

**BOROUGH OF WIND GAP
29 MECHANIC STREET
WIND GAP, PA 18091
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The Council meeting of the Borough of Wind Gap on Tuesday, September 4, 2007, 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, Nathan Hinton, George Hinton, Scott Parsons and Tony Curcio. Also in attendance were Borough Solicitor Ronold Karasek, Borough Engineer Brian Pysher and Borough Administrator Louise Firestone. Absent from the meeting were Mayor Mitchell D. Mogilski, Sr. and Councilman Todd Beil.

PUBLIC COMMENT

1. Robert Matlock asked if there was any information regarding setting a time restriction on the Techo Bloc trucks moving up and down Alpha Road. Ron Karasek replied that he had done initial research on the topic and has not found any legal authority to put any time limits on the streets, nor has he found any authority to close a public street once it has been dedicated unless there is a weight restriction or some damage occurring to the roadway through engineering studies. Brian Pysher added that under PennDOT regulations it only is specific with temporary closing due to construction. Ron added that since it is Borough streets, PennDOT regulations don't necessarily matter, but it is an indication of authority regarding closing streets. He will continue to investigate this issue and report back to Council. Bob stated that if the vehicles were causing damage to the road, Council would then be able to do something regarding the weight. Ron replied that if Council does give authority to the Borough Engineer to do a study and prove that the vehicles are causing damage to the road, Council could enact a weight restriction on that road. Bob asked George if he is in agreement that the weight is affecting the road? George replied that the road is in rough shape along with some of the other road. He informed Council that he must be cautious because he is now an authorized dealer for Techo Bloc. The street committee will get together with the Borough Engineer and review the road.

2. Ralph Hahn, East Center Street, Wind Gap. He thanked Council for installed the speed limit signs. He asked if Council would discuss paving East West Street? Scott reported that the Techo Bloc trucks were never supposed to use East West Street as a directive from their management. It has been brought back to their attention after the last Council meeting. Brian stated that he did follow a Techo Bloc truck on his way into the Borough one day last week and did confirm that the truck went to the MSG parking lot and there was a lot of dust stirred up. He was not sure if the Borough could ask Mr. Goffredo to water down the dirt parking lot. Scott informed Council that Mr. Goffredo has been visited by the DEP regarding the air quality and he is working with Techo Bloc to correct that problem. Ralph asked about the paving? Kerry stated that Council would discuss the possible paving at a later date.

3. Troy Leidy asked Council if there is any information regarding Mr. Perin's driveway issue? George reported that the committee and Borough Engineer met with Nolan this morning. The committee did not receive the PennDOT requirements that were agreed upon. The committee did receive a drawing of the driveway. Nolan did inform the committee that he would be trucking in millings from another project as soon as possible to spread in the driveway area. George believes that the tower is down. Nolan will bring in topsoil and plant grass back to the where the water comes off the mountain. He did acknowledge that there is a lot of dust. It is up to Met-Ed to move their pole

on the north side. Brian reviewed the plan submission and could not find any indication where he would access the RPM plant other than the property fronting Industrial Drive. Troy inquired whether he could ask Plainfield Township to have him pave the portion in Plainfield? Kerry replied that Troy has ever right to ask Plainfield. Brian contacted a firm regarding testing the dust that is being disturbed on that property and was informed that they can test at a cost of \$4,200 for a 15 day turnaround or for \$5,000 for a 5 day turnaround. Kerry stated that the millings would be the first step

APPROVAL OF EXPENSES

On motion by Tony Curcio to approve the expenses for the month August in the amount of \$58,748.87 and seconded by Nathan Hinton. Kerry stated that the majority is the paving of the Park parking lot in the amount of \$43,192.75. 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 meeting attended as Borough Solicitor.

Subdivision Matters: Review of SALDO and responsive correspondence to Getz' attorney re: Stormwater basin in Wind Gap Development Group, LLC – Emerald Forest Major Subdivision Plan (Preliminary Plan) re: maintenance obligations. Receipt, review and administration of partially signed Subdivision Improvements Agreement re: Manor Haven Corporation Major Subdivision – Towns at the Gap

Land Development Matters: Meeting of Borough Officials re: RPM Recycling L.D. Plan and North Broadway access.

Zoning and Other Land Use Matters: Conference with Police Chief re: unlicensed, unregistered, inoperable and/or junk vehicles on private property and review of Borough Ordinance No. 315. Research re: closing streets and/or time restrictions for use.

Developments on Outstanding Litigation: Receipt, review and administration of correspondence from insurance adjuster/counsel re: Buskirk fatal claim. Receipt, review and administration of signed release re: Weeast interest lawsuit and condemnation case.

Arrangement for payment of final real estate taxes on Roberti property. Property now tax exempt.

Court Decisions on Borough Cases: N/A

Miscellaneous: Prepare Solicitor's Report – August 2007, Review of file and correspondence to V. McNulty's attorney re: condition/appearance of property, Review various correspondence, subdivision and land development review letters, prepare correspondence, prepare extension agreements and approval forms for subdivision and land development matters and make and receive telephone calls.

Outstanding Items: West Seventh Street: received metes and bounds description from Borough Engineer. Now need to obtain research street ordination and obtain related Stormwater easements from adjoining property owners. East West Street condemnation (Grand Central property) – revised map received. Confirmed that map will be signed by Grand Central representatives. Request for final mylars and copies made to Hanover Engineering. RPM Recycling License Agreement and related Met Ed Agreements. Keenhold Condemnation – PPL Cell Tower matter – only partial condemnation needed. Dentith Stormwater 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. Ordinance for Office Staff pension – pending meeting with Principal's Representatives. Ordinance and Agreement to adopt Intermunicipal Comprehensive Plan.

Ron reported that he spoke to the Police Chief at the Mayor's request regarding junk or inoperable cars on private property. He did do research on closing streets and there is a provision to allow the Borough to close or vacate a road, but it is a complicated procedure. The Borough needs consent of people if that is the only way to get to their property, notify all abutting property owners,

advertise in the newspaper, enact the ordinance, have a 40 day wait to see if anyone wants a hearing, and then hold a public hearing. He has not had a chance to check into the Park Master Plan. After a study is done and if the Borough enacts a weight restriction on any Borough roads, the roads would have to be posted, the officers would have to be trained with weights and/or an intermunicipal agreement would have to be entered into with another department to enforce the limits. George asked Ron on behalf of the Mayor if he checked into junk vehicles at Roberti's property. Ron replied that was the Mayor's concern, but Ron just reviewed junk vehicles on private property. Ordinance 315 permits the Police Chief, if he wants to, to check a vehicle if it is inoperable, he can tell the owner that it must be moved and if it is not, the owner can be cited. In the Roberti matter, Ron suggests that the Borough proceed with some caution until other issues are concluded.

ENGINEER'S REPORT

Brian Pysher informed Council that he would meet with Bob Collura regarding a weight limit on East West Street and report back to Council. He asked if Council still wants a cost estimate for paving East West Street? Council approve that the estimate be done. Kerry informed Brian that East Penn Engineering did some survey work and inserted pins along that street. Brian stated that if curbing were installed then storm sewers would have to be installed.

Brian called Cowan Associates regarding Manor Haven to get a metes and bounds description for the drainage easement for Seventh Street. Brian has a meeting on Friday. Ron stated that Hanover is preparing a description for the Candle Factory. Hanover is also providing a description of Lot #52. Brian has tried to explain to the owners of the Candle Factory the intentions of the Borough regarding their property. The owners believe that the Borough is trying to take their property and Brian has tried to explain this property is for storm drainage at the present time. He will be meeting with them again on Friday.

Brian received an e-mail from Jim Milot regarding the survey map of the cell tower. Brian requested a map with the metes and bounds. Brian added that the same thing goes for Seventh Street, if the owner objects to the curb, a description can be prepared as is and re-ordain it. Ron added that the owner has to understand that the easement is for storm water only and the Borough will not take any property.

George Hinton reported that he contacted Paul Pendzick, Rettew Associates, regarding the Park Master Plan. George hopes to get together with Rettew this week.

Brian Pysher reported that a few months ago a resident complained about water problems on Eighth Street. He shot the field topography of the property. He doesn't think it would be that expensive to fix. George asked if they checked the catch basins because the road silt fills up the basins? Brian replied that there were out there earlier in the summer and the basins were not full. The other issue is that Mr. Keenhold has a pipe that comes from the parking lot behind the apartment building and there is a make shift inlet in the middle of the parking lot collecting a lot of water and that comes out between the buildings. The water needs to be put into the storm sewer. George stated that the water comes off of the mountain on Constitution Avenue and comes across and floods out around the tower or the railroad bed, which is situated behind the apartments. Hopefully, the catch basin at the cell tower will take the water and run it down all of North Broadway to the Candle Factory. Brian suggested holding off on this until Towns at the Gap is built. Council agreed.

NEW BUSINESS

No New Business was before Council.

OLD BUSINESS

1. Improvements Agreement Manor Haven. Ron Karasek reported that he sent the Improvements Agreement to the Borough for signature. Mr. Karasek received the agreement by Towns at the Gap (Manor Haven), which they signed, but the Borough still needs a Letter of Credit based on the re-calculated estimate that Brian will review. The Borough needs a deed for the property that is being dedicated. Once all the paperwork is in place, the Borough needs to cut a check in the amount of \$100,000 to Manor Haven. He will contact Manor Haven's attorney later this week.

On motion by George Hinton to approve the signing of the Improvements Agreement for Towns at the Gap (Manor Haven Corporation) and hold in escrow until the Borough receives a signed deed of dedication, the revised quantity and cost estimate and the security posted for quantity and cost and seconded by Jon Faust. Roll call vote taken. Motion carried unanimously.

On motion by Tony Curcio to adjourn the meeting of September 4, 2007. The meeting of September 4, 2007 adjourned at 8:16 p.m.

Louise Firestone, Borough Administrator