

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

EXECUTIVE SESSION

Council met in Executive Session from 7:00 pm to 7:30 pm.

The Council meeting of the Borough of Wind Gap on Monday, May 6th, 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, Joe Weaver, Tony Curcio, and Dave Hess. Also in attendance were Mayor James M. Shoemaker, Borough Solicitor Ronold Karasek, Borough Engineer Brian Pysher and Borough Assistant Administrator Darlene Plank.

Council President George Hinton informed those present that Council met in a brief Executive Session to discuss Regionalizing, and to discuss the MSG property.

PUBLIC COMMENT

1. None

APPROVAL OF MINUTES

On motion by Kerry Gassler to approve the minutes of the April 16th, 2013 Council meeting and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously. Vote 7-0 in favor.

APPROVAL OF EXPENSES

On motion by Kerry Gassler to approve the expenses for the month of April 2013 in the amount of \$21,804.41 and seconded by Jon Faust. Roll call vote taken. Motion carried unanimously. Vote 7-0 in favor.

SOLICITOR'S REPORT

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

Subdivision Matters: Prepare Comprehensive Conditional Preliminary/Final Plan Approval of Wind Gap Subdivision re Lehigh Avenue. Receipt, Review and Administration of Comprehensive Review Letter by Alternate Borough Engineer re Emerald Properties Subdivision-West Street. Receipt, Review and Administration of SALDO Waiver forms re Emerald Properties Subdivision-West Street. Comprehensive Telephone Conservation with the Attorney for Tuskes Homes re Remaining Required Improvements at Gap View Estates Major Subdivision (fka Posh Properties Major Subdivision) – First Street. Comprehensive Telephone Conservation with the Office of Chief Counsel of PA DCED re LGUDA Package.

Land Development Matters: N/A.

Zoning and Other Land Use Matters: Prepare Final Draft of Nuisance Ordinance, Advertising Notices and Enclosure Correspondence to Borough, Law Library and Newspaper. Receipt, Review and Administration of Several e-mails on Status of Male Road Bridge Repairs

Developments on Outstanding Litigation: N/A

Court Decisions on Borough Cases: N/A.

Miscellaneous: E-mail to J. Hartmann re need for sample Bank Note for LGUDA. Preparation of Annual Financial Interests Statement, 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: Home Occupation, Clear Site Triangle (and related) Zoning Ordinance Amendments. Stop Sign Ordinance. Dog Park Ordinance. Fire Company Ordinance. 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 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.

Mr. Karasek stated that most of the time was spent on the West Street property, the approval of the PA DCED to approve the note package and to do whatever was necessary for Merchant's Bank. The loan package was received and approved on April 29, 2013, the bank commitment letter expires on June 30th, 2013.

ENGINEER'S REPORT

Brian Pysher stated that he will be setting up a meeting with the Sewer Authority's Engineer, to discuss their projects, and to clarify what we are doing and what they will be responsible for - paving will be included in all of their own contracts. We discussed previously with the Sewer Authority that we are only doing a minor portion of Utica this year, trying to stay within the 55,000 to 60,000 dollars provided from Liquid Fuels.

Mr. Pysher stated that he sent an 11 page packet, to include plans, to Labor and Industry for the MSG property. He also stated that the Borough received a review letter from L&I (File #509952 dated 05-01-2013) – there were 2 major items – they did not require us to put in an Elevator, but they did require Sprinklers throughout the building. I'm in the process of making a list for the plans examiner, in response to their comments. The building was permitted in 1990 without sprinklers being a requirement, so I'm going to ask for the code that requires sprinklers. If it is a requirement, there are provisions in place that allow us to petition the Industrial board to not install sprinklers. Also, there is a bedroom minimum size of 7', so the numbers need to be reconfigured – maybe minimize the computer room so there can still be 4 bedrooms. Kerry will get up with Nathan who submitted the original plan for the Ambulance to Brian.

Mr. Pysher stated that since we are discussing L&I, we have the park project where we are replacing the play area, renovations began without L&I approval and plans need to be sent to L&I for approval. There are new state codes for Accessibility that affect playgrounds. For the time being the project is on hold, it may be weeks before we hear back. Mr. Weaver asked if stone could be put down to help with the standing water. Brian stated that the Installer doesn't want stone in there because they have to put sonna tubes in and that would cost more time and money.

NEW BUSINESS

A. Emerald Property Group – SALDO Waiver Requests Approval

Mr. Karasek mentioned that there are 2 remaining SALDO Waiver Requests for the Emerald Property Group Preliminary and Final Plan that need to be acted upon, they were given waiver recommendation from the Planning Commission on April 4th, 2013. The waiver requests are as follows: SALDO Section 509.A.15 would classify Longcore and West Street as "Collector Streets". If so, there are more stringent requirements for such streets such as a thirty (30) feet right-of-way (ROW). The Planning Commission recommends a waiver determining that these are not collector streets but "Local Streets" such that the ROW is only twenty five (25) feet which ROW is consistent with the nearby Muschlitz Land Development Plan.

SALDO Section 514.I.7 requires street trees to be planted along street frontage at spacing of not less than forty (40) feet nor more than sixty (60) feet apart. The Planning Commission recommends a waiver since evergreens are already along West Street and Longcore is wooded. **On motion** by John Maher to approve the Recommendation and Official Action form with SALDO Waiver Requests 509.A.15 and 514.I.7, and seconded by Kerry Gassler. Roll call vote taken. Motion carried unanimously. Vote 7-0 in favor.

B. Emerald Property Group – Preliminary/Final Plan Approval

Attorney Terry Faul was present on behalf of his client, Micheal Goffredo, to discuss the Emerald Property Group Preliminary/Final Plan. Mr. Goffredo did arrive toward the end of the meeting to discuss his views with Council. After much discussion between all parties the Council agreed to give the plan conditional approval. **On motion** by John Maher to approve the Preliminary/Final Plan for Emerald Property Group with the following conditions: Monuments, pins and/or markers to be set in the field and certified, in writing, by Applicant's Engineer; SALDO Waivers to be noted on the plan; Other Conditions: 1) Since there is no proposed development at this time on either Lot No. 1 (the lot to be transferred to Wind Gap Borough) or Lot No. 2 (the residual lot), the zoning ordinance does not apply as to buffer yards, buffer yards along street frontage or off-street parking or loading/unloading. Moreover, Lot No.1 has a pre-existing parking lot with off-street parking and loading/unloading areas; and the residential properties in the vicinity are already screened and buffered by woods. 2) The access Easement Agreement from Lot No. 1 to Lot No. 2 is agreed upon by the parties and filed of record. 3) The Deed of Dedication for Right-of-Way along Longcore Road is agreed upon by the parties and filed of record. 4.) Plan be revised to remove present Access Easement Note and Substitute a revised Note as per the parties agreement; Signature of Plan; and Notarization of Plan – seconded by Kerry Gassler. Roll call vote taken. Motion carried unanimously. Vote 7-0 in favor.

C. Municipal Police Cooperative Agreement

Craig Armitage stated that this will be a joint DUI task force between Lehigh and Northampton Counties. The Officers will get called out to various locations (check-points). Officers Flad, Donaldson, and Snyder are interested in joining the program. It's a set fee, and the Boro gets reimbursed. **On motion** by John Maher to approve the Municipal Police Cooperative Agreement, and seconded by Tony Curcio. Roll call vote taken. Motion carried. Vote 6-0 in favor. Kerry Gassler abstained.

D. DESSCO – Approve Bridge Repair Invoice - \$8,500

The Engineer Mr. Pysher recommended Council approve the \$8,500 invoice for the Male Road Bridge Repair. The job was completed and done well according to the Penn Dot bridge inspection report. **On motion** by Kerry Gassler to approve the Bridge Repair Invoice and pay DESSCO the \$8,500, and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously. Vote 7-0 in favor.

OLD BUSINESS

A. Gibraltar Property - East First Street

Mr. Hinton stated that the Boro had another meeting with the bank about the property at East First Street (Gap View Estates), there is a difference of \$11,653.00 between the parties. Council is of the opinion that the improvements that were required (to the Karner property, the Cortezzo property, NPDES Permit et al) and reflected by the \$11, 653.00 amount were not the fault of the Borough but of the Developer and/or the Developer's Engineer. The Borough had requested Gibraltar to pay these additional funds to which it never responded and then Gibraltar stopped doing business. Council stated that the taxpayers should not have to pay this bill that was to benefit a developer. On motion by Jon Faust that the full \$11,653.00 must be paid by the bank and not the Borough tax payers, seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously. Vote 7-0 in favor.

On motion by Tony Curcio to adjourn the meeting of May 6th , 2013 and seconded by John Maher. Council agreed unanimously. Vote 7-0 in favor.

The meeting of May 6th , 2013 adjourned at 8:50 p.m.

Darlene Plank, Asst. Borough Administrator