

**BOROUGH OF WIND GAP
29 MECHANIC STREET
WIND GAP, PA 18091
863-7288
FAX 863-1011**

The Council meeting of the Borough of Wind Gap on Tuesday, May 15, 2007, was called to order at 7:32 p.m. by George Hinton at which time he reminded those present that the meeting was being recorded. In attendance were Councilpersons: Jon Faust, Nathan Hinton, Todd Beil, Scott Parsons and Tony Curcio. Also in attendance were Mayor Mitchell D. Mogilski, Borough Solicitor Ronold Karasek, Borough Engineer Brian Pysher and Borough Administrator Louise Firestone. Absent was Councilman Kerry Gassler.

PUBLIC COMMENT

1. Linda Davis, 115 Washington Street, Wind Gap. Linda reported that the water in the creek behind her house was running white yesterday. She contacted the DEP, took a sample and they will be picking it up tomorrow. She asked who she would report something like this to in the Borough? George replied that it can be reported to him. He added that the water company had problems and was pumping water on Center Street. Linda stated that in the past, there has been a problem with residents throwing brush along the creek. George stated that he would walk the properties again and inform the residents to keep the streambed clear of debris. Linda asked how long a person has to respond to a complaint about cleaning up their property? The Mayor responded they have 30 days from the time they receive a letter. Copies of her letter went to the Chief of Police and the Zoning Officer because they can enforce Ordinance 455.

2. Jim Seitz, Emerald Forest Development. Jim asked Council to rescind their denial of his plan, Emerald Forest, based on the lack of a time extension because of a miscommunication. Ron Karasek explained that the plan had to be approved/denied by May 11, 2007. He sent a letter to Mr. Seitz's engineer on May 1, 2007 regarding SALDO waivers and on May 4, 2007 informing him of the upcoming meeting and upon not hearing back from him, at the May 5, 2007 Council meeting he recommended that Council consider the Planning Commission recommendation of denying the plan. He received a phone call the next day informing him that Mr. Seitz's engineer was out of town and did not receive the correspondence until his return. Mr. Karasek advised Mr. Seitz and his engineer to attend tonight's meeting to discuss with Council and consider an extension of 90 days. Mr. Karasek requested that Mr. Seitz sign the extension letter and initial.

On motion by Scott Parsons to rescind Borough Council's denial of this plan on Monday, May 7, 2007 and accept an extension of time to August 21, 2007 and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

Further discussion regarding the SALDO waivers. Don Fredrickson reminded Council that the one waiver request was the length of the storm sewer system as requested by the DEP. The DEP is requesting that the culvert be as short as possible and practical. Mr. Karasek had Mr. Seitz sign the form stating that no action was taken on this item and the request will go back before the Planning Commission for consideration. Mr. Seitz asked that he receive all correspondence regarding this development also be sent to his home address. Ron stated that the record should state that the SALDO waiver form was signed with the exception of Section 506.G.14 which will go back before Planning.

3. Todd Oessenick, 117 South Broadway, Wind Gap. Todd informed Council that based on the eight sections of SALDO as indicated by the Borough Engineer, Brian Pysher, he will accept and comply with all the requests. Todd stated that he would pay Mr. Pysher for his time to review it. Brian asked that a number 8 should be added to his review, Section 506 – Stormwater. Mr. Karasek informed Todd that he would have to sign waiver forms so that the record reflects his agreement to the waiver conditions. This plan did not go before the Planning Commission. George stated that he advised Todd to speak to the Hackmans who own the neighboring property. George received a phone call from the Hackmans' son and they do not have a problem with the parking lot and they appreciated being contacted. Let the record show that Mr. Oessenick has signed the recommendation and official action waiver request form indicating that he will comply with the sections of SALDO as noted in the letter of Mr. Collura dated May 15, 2007 which will be attached to the waiver form. They specifically state that this is being done in reverse, waiving SALDO ordinance except for the sections that he must comply with, specifically sections dealing with traffic, location, existing features, plan information, driveways, parking areas, landscape and screening, Stormwater management, names of adjacent owners, and other items within 50 feet of the tract with respect to the one section. All the other sections of SALDO, Borough Council would be waiving if they granted his waiver request. Todd Beil asked if the letter from Collura's office is a review letter? Brian stated that it is not a review letter, but a letter that includes all the sections that the Borough Engineer does not want to waive. Todd asked if this would be a conflict of interest for the Borough if the Borough Engineer did the review letter? Todd Oessenick replied that the site plan was not done by the Borough Engineer, but by an engineer that he hired. Scott stated that he would be reimbursing the Borough for expenses. Ron added that the purpose of the Subdivision and Land Development fees are to reimburse the Borough for costs incurred for having professionals review the plans. He added that Council could grant the waivers only upon the receipt of payment of the Borough Engineer's invoice for the review of the SALDO within a certain period of time. Brian suggested that there be an escrow account for engineering fees related to the review time.

On motion by Scott Parsons to have Mr. Oessenick comply with the letter of Mr. Collura, the Borough Engineer, dated May 15, 2007 that lists the SALDO sections with a deposit of \$1,000 within ten calendar days and seconded by Jon Faust. Roll call vote taken. In favor: T. Curcio, J. Faust, G. Hinton, S. Parsons. Opposed: N. Hinton, T. Beil. Motion carried with a vote of 4-2.

COMMITTEE REPORTS

1. EMS – Nathan Hinton had nothing to report.
2. Police – George Hinton reported that the Police have received the new ENRADD System and will be using it to participate in the "Click It or Ticket" campaign. He reported that the one cruiser car was shutting down after it was started, but it only needed a breaker replaced.
3. Streets – George Hinton reported that the one-ton dump truck was delivered and is in the garage. The Street workers are painting curbs and some line painting. The street sweeping is scheduled for June.
4. Zoning – Tony Curcio reported that no meeting would be held on June 6 because no applications were filed.
5. Planning – Todd Beil reported that Emerald Forest requested an extension, Albanese requested an extension, and Brymac car wash had several items still outstanding. Brian stated that most of the comments on the car wash were waiver related. The property is pretty restrictive so the waivers will include minor buffer requirements and they would be proposing a detention basin. George stated that he is concerned about the Stormwater because of the development along that

area. Scott stated that he saw a request for selling fireworks on that property, what is going on what that issue? The Mayor denied the request for the transient license based on Ordinance 115, 395A and 455.

6. Parks and Recreation – Nathan Hinton reported that the Park Board received a grant from Green Knight Economic Development Corporation in the amount of \$5,000 to be used on a security surveillance system at the Park. They received a low bid of \$7,500, so they will use the \$5,000 plus capital reserve funds. He reported that the bids received last year for the parking lot was for 4" base course and 1 ½" wearing course that was in the amount of \$41,000, but this year the lowest bid for that same amount of paving was \$64,000. Brian explained that there was a primary bid and an alternate bid, which is for \$41,000. The base bid was for 6" stone, 4" bituminous, 1 ½" wearing, the alternate was 3" stone, 2" bituminous, 1 ½" wearing. Council asked Brian to express his opinion on the thickness necessary for the parking lot? Brian stated that he is not familiar with the volume of traffic utilizing that lot. He added that they are confident with the alternate bid thickness. Nathan explained that for the surveillance system, they would be using the grant money and the Summer Sounds concert held at the school. They will be using tipping fees from this year and exhausting their capital reserve accounts.

On motion by Todd Beil to award the Park Parking Lot Project to Barker and Barker in the amount of \$40,217.75 and seconded by Nathan Hinton. Roll call vote taken. Motion carried unanimously.

Nathan reported that the Fire Company did approve their clam and beer tent, but they did ask that the Fire Company make a donation to the Park. He asked Ron Karasek if that was okay? Ron replied that he sees nothing wrong with this. Nathan added that any donation would be used for a Park project. The Mayor asked where Council stands on this issue? Fire President Jeff Yob stated that one person would be designated to check id's. George added that he spoke to Chief Armitage and explained that the area would be fenced and in a controlled area. Jeff added that the Fire Company has purchased \$2,000,000, as recommended by the insurance carrier, in additional insurance.

7. Fire Company – Jon Faust reported that the Fire Company responded to 9 calls in April for a total of 49 this year. Jon asked if the Fire Company has approval for the beer and clam tent at the Park for their Firemen's Picnic this year? Discussion regarding if an ordinance contains specific language prohibiting alcohol in the park and what Council can do to allow a beer and clam tent for the specific event of the firemen's picnic. Ron Karasek to review the ordinance (412).

8. Sewer Authority – Scott Parsons reported that he attended a meeting with the Municipal Authority and Bushkill Township because there have been two proposals before the Municipal Authority from organizations outside of the Act 537 in Bushkill Township. One is a housing development of 300 plus homes back off of Male Road and the other is Ashley Development, which is a proposed shopping center and some medical buildings across the street from Country Junction. The Municipal Authority plans to conduct a study of the Borough and surrounding service area that is covered by the 537 Plan to determine how many building lots are still available in the franchise area. The capacity of the plant is between 50% and 60% of what they are licensed for currently. They have the capacity to double their size if they had to provide more service. Ashley Development approached Bushkill Township to come up with a deal without involving Wind Gap Municipal Authority. They do not want to get involved with private deals with a private developer because it is not certain what will happen with the developer or who is going to take care of the lines.

9. 911 – Tony Curcio had nothing to report.

Park – Alcohol – Ron Karasek stated that according to Ordinance 410 – it is clear that no alcohol beverages are not permitted on Park premises. He asked if the tents can be located anywhere not on Park premises so that the ordinance does not have to be changed? Ron advised that if it is Council's desire, the ordinance must be changed to read.

On motion by Todd Beil to amend Ordinance 410 will be changed to read “alcohol is not permitted on Park premises except for special events as determined and approved by Borough Council” and advertised for the June Council meeting and seconded by Tony Curcio. Roll call vote taken. In favor: G. Hinton, N. Hinton, S. Parsons, T. Beil, T. Curcio. Abstained: J. Faust. Motion carried with a vote of 5-0-1.

Mayor's Report

Contractor's license for the month of April was \$125 for a total in 2007 of \$1,050, transient sales license \$100 for a total in 2007 of \$125, amusement licenses of \$75 for a total of \$475 for a grand total collected of \$1,650. Police have responded to 557 this year. The Police will be participating in the Buckle-Up Program over Memorial Day weekend. Next COG meeting is scheduled for May 23, 2007 at 7:00 p.m. at the old Washington Township municipal building. The Mayor attended Garrett Powell's and Bill Zavacky's Eagle Scout ceremonies on April 22, 2007. Garrett did the signs in the Borough and Bill did birdhouses at Jacobsburg Park. The Tree Lighting Ceremony Committee was discussing organizing as a group so that companies wishing to donate to the committee can write it off as a donation. The group was concerned about insurance and coverage for the volunteers acting on behalf of the committee. Ron Karasek stated that the 501C3 form has to be approved for companies to claim tax deduction. The Mayor asked if the group could get additional insurance through the Borough if they are sued. Scott asked what group is being insured? Todd asked if the ceremony is sponsored by the American Legion, wouldn't they have the insurance for their event? The Mayor is insured in his capacity as Mayor. George explained that members of the committee at the committee meetings representing specific organizations and have asked to sit on the tree lighting, they should be covered by the insurance of their particular organization, whether it would be the church, the borough or a volunteer group. Council invited anyone on the committee with a specific issue to attend a future Council meeting to explain their concern. The Mayor received a letter from FEMA that the Borough's Mitigation Plan was approved, so the Borough is now eligible for federal disaster assistance for the next five years. The COG is trying to organize a meeting with at least member from each of the Park Boards. Nathan to contact Cathie Yob for this meeting which is to be held on May 23, 2007 at 6:00 p.m. at the old Washington Township Building.

NEW BUSINESS

1. Rehabilitation Grant Resolution – COG. Victor Rodite, Slate Belt COG, at a previous meeting requested support for a rehabilitation grant and was to provide Borough Council with a sample resolution. To date, that has not been received, so Borough Council tabled this issue.

2. Requested Street Sign – Hope United Church. The Mayor stated that he received a phone call from Hope UCC regarding the procedure for getting a green street sign at the corner of Second Street and 512? Council discussed the signs that already exist in the Borough.

On motion by Todd Beil to have standard sized signs, green signs with white paint, if there is no pole there, they have to purchase pole at their own expense and installed by the Borough Street employees and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

OLD BUSINESS

1. Park Curfew. The Park Board did decide that the Park hours are 6:00 a.m. to 11:00 p.m. barring special events at the Park, basketball courts and tennis courts are excluded because they have their own lights.

2. **On motion** by Scott Parsons to provide a Borough Council special exemption for the Wind Gap Fire Company allowing them to have a beer tent at their carnival this year conditional upon the enactment of the Ordinance allowing alcohol in the Park with Council permission and seconded by Tony Curcio. Roll call vote taken. In favor: T. Beil, T. Curcio, G. Hinton, N. Hinton, S. Parsons. Abstained: J. Faust. Motion carried with a vote of 5-0-1.

3. Manor Haven Corporation. Brian Pysher reported that Robert Collura's office surveyed the property of West Seventh Street in 1977 and again in 1994. Brian could provide a meets and bounds description of the street. He was not sure if there were any encroachments. Brian showed the map of Seventh Street to Council. Council directed Brian to set the pins.

4. Brian Pysher informed Council that the Zoning Officer is serving military time and requested that Council officially appoint Robert Collura's office as interim zoning officer.

On motion by Tony Curcio to appoint Robert Collura's office as the alternate zoning officer in the absence of the Borough's Zoning Officer for any period of time and seconded by Nathan Hinton. Roll call vote taken. Motion carried unanimously.

5. Nathan Hinton stated that in the April 20, 2007 meeting minutes Borough Council was informed of the times decided by the Park Board. Ron Karasek will include with the Park Ordinance amendment "times of Park operation shall be determined by Borough Council as set by resolution". This would allow Borough Council to change hours of operation in the Park by resolution so as to avoid the expense of amending this same ordinance in the future.

On motion by Scott Parsons to adjourn the meeting of May 15, 2007 and seconded by Todd Beil. Council agreed unanimously. The meeting of May 15, 2007 adjourned at 9:10 p.m.

Louise Firestone, Borough Administrator