

**BOROUGH OF WIND GAP
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The Council meeting of the Borough of Wind Gap on Monday, August 3, 2015, 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, David Valley, Kerry Gassler, 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.

EXECUTIVE SESSION

Council adjourned to Executive Session at 7:30 p.m. to discuss real estate. Council reconvened at 7:45 p.m. Council President, George Hinton, informed those present that no action will be taken at this time.

PUBLIC COMMENT

1. Roger Bet, Wind Gap Municipal Authority reported on the North Broadway Project for sanitary sewer lines. This project will cost \$600,000.00. The Municipal Authority is applying for a \$50,000.00 grant to assist with the cost of this project.

On motion by Joe Weaver to approve Resolution 2015-02 in support of the Municipal Authority's request for a grant from Northampton County in the amount of \$50,000 and seconded by Tony Curcio Roll call vote taken. Motion carried unanimously.

APPROVAL OF MINUTES

On motion by Kerry Gassler to approve the minutes of the July 6, 2015 Council meeting and seconded by Tony Curcio Roll call vote taken. Motion carried unanimously.

APPROVAL OF EXPENSES

On motion by Kerry Gassler to approve the expenses for the month of July in the amount of \$19,616.33 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 July are outlined in a report. The report includes the meetings attended as Borough Solicitor.

Subdivision Matters: N/A.

Land Development Matters: Receipt and Preliminary Review of File re Green Knights Sketch Plan – Industrial Park.

Zoning and Other Land Use Matters: Receipt, review and Administration of ZHB Decision re Auto Zone Variances.

Receipt, Review, and Administration of e-mails from Borough and Obtain Template for Citation by Borough Code Enforcement Officer re 59-61 North Lehigh Avenue.

Search of Northampton county computer Search for Tax Parcel and Deed Information. Review and Copy of Application for Zoning Ordinance Provisions and Receipt. Review and Administration of Application for Zoning Permit with copy of Denial Letter re Pennsylvania Media Management – Double Faced Digital Billboard on Male Road.

Developments on Outstanding Litigation: Receipt, Review and Administration of Northampton County Opinion and Order of Court granting Borough Fire Company's Preliminary Objection to Dalmatian Fire Collection Complaint re Resulting in Dismissal of Claim by Dalmatian for Attorney's Fees.

Court Decisions on Borough Cases: N/A.

Miscellaneous: Telephone Conference and e-mails to and from Borough EIT B. Pyscher and Resident K. Guerin re K. Guerin Correspondence and Complaints.

Telephone Conferences with council President and Potential Buyer re 435 North Broadway (Ambulance Building).

Receipt, Review and Administration of File and Letter of Intent to Purchase (with accompanying e-mails) from Evans re 435 North Broadway (Ambulance Building).

Preparation of Monthly Solicitor's report.

Review various correspondence, e-mails, prepare letter 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 spent a portion of the month dealing with the Wind Gap Fire Company vs. Dalmatian Fire Equipment matter.

Attorney Karasek reviewed an Abandonment of Use Form prepared by Brian Pyscher regarding the property at 425 North Lehigh Avenue which is currently for sale. They are working on an agreement for the buyer and/or the seller to sign regarding changing the old barber shop on the property from commercial to residential.

He reviewed the PA Model Consent Form buyer/seller agreement sent to the Borough from PA DEP (Pennsylvania Department of Environmental Protection) with respect to the ambulance property should a buyer want to purchase without the Borough having the closure letter in hand.

He contacted Brian Pyscher regarding the Muschlutz Water's Edge Plan because Mr. Muschlutz desires to get started on the project and wanted to know what still needs to be completed.

Attorney Karasek stated he attended the Planning Commission Meeting for review of the Green Knights Industrial Park II plan.

He has prepared in rough the first draft of the petition for citation for the Davey property at 61 North Lehigh. Borough Council has to authorize Council President Hinton to sign the document.

ENGINEER REPORT:

Brian Pyscher reported that he received invoices from Traffic Planning and Design (TPD) regarding the ARLE Grant project. He said that a meeting was held on July 14th to work on coordinating the Borough project with the Route 33 Interchange project. TPD will organize a meeting with PennDOT so the traffic light equipment is all compatible.

Brian reported on the progress of the Jefferson Street Stormwater project. In order for the Street Department to install the inlet boxes, they need to remove the deteriorating curbing. He stated that 80' to 90' of curbing is need of work repair and he estimates that the cost would be \$20 to \$25 per lineal foot or approximately \$3,000 total for curb replacement. Brian will put a paving bid specification packet together so the bids can be opened at the Council's September mid-month meeting.

On motion by Kerry Gassler to move forward with the identified curb replacement as part of the stormwater, repaving of Jefferson Street and seconded by Jon Faust. Roll call vote taken. Motion carried unanimously.

Brian reported that the salt shed has been completed, with the final caulking being completed by the contractor today. He is awaiting the payroll certifications, the concrete slips, and the concrete testing. He asked Council to grant conditional approval of payment because the next scheduled Council meeting is not until September 8, 2015.

On motion by Joe Weaver to approve final payment in the amount of \$60,700 for the salt shed contingent upon the receipt of all final paperwork, receipt of the maintenance bond and final inspection / approval by Pennsylvania Labor and Industry and seconded by Kerry Gassler. Roll call vote taken. Motion carried unanimously.

Brian stated that RCN sent the Borough a proposal regarding cameras in Wind Gap Park. We are responsible for electrical outlets on the poles where the cameras are to be placed. Brian will contact Labor & Industry regarding this project.

COMMITTEE REPORTS

1. EMS – Kerry Gassler had nothing to report.
2. Fire Company – Jon Faust had nothing to report.
3. Zoning – Tony Curcio reported that no new applications were submitted so the August 5, 2015 Zoning Hearing Board meeting has been cancelled.
4. Planning – George Hinton had nothing to report. Brian Pysher reported that Mr. Barto purchased the former McIntyre property adjacent to the Burger King and will be merging both parcels in order to have the necessary land for an Auto Zone. The Zoning Ordinance requires a twenty-five foot (25') setback, but they proposed only a five foot (5') setback because they did not have enough land and subsequently the Zoning Hearing Board denied the request to grant that variance. Brian anticipates that the Planning Commission will be receiving a land development plan for the proposed Auto Zone.
5. Municipal Authority – Joe Weaver stated that he missed the Municipal Authority's July meeting. He stated that the Authority discussed a possible ordinance requiring testing building laterals upon all sale of properties. Joe reported that there are waterways being contaminated within the Borough and that could be due to faulty laterals and he believes that it would be a good idea. The burden of repair and cost may fall on the property owner, but it is early on in the discussion process.
6. Streets – Jon Faust had nothing to report. Rich Fox stated that they are currently working on Jefferson Street.
7. Parks – Dave Valley reported that the Summer Sounds Concerts are doing very well. He stated that they have had 300 to 400 people at each concert. They have collected over \$600.00 in donations from the concerts.

8. 911 – Tony Curcio had nothing to report.
9. Tipping Fees - Tony Curcio reported that we received a check from Waste Management for \$74,730.65 for the second quarter of 2015. The funds currently available are \$453,371.93.
10. Regional Police – Mayor Shoemaker reported that he did not receive a report for the month of July. The next Slate Belt Regional Police meeting will be held on August 4 at 5:30 p.m. at the Plainfield Township Municipal Building. He said that anyone that is interested is welcomed to attend.
11. Park Master Plan – Joe Weaver had nothing to report at this time.

MAYOR'S REPORT

The Mayor reported that the Slate Belt Council of Governments (COG) will be meeting Wednesday, August 5, 2015 at 7:00 p.m. at the COG office. He said that he and Council President George Hinton will attend the COG meeting. The COG will have a discussion regarding hiring a new regional Animal Control Officer. The Mayor said that he has received complaints and concerns with Ordinance 405 not being fully enforced, however the Borough must follow the proper procedures for enforcement. He has received positive feedback regarding the park playground, the Summer Sounds program, and the movies in the park program. Summer Sounds and movie dates can be found in the Borough newsletter. Council will meet twice a month beginning in September, Tuesday, September 8 and Tuesday, September 22, 2015.

OLD BUSINESS

Attorney Ron Karasek stated that he has the petition ready to be filed for the property on North Lehigh Avenue, but he needs approval from Borough Council to have it signed. He explained the process: Attorney Karasek submits the petition to a judge, the judge issues a decree to have a citation issued, then that citation will be served by a sheriff or it can be served by certified mail by the Registrar of Wills. The issue becomes whether or not the Borough becomes a creditor, should the Borough fill the sinkhole and incur that cost, the Borough is now a creditor, which supports the position to force an estate to be opened. Right now the property does not owe the Borough anything, but our position is the Borough cannot issue an enforcement notice on anyone because the estate is not open. George explained that the Borough did have the property surveyed to insure that the sinkhole was not located in the alley as part of Borough property and the conclusion of the survey indicates that sinkhole on 61 North Lehigh Avenue. Council discussed the current condition of the 59 and 61 North Lehigh. Both properties were cut once, but now the grass and weeds have overgrown.

On motion by Dave Hess to approve the filing of the Petition and appoint Council President, George Hinton, to sign on behalf of the Borough and seconded by Joe Weaver. Roll call vote taken. Motion carried unanimously.

Brian Pysher will visit 59 North Lehigh to verify if the property meets the ordinance for the weeds and if it does not, he will contact Attorney Karasek and proceed with issuing a citation. Brian has issued them multiple enforcement notices.

NEW BUSINESS

1. Nathan Pysher, President Wind Gap Ambulance, presented a letter to Council. The letter states that due to Health Reform changes the Wind Gap Board of Directors have decided it would be best if they merged with a large corporation. At this time the Wind Gap Ambulance is not equipped to provide 24/7 coverage for our residents. Proposal was sent out to surrounding ambulance

companies. The Board of Directors needs the approval from the Borough to move forward. The Wind Gap Ambulance will need approximately \$30,000.00 from the Borough to continue to operate for the next two months. Kerry Gassler stated that they are answering calls during the day but are still struggling. The Borough has to find out if they can have an outside company come and work out of the Municipal Complex. Kerry stated that the Board found other Ambulance Companies to merge with but needs the approval from Council to designate another ambulance provider and house them in the current Municipal Building. Nathan added that Council will have to approve to the merger and all assets (ambulances) will be turned over to the new company. He added that they are considering merging with Nazareth or Suburban and they both have guaranteed to take on the Wind Gap Ambulance Corps employees. The Borough will continue to pay worker's comp for the volunteer staff. Mike Snyder, paramedic from Nazareth Ambulance, stated that they would keep the current employees and offer them a higher rate of pay, a better benefit package, including health benefits. Mike indicated that Nazareth Ambulance would be willing to pay \$800 a month for rent and entered into a five year lease agreement to remain at Wind Gap Municipal Complex. Nazareth has serviced Wind Gap for 15 years as the Borough's ALS provider. There are several issues related to how the Borough can/must proceed with regard to the building and financial issues.

On motion by Joe Weaver to advertise a special meeting on Tuesday, August 18, 2015 to discuss the future of the Wind Gap Ambulance and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

Attorney Karasek requested that the Borough contact their insurance carrier to verify that if the Borough of Wind Gap were to lease a portion of their building to a non-Borough entity that would be allowable from an insurance standpoint.

2. Park – Installation Electrical Receptacles – Brian Pysher explained that a plan must be put together for the placement of receptacles for both the camera installation and the lighting for the holiday decorations.

3. Regional Animal Control Officer (ACO) – The Slate Belt COG will be discussing this topic at their next meeting on August 5, 2015. Currently, the Borough does not have an Animal Control Officer.

On motion by Dave Hess to have Wind Gap Borough search for an Animal Control Officer and seconded by David Valley. Roll call vote taken. Motion carried unanimously.

4. Teamster Local 773 Contract Negotiations. Control is set to expire on December 31, 2015. George, Kerry and Jon will comprise the committee and sit with the street workers and a union representative. A meeting will be scheduled as soon as possible.

5. Real Estate Tax Assessment Appeal – 440 Kathryn Street, Wind Gap – Wind Gap Real Property Acquisition Corp – 1/1/09 – 1/1/15. GAF has appealed their tax assessment. Northampton County has already approved the real estate tax assessment appeal by GAF.

On motion by Kerry Gassler to authorize Attorney Ron Karasek to sign the Stipulation of Counsel as Solicitor to the Borough of Wind Gap and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

On motion by Tony Curcio to adjourn the meeting of August 3, 2015. Council agreed unanimously.

The meeting of August 3, 2015 adjourned at 8:49 p.m.

Louise Firestone, Borough Administrator

