

**BOROUGH OF WIND GAP
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The Council meeting of the Borough of Wind Gap on Tuesday, November 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, Joe Weaver, Dave Hess, and Alexander Cortezzo III. Also in attendance were Mayor James Shoemaker, Borough Solicitor Ronold Karasek, Borough Engineer Brian Pysker and Administrative Assistant Debra Harbison. Absent was Councilman Tony Curcio.

PUBLIC COMMENT

No one appeared before Council at this time.

EXECUTIVE SESSION

Council adjourned to Executive Session at 7:31 p.m. to discuss real estate. Council reconvened at 7:45 p.m.

On motion be Joe Weaver to have Attorney Karasek contact the two individuals interested in the vacant lot on North Lehigh Avenue, to advise them of the need for potential variances and seconded by Jon Faust. Roll call taken. Motion carried unanimously.

APPROVAL OF MINUTES

On motion by Dave Hess to approve the minutes of the November 2, 2015 Council meeting and seconded by David Valley. Roll call vote taken. In favor D. Hess, G. Hinton, D. Valley, A. Cortezzo. J. Faust. Opposed J. Weaver. Motion carried 5 – 1.

COMMITTEE REPORTS

1. EMS – George Hinton stated that Council received a letter stating that Wind Gap Ambulance is staying in business. They had a meeting where they voted whether to merge or continue. The vote came back 4 – 7 to continue as Wind Gap Ambulance Corps. The Ambulance currently has \$31,030.04 in their checking account. There is a meeting scheduled for tomorrow evening. Alex Cortezzo said he would like to know what the auditor came up with when he went over the books. Jon Faust stated that we have not received any reports.
2. Fire Company –. Jon Faust stated that they had 13 calls for the month and 159 calls for the year.
3. Zoning – Tony Curcio was absent. Brian Pysker stated that we are having trouble organizing another meeting for 208 Center Street, formally Captain Wills Welding Shop. They cancelled the initial meeting that was scheduled for November 11th. Auto Zone was the only one that proceeded. The Board had a condition for Auto Zone Variance request with respect to the rear yard setback. The request was to provide the minimum 50 foot setback that is required

with a 25 foot rear and 25 foot side yard setback. Since they are only providing 5 feet, John Barto would have to provide, on his adjoining property, a 45 foot setback in order to provide the minimum required by ordinance. A meeting will be scheduled in December regarding the decision of John Barto.

4. Planning – George said at the last planning meeting, there was discussion regarding the building placement of Auto Zone. There are 25,000 vehicles that come through this town a day and they would be looking at the back of the store with a white house next to it. George asked if that is what we want our residents to look at.

5. Municipal Authority – Joe Weaver stated that he and Brian Pyscher attended a meeting regarding the construction project on North Broadway and Constitution Avenue. The Municipal Authority is now in agreement with everything that Brian said regarding this project. The conflict has been resolved and plans were sent to Brian for review. George asked if they are going to cut the sidewalk behind the curb, to which Joe stated that they are going to see how much curb is there before they decide to replace it. Brian said they are going to cut six inches back from the face of the curb and remove the existing sidewalk then determine if there is a minimum of 18 inches of curb there. If there is 18 inches of curb, which is in PennDOT jurisdiction, they will be allowed to leave as is. If it meets PennDOT's standards, they will not have to replace all the curbing.

6. Streets – John reported that all normal routine projects have been completed. Alex questioned the guideline of what the mobilization requirements are for contracts. Alex said he had an issue regarding the equipment for Jefferson Street paving project. He said that they moved the milling machine in around 1:00 am. Brian said that this is the first time that this has happened. Brian said he will write something in the specs stating that equipment will be moved between the hours of 7:00 am to 7:00 pm or as stated in our ordinance. Brian said that he called them regarding the time to pick the equipment up, but they picked the equipment up at 9:00 pm. Brian said that this was not acceptable for a residential area and he added to the specs that from now on equipment must be moved during working hours.

7. Parks – Dave Valley stated that there was miscommunication regarding the date and time for putting up the lights in the Park. Dave stated that he does not want to disappoint the residents and he will make arrangements for the remainder of the lights to go up.

8. 911 – Tony Curcio was absent. Jon Faust had nothing to report.

9. Tipping Fees - Tony Curcio was absent. Joe Weaver had nothing to report.

10. Regional Police – Mayor Shoemaker said the Slate Belt Police answered a total of 598 calls, 206 calls were for Wind Gap. The Mayor said the Slate Belt Police Department received complaints regarding the traffic on Alpha Road and Alpha Avenue for speeding and running of four wheelers. There have been a total of 41 traffic stops along Alpha Road and Alpha Avenue. George spoke about electronic signs along the roads that post the speed you are traveling and flashes if you are over the speed limit. George said that it might make you look and think about your speed. Jon stated that the four wheelers have been stopped and at times impounded but it just doesn't stop them. The four wheelers are ripping up the yard by the church so they are going to put up snow fencing to block them. The Mayor said the several residents are calling him to see if anything can be done and he informed the residents that they are trying to resolve this problem. The Mayor added that there was an accident on Alpha Road and West Street with a four wheeler, but they still continue to disrespect the law.

11. Park Master Plan – Joe Weaver reported that there are no updates at this time. The next tentative meeting will be in December or January.

MAYOR'S REPORT

The Mayor said Slate Belt COG will meet on Wednesday, November 25 at 7:00 pm. The COG received the \$10,000 grant from Northampton County to assist with the hiring of an Animal Control Officer to service the COG participating communities. The COG will be required to match the grant. A motion was passed at the October 28th meeting to pay, in addition to their dues, an additional fifty cents per capita per resident to assist in the services of an Animal Control Officer. The per capita request will be for 2016 only. If the program is successful, the future Municipalities funding will be revised and based on the Animal Control call log by Municipalities. The Mayor stated that he recommends that we participate in this and we need a motion to participate. George asked if this fee is in addition to what we give the COG. The Mayor said yes, fifty cents per resident. Jon asked how many resident and what Municipalities will be participating. The Mayor said that Portland, Pen Argyl, Plainfield, Upper and Lower Mt. Bethel, and Washington Township would be participating. Dave Hess asked where the animals would be kept. The Mayor said that Plainfield has a facility. He said that this has not been designated as of yet, but they would use Plainfield's facility temporarily and Portland also has a facility. Jon said that they want a decision, but we do not have all the information needed. The Mayor said that we need an Animal Control Officer to which Jon agreed. The Mayor said it is much more feasible for us to participate rather than hire one on our own. The Mayor said it is a onetime fee just for 2016. George stated that it would be \$1400 for 2016. Jon said they also have the grant and the matching funds from the COG. George stated that we will table until the next meeting.

The Mayor reported that the leaf collection is still on going. He said the tree lighting ceremony will be November 29th from 3 to 5 p.m. with Santa arriving at 4:00 pm with entertainment and refreshments. This is sponsored by local businesses and community groups.

NEW BUSINESS

Dave Hess said he was approached and sent an E-mail stating there was no flag outside the Municipal Complex. George said it is in his plan to donate four flagpoles, one for the American Flag, State Flag, Fire Company Flag, and Ambulance Corps Flag.

OLD BUSINESS

1. Todd Oessenick, 205 N. Broadway – SALDO Waiver

Both Jon Faust and George Hinton stated that they went to look at the proposed location for the parking area. Brian Pysker informed Attorney Karasek that Todd is looking for a waiver for land development. Brian said that there were discussions to determine what constitutes improvement and land development and in his opinion this project constitutes land development. He said that they are basically constructing a parking lot and they are here requesting a waiver from land development requirement. Council discussed this at the last meeting where they decided to have the input of Attorney Karasek and to take a look at the proposed parking area before making a decision. Todd informed Attorney Karasek that the property was a used car lot prior to him purchasing the land and prior to that it was a railroad bed. Todd said he cleaned up the property and did not need the parking area. Todd said the

American Legion approached him and asked him if they could use that parking area on weekends. Brian and Todd met at the property and Brian said it was land development but Todd chose to disagree with that because of the nature of what it is and has been. Todd said he asked Brian what his options are and Brian said he should go through Planning. Todd stated that this was new to all of Council so they tabled this at that time which was the right decision.

Attorney Karasek and Brian discussed the definition of Land Development under SALDO. Attorney Karasek said that if council believes that this is land development they can grant the waiver with a condition such as storm water runoff, grading, etc. for the safety and welfare of the Borough. Brian said that there are provisions in the Ordinances for parking lots such as accessibility, handicapped spaces, lighting buffering requirements, and storm water impact. Brian said that if Todd could demonstrate that there is no adverse impact to the adjoining property that he would not have a problem. Todd asked Brian how he would demonstrate that. Brian said he would have to hire an engineer to analyze the property. Jon said that when he looked, the storm water would run into the alley. Brian said that if it goes into the alley with nothing changing and no increase of runoff then they are done. Attorney Karasek asked Brian if he had enough information to make a decision since this is really an engineering call not a legal call. Brian said that for storm water standpoint that they would need to talk to an engineer to analyze the storm water. Brian said that the rest of the requirements are up to Council. Brian said that if a professional engineer puts together a report stating that the land is impervious and signs it then you are fine. Brian said that he is trying to protect the Borough. Joe said that Brian is our Engineer and his job is to advise Council and interpret the zoning laws as they are. Attorney Karasek said that there is more than just saying you want to put a parking lot in. He said there should be something in writing stating what you are going to do, signed by the applicant or engineer, so if agreed upon a waiver it would be documented.

On motion by Dave Hess to waive land development on the condition that the applicant provides storm water calculations, to the satisfaction of the Borough Engineer, that storm water will not adversely affect either adjoining property or other residents in the area and seconded by Dave Valley. Roll call taken. In favor: J. Faust, D. Hess, G. Hinton, D. Valley. Opposed: J. Weaver, A. Cortezzo. Motion carried 4 – 2.

2. Property Maintenance Code

George Hinton asked if anyone looked over Pen Argyl's Property Maintenance Code and if they had any comments or adjustments. Jon said they had another call that would fall under the property maintenance code. Jon asked Brian how we would regulate what we put into our code. Brian said we would not adopt what we do not want. Brian said we would have to go through and amend or alter the code with anything that Council does not want in their ordinance. Jon said that we need a property maintenance code. Attorney Karasek said it is a tedious process going through the entire code. He stated that Pen Argyl made some changes to the wording but they enacted the whole code. George said they had the copy of the Property Maintenance Code and they put in their revisions. Attorney Karasek said that when discussed the Borough revised the Nuisance Ordinance which has significant provision that we can use. He said that Council would have the Code Official, Brian, to do this work. Jon asked if wording would fall within the Nuisance Ordinance since that is where we are having problems. Brian said we must determine what we are trying to do. He said our Ordinance covers the outside of the property. He said that Pen Argyl and Bangor also have separate Ordinances for rental units. Attorney Karasek said they have two Ordinances, one for selling and one for renting property. Jon said that our Ordinance does not cover hoarding and for some reason we are getting more and more of them and this is something that we cannot see from the outside. Brian questioned if we would want the ability to tell the landlord or tenant that they must address stuff on the inside of the building. Jon said yes, you would never know what was inside unless

you had to go inside. Jon said that agencies have been brought in and they spoke to the people and everything was okay. Jon said it isn't fair to the neighbors living next to these houses or apartments. Brian asked Attorney Karasek what Code would be applicable, Property Maintenance or a Renters Inspection Ordinance? Brain said that Renters Inspection would cover how a tenant lives but not how the home owner would live. Attorney Karasek stated that, as George mentioned, the Nuisance Ordinance is not as helpful as we would like since it deals with exterior of a house not the interior. Dave Hess asked if you could interfere with how someone chooses to live in their house. Attorney Karasek said as long as it is not creating a hazard you really cannot do anything. George state that the problem arises when you have wild animals going in and out of the house. He said it gets to a point where people are sick and cannot help themselves or children that are living in deplorable conditions. Attorney Karasek said that the Department of Aging must investigate when called. Attorney Karasek said he will look at the Property Maintenance Code to see if we can deal with any interior issues. **He said we could have Council pass an ordinance to have Brian perform an inspection at time of sale and leasing.** Dave Valley asked about disconnection of services such as electric, heat, sewer, and water. Attorney Karasek said the County Area on Aging should protect our elder citizens. George said that there have been at least two cases where the Police Officers have called agencies and nothing was done. George said we need something that covers the whole package. **Joe questioned as to what the Borough could do if they received a call regarding a neighbor.** Attorney Karasek said that what the Borough could do is condemn the property which forces them to leave and then the Borough could knock the structure down. He said he will check the International Property Maintenance Code for interior problems. Attorney Karasek asked if the Borough would like him to contact the Department of Aging to follow up on reports for when the agency was called in. He said he can have them call him or he can invite them to a Council meeting. George said that this be tabled for the next meeting.

On motion by Dave Valley to adjourn the meeting of November 17, 2015. Council agreed unanimously.

The meeting of November 17, 2015 adjourned at 9:13 p.m.

Debra Harbison, Administrative Assistant