

**BOROUGH OF WIND GAP
29 MECHANIC STREET
WIND GAP, PA 18091
863-7288
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The Council meeting of the Borough of Wind Gap on Tuesday, July 5, 2005, was called to order at 7:30 p.m. by Council President Kerry Gassler, at which time he reminded those present that the meeting was being recorded. In attendance were Council members: George Hinton, Scott Parsons and Tony Curcio. Also in attendance Borough Solicitor, Ronold J. Karasek, Borough Engineer, Ronald Madison and Secretary/Treasurer Louise Firestone. Absent were Councilmen Winton Male and Mitchell D. Mogilski, Sr. and Councilwoman Karen Skorochood.

Mayor Kenneth George arrived at 7:40 p.m.

PUBLIC COMMENT

1. Mike McNamara. Mike stated that no one could walk through the alley behind his house. Previously, Council had determined that disputes with Pine Alley were a civil matter between property owners. Mike handed Council a packet that included a petition signed by property owners to open the alley, a copy of a deed indicating that the alley is 20' wide, a survey by George Collura, an old map of Pine Alley, prior Council meeting minutes and a copy of a permit from a neighbor that allows him to open his gate to get into his garage. Kerry asked Mr. Karasek if they are allowed to block an alley? Ron replied that he is not familiar with the background on this alley, but suggested to Council that since this is a private dispute they may not want to get involved. Two neighbors are fighting over the alley so it does not come down to a legal decision, but a policy decision by Council. If it involved all the neighbors, Council may want to review the issue and make a policy decision, but not if it is a dispute between two neighbors. George added that a meeting was held and the decision was to have the survey completed with George in attendance. A decision cannot be made without the survey. Mike stated that he would come back to Council when the surveyor sets the pins. He has a tree guy coming out to remove trees and he will just have to move the stuff himself.

2. Nolan Perin. Nolan informed Council that the DEP scheduled a meeting for Monday, July 11, 2005 at 10:00 a.m. on his property. It would be an opportunity to have all of the outside agencies gathered together to discuss all the issues impeding this project. The old railroad possibly contaminated the soil (not at hazardous levels), but it has to be looked at and if necessary, a voluntary clean-up will be done. Nolan asked that Borough Council have representation at the meeting, which will be held in the conference room on his old property. Kerry, George and Borough Engineer, Ron Madison will attend. Nolan met with PennDOT last week to discuss the four intersections affected by the development, Industrial Drive at both ends, intersection of Alpha Road and Route 512 and Turkey Hill corner in Wind Gap. He reported that

obtaining the required land for the road from Cramer's and the neighbors, the Leidys, does not seem that far apart. The issue at Cramer's is the small parking lot on the north side. The Leidys have concerns regarding the billboard on their property that may have to be moved. He doesn't know if the billboard is in the right-of-way. A surveyor will be going up there to identify where the billboard may have to be moved. Nolan stated that Dennis Toomey from PennDOT is the lead on this project. Ron Madison asked after the PennDOT hurdles, how much longer before the dirt is moved, is an improvements estimate and the security to posted by the developer all been discussed? Are there any concrete plans for how to put this out to bid when the time comes? Nolan stated that there is question regarding the bidding process. The municipalities would be bound by prevailing wage, but the portion of the project that will utilize his funds is not. Pidcock Engineering will be preparing the bid specs. Kerry suggested that Ron Karasek and Ron Madison meet to discuss how to coordinate the bidding for this project with the County Bond funds.

NEW BUSINESS

1. Lessig Land Development Plan Final / Conditional Approval. Tracy Snell, Newton Engineering, explained the plan to Council. Dave Lessig is proposing to develop 25 acres on Alpha Road to build a 2,600 sq.ft. office building with a customer area and a dispatch area. They have obtained the required variances. They are asking for 4 waivers. A waiver from the requirement of 402.C.4 of the SALDO that all natural features within 200 feet of the tract be shown. A waiver from the requirement of 509.G of the SALDO to permit road widening to a cart way width from centerline of 17 feet, only along the proposed new development rather than along the remaining 1,100 feet of the tract. A waiver from the requirement of 510.B of the SALDO waiving the requirement that the developer must install sidewalks. The Planning Commission noted that there are no sidewalks anywhere in the vicinity and the developer's proposed office building for his fuel oil business would not be expected to generate significant pedestrian traffic. A waiver from the requirement of 510.C of the SALDO to permit the developer to install curbs only along the portion of the property to be developed rather than along the remaining vacant area. Ron Madison referenced Attorney Peter Layman's letter dated May 12, 2005 outlining nine conditions and the above mentioned four waivers.

On motion by George Hinton to approve the four waivers conditioned upon a plan for future sidewalk installation and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

On motion by Tony Curcio to grant conditional final approval of the plan subject to all conditions mentioned in the letter from Planning Commission Solicitor Peter Layman's letter dated May 12, 2005 and seconded by George Hinton. Roll call vote taken. Motion carried unanimously.

APPROVAL OF EXPENDITURES

On motion by George Hinton to approve the expenses in the amount of \$36,716.60 and seconded by Scott Parsons. George asked that the invoice from Hanover Engineering in the amount of \$11,368.92 be held until the July 19, 2005 Council meeting. Roll call vote taken.

Motion carried unanimously.

APPROVAL OF MINUTES

On motion by George Hinton to approve the minutes of the May 2, 2005 meeting and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

On motion by Scott Parsons to approve the minutes of the June 6, 2005 meeting and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

Solicitor's Report

Ronold Karasek reported the Improvements Agreement for Giant Food has been finalized and recorded, the Improvements Agreement for Mr. DePue has been finalized and recorded. The Deed of Dedication has been finalized and signed. He has sent correspondence regarding the Schinstine Condemnation. Last week payment was sent to Mr. Roberti via his attorney, return receipt.

Engineer's Report

Ron Madison reported that a meeting would be held on Thursday with Phil A'mico regarding permitting for the Roberti property, the Male Road Bridge and West West Street. The Third Street paving project has been completed by the PennDOT contractor. The Borough's contractor for the Third Street Light, Lenni Electric returned this morning to replace the timing loop in the road.

Ron referenced his correspondence dated June 30, 2005 informing Council that Hanover Engineering has approved Pay Request #3 to Bill Anskis for the Park Entrance Drainage Project in the amount of \$23,119.70.

On motion by George Hinton to approve Pay Request #3 conditioned upon receipt of an original and valid Maintenance Bond being in place and payment of the re-bidding invoice and seconded by Scott Parsons. Roll call vote taken. Motion carried unanimously.

NEW BUSINESS

1. Interim Zoning Officer. Kerry reported that Winton was under the impression that Hanover Engineering would continue to be the Borough's Building Code Inspector.

On motion by Tony Curcio to have Base Engineering be the Borough's Building Code Administrator until the Borough's current Zoning Officer obtains the proper certification and seconded by Scott Parsons. Roll call vote taken. In favor: K. Gassler, S. Parsons, T. Curcio. Opposed: G. Hinton. Motion carried with a vote of 3-1.

2. Property next to Roberti's on South Broadway. Mayor George asked for an update with the permitting and construction of the house next to the Roberti Garage. Kerry stated that he spoke to the Zoning Officer and she reported that an enforcement notice has already been sent

to the property owner.

3. George asked Ron Madison if there is a sufficient number of barrels for safety reasons at the CVS construction site? Ron replied that in PennDOT Highway Occupancy Permit, it should indicate how many barrels with flashers are appropriate. If George has any more specific concerns he should contact Rettew.

4. Approval County Bond Issue Invoices. **On motion** by Tony Curcio to approve one invoice to reimburse N.A.P.E.R. Development in the amount of \$2,500 for payment made to the Wind Gap Municipal Authority feasibility escrow account and seconded by Scott parsons. Roll call vote taken. Motion carried unanimously.

5. Scott reported that the Regional Police questionnaire was mailed out and is to be returned by the end of August.

OLD BUSINESS

1. Borough Mailing. Council reviewed the letter drafted by Winton to be sent out to all residents in the Borough. The last sentence regarding Broadway and Lehigh Avenue turning into a four-lane road was taken out of the letter.

On motion by George Hinton to approve the mailing letter in its entirety and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

On motion by Tony Curcio to adjourn the meeting of July 5, 2005 and seconded by Scott Parsons. The meeting of July 5, 2005 adjourned at 8:54 p.m.

Louise Firestone, Secretary / Treasurer