

**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, July 14, 2014, 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, David Valley, Kerry Gassler, Tony Curcio, and Dave Hess. Also in attendance were Mayor James Shoemaker, Borough Solicitor, Martino and Karasek, Attorney Matt Goodrich, Borough Engineer Brian Pyscher and Borough Administrator Louise Firestone. Absent was Councilman Joe Weaver.

**PUBLIC COMMENT**

1. Rocco Caracciolo, Principle Engineer, Pennoni Associates, Inc. Mr. Caracciolo, representing Jack Muschlitz - Water's Edge Land Development. Brian Pyscher, Robert L. Collura - Civil Engineers and Surveyors, outlined a review letter sent to Wind Gap Borough Planning Commission dated July 2, 2014. The Water's Edge Land Development plan was originally submitted in May 2010 and was reviewed and conditionally approved by both Wind Gap Borough Planning Commission and by Borough Council. The applicant has proposed revisions to the previously approved plans and they were significant enough to require the plan to be resubmitted for approval. The original plan proposed 69 Townhomes and 108 Condominiums in two large buildings consisting of 54 Condominiums per building - for a total of 177 units. The new Land Development plan proposes 48 Townhomes and 120 Multi-family dwelling units in 5 buildings, or 24-units per building - for a total of 168 units, a net reduction of 9 units. The previously proposed Private Access Drive A, which provided access to 15 Townhomes off of West Street, has been removed and walking paths are now proposed in that area. The previously approved plans proposed a total of 247 parking spaces, of which 72 spaces were within carports. The revised Land Development plans propose a total of 270 parking spaces, of which 68 are within carports. The proposed Community Center and associated parking is in the same location and has a similar layout.

Brian summarized under General Comments:

1. All Storm water Infiltration Facilities shall be tested in accordance with the Department of Environmental Protection's Storm Water Manual. It is recommended that the testing be completed as soon as possible.
2. The top of grate elevation listed in the storm water book for Outlet Structure 2 differs from the elevation shown on the plan.
3. Inlets 4 and 5 should be labeled as modified boxes in order to accommodate the twin 36" concrete pipes. Detailed drawings of the boxes should be provided on the detail sheet. The pipe depths should be shown also.
4. The plans show storm water being discharged onto property of Emerald Property Group. Proposed storm water structures and grading is also proposed on this property. Written permission shall be required from the owner of the property.
5. The existing culvert crossing West Street at the northeast corner of the property must be addressed. The outfall of the existing pipe is partially buried.
6. An approved Erosion and Sedimentation Control Plan and an NPDES permit shall be provided prior to final plan approval.
7. An approval letter from Lehigh Valley Planning Commission shall be provided prior to final plan approval.

8. Metes and bounds for all easements, right-of-ways, property lines, etc., shall be shown on the record plan.

9. The plans proposes a 4" high, PVC split rail fence with green, vinyl coated wire mesh around the rain gardens and the quarry hole. The ordinance does not require fencing around proposed basins if the side slopes are no greater than five horizontal to 1 vertical therefore the rain gardens would not require fencing. The slopes around the existing quarry hole are greater than 5 to 1 so it would require fencing. The ordinance does not have a minimum requirement for fencing, but we would recommend at least a 6" tall fence around the existing quarry hole.

10. All right-of-ways, whether they are being dedicated or will be kept as private, shall be labeled accordingly as specified in the note.

They will be meeting with the Conservation District this Wednesday to review the plan. George asked if it would be possible to straighten out Longcore Road to eliminate the bend in the road because it is a bus route to the Wind Gap Middle School. There would have to be an agreement with Mike Goffredo since he owns the opposite of the road where the curve is located. Jack Muschlitz confirmed that the development will be a gated, 55 and older community with key pad entrance capability. Mr. Muschlitz could possibly return for Final Plan Approval at the August 4, 2014 Council meeting.

**On motion** by Jon Faust to grant Preliminary Plan Approval for the Water's Edge Land Development and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

2. Miles Reinhart, 268 Constitution Avenue, Wind Gap. Mr. Rinehart asked for an increase in police presence to help deter speeding on Constitution Avenue because the speed limit is only 25 m.p.h. Chief Armitage acknowledged that the police will increase speed enforcement on Constitution.

Mr. Reinhart asked if anyone had an update on the house that burnt down on Constitution. Kerry Gassler stated that it is his property and right now he is having insurance issues. He is working on it and hopes to have it resolved in a couple months.

3. Gayle Steinmetz asked if the police are going to enforce the "No Parking" signs. Chief Armitage stated that his officers have issued parking tickets and will continue to patrol the area and issue tickets if it is warranted.

## **APPROVAL OF MINUTES**

**On motion** by Kerry Gassler to approve the minutes of the June 17, 2014 Council meeting and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

## **APPROVAL OF EXPENSES**

**On motion** by Tony Curcio to approve the expenses for the month of June 2014 in the amount of \$55,981.31 and seconded by Kerry Gassler. Roll call vote taken. Motion carried unanimously.

## **SOLICITOR'S REPORT**

Matt Goodrich reported that all the matters being handled by the law office for the Borough during the month of June are outlined in a report. The report includes the meetings attended as Borough Solicitor.

**Subdivision Matters:** N/A.

**Land Development Matters:** N/A.

**Zoning and Other Land Use Matters:** Receipt, Review and Administration of Comprehensive Correspondence from U.S. Department of Homeland Security and U.S. FEMA re: Time Limit to Adopt Borough Floodplain Ordinance.

Prepare Floodplain Ordinance (Several Drafts), Prepare Advertising Notice, E-mail transmissions to and from PA DCED Reviewers and Enclosure e-mails and/or Correspondence to Express-Times, County Law Library and Borough with approved Draft of Ordinance for adoption on July 14, 2014.

Comprehensive Telephone Conference with Kim Guerin (of 333 North Broadway) re: Neighbor Driveway Matter.

**Developments on Outstanding Litigation:** N/A.

**Court Decisions on Borough Cases:** N/A.

**Miscellaneous:**

Receipt, review and administration of Correspondence from Bethlehem Collection Attorney and Responsive Correspondence re: Fire Company - Air Pack Matter.

Preparation of fax transmission to Borough Police Chief with attachments re: Fire Company - Air Pack Matter.

Preparation of Monthly Preparation of Monthly Solicitor's Report.

Review various correspondence, e-mails, prepare letters 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 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.

George requested that Mr. Goodrich ask Mr. Karasek about correspondence to Mike Goffredo regarding the installation of a fence. Mr. Goodrich will follow-up regarding the letter to Mr. Goffredo's attorney.

Tony asked for a status update on the air pack matter involving the Fire Company air pack. Jon responded that the a letter was sent to Chief Armitage. Chief Armitage added that charges have been filed.

**ENGINEER'S REPORT**

Brian Pysher reported that there is progress at the new municipal building. The majority of the lights upstairs have been installed. The ceramic tile in the upstairs bathrooms was installed today and 70% of the laminate flooring is going down on the Ambulance side of upstairs. Three doors were installed today. The air conditioning is functioning upstairs and eliminating the humidity that has been inside the building.

The railing in the Park has been installed. The Kiddie Play Area project is complete and fully permitted and up to code.

**COMMITTEE REPORTS**

1. EMS – Kerry Gassler reported that the Ambulance has not met yet this month.
2. Fire Company – Jon Faust reported that the Fire Company has not met yet this month.

3. Zoning – Brian Pysker reported that the Zoning Hearing Board has received an application from BRD for a pole building. BRD's engineer, Richard Rutt, met with Brian several months ago to go over preliminary questions related to submitting an application for a variance. Brian intends on reviewing the application and doing the necessary paperwork tomorrow for a Zoning Hearing Board meeting to be scheduled on August 6, 2014. Tony asked for a copy of all related paperwork.
4. Planning – George Hinton reported that Council already took action regarding the Muschlitz Land Development Plan early this evening.
5. Municipal Authority – Joe Weaver was absent. He did however, send Council an update, and it can be reviewed and discussed at next month's meeting.
6. Streets – Jon Faust reported the street activity for June was cleaning debris from the storm drains, patching pot holes and removing branches dumped on West Street. The salt shed has been taken down. They fixed the bandshell and benches at the Park. Rich began saw cutting bad sections of streets throughout the Borough today. Rich does not believe that the street workers will be able to fix all the sections that are being cut out, but since the saw is being rented, he will cut out as much as possible now with the intention of fixing the potholes at a later date.
7. Police - Mayor Shoemaker reported that the Police responded to 144 calls in the month of June, 6 animal complaints, 7 motor vehicle accidents were investigated, they issued 22 traffic citations and 2 parking tickets. Mayor Shoemaker read a letter from Northampton County District Attorney, John Morganelli expressing his opposition to individuals who are illegally in this country and who are trying to integrate themselves by obtaining State issued or Municipal issued identification cards.
8. Park – David Valley reported that the Park Board did not hold a meeting in the month of July. David asked Rich if the flag pole will be repaired at the Park. Rich replied that he does not have the necessary pulley and hardware for the pole. He has this repair on his to-do list.
9. 911 – Tony Curcio had nothing to report.
10. Tipping Fees - Tony Curcio reported that the Borough should be receiving the quarterly tipping fee check in the next week or so from Waste Management.
11. Municipal Building – George Hinton stated that this was reported on earlier in the meeting. The weekly building meeting will be moved from Thursday at 11:00 a.m. to Wednesday at 4:00 p.m. George stated that the meeting is open to anyone interested in attending.
12. Regional Police – Dave Hess reported that a generic letter of support was provided to all of Council regarding the Northampton County Gaming Grant. The Regional Police Department will be applying for a grant to help offset the cost of remodeling the Plainfield Township Police Station to accommodate the new Regional Police Department. An application submitted on behalf of the three municipalities would prohibit any one of the individual municipalities from submitting a grant application for funding a local project on their own. The grant deadline is the beginning of August and the Police Commission needs engineer/architecture plans drawn up for the application. Dave has spoken to State Senator and State Representative, County Councilman Scott Parsons to ask for letters of support.

**On motion** by Dave Hess for Wind Gap Borough Council to provide a letter of support to the Regional Police Department grant application for Northampton County Gaming Grant funds and seconded by Jon Faust. Roll call vote taken. Motion carried unanimously.

Dave reported that the Commission has hired Conrad Siegel to handle all pension services. Louise contacted Wind Gap's webmaster to include a link on the Borough's website to Plainfield's website for police information. The Regional Police Chief, Chief Mettin, is working on creating a website for the Regional Police Department and he hopes to have that up and running shortly. During the first several months of operation, Wind Gap might be required to store all past police records until Chief Mettin can decide how to store/organize all three departments' past police records and files.

The Commission adopted a media policy and a public comment policy. Dave stated that the policy is a very in-depth document that is basically a carbon copy of Pen Argyl's policy. In order to speak at a commission meeting, the person must sign in and speak on only items on the agenda, there will be a designated area in the meeting room for any recording devices, either video or audio. If Council is interested, Dave will provide the policy to Council members. The next Commission meeting will be held this Thursday, July 17, 2014.

13. Park Master Plan - Kerry Gassler reported that the committee received a letter from Mr. Karasek regarding entering into a contract. Joe Weaver is in the process of setting up a committee meeting to discuss Mr. Karasek's comments.

## **MAYOR'S REPORT**

Mayor Shoemaker reported that the Slate Belt COG is in recess for the month of July. They will meet in August. Mayor Shoemaker has received several complaints regarding the stop sign at the intersection of Fifth Street and Lehigh. The next Summer Sounds Concert will be Sunday, July 20, 2014. He announced that an order will be placed shortly for the Wind Gap Borough banners. An order of 20 to 25 banners will be at a cost of \$176.00 for the banner and hardware. If anyone is interested, please stop by the Borough office.

## **NEW BUSINESS**

1. Enactment Ordinance 486 - Floodplain.

**On motion** by Kerry Gassler to enact Floodplain Ordinance 486 and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

2. Administrative Assistant/Receptionist.

George reported that the committee (Tony, Louise, George) received 23 applicants and scored the applicants based on their resumes. The committee set up interviews with 12 of the applicants. The applicants were asked to fill out an application when they arrived for their interview to try and determine if the approved hourly rate of \$8 to \$10 was realistic. The committee determined that the number was \$10 to \$15 an hour. The committee is recommending a rate of \$13 an hour for a total of 480 hours or \$6,240 for the remainder of 2014. The 2014 budget originally included a zoning/admin assistant budget total of \$52,000.

**On motion** by Tony Curcio to offer a starting hourly rate of \$13 an hour and seconded by Dave Valley. Roll call vote taken. Motion carried unanimously.

The committee is recommending the hiring of Joann Dentith as the Administrative Assistant/Receptionist. In the event that she may turned it down, the committee is recommending Debra Harbison.

**On motion** by Tony Curcio to hire Joann Dentith and/or Debra Harbison as the Administrative Assistant/Receptionist and seconded by Dave Hess. Roll call vote taken. Motion carried unanimously.

3. David Valley asked if anything could be done regarding a property that a neighbor is a complaining about. Brian has already sent an enforcement notice to have the property owner clean up their property. He typically allows them fifteen (15) days to comply with the enforcement notice. He will review the date that the certified letter was sent and signed for when he is in the office tomorrow.

## **OLD BUSINESS**

1. Jon Faust reported that he spoke to Rich Fox regarding a depression in the road (East West Street resident complaint). The Sewer Authority was contacted, but they stated it was not an Authority issue. Council suggested that Joe Weaver (Sewer Authority liaison) mention at an Authority meeting about improving their backfilling methods. Throughout the Borough several depressions exist that appear following an Authority improvement project. A backfill issue currently exists on Eighth Street after last year's sewer project that still needs rectified.

**On motion** by Tony Curcio to adjourn the meeting of July 14, 2014. Council agreed unanimously. The meeting of July 14, 2014 adjourned at 8:25 p.m.

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Louise Firestone, Borough Administrator