoning Officer tomorrow.
3. Kevin Remaly asked if the blacktop on Eighth Street is just temporary right now. Brian Pysher replied that they typically wait 90 days to allow the ditch to settle before final paving.

APPROVAL OF MINUTES

On motion by Tony Curcio to approve the minutes of the August 5, 2013 Council meeting and seconded by John Maher. Roll call vote taken. In favor: T. Curcio, J. Faust, D. Hess, J. Maher, J. Weaver. Abstained: K. Gassler, G. Hinton. Motion carried with a vote of 5-0-2.

APPROVAL OF EXPENSES

On motion by John Maher to approve the expenses for the month of August 2013 in the amount of \$29,674.09 and seconded by Tony Curcio. 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 August are outlined in a report. This report includes the meetings attended as Borough Solicitor.

Subdivision Matters: Receipt, Review and Administration of Sketch Plan re: Subdivision of R. Cortez Lot on First Street.

Land Development Matters: N/A.

Zoning and Other Land Use Matters: Preparation of fully executed duplicate copy of General Release and Enclosure Correspondence to B. Gustine re: Male Road Bridge Repairs. Preparation of signed duplicate copy of Solicitor's Opinion Letter, Disbursement of Escrow to First Northern Bank (held on Release of Mortgage), Enclosure Correspondence to Borough with copy of Initiated Revised Promissory Note and Obtain Copy of recorded Deed and Mortgage re: Emerald Property Group Conveyance.

Developments on Outstanding Litigation: Receipt, Review and Administration of Notice of Hearing on Real Estate Tax Exemption Request for New Municipal Building – 545 West Street.

Court Decisions on Borough Cases: N/A.

Miscellaneous: Preparation of Monthly Solicitor's Report for May, June, and July 2013. 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: Home Occupation, Clear Site Triangle (and related) Zoning Ordinance Amendments. Stop Sign Ordinance. Dog Park Ordinance. Fire Company Ordinance. 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.

Ron Karasek reported that the purchase of the property was completed; the Borough received the money for the Male Road bridge repairs and received money from the First Street Subdivision plan. He stated that he put in quite a bit of time in on these three items and now that they are completed, he would like to get back to the zoning ordinance change related to home businesses.

Mr. Ray Cortez submitted a sketch plan for subdividing his lot on First Street. The sketch plan does not require any action at this time. He was advised that he would need a couple zoning variances prior to proceeding with the plan.

Ron stated that there is a hearing next week on the Real Estate Tax Exemption for 545 East West Street property. He asked if anyone is interested let him know.

The Blighted Properties was listed under the Solicitor's Report because it was discussed at the previous Council meeting when not all members of Council were present. If Council wishes to have Ron explore the statute for blighted properties then they should decide to do so.

ENGINEER'S REPORT

Brian Pysher reported that street workers have been working in the Park Kiddie Play Area. They are blowing the mulch in to the area today. There have been ongoing discussions with Bob Hebel, Labor and Industry Inspector, on how to install the mulch and have it inspected. He spoke to TUV America, company who did the testing, for Green Pond Nursery to certify the mulch that it meets the ANSI standards for impact, fall heights and wheelchair accessibility. They explained that in their testing procedure they use a 10 x 10 hands tamper mainly to level the material and then it is just natural compaction. Brian will provide Mr. Hebel a copy of their test report to be in compliance with the mulch installation. If the test report is not satisfactory, Brian will follow up with Green Pond Nursery.

A concrete contractor for Tuskes Homes will be installing sidewalks for the model home because they are working with the bank to sell the house because they might have a buyer for the house. They did submit a grading plan for Lot No. 9. Brian reviewed the plan and made comments that need to be made in revised plans.

Brian reported that the new building is moving ahead. The demolition plans have been given to contractors. George added that if the sealed bids are received at the end of this week, the committee could open the bids and move ahead with the demolition portion of the renovation project. The bid specs for the framing portion of the project will be done shortly. A list of contractors was compiled from contractors who have obtained contractor license to work in the Borough during the last several years.

On motion by John Maher to allow the building committee to open the sealed demolition bids and award the bid to the lowest qualified bidder and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

John Maher stated that he was in the Park and someone had torn down the temporary fencing so they could play in the play area. It was determined that "No Trespassing" signs be put up on the fence. Ron Karasek explained that

NEW BUSINESS

1. 2012 ARLE Grant Agreement Resolution

On motion by Dave Hess to approve the 2012 ARLE Grant Agreement award and seconded by Jon Faust. Roll call vote taken. Motion carried unanimously.

George explained that the Borough received grant money to synchronize the lights in one central location so if Route 33 is shut down and all the traffic is diverted through Wind Gap the lights can be timed for the overflow traffic. All the traffic light equipment will need to be upgraded. The lights include the light at the Beerstein, Center Street, Third Street, Male Road and Sullivan Trail. Jon asked if the light at Alpha can be looked at and upgraded.

Dave asked if this is going to happen right away. Louise replied that the State was to set up a meeting to discuss the time schedule for the lights in conjunction with the Route 33 / 512 project.

OLD BUSINESS

1. Zoning Ordinance Change. John Maher reported that the committee still needs another meeting to finalize the ordinance prior to making a recommendation to Council.

2. Wood Street. George reported that Brian has been up to Wood Street to measure the width of the street. The original drawing was located as part of the 1987 Ambrose Subdivision, which shows Mountain Alley. Ron stated that once the traffic study is done, PennDOT has standards, rules and regulations, on how a traffic study is done, and confirmed that no parking is warranted in writing. Ron will prepare an ordinance, attaching the traffic study, and then the signs can go up and they are enforceable. Kerry suggested that the stop signs are all looked at to make sure there is an ordinance. George added that the No Trucks on Alpha Road was not done by a traffic study.

3. Ron Karasek reported that he did the necessary legwork regarding the property taken from the Wind Gap Fire Company as authorized by Borough Council. He has not heard back from the attorney. He suggested that the Fire Company considered contacting the Police Department to file criminal charges.

4. Dave Hess reported that the Borough took delivery of the new truck. He stated that the Borough trucks have different signs on them. He would like all the trucks to have the same logo.

On motion by Dave Hess to go ahead with the reflective lettering and re-lettering for the Borough Street trucks at a cost of \$350 per vehicle and seconded by John Maher. Roll call vote taken. Motion carried unanimously.

Joe reported that the advertisement went out for selling the dump truck and roller on E-Bay starting on Saturday, September 7 through Saturday, September 14, 2013.

5. Dave Hess asked that Regional Police Committee be included in the Borough's regular committee reports. They meet the first Tuesday and the third Thursday of each month. The first five meetings were solely to discuss the Solicitor for the Regional Police. The committee has chosen Steven Goudsouzian. His office is located on William Penn Highway in Easton. The next step will be writing the Articles of Incorporation which will bind the three municipalities. The committee is asking for a contribution of \$5,000 for attorney fees and incorporation fees.

On motion by Joe Weaver to set \$5,000 for costs associated with Regional Police Force and seconded by Dave Hess. Roll call vote taken. In favor: J. Maher, J. Weaver, T. Curcio, J. Faust, D. Hess, G. Hinton. Abstained: K. Gassler. Motion carried with a vote of 6-0-1.

On motion by Dave Hess to allow Borough Administrator, Louise Firestone, to attend the Regional Police and seconded by Jon Faust. Roll call vote taken. In favor: J. Weaver, T. Curcio, J. Faust, D. Hess, G. Hinton, J. Maher. Abstained: K. Gassler. Motion carried with a vote of 6-0-1.

Mayor James Shoemaker informed Council that the consensus of the three municipal police departments and the regional police committee is to name the regional police force, Slate Belt Regional Police Department. The other name being discussed was Blue Mountain Regional Police Department. Dave explained that one of the pros of the name Slate Belt was everyone identifies this area as the Slate Belt.

On motion by Tony Curcio to adjourn the meeting of September 5, 2013 and seconded by John Maher. Council agreed unanimously.

The meeting of September 5, 2013 adjourned at 8:39 p.m.

Louise Firestone, Borough Administrator