

**BOROUGH OF WIND GAP  
29 MECHANIC STREET  
WIND GAP, PA 18091  
863-7288  
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The Council reorganizational meeting of the Borough of Wind Gap on Monday, January 4, 2016, was called to order at 7:45 p.m. by Mayor James M. Shoemaker. In attendance were Councilmen: Tony Curcio, Jon Faust, Dave Hess, David Valley. Also in attendance was Borough Administrative Assistant Debra Harbison. Borough Solicitor Ronold Karasek came late to the meeting.

Administering the Oath of Office to Councilmen - At this time Mayor Shoemaker administered the Oath of Office to: Alexander Cortezzo III, Kerry Gassler, and Jeffery Yob. Council took their seats.

Mayor Shoemaker then proceeded with the order of business by seeking nominations for Council President. Council made the following: **On nomination** by Alex Cortezzo III for Dave Hess to hold the position of Council President. Vote for Dave Hess: Yea, A. Cortezzo III, Yea, T. Curcio, Yea, J. Faust, Yea, K. Gassler. Dave was appointed Council President with majority of the Council vote.

The next item of business was Mayor Shoemaker seeking nominations for Council Vice President. Council made the following: **On nomination** by David Valley to nominate Kerry Gassler for Vice President. Kerry Gassler declined the nomination for Council Vice President. **On nomination** by Kerry Gassler for Alex Cortezzo III to hold the position of Council Vice President. Vote for Alex Cortezzo III: Yea, T. Curcio, Yea J. Faust, Yea, K. Gassler, Yea, D. Hess. Alex was appointed Council Vice President with the majority of the Council vote.

Mayor Shoemaker turned the meeting over to Council President Dave Hess.

The next item of business was Council President, Dave Hess seeking nominations for Council President Pro-Tem. Council made the following: **On nomination** by David Valley for Tony Curcio to hold the position of Council President Pro-Tem. Tony Curcio declined the nomination for Council President Pro-Tem. **On nomination** by Alex Cortezzo III for Jeffery Yob to hold the position of Council President Pro-Tem. Vote for Jeffery Yob: Yea, J. Faust, Yea, K. Gassler, Yea, D. Hess, and Yea, D. Valley. Jeff was appointed Council President Pro-Tem with the majority of the Council vote.

The next item of business was Council President, Dave Hess seeking nominations for Council Vacancy Board Chair. Council made the following: **On nomination** by Jon Faust for Patricia Sutter to hold the position of Council Vacancy Board Chair. Vote for Pat Sutter: Yea, K. Gassler, Yea, D. Hess, Yea, D. Valley and Yea, Alex Cortezzo III. Pat was appointed Council Vacancy Board Chair with the majority of the Council vote.

## **PUBLIC COMMENT**

No one appeared before Council at this time.

## **APPROVAL OF EXPENSES**

**On motion** by Tony Curcio to approve the expenses in the amount of \$144,613.98 and seconded by Alex Cortezzo III. Roll call vote taken. Council agreed unanimously.

## **SOLICITOR'S REPORT**

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

**Subdivision Matters:** N/A.

**Land Development Matters:** Preparation of Comprehensive Status Correspondence to Borough on Official Action Time Limits re: Auto Zone L.D. Plan. Telephone Conferences with Applicant's Engineer, Review of SALDO and PA Municipalities Planning Code and Written memorandum to File on Construction of Improvements vs. Improvements Agreement with Performance Security re: Water's Edge at Wind Gap LLC (Muschlitz) L.D. Plan. Receipt, Review and Administration of SALDO Waiver Request, Borough Council Meeting Minutes of November 2, 2015, Preparation of Written Memorandum re: T. Oessenick SALDO Waiver Request – 205 N. Broadway Parking Lot.

**Zoning and Other Land Use Matters:** Preparation of Proposed Zoning Amendment for "Duplex" and "Special Yard Requirement" for Duplex Dwelling on Corner Lot. Preparation of Final Drafts of Agreement of Sale to M/M K. Fairchild, Office Conference with M/M K. Fairchild to sign Agreement of Sale and Obtain Down Payment and Travel to Lafayette-Ambassador Bank to Deposit Down Payment. Telephone Conference and Correspondence to Attorney P. Layman re: Offers to Purchase 435 N. Broadway (Ambulance Property) and 111 N. Broadway (Firehouse Property). Receipt, Review and Administration of Offers to Purchase and Preparation of Comprehensive Rejection-of-Offer Correspondence (to Albanese and Keystone Consulting) re: Lehigh Avenue Property. Receipt, Review and Administration of Correspondence from J. Muschlitz re: Application to Operate a Portable Non-Metallic Mineral Processing Plant at the Phoenix Slate Quarry (East West Street and Longcore Road).

**Developments on Outstanding Litigation:** Negotiations to Settle Lawsuit by Joint Dismissal of Dalmatian Fire Company's Claim and Wind Gap Fire Company's Counterclaim and Preparation of Praecipe for Discontinuance.

**Court Decisions on Borough Cases:** Travel to and from Courthouse and Attendance at Motions Court and Obtain Order Granting Citation to allow Borough to Act as Administrator of Estate of Sandra F. Davey, deceased with Order of Court for Clean-up and Sinkhole Remediation.

### **Miscellaneous:**

Preparation of Borough Planning Commission Meeting Minutes for October 1, 2015.

Preparation of Comprehensive Correspondence to Northampton County Area on Aging – Elder Care Issues at Second Street, Seventh Street and Utica Avenue.

Receipt, Review and Administration of Status Correspondence from C. Zelena re: Wind Gap Ambulance Corps. Inc.

Preparation of Monthly Solicitor's report.

### **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.

**On Motion** by Dave Valley to accept the Solicitors report and seconded by Tony Curcio. Roll call taken. Council agreed unanimously.

Attorney Karasek reported that the Zoning Amendment for the Duplex and Special Rear Yard was prepared and sent to Lehigh Valley Planning Commission (LVPC) and to the Borough Planning Commission. The LVPC informed Attorney Karasek that this zoning amendment is of local concern and therefore, they have no comment. Attorney Karasek said that if Council wants to adopt the Ordinance, Council would have to decide a date for a public hearing and then authorize him to advertise that meeting.

**On Motion** by Jon Faust to have Attorney Karasek advertise the Zoning Amendment for Rear Yard for the February 16<sup>th</sup> meeting and seconded by Jeff Job. Roll call taken. Council agreed unanimously.

## **NEW BUSINESS**

1. Advertising of Meetings – Dave Hess said the meetings are traditionally the first Monday and the third Tuesday of the month. Dave read the meeting dates. Jeff Yob said he would like to change the meeting time from 7:30 pm to 7:00 pm. Alex Cortezzo III requested that we advertise for a second meeting for the summer months, July and August, on an as needed basis. Dave said the additional dates will be July 26<sup>th</sup> and August 16<sup>th</sup> and would be cancelled if not needed.

**On Motion** by Alex Cortezzo III to change the meeting time from 7:30 pm to 7:00 pm and seconded by Dave Valley. Roll call taken. Council agreed unanimously.

**On Motion** by Alex Cortezzo III to add an additional meeting for July and August and those dates will be July 26<sup>th</sup> and August 16<sup>th</sup>, but only to be held if needed and seconded by Kerry Gassler. Roll call taken. In favor: A. Cortezzo III, J. Faust, K. Gassler, D. Hess, D. Valley, and J. Yob. Not in Favor: T, Curcio. Motion carried 6 - 1.

## **OLD BUSINESS**

1. Alpha Road - Jon Faust reported that he spoke with the neighbor on Alpha Road regarding his lawn. He said that they are going to take out the tree stump and put in a driveway which is why they have not mowed that section of their lawn.

2. 61 North Lehigh Avenue – Attorney Karasek informed Council that he needs the invoices for all work that was done at 61 N. Lehigh Avenue along with the time put into this project. Rich Fox said he will submit all receipts and time to the Borough Office.

## EXECUTIVE SESSION

Council adjourned to Executive Session to discuss real estate at 8:10 p.m. Council reconvened at 8:25 p.m.

**On Motion** by Jon Faust to accept the offer from Albanese & Grimes Property LP for the sale of the vacant lot on Lehigh Avenue for \$82,800 with a down payment of \$10,000 to construct five two story townhouses on individual lots with the condition upon Albanese & Grimes getting Zoning Variance approval for the construction of that project and upon condition of sale being prepared and approved by the Borough Solicitor with keeping Lot #1 for Borough purposes and seconded by Tony Curcio. Roll call taken. Council agreed unanimously.

**On motion** by Tony Curcio to adjourn the meeting of January 4, 2016. Council agreed unanimously.

The meeting of January 4, 2016 adjourned at 8:28 p.m.

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Debra Harbison, Administrative Assistant