

**BOROUGH OF WIND GAP
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The Council meeting of the Borough of Wind Gap on Tuesday, February 16, 2016 was called to order at 7:00 p.m. by Council President, Dave Hess, at which time he reminded those present that the meeting was being recorded. In attendance were Councilmen: Alex Cortezzo III, Tony Curcio, Jon Faust, Kerry Gassler, David Valley, and Jeff Yob. Also in attendance were Mayor James Shoemaker, Borough Solicitor Ronold Karasek, Borough Engineer Brian Pysher and Borough Administrator Louise Firestone.

EXECUTIVE SESSION

Council adjourned to Executive Session at 6:15 p.m. to discuss Teamsters Contract. Council reconvened at 6:50 p.m.

On motion by Jon Faust to accept the proposal with the Teamsters for the Street Department as discussed on February 10, 2016 and seconded by Jeff Yob. Roll call taken. Motion carried unanimously.

PUBLIC COMMENT

Eily Leicht, Scout Master from the Boy Scout Troop 33 in Pen Argyl, appeared before Council to request permission to host a Boy Scout Jamboree the weekend of July 9th at the Wind Gap Park. She said the idea is for Boy Scouts to camp for the weekend and have a celebration of the anniversary of Wind Gap Borough becoming part of the Appalachian Trail Community. Eily said the Boy Scouts would like make this successful and to it turn this into an annual event. She hopes to bring in all Scouting Districts for Boy Scouts of America along with involving local people within Wind Gap and Pen Argyl. Eily said that because this is the first year it is difficult to say how many would be attending this event. When the jamboree weekend was presented to District Council for Scouts it was received very well. She said that she is still working on the food vendors. Eily said they are asking outdoor outfitters, fisherman, camping, and sport type vendors to join them. The Boy Scouts would be doing numerous demonstrations including a Dutch oven demonstration. Eily said that there are numerous bands that would like to donate their time and provide music in the band shell. The Chief of Police is aware of this event and the Slate Belt Community Partnership Manager, Sharon Davis will keep them updated. Eily asked Jon Faust if the Wind Gap Fire Company would like to use the kitchen to serve hamburgers and hotdogs. Eily asked if the Fire Department, Ambulance and Police could be represented at the park also. She attended the Park Board Meeting and they discussed the possibility of using the large parking area in the back for additional parking spaces. She said she contacted Lanta Bus Company and they are willing to donate a bus for the day that could be utilized as a shuttle from Wind Gap Middle School. She said that the Boy Scouts have a Leave No Trace program so they will clean the park before they leave. Eily asked if permits were needed for the vendors and was informed that no permits are required. She asked if our restrooms would be suitable or should she plan on renting additional porta potty facilities. Jeff Yob said the Summer Sounds have had 400 to 500 people and they did not have any problems. Dave Hess informed Eily that is she is interested in using the school parking area she should contact the School District. Eily said that they have notified the School and she is waiting for

them to get back to her. Jeff Yob asked Attorney Karasek if they should request additional insurance for the Boy Scouts. Attorney Karasek said to make sure this event is covered under our insurance as part of the park. He said to have the insurance from the Boy Scouts note that the Borough should be named as an additional insured and require the Boy Scouts to request event insurance for that day. Eily said that as previous events the Boy Scouts have provided insurance certificates so she will request a copy and have it sent to the Borough. Eily said she will keep the Borough informed throughout the next few months.

APPROVAL OF MINUTES

On motion by Tony Curcio to approve the minutes of the February 1, 2016 Council meeting and seconded by Kerry Gassler. Roll call vote taken. Motion carried unanimously.

Alex Cortezzo requested that the name of the new accountant for the Ambulance Corps is Cohen and Associates be changed in the February 1, 2016 minutes.

NEW BUSINESS

1. Ordinance 490 – Proposed Amendment to Zoning Ordinance – Attorney Karasek explained that the change to the Zoning Ordinance was proposed a few month back and was drafted for all the necessary reviews. The Zoning Amendment was reviewed by the Wind Gap Borough Planning Committee and, as required, was reviewed by the Lehigh Valley Planning Commission. Attorney Karasek said that it was also duly advertised to be discussed at this Council Meeting.

On Motion by Kerry Gassler to adopt Wind Gap Borough Ordinance 490 - Amending its existing Zoning Ordinance to add the definition of a “Duplex Structure” and to establish a “Special Rear Yard “ for a duplex located on a corner lot and seconded by Dave Valley. Roll call taken. Motion carried unanimously.

2. Kostenbader – Pipeline Petroleum Fuel Retail & Convenience Store – The Waiver requests (with conditions) which are recommended from the Wind Gap Planning Commission are as follows:

*Subdivision and Land Development Ordinance (SALDO) Waiver Request for all provisions of the Wind Gap SALDO.

*All of the proposed lots of the project are located within Plainfield Township. Only small corners of three lots (upon which are situate the McDonald’s and Arby’s Restaurants and the Bank) are located within the Borough. No development or earth-moving is proposed in those areas. No storm water issues exist in those areas.

*Finally Plainfield Township will be reviewing the project according to its ordinances.

*By a unanimous vote of 4-0 of the Wind Gap Borough Planning Commission, a waiver of Sections 104, 305 and 306 of the SALDO was recommended for approval.

On Motion by Kerry Gassler to waive Land Development and seconded by Jon Faust. Roll call taken. Motion carried unanimously.

3. Wind Gap Chevrolet Buick – The Waiver requests (with conditions) which are recommended are as follows:

*The project involves a small addition to the rear of the existing dealership building for display purposes (10’X 96’ = 9600 sf) and the enclosure of an existing roofed portico (1,500 sf) for washing and/or servicing of vehicles.

*The project will not create any new impervious areas as the additions will simply be constructed upon existing asphalt/blacktop.

*The Borough EIT suggests that a more complete site plan be filed (as requested by Section 409 of the Borough Zoning Ordinance) as there are issues that need to be addressed such as:

- There is an existing concrete underground pipe crossing over the area of the Proposed bays.
- There are some set back issues.

*By a unanimous vote of 4-0 of the Wind Gap Borough Planning Commission, a waiver of Sections 104, 305 and 306 of the SALDO was recommended for approval.

On Motion by Kerry Gassler to waive Land Development with the condition that they submit a site plan as recommended by the Engineer and seconded by Tony Curcio. Roll call taken. Motion carried unanimously.

4. Klump – Third Street Development – The Waiver requests (with conditions) which are recommended as follows:

*This is a revised Sketch Plan for a development that is north of Third Street and west of So. Washington Street comprising 0.6313 acres.

*This project is permitted use in the R-8 (Medium Density Residential) zoning District section 307 (B) (4).

*The plan still presents five (5) single-family attached dwelling- with two off-street parking spaces per home. However, the building was re-located further up on the lot (to provide area for the cul-de-sac) and the street straightening with the adjoining intersecting street.

*SALDO Section 510.B requires the construction of sidewalks. The sidewalk waiver was recommended since there is no sidewalks in this area. Forcing this Applicant to install sidewalks would require the neighbors to also install sidewalks. The Commission felt that sidewalk should be for the more dangerous main streets such as SR 512.

*SALDO Section 509.G.1 requires a 36" cartway (10' per lane with 8' width parking on both sides. The Planning commission felt that a 28" cartway would be acceptable provided that parking would be required on one side with signage installed by the Applicant.

*Regarding the cul-de-sac, SALDO Section 509D,1 recites that a cul-de-sac street must provide a paved turn around with a minimum diameter of one hundred feet (100') to be outside curb and on hundred twenty feet (120') to the street right-of-way. The proposed cul-de-sac has a seventy-five foot (75') paved diameter/radius and ½ of the cul-de-sac area will continue to be owned by the Applicant.

*Commissioner G. Hinton indicated that a fire truck was taken to test out the proposed cul-de-sac area and the smaller cul-de-sac would still be large enough to allow a fire truck to turn around. Since this would be the biggest vehicle that would access the project, Commissioner Hinton had no objection to the smaller diameter/radius.

*The Borough EIT was concerned with the no storage area of the smaller cul-de-sac; and, the Borough Solicitor was concerned with who would maintain and snow plow the cul-de-sac if ½ of it would remain in private ownership.

On Motion by Kerry Gassler to waive the Land Development with the condition of snow storage and the easement to the Borough for maintenance, repair and snow plowing as approved by the Borough Engineer Land Development and seconded by Jeff Yob. Roll call taken. Motion carried unanimously.

5. Auto Zone Land Development – The Waiver requests (with any conditions) are recommended as follows: and, the 11 separate Appendix No. 11 – application for Consideration

of a Modification form filed by the Applicant's Planning Professional, Jeff Berneburg, are herein incorporated by reference as fully as though the same were herein reiterated at length and appeared at large hereto:

*Waiver No. 1 – SALDO Section 510.A.3. The SALDO requires exterior parking area to have 5% interior landscaping. The Applicant is asking for less since the limited size of the lot prevents compliance with this section. Additional plantings have been approved at the perimeter of the lot and an existing easement (owned by the Water - ? Authority) prohibits installation of additional landscaping improvements such as trees. As a result and upon motion of D. Manzo and second by L. Paynter (and on a vote of 3-1 with Hinton as nay) the SALDO waiver was recommended for approval.

On Motion by Jeff Yob to waive SALDO Section 510.A3, Waiver No. 1 and seconded by Kerry Gassler. Roll call taken. Motion carried unanimously.

*Waiver No. 2 – SALDO Section 506.G.9. The proposed stormwater structure should be a PENNDOT approved Type M Inlet of 3' x 4' 9-3/4". The Applicant is requesting using a 2' x 2' concrete inlet instead. The request is based upon the fact that the stormwater management system is a private on-lot system that is limited by the size of the existing lot. The proposed stormwater structures will still function properly, be accessible for maintenance and connected to the proposed roof drain. As a result and upon motion of G. Hinton and second by L. Paynter (and on a vote of 4-0) the SALDO waiver was recommended for approval.

On Motion by Kerry Gassler to waive SALDO Section 506.G.9, Waiver No. 2 with the condition that this remain a private structure and they are responsible for maintenance, repair, and for clean up and seconded by Alex Cortezzo III. Roll call taken. Motion carried unanimously.

*Waiver No. 3 – SALDO Section 506.G.13. The SALDO requires that stormwater roof drain and pipes not connect directly into existing stormwater sewer system. The Applicant wants this direct connection as is of the proposed stormwater management system will function best as a closed system given the limited pervious areas. Further, the Borough Engineer recommends this waiver. As a result and upon motion of L. Paynter and second by D. Manzo (and on a vote of 4-0) the SALDO waiver was recommended for approval.

On Motion by Kerry Glasser to waive SALDO Section 506.G.13, Waiver No. 3 and seconded by Dave Valley. Roll call taken. Motion carried unanimously.

*Waiver No. 4 – SALDO Section 510.A.4. The SALDO requires that parking areas be located a minimum of 20' from any street right-of-way. The Applicant requests a waiver to allow less than 20 feet based upon the limited size of the lot and the project still provides the required number of parking spaces, internal circulation patterns and driveway location. As a result and upon motion of G. Hinton and second by W. Wallen (and on a vote of 4-0) the SALDO waiver was recommended for denial.

On Motion by Kerry Gassler to waive SALDO Section 510.A.4, Waiver No. 4 partially as per their proposal and seconded by Alex Cortezzo III. Roll call taken. In favor: K. Gassler, A. Cortezzo III, J. Yob. Opposed: J. Faust, D. Hess, D. Valley, T. Curcio. Motion did not carry 3-4.

*Waiver No. 5 – SALDO Section 305.A. The SALDO requires that there be both a preliminary plan and a final plan for development submittal. The Applicants request that it be allowed to file a simultaneous preliminary and final plan as the project has appeared before the Borough for prior zoning and planning reviews; further, it is a small project capable of being reviewed as one submission. As a result and upon motion of L. Paynter and second by D. Manzo (and on a vote of 4-0) the SALDO waiver was recommended for denial.

Dave Valley excused himself from the meeting.

On Motion by Kerry Gassler to waive SALDO Section 305.A and seconded by Tony Curcio. Roll call taken. Motion carried unanimously.

Dave Valley returned to the meeting.

*Waiver No. 6 – SALDO Section 510.A.2. The SALDO requires that there be a buffer planting shall be provided in the parking areas and the proposed planting areas must be a minimum 15' wide. The Applicant requests a waiver to allow smaller area since the limited size of the lot prevents the creation of a 15' wide buffer area and sight line would be restricted. Further, the Borough Engineer recommends this waiver request. As a result and upon motion of W. Wallen and second by L. Paynter (and on a vote of 4-0) the SALDO waiver was recommended for approval.

On Motion by Jeff Yob to waive SALDO Section 510.A.2 and seconded by Kerry Gassler. Roll call taken. Motion carried unanimously.

*Waiver No. 7 – SALDO Section 510.A.5. The SALDO requires horizontal curbs in the parking area to be a 5' radius. The Applicant is requesting a smaller size radius based upon the limited size of the lot, the project still provides the required number of parking spaces, driveway width and internal circulation pattern. Further, given the traffic flow is one way where the curbing radius is less than 5', adequate room for maneuvering still exists. As a result and upon motion of L. Paynter and second by W. Wallen (and a vote of 4-9) the SALDO waiver was recommended for approval.

On Motion by Kerry Gassler to waive SALDO Section 510.A.5 and seconded by Alex Cortezzo III. Roll call taken. Motion carried unanimously.

*Waiver No. 8 – SALDO Section 514.C. The SALDO requires that planting strips at side and rear yard property lines and street right-of-way be a minimum of 10' wide. The Applicant is requesting a waiver to allow planting strips of less than 10' based upon the limited size of the lot, the project still provides the provided number of parking spaces, driveway width and internal circulation pattern. Further, landscaping has been provided to the fullest extent possible. As a result and upon motion of D. Manzo and second by W. Wallen (and on a vote of 4-0) the SALDO waiver was recommended for approval.

On Motion by Kerry Gassler to waive SALDO Section 514.C and seconded by Tony Curcio. Roll call taken. Motion carried unanimously.

*Waiver No. 9 - SALDO Section 514.D.1.a. The SALDO requires screening on the south property line since it abuts an existing residential use. The Applicant is requesting a complete waiver since the residential property located to the south of the project has been acquired by the Applicant and that existing residence is to be demolished. Further and at the time of the

meeting, the Applicant stated another reason for requesting the waiver based upon the location of the electric lines and the stormwater piping for the roof drains. As a result and upon motion of G, Hinton and second by L. Paynter (and on a vote of 4-0) the SALDO waiver was recommended for denial.

On Motion by Kerry Gassler to waive SALDO Section 514.D.1.a on condition that the current dwelling be demolished and seconded by Alex Cortezzo !!! Roll call taken. Motion carried unanimously.

*Waiver No. 10 – SALDO Section 514.E04. The SALDO requires 10% landscaped area within the proposed parking lot. The Applicant is requesting this area to be provide at the perimeter of the property. The limited size of the lot prevents strict compliance with this section, the Applicant will still be able to provide the required parking spaces, internal traffic circulation and driveway location, the 20' water easement stated in SALDO Waiver No. 1 prevents placement of additional landscaping and planting areas are included in the plan. As a result and upon motion of D. Manzo and second by L. Paynter (and on a vote of 4-0) the SALDO waiver was recommended for approval.

On Motion by Kerry Gassler to waive SALDO Section 514.E04 and seconded by Toni Curcio. Roll call taken. Motion carried unanimously.

*Waiver No. 11 – SALDO Section 514.F. The SALDO requires that loading and delivery areas be screened from public view. The Applicant is requesting a complete waiver to locate these areas in a location that would be already screened from residential district, public streets, parking areas and walkways. The Applicant submits that since the property is a corner lot, the loading and delivery areas can be located directly adjacent to the existing alley which will also provide access for the delivery trucks. Therefore, it is impossible to provide screening in strict compliance with the ordinance. As a result and upon motion of L. Paynter and second by D. Manzo (and on a vote of 4-0) the SALDO waiver was recommended for approval.

On Motion by Kerry Gassler to waive SALDO Section 514.F and seconded by Tony Curcio. Roll call taken. Motion carried unanimously.

OLD BUSINESS

1. Bus Shelters – Louise reported that Lower Macungie Township was contacted and they expressed an interest in the bus shelters. Lower Macungie Township will be in touch once they meet with the other municipalities.
2. GIS – Nothing to report.
3. Proceeds from Sale of Ambulance Building – Dave Hess said that Council should have copies of the information that Louise received from the bank regarding the proceeds from the Ambulance Building. Dave said he met with Louise to discuss this information and he is in agreement to keep cash in the bank instead of paying down the mortgage. Dave said the full amount is in the Money Market but it is itemized, not in a general account. Louise will contact the bank to inquire if there are investment options with a better interest rate.

On motion by Jeff Yob to make the proceeds from the sale of the Ambulance Building restricted and seconded by Alex Cortezzo III. Roll call taken. Motion carried unanimously.

4. Alternate Engineer – Re-appointment - Ott Consulting, Principle Engineer \$92.00 per hour and Project Engineer \$88.00 per hour.

On Motion by Tony Curio to re-appoint Ott Consulting as Alternate Engineer and seconded by Kerry Glasser. Roll call taken. Motion carried unanimously.

5. Facebook – Dave reported that the Borough's Facebook page has been activated. Please like and share so Wind Gap can get the word out regarding Borough related news.

6. Northampton County Gaming Grant – Dave said it will soon be opened for applications. He said we discussed what we would like to apply for and he thinks the re-facing, upgrading, remodeling the front of the building would be appropriate. He said it was discussed in the past and Kerry and Brian were involved. Dave asked Kerry and Brian if they could get some pricing and specs for this project. Brian said we have to make decisions as to what we want to do and what type of material we would like to use. He also recommends that we also replace the windows.

COMMITTEE REPORTS

1. EMS – Nothing to report.

2. Fire Company – Jon Faust stated that they had 15 calls for the month, 15 for the year.

3. Regional Police – The Mayor reported that the Slate Belt Regional Police Department responded to a total of 448 calls, Pen Argyl 170, Plainfield 155, Wind Gap 123 calls. He said that approximately \$20,000 remains from the Gaming Grant that was used for building renovations in Plainfield. He said that Chief Mettin and Plainfield Township Manager Tom Petrucci will contact the Gaming Commission to determine how the funds can be used for other projects. The Mayor said the Community Investment Partnership Grant has been secured for \$6,000.00, by Plainfield Township, to put up signage at their Municipal Building for the Police Department and Township Municipal Offices. The Mayor reported that Mr. Sabatine requested that the Commissioners investigate funding ideas to secure money for the Traffic Control Speed Board. Dave Hess added that the Regional Police Commission passed a Resolution for a policy for transport. He said Northampton County has a new central booking center which will make booking quicker.

4. Emergency Management – Jeff Yob said we need to update our Ordinance to reflect new members of Council with their contact information.

5. Zoning – Tony Curcio stated that a Zoning meeting has been scheduled for March 2nd at 7:00 with Albanese and Grimes to discuss their variance request for Lehigh Avenue. Brian Pyscher said he has been in contact with NuCor regarding this project.

6. Planning – Kerry Glasser reported that all the applicants from the past Planning meeting were in attendance here this evening. Brian Pyscher said that we will have regular meeting now that Tyrone Klump has the waivers he was requesting. Brian said the meeting dates will depend on when they get their plans together. Brian said he will follow up with Auto Zone to see what their intentions are after tonight's meeting.

7. Municipal Authority – Jeff Yob reported that the Authority has a meeting scheduled for next week. He said that at the prior meeting there was an issue and discussion about cause for the Borough to pay a tapping fee in regards to the sale of the Ambulance Building. The Authority concluded that they felt it would not be required but the issue was not voted on. Jeff said it will be coming up at the next meeting for formal action. He said they were looking to waive any fees to the Borough and only hold the Fairchilds to any future development and requirement going forward. Attorney Karasek said that the Borough will pay if required for the tapping fee, feasibility study, and any initial fees. He said the change in use of the building or the installation of a grease trap is Mr. Fairchild's responsibility. He said Mr. Fairchild will have to submit the proper required applications.

8. Streets – Dave Hess reported that during the storm in January, Street Leader, Rich Fox was in and out constantly. Dave stated that on Sunday, Rich was called in to work three different times and we cannot have everyone calling Rich. Dave said complaints should be forwarded to Rich if he is working, if not and it is after hours, the complaints need to go to the Committee so someone can go see if it is legitimate complaint that requires immediate attention. Dave said if the person thinks it is an emergency they should call the Police. The Borough has to pay Rich every time he is called out and we cannot have him run out every time someone says it is an emergency because it might not be something that needs to be addressed immediately. Jon Faust said he wants to thank Rich for all the numerous hours that he spent on the storm. Jon said it is greatly appreciated and the Street Department did an awesome job. Dave said we should appoint a part time street worker and officially hire Allen Predmore. Jon said he would like a list of more people.

On Motion by Jon Faust to put Allen Predmore on our part time list with the pay rate of \$15.00 an hour for a maximum of 80 hours a month and seconded by Jeff Yob. Roll call taken. Motion carried unanimously.

9. Parks – Dave Valley said that at the Park Board meeting there was a question regarding transfer of funds from 2015 into the Park Budget for 2016. He said he spoke with Louise and that there were no funds to transfer. Dave questioned Brian about the outlets for the Park. Brian said they are going to talk about incorporating the proposed lighting and the cameras to the Park Master Plan. Brian said he will meet with Louise on this project. Dave said that the park cleanup was discussed and they discussed the lack of volunteers and the possibility of having professionals do the main area. Dave said the Park Board wants to look over the Park Ordinance. Dave said that Matt Dietz spoke with Cathie Yob regarding a grant for park equipment and updates. Cathie requested that we collect the security deposit for use of the park kitchen from everyone that uses it and update the Ordinance to reflect this. Louise said the Ordinance in effect includes collecting a security deposit from any organization that rents the kitchen. Since there have been issues with the cleanliness of the kitchen, we will enforce if going forward.

10. Tipping Fees - Tony Curcio reported that we received a check from Waste Management for \$71,666.97. He completed his report and had previously distributed to Council.

11. COG – The Mayor reported that he and Dave Valley attended the meeting. The next COG meeting is scheduled for Wednesday, February 24th at the COG office at 7:00 p.m. He said that at the last meeting the COG discussed hiring a new Director. He said they hired a former Wind Gap Council President and Northampton Councilman, Scott Parsons.

12. Slate Belt Community Partnership – Mayor Shoemaker attended the meeting when they discussed the Boy Scout Jamboree for July 8th, 9th, and 10th at the Wind Gap Park. He said they are looking into cost estimate to purchase downtown maps and business lists. He said that the maps for Wind Gap would be from 6th Street to Wood Street.

13. Technology – Dave said he and the Committee met with Jim Albanese. He said the Committee thinks this should be done in phases. Dave said the first phase would be to equip the office staff with laptops and to finish the Conference Room as originally planned. The committee will meet with Brian to see what wiring is needed to have a television mounted on the wall and a computer in the room to feed it along with laptops for Louise and Deb. He said phase two would be to purchase each Councilman with a device. Brian said to inform him of the next meeting so he can attend.

On motion by Tony Curcio to adjourn the meeting of February 16, 2016. Council agreed unanimously.

The meeting of February 16, 2016 adjourned at 9:05 p.m.

Louise Firestone - Borough Administrator