

**BOROUGH OF WIND GAP
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EXECUTIVE SESSION

The Council met from 6:30 p.m. to 7:30 p.m. for Executive Session at Wind Gap Borough Hall.

The Council meeting of the Borough of Wind Gap on Tuesday, May 16, 2006, was called to order at 7:30 p.m. by Kerry Gassler at which time he reminded those present that the meeting was being recorded. In attendance were Councilpersons: Jon Faust, Karen Skorochood, Todd Beil, George Hinton, Scott Parsons, and Tony Curcio. Also in attendance were Mayor Mitchell D. Mogilski, Sr., Borough Solicitor Ronold Karasek, Borough Engineer, Brian Pysker, and Borough Administrator Louise Firestone.

Kerry informed those present that Council had met for an Executive Session to discuss the Wind Gap Industrial Road Agreement, the North Broadway easements and possible litigation and the Posh Properties easements.

On motion by George Hinton to approve the Subdivision Improvements Agreement between the Borough and the Developer and send it out for signature and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

No other action was taken on Executive Session topics.

PUBLIC COMMENT

1. Annette Snyder. Annette reported that the Beautification Committee would be planting the flowers in the planters this Sunday. She asked if the Borough owns the monument and the property that the monument is on. The Committee would like to remove the grass and put mulch there along with trees and flowers. She suggested that the bronze be cleaned also. George stated that the Boy Scouts put up the nativity scene every holiday season and if trees are planted it might impede the site triangle of the vehicles. George promised to look into who actually owns the property. Annette suggested that the stops sign and other sign be straightened up because they are leaning.

2. Mark Stametz, East West Street, Wind Gap. Mark informed Council that Muschlitz bought property adjacent to the Borough Park and they are hauling fill into the property. They start approximately 5:30 a.m. to 6:00 a.m. and continue until 7:00 p.m. He stated that there are approximately 120 to 140 trucks bringing material in not out of the property. The noise from the trucks emptying their load shakes their house. Jon said that he is aware of a State ordinance that sets start time at 7:00 a.m., but it does not set a time as far as ending. Mark stated that this is in a residentially zoned area. Scott corrected him saying the quarry is zoned Extractive Industry and can be mined. Kerry asked if this would be an erosion and sedimentation project?

Brian Pyscher replied that depending on how much they are disturbing, there are several permits they may need including a NPDES permit, wetlands and quarry, but these would come from the State and not the Borough. Ron Karasek added that there is a noise section in the Borough's Zoning Ordinance, but to measure the levels the Borough would need a qualified person along with the device to do the measuring. For commercial it is 65 dBA between 7:00 a.m. and 10:00 p.m., it is 60 dBA between 10:00 p.m. and 7:00 a.m. plus Sundays and legal holidays, and Industrial is anytime, but not more than 70 dBA. Council agreed to have the Borough Engineer contact Northampton County to inquire if the owner has an Erosion and Sedimentation Control Plan and the DEP to ask if the owner has the necessary DEP permits. Brian will make these calls tomorrow.

3. Ken Castle. Ken informed Council that Monday at 6:50 a.m. four dump trucks were on the property, two in and two more waiting to enter. He is concerned not only about the noise, but what they are planning to do on the property. It is close to the Park entrance, the kidney dialysis center, the school and all these places have a lot of traffic in and out.

NEW BUSINESS

1. Posh Properties Major Subdivision Conditional Plan Approval. Council reviewed the waivers requested by the developer and approved by the Wind Gap Planning Commission.

Section 506.H.5 – The Stormwater velocity of the emergency grass swale between Lots 7 and 8 exceeds SALDO standards (the proposal is to use a swale liner stabilizer to meet required velocities). The Borough Engineer and the Borough Planning Commission recommended that the waiver be granted. Brian added that the requirement is too low and Council should consider raising it. **On motion** by George Hinton to grant the waiver of Section 506.H.5 and seconded by Jon Faust. Roll call vote taken. Motion carried unanimously.

Section 509.G.1 – Cartway width is 36 feet. Proposal is 34 feet to match up with existing roadway. The Borough Engineer and Borough Planning Commission recommend that the waiver be granted.

On motion by George Hinton to grant the waiver of Section 509.G.1 and seconded by Scott Parsons. Roll call vote taken. Motion carried unanimously.

Section 510.B – The SALDO requires sidewalks. The proposal is to install sidewalks on the north side of First Street so the requested waiver is for the south side of First Street only. The Borough Engineer makes no recommendation one way or the other, as it is a planning policy decision. The Borough Planning Commission recommends granting waiver for the south side of First Street thereby requiring sidewalks on the north side only. Kerry stated that the property owners on the corner of East First Street and South Broadway, the Karners, are concerned about water coming into their basement. Joe Posh stated that he is willing to put the sidewalk and lights on either side of the street.

On motion by Karen Skorochood to waive the sidewalk requirement for the north side of First Street and require sidewalks on the south side of First Street and seconded by Tony Curcio. Roll call vote taken. In favor: K. Gassler, G. Hinton, S. Parsons, K. Skorochood, T. Curcio, J. Faust. Opposed: T. Beil. Motion carried with a vote of 6-1.

Section 509.L – The SALDO requires street lights at 250' apart. The proposed is to install streetlights at the intersection of Chestnut Street and First Street and along the north side

of First Street (at 250' apart as required by SALDO) where the sidewalk would be located so the waiver is for the south side of First Street. The Borough Engineer makes no recommendation one way or the other, as it is a planning policy decision. The Borough Planning Commission recommends granting waiver for the south side of First Street thereby requiring lights on the north side only.

On motion by George Hinton to waive the street light requirement on the north side of First Street and require street lights on the south side of First Street and seconded by Karen Skorochood. Roll call vote taken. In favor: G. Hinton, S. Parsons, K. Skorochood, T. Curcio, J. Faust, K. Gassler. Opposed: T. Beil. Motion carried with a vote of 6-1.

Council discussed the potential problem of notifying new property owners that eventually a road may be constructed through their property. This would be for the owners of Lots 8 and 9 on the proposed plan. Brian suggested that a covenant be put on the plan. George suggested that the curb radius be installed at the time of street construction by the developer so that there is a physical indication that a road may be constructed.

On motion by Tony Curcio to add the following condition, install a partial curb radius to the property line between Lot 8 and Lot 9 and seconded by George Hinton. The applicant agrees verbally. Roll call vote taken. Motion carried unanimously.

Ron Karasek read the conditions, Planning Module approval or exemption, Certification from Wind Gap Sewer Authority regarding ability to hook-up and available capacity, Certification from PA American Water Company regarding ability to hook-up and available capacity, Northampton County Conservation District Review and/or Approval, Other Permits, SALDO Waivers to be noted on the plan, Signature of Plan, Notarization of Plan, Other conditions: 1: a favorable wetlands report, i.e. no building or disruption in wetlands 2) in the event the PennDOT HOP for First Street and Route 512 cannot be obtained, the developer will allow additional area so that a cul-de-sac can be installed as originally designed; otherwise the motion made by Borough Council at its meeting of April 18, 2006 will apply "by George Hinton to treat the Posh Properties project as Phase I, the housing portion, Phase II, from 512 to the alley, which would be First Street, approximately 200' from the centerline of Route 512 and Ott Consulting will acquire the permits, the Borough will sign the application pay the fee and the applicant will escrow the money for construction and do the construction". He explained that Council should include a condition regarding an easement agreement for the detention pond on Ray Cortez's property.

On motion by Scott Parsons to give conditional preliminary plan approval to the Posh Properties Major Subdivision and to include the condition that an easement agreement with Mr. Raymond Cortez for the Stormwater drainage facilities and detention pond that will be located on the Cortez property will be executed and seconded by Jon Faust. Roll call vote taken. Motion carried unanimously.

George asked that any work done by Mr. Posh's engineer be shared with the Borough Engineer as soon as possible so the Borough can review the plans and forward the application for the Highway Occupancy Permit (HOP) to PennDOT.

2. Award Wind Gap Park Projects. George reported that the Borough received bids for two projects at the Park. The first was for a parking lot at the lower end of the Park and the second was to overlay the asphalt on the upper portion of the Park. George stated that both he and

Karen attended the Park Board meeting and the members understand that there are not enough funds to do both projects this year. Park Board Chairwoman, Cathie Yob, conducted a phone vote last evening and they recommend doing the overlay project.

Bids for the Parking Lot Project were:	<u>Bid</u>	<u>Alternate Bid</u>
Bracalente Construction	\$80,509.90	\$57,985.75
Hanson Aggregates	\$58,500.75	\$41,040.50
Grace Industries	\$71,552.75	\$56,257.75
Ankiewicz Trucking	\$84,978.25	\$62,798.25
Professional Construction Contractors	\$83,886.60	\$61,936.10

On motion by Jon Faust to reject all bids for the Park Parking Lot Paving Project and seconded by Karen Skorochood. Roll call vote taken. Motion carried unanimously.

Bids for the Walkway Paving Projects were:	<u>Total Contract Bid</u>
Barker and Barker	\$38,278.70
Hanson Aggregates	\$36,564.50

On motion by Karen Skorochood to award the Park Walkway Paving Projects to Hanson Aggregates at a cost of \$36,564.50 and seconded by Todd Beil. Roll call vote taken. Motion carried unanimously.

COMMITTEE REPORTS

1. EMS – Karen Skorochood reported there was no meeting for the Ambulance Corps yet this month.

Anthony Skorochood submitted his letter of resignation effective at the end of May as the Wind Gap Borough's Emergency Management Coordinator. He offered his assistance to the Borough. A letter of thanks will be sent.

On motion by Karen Skorochood to accept Anthony Skorochood's resignation as Emergency Management Coordinator and seconded by Jon Faust. Roll call vote taken. Motion carried unanimously.

2. Police – George Hinton reported that the Police Department's ENRADD System is not functioning properly. It was picked up for repairs, but if it is unable to be repaired the cost of a new wireless system is \$3,995. There are funds available in the budget to make this purchase. The Police Department was awarded a grant for the Buckle Up Safety Awareness campaign.

3. Streets – George Hinton reported that the trees on the Borough's property on North Broadway have been removed. All the curbs surrounding the fire hydrants in the Borough have been painted. The Street Department is working on cleaning up all the catch basins. The workers are in the Roberti Garage removing all the metal for scrap on rainy days. Because of the rain, the street sweeping has been pushed back and will begin as soon as possible.

4. Zoning – Tony Curcio reported the Zoning Hearing Board heard two cases at the May meeting. The first, Joseph Posh, Case 4-2006 and the Board unanimously granted the variance. The second, James McIntyre, Brymac, Inc., Case 5-2006 and the Board granted the variance for a car wash, but now the developer has to submit a subdivision plan and must receive approval from the Sewer Authority.
5. Planning – Todd Beil reported the Planning Commission reviewed Mr. Posh's plan that was just approved earlier.
6. Parks – Karen Skorochood reported that the AA and the Park Board are requesting an increase in Police patrol in the Park. Jon asked if the straw has been removed from the Park? George replied that it has been.
7. Fire Company – Jon Faust reported 13 fire calls for the month and 62 for the year. The Women's Auxiliary will be hosting a yard sale July 15 and July 16. The tables will rent for \$10 for one day and \$15 for two days. Anyone who would like to donate items can leave them inside the front door of the Firehouse.
8. Sewer Authority – Paul Levits reported the Authority had to send samples to a different lab. There was a pre-construction meeting for the 512 Bridge project. The tentative start date for the project was to be May 22, but that will not happen. The bid specifications are ready to go out for projects in A, E, F alleys, part of Jerry Lane and First Street. The Authority continues to investigate an office building that apparently has an apartment on the second floor, but the owner denied there was an apartment. Plainfield's Zoning Officer, Charlie Knecht, stated that there is an apartment, but it is not a permanent apartment.
9. 911 – Tony Curcio had nothing to report.

Mayor's Report

Mayor Mogilski reported Contractor license fees for April were \$125 for a total of \$1,250 for the year. He distributed a copy of the Police Report for April. The COG will meet on Wednesday, May 24, 2006 at the Washington Township Municipal Building. The Mayor stated that the COG asked if the Borough would be interested in participating in the Slatebelt Regional CERT Program? Scott suggested that this be coordinated with the Emergency Management Committee. The Mayor asked Council to approve sending a letter to Arlen Specter regarding funding to install cameras in all police vehicles.

On motion by Scott Parsons to have the Borough Administrator draft the letter for signature by the Chief and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

OLD BUSINESS

1. Wind Gap Associates vs Board of Assessment (Assessment Appeal). Ron Karasek

reported that the previous owners of the property of the subsidized elderly apartment building at 6 North Broadway filed a real estate tax assessment appeal. The law deals with housing that is subsidized by state or federal monies. He added that he discussed this matter with David Backenstoe, Esq. (in his capacity as First Assistant County Solicitor) and was informed that the reduction in market value is fair based upon an appraisal. He asked Council to make a decision authorizing him to sign on behalf of the Borough.

On motion by Tony Curcio to authorize the Borough Solicitor, Ronold Karasek, to sign the stipulation on behalf of the Borough and seconded by Scott Parsons. Roll call vote taken. In favor: G. Hinton, S. Parsons, T. Beil, T. Curcio, J. Faust, K. Gassler. Abstained: K. Skorochood. Motion carried with a vote of 6-0-1.

2. Ron Karasek reported that he received a letter from Patricia Sutter, Borough Tax Collector, regarding the unpaid Emergency Municipal Services Tax from the Arby's Restaurant. Kerry stated that the bank is running the business. Council authorized the Borough Administrator to send a letter requesting payment.

3. Mayor Mogilski asked where the nuisance ordinance stands? Ron Karasek replied that he was waiting for direction from Council regarding items in the draft ordinance to either be included or excluded. Council advised Ron to include the section regarding panhandling. This topic to be on the June workshop agenda.

On motion by Tony Curcio to adjourn the meeting of May 16, 2006 and seconded by Todd Beil. Council agreed unanimously.

The meeting of May 16, 2006 adjourned at 9:05 p.m.

Louise Firestone, Secretary / Treasurer