

**BOROUGH OF WIND GAP
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The Council meeting of the Borough of Wind Gap on Monday, April 4, 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: Jon Faust, Alex Cortezzo III, Tony Curcio, and Jeff Yob. Also in attendance were Mayor Shoemaker, Borough Solicitor Ronold Karasek, Borough Engineer Brian Pysher and Borough Administrator Louise Firestone. Absent were Councilmen Kerry Gassler and David Valley.

PUBLIC COMMENT

1. Blue Mountain Service In-town Storage - Leroy Amy spoke to Council regarding storm drain issues on Lehigh Avenue. He said there is an impact on his property along with his neighbors. Leroy said it is affecting his rental storage units and he would like to meet with a Borough Official and the Borough Engineer to discuss a possible solution. Brian Pysher said that the Borough has not done any work in that area for years. Jon Faust offered the idea that the land development disturbance by Muschlitz off of Lehigh and West streets could be causing the water issues. Brian said that with Council's approval he would meet with Leroy to discuss the water problem off of Lehigh Avenue. Leroy also said that there is a problem with parking by Taste of Nature and requested that Council make that portion of Broadway no parking. Brian explained that Broadway is a PennDOT road, but he will look at the parking on concern later this week.

2. Property Maintenance - Bob Matlock of Alpha Avenue spoke to Council regarding property maintenance because he would like Council to consider adopting a property maintenance agreement. He said that in the past Council spent money on a Beautification Program to make things nicer, neater, and cleaner throughout the Borough. He said that he notices cars parked on sidewalks, garbage and garbage cans being left in front of houses at all times. Bob said that there are all kinds of things being left on property that takes away from the beauty of the town.

Brian replied that he has to get together with Attorney Karasek and go to the Magistrate and sort out how to proceed with citations and to determine how to fill them out properly. He said we do have a property maintenance code where he can and has issued enforcement notices but unfortunately they do not respond to them. Brian said he would like to ask, on behalf of Council, to give him some more time and let him talk to Attorney Karasek to see if they can issue citations that will rectify this situation.

3. Zoning - Bob questioned why people are going to Council to ask for relief of certain items prior to going to the Zoning Hearing Board. Brian said the Council has not made any decisions regarding Zoning. He said that Council has only acted on Planning Recommendations and waiver requests for the sub-development land development ordinance.

Maryann Getz of Fairview spoke to Council regarding the garbage and 4 wheelers being driven all hours of the night. She said she would appreciate if something can be done. Brian said that they can fill out a complaint form and if they are in violation he will send out an enforcement notice and/or a citation.

4. Patricia Sutter, 413 South Broadway. Pat spoke with Council requesting to have a sign placed on the corner of Alpha Road and West Street to indicate that the Borough Office is located on East West Street.

APPROVAL OF EXPENSES

On motion by Tony Curcio to approve the expenses for the month of March in the amount of \$140,848.20 and seconded by Jon Faust. Roll call vote taken. Council agreed unanimously.

APPROVAL OF MINUTES

On motion by Tony Curcio to approve the minutes of March 22, 2016 and seconded by Jon Faust. Roll call vote taken. In favor: T. Curcio, J. Faust, D. Hess, J. Yob. Abstained: Alex Cortezzo. Motion carried 4 – 0 – 1.

SOLICITOR'S REPORT

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

Subdivision Matters:

Preparation of SALDO Recommendation and Official Action Form and forwarding form to Applicant's Planning Professional re: Kostenbader and Pipeline Petroleum Major Subdivision.

Land Development Matters:

Preparation of SALDO Recommendation and Official Action Form, forwarding form to Applicant's Planning Professional and Receipt of signed form re: T. Klump Sketch Plan.

Preparation of SALDO Recommendation and Official Action Form, forwarding form to Applicant's Planning Professional and Receipt of signed form re: Wind Gap Chevrolet L.D. Plan.

Preparation of SALDO Recommendation and Official Action Form, Preparation of Extension of Time Form, forwarding form to Applicant's Planning Professional and Receipt of signed form re: Auto Zone L.D. Plan.

Zoning and Other Land Use Matters:

Several Telephone Conferences, e-mails with Borough Officials and Borough EIT and Receipt, Review and Administration of Feasibility Review Agreement and Status Enclosure Correspondence to Wind Gap Municipal Authority and Buyers' Attorney (with Escrow Payment) re: Wind Gap to Fairchild Conveyance – 435 North Broadway.

Several Telephone Conferences, e-mails, with Borough Officials and Borough EIT and Receipt, Review and Administration of Correspondence concerning need for new Subdivision and Land Development Plan and Preparation of Addendum to Agreement of Sale re: Wind Gap Borough to Albanese & Grimes Properties, LP Conveyance – Vacant Lot on Lehigh Avenue.

Enclosure Correspondence to Lehigh Valley Planning Commission with Attested Copy of Borough Ordinance 490 – Duplex Structure and Special Rear Yard.

Developments on Outstanding Litigation:

File Municipal Claim for Abatement for Nuisance outlining Borough's Fees/Costs and Comprehensive Enclosure Correspondence to Decedent's Children and Decedent's Mortgagees re: Estate of Sandra F. Davey, deceased.

Court Decisions on Borough Cases: N/A.

Miscellaneous:

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.

ENGINEER'S REPORT

Brian Pyscher reported that he did not receive the revised plans from Auto Zone. Attorney Karasek stated that Council might have to deny the plan if revised plans are not submitted. He will provide Council with correspondence indicating which sections of the Borough SALDO that have not been met or waived.

Cost Estimate to Abandon Monitoring Wells at the Former Oaten's Garage at 435 North

Broadway – Brian reported that he received correspondence from MEA Environmental Services. A Site Characterization Report/Remedial Action Completion Report was approved by the PADEP in January 2016. As per PADEP specifications, the existing monitoring well network on the property should be properly abandoned. Monitoring well manholes will be removed and the slotted screens will be filled with hydrated bentonite and topped with concrete. Former well locations will be finished to grade with a similar surrounding material. Monitoring Well Abandonment subtotal is \$1,480, Monitoring Well Abandonment Reports subtotal is \$460 for a Total Estimated Amount of \$1,940.

On motion by Jeff Yob to allow MEA to do the work at 435 North Broadway at the request of PADEP contingent upon written agreement with the current property owner (Ken Fairchild) based upon the Total Cost Estimate of \$1,940 and seconded by Jon Faust. Roll call vote taken. Council agreed unanimously.

ARLE Grant- Brian reported there is a multijurisdictional agreement that we have to co-sign with Plainfield Township for the ARLE Grant because some of the signals are in their jurisdiction. Brian said he forwarded the agreement to Tom Petrucci, Plainfield Township Manager, today and he responded back with some concerns. Brian said he will get in touch with Tom Hoffman, our Design Engineer, regarding their questions. Brian said that we should move this to the next workshop meeting. Attorney Karasek said that if the agreement is similar to the one that was prepared earlier, he has reviewed it in great detail. He wants the Borough to know that they will be responsible for maintenance and repair even if the lights are not in our jurisdiction. Brian said he will clarify to make sure we are responsible only for what we should be. Brian said that the computer will be housed at the Slate Belt Regional Police Department.

NEW BUSINESS

1. **Third Street** - Brian said the Borough always has material that we need to dispose of and we have disposed of it on Third Street. Brian said there was an issue a few years ago when the Sewer Authority did a project in the Borough and when their contractor was dumping material on the site, they encroached on wetlands. He said that DEP and the Army Corps of Engineers came out and replicated the field and restored it back to original state. Brian said we installed a silt fence and prepared an E&S plan. Brian said Rich Fox has expressed concern because the Street Department has generated material due to the project on Jefferson and he wants to verify that we are within the bounds of our property before we continue to fill further back. Brian said he reviewed the survey drawing and they still have room. Brian suggests that we cut down the trees that we are filling around

because ultimately they die anyway and if we fill over the trees it will make that area susceptible to sinking. Brian also recommends that the Borough hire a Wetland's Consultant and have him re-delineate the area of wetlands in the immediate area where we are proposing to do work. He said the property is a T shaped property, 100 feet deep and 50 feet wide and we still have a substantial amount of area left. The Borough should delineate that area so we are confident that the wetlands are not being filled in. He said he also suggests to put together an E&S plan to submit to Northampton County Conservation District for their records and have it put on file. Brian said Rich is looking for guidance as to where to put the material in the future.

Jeff said maybe we should wait for the Park Master Plan and he wanted to know if this property was discussed as part of the plan. He said this was designated as Park property and that it was deeded as conveyed to the Borough. Jeff said he would like to see the debris moved out of there. Jon Faust said we can call A. Scott to see if he wants to take the leaves for compost.

Jeff said the land was deeded to the Park. He said we should pull the deed so we can understand what we are looking at.

2. Washington Street – Brian said he met with Rich and they are proposing to do an overlay, and mill the curb lines going from West West Street to Center Street and Mechanic Street from Washington to Jefferson Street. Brian said that in conjunction they will dig up the sanitary manhole that keeps settling at Washington and West Street. He said that Rich has been in touch with the Sewer Authority to make them aware of what we are planning on doing and he asked them to be present. Brian said that if Council wants to move ahead with Washington Street we can get the field work done this week, put our bid package together and advertise. He said we can hopefully get this done this summer.

On motion by Jeff Yob to authorize the Borough Engineer, Robert Collura, to complete the specifications for the Washington Street and Mechanic Street Overlay Project and seconded by Alex Cortezzo III. Roll call vote taken. Council agreed unanimously

3. Albanese & Grimes – Attorney Karasek said this is for the approval by Council for the extension agreement regarding that project. He said that it was scheduled for closing on or before March 11, 2016 however; there was a delay in having the matter heard by the Zoning Hearing Board. Attorney Karasek said they were unable to close at that time and they need to file a sub division and land development plan (SALDO). The applicants are requesting an extension through May 12, 2016. Brian spoke with Pete Albanese and told him that it might be best if they were to hire a surveyor or engineer. Brian said they had a question regarding a waiver for Land Development. Brian informed them that they still need SALDO. Attorney Karasek said he doesn't see them meeting the May 12th deadline at this time and if they don't have approvals in place there will be problem with this sale.

On motion by Jeff Yob to authorize the extension to May 12th and seconded by Tony Curcio. Roll call vote taken. Council agreed unanimously.

OLD BUSINESS

1. Fire Company Social Hall - George Hinton said he believes that they can make this work, building a new social hall where the old building is currently located. Brian said he has not had the chance to lay out a design plan. George said he spoke to Giroux regarding taking down the building and he was informed that it would cost \$9,000 to \$10,000. Brian stated that the building would have to meet the parking requirements. He will take the measurements and inform the Fire Company of how many parking spaces they can fit.

2. Municipal Building Façade – Dave Hess reported that the committee met and asked Brian to put together a design for Council to see. Dave said that earlier discussions favored having a brick front because it will last the longest. Dave asked for feedback from Council regarding their opinion of material to be used. Jeff expressed concern about the overall expense for solid brick on both the front and a portion of the sides of the building. Dave said we do not want to overspend, but we do want to do this correctly. Brian said we had estimates for different material and they came in at \$25,000 in labor alone. Brian said even if we went with a different front it would still be \$50,000 to \$60,000. He said the next step would be to get different styles, shades and present those to Council along with pricing. Council agreed that they would like to see a comparison in price with the different material. Brian said that if we do the whole façade we should also do the windows which are original to the building and currently leak. Brian said he will estimates for all new windows and get different contractors to get a middle grade fake stone and middle grade brick. He said that we would replicate the windows that are there now so we won't have to rough in any openings.

Pat Sutter questioned spending money on this building since taxes went up again this year. Dave said that the windows currently leak and the panels on the front of the building are weak. Pat asked Council to think of the taxpayers before spending the money.

3. Executive Session - Market Value of Borough Properties

Council adjourned to Executive Session to discuss - Market Value of Borough Properties at 8:27 p.m. Council reconvened at 8:38 p.m.

On motion by Jeff Yob to have the two remaining borough properties, Mechanic Street and 111 North Broadway, reappraised by the previous appraiser seconded by Tony Curcio. Roll call vote taken. Council agreed unanimously.

4. Technology -

On motion by Jeff Yob to empower the Borough Administrator to proceed with the purchase of two new laptop computers for the office staff with a Not-to-Exceed total of \$3,000 from Jim Albanese and seconded by Alex Cortezzo III. Roll call vote taken. Council agreed unanimously.

QUESTIONS & COMMENTS

1. Keith Lysek spoke to Council regarding the election for April 26th and informed them that he has six (6) workers and a Constable to manage and police the polls here at the Municipal Building. He said the women of the Election Board made a request to use the inside bathrooms, while the residents will continue to use the handicap accessible bathroom outside of the Assembly Room. Keith said there was a Veteran's issue regarding the lack of a flag. Dave said there will be a flag here. Keith said there is no rent this year paid to the Borough for use of the facility because this is a Government building.

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

The meeting of April 4, 2016 adjourned at 8:45 p.m.

Louise Firestone, Borough Administrator