

**BOROUGH OF WIND GAP  
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The Council meeting of the Borough of Wind Gap on Tuesday, March 19, 2013, 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, and Dave Hess. Also in attendance were Mayor James M. Shoemaker, Borough Solicitor Ronold Karasek, Borough Engineer Brian Pysher and Borough Administrator Louise Firestone.

**PUBLIC COMMENT**

1. Judy Piper, Borough of Pen Argyl, representing the Blue Mountain Community Library as the Treasurer. She introduced Lisa Farnan, Library Manager and Valerie Viglione, Vice President of the Board. There are three board members from Wind Gap, Judy Hahn, Katy Albanese, Jill Silvius who are unable to attend tonight's meeting. She reviewed the Library 2012 Report with Borough Council. There are 20,000 items in the Library collection. They currently have 5,507 members, of which 2,444 from Pen Argyl, 2,025 from Plainfield Township and 1,038 from Wind Gap. In an effort to supplement their income they participate in fundraisers at Dietzi's, Slate Pub, Wendy's, a yard sale at Ackerman Veterinary Group, a bake sale at ACE Hardware, sponsorship for a 50 mile race and decorations for their Christmas tree. They had a new roof installed, updated their emergency lighting, reconfigured their front desk and repainted their reference section. They had an income in 2012 of \$50,166.04 and expenses of \$49,344.43 for a balance in the account of \$10,873.09. They had their books audited for the year of 2011 and were given a very favorable audit. Waste Management provides the library with a few dumpster and free garbage pick-up. Judy thanked the Borough on behalf of the library for their continued financial support.

2. Russ Roper, Slate Belt Forward. Russ explained that this organization is working on a Neighborhood Partnership Program that uses contributions from businesses, supported by state tax credits, to make new investments in the boroughs. The group would be coming together in order to write a proposal and get money from the Department of Community and Economic Development. The idea is to make improvements to the facades of houses and businesses, streetscape business district with attractive street crossings, planters and other enhancements and create parks and playgrounds. The deadline for getting the application written is the end of May so that it can be forwarded to DCED by July 1, 2013. Council must decide if they are willing to make the financial commitment to be part of this effort. Currently the Slate Belt Forward Steering Committee is focusing on this Neighborhood Partnership Committee and will have a Slate Belt Van Tour on Monday, March 25, 2013. Russ suggested that a designated representative from Wind Gap be available to meet up with the van which will be in Wind Gap at approximately 12:00 p.m. Following the bus tour, the proposal will be written. The week of April 22, 2013, there will be public meetings held throughout the Slate Belt to get community input. Wind Gap, being a smaller community, might be asked to put up \$10,000 as their portion. The tax credit program is designed to run for six to ten years and could add anywhere from \$50,000, \$75,000 or \$100,000. Russ asked Council to review the Memorandum of Understanding that would have to be enacted to participate in this initiative. John asked if this dovetails with the Slate Belt Council of Government. Russ replied that he is not fully aware of the COG's mission, but there are COG member sitting in on these meetings.

3. Jack Muschlitz, West Street. Jack explained that some time ago he had a plan in with the Borough. His engineer has made a couple of changes to that plan and he asked Council to look at the conceptual changes to get their opinion before going ahead with these changes and spending money to proceed. The group that was going to handle this plan for him has backed out so he is currently in search of another group. The original plan had a total of 177 units and the new plan has 168 units. He proposes removing the front building because the cost to move the existing power line would be and then put the new road in it financially would not be worth it. The building configurations were originally intended to be similar to one of his projects in Whitehall. Unfortunately, the feedback that he has received in the last year and a half, with the hallways inside, people do not necessarily care for the type of design. He made the buildings smaller, but the buildings are three story, with eight units per story, two entrances in so they do not have to walk down hallways. The new plan is less cluttered with more green space including more walking trails. He reduced the impervious area by approximately 12 percent less. George stated that the three stories on the buildings is a problem with the fire vehicles. Jack's architect states that he can be within the Borough requirements, but the roof would have to be flat and might not be practical because the pitch may not be sufficient. He may ask for a variance. All these buildings would have to have a sprinkler system in them. Brian said that the way for the Borough to enforce the zoning is to adhere to how it the ordinance is written. During prior meetings, discussions related to the width of the street because if the Borough was ever required to take over the street it would have to meet the standards. The zoning ordinance does specify that the maximum building height is 35'. Brian stated that the plan was a good one and from an engineering standpoint is a well put together plan, but he advised Jack to go through the preliminary process again which includes submission to the Wind Gap Planning Commission. He allowed Brian to retain the copies of these preliminary conceptual drawings.

## **APPROVAL OF MINUTES**

**On motion** by John Maher to approve the minutes of the March 4, 2013 Council meeting and seconded by Jon Faust. Roll call vote taken.

## **COMMITTEE REPORTS**

1. EMS – Kerry Gassler reported that the Ambulance Corps responded to 67 calls in month of January. The Ambulance Corps will be meeting tomorrow night.
2. Fire Co. – Jon Faust reported that they responded to 12 calls for the month of February for a total of 24 for the year.
3. Zoning – Tony Curcio reported that no new applications have been received so the April 2013 Zoning Hearing Board meeting has been cancelled.
4. Planning – George Hinton reported that the Planning Commission met to review the Borough's Subdivision Plan and make recommendation for the SALDO waivers. This will be discussed later in the meeting under New Business.
5. Municipal Authority – John Maher reported that he did attend the last meeting, but there is nothing outstanding happening right now.
6. Streets – Dave Hess reported that the street workers have been doing a lot of cold patching. On March 12th, Rich and Randy attended a seminar on spring road maintenance. On March 14th, they had the water turned on in the Park and they started to remove the worn out rides in the kiddie area in preparation for the park project. On March 15th, Rich attended a seminar in Wilson hosted by

SealMaster showing off their latest and greatest equipment. Rich had Louise ordered 200 tons of salt for next winter season. Today, Rich received a quote from Merkin, but Dave has not had a chance to review them. The quote is to transform the hook loader into a salt spreader. Rich is trying to obtain a quote for a new F550 truck. Council had previously discussed a part-time employee in the park and had authorized Rich to review applications. Rich is suggesting placing an ad in the free papers like the Blue Valley Times and The Press to encourage a college student or an older person to do the garbage and clean the bathrooms on the weekends during the summer. The applicants received for the position of street leader may not be inclined to do weekend clean-up work in the park.

Brian stated that he had indirect contact with the Sewer Authority because they had requested information regarding what streets the Borough planned on fixing this year. He believed the John had informed them at a meeting that the Borough plans on doing Utica Avenue this year. Brian had provided them a letter last year stating the streets the Borough proposes on doing in the future. He spoke to Guy Findon, Pennsylvania American Water, about the same issue. Guy informed Brian that he needs at least one year prior so the he can allocate money in the budget. Brian said that Guy acknowledged having a letter from March 2012 that indicated that the Borough would be doing Utica Avenue. A letter was sent to all the utility companies with a list of potential streets for the next couple years, but that does not seem to be adequate, so Brian asked Council for direction. Council depends on the availability of any grant money and the amount of Liquid Fuels when determining which and how many streets will be done. Guy did budget money to put a new main in Alpha. Brian said that if the water company does put a new main in Alpha, they will be responsible for restoration at a minimum. Jon asked what end of Alpha will be worked on. Brian will follow-up tomorrow.

7. Police - Mayor Shoemaker reported that the Police Department responded to 100 calls for the month of February, 4 animal complaints, 6 motor vehicle accidents were investigated, they issued 12 traffic citations.

8. Park – Joe Weaver reported at the last park board meeting, that George Hinton, John Maher and borough engineer were present to discuss the upcoming project in the kiddie play area. The mailer went out today informing the residents of the project. The goal is to have the project completed between April 1 – May 31, 2013. Joe asked for an update on the progress from last week's meeting. Brian replied that the street workers have removed the unsafe play equipment, but the actual disassembling and removal of the remaining equipment will begin after the Easter Egg Hunt. George asked Brian if he had received the plan that is being proposed by the park board. The Borough has not provided that plan as of yet. Joe reported that the new park board member, Bob Holland, did attend the meeting.

9. 911 – Tony Curcio had nothing to report.

10. Tipping Fees - Tony Curcio reported that there has been no change since the last report.

11. Building Finance Committee – George Hinton reported that the paperwork was completed today and will be sent to the State on the MSG property. He stated that Louise completed the necessary paperwork for reimbursement from FEMA related to the damage done within the Borough from Hurricane Sandy. George stated that Brian, Dave, John and himself attended the Plainfield Township Supervisor's meeting last Wednesday to ask them to waive the Subdivision requirements for the MSG property since only a small portion of the property is actually located in the township. They agreed subject to one condition that must be discussed with Mike Goffredo.

13. GIS – John Maher reported that he is putting together plans to start collecting data. He contacted a professor at Lafayette College who teaches GIS in the hopes of getting an intern for assistance. He requested that the engineering company send him a plan on spending of the Gaming

Grant funds and the year two plan for updating the software to keep everything current. He had to prepare a revision through the County because plans have changed with regard to the portion to be used by the Slate Belt COG. He had to basically go back and resubmit the entire plan for approval by the County. Victor had elected to use his portion of the money to purchase equipment. John wanted to verify that the County would be acceptable to this change. The County has placed the restriction on the purchase of the equipment must be done through Wind Gap Borough and then invoice the COG.

13. Zoning Ordinance Changes (Signs) – Jon Faust reported that he is still in the process of gathering information. He will be setting up a meeting shortly.

14. Banners – Mayor Shoemaker reported that a letter was sent out to all residents. He has set a deadline of April 15, 2013. The cost to purchase a banner and hardware is \$160. If there is enough positive feedback from these banners, he hopes to offer a winter banner. He anticipates having the banners ordered and in place by Memorial Day.

15. International Property Maintenance Code (IPMC) – John Maher reported that he is waiting for final advertisement and approval. Ron stated that he will advertise the nuisance ordinance for enactment at the next Council meeting. John added that a nuisance ordinance will cover areas of complaints rather than drafting a complete set of property maintenance.

## **MAYOR'S REPORT**

Mayor Shoemaker reported that the Slate Belt COG will meet March 27, 2013 at 7:00 p.m., with a snow date of March 28, 2013 at the Slate Belt COG office, everyone is welcome to attend. The first day of spring is March 20, 2013, so please clean up the stones and debris from sidewalks and curbs in front of your property. The Annual Easter Egg Hunt will be held rain or shine on Saturday, March 30, 2013 at 1:00 p.m. He will be participating in the annual Mayors for Meals Day tomorrow, Wednesday, March 20, 2013. On Saturday, March 23, 2013 has been declared "Green Knight Wrestling Day". A parade will be held at 1:00 p.m. starting at the Lookout Fire Company to honor Michael Racciato the 2013, PIAA State Wrestling Champion at 145 lbs., Matt Williams PIAA State Sixth Place at 120 lbs., Andrew Sutton PIAA State Tournament Qualifier at 126 lbs., Brady Mutton PIAA State Tournament Qualifier at 285 lbs. and will proceed to the Alumni Gymnasium at Pen Argyl Area High School. Refreshments will be served after the parade. They will also recognize swimmers, Lake Duffy for her PIAA State Tournament Sixth place finish in the 50 yard free style and Second place in the 100 yard free style race and Craig Weeks for his 19<sup>th</sup> place finish in the 100 breast stroke.

## **NEW BUSINESS**

1. Emerald Property Group – SALDO Waiver Approvals. Ron explained that there are 14 waivers that are being requested that deal with the West Street property, Emerald Property, MSG. The waivers being requested are basically two or three drafting waivers and the rest are because there is no development being proposed on Lot No. 1. He made it perfectly clear that the Borough is not giving itself something that it would not give another developer under the same circumstance. If in the future, the Borough decides to put up a new building or a new parking lot, then a plan would have to be submitted to the Wind Gap Planning Commission as would any other plan for development. There are very few plans that come before Council that have no development or are just cutting out a lot out of an existing property that has existing building and parking lot.

-The plan does not meet the requirements of a minor subdivision since three lots have been created i.e. one before and two now-Lot No. 1 for the Borough and Lot No.2 residual tract. Therefore, SALDO Section 305 requires the filing of preliminary and then a final plan. The Planning Commission

recommends a waiver since the two step filing is not warranted where no development is planned at this time as the plan is simply a two lot subdivision.

SALDO Section 402.A.1 requires plans to be prepared on a maximum scale of 1"=50'. Waiver is recommended since the proposed larger scale of 1"=80' will allow all information to be kept on one sheet.

SALDO SECTION 402.C.1 and 403.D.15 requires that contours be provided on Lot No. 2. The Planning Commission recommends waiver since no development is proposed for Lot No. 2 and adding this topography only unnecessarily increases the plan engineering costs and adds nothing of significance to steam line or otherwise ease a review of the plan.

SALDO Section 402.C.4 requires various features within 200' feet of the site to be shown on the plan. The Planning Commission recommends waiver for the same reasons noted above.

SALDO Section 403.D.14 requires monumentation at all corners. The Planning Commission recommends a waiver since monumentation will be provided (but not at all corners) as the lesser amount is acceptable since this plan does not propose any development.

SALDO Section 403.D.21 requires buffer details. The Planning Commission recommends a waiver since these details are not needed until the development of Lot No.1 occurs.

SALDO Section 504 and 509 requires road grading and street improvements plans. The Planning Commission recommends a waiver for the same reasons noted above i.e. not needed until development occurs.

SALDO Section 505.E.9 requires that irregular shaped lots be avoided. The Planning Commission recommends a waiver since the shape was negotiated with the Seller and does not adversely affect the buildings on the property.

SALDO Section 509.I.1 requires that driveways are to be located five (5) feet away from a property line but the proposed Access Easement is right along the property line of Lots Nos. 1 and 2. The Planning Commission recommends a waiver since the "Y" of the access easement does meet this requirement.

SALDO Section 510.A. identifies standards for parking lots and there is insufficient detail or the existing macadam parking lot shown on the plan. The Planning Commission recommends a waiver since no new development is proposed for the existing parking lot which is in good condition and there is no reason to change it.

SALDO Section 510.B and C requires sidewalks and curbing. None are proposed. The Planning Commission recommends a waiver since no new development is proposed and none of the adjoining properties have sidewalks or curbing.

SALDO Section 513 requires drainage and utility easements to have a minimum width of twenty (20) feet. The Planning Commission recommends a waiver since easements have been proposed but for lesser widths i.e., ten (10) feet for interior lot lines and fifteen (15) feet for exterior lot lines.

SALDO Section 514.C, D and E state standards for planting strips and screens. The Planning Commission recommends a waiver since no new development is proposed at this time that would require such strips or screens.

Document: Recommendation for Grant of and Official Action on SALDO Waiver Requests

Plan Name: Emerald Property Group – Preliminary and Final

Date of Recommendation: March 07, 2013

SALDO Section 517 requires the dedication of open space, park or recreation land or a fee-in-lieu. The Planning Commission recommends a waiver for the reason noted above i.e. since no new development is proposed

**On motion** by John Maher to grant the SALDO waivers on the Borough property located on West Street, Wind Gap based on the recommendation of the Wind Gap Borough Planning Commission and seconded by Dave Hess. Roll call vote taken. Motion carried unanimously.

2. Local Government Unit Debt Act (LGUDA) – Filing Fee Approval - \$98.03. George explained that in order to submit the necessary paperwork to the State for the loan approval a filing fee is required.

**On motion** by Kerry Gassler to pay the filing fee to the Commonwealth of Pennsylvania in the amount of \$98.03 and seconded by John Maher. Roll call vote taken. Motion carried unanimously.

3. GPS in Borough Vehicles - \$310/unit. George explained that to purchase a GPS unit for each of the police vehicles and the street vehicles would cost \$310 per unit. The GPS device would allow the Borough to answer to any complaints such as the police are never on "my" street, the police are never by the park, or the street snowplow always does "our" street last or they are always spending time in the park. It would be accessible on the Chief's computer and on the Borough office computer. John asked if it would have restricted access. George stated that the Borough needs to be cautious about this because Plainfield Township had issues with limited access. He asked Council to think about this issue and it can be discussed at the next workshop meeting.

## **OLD BUSINESS**

1. Male Road Bridge Repair Project Award. Brian explained that he sent out proposals to three contractors and received two bids back. The repairs would include "removing parapet concrete three feet from each side of the open parapet deflection joint by saw cutting one inch deep to leave a neat line after removal, seal the diagonal crack in the fascia beam with epoxy injection with all work and materials meeting the current PennDOT Publication 408. DESCCO had a bid of \$8,365 plus an additional \$135 for bonding or a total of \$8,500. The other bid was received from Jeffrey Zimmerman at a bid of \$17,105. He had requested a bid from Grace Industries, but the Borough did not receive a written bid from them. Brian was informed that Guistine has hired an engineer and they have performed an inspection of the bridge. They had requested a copy of the inspection report and they have been provided a copy. The engineer requested "As Built" drawings so Brian searched all the files related to the Kmart plaza and did not locate any kind of as built or any design drawings for the bridge when that work was proposed. He spoke to the bridge inspectors, STV, and they had a copy of the proposed widening in 1994 so they sent him a copy of those drawings. Brian suggested speaking with the Guistine engineer prior to the repairs being made. PennDOT suggests this fix, but there is no guarantee that this repair will allow the bridge to remain in excellent shape. Brian would like to request the remainder of the funds in the bond because of the uncertainty of the condition of the bridge and the continued maintenance of the section that was added when the plaza was built.

**On motion** by Jon Faust to award DESCCO Design and Construction the Male Road Bridge repairs at a cost of \$8,500 and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

2. Vehicle Maintenance. George reported that because of the ongoing discussions regarding cost of repairs to Borough vehicles he asked Wind Gap Chevy-Buick if they would provide a price list for their hourly rates and general repairs. Whatever work can be done in the Borough garage will be done by the street workers. This will be discussed further at the next meeting. Any Council member can find more information or quotes on the vehicle repairs.

## **EXECUTIVE SESSION**

Council adjourned to Executive Session at 9:18 p.m. to discuss personnel issues. Council reconvened at 9:26 p.m. George informed those present that no action would be taken at this time.

**On motion** by Tony Curcio to adjourn the meeting of March 19, 2013. Council agreed unanimously.

The meeting of March 19, 2013 adjourned at 9:27 p.m.

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Louise Firestone, Borough Administrator