

**BOROUGH OF WIND GAP  
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The Council meeting of the Borough of Wind Gap on Monday, March 7, 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 Kerry Gassler. Also in attendance were Mayor Shoemaker, Borough Solicitor Ronold Karasek, and Borough Administrator Louise Firestone. Absent was Councilman Jeff Yob. Absent was Borough Engineer Brian Pysher.

**PUBLIC COMMENT**

1. Wind Gap Fire Company – George Hinton said six weeks ago, he and Randy George approached Council regarding the building of a new Fire Company Social Hall. Council had questions about the size and cost of a new building. The Fire Company anticipates that the building would be 6,500 square feet with an estimate cost per square foot of \$150 to \$200, pricing that George and Brian worked on. George said that based on the estimated square footage and the cost per square foot, he met with the bank regarding a mortgage loan for the Fire Company. He said that the Borough could take out a loan for the Fire Company with a lower interest rate. If the Street Department, depending on their availability, were to help with the excavating it would help control some of the cost. Joe DePue added that years ago the current Fire Company Building was paid for by the Fire Company and then it was turned over to the Borough. He said they would like to build the new social hall on Borough property and the Fire Company will help out financially. They are aware that the old fire hall costs a lot of money to keep running, but without a hall and if they lose the auxiliary they will be in trouble. Joe said they are trying to do something before it gets too late. Joe said that before Brian spends money and time on this, the Fire Company would like to know if Council is on board with building a new social hall. Dave Valley asked where the Fire Company would get the revenue to make the mortgage payment. George said that Bingo is the main fundraiser, but with a better facility they could host other fundraisers and possibly generate more revenue. George said that Bingo currently brings in more than \$4,000 a month. Dave Hess said that now that they have the numbers Council will take a look at it and it will be discussed at the next meeting. George said that the Auxiliary has been putting money away for the kitchen. Attorney Karasak said that Louise could check with the Borough Accountant to see if they could take out a loan for the Fire Department.

George said that as a member of the Wind Gap Planning Board, he wanted to know why some waivers that the developers for Auto Zone were looking for were denied by the Planning Board, but Borough Council granted approving the waivers. He asked if this is going to be standard practice to overturn the decisions of the Planning Board. Kerry said that the new SALDO is so difficult and stringent that you have to ask for waivers to build anything in the Borough.

2. Ryan and Danielle Seiple, 269 Delaware Avenue, Wind Gap approached Council regarding Longcore Road. Ryan said that he and his wife walk their dog and jog along Longcore Road and they have picked up garbage in the past and would like to continue. Ryan and Danielle showed Council pictures of signs that could be used for Adopt a Highway/Road and they offered to adopt Longcore. Danielle said they would like to give back to the community and they hope to get people involved with the Adopt a Road program. Danielle said that with the program individuals or groups are encouraged to take part in cleaning up a specific road. She said that two clean ups per year could be scheduled;

one in spring and one in fall. Danielle said that if we had a Beautification Committee she would help run it. She said she would like to focus on the entranceways in to Wind Gap from the highways.

Ryan stated that he would like to put a 6 foot high privacy fence on his property so the dog does not jump over the fence. As the Zoning Ordinance currently is written, a 6 foot high fence off the front of the house is not permitted. Attorney Karasek outlined the procedure for requesting a variance through the Zoning Hearing Board. Attorney Karasek explained that Borough Council has the authority to request an amendment be made to the Zoning Ordinance, but it still requires procedures that must be followed and could potentially take up to three/four months.

## **APPROVAL OF EXPENSES**

**On motion** by Jon Faust to approve the expenses for the month of February in the amount of \$23,722.23 and seconded by Tony Curcio. Roll call vote taken. Council agreed unanimously.

## **Approval of Minutes**

**On motion** by Kerry Gassler to approve the minutes of February 16, 2016 and seconded by Tony Curcio. 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 February 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 Request by Realtor for Official Action Correspondence and Related Documents and Response to Request re Status of Muschlitz – Water's Edge at Wind Gap, LLC L.D. Plan. – Preparation of Recommendation for and Official Action form on Grant of SALDO Waivers re T. Klump Sketch Plan. – Preparation of Recommendation for and Official Action form on grant of SALDO Waivers re Kostenbader-Pipeline Petroleum Fuel Retail and Convenience Store Sketch Plan. – Preparation of Recommendation for and Official Action Form on Grant of SALDO Waivers re Wind Gap Chevrolet L.D. Plan for Addition. – Preparation of Recommendation for and Official Action form on Grant of SALDO Waivers re Auto Zone L.D. Plan.

**Zoning and Other Land Use Matters:** Receipt, Review and Administration of fully executed Agreement of Saale and Preparation of Borough Resolution Confirming Sale to Albanese & Grimes Properties, LP (as Buyer) of Vacant Lot on Lehigh Avenue.

Correspondence to Buyers' Attorney re Rejection of Xiradakis Offer to Purchase Firehouse Office.

Conference with Borough Zoning Officer, Other Borough Officials and Telephone Conferences with Fairchilds' Attorney with Comprehensive Correspondence to that attorney re Outstanding Wind Gap Municipal Sewer Authority issues in the Borough of Wind Gap to Fairchilds Conveyance for 435 North Broadway.

Receipt, Review and Administration of fully executed Release of Merchants Bank Mortgage against 435 North Broadway in the Borough of Wind Gap to Fairchilds Conveyance.

Receipt, Review and Administration of signed Borough Ordinance No. 2016-01 Confirming Conveyance to Fairchilds of 435 North Broadway.

Review of Proposed Borough Ordinance No. 490 (and related adoption documents) for Official Action on Proposed Zoning Amendment re "Duplex Structure" and "Special Rear Yard".

**Developments on Outstanding Litigation:** Preparation of Municipal Claim for Abatement of Nuisance re Estate of Sandra Davey, deceased.

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

**Miscellaneous:**

Preparation of Planning Commission Meeting Minutes of February 4, 2016 (Four Plans Comprising six pages of Minutes).

Open Escrow Account at Bank for Fairchild Down Deposit re Purchase of 435 North Broadway.

Receipt, Review and Administration of Multi-Jurisdictional Signal System Agreement.

Receipt, Review and Administration of e-mail transmissions from Slate Belt Regional Police Force Solicitor (Attorney S. Goudsouzian) re Appointment of Municipal Representative to Regional Police Force Commission.

Receipt, Review and Administration of Borough's Ordinance No. 474 and /or Resolution No. 2011-01 on Animal Control Officer.

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?) – no action taken.

Attorney Karasek said Council should be aware that the closing for the Ambulance property took place in January. He said that \$5,500 from the proceeds from the sale of the building was put 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 March 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.

Attorney Karasek said that he believed that the Borough was set to close on the sale of the property with Albanese and Grimes. The developer went through the Zoning Hearing Board process and they just received their zoning variance. Attorney Karasek said the sub division plan was not previously filed by the Borough, therefore he will talk to Brian Pyscher regarding getting this done.

Attorney Karasek said he filed a lien, at the courthouse, regarding the work that the Borough completed cleaning up the yard at 61 N. Lehigh Avenue.

Attorney Karasek said he will not be in attendance for the March 22<sup>nd</sup> meeting as he has a prior municipal meeting commitment.

## Engineer Report

Brian Pysher was absent.

## NEW BUSINESS

1. Resolution 2016-02 – Animal Control Officer Contribution

**On motion** by Alex Cortezzo III to adopt Resolution 2016-02 authorizing the Borough to send a check in the amount 25% (\$340) to the Slate Belt Council of Governments for expenses related to a Regional Animal Control Officer and seconded by Dave Valley. Roll call vote taken. Council agreed unanimously.

2. Wind Gap Real Property Acquisition Corp.

Attorney Karasek explained that Wind Gap Real Property Acquisition Corps that this is the routine real estate tax assessment appeal that the Borough has done in the past. Attorney Karasek said Wind Gap Real Property Acquisition Corps wanted to change their tax assessment for a two acre piece of land by the railroad tracks, East side of North Broadway. Northampton County heard the appeal and their decision was there will be no reduction assessment change for this property.

**On motion** by Kerry Gassler to allow Attorney Karasek to sign the stipulation on behalf of the Borough and seconded by Tony Curcio. Roll call vote taken. Council agreed unanimously.

## OLD BUSINESS

Nothing to Report

## QUESTIONS & COMMENTS

1. Pat Sutter asked Council if the Animal Control Officer is going to handle dogs and cats, Dave Hess said only dogs at this time.

**On motion** by Tony Curcio to adjourn the meeting of March 7, 2016. Council agreed unanimously.

The meeting of March 7, 2016 adjourned at 7:58 p.m.

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Louise Firestone, Borough Administrator