

**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, December 1, 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.

Councilman George Hinton arrived at 7:35 p.m.

PUBLIC COMMENT

1. Gayle Steinmetz asked Council if anyone attended the Christmas Tree Lighting Ceremony. She believes that the ceremony should return to the monument because the tree lighting is a community event. Mayor Shoemaker stated that the committee made the decision to move it to a church because of the foul weather. Jon Faust explained that several years ago it was decided that by moving the ceremony to the Park from the monument there would be more decorations with lights in the trees and shrubbery. Mayor Shoemaker reported that the ceremony was attended by approximately 200 people and Santa did appear.

2. Mike Abraham, 604 South Broadway, Wind Gap. Mike asked for an update regarding his apartment. George Hinton reported that he did speak to Robert Hebel, Pennsylvania Labor and Industry, who acknowledged speaking to the Abrahams. George confirmed with Mr. Hebel that the complaint has to be sent to PA L&I in writing, they will not respond to just a phone call. Brian Pysher added that since the apartment is in a commercial building, the building issues fall under the jurisdiction of Labor and Industry.

APPROVAL OF EXPENSES

On motion by Tony Curcio to approve the expenses for November 2014 in the amount of \$56,536.31 and seconded by Kerry Gassler. 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 November are outlined in a report. The report includes the meetings attended as Borough Solicitor.

Subdivision Matters: Receipt, Review and Administration of SALDO Waiver Request and Extension of Time for re: Cortez Major Subdivision (Preliminary and Final).

Receipt, Review and Administration of File and Conditional Approval Recommendation re: A. Caiazzo Minor Subdivision - Lot Line Adjustment (Preliminary and Final).

Land Development Matters: N/A

Zoning and Other Land Use Matters: N/A

Developments on Outstanding Litigation: Receipt, Review and Administration of Decision by Northampton County Board of Revenue Appeals re: Re-assessment of Three Borough Properties that are no longer exempt from Real Estate Taxes.

Legal Research and Preparation of 1st draft of Petition for Appeal from Decision from Northampton County Revenue Appeals Board re: Firehouse Properties.

Court Decisions on Borough Cases: N/A.

Miscellaneous:

Receipt, Review and Administration of Correspondence re: Negotiation and Bargaining over Terms and Conditions of Employment Surrounding the Operation of the Regional Police Force.

Preparation of Borough Planning Commission November 6, 2014 Meeting Agenda.

Preparation of Borough Planning Commission Meeting Minutes November 6 Meeting Minutes.

Preparation of 1st draft of Severance Agreement with Borough Police Chief.

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 - awaiting Engineering Study from Borough Engineer.

Dog Park Ordinance – awaiting final work as to location and dimensions.

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.

Attorney Karasek has the draft ordinance for the 2015 tax millage rate depending upon the millage rate decision. He will be sending the severance agreement to the Police Chief who will have 21 days to review the agreement so that will be done before the end of the year. He received an e-mail from Richard Dishman, PA DCNR, regarding to Resolution 2014-03 passed by Borough Council last month related to support for a grant application for the Slate Belt YMCA. Two additional items need to be identified, amount of the grant request (\$1,000,000) and who the Borough will designate as the official to execute all documents with respect to the grant.

On motion by Kerry Gassler to designate Borough Administrator, Louise Firestone, to be the designated official to execute any documents related to the PA DCNR grant application submitted on behalf of the Slate Belt YMCA and seconded by Joe Weaver. Roll call vote taken. Motion carried unanimously.

George Hinton asked Attorney Karasek about an ordinance for panhandling/loitering in the Borough. The Borough has a new resident at the Giant Plaza who is looking for handouts from patrons of the stores. The topic was previously discussed by Council and has been on the Solicitor's Report under Outstanding Items for several years. Discussion regarding enforcement of Borough Ordinances whether it will be the Police, a Code Enforcement Officer, etc. will have to be clarified.

On motion by Jon Faust to authorize Attorney Ron Karasek to review/research an ordinance pertaining to panhandling/loitering within the Borough and seconded by David Valley. Roll call vote taken. Motion carried unanimously.

ENGINEER'S REPORT

Brian Pysher reported that the Borough received the Certificate of Occupancy for the new Municipal Building at 545 East West Street. The Borough office staff actually moved in today. There are still some minor items that need to be completed. Music Scene, Bill Ruggerio, is working on the

audio speakers. Eric Butler has some minor finishing touches to complete. The Fire Company and Ambulance Corps will be moving in to the building the first of the year. SuperHeat is still working on the heat in the garage. The large heater in the garage has not work consistently in the last ten (10) years so all necessary parts are being repaired/replaced.

Brian is putting together the specifications for the salt shed.

The bids for the Borough properties are due on December 10, 2014 and will be opened on December 16, 2014.

George asked when Brian would be available to meet with the Fire Company committee to discuss the Fire Company social hall.

Jon Faust stated that the street committee should meet to discuss a plan for the Borough streets. The street committee, Kerry Gassler, George Hinton, Jon Faust, Rich Fox, will meet on Thursday.

NEW BUSINESS

1. Arlene Caiazzo - Lot Annexation Plan - 255 East Center Street, Wind Gap. Attorney Karasek explained that the Borough Planning Commission recommended conditional preliminary/final plan approval inasmuch:

- a. - as the project does not propose any development
- b. - was merely a lot annexation/lot line adjustment of 2/10 of an acre
- c. - a "no conflict" LVPC letter (dated November 3, 2014) was received by the Borough

The conditions of approval were the Applicant's compliance with Nos. 1, 2 and 3 of the Borough Alternate Engineer (Michael T. Waldron, P.E.) Review Letter of October 29, 2014.

1. - The plans to be signed by the owners prior to the recording of the plan
2. - All required fees to be paid prior to recording
3. - Review comments by the Borough Zoning Officer be considered

The Applicant was in attendance and accepted all the conditions.

On motion by Kerry Gassler to grant conditional/final plan approval and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

Attorney Karasek informed Ms. Caiazzo that she will be receiving a letter from his office within the next two weeks for her files.

2. R. Cortez Preliminary/Final Major Subdivision - 8.2 acres off First Street, Wind Gap

Attorney Karasek explained that he asked for this item to be on the agenda in the event that Mr. Cortez was not willing to grant an extension of time to the Borough. Mr. Cortez's plan was on the agenda for the Planning Commission meeting in November and neither he nor his planning professional did not appear for that meeting. Since they were not at the meeting, it could not be confirmed whether they would extend the time for plan approval which otherwise would have expired today or tomorrow. Attorney Karasek confirmed that since the Planning Commission meeting, he has received an Extension of Time form for the subdivision plan for Friday, January 30, 2014. This matter will be relisted for this coming Thursday's Planning Commission meeting for review of the SALDO waivers that have been filed because they were never acted upon by the commission. Attorney Karasek indicated that the plan could be before Council at their December 16, 2014 meeting or the January 5, 2015 meeting.

OLD BUSINESS

1. 2015 Budget

George Hinton explained that the police budget was adjusted after the Police Commission met with Chief Mettin and acknowledged that Wind Gap's portion of the budget would be 18.1% or \$460,000. Mayor Shoemaker and Dave Hess informed Council that there are costs included in the regional police that are attributed to the start-up of the department. As the proposed budget currently stands, Council would be allocating \$105,000 from savings along with a shortfall of \$14,185 (which would necessitate a .25 mill increase to 11.75 mills). Next week is the deadline to submit a bid for the Borough properties that are currently be offered for sale.

Joe Weaver requested that the 2015 budget include a line item of \$1,000 as a match for a grant application intended on testing the local waterways for contamination. Based on previous testing that has been performed, the municipalities acknowledge that there is a water quality issue. The belief is that at some point in time based on previous tests, there might be corrective action required by the State in order to bring the water quality up to standards.

On motion by Joe Weaver to advertise a .25 mill increase to 11.75 mills for the Real Estate Tax Millage Rate for 2015 and seconded by Kerry Gassler. Roll call vote taken. Motion carried unanimously.

Attorney Karasek will complete the ordinance and advertise in order for Council to approve the 2015 Budget at their December 16, 2014 meeting.

On motion by Tony Curcio to adjourn the meeting of December 1, 2014. Council agreed unanimously.

The meeting of December 1, 2014 adjourned at 8:14 p.m.

Louise Firestone, Borough Administrator