

**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, February 18, 2014, 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, Dave Valley, Kerry Gassler, Joe Weaver and Dave Hess. Also in attendance were Mayor James M. Shoemaker, Borough Solicitor Ronold Karasek, Borough Engineer Brian Pysker and Borough Administrator Louise Firestone. Absent was Councilman Tony Curcio.

PUBLIC COMMENT

1. Gayle Steinmetz. She asked Council if there is anything new on the no parking signs for Wood Street. George replied that Brian took measurements in an attempt to determine where the alley is and he in the process of writing up a letter to be forwarded to Ron Karasek. Gayle thanked Rich for his efforts in plowing back Wood Street.

APPROVAL OF MINUTES

On motion by Kerry Gassler to approve the minutes of the January 21, 2014 Council meeting and seconded by Jon Faust. Roll call vote taken. Motion carried unanimously.

APPROVAL OF EXPENSES

On motion by Kerry Gassler to approve the expenses for the month of January in the amount of \$31,676.09 and seconded by Dave Hess.

Joe Weaver asked for more information regarding the invoice from SuperHeat in the amount of \$1,105.74. Brian explained that the invoice is for the quick recovery heater that heats the garage at the new municipal building. He stated that the Borough did not have any history on the heater other than comments were made that the previous owner always had trouble with it. That is the primary source of heat in the garage and there needs to be heat for the ambulances and fire trucks. He contacted SuperHeat to get an estimate on potential repairs and serve. When SuperHeat came to do the repairs, the technician reset the gas low pressure switch. Brian had them service the unit later and they replaced belts, greased the bearings and motor, adjusted the belt and checked the electrical connections. They also installed a new transformer relay and thermostat, removed the old transformer and installed parts to convert to a 24v thermostat, rewired the unit and installed new filters. Roll call vote taken. Motion carried unanimously.

On motion by Dave Hess to approve the legal expense for the Slate Belt Regional Police Department in the amount of \$1,758.33 and seconded by Jon Faust. Roll call vote taken. In favor: D. Hess, G. Hinton, D. Valley, J. Weaver, J. Faust. Abstained: K. Gassler. Motion carried with a vote of 5-0-1.

SOLICITOR'S REPORT

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

Subdivision Matters: N/A.

Land Development Matters: N/A.

Zoning and Other Land Use Matters: Receipt, review, and administration of e-mail and responsive e-mail to R. Due (from Merchants Bank) re: Status of UCC Filing in Emerald Property Group to Wind Gap Borough. Brief Legal Research on Municipalities Planning Code – Appointment of Zoning Officer.

Developments on Outstanding Litigation: N/A.

Court Decisions on Borough Cases: N/A.

Miscellaneous:

Receipt, review and administration of Invoices from Dalmatian Fire Equipment, Inc. for Wind Gap Fire Company air packs. Receipt, review and administration of e-mails from Attorney S. Goudsouzian with copies of proposed Ordinances (for Pen Argyl Borough, Plainfield Township and Wind Gap Borough) and second draft of Charter Agreement for Slate Belt Regional Police Force and obtain copies of Borough Police Force (Nos. 196 and 300). Receipt, review and administration of signed copy of Borough Ordinance No. 483 (2014 Real Estate Tax Millage for 2014 Calendar year), Brief Legal Research on Proper Oath of Office, Preparation of Monthly Preparation of Monthly Solicitor's Report, Review various correspondence, e-mails, prepare letters 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 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.

ENGINEER'S REPORT

Brian Pysher reported that he has been working on issues regarding the new municipal building. Bollinger Electric has been hired to complete all the communication wiring that was started by Shaun Marsh. Brian needs to talk with Jim Albanese regarding all wiring installation requirements for computers hardware upstairs and downstairs so nothing is missed. Labor and Industry initially decided to approve the project plans without a mechanical design. A signed and sealed mechanical drawing and design now has to be submitted to Labor and Industry for their approval. Brian solicited estimates from multiple mechanical engineering firms. Smith Miller Associates quoted a price of \$5,000, Lehigh Valley Engineering \$7,500 and another mechanic engineering firm wanted \$900 just to visit the building as a consulting fee. He met with Smith Miller Associates on Monday morning to get all the measurements that they needed and will have a preliminary plan to the Borough by Friday, February 21, 2014. It was agreed that Smith Miller Associates will prepare the bid specifications so Brian will not have to write the specs, but he will still handle getting the specs to contractors. Brian made phone calls to get estimates for the fire alarm system, with numbers from \$20,000 to \$13,600. Tyco was the low bidder and a meeting has been set up with Bruce Stuart, Tyco, and Labor and Industry this Friday, February 21, 2014 at 11:30 a.m. at the new building for a pre-construction

meeting. Once Tyco gets approval they plan on installing the fire alarm system next week. Discussion took place regarding replacing all the garage lighting with LED, but they may not be as cost effective so fluorescent lighting may be the way to go.

COMMITTEE REPORTS

1. EMS – Kerry Gassler reported that since the Ambulance Corps is meeting tonight so he will give his report next month.
2. Fire Co. – Jon Faust reported the Fire Company responded to 14 calls in the month of January and 14 year-to-date total. They have tentatively scheduled the Carnival for June 12, 13, 14, 2014, but it is subject to change.
3. Zoning – Tony Curcio was absent. Brian Pysker reported that an application was received from Jack Muschlitz because he has amended his design for the condominiums on East West Street and they exceed the maximum allowable height according to the Borough's Zoning Ordinance so he is requesting a variance. The Zoning Hearing Board will hear the case the second week of March. Brian is in the process of notifying the board members.
4. Planning – George Hinton reported that no new plans have been submitted.
5. Municipal Authority – Joe Weaver attended the Municipal Authority meeting on January 22, 2014. He introduced himself to the Authority as the new liaison and they were receptive to his presence at the meeting. The board did discuss the relationship between the Municipal Authority and the Borough. They asked that the Borough inform them of any street work so that they could do work as well. The owners of Spanky's Car Wash were in attendance with lawyer and engineer to discuss matters with their building and installing a flow meter to measure their utilization. The Authority did purchase a salt spreader. They reorganized during their meeting.
6. Streets – Jon Faust reported that the Street Department plowed snow, shoveled sidewalks, fixed potholes with cold patch, removed the Christmas lights, cleaned off the drains, removed carpet and installed insulation at the new municipal building, patched the sinkhole on Wood Street, installed weight limit signs on Male Road for the bridge, fixed several water leaks at the firehouse, had two borough trucks inspected. The Borough has not received any deliveries of salt and does not anticipate any deliveries soon. Rich contacted the salt distributor and they will not be receiving a salt barge until February 21, 2014 so that would potentially be the earliest the Borough could receive salt.
George informed Council that the street committee is looking at hiring additional contractors to assist in the removal of snow. Schmauder is assisting using a tri-axle from Giroux, a dump truck, our backhoe and our trucks. It will cost approximately \$2,200 a day with just this equipment. How many tri-axles does Council want to hire for removal of the snow. Rich would like to have at least two tri-axles. George stated that with this equipment it could cost Jon asked what the ultimate goal is in the snow removal, clean every street off or just the main streets. George suggested cleaning the streets from curb to curb including, Fourth, Fifth, Liberty, Woodward, East Mechanic, the presidential streets, along with the intersections because of the poor visibility. The business section on 512 has high piles in front, does that need to be done too. Jon offered to contact the Fire Police in assisting with the traffic if streets need to be closed down in order to get the snow on the dump trucks.

7. Park – Joe Weaver reported that the Park Board met on February 11, 2014 and Joan Valley was present for her first meeting. The board reviewed the financials and asked how much money remains in Capital Reserve after all the bills were paid for renovating the Kiddie Play Area. Louise responded that there is \$10,000 in reserve. The committee for the Master Plan will consist of Kerry, Joe and a member from the Park Board, Gina McNamara. The Park Board asked if there is list of projects that would be in scope for Labor and Industry approval. Brian stated that the project would have to be given to him to research. He explained that the new requirements are actually Federal requirements under the Americans with Disabilities Act (ADA) which now regulates amusement facilities i.e. miniature golf, playgrounds, etc. Brian said he is not familiar with the specifics of the new requirements so maybe a new swing set might not be, but installing new electricity, additional outlets, would require approval. The Park Board would like to proceed with additional electrical outlet for the tree lighting. Matt Dietz will be contacting Rich Fox to discuss any electrical needs that the street department might want in the park.
8. Police - Mayor Shoemaker reported that the Police Department responded to 150 calls for the month of January, 1 animal complaint, 10 motor vehicle accidents were investigated and they issued 19 traffic citations. The Police investigated an armed robbery at the K-Mart.
9. 911 – Tony Curcio was absent. Jon Faust had nothing to report.
10. Tipping Fees - Tony Curcio was absent.
11. Building Finance Committee - Brian already gave the building update. The weekly meeting has been changed from Thursday at 10:00 a.m. to Thursday at 4:00 p.m. There has to be further discussion on the flooring for the upstairs. (Fire and Ambulance)
12. Regional Police – Dave Hess reported that the committee is currently interviewing candidates for the Chief of Police of the Regional Department. The committee received 54 applications from New Jersey to Colorado and after all the reviews the committee has two remaining applicants. The final interview will be held next week and after that is complete the committee will be prepared to offer the job to the new Chief of Police. The two remaining candidates are both currently Police Chiefs, one is from Doylestown and one is from Pottstown.
13. Park Master Plan was already discussed.

MAYOR'S REPORT

Mayor Shoemaker reported that the Slate Belt Council of Governments will be meeting on Wednesday, February 26, 2014 at 7:00 p.m. at the COG office. He stated that even though it has been an extraordinary year for snow he thanked residents to abiding by the 24 hour sidewalk snow removal and encouraged all to keep their sidewalks clear. The Mayor thanked the full-time and part-time street workers for all their dedications in clearing the streets.

NEW BUSINESS

1. Wind Gap Municipal Authority. Joe Weaver stated that it is his understanding that there is still a vacancy on the Authority and Mr. Levits had expressed an interest in being re-appointed.
On motion by Joe Weaver to re-appoint Paul Levits to the Wind Gap Municipal Authority and seconded by Kerry Gassler. Roll call vote taken. In favor: D. Valley, J. Weaver, K. Gassler, D. Hess. Opposed: G. Hinton, J. Faust. Motion carried with a vote of 4-2.

OLD BUSINESS

1. Slate Belt Regional Police Department – Charter Agreement. Ron reported that the hope at the last meeting was that the ordinance to adopt the Charter would be advertised and would be ready to adopt this evening. Ron had previously provided Council with a memo raising some concerns regarding the Charter Agreement. He does not believe that these issues have sufficiently been addressed. In Article II, Section C – Retention of Police Powers – there are several Wind Gap ordinances that require enforcement by the Borough Police Department – how will enforcement of those ordinances be handled? The current ordinances would have to be changed and specify who would be do enforcement – regional police or borough official. Dave stated that the two other municipalities voiced concerns and he believes at this point the regional department would enforce the ordinances.

What are the method and manner of notice that is required prior to a removal hearing? It is not specific how notice will be: a phone call, a written notice. He suggested that it should be a written notice would be sent indicating that a hearing will be scheduled.

The language – a misdemeanor conviction that – would relate to the individual's ability to act as representative, may be a bit vague. He suggested a felony with a time specified penalty, or a felony dealing with honesty or truthfulness or perjury. It would specifically affect what they are doing or their ability to act on the commission.

If a vacancy occurs each municipality shall appoint a successor – Ron would like to see that language that gives the municipality a certain time period to appoint the successor and a default provision if the successor is not timely appointed then someone else can appoint the representative.

Dave Hess stated that he believes all those points have been discussed. He thinks some of suggested changes were incorporated into the Charter. Dave suggested that Ron call Attorney Goudsouzian directly to clarify any issues. If Councils directs Ron, he will advertise as soon as the changes are made because he needs ten days to advertise. If he has confirmation changes have been made, he will advertise for the March meeting.

2. Ordinance 481 – George asked Brian, as acting Zoning Officer, sent out notice to a resident to clean up their property of garbage. The return receipt has not been returned back to the borough office.

3. Zoning Officer. Dave Hess suggested that the Borough officially explore a joint Zoning Officer and send a letter to Pen Argyl and Plainfield Township.

On motion by Jon Faust to adjourn the meeting of February 18, 2014. Council agreed unanimously.

The meeting of February 18, 2014 adjourned at 8:35 p.m.

Louise Firestone, Borough Administrator