

**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 Monday, May 7, 2012, was called to order at 7:30 p.m. by Council President, George Hinton, at which time he reminded those present that the meeting was being recorded. In attendance were Councilmen: Jon Faust, John Maher, Kerry Gassler, Tony Curcio, Joe Weaver and Dave Hess. Also in attendance were Borough Solicitor Ronold Karasek, Borough Engineer Brian Pysher, Mayor James M. Shoemaker and Borough Administrator Louise Firestone.

PUBLIC COMMENT

1. Tom Hill, Slider's Grill. Tom Hill stated that he is before Council to discuss the restrictions regarding having flags / banners on businesses. Slider's was fined and he did acknowledge that they paid the fine, but asked Council if there would be some way to enforce this on a case by case basis. He has a petition that has been signed by 180 residents. A small business has more difficulties drawing attention to their business especially since it is new in town. He believes that some people are not sure if the business is open or not because of the construction of the building. They have taken the flag down, but they have lost business with the flag down and making potential customers drive by. They are getting less and less business every week and were hoping that Council would consider allowing them to post flags outside that say they are open. Tom promised that the flags would come inside at night when they close for the night. George explained that the Borough cannot make case by case decisions or so called "spot zoning" because that is not fair to everyone. He suggested that Sliders put open on their lit sign and then Council would not have to make changes to the ordinance. If Council were to approve a change to the zoning ordinance it would have to follow the requirements which include advertisement and the required public meetings. Dave added that with the economy the Borough is not helping the businesses with the enforcement of this ordinance, but if it is practical Council should try to help. Janice Caesar, owner of Coveted Clothes, added that they have put a flag up to draw attention to their business also. It helps when the flag is out to attract potential customers and it has increased the amount of people who stop by the store. Donna Schrader, A Cut Above, agrees that the open flags do attract more people and would hope that the Borough would consider making a change to allow these flags. The flags would add to the quaintness of the town and attract people from the Poconos and other traffic to stop and shop in Wind Gap.

On motion by Kerry Gassler to entertain the review of the entire sign section in the zoning ordinance with input from a few business owners and seconded by Dave Hess. Roll call vote taken. Motion carried unanimously.

Kerry advised those present that it will take some time to review the ordinance and make any changes. Mr. Hill asked if in the meantime, the businesses could utilize the open flags. George requested that they allow Council to review the ordinance first.

2. Donna Schrader, A Cut Above, informed Council that she was before them approximately two months ago about a setback because from the light back there is "No" painted on the road. There is a telephone pole at the beginning of the driveway and on the pole a sign "No Parking from Here to Corner" so people obey the sign, but the end up parking right in front of the driveway and blocking the entrance to her parking lot. She is again requesting that a yellow line be painted. She has contacted the State

(PennDOT) and spoke to Robert Wilhelm and he informed her that it is the Borough's responsibility to paint the yellow line. Mr. Wilhelm sent Donna a letter outlining what the Borough can do and she provided Mr. Karasek with a copy. She is requesting that the line be painted because everyone else has one. Joe asked for the street address. Donna replied her address is 9 South Broadway and would appreciate any help that Council could provide.

3. Robert Matlock, 346 Alpha Avenue. Bob asked Council if he happened to miss a meeting when Mrs. Yob was appointed Director of Road Crew or Manager of the Borough when he was not in attendance. She has John Zucal supplied with a list of things to do on a weekly or bi-weekly basis of things that she wants done at the park and he does not understand why John has to answer to Mrs. Yob. George explained that at their meetings, the park board discusses what they would like to have done or cleaned up in the park. John attends their meetings and makes a list of the things to be done, of which he typically responds to their requests first. The correct procedure should be to forward the list from the park board to Borough Council for their review. The sole purpose of the park board is to look at the park to see how the Borough can better the park and forward those ideas to Council so Council could have something to look and act upon. The park board is an advisory board to Council. Bob believes that the park board has escalated a little bit above what their original duties might have been and overstepped their bounds and it should be nipped in the bud now. There is equipment that has been purchased recently to sit in the middle of the soccer field and the idea of a walking trail that he views as a taxpayer as not needed by the Borough. He also believes that the Borough does not need a park board because Council can make the decisions. Everything has to come through the Borough Council for approval so maybe a Borough Manager could solve the problems at the park. He suggested that a cover or awning be considered for the bandshell because the sun beats in on the bandshell entertainers. George did confirm that prior to the purchase of the new play equipment it was brought before Council for their approval. There was money in their budget for this purchase. Council voted to buy the play equipment, but they never asked where they wanted to put it. Once Council found out where they wanted to put it, several members of Council and the Borough Engineer checked out the area and decided that it might not be the best place to put the equipment. It is on the agenda for discussion later in the meeting. The walking trail was brought up one night at a meeting and Council did discuss it. The idea of walking trails has been discussed within Northampton County in an attempt to connect to trails from Williams Township all the way up to the Appalachian Trail. The trail committees' thoughts include connecting Borough parks to the trail system and to the school district properties for a continual trail throughout the County and into Monroe County. There are grant funds available for these trails for both acquisition of land and construction. Bob asked again if John Zucal is to answer to Cathie Yob as to what to do and when. George stated that John has been around long enough that he should know what to do and what not to do. Dave confirmed that he does have a copy of the list and it is quite lengthy. The street committee will meet this week and this will be discussed. Bob added that he appreciates and enjoys the Summer Sounds Concert Series at the park.

4. Patricia Sutter, Tax Collector. Patricia informed Council that someone came into the tax office and said crossing Broadway at Third Street is very difficult. Is it possible to stop the traffic in all directions to allow people to cross the street safely. She suggested that if it can be done at Third Street it should be done at Center Street and North Broadway also. George replied that the State determines the length of the traffic light and the crossings. Brian added that it can be programmed into the lights, but that could potentially require a major upgrade to the lights. George advised that this request will be looked into by the Borough.

APPROVAL OF EXPENSES

On motion by Tony Curcio to approve the expenses for the month of April 2012 in the amount of \$16,382.21 and seconded by Jon Faust. Roll call vote taken. Motion carried unanimously.

APPROVAL OF MINUTES

On motion by Kerry Gassler to approve the minutes of the April 17, 2012 Council meeting and seconded by Tony Curcio. Roll call vote taken. In favor: K. Gassler, D. Hess, G. Hinton, J. Faust, J. Weaver, T. Curcio. Abstained: J. Maher. Motion carried with a vote of 6-0-1.

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 meetings attended as Borough Solicitor.

Subdivision Matters: None.

Land Development Matters: None.

Zoning and Other Land Use Matters: Legal Research and Prepare Written Memorandum re: Taylor Fafard (alleged) Unlicensed Businesses. Brief Review of PA Blighted and Abandoned Properties Conservatorship Act. Preparation of Resolution 2012-01: Street Opening Permit Fee Schedule and Street Opening Permit Application form.

Developments on Outstanding Litigation: Continuance Request by T. Dailey re: Federal Court Lawsuit.

Court Decisions on Borough Cases: Receipt, Review and Administration of Proposed Order of Court with Findings and Conclusions re: Police Chief Raise and Petition for Unit Clarification.

Miscellaneous: Legal Research re: Parking Issue and Memorandum to File, Preparation of Monthly Solicitor's Report. 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: Property Maintenance Code Ordinance, Home Occupation, Clear Site Triangle (and related) Zoning Ordinance Amendments, Dentith storm water 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 but inactive. Ordinance for reimbursement of equipment, materials and supplies in responding to environmental, hazardous, safety or rescue events (police, fire or both?) . pending but inactive.

He has looked at the Property Maintenance Code and made additional comments and/or revisions that Council had wanted to make in order to discuss. The final draft should be looked at by Council and then move it forward.

The letter that was provided by Ms. Schrader states what the Borough would be required to do in regard to the parking in front of her hair salon. PennDOT department policy does allow municipalities to designate no parking zone on their streets provided that an engineering and traffic study has been done by the municipality, provided that the municipality passes an ordinance to allow that to be done, and provided that the municipality buys the official signs from the official manufacturer approved by PennDOT, etc. It is not as simple as Ms. Schrader may have made it appear to be in order for the Borough to agree to her request. He suggested that maybe she could put signs up stating do not block the driveway.

Ron still has the zoning amendment changes on his desk to be worked on, the stop sign ordinance still has to be finalized, and he did review the PA Blighted Property Act and believes that Council could proceed with that if they decide to do so.

He received in the mail a letter from Attorney Scheer with respect to the complaint filed by his clients, the Grossbauers, about paying a business privilege tax and earned income tax. He has not done anything with this correspondence as it may well be a question for the Borough Tax Collector. Patricia Sutter, Tax Collector, verbally confirmed that the Borough does not have business privilege tax.

ENGINEER'S REPORT

Brian Pyscher reported that he has completed the proposal for the Walking Trail in the Borough Park that is to be sent out to contractors and provided Council with a copy. Brian stated that at previous Council meetings and park board meetings the walking trail was discussed. The proposal does not include exercise equipment, but he has provided a catalog to the park board for their decision. The equipment does not necessarily need to be included in the specifications because the Borough workers would probably be able to install the equipment. He does not believe that it will be greater than \$18,500 which is the new threshold for public advertisement.

On motion by Joe Weaver to put the walking trail proposal out to bid and seconded by Kerry Gassler.

Council had a lengthy discussion regarding who could construct the trail. George stated that Bushkill Township had their workers construct the trail. It requires that the proper base be put down and the proper stone on top and questioned whether this could be done in-house rather than done by contractors. Brian stated that the required equipment would be a backhoe, a dump truck and a small excavator. He believes that it would be within the workers ability. Joe asked if the Borough street department would have time to complete this project. Jon replied that it seems that they are taking a lot of vacation and both workers would need to be present for work to get done, so it would depend on the completion timeframe. Joe said that the park board would like it done immediately. Brian suggested that this project may be completed with the Borough workers assisting a contractor to help reduce the cost of the project. The specifications are written so that individual line items can be added or subtracted from the total cost of the project and prior to the start of the project an agreement must be signed outlining the contract. Jon asked where the money is coming from for the cost of the trail. Joe replied that there is money set aside in their capital reserve account for the park to cover the cost and other money in their budget.

Roll call vote was taken. In favor: D. Hess, J. Weaver, K. Gassler. Opposed: G. Hinton, J. Faust, T. Curcio, J. Maher. Motion did not carry with a vote of 3-4.

On motion by Joe Weaver to look into having our street department install/construct the walking trail project and if so when they could do it and the timeframe and seconded by Kerry Gassler. Roll call vote taken. In favor: J. Weaver, K. Gassler. Opposed: G. Hinton, J. Faust, T. Curcio, J. Maher, D. Hess. Motion did not carry with a vote of 2-5.

Brian asked Council if they all had a chance to review the minutes of a meeting held last Thursday between representatives of the Borough and representatives of the Wind Gap Municipal Authority as provided by the Authority's Engineer regarding the A Street project. They discussed when the Authority will be advertising and awarding their portion of the project. They anticipate awarding the contract at their meeting at the end of May. PA American Water Company should be in there by the end of June to do their work in the street. Brian hopes to have the specifications advertised for May 22 so Council can award at the first meeting in June. He anticipates that the project will be completed by the end of August. The Authority will be replacing their terra cotta pipes under the sidewalk on along Broadway about ten feet beyond where the Borough is replacing their sidewalk. The Borough will include sidewalk concrete in our contract since a line item already exists in the specifications. The Authority's engineer will give Brian a breakdown of how many square yards of concrete will be necessary to complete their portion of sidewalk and then the Borough will just bill the Authority that amount. Everyone at the meeting was in agreement that this would make more sense and being a cost savings.

George asked if the asphalt for the alley behind the Borough building will be included in the bid specs since the Borough held the Authority accountable for it. The Borough never paved because it was decided that it would be included in another project and allow the alley to settle. Brian will include paving in the alley from Mechanic Street to the manhole in the A Street bid package as a separate line item. John Maher suggested that the Borough waive the fees for street opening, but that the Authority still needs to complete the street opening application so they understand and follow the rules.

Brian reported that the plans for the firehouse floors have been re-submitted to Labor and Industry. The emergency lighting has to be revised and upgraded in accordance with L&I. Hopefully the Borough will receive the permit for those renovations in a couple of weeks.

Brian explained that there is a concern about a pipe that goes under the building on the west side under the storage bays. A plumber ran a camera in the pipe and there is no bottom to the metal pipe. Basically what is happening is it eroding the soil underneath it and it is settling. One column has sagged approximately eight to twelve inches so repairs have to be made immediately to jack the building back up. A representative from Cramer's contacted Brian and implied that it was the Borough's pipe and the Borough's problem. Brian and George met with the representative and discussed the options. It was decided that a cost estimate would be put together on what it would be to re-route around the outside of the building. It is unrealistic to try to replace the pipe since it goes under the entire building. There is an existing manhole that is behind the building so the pipe could be tied into that over to GAF property and then into the existing inlet that is on Alpha. Brian used the plan from Industrial Drive designed by Pidcock that shows replacing the 48" concrete pipe under Alpha Road and empty out where it goes now. Brian is proposing 24" ADS smooth wall pipe because there would be more capacity.

On motion by Kerry Gassler for the Borough to provide labor only to install the new pipe around the Cramer's building, Cramer's to buy the pipe, all other related materials and easement agreements, and seconded by John Maher. Roll call vote taken. Motion carried unanimously.

George reported that the meeting was cordial with Corporate Representative, Kyle Nataska, Vice President of Operations for Cramer's who is based out of Stroudsburg. Brian to call Mr. Nataska for a follow-up meeting preferably this Thursday, May 10, 2012.

NEW BUSINESS

1. Community Wide Yard Sale.

On motion by Dave Hess to schedule the Community Wide Yard Sale for Friday, July 6, Saturday, July 7, and Sunday, July 8, 2012 and seconded by Kerry Gassler. Roll call vote taken. Motion carried unanimously.

OLD BUSINESS

1. Resolution 2012-01 for Street Opening Fee/Application.

On motion by Tony Curcio to approve the passage of Resolution 2012-01 for the Street Opening Fee and Application and seconded by Jon Faust. Roll call vote taken. Motion carried unanimously.

2. Park . Playground Equipment. Dave asked this be put on the agenda because the equipment is sitting in the park building and may be in the way for the Wind Gap Car Show. He asked what is being done with this equipment. Joe reported that initially when looking at the proposed sight there was basically no one in the park at that time, but it is much different now with all the activities. He does not believe that there would be a water problem based on the wet weather we have had recently. There was a baseball game in progress and there were kids playing out in the proposed playground equipment area. The kids turn and look when the ball hits the bat so it is possible that the ball could come over the fence and thinks it would be a wise idea to put up the safety net. Brian believes that there could be issues with water during longer durations of precipitation and it being in a low lying area, but there are provisions to avoid that by elevating the structure.

On motion by Joe Weaver to approve positioning the equipment in the park as approved by the park board with safety netting and seconded by Kerry Gassler. Roll call vote taken. In favor: K. Gassler, J. Weaver, T. Curcio. Opposed: J. Maher, D. Hess, G. Hinton, J. Faust. Motion did not carry with a vote of 3-4.

George suggested that the street workers be advised to move the equipment to the Oaten Garage with the upcoming events at the park.

3. Park . Recycling Containers. Joe Weaver reported that the park board will contact the Waste Management regarding recycling containers.

4. Building Finance Report . George Hinton reported that the committee met to talk about options for vacant lot behind the old Wind Gap school. He asked if the Borough can take bids. Ron Karasek replied that the Borough can sell it at auction or take bids which ever Council decides to do. John asked if it is necessary for the Borough to hire a realtor. Ron stated that if there is interesting without having a realtor that is fine.

On motion by John Maher to subdivide and advertise the vacant lot on Lehigh Avenue off of Center Street and seconded by Jon Faust. Roll call vote taken. Motion carried unanimously.

5. GIS Status Update. John Maher distributed a report to Council outlining what has been done to date and the monies spent on this project. John stated that more money would be necessary to complete this project. He will have a further report at the mid-month meeting.

6. Street Sweeping. Dave Hess reported that the today was the first day that the street sweeping started in the Borough today and they anticipate that it will take three days. He added that last Friday night, a Muschlitz truck ran a large amount of water on Lehigh from the monument down to the quarry because the trucks that have been hauling through the Borough have been using Lehigh and dropping a lot of dirt/mud off the street. Mr. Muschlitz has advised his drivers to use West Street and not Lehigh. He may even use a grader on West Street to smooth out the dirt road so the potholes are eliminated.

On motion by Tony Curcio to adjourn the meeting of May 7, 2012 and seconded by John Maher. Council agreed unanimously.

The meeting of May 7, 2012 adjourned at 9:25 p.m.

Louise Firestone, Borough Administrator