

**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, September 8, 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, 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 Councilmen Tony Curcio.

**PUBLIC COMMENT**

No one appeared before Council at this time.

**OLD BUSINESS**

1. Wind Gap Ambulance – As approved at their August meeting, Alan France, France, Anderson, Basile and Company, P.C., Certified Public Accountants, was at the Borough Office to review the Wind Gap Ambulance Corps records from 2012 through 2014. The records were provided by Nathan Pysher, President of the Wind Gap Ambulance Corp. Borough Solicitor Ronold Karasek also viewed the records. Mr. France received the information necessary, but requested additional information.

**On motion** by Jon Faust to rescind the previous meeting's motion requesting that an Audit be performed for 2012, 2013, and 2014 and seconded by Dave Valley. Roll call vote taken. Motion carried out unanimously.

**On motion** by Jon Faust conduct an "Agreed Upon Procedures" engagement for the Ambulance Corps and request additional information as stated in an e-mail from Alan France (Financial Statements, By-Laws, Minutes and a Copy of their Application for Non-Profit Status) and seconded by Kerry Gassler. Roll call vote taken. In favor: K. Gassler, G. Hinton, D. Valley, J. Weaver, J. Faust. Opposed: D. Hess. Motion carried 5 – 1.

George Hinton stated that the Fire Company and the Ambulance work well together. He would like to thank the Ambulance for their time this past month indicating that they only missed six (6) calls in August. The Ambulance responded to 46 calls from August 11 through September 8, 2015. George stated that they will do what is in the best interest for the Ambulance.

The Ambulance received a \$7,420.00 grant for the purchase of a new stretcher. George Hinton spoke about a loan on future spending. He requested documentation on grant funds and how the funds were allocated and spent. Ron Karasek stated that the grant/loan should be paid off by the Ambulance Corps. Nathan Pysher stated that their payroll is \$2,000.00 a week. Their total cost to run the Ambulance is approximately \$15,000 a month. Jon Faust suggested donating the coin toss money and the spaghetti dinner proceeds to the Ambulance. Randy George and Joe DePue are in agreement. Joe DePue stated that should it be agreed upon that the Wind Gap Fire Company take over the Wind Gap Ambulance, there should be a probation

period. Joe Weaver stated that there should be a proposal from the Wind Gap Fire Department. Dave Hess suggested that there should be an audit done on the Fire Department also, we do not want them to struggle during this period. George Hinton said that one of the suggestions on improving incoming revenue would be to hire a professional billing company, for the Ambulance financials, that would work off of commission.

The Wind Gap Ambulance Corps is requesting that the Ambulance Board look at a proposal from the Wind Gap Fire Department and it would be their decision to accept or not. Mayor Shoemaker commented that the Plainfield supervisors have approached him with interest in a merger with the Ambulance.

Ronald Karasek suggested that we table the motion for a primary provided for 911. He stated that the Fire Company's plan of action should be stated in a proposal. If Council wants a RFP it should be submitted by the October 15<sup>th</sup> meeting. Dave Valley stated that we should give the Fire Department a chance to prove themselves. Ron Karasek suggested if Council is in a position to assist the Ambulance Corps financially, then it should be in the form of a donation. Jon Faust suggested that we give the tipping fees back to the Ambulance.

**On motion** by Dave Valley to donate \$7,000 to the Wind Gap Ambulance Corps and seconded by Jon Faust. Roll call vote taken. In favor: G. Hinton, D. Valley, J. Faust, K. Gassler. Opposed: D. Hess, J. Weaver. Motion carried 4 – 2.

Ron Karasek stated that he would need a confirmation next week regarding the RFP.

## **APPROVAL OF MINUTES**

**On motion** by Kerry Gassler to approve the minutes for August 3<sup>rd</sup> and August 18<sup>th</sup> Council meeting and seconded by Dave Valley Roll call vote taken. Motion carried unanimously.

## **APPROVAL OF EXPENSES**

**On motion** by Kerry Gassler to approve the expenses for the month of August in the amount of \$31,529.06 and seconded by Jon Faust. 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 August are outlined in a report. The report includes the meetings attended as Borough Solicitor.

**Subdivision Matters:** Receipt, Review and Administration of Alternate Borough Engineer First Review Letter of Grading Plan in Cortez Major Subdivision.

**Land Development Matters:** N/A.

**Zoning and Other Land Use Matters:** Review of Agreement of Sale with M B. Development, LP – Ambulance Building. Receipt, Review and Administration of File and e-mail transmission to and from Borough EIT re: Keyser Billboard Off Route 33.

**Developments on Outstanding Litigation:** Receipt, Review and Administration of e-mails and Telephone Conference with Opposing Counsel re: Settlement Demand in Dalmatian Fire Equipment Lawsuit.

Receipt, Review and Administration of Sheriff's Return of Service re: Dalmatian Fire Equipment Lawsuit.

Receipt, Review and Administration of Stipulation of Counsel in Real Estate Tax appeal of Wind Gap Real Property Acquisition Corp. (Supradur).

Finalization of Petition for Issuance of Citation, Order of Court for Issuance of Citation and Citation along with Appearance at Motions Court to Present Petition/Order re: Davey Property – 61 Lehigh Avenue.

**Court Decisions on Borough Cases:** N/A.

**Miscellaneous:** Legal Research re: Ability of Borough to Lease Real Estate – Ambulance Merger

Receipt, Review and Administration of Comprehensive e-mails (with attached Deed and Survey Map), Telephone Conferences with Applicant's Attorney and Legal Research re: Auto Zone Setback and Barto Lot Consolidation Issue.

Telephone Conference with Potential Buyer re: Sale of 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. The Dalmatian Fire Equipment offered a settlement demand. The Fire Company has to let Attorney Karasek know if it is acceptable so he can inform their attorney.

Attorney Karasek reported that there is a hearing scheduled for September 15, 2015 regarding the Davey's property at 61 North Lehigh Avenue. Attorney Karasek would like a representative from the Borough to support him at the hearing. He suggested that Brian Pysher, Borough Engineer, attend since he is the Code Enforcement Officer.

Attorney Karasek stated that he was approached by Mayor Shoemaker with concerns regarding zoning issue for corner lots. Corner lots are considered to have two side yards with no backyard. Under the Ordinance of Accessory Uses, sheds are not allowed in the side yard. Attorney Karasek will write up a zoning ordinance change for Accessory Building into side lots. Attorney Karasek along with Brian will work on an addendum for this concern.

**On motion** by Kerry Gassler to write an addendum for Accessory Uses, seconded by Dave Hess. Roll call vote taken. Motion carried unanimously.

**ENGINEER REPORT:**

Brian Pysher reported that the Street Department has completed installing the storm drains on Jefferson Street. They used crushed stone from Muschlitz to fill in around the new pipe that was laid down. Rich Fox is preparing to put a layer of black top on Jefferson Street and Mechanic Street. Brian is looking at estimates for curbing. The advertisement for the Proposal and Specifications for Jefferson Street Paving was posted in the Express Times.

Closed bids will be opened on Tuesday, September 22, 2015. Two companies have already picked up the bid documents. Brian Pyscher stated that paving should be completed in October.

Brian Pyscher sent a letter to 268 Constitution Avenue regarding the expansion of their driveway. Brian informed them that a permits are needed to install driveways.

George Hinton reported that the Ambulance and Fire Department were called to a house on Second Street. The Slate Belt Police showed up and the owner would not let him in. The resident sleeps in the car in the winter, has a hole in the roof, no heat, electricity or water. The resident has family but they are not assisting. There was pool in the yard has a tree growing in it. The home is a house trailer without windows that resided within the Borough. George Hinton stated that there are more homes similar to this one. He stated that the Borough needs a Property Maintenance Code.

Brian Pyscher reported that he has been at the Park working on the Cameras and Christmas Tree Lighting. He stated that the panel box is outdated and needs to be upgraded. Brian will contact Pennsylvania Department of Labor & Industry and explain that this is an emergency situation in order to get the electrical issues fixed as soon as possible.

## **NEW BUSINESS**

1. AutoZone Sidewalk Replacement Along Rt 512 – Form M-9500A, Applicant's Authorization for Agent to Apply for Highway Occupancy Permit (HOP). Brian stated that PennDOT requires the municipality be the applicant for a Highway Occupancy Permit (HOP) which is necessary for the AutoZone to replace the sidewalk, at no cost to the Borough. AutoZone submitted new plans to the Borough and a Planning Commission Meeting is scheduled for October 1, 2015. Brian stated that Auto Zone has the sidewalks included in their land development plans. Council discussed and since the Auto Zone does not have a plan that is approved by the Wind Gap Planning Commission or Wind Gap Borough Council, Council will not take action on this request at this time. Applications or permits will only be issued after approval from the Planning Commission and Council.

2. Agreement for Continuing Participation in the Urban Entitlement FFY 2016-18. In order to participate in the Urban Entitlement funding (Community Development Block Grant), the Borough has to sign the agreement for participation. Attorney Karasek stated that the agreement is a "generic" agreement, but he will review it.

**On motion** by Kerry Gassler to sign the Agreement for inclusion in the CDBG program, conditioned upon the Solicitor's review and seconded by Dave Valley. Roll call vote taken. Motion carried unanimously.

3. Connection to the Wind Gap Municipal Authority Sewer System. George Hinton questioned Joe Weaver and Brian Pyscher of the status of the Borough Municipal Complex being connected to the Sewer Authority. Brian Pyscher stated that a time frame was never set to connect to the sewer. He believes that the Borough can submit an application when ready.

**On motion** by Joe Weaver to move forward with the application for Municipal Complex being connected to the Sewer Authority and seconded by Kerry Gassler. Roll call vote taken. Motion carried unanimously.

4. Resolution No. 2015-03 – Slate Belt Community Partnership (SBCP) – Keystone Main Street Application - \$10,000. The resolution supports the Borough's commitment to the Slate Belt Community Partnership with the current budget amount of \$10,000.

**On motion** by Kerry Gassler to approve Resolution 2015-03 - the Slate Belt Community Partnership Keystone Main Street Application and seconded by Dave Valley. Roll call vote taken. Motion carried unanimously.

5. Resolution 2015-04 - Green Knights Industrial Park 2 – CIPP Application Support Letter. Green Knight Economic Development Corporation submitted an application to Northampton County for a grant through the County's Community Investment Partnership Program (CIPP) to help fund the proposed Green Knight Industrial Park 2. The Green Knights are respectfully requesting that Council consider passing a resolution supporting the project.

**On motion** by Kerry Gassler to pass Resolution 2015-04 supporting the Green Knights Economic Development with the Community Investment Partnership Program and seconded by Jon Faust. Roll call vote taken. Motion carried unanimously.

6. Approval for Participation in Multi-Municipal Grant Application – Monroe County Local Share Account (LSA) Grant. Plainfield Township is interested in applying for a grant on behalf of the three municipalities for the street equipment. The multi-municipal grant application would be between Plainfield Township, Wind Gap Borough and Pen Argyl to purchase an asphalt paver, eight ton vibratory roller and a tack coat distributor machine for the equal use of all three municipalities. Plainfield Township would like the approval from the Municipalities to apply for the shared grant. Wind Gap's share would be approximately \$17,162.70.

**On motion** by Dave Hess for approval to apply for the Monroe County LSA Grant and seconded by Jon Faust. Roll call vote taken. Motion carried unanimously

7. Trick – or – Treat Date.

On motion by Kerry Gassler to schedule Trick-or-Treat for Sunday, October 25, 2015 from 3:00 p.m. 5:00 p.m. and seconded by David Valley. Roll call vote taken. Motion carried unanimously.

## **EXECUTIVE SESSION**

Council adjourned to Executive Session at 8:55 p.m. to discuss real estate. Council reconvened at 9:28 p.m. Council President, George Hinton, informed those present that no action will be taken at this time.

**On motion** by Dave Valley to adjourn the meeting of September 8, 2015. Council agreed unanimously.

The meeting of September 8, 2015 adjourned at 9:30 p.m.

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Louise Firestone, Borough Administrator