

**BOROUGH OF WIND GAP
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The Council meeting of the Borough of Wind Gap on Monday, March 2, 2015, was called to order at 7:30 p.m. by Council President George Hinton. In attendance were Councilmen: Jon Faust, Kerry Gassler, Tony Curcio, Joe Weaver and Dave Hess. Also in attendance were Mayor James Shoemaker, Borough Solicitor Ronold Karasek, Borough Engineer Brian Pysher and Borough Administrator Louise Firestone. Absent was Councilman David Valley.

PUBLIC COMMENT

No one appeared before Council at this time.

APPROVAL OF MINUTES

On motion by Kerry Gassler to approve the minutes of the February 17, 2015 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 February in the amount of \$36,508.30 and seconded by Jon Faust. Roll call vote taken. Motion carried unanimously.

Joe Weaver asked for an explanation regarding the \$5,000 invoice for Totts Gap which he thought was a \$10,000 a year commitment. Totts Gap, for the Slate Belt Community Partnership, invoices the Borough twice a year, \$5,000 now and the remaining \$5,000 later.

SOLICITOR'S REPORT

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

Subdivision Matters: Preparation of Recommendation for Grant of SALDO Waiver form and Conditional Plan Approval form re: R. Cortez Preliminary/Final Major Subdivision. Preparation of Official Action Correspondence on SALDO Waiver Request and Conditional Plan Approval with copy to Applicant's Planning Professional re: R. Cortez Major Subdivision – Preliminary and Final.

Land Development Matters: N/A.

Zoning and Other Land Use Matters: Receipt, Review and Administration of Buyer's Counter Agreement of Sale; Preparation of Borough Revisions to Buyer's Counter Agreement of Sale, Receipt, Review and Administration of Revision of Buyers Counter Agreement of Sale incorporating Borough's Revisions (and related e-mails and correspondence) re: Fox Property Services, LLC Agreement of Sale – 435 North Broadway.

Re-Review of Borough Code, Non-Receipt of Bids Procedure and e-mail to Buyer's Attorney re: Need for Re-Bidding of Property regarding Proposed Conveyance by Borough to Fox Property Services, LLC.

Preparation of Receipt and Hand Delivery of 10% Bid Check Returned to Larry G. Fox of Fox Property Services, LLC.

Review of documents including Purchase Offer Correspondence re: Vacant Lot along West Side of North Lehigh Avenue.

Slate Belt Regional Police Force (SBRPF): Review of County Website and Bid Specs for 29 Mechanic Street and Preparation of Memo re: SBRPF Possible Use of Property.

Receipt, Review and Administration of several e-mail transmissions from SBRPF's Solicitor and Municipal Solicitors re: Revisions to Operational Cost Formula in the SBRPF Charter Agreement.

Preparation of Drafts of Proposed Borough Ordinance No. 488 and Advertising Notice re: Revisions of Operational Cost Formula in the SBRPF Charter Agreement.

Receipt, Review and Administration of Comprehensive Correspondence from Plainfield Township Solicitor D. Backenstoe with six (6) Suggested Additional Revisions to the SBRPF Charter Agreement.

Developments on Outstanding Litigation: Receipt, Review and Administration of e-mail from Assistant County Solicitor D. Backenstoe with Stipulation and Proposed Order of Court sustaining (approving) Borough's Real Estate Tax Appeal as of January 1, 2014 (Three Properties) and Correspondence to Attorney Backenstoe enclosing Stipulation and Proposed Order.

Court Decisions on Borough Cases: N/A.

Miscellaneous:

Preparation of Final Draft of Planning Commission Meeting Minutes of January 8, 2015 meeting.

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.

Attorney Karasek reported that the ordinance revising the operational formula for the Slate Belt Regional Police Department can be advertised and ready for adoption at the Council's workshop meeting scheduled for March 17, 2015.

He has begun work on an agreement with the individual who purchased or who is purchasing the bank building for the siren/whistle on top of the building.

ENGINEER'S REPORT

Brian Pysher reported that CSi was at the building on Friday to finish up the camera installation. The Borough purchased infrared cameras, but CSi thought that day/night cameras would give better pictures, but the common hallway is dark because there are no windows. CSi swapped them out and replaced them with the infrared cameras. They added a camera on the northeast corner to pick up the two doors on the east side of the building. The technicians focused and cleaned all the computers throughout the building. CSi ran out of time to install the software on the Fire Company Chief's computer so they will come back another day.

Brian reported on two (2) upcoming zoning hearing board variance hearings. The first application was submitted by Easton Hospital for the former Blockbuster/Priority Care building at 951 Male Road. Easton Hospital has private practices in the building and they are applying for a variance for the size of a free standing sign to go bigger than 40'. Brian has scheduled the hearing for Thursday, March 19, 2015.

An application was received from Auto Zoning proposing a building on South Broadway on the corner lot in front of Burger King belonging to John Barto. Brian has been researching the history of the property. There were several land developments associated with the property. The original development was in 1986 when the Burger King was built, but a specific number of parking spaces was required so they constructed the lot in the front of the property, but that is the proposed location for the Auto Zone. Another land development was done in 1994 that was approved and recorded to show a 5,000 sq. ft. commercial retail pad that was to be on that same location at the corner of South Broadway and Male Road. Auto Zone wants to do a similar plan to that so Brian had a meeting with representatives from Auto Zone. Auto Zone will be making some revisions to their initial proposed plan and then submit to the Zoning Hearing Board requesting some variances. Once Auto Zone makes the necessary revisions, requests and receives necessary variances, the next step is to submit to the Planning Commission for approval of their plan.

Brian spoke to Rich Fox regarding improvements to Borough streets. Rich will be providing a list of streets to Brian and then it will be brought back to Council so that a decision can be made regarding how many streets can be done this year.

The Salt Shed has been awarded to B & B Pole Buildings. Brian is waiting for the signed contract to be returned to the Borough.

Dave Hess asked if there is any update on the North Lehigh properties – abandoned housings, sinkholes, garbage dumps. Brian has not be active with this issue. Dave asked what can be done to move this forward. Brian replied that the last time that the issue was discussed, Council agreed that the zoning officer should be designated as the code official so that citations could be issued out of the Borough office.

On motion by Tony Curcio to amend the Nuisance Ordinance identifying the Borough's Zoning Officer as the Code Official and seconded by Dave Hess. Roll call vote taken. Motion carried unanimously.

NEW BUSINESS

There was no New Business to be discussed by Council at this time.

OLD BUSINESS

1. 435 North Broadway - ECB Storage Tanks Program – Site Characterization Overdue Letter Environmental Clean-up – DEP – Section 1310 (Ambulance Building and Oaten Garage Property)

George Hinton explained that the Borough received a letter from Pennsylvania Department of Environmental Protection regarding completing the necessary testing to obtain the closure letter. There was extensive testing done prior to receiving a permit from L&I to build the ambulance building, but unfortunately if a final report was done, the Borough and Ambulance Corps does not have it in their possession. Tanks were removed prior to construction for the existing building and all other tests completed were acceptable. Now that the Borough is trying to sell the property, DEP is stating that the Borough did not receive the closure letter. George stated that DEP dropped the ball and now twenty (20) years after the building was built, they are asking for the documentation. Twenty (20) years ago, DEP was in the process of changing paper/computer systems and they are not sure that a report was ever sent out even though it is believed that all the necessary testing had been completed. If a report was sent, it would have likely been sent to Harry Oaten since the property at the time belonged to him and not to the Ambulance Corps. Mr. Oaten has since passed away and there is no

way to confirm if he ever received a closure letter. DEP now wants the Borough to have more testing done on the property before the property can be sold. Council discussed different ideas on how to move forward. Attorney Karasek explained that at some point, DEP might be estopped or prevented from raising issues that have long since been done and over especially when it is on DEP since the applicant seems to have taken all the necessary steps. Attorney Karasek could send a letter to the DEP presenting the Borough's side of this issue. It is unknown what the cost of the additional testing could cost. Attorney Karasek suggested that after reviewing the letter, DEP was acceptable to arranging a meeting with all interested parties. Brian reported that he has spoken to a representative from MEA, which would include up to two quarters of testing on the property. Brian anticipates that the total cost could be around \$10,000 in order to complete the testing. He also agrees that contacting DEP and setting up a meeting would make the most sense. Kerry suggested that Merchant's Bank might have some paperwork since they held the mortgage on the property both when the Ambulance Corps owned the property and when the Borough owned it.

On motion by Kerry Gassler to authorize Attorney Karasek to send a letter to Department of Environmental Protection, make open records request on the old Ambulance/Oaten property and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

2. Fire Company Social Hall.

George Hinton explained that the Fire Company is asking Council what the next step would be in the process of getting a new social built. The Fire Company sat with Brian Pysher to come up with a concept drawing. The Fire Company has contacted two different engineering companies to get an idea what the cost would be for a social hall. Joe DePue stopped at two different banks with the number provided by the engineering firms to get an idea what a mortgage payment would be on the building. The Fire Company Auxiliary indicated that the mortgage number used during discussions could be afforded by the auxiliary. George asked how a new social hall building could be built on Borough property. The Fire Company's old building/property belongs to the Borough, which is being advertised for sale. Attorney Karasek stated that the Borough could put as many buildings on their property as they want, but it would be owned by the Borough not the Fire Company and have to go through the subdivision process and possibly zoning approval. The Borough would have to get the loan and go through the same steps that were done for the municipal building loan. (PA Local Government Debt Act and get approval, borrowing base calculations would have to be completed to determine how much is borrowed, ordinances have to be enacted prior to and after the borrowing occurs). Attorney Karasek advised that a meeting with the bank be arranged to discuss specific questions regarding the current loan and the potential for another building and mortgage. George will set up a meeting with Mr. Hartman, Merchant's Bank, appointed a committee consisting of Attorney Karasek, Tom Wills, Joe DePue, Tony Curcio and Louise Firestone. Determination must be made whether a social hall would be a principle use or an accessory building to the municipal building which could avoid the subdivision issue. The original concept building was 130' X 60', but the revised drawing is 100' X 80'.

EXECUTIVE SESSION

Council adjourned to Executive Session to discuss personnel issues at 8:15 p.m. Council reconvened at 8:30 p.m. Council President George Hinton informed those present that no action would be taken at this time.

On motion by Tony Curcio to adjourn the meeting of March 2, 2015. Council agreed unanimously. The meeting of March 2, 2015 adjourned at 8:31 p.m.

Louise Firestone, Borough Administrator