

**BOROUGH OF WIND GAP
29 MECHANIC STREET
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The Council meeting of the Borough of Wind Gap on Monday, May 7, 2007, 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 Councilpersons: Jon Faust, Nathan Hinton, Todd Beil, Scott Parsons and Tony Curcio. Also in attendance were Borough Solicitor Ronold Karasek, Borough Engineer Brian Pysher and Borough Administrator Louise Firestone. Absent Councilman George Hinton and Mayor Mitchell D. Mogilski, Sr.

PUBLIC COMMENT

1. John Dally, Green Knight Economic Development Corporation, announced that GKEDC is handing out \$97,000 in grant monies. John will be distributing checks at the Pen Argyl Council meeting on May 1 and the Plainfield Township meeting on May 9. He awarded Wind Gap Ambulance, Wind Gap Summer Sounds, Wind Gap Beautification Committee, Families First, Wind Gap Fire Company, Slate Belt ARC, Boy Scout Troop #48, Wind Gap Park, Blue Eagle Drum and Eagle Corp, Slate Belt Nazareth Church, Wind Gap Area Youth Soccer. The Green Knights will be awarding their educational scholarship at the Pen Argyl High School Senior Award Night on May 31, 2007.

2. Todd Oessenick, 117 South Broadway informed Council that he completed the Appendix 11 as instructed at the previous Council meeting. He hired East Penn Engineering to do the site map. He again asked Council to waive the planning process. He stated that he is willing to meet with the Borough Engineer to discuss the parking spaces necessary for the property. He will be leaving the backyard as grass. Brian Pysher has not fully reviewed the plan, but wants to make sure that the Stormwater issues are in compliance with the Borough's ordinance. Todd Oessenick asked Council to vote on the issues tonight so he can move along with the project as soon as the schedule permits. Brian explained that the plan submitted to the Planning Commission by Dr. Passeri had several zoning issues because of the proposed use to the property. Ron Karasek informed Council that the applicant is requesting a waiver from the formal planning process, but intends to abide by all requirements of the Borough's ordinance. Scott asked if the driveway being moved is a PennDOT issue? Brian replied that PennDOT might restrict the on street parking because of the site distance. Todd added that he spoke to Jim Potter, PennDOT) and for a preliminary visit he did not seem to have a problem with it. Todd Beil asked if by allowing him to waive the Planning process is Council setting precedence? Ron replied that he would still be following the ordinance as far as requirements go; he will not be going through the formal planning steps. The Borough is not just letting him do anything on the property. He added that if Council wishes to grant his waiver, the Borough Engineer should go through SALDO and specifically state which sections of the ordinance must comply so nothing is missed. Todd Beil asked who would be paying for the engineer's time? Ron replied that if the Borough agrees to the waiver, the Borough would be paying the bill as a courtesy. Todd Beil asked about the installation of a handicap ramp? Brian replied that a ramp would be a Labor and Industry / UCC issue and the Borough does not handle that issue. The plan must meet all the zoning requirements.

On motion by Scott Parsons to direct the Borough Engineer, Brian Pysher, to make a list of SALDO sections that must comply prior to Council considering the waiver request and seconded by Tony Curcio. Roll call vote taken. In favor: T. Curcio, J. Faust, K. Gassler, S. Parsons. Opposed: T. Beil, N. Hinton. Motion carried with a vote of 4-2.

3. Troy Leidy asked Council for an update on the status of Perin's road? Troy stated that five or six trucks go through and stir up the black dust from the railroad bed. Brian Pysher replied that it is his opinion that Mr. Perin not use the road as a driveway. Years ago, the Borough agreed to waive the land development requirements for this project because the majority was in Plainfield Township and was to connect to Industrial Drive. Now, Mr. Perin has made a driveway to the RPM Recycling Center. Brian Pysher suggested that the Borough respond to the letter sent by PennDOT asking for Borough input regarding the application submitted by Mr. Perin for a Highway Occupancy Permit (HOP). Ron Karasek added that if the Borough is concerned about a specific zoning issue that the Borough Zoning Officer send an enforcement notice or if there is concern about the driveway that a letter be sent to PennDOT and copied to Mr. Perin. Brian Pysher suggested that Mr. Perin be notified that the Borough is requesting a resubmission of a land development plan because the original plan had been substantially modified. Mr. Perin would be required to make all the necessary improvements and construct the road up to standards.

4. Tony Borger, President Wind Gap Area Athletic Association gave Council an update of the plans for the upcoming car show. The WGAAA is proposing closing Lehigh Avenue, no through traffic on Fourth or Fifth Streets and no parking on Third Street. This will only be in effect for the afternoon hours of the show. He hopes to have volunteers for traffic control either through the Borough or through other organizations. There will be a ceremony honoring Bobby Ehrig at 3:00 p.m. He has received numerous donations for the benefit and offered his thanks on behalf of the WGAAA.

APPROVAL OF EXPENSES

On motion by Todd Beil to approve the expenses for the month of April in the amount of \$32,255.65 and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

APPROVAL OF MINUTES

On motion by Todd Beil to approve the minutes of the meeting on April 2, 2007 and seconded by Nathan Hinton. Roll call vote taken. Motion carried unanimously.

On motion by Tony Curcio to approve the minutes of the meeting on April 17, 2007 and seconded by Nathan Hinton. Roll call vote taken. In favor: K. Gassler, N. Hinton, S. Parsons, T. Curcio, J. Faust. Abstained: T. Beil. Motion carried with a vote of 5-0-1.

SOLICITOR'S REPORT

Ron Karasek reported that all the matters being handled by his law office for the Borough during the month of April are outlined in a report. The report includes the meeting attended as Borough Solicitor.

Subdivision Matters: SALDO Waiver Form completed re: Emerald Forest Major Subdivision (Preliminary Plan).

Land Development Matters: N/A

Zoning and Other Land Use Matters: Borough Ordinance No. 455 – Nuisances adopted on April 2, 2007, Borough Ordinance No. 456 – Unlicensed, Unregistered, Uninspected and Inoperable Vehicles

adopted on April 2, 2007, Borough Ordinance No. 457 re: updated Stormwater Management – Water Quality adopted on April 17, 2007.

Developments on Outstanding Litigation: Weeasts' lawsuit for interest was submitted for disposition to Northampton County Judge F. P. Kimberly McFadden on April 3, 2007; awaiting decision by the Judge, Board of Viewers hearing in the Roberti condemnation rescheduled to Tuesday, June 5, 2007, Attorney correspondence in Keenhold condemnation.

Court Decisions on Borough Cases: N/A

Miscellaneous Matters: Research and preparation of Memorandum of Law re: incompatible offices – Borough Councilman and Fire Chief, Preparation of Financial Interest Form for 2006, Preparation of Solicitor's Report – March 2007, 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: East West Street condemnation (Grand Central property) – revised map received. Awaiting Applicant's approval before Planning Commission and Council can act on SALDO Waiver. RPM Recycling License Agreement and related Met Ed Agreements, PPL Cell Tower matter – delay in enforcement notice and related proceedings, 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 reviewed the file on the West Seventh Street issue. He stated that he respectfully disagrees with the conclusion of Attorney Molnar that the ordination was not done properly in accordance with notification of the adjoining property owners. Ron did suggest that the Borough enter into an agreement with the owners and complete the meets and bounds of the properties. Kerry agreed to talk to the two property owners regarding the necessary easements for West Seventh Street. Todd asked why the Borough is doing this? Ron replied that in relation to the Manor Haven plan, the Stormwater will come down the west side of North Broadway and across West Seventh Street.

Ron reported that Judge McFadden has the Weeest case for decision.

Scott asked for an update of the East West Street property status. Ron stated that the plans need to be signed after Attorney Bruno reviews the plans, Nolan Perin and other family members need to sign on behalf of Grand Central Investment Co., Ltd. The plan has to go through the Planning process unless Borough Council waives the SALDO requirements. Once all this has been completed a new deed has to be cut.

ENGINEER'S REPORT

Brian Pysher reported that Kurt Anklam, who is renovating a house on 8th Street, Wind Gap, regarding a water problem in the basement, contacted him. Kurt believes that water is coming from Mr. Keenhold's parking lot. Brian stated that the water should not come across the road but the road should be crowned and 2 inlets with the water channeled to them. He has not been there during a rainstorm, but if the water is going across the street, Council has to give him input. Council decided to have Brian look at this water problem further and give a full report to Council at a future meeting.

Brian gave an update on the Roberti property. He contacted PA One Call to locate all the features. He contacted Hanover Engineering to get an update on the work they had completed on this project. He will meet with Phil Amico and discuss design alternatives and types of permits required for this project.

NEW BUSINESS

1. Award Park Parking Lot Paving Project. Council decided to table the award of this project until the Park Board has a chance to review the bids. This will be discussed at the May 15, 2007 Council meeting.

2. Approve Street Vehicle Bid. The Borough received only one bid on the truck for the street department.

On motion by Jon Faust to award the 2007 Chevrolet Silverado in the amount of \$39,637.76 to Brown Daub Chevrolet Volvo and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

3. Borough Wide Yard Sale. **On motion** by Todd Beil to establish July 6, July 7, July 8, 2007 as the annual Borough Wide Yard Sale for 2007 and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

4. Emerald Forest Plan – Planning Recommendation. No one was present representing Emerald Forest Major Subdivision. Ron Karasek explained that a letter was sent to Mr. Donald Frederickson, developer's engineer, on May 4, 2007 advising that this item was on the agenda for this Council meeting.

On motion by Nathan Hinton that based on Robert Collura's third review letter dated April 4, 2007, outlining 12 deficiencies in the plan, based on the Wind Gap Planning Commission recommendation and the fact that the planning time to act upon this plan expires on May 11, 2007 that the Emerald Forest Major Subdivision plan be denied and seconded by Todd Beil. Roll call vote taken. Motion carried unanimously.

5. Albanese Minor Subdivision – Planning Recommendation. Engineer Richard Rutt representing Mr. Albanese appeared before Council to grant an extension of the planning period for this plan. He is expecting to have the monuments dug in next Monday. Mr. Rutt granted Council an extension until November 12, 2007.

6. Wood Street Parking. Kerry explained that he has received complaints regarding the parking on both sides of Wood Street. He suggested Council consider restricting parking to the south side of the street. Ron Karasek stated that if Council does not enact an ordinance there is no enforcement power. Scott stated that Genoga should be treated the same. Brian Pysher would have to check into the necessity of a traffic study being done to enact a parking ordinance for specific streets in the Borough.

On motion by Scott Parsons to put up no parking signs as soon as possible, and if a traffic study needs to be done to make an ordinance for Wood and Genoga and all streets that it be done and seconded by Todd Beil. Roll call vote taken. Motion carried unanimously.

7. Direct Deposit. Jon Faust reported that the Borough is looking into providing direct deposit for payroll.

8. Appraisals of Borough Property. Jon Faust reported that the committee received quotes to appraise five Borough properties at a cost of \$5,500 – Borough Hall, Fire Company, Ambulance Corp building, Vacant lot on Lehigh Avenue and the lot on Center Street. The committee wants to see how much the properties are worth. Kerry asked if the property could be sold if it was donated to the Borough? Ron replied that the deeds need to be checked and then the property must be put out for public bidding. He suggested the committee do more homework related to the Borough Code. Jon suggested having a realtor give a market value analysis.

9. Wind Gap Fire Company. Jon Faust reported that the Fire Company purchased a rescue truck, but they are not positive that it will clear the height of the firehouse bay doors. If necessary, they will be asking the Ambulance Corps for temporary storage at the ambulance building. Kerry asked to be notified if it does not fit at the firehouse and he will bring it up at the next Corp. trustee meeting.

OLD BUSINESS

1. Todd Beil asked for clarification regarding the decision on Todd Oessenick's project. Borough Council agreed to waive the SALDO requirements does that mean that Mr. Oessenick does not have to pay for fees associated with the professional's time spent on the review? Ron replied that Mr. Oessenick is not required to pay for the fees.

On motion by Todd Beil to not allow the Borough Engineer to spend anytime on Todd Oessenick's report to be charged to the Borough and seconded by Tony Curcio. Roll call vote taken. In favor: J. Faust, N. Hinton, T. Beil, T. Curcio. Opposed: K. Gassler, S. Parsons. Motion carried with a vote of 4-2. Todd Oessenick will be responsible for paying for the engineer to complete the report.

2. Ordinance 455. When Ordinance 455 was adopted Section 9 continued a couple words that should not have been included.

On motion by Tony Curcio to take out a words in Section 9 of Ordinance 455 related to water issues and seconded by Nathan Hinton. Roll call vote taken. Motion carried unanimously.

On motion by Tony Curcio to adjourn the meeting of May 7, 2007 and seconded by Todd Beil. Council agreed unanimously. The meeting of May 7, 2007 adjourned at 9:07 p.m.

Louise Firestone, Borough Administrator