

**BOROUGH OF WIND GAP  
29 MECHANIC STREET  
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The Council meeting of the Borough of Wind Gap on Tuesday, May 21, 2013, was called to order at 7:30 p.m. by Council Vice President, Kerry Gassler, at which time he reminded those present that the meeting was being recorded. In attendance were Councilmen: Jon Faust, John Maher, Tony Curcio, Joe Weaver and Dave Hess. Also in attendance were Mayor James M. Shoemaker, Borough Solicitor Ronold Karasek, Borough Engineer Brian Pysner and Borough Administrator Louise Firestone. Absent was Councilman George Hinton.

**PUBLIC COMMENT**

1. Paul Levits, Wind Gap Municipal Authority. Paul asked about the validity of the street opening permit fee that the Borough is charging the Authority. He stated that the Authority has no issue with completing the required paperwork, but they don't charge any Borough entity for any sewer service, the firehouse, the ambulance, the borough office building, and the park. The Authority holds an eighteen month maintenance escrow from the contractor who does the street opening work if there are any issues with the work.

**On motion** by Jon Faust to waive the street opening permit fee to the Wind Gap Municipal Authority and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

Paul asked Council about the current practice of using Labor and Industry as a State agency rather than using a third party. Kerry replied that it could be discussed later on in the meeting.

**APPROVAL OF MINUTES**

**On motion** by Tony Curcio to approve the minutes of the May 6, 2013 Council meeting and seconded by John Maher. Roll call vote taken. Motion carried unanimously.

**COMMITTEE REPORTS**

1. EMS – Kerry Gassler reported that the Ambulance Corps responded to 61 calls in month of April for a total of 276 calls for the year. He informed Council that the ambulance with the replaced motor is back on the road and so far it is running okay. He stated that the flag from the ambulance building was temporarily relocated to the firehouse because there was not flag for Election Day. Rich will look into this tomorrow.

2. Fire Co. – Jon Faust reported that the Fire Company responded to 9 calls for the month of April for a total of 45 for the year.

3. Zoning – Tony Curcio reported that no new applications were submitted so the June 5, 2013, Zoning Hearing Board meeting has been cancelled.

4. Planning – Brian Pysner reported that there is nothing on the Planning Commission agenda.

5. Municipal Authority – John Maher reported that he will be attending the meeting tomorrow night.

6. Streets – Dave Hess reported that the committee sat with Rich Fox last Thursday to discuss the big dump truck, whether to replace it or turn the other truck into a plow truck. Jon added that if the utility truck is converted it will have a flat bed with a salt spreader on it. Kerry suggested that a separate dump body be purchased. The cost is more than anticipated so they will be meeting again to talk about other options.
7. Police - Mayor Shoemaker reported that the Police Department responded to 132 calls for the month of April, 5 animal complaints, 9 motor vehicle accidents were investigated, they issued 37 traffic citations and 2 parking tickets. All police officers attended and completed mandatory in-service training at the Allentown Police Academy. Chief Armitage and Officer Flad attended a Northampton and Lehigh County DUI Task force meeting.
8. Park – Joe Weaver reported that the Park Board met on Tuesday, May 14, 2013. He thanked Rich for supplying a written report of the work completed at the park. The park board suggested that potential pavilion renters are made aware of the continuing play area construction. Louise stated that everyone is informed when they call to rent the pavilions. The park board discussed the lights in the large pavilion because the lights and all the fixtures have been broken and it is a safety concern.  
Joe suggested that the Borough Council meeting schedule be put on the website in a high visible spot.
9. 911 – Tony Curcio had nothing to report.
10. Tipping Fees - Tony Curcio reported that there have been no changes since the last report.
11. Building Finance Committee – John Maher reported that the committee received a proposal easement agreement from Mike Goffredo and his attorney, but no final decision has been made. John is proposing to have another meeting with Ron Karasek, Brian Pysner, Tony and himself to review the language that has been changed in the agreement.
12. GIS – John Maher reported that he provided Council with a copy of the list of equipment that was purchased for the Slate Belt COG with Gaming Grant funds. John composed a letter transferring the equipment from the Borough to the COG. John started to collect data on the handle held devices to upload into the GIS database. It will be helpful when all the telephone poles are in the database for the location of the banners and flags.
13. Zoning Ordinance Changes (Signs) – Jon Faust reported that he has not had a meeting yet, but will try once George returns.

## **MAYOR'S REPORT**

Mayor Shoemaker reported that the Slate Belt COG will meet May 22, 2013 at 7:00 p.m. at the Slate Belt COG office, the early meeting will begin at 6:00 p.m., and all Councilmen are welcome to attend. The banner program has been a huge success, an order for 75 banners has been placed and they should be here by Memorial Day, thank you to everyone who participated. The Male Road bridge project had been completed. The Borough received an \$85,238 grant to upgrade the timing devices for the traffic signals in the Borough. This should eliminate the need for fire police in the event that Route 33 is shut down. The Park project is awaiting Labor and Industry final approval to complete this project. The annual walk for the Slate Belt YMCA is scheduled for Saturday, June 1, 2013 at 9:00 a.m. Check-in begins at 7:30 a.m. at the Blue Valley Farm Show grounds. The Route 33 and 512 interchange project will begin on May 28, 2013. He warned all those present that this project will cause drastic traffic congestion at the lower end of the Borough.

## ENGINEER'S REPORT

Brian Pysher reported a pre-construction meeting was held for the Route 33/512 project. J.D. Morrissey is the contractor and Pickering; Corts & Summerson designed the plan. The original project start date was last Friday, and that has been changed to Tuesday, May 28, 2013. J.D. Morrissey was informed that the Borough of Wind Gap needs to have 24 hour contact information to avoid any issues similar to the ones that occurred during the bridge reconstruction project several years ago. Contact information was received from J.D. Morrissey and PennDOT and they were provided with the Borough's emergency personnel contact information (Jon Faust, Nathan Pysher, Jeff Yob and Chief Armitage) should the contractor have some type of emergency. The projected completion date is June 2015. Initially they had planned on closing the ramps completely at one point, but now they anticipate only closing them for a short amount of time, possibly when they have to do some superstructure work. There have been a lot of modifications to the original plans over the years. The project includes a lot of dirt work and that type of work usually dictates that it be done during daylight hours.

Brian reported that he has been working through the Labor and Industry requirements with the plan's examiner. The Borough is being required to adhere to the 2013 building code, which was just changed. The changes are new to the State and very in-depth, but also pretty vague. The State has never reviewed anything under the new code so they are not exactly sure how to do it. If there was documentation that the Borough Engineer had a signed contract, then it could have been reviewed under the old code, but the nature of being appointed as the Borough Engineer is not sufficient documentation. Brian provided copies of 2012 meeting minutes appointing Robert Collura Engineering and the October 2012 meeting directing them to do the work, but still this was not acceptable. Brian acknowledged that Representative Hahn's office became involved trying to assist in expediting this project. The problem is, once the Director of the plan's examiner, they have to act so upon review of the plan he had to send out a rejection letter. Brian hopes to resubmit plans by the end of the week. Everything that is being done in the play area is compliant; all the professionals that were consulted have been co-operative in trying to get as much information to Brian as necessary. Today, he received the testing results from nursery for the play mulch stating that it meets the required ASTM Standards for accessible surfaces and fall heights. Brian will continue working on this project.

## SOLICITOR'S REPORT

Ron Karasek reported that he will have the Solicitor's Report for the June meeting. He is working on the Title Insurance for the purchase of the Emerald Property. The Title Company has more requirements because this is a significant purchase. He is waiting for a metes and bounds description for Lot 1 from Brian. Brian has completed this and will forward to Ron tomorrow.

Ron asked Brian to forward him a copy of the quantity and cost estimate for Male Road Bridge for the replacement of the beam. Brian will provide numbers for the superstructure fascia beam as outlined in the bridge reports.

Ron stated that if the Borough does not close on the Emerald Property by the end of May, another \$50,000 deposit is made, however no money is paid out of that \$50,000, into the escrow account. Those funds go toward the purchase price of the property.

## NEW BUSINESS

1. Borough Wide Yard Sale – July 12, 13, 14, 2013

**On motion** by Joe Weaver to schedule the Borough Wide Yard Sale for Friday, July 12, Saturday, July 13 and Sunday, July 14, 2013 and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

2. Emerald Property Easement Agreement. Ron Karasek reported from his notes regarding the meeting that was held on May 13, 2013. The meeting was held in Borough Hall regarding the terms and conditions of the access easement from West Street to Lot No. 2 of the Emerald Properties LLC subdivision. Present at the meeting were Councilmen Hinton, Curcio, Maher, Brian Pysher, Attorney Faul, Mr. Goffredo and Mr. Karasek. It was initially agreed that the whereas language of the agreement at the top of page 3 would be modified to recite an easement of varying width and length as per the area depicted upon the subdivision and map, as per the metes and bounds description attached as an exhibit to the agreement. Although Mr. Goffredo states that he cannot look into the future, he anticipates that the truck traffic, which is single axle dump trucks, would be limited to April and May. This access road has handled these loads and much higher in the past when the property was being utilized by heavy construction equipment. During the discussions, Brian expressed concern that Mr. Goffredo was operating an aquaculture business for which he needs a permit or even the slightest development of this business would require developmental approval, needing access from Longcore Road. Mr. Goffredo felt that if such development would take place, the most likely scenario would be that access would need to come from Longcore because of the topography issues in the easement area. Various different proposals were discussed during the two and a half hour meeting. The tentative agreement would be that the access easement shall be for the present use of growing and breeding fish in the quarry. The use is not for processing or any other type of aquaculture facility. Any use that would go beyond this existing use for Emerald Property LLC or it's successors or assigns either install a driveway access at it's expense from Longcore Road or re-open discussions with the Borough as to the nature and the extent and use of the access easement agreement. Ron stated that Attorney Faul prepared the corrected agreement, but Council should review the agreement to make sure the wording is correct. The Agreement of Sale includes the Borough allowing an easement agreement. Ron added that the idea of making the access an alley or a cul-de-sac, but that would have to be looked at and could be for later discussions. Mr. Goffredo has agreed to the Deed of Dedication for the part of the road along Longcore Road. Ron has been in contact with the bank so that is moving in the right direction. The committee decided to meet again with Brian and Ron prior to the next Council meeting. Brian stated that there is language in the agreement referencing the permit and asked if that paperwork is being processed for the permit. Mike stated that he marked the area for the intended driveway and will do the permit paperwork if Brian approves the marked area as not being wet. Brian explained that he is able to do a driveway off of Longcore Road, as long as it is not wet, upland area, under 10,000 sq. ft. of impervious and less than an acre of disturbance.

## **OLD BUSINESS**

1. Dave Hess reminded those present that the Regional Police Meeting will be held next Wednesday, May 29, 2013, at 7:00 p.m.

2. Uniform Construction Code. Kerry Gassler stated that Borough Council had voted to opt back in to the UCC, but that letter never went out to opt in to the State.

**On motion** by Kerry Gassler to have the Borough of Wind Gap opt back into the Uniform Construction Code and seconded by Tony Curcio.

Kerry explained that any residential property owner has to go through a Third Party Inspector and commercial goes through a Third Party Commercial Inspector. Brian added that he is not sure if the Borough has to appoint one inspector or if the property owner has the ability to pick their own inspector. Currently the Borough is opted out of the UCC so a resident can pick any certified inspector, the zoning officer has a list of qualified, certified inspectors and commercial inspections are done by Pennsylvania Labor and Industry. If the Borough opts in to the Code, the Borough would continue to maintain the certified list so a resident can choose that option, but commercial properties would go to the a Third Party inspector not L&I. Ron and Brian were not absolutely sure how the

Code currently reads and this would require further review of the procedures. Louise added that she would feel more comfortable knowing how opting in would impact the office administration with regard to collecting fees and reporting fees to the State which was a quarterly reconciliation requirement. Kerry asked Mr. Karasek to research some of the concerns and parameters of opting into the Code and Third Party Commercial Agencies. Brian will look into the administrative process.

Kerry **withdrew his motion** pending further information and Tony agreed.

Uniform Construction Code will be on the agenda for the June 3, 2013 Council meeting.

3. MSG Building. Brian reported that the Borough had prepared plans for the renovations to the MSG Building and received a promising review letter back from Labor and Industry. The major issue is a requirement to install sprinklers in the entire building. He spoke to PA American Water and the current 1" service is not adequate for a sprinkler system so the Borough would have to tap on with another separate service for fire suppression. Brian spoke to the plan's examiner and because the Ambulance Corps is upstairs, there is no specific section of the Code that defines temporary sleeping quarters that so during the review process it is looked at like an apartment which is a permanent residence. Brian explained that this is temporary sleeping quarters for shift workers who are there 24 hours a day. L & I stated that they have had other submissions from fire and ambulance corps and they recommended applying to the Industrial Board to not require sprinklers. As part of the plan, there are interconnected fire detectors and a pull alarm fire system will be installed.

**On motion** by John Maher to submit a \$100 fee and petition the Industrial Board for a variance related to the installation of the sprinkler system and seconded by Dave Hess. Roll call vote taken. Motion carried unanimously.

4. Dave Hess asked if Council all reviewed the letter received from Pen Argyl asking if any other municipalities are interested in joining with them regarding writing a letter to the PUC protesting the proposed 11% increase by PA American Water.

**On motion** by Dave Hess to join with Pen Argyl in writing a letter to the PUC and seconded by Jon Faust. Roll call vote taken. Motion carried unanimously.

**On motion** by Tony Curcio to adjourn the meeting of May 21, 2013. Council agreed unanimously.

The meeting of May 21, 2013 adjourned at 8:46 p.m.

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Louise Firestone, Borough Administrator