

**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 Monday, February 1, 2016, was called to order at 7:00 p.m. by Dave Hess, at which time he reminded those present that the meeting was being recorded. In attendance were Councilmen: Jon Faust, David Valley, Alex Cortezzo III, Tony Curcio, and Jeff Yob. Also in attendance were Mayor Shoemaker, Borough Solicitor Ronold Karasek, Borough Engineer Brian Pysker, and Borough Administrator Louise Firestone. Councilman Kerry Gassler came late to the meeting.

**PUBLIC COMMENT**

No one appeared before Council at this time.

**APPROVAL OF EXPENSES**

**On motion** by Tony Curcio to approve the expenses for the month of January in the amount of \$43,368.36 and seconded by Dave Valley. Roll call vote taken. Council agreed unanimously.

**Approval of Minutes**

**On motion** by Tony Curcio to approve the minutes of January 19, 2016 and seconded by Jon Faust. Roll call vote taken. Council agreed unanimously.

Jeff Yob would like included in the minutes that he would like the Fire Department to visit with the Park Board to make them aware of their intent for the picnic, specifically for the sale of alcohol.

**SOLICITOR'S REPORT**

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

**Subdivision Matters:** N/A.

**Land Development Matters:** Receipt, Review and Administration of Revised Sketch Plan (T. Klump – West Third Street). Receipt, Review and Administration of Auto Zone L.D. Plan – South Broadway and Male Road. Receipt, Review and Administration of Wind Gap Chevrolet L.D. Plan – South Broadway. These plans will be reviewed in detail prior to Wind Gap Borough Planning Commission meeting of February 4, 2016.

**Zoning and Other Land Use Matters:** All work up to and including Attendance at Real Estate Closing including Preparation of Deed, Escrow Agreement, Release of Mortgage, PA DEP Closure Correspondence, Settlement Sheet and Related Documents along with trips to Banks for Down Payment Check and Mortgage Release, re: Wind Gap to Fairchild Conveyance.

Preparation of Advertising Notices (2) with e-mail transmissions to Express-Times and Enclosure Correspondence to Northampton County Law Library with Attested Copy of Ordinance re: Zoning Amendment – Duplex on Corner Lot.

Preparation of Agreement to Sell Real Estate and Enclosure Correspondence to Buyer re: Borough of Wind Gap to Albanese & Grimes Conveyance (Vacant Lot on Lehigh Avenue).

Review of Comprehensive Correspondence and Cooperative Memorandum of Agreement – SR 512 Multi-Jurisdictional Signal System.

Telephone Conference and/or e-mail to Potential Buyer re: Borough's Rejection of Purchase Offer of Lehigh Avenue (Vacant Lot).

Telephone Conference and/or e-mail to Potential Buyer re: Borough's Rejection of Purchase Offer of 111 North Broadway (Firehouse Property).

**Developments on Outstanding Litigation:** Receipt, Review and Administration of fully executed Joint Praecipe to Discontinue Lawsuit with Prejudice re: Dalmatian Fire Equipment, Inc. vs. Wind Gap Fire Company Lawsuit.

**Court Decisions on Borough Cases:** N/A.

**Miscellaneous:**

Legal Research on PA Realty Transfer Tax re: Wind Gap to Fairchild Conveyance.

Receipt, Review and Administration of Documents and Telephone Conference with PSAB Representative re: Sale of Bus Shelters to Other Municipalities.

Receipt, Review and Administration of Animal Control Officer and Resolution.

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.

Attorney Karasek said Council should be aware that the closing for the Ambulance property took place in January. He said he put \$5500 into an escrow account for the disputed sewer charges.

Attorney Karasek said that an agreement was presented for signature to Mr. Hess for the approval of Council regarding the sale of the Borough lot on Lehigh Avenue to Albanese & Grimes, LLC. He said there is a condition on this sale, that the buyer is able to secure a variance from the Zoning Hearing Board regarding construction for multiple housing on the lot.

Attorney Karasek said that he went over the Ordinance for the Animal Control Officer and it is up to the discretion of Council as to how they want to handle this matter.

Attorney Karasek said that there is a Planning Meeting scheduled for February 4<sup>th</sup> to discuss Auto Zone's updated and revised land development plan, Tyrone Klump's revised plan for 3<sup>rd</sup> Street and Washington, and Wind Gap Chevrolet's land development plan.

**Engineer Report**

Brian Pysher stated that the ARLE Grant and the multijurisdictional agreement, with Plainfield Township, should be discussed as soon as possible. Attorney Karasek said he will review the PennDOT agreement that requires Wind Gap Borough and Plainfield Township to sign since the signalization is in both municipalities. This inter-municipal agreement between Plainfield Township and Wind Gap Borough requires enactment of an Ordinance and whenever an Ordinance is written proper advertising is required and the process all takes time. Attorney Karasek said most of maintenance and use of this agreement falls on Wind Gap Borough. He said the Borough is responsible since all but one of the lights are located in the Borough. Brian said the light at Moorestown Road and Sullivan Trail is in Plainfield. Jeff Yob questioned if the new ramp was

included, to which Brian responded that it is not, it starts at the light on Sullivan Trail. Attorney Karasek wants Council to be aware that they are responsible for this and he would like to review the agreement before signing. Brian said that the agreement will have to be altered since Wind Gap was initially going to house the computer, but it will now be put at the Police Station. He will meet with Chief Mettin on this matter. Brian is not sure how this will effect this agreement. Brian said he will talk to Traffic Planning and Design to reflect that the system will be housed at the Slate Belt Police Department.

Brian reported that he would like to meet with the Council Street Committee and Rich Fox to do an evaluation of what roads need work. Brian stated that the Borough completed road work on Jefferson Street and the work done has eliminated any prior water issues. Brian said that the Borough Road Crew has the capability of doing storm sewer and similar projects and we should explore other similar projects that can be done in-house. There are several other streets that have water and ice issues and those streets might be on the top of the list to repair.

Brian said that there is a Planning Meetings set up for the 4<sup>th</sup> of February. He said Auto Zone obtained all their required variances and have submitted their revised plan, there are 11 waivers that they are requesting. Brian said he will obtain additional copies of the plans for Council to review prior to Auto Zone coming before them. He said Brown Daub wants to put an addition in the back and close in the open air carport. He said that based on the definition, Land Development is required for this plan. Brian said they came before Council and it was recommended for them to go before Planning regarding a waiver for land development. Tyrone Klump came before Council to discuss his plans for 3<sup>rd</sup> and Washington. Brian said he and Robert Collura met with Mr. Klump regarding issues with storm water and he was advised to go before the Planning Commission for recommendations.

Brian said that Pete Albanese submitted his application for a variance in conjunction with the property on Lehigh Avenue. Brian said Mr. Albanese will need several variances to be granted from the Zoning Hearing Board for his proposed plan. The Zoning Hearing Board will meet on March 2<sup>nd</sup> at 7:00 pm.

## **NEW BUSINESS**

1. **Resolution 2016-01** – Attorney Karasek explained that a resolution has to be approved for the sale of the Wind Gap Ambulance property to Mr. Fairchild. The Borough Code requires that if a municipality will be selling property it has to be by resolution. He said that back in 2013 he did a precautionary resolution all our properties by bid or auction. Attorney Karasek said that the sale to Mr. Fairchild was by private sale so he revised the resolution and he is also preparing another resolution for the pending sale of Lehigh Avenue with Mr. Albanese.

**On motion** by Jon Faust to adopt Resolution 2016-01 and seconded by Dave Valley. Roll call vote taken. Council agreed unanimously.

2. **Sale of Ambulance Building** – Dave Hess reported that Council needs to explore where the money from the sale of the Ambulance building should be put. Louise said that the money is currently in the interest bearing Money Market but it is the decision of Council as to what to do with it. Louise said that as far as paying down the principle of the mortgage, she can meet with the bank and see what kind of numbers they come up with regarding our monthly payments. Joh Faust said that when originally discussed it, it was better to keep it in the account because it would make more money than it would if the loan was paid off. Louise said she will meet with the bank and let Council know our options. Dave Valley said it was promised to pay the mortgage down and he would not want it to go

elsewhere. Dave Hess said that Louise will come back with additional information and numbers that will be discussed at a Council meeting.

3. **Letter from Pen Argyl Area School District.** – Mayor Shoemaker said he received a letter from the School District thanking Wind Gap Borough for our efforts in clearing the roads after the recent monumental snowstorm. Due to our efforts the Pen Argyl Area School District only had to close for one day.

4. **Facebook Page** – Dave Hess said he met with Deb and they are working on a Facebook page for Wind Gap. He said we will post snow emergencies, change in garbage pickup, etc. Dave said that Pen Argyl and the Slate Belt Police Department are using a Facebook page and it is working well.

## **OLD BUSINESS**

1. GIS – Debra Harbison said she should receive an estimate for the Zoning portion of GIS. She said that she should have more information for the mid-month meeting.

2. Park Master Plan – Dave Hess said that the Master Plan is moving ahead and if necessary, the Borough could contact Joe Weaver to see if he will stay active with this project. Louise reported that the consultant anticipates that the design should be completed in May and once a preliminary plan is presented a public meeting will be scheduled for additional public input. She said that they are hoping to do an on line survey that will include the Pen Argyl School District.

*Council Kerry Gassler arrived at 7:25 p.m.*

3. Ambulance – Joe DePue came before Council to give an update on the Ambulance Corp. He said they reinstated the incentive program and Brian Cole has taken over some of Beverly's responsibilities, at no charge. Joe also said that they have a new accountant, Colin and Son from Easton at no charge, and their call volume is up. He said they have at least three new members signing up to join the Corps each month. He said they signed on with Cornerstone for billing beginning February 1<sup>st</sup>. Joe said they have not asked for any further assistance from Council. He said they are striving ahead. He asked for a copy of the letter from the Borough Auditor. Joe said they are doing everything possible to survive and get better. Joe said that as far as members of Council attending their meetings, only members can come to the meetings. Joe said that in the new by-laws if the Ambulance Corps does not survive and they merge with another company everything they own will go back to the Borough. Joe said they put computer tablets in each Ambulance and they are updating what they can. Joe said they have to prove for the next six months that they have the potential to survive.

4. Animal Control Officer – Dave Hess said he had a meeting with Chief Mettin and the Chief feels the municipalities do need an Animal Control Officer and his recommendation is to go through the COG. Dave said the COG has advertised for the Animal Control Officer. Dave Valley said they have a girl that works as the Animal Control Officer in Pen Argyl and she can work all three Boroughs. Attorney Karasek said Council asked him to look at the Ordinance for ACO he said that there is nothing in the Ordinance stating that we rehire or hire anyone therefore; Council is free to do what they think is best. Dave Hess said we are members of the COG so we could express our interest.

**On motion** by Tony Curcio to inform COG that we are interested in participating with the Animal Control Officer and seconded by Dave Valley. Roll call vote taken. Council agreed unanimously.

**On motion** by Tony Curcio to adjourn the meeting of February 1, 2016. Council agreed unanimously.

The meeting of February 1, 2016 adjourned at 7:46 p.m.

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Louise Firestone, Borough Administrator