

**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, October 7, 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, Tony Curcio, Joe Weaver, and Dave Hess. Also in attendance were Mayor James M. Shoemaker, Borough Solicitor Ronold Karasek, Borough Engineer Brian Pysner and Borough Administrator Louise Firestone. Absent were Councilmen Kerry Gassler and John Maher.

PUBLIC COMMENT

No one appeared before Council at this time.

APPROVAL OF MINUTES

On motion by Tony Curcio to approve the minutes of the September 17, 2013 Council meeting and seconded by Jon Faust. Roll call vote taken. Motion carried unanimously.

APPROVAL OF EXPENSES

On motion by Dave Hess to approve the expenses for the month of September 2013 in the amount of \$41,517.72 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 September are outlined in a report. This report includes the meetings attended as Borough Solicitor.

Subdivision Matters: N/A.

Land Development Matters: N/A.

Zoning and Other Land Use Matters: Review New Borough Code and Prepare Borough Resolution to Approve the Sale of the Four Borough Properties.

Developments on Outstanding Litigation: Prepare for and Conduct Hearing before the Northampton County Board of Revenue Appeals on the Real Estate Tax Exemption Request for 545 East West Street. Receipt, Review and Administration of proposed Stipulation of Counsel on Walden III Associates Real Estate Tax Assessment Request.

Court Decisions on Borough Cases: Northampton County Board of Revenue Appeals grants the Tax Exemption Request for 545 East West Street.

Miscellaneous: Preparation of Monthly Solicitor's Report for September 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.

ENGINEER'S REPORT

Brian Pyscher reported that Hale Built delivered the necessary bonds and proof of insurance to the Borough office today for the Utica Avenue project so he will send out the Notice to Proceed. They will provide Brian with an intended schedule for the project.

The new municipal building is moving ahead. Right now the construction bid specifications have been handed out to interested contractors. The bids are due next Friday, October 18, 2013, when they will be opened with a recommendation from the committee to award the contract at the mid-month meeting. He is working on bid specifications for the electrical and plumbing portion of the building renovations and hopes to have them done by the end of next week.

Joe asked Brian what the status is for obtaining a certificate of occupancy (CO) for the park. Brian replied that a drawing was completed for the ramp and handrail and now he just has to get prices from steel fabricators for the handrail. Brian and Rich met at the park to discuss the ramp paving and hopefully this will be done soon. He anticipates having a CO by the mid-month in November

NEW BUSINESS

1. Resolution 2013-04 – Sale of Borough Real Estate. Ron explained that the resolution was written so that Council can accept bids at their discretion. Brian added that the subdivision plan for the vacant property on Lehigh is complete, but he will verify with the alternate engineer prior to recording the plan.

On motion by Joe Weaver to approve Resolution 2013-04 for the Approval of the Sale of Borough Real Estate and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

2. Walden II Associates – Real Estate Tax Appeal. Ron explained that Walden III Associates they appealed their assessment for the tax year 2010. This appeal would affect 2010, 2011, 2012, 2013 tax years. Typically the Borough accepts the "Stipulation of Counsel" in conjunction with Northampton County and Pen Argyl Area School District.

On motion by Joe Weaver to authorize Ron Karasek as Borough Solicitor to sign the Stipulation of Counsel and seconded by Dave Hess. Roll call vote taken. Motion carried unanimously.

3. Planning Commission Recommendation – Emerald Property Plan. George explained that the Wind Gap Planning Commission recommends denying the plan submitted by James Seitz due to the fact that the plan has remained dormant for the past five years.

On motion by Jon Faust to deny the plan for Emerald Forest at Wind Gap plan because the plan does not meet planning and zoning requirements (SALDO - Subdivision and Land Development Ordinance and Zoning Ordinance) as outlined by the Borough Engineer, Robert Collura, in his Fourth Review letter dated June 5, 2008 and as recommended by the Wind Gap Planning Commission and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

4. Tree Lighting Committee – Park Requirements. Dave Hess reported that Lucy Flinn contacted him today. Dave recommended that the Tree Lighting Committee submit a letter to Council request permission to hold the Christmas Celebration in the Wind Gap Park and place 2 porta-potties during the celebration. Dave reported that they want to run extension cords, but they could potentially disappear or they could be a tripping hazard. Joe asked Brian if this would be an issue with Labor and Industry. Brian replied that a plan would have to be submitted to verify that the electrical panel has sufficient capacity and look at the panel schedule. Brian has to determine if it is feasible and then a plan will have to be submitted. Joe will provide Brian a map outlining the plan for all the lights in the Park by the end of the week. Rich asked if the committee will be using the kitchen and the restrooms. Dave stated that when

the committee had originally discussed having the ceremony at the park and they were informed that the park is typically winterized by that time of year, which means the restrooms and kitchen have been shutdown and the water turned off for the season. Council agreed that the park should be winterized as normally scheduled. Council discussed the tent remaining up until the ceremony is over. Rich stated that it is not an easy endeavor to take it down and then put it up again for only three hours. The stakes that must be pounded into the ground are 3'-4' high and there is the potential for the ground to be frozen at that time of the year. George suggested to Joe that he mention to the Park Board that taking down and putting the tent back up is not as easy as it might appear and it might not be such a good idea for the three hour celebration.

5. Police Contract. Mayor Shoemaker stated that the committee met with the police negotiating committee. The police have agreed to a 65 cent an hour raise and they are willing to withdraw all other contract requests with this contract due to expire on December 31, 2014.

On motion by Dave Hess to approve a 65 cent an hour raise to the police officers for a one year contract and seconded by Jon Faust. Roll call vote taken. Motion carried unanimously.

6. Morgan Stanley Investments. George explained that the Borough has money invested with Morgan Stanley and those investments have been losing money, Council must decide if they want to move those funds. George and Louise met with Merchant's Bank to discuss the return in a money market account. If the funds were invested in a money market account, in one year the return would be approximately \$1,750. George suggested moving the money now, but keeping the funds available in the event that the money would be needed in the next several months. Joe added that the Borough is currently losing approximately \$20 a month.

On motion by Jon Faust to move the Morgan Stanley investments to Merchant's Bank and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

OLD BUSINESS

1. Cancellation of Open Permit for Firehouse Floor Repair. George explained that the firehouse floor needed to be repaired, but the Fire Company is not proceeding with the repairs because it was estimated to cost \$17,000 and they will be moving to the new building. This topic was discussed at the last meeting, and it was thought that this permit could be transferred to a new owner. The permit was issued based on the building being used as a firehouse, so if the building is sold and a new owner would in all likelihood be changing the use and the permit would not be valid.

On motion by Jon Faust to cancel the firehouse floor permit and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

2. Municipal Building – Progress Report. George reported that there appears to be a lack of interest by contractors to do the work at the new municipal building. There are two contractors who will be submitting bids for the work; he contacted five others who will not be submitting a bid for the framing portion of the renovations. He asked if anyone on Council had a contractor they might want to recommend, please let Brian know the contact information. Overhead Door did repairs to the garage doors, installed timers and new remote openers for all the doors. The demolition work is approximately 98% complete, but there will be a little more to do when the framers come in to frame. Almost two dumpster bins were filled with all the material that was taken out during the demolition phase. Al Bernard will be doing some spouting, down tube working to make sure that they are all secure. There are eight all together, but there are three missing that will have to be replaced. Brian placed a call to Reto to determine what can be done with the flooring, carpeting and tile because previous flooring was glued down and there is old glue residue.

Ron reported that he submitted a tax assessment appeal application for tax exemption for the new Borough property. He attended the hearing and the exemption was granted. The school tax for the

year 2013 was paid mostly by the Borough for the period July 1, 2013 through December 31, 2013. He asked Council to consider whether they want to file for that money. Ron did state that the legal cost might equate out to the tax that would be refunded. He will look at the numbers for the mid-month meeting.

3. Part-time Road Person. Jon Faust stated that Council agreed to hire a person to assist with snowplowing, but a rate was never discussed. George asked if Rich could speak with the union representative regarding hiring a snowplow person. It was suggested that the Borough look at a possibility of three people so there is someone available when necessary.

On motion by Jon Faust to advertise for a part-time person to plow snow at a rate of \$14.00 per hour and seconded by Dave Hess. Roll call vote taken. Motion carried unanimously.

4. Roller. Dave Hess asked for an update on the sale of the roller. Joe Weaver replied that the buyer has not responded to Joe or the Borough Office. E-Bay offers a second chance offer, which means the seller has the ability to offer the item to the person who was the second highest bidder.

On motion by Jon Faust to take the roller to the scale to find out what it is worth. Motion died for lack of a second.

On motion by Joe Weaver to utilize the E-Bay second chance offer, if they are not interested in purchasing the roller then it will be scraped and seconded by Dave Hess. Roll call vote taken. Motion carried unanimously.

Joe will notify Rich if the roller needs to be scraped.

George reminded those present that the next Council meeting is scheduled for Tuesday, October 22, 2013 at 7:30 p.m.

On motion by Tony Curcio to adjourn the meeting of October 7, 2013. Council agreed unanimously.

The meeting of October 7, 2013 adjourned at 8:20 p.m.

Louise Firestone, Borough Administrator