

**BOROUGH OF WIND GAP  
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WIND GAP, PA 18091  
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The Council meeting of the Borough of Wind Gap on Tuesday, February 17, 2015, 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, Joe Weaver and Dave Hess. Also in attendance were Mayor James Shoemaker, Borough Solicitor Ronold Karasek, Borough Engineer Brian Pysner and Borough Administrator Louise Firestone.

**PUBLIC COMMENT**

1. Judy Piper, 117 East Applegate, Pen Argyl, representing the Blue Mountain Community Library as the Treasurer. Judy thanked Wind Gap for their continued support of the Library, it is greatly appreciated. She introduced Lisa Farnan, Library Manager and Valerie Viglione, President of the Board. She reviewed the Library 2014 Report with Borough Council. There are 20,000 items in the Library collection. They currently have 5,968 members, of which 2,699 from Pen Argyl, 2,162 from Plainfield Township and 1,095 from Wind Gap. In an effort to supplement their income they participate in fundraisers at Dietzi's, Slate Pub, Wendy's, Café on Broadway, a yard sale at Ackerman Veterinary Group, Pen Argyl yard sale days, a bake sale at ACE Hardware, Valentine's and Christmas tree fundraisers. These activities brought in \$2,717.15. In addition, they did a mailing to their most frequent patrons and raised \$3,985 and a business mailing that raised \$1,025. They had an income in 2014 of \$51,910.67 and expenses of \$44,825.61 for a balance in the account of \$14,736.59. The three municipalities donate: Pen Argyl - \$8,100, Plainfield Township - \$5,000, Wind Gap - \$3,259.36. Improvements to their building include: replaced part of the ramp and repainted the entire ramp/walkway. Renaldo Heating and Plumbing removed the old compressor and the backflow device and water heater were replaced. They are continually updating lighting fixtures as needed. They had their books audited for the year of 2013 and were given a very favorable audit. Waste Management provides the library with a few dumpster and free garbage pick-up.

2. Denise Fox. Mrs. Fox asked for an update regarding the sale of the Ambulance property. She read a letter from her Attorney outlining their terms for changing the Agreement of Sale. George told her that this will be discussed later in the meeting.

**APPROVAL OF MINUTES**

**On motion** by Tony Curcio to approve the minutes of the February 2, 2015 Council meeting and seconded by David Valley. Roll call vote taken. In favor: T. Curcio, J. Faust, D. Hess, G. Hinton, D. Valley, J. Weaver. Abstained: K. Gassler. Motion carried with a vote of 6-0-1.

**COMMITTEE REPORTS**

1. EMS – Kerry Gassler reported the Ambulance responded to 56 calls in the month of January. The Ambulance will be monitoring missed calls in the next month and might adjust the hours for the day shift from 6:00 a.m. – 6:00 p.m. to 7:00 a.m. – 7:00 p.m. in response to the period of the highest call volumes. They approved a budget of \$249,000 at their last meeting. The Corps will also be advertising for EMTs and drivers.

2. Fire Company – Jon Faust reported that the Fire Company responded to 13 calls in January.
3. Zoning – Tony Curcio reported that presently there were no new applications submitted. Brian added that an application was received last week so a meeting might be scheduled for end of March if possible instead of a March 4 meeting.
4. Planning – George Hinton reported that the Ray Cortez plan is on the agenda for later in the meeting under old business.
5. Municipal Authority – Joe Weaver reported that the Municipal Authority met for the first meeting of the year to reorganize and all the officers remain the same by unanimous vote. The plant supervisor reporting having some minor issues with the plant vehicles due to the extreme cold temperatures and they are actually looking to purchase a new truck now. The Authority advertised for a new plant mechanic and received 60 resumes. Joe stated that members of the Authority questioned whether the owners of Spanky's Car Wash got a permit for their second automatic bay. Brian replied that he spoke to Pennsylvania Labor and Industry regarding this matter, and L&I stated that they were not required to obtain a permit. When Spanky's originally submitted their plans to L&I, they had shown that bay would be eventually converted to an automatic bay. Joe reported that an attorney representing a resident who owns property that is partially on and partially off the Authority's service area inquired whether or not he could get hook-up to the property. The Municipal Authority discussed the request and concluded that they would have to modify Act 537. Brian explained that Act 537 maps out the designated area for public sewer. Brian believes that the property in question is actually located in Bushkill Township.
6. Streets – Jon Faust reported that the street workers have been busy plowing snow and repairing equipment as necessary. Jon asked Rich if he has a sufficient supply of salt and Rich responded that he has had no issues with ordering salt and having it delivered. There have only been a few minor complaints and they have all been addressed.
7. Police - Mayor Shoemaker reported that the Police Department responded to 107 calls in January, 12 EMS assists, 3 animal complaints, 1 fire response and 4 motor vehicle accidents. They issued 5 traffic citations and 1 parking ticket. The 2002 Ford SUV was taken to Wind Gap Chevrolet for inspection and required new brake pads and rotors to pass inspection. All full-time officers attended annual mandatory training at the Allentown Police Academy. All officers must still attend CPR and first aid training. Joe Weaver asked now that the Chief has retired the Borough is short one officer until regional police is up and running and is the Mayor comfortable with the situation. The Mayor responded that he is not comfortable with it, but currently the State Police cover, until regional police is up and running.
8. Park – David Valley reported that the Park did not hold a meeting in February due to absenteeism of so many members. The grant application for the RFP has been accepted and the Borough can proceed.
9. 911 – Tony Curcio has nothing to report.
10. Tipping Fees - Tony Curcio reported that there has been no change from the last report.
11. Regional Police – Dave Hess reported that he distributed an e-mail regarding the police contract, but it cannot be discussed at this point because it is contractual. The regional police meeting scheduled for this Thursday, has been cancelled. The next meeting is scheduled for the

following Tuesday as an Executive Session. Attorney Karasek reported that he received a three page last week from Attorney Backenstoe basically saying that we should think about several other items, implying that they should be discussed prior to police department becoming operational.

12. Park Master Plan – Joe Weaver reported that the Borough had received a grant to complete a master plan for the park and the committee received approval from DCNR for their RFP (request for proposal) so the next step is to put it out to bid. Attorney Karasek has reviewed and commented on the Contract portion of the RFP.

**On motion** by Jon Faust to obtain five (5) quotes and move ahead with Wind Gap Borough Park Master Plan, with a deadline for the bids to be thirty (30) days and seconded by David Valley. Roll call vote taken. Motion carried unanimously.

## **MAYOR'S REPORT**

Mayor Shoemaker said that the Slate Belt Council of Governments will be meeting on Wednesday, February 25, 2015 at 7:00 p.m. at the COG office. Mayor Shoemaker stated that the residents of the Borough are doing a fine job keeping their sidewalks cleared within the 24 hour time period according to the ordinance. Banner orders are currently 19 and will be ordered and placed on the poles before the Memorial Day holiday. Borough Council and the Mayor presented former Chief Armitage with a citation for his 35 years of service to the Borough. Mayor Shoemaker will once again be involved with the 13<sup>th</sup> annual March for Meals campaign as a volunteer delivering meals for a day during the month of March.

## **NEW BUSINESS**

1. Salt Shed Results/Awards. Brian reported that the Borough received nine (9) sealed bids for construction of the salt shed that were opened today. B & B Pole Building was the low bidder at \$104,833.00. The high bid was \$210,546.00 with the majority of bids being around \$135,000. B&B was the contractor for the recently construction salt shed in Bushkill Township and Robert Collura Engineering was satisfied with the work on that project.

**On motion** by Joe Weaver to award the Salt Shed Contract to B & B Pole Building at a cost of \$104,833.00 and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

2. Attorney Karasek reported that he received from the County Assistant Solicitor the stipulation (agreement) between Northampton County and Wind Gap Borough to once again exempt the three properties: 111 North Broadway, Utica Avenue, Center Street, from taxation effective January 1, 2014. Council agreed to enable Attorney Karasek to enter into and sign the stipulation with Northampton County.

## **OLD BUSINESS**

1. Raymond Cortez Major Subdivision – Final/Preliminary Plan. Attorney Karasek informed those present that Mr. Ray Cortez, Mr. George Collura, and Alternate Engineer, Mr. Michael Waldron, were all present at the meeting to answer any questions that Council may have regarding this plan. Attorney Karasek reviewed the current status of the plan with Council. Council took official action on the overall plan at their January 20, 2015 meeting. Mr. Cortez provided the Borough additional time to consider the plan, until February 27, 2015. This plan is a two tiered approval, one dealing with the various SALDO waiver requests that have been made which totals six (6) waiver requests and the other approval would be conditional plan approval for this plan.

SALDO Waivers Requests:

1. SALDO Section 505.G – There shall be no flag lots. The Planning Commission recommends this waiver with the condition that there is only one (1) dwelling unit constructed on that lot and the lot is not further subdivided.  
**On motion** by Kerry Gassler to approve waiver of Section 505.G with the recommended condition and seconded by Jon Faust. Roll call vote taken. Motion carried unanimously.
2. SALDO Sections 402.D11, 402.D.12, 403.D.15, 402.E.3.a and 506 which all deal with Stormwater Management and Erosion & Sedimentation Control Plans that are required. Waivers are being recommended on the condition that these plans be filed when the location and size of the dwelling is determined. The plans will be filed when that occurs and when the driveway is determined.  
**On motion** by Kerry Gassler to approve waiver of Sections 402.D11, 402.D.12, 403.D.15, 402.E.3.a and 506 with the recommended condition and seconded by David Valley. Roll call vote taken. Motion carried unanimously.
3. SALDO Sections 402.E.3.d and 407 – Wetlands. The Planning Commission recommended the waiver because the wetlands were previously delineated as part of the Posh Major Subdivision and that if there will be any disturbance it will be greater than 300' away from the wetlands.  
**On motion** by Kerry Gassler to approve waiver of Sections 402.E.3.d and 407 and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.
4. SALDO Section 403.D.14 – Monuments and Markers. This section requires all monuments and lot markers to be set prior to Final Plan approval. The Planning Commission recommends the waiver on the condition that the pins and markers were to be set per the Posh Major Subdivision with one additional pin set per the applicant. Jon asked if the pins had been set. Brian stated that the pins have not been set, but the Borough called in the original bond to complete those improvements. Money is set aside for those improvements whether the Borough completes it or Tuskes Homes completes (current owner of Posh Major Subdivision). Attorney Karasek stated that all items that need to be identified and completed can be included in the plan.  
**On motion** by Kerry Gassler to approve waiver of Section 403.D.14 and seconded by Jon Faust. Roll call vote taken. Motion carried unanimously.
5. SALDO Section 510.B – Sidewalks. The Planning Commission makes no recommendation on this waiver request, leaving the decision to Council. Attorney Karasek explained that the Planning Commission understood that this requirement had been waived once before when it was the Posh Major Subdivision for the frontage which is now lot no. 1.  
**On motion** by Kerry Gassler to approve waiver of Section 510.B for sidewalks and seconded by Jon Faust. Roll call vote taken. Motion carried unanimously.
6. SALDO Section 402-Preliminary Plan and Section 403-Final Plan. Attorney Karasek explained that because this is a subdivision that had already been subdivided before (Posh Major Subdivision), this is a major a Major Subdivision even though it is only dealing with two (2) lots and the waiver request is being made. The idea is that rather than do the preliminary plan work first and get that approve and then have to do all the engineering plan and come back for final plan approval, the applicant would like to do it all together.

**On motion** by Kerry Gassler to approve the waiver and grant the plan submission of the Preliminary Plan concurrently with the Final Plan. Roll call vote taken. Motion carried unanimously.

Mr. Michael Waldron, Ott Consulting, stated that no other items are outstanding with regards to the plan, but the additional comments in his review letter dated January 8, 2015 (number 8 through 18) need to be met. Attorney Karasek reviewed:

8 – A house number for the dwelling on Lot 2 shall be noted on the plan prior to recording.

9 - There will be DEP notification for sewage planning approval.

10 – Verification from Wind Gap Municipal Authority that there will be use for the sanitary sewer.

11 – Verification from PA American Water Company that there will be adequate water capacity

12 – Shade trees along the street frontage installed spaced not less than 40 feet or more than 60 feet apart. The plan proposes the installation of one tree adjacent to the proposed driveway. The location of the existing tree along the frontage of Lot 1 shall be shown on the plan or the location of a new street tree shall be proposed that meets the requirement of this section.

13 – Dedication of open park land, open space, or a fee in-lieu.

14 – The Northampton County Conservation District will determine the level of permitting required by DEP for the plan.

15 – The plan shall be signed by the Owners prior to recording.

16 – All waivers and/or deferrals, along with the date they are granted by Council, shall be noted on the plan prior to recording.

17 – All required fees shall be paid prior to recording.

18 – Review and comments by the Borough Zoning Officer shall be considered.

**On motion** by Kerry Gassler for Conditional Preliminary/Final Plan Approval based upon the outstanding items in the alternate engineer's review letter dated January 8, 2015 and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

Attorney Karasek had George Collura, applicant's engineer, sign the SALDO waiver form and conditional plan form. He will provide Mr. Collura a copy of the signed forms in the mail.

## **EXECUTIVE SESSION**

Council adjourned to Executive Session at 8:26 p.m. to discuss real estate issues. Council reconvened at 9:16 p.m.

Council President George Hinton explained that Council also discussed Regional Police contract.

**On motion** by Dave Hess to change the operational formula that is in the present Charter Agreement to be determined by 0.55 times population (as per most recent census-and interim population census by a Penn State formula) equals the number of incidents that would be part of the formula and seconded by Joe Weaver. Roll call vote taken. In favor: G. Hinton, D. Valley, J. Weaver, T. Curcio, J. Faust, D. Hess. Abstained: K. Gassler. Motion carried with a vote of 6-0-1.

2. Ambulance Corps Building Sale. Attorney Karasek reported that he did extensive research of the matter. He does not believe that the bid that was made was in compliance with the Borough Code which states that the purchase price shall be paid in full within sixty (60) days of the bid (closing should have been Saturday, February 14, 2015). That is the Borough Code mandatory requirement and the Borough cannot change that requirement. The bid specs did not indicate that there could be contingencies for environmental issues and financing, etc. Attorney Karasek believes that prior to the Borough negotiating a private contract with Fox Properties, he advises that the Borough Council re-

bid this property. After a second bid, if there are no compliant bids, then the Borough can initiate negotiations for a private sale and take into consideration fair market value, etc. There has to be a thirty (30) day waiting period.

**On motion** by Joe Weaver to re-bid the property, the Closure Report will be a condition, included in the bid specifications and seconded by Kerry Gassler. Roll call vote taken. Motion carried unanimously.

Borough Council discussed the date to re-advertise the property and whether to include financing, inspections, etc. Council agreed to wait until it is determined what needs to be done to complete the Closure Report from DEP before entertaining a date to advertise. Brian will contact MEA this week and hopefully have DEP's determination on the report sometime this week.

**On motion** by Tony Curcio to adjourn the meeting of February 17, 2015. Council agreed unanimously.

The meeting of February 17, 2015 adjourned at 9:29 p.m.

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Louise Firestone, Borough Administrator