

**BOROUGH OF WIND GAP
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The Council Meeting of the Borough of Wind Gap on Tuesday, September 2, 2014, was called to order at 7:30 p.m. by Council Vice President Kerry Gassler. In attendance were Councilmen: Jon Faust, David Valley, Tony Curcio, Joe Weaver and Dave Hess. Also in attendance were Mayor James Shoemaker, Borough Solicitor Ronold Karasek, Borough Engineer Brian Pysher and Borough Administrator Louise Firestone. Absent was Councilman George Hinton.

PUBLIC COMMENT

1. Donald Bortz, 120 East First Street, Wind Gap. Donald purchased his house on East First Street, in the new development, four years ago, and the trees that were supposed to be planted have never been planted. He was told that the Borough called in the Bond posted by Gibraltar Development Corps and the trees should have been planted when that money became available. Brian Pysher stated that typically, the street trees and the monuments are not put in until the entire development has been completed. Brian explained that there was money allotted for that, but because of other expenditures that came about through necessary improvements to that development the trees would not be covered. Basically, there was not enough money to cover everything, but one way or another the trees will get planted, either the Borough will be obligated to plant or the developer who purchased the properties through foreclosure. The Borough has an agreement with the new property owner, Tuskes Homes, that when they purchased that development from Lafayette Ambassador Bank, who foreclosed on the property, outlines the responsibilities of completing the Improvement Agreement as approved during the planning process. Brian will review the agreement to determine who is responsible for the trees, including how many trees and what type of trees and have an answer by the next Borough Council meeting.

APPROVAL OF MINUTES

On motion by Tony Curcio to approve the meeting minutes of August 4, 2014 and seconded by David Valley. Roll call vote taken. In favor: T. Curcio, J. Faust, D. Hess, D. Valley, J. Weaver. Abstained: K. Gassler. Motion carried with a vote of 5-0-1.

APPROVAL OF EXPENSES

On motion by Jon Faust to approve the expenses for August 2014 in the amount of \$39,388.44 and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

Joe commented that it appears the total cost for repairs to Alpha Road was roughly \$20,000 and well worth the money that was spent. Jon added that patch work was done on Longcore, the intersection of North Broadway on Alpha Road by Cramer's and they will be starting on another section of Alpha Road next week. They repaired the depression on East West Street close to Longcore Road. Brian stated that if the entire road was to be reconstructed it would be built just like it was repaired. The repair included 4" of base and 1 1/2" of top.

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. The report includes the meetings attended as Borough Solicitor.

Subdivision Matters: N/A.

Land Development Matters: Receipt, Review and Administration for Land Development (with related and supporting documents) re: West Street L.D. Plan (Muschlitz Plan).

Preparation of e-mail to Borough Engineer and Extension of Time form re: West Street L.D. Plan. Preparation of Comprehensive Correspondence to Wind Gap Borough Council recommending Rescission of Official Action and Approval of West Street L.D. Plan. Telephone conversation with applicant's engineering, review of SALDO provisions and preparation of comprehensive e-mail transmission re: Applicant's Suggestion for West Street L.D. Plan to be filed as both a combined Preliminary and Final Plan.

Zoning and Other Land Use Matters: Receipt, Review and Administration of Packet (with supporting documents) from Alternate Zoning Officer re: BRD Noise and Vibration Special Exception use Application.

Receipt, Review and Administration of e-mail from Council J. Weaver responding to Solicitor's e-mail re: Wind Gap Borough Park Master Plan - RFPs and Consulting Contract.

Developments on Outstanding Litigation: N/A.

Court Decisions on Borough Cases: N/A.

Miscellaneous:

Out-of-Office Conference with Borough Police Chief, Receipt, Review and Administration of two items of Correspondence and Enclosure Correspondence to Chief, Fire Company and Borough re: Collection Case.

Preparation of Meeting Agenda of August 14, 2014 and meeting minutes of October 3, 2013 for Borough Planning Commission.

Preparation of Monthly Preparation of Monthly Solicitor's Report.

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.

Ron reported that he received a packet from Police Chief Armitage indicating that the criminal charges against Mr. Duerr involving the fire company matter are not going to be prosecuted by the District Attorney as the DA feels that there is not enough evidence. He returned a letter from the attorney from Dalmatian Fire that they still intend to hold the fire company responsible for the entire dollar amount if Mr. Duerr does not make payment on the equipment.

Ron reported that he did not hear back from Attorney Faul on behalf of Mike Goffredo regarding the fencing on the quarry property. The e-mail he received stated that Attorney Faul was out of town until today. He will follow-up with this issue and report back to Council at the workshop meeting.

ENGINEER'S REPORT

Brian Pysker reported on the progress at the new municipal building. The HVAC contractor was at the building today to balance the mechanical system. Once they finish the report, it will be forwarded to Pennsylvania Department of Labor and Industry (L&I) so that will complete the HVAC requirements for inspection by L&I. The fire alarm system was inspected by L&I a couple of weeks ago and the horns upstairs were actually too loud. A technician is expected to return to turn the sound down and then a final inspection by L&I can be done for that system. The cameras are up and running and are recording. Brian took a new PC from the Borough office to the building and set it up to install the cameras software. The internet installation is scheduled for tomorrow. Jim Albanese, Computer Networking and Repair, has the equipment configured, but will be back next Monday to finish up some of the updates. Discussion regarding the ability of linking up the park cameras to the existing municipal building camera surveillance system. Brian stated that it is possible if that is what Council decides it want to do. Joe added that the Borough would need to have internet at the park. Brian is waiting on door handles, the carpet is almost done, the molding is installed, the lights for the garage have been delivered and will be installed shortly.

David Valley asked if L&I would need to inspection a new swing set at the Park. Brian contacted L&I and was informed that the swings would be a replacement so it would not require a plan submission.

NEW BUSINESS

1. Park Board Resignation - Bob Holland.

On motion by Joe Weaver to accept the Park Board resignation of Bob Holland and send him a letter of appreciation for his service on the board and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

2. Monroe County Gaming Grant Application is open and nearing the submission deadline. Dave Hess asked if Council is interested in applying for funding for any projects or equipment.

On motion by Joe Weaver to submit an application for a street paver and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

3. David Valley reported that the Summer Sounds sponsored six (6) concerts in the park this summer and was a success. He estimates that 1,500 people attended the concerts. They did two (2) collections, one was \$370 and the other was \$290.

4. Municipal Building "No Trespassing" signs. Tony stated that there have been issues with people coming on the property and in the building. The Borough does not have an occupancy permit to occupy the building yet. Any permission that has been granted should be rescinded and the property should be off limits. Brian expressed concern and asked that Council address this tonight. There are rodents traps that are still on the property from the previous owner, there are cleaning chemicals in the garage bays and equipment that could potential be harmful to people or animals. There have been incidents with a dog getting into things that could poison him. The Borough cannot allow unauthorized people on/in the property because of the potential liability issues. The cameras are running and recording.

Attorney Karasek suggested sending the resident a letter notifying that the "No Trespassing" signs will be enforced. He added that just because the Borough owns the property does not make it public property with public access. Council agreed that a letter be sent and Kerry asked for a copy of the letter that is sent.

5. Resolution for Slate Belt Regional Police Department Support.

On motion by Joe Weaver to adopt the resolution in support of the Gaming Grant application for the Slate Belt Regional Police Department's three (3) police vehicles and seconded by Tony Curcio. Roll call vote taken. In favor: D. Valley, J. Weaver, T. Curcio, J. Faust, D. Hess. Abstained: K. Gassler. Motion carried with a vote of 5-0-1.

6. Dave Hess reported that the Slate Belt Regional Police Chief will be working full-time for the new department starting September 10, 2014. In order to pay his salary and benefits and other related expenses, it is necessary for all three municipalities to contribute another \$10,000 to the department.

On motion by Dave Hess to pay \$10,000 to the Slate Belt Regional Police Department for operating expenses and seconded by David Valley. Roll call vote taken. In favor: J. Weaver, T. Curcio, J. Faust, D. Hess, D. Valley. Abstained: K. Gassler. Motion carried with a vote of 5-0-1.

OLD BUSINESS

1. Water's Edge at the Gap, LLC, Revised Preliminary Plan - Conditional Preliminary Plan Approval (7/14/14). Attorney Karasek explained that under section 305.C of the Borough's SALDO, a review of preliminary plan by the Borough Planning Commission is mandatory. The Planning Commission did not meet on Thursday, July 3, 2014. Since the 90-day review period to take official action on the plan expires on September 6, 2014 (based upon the plan filing date of May 9, 2014), I would recommend that Borough Council rescind its earlier motion for approval and deny the plan inasmuch as the SALDO waivers were not granted by Borough Council and the Planning Commission.

On motion by Joe Weaver to rescind Borough Council's approval for the Water's Edge at the Gap LLC, Revised Preliminary Plan - Conditional Preliminary Plan and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

EXECUTIVE SESSION

Council adjourned to Executive Session at 8:15 p.m. to discuss Wind Gap Police Association Contract - Contract Year 2015 and Real Estate - Lehigh Avenue, Block 8, Lot 7. Council reconvened at 8:50 p.m.

On motion by Dave Hess to approve the pay increase for the Wind Gap Police for the calendar year 2015 from \$22.10/hr to \$22.98/hr and seconded by Jon Faust. Roll call vote taken. In favor: J. Faust, D. Hess, D. Valley, J. Weaver, T. Curcio. Abstained: K. Gassler. Motion carried with a vote of 5-0-1.

On motion by Jon Faust to begin the process of selling the Borough properties by putting the properties out to bid and have the signs made and seconded by David Valley. Roll call vote taken. Motion carried unanimously.

Brian will review the Zoning Ordinance to confirm the maximum size of for sale signs. The Borough will need four (4) signs for the Borough building, the firehouse, the ambulance building and the vacant lots behind the apartments. Once the size of the signs is determined, Jon Faust will contact Nolan Kemmerer to have signs made.

NEW BUSINESS

1. Council is in receipt of a letter from Chief Armitage regarding his request to meet to discuss options regarding retirement.

On motion by Joe Weaver to authorize a committee consisting of Mayor Shoemaker, Attorney Karasek, and Dave Hess to sit with the Chief for the purpose of discussing his "Acknowledgement of Pay Rate, Work Schedule and Employment Benefits provided to the Chief of Police" and seconded by Jon Faust. Roll call vote taken. In favor: D. Hess, D. Valley, J. Weaver, T. Curcio, J. Faust. Abstained: K. Gassler. Motion carried with a vote of 5-0-1

On motion by Tony Curcio to adjourn the meeting of September 2, 2014. Council agreed unanimously.

The meeting of September 2, 2014 adjourned at 9:01 p.m.

Louise Firestone, Borough Administrator