

**BOROUGH OF WIND GAP
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WIND GAP, PA 18091
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The Council meeting of the Borough of Wind Gap on Monday, June 1, 2015, was called to order at 7:30 p.m. by Council Vice President Kerry Gassler. In attendance were Councilmen: David Valley, 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 were Councilmen Tony Curcio, Jon Faust, and George Hinton.

PUBLIC COMMENT

No one appeared before Council at this time.

APPROVAL OF MINUTES

On motion by Dave Valley to approve the minutes of the May 18, 2015 Council meeting and seconded by Joe Weaver. Roll call vote taken. Motion carried unanimously.

APPROVAL OF EXPENSES

On motion by Dave Hess to approve the expenses for the month of May in the amount of \$23,675.45 and seconded by Dave Valley. 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 May 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: Telephone conference with K. Guerin and Preparation of Responsive Correspondence re: Private Boundary Dispute with neighbor and fluid spill. Comprehensive Telephone Conference with Alternate Borough Zoning Officer: B. Pysher, review of Zoning Ordinance provisions and receipt, review and administration of Zoning Permit Denial re: Male Road billboard. E-mails to and from Borough Administrator with address information for decedent's heirs and receipt, review and administration of four enforcement notices re: 59-61 North Lehigh Avenue. Finalization of Resolution for Appointment of Code Official under Borough Nuisance Ordinance.

Developments on Outstanding Litigation: Receipt, Review and Administration of Opposing Counsel Correspondence enclosing Dalmatian Fire Equipment, Inc. Brief Contra to Preliminary Objections and attendance at Argument Court on May 26, 2015 in support of preliminary objections filed by Wind Gap Fire Company to Dalmatian Fire Equipment, Inc. lawsuit.

Court Decisions on Borough Cases: N/A.

Miscellaneous:

E-mails to and from Borough EIT, B. Pysher, re: Borough's Maximum Borrowing Limit for New Social Hall.

Comprehensive Telephone conference with Councilman J. Weaver, review of Borough Code and Bidding Requirements with Responsive e-mail transmission to Borough re: Award of SGA Contract.

Status Enclosure Correspondence to PA DEP enclosing check for Copies/Postage for Records at 435 North Broadway (Ambulance Building).

Receipt, Review and Administration of Correspondence from Solicitor to Slate Belt Regional Police Force and responsive e-mail from Borough re: Firearms Policy.

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.

Attorney Karasek reported that he received the address information regarding the property owners for 59 North Lehigh and 61 North Lehigh. He sent Ms. Guerin a letter stating that her dispute with her neighbor is a private issue. The Borough requested 675 pages of reports and correspondence from the Department of Environmental Protection regarding 435 North Broadway, Wind Gap Ambulance Property, which was received by Attorney Karasek and he turned over to the Borough. He is currently working on the loitering/panhandling issue. Stroudsburg Borough is researching the same issue and how it relates to a person's First Amendment rights. He plans on contacting Stroudsburg to get some more information.

ENGINEER'S REPORT: Brian Pysher stated the he sent out Enforcement Notices to 59 North Lehigh Avenue and 61 North Lehigh Avenue. Brian is allowing them 10 days, from when they receive their notices, to clean up their property. He said this is the second notice sent to 59 North Lehigh Avenue, therefore we can move ahead and have the yard cleared of debris. Ron Karasek stated that he will prepare and send documentation to the survivors of Sandra Davey forcing them to make an estate of the property at 61 North Lehigh Avenue.

Brian stated that he received a copy of the letter that Kimberly Guerin sent to Attorney Karasek. Ms. Guerin wants to know why the Borough is not doing anything regarding the driveway between her property and the property of the Roger's at 339 North Broadway. Brian explained that it is an existing driveway that was used by the previous owner, Mrs. Bettini, and a Zoning Permit is not required to put down gravel. After receiving the letter from DEP, George Hinton visited the property in question regarding the oil spill. Both George and Brian asked the Rogers to dispose of the gravel with the oil spill.

Brian stated that he should be receiving the Permit for the salt shed. He said he will check the schedule of B & B Pole Builders and that construction should start soon.

On motion by Joe Weaver to authorize Attorney Ron Karasek to prepare and send out documentation regarding the property of Sandra Davey at 61 North Lehigh, Wind Gap and seconded by Dave Hess. Roll call vote taken. Motion carried unanimously.

NEW BUSINESS:

Rich Fox stated that the air conditioners at the Fire House are not working. He had Super Heat there for two day to check and see if we could get at least one of them working but, unfortunately they cannot. Joe DePue said that they need the air conditioners working for Bingo night, which brings in their largest source of income. Dave Hess said we should not put any more money into the Fire Hall. He suggested that they look for another location to hold Bingo. Joe Weaver questioned why the Fire Company did not fix the air conditioner. Kerry Gassler said that there are 3 heat pump units that are easily 40 years old and would cost over \$10,000 to replace.

2. Borough Properties – Real Estate sale. The Borough Office is receiving calls regarding our property that is for sale. The office has shown the properties to several interested parties the past two weeks.

EXECUTIVE SESSION

Council adjourned to Executive Session at 7:54 p.m. to discuss real estate issues.

Council reconvened at 8:05 p.m. Council Vice President Kerry Gassler informed those present that Council discussed asking prices for the four (4) Borough properties currently for sale. The Borough has put the properties out for bid twice as required by the Pennsylvania Borough Code. The Borough can now entered into negotiations for their properties.

On motion by Joe Weaver to set prices for Borough Properties as follows:

435 North Broadway (Wind Gap Ambulance property) - \$375,000

111 North Broadway (Wind Gap Fire Company property) - \$500,000

29 Mechanic Street (Wind Gap Municipal/Police building) - \$345,000

Vacant lot on North Lehigh - \$75,000

and seconded by Dave Valley. Roll call vote taken. Motion carried unanimously.

3. Park - Rich Fox stated that we need a new spring ride in the play area in the park to replace the frog that was vandalized and broken.

On motion by Joe Weaver to approve a replacement unit for the park not it exceed \$1,000.00 and seconded by Dave Valley. Roll call vote taken. Motion carried unanimously.

Rich Fox said that the big refrigerator with the glass sliding doors is blowing out warm air. Kerry Gassler asked Rich to have Super Heat come out and see if they can fix it.

OLD BUSINESS

1. Constitution Avenue. Joe Weaver questioned the possibility of bidding with Plainfield Township to fix Constitution Avenue. Brian Pyscher stated that we could have an agreement with Plainfield Township and pay them for any expenses. Attorney Karasek stated that we could bid together and invoice the Borough separately, but it might be necessary to compose and enact a Municipal Agreement Ordinance. Brian said he will make phone call to do our own specs and if necessary he will have a meeting with Plainfield Township regarding the bid process.

On motion by Joe Weaver to coordinate and advertise the bid specifications with Plainfield Township regarding road work on Constitution Avenue and seconded by Kerry Gassler. Roll call vote taken. Motion carried unanimously.

On motion by Dave Valley to adjourn the meeting of June 1, 2015. Council agreed unanimously. The meeting of June 1, 2015 adjourned at 8:20 p.m.

Louise Firestone, Borough Administrator