

**BOROUGH OF WIND GAP
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The Council meeting of the Borough of Wind Gap on Monday August 1, 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, David Valley, Alex Cortezzo III, Tony Curcio, Kerry Gassler, and Jeff Yob. Also in attendance were Mayor James Shoemaker Borough Solicitor Ronold Karasek, Borough Engineer Brian Pysher and Borough Administrator Louise Firestone.

PUBLIC COMMENT

1. Bob Matlock came before Council regarding Yard Sales. He wanted to know if anyone is policing the yard sales. Dave Hess replied that yard sale permit is \$5.00 and 20 permits have been issued so far for this year. Yard Sale information will be put on the Borough's Facebook page.

Bob said Friday is garbage pickup day, but he sees garbage out on the curbs as early as Saturday morning for the following collection. Bob said there is an Ordinance stating that garbage is to be put out on the evening before or the morning of pick up (Thursday night/Friday morning). Jon Faust added that he has received complaints about people from New Jersey dropping garbage off at a house on Fairview.

Bob said he notices weeds growing on curbs and sidewalks. He said he knows that the Mayor has been cutting the weeds on North Broadway. Bob said it should be made known to the property owner that they are responsible for the weeds on their property. Dave Hess replied that notices are sent out when overgrown weeds are observed or a complaint by a resident is received.

APPROVAL OF MINUTES

On motion by Tony Curcio to approve the minutes of the July 11, 2016 Council meeting and seconded by Alex Cortezzo. Roll call taken. In favor - T. Curcio, A. Cortezzo, Jon Faust, D. Hess, D. Valley, and J. Yob. Abstained – Kerry Gassler. Motion carried 6 - 0 -1.

APPROVAL OF EXPENCES

On motion by Kerry Gassler to approve June expenses of \$13,752.57 and seconded by Tony Curcio. Roll call taken. Council agreed unanimously.

SOLICITOR'S REPORT

MEETINGS ATTENDED:

June 2, 2016 – Attendance at regular monthly meeting of Borough Planning Commission.

June 21, 2016 – Attendance at regular workshop meeting.

July – None – However and in lieu of attendance at meeting of July 11, 2016, a

Comprehensive Status e-mail Transmission was prepared on K. Guerin, Panhandling Ordinance and Dentith Lawsuit.

SUBDIVISION MATTERS:

Preparation of Comprehensive SALDO Waiver Requests – Recommendation and Official Action Form and Conditional Approval Form re Albanese & Grimes Properties, LLC Major Subdivision.

LAND DEVELOPMENT MATTERS:

Receipt, Review and Administration of Revised Coast Estimate and Related Documentation including Water Line Easement Agreement, Proposed Stormwater Agreement/Covenant re Auto Zone L.D. Plan

Preparation of Land Development Agreement re Auto Zone L.D. Plan

Preparation of Stormwater Management Plan Agreement re Auto Zone L.D. Plan

Receipt, Review and Administration of Several e-mails to finalize the Conditions in the Auto Zone L.D. Plan

Receipt, Review and Administration of the Unification and Merger Deeds in the Auto Zone L.D. Plan.

ZONING AND OTHER LAND USE MATTERS:

Request and Receipt of Title Search from Greater PA Abstract on 403 Lehigh Avenue

Payment of Tapping Fee for 435 North Broadway (Borough of Wind Gap to Fairchild Conveyance)

Receipt, Review and Administration of Six (6) PENNDOT Signal Project Forms with Two (2) Responsive Forms from Plainfield Township along with Status of Intermunicipal Agreement with Plainfield Township

Preparation of First Draft of Panhandling Ordinance

Receipt, Review and Administration of Title Search on 403 North Lehigh

Preparation of Extension of Time for Settlement in Wind Gap Borough to Albanese and Grimes, LLC re Sale of Lehigh Avenue Lot

Hand Delivery of Transactional Documents to Title Agent in Wind Gap Borough to Albanese and Grimes, LLC re Sale of Lehigh Avenue Lot

DEVELOPMENTS ON OUTSTANDING LITIGATION:

Request by Defendants for Borough to Withdraw Lawsuit in Consideration for Withdrawal of Counterclaim re Dentith Lawsuit

COURT DECISIONS ON BOROUGH CASES: None

MISCELLANEOUS:

Preparation of the June 2, 2016 Planning Commission Agenda

Preparation of Comprehensive Meeting Minutes of June 2, 2016 Planning Commission Meeting

Legal Research and Preparation of 1st Draft of Loitering and Panhandling Ordinance

Preparation of Solicitor Letter to Accountant to Supplement and/or support the 2015 Calendar Year Borough Audit

Preparation of Monthly Solicitor's Report

Comprehensive Telephone Conversation with K. Guerin

OUTSTANDING ITEMS:

Home Occupation, Clear Site Triangle (and related) Zoning Ordinance Amendments

Stop Sign Ordinance

Dog Park Ordinance

Fire Company Ordinance

Dentith Stormwater Counterclaim (filed in response to Borough's injunction lawsuit and request for Borough's expense) – No action taken and remains pending

Ordinance for loitering, begging and panhandling – pending but inactive

Ordinance for reimbursement of equipment, material and supplies in responding to environmental, hazardous, safety or rescue events (police, fire or both?) – pending but inactive

Attorney Karasek said on the agenda there are issues of importance to be discussed later in the meeting. He said most of his time was spent with Auto Zone for the Land Development Plan paper work and transactional documents.

ENGINEER'S REPORT

Brian Pysher said Rich Fox had a pre-construction meeting with Bracalente Construction. He said Bracalente should start be paving Washington Street at the end of this week, early next week.

Brian said Borough Council is required to take official action regarding the ARLE Grant for the traffic signals.

On motion by Jeff Yob to approve and sign the resolutions for the ARLE Grant Traffic Study and seconded by Kerry Gassler. Roll call taken. Council agreed unanimously.

Brian said he discussed the Auto Zone plan with Attorney Karasek. He said they are waiting on the Planning Module Exemption Mailer from DEP. Attorney Karasek said Auto Zone is also waiting for approval from NCED and one other outside agency.

Brian said that in regards to Muschlitz Land Development, he spoke with Jack Muschlitz and they are talking about putting up all the securities related to their land development plan. He said he received the Quantity Cost Estimate and they omitted some of the improvements. Brian said he will contact them and keep Attorney Karasek informed.

Attorney Karasek asked Brian if he had the description of the lots for the Borough property being purchased by Albanese and Grimes. Brian said he will write the description for Lot 1. He said that Pete Albanese is looking for the Conditional Approval Letter.

Alex Cortezzo asked Brian if he had a chance to talk to Leroy Amy regarding the water problem on S. Lehigh Avenue. Brian said he will contact him this week.

COMMITTEE REPORTS

1. EMS – Jon Faust said there is no complete report. He said Wind Gap Ambulance has one vehicle out for repair.

2. Fire Company – Jon Faust said they had 12 calls for the month of May and 11 for June with a total of 86 for the year. Dave Hess said Council received a letter from Randy George, President of the Fire Department, stating that they would like to take possession of 111 North Broadway. He said the Fire Company wants the Borough to supply them with a letter stating there are no liens against the property. Dave said we have to begin the process of turning the property and utilities over to them. Attorney Karasek said the Fire Company should be doing the title search and checking for liens. He said if we are giving the property to the Fire Company there should be a formal agreement of sale, transfer agreement.

On motion by Jeff Yob to empower the Solicitor to begin drafting the agreement of sale for the property of 111 North Broadway to the Wind Gap Fire Company and to include exemptions, rules, and policies with an agreement that if the Fire Company ceases to exist or decides to sell, the property would come back to the Borough and seconded by Kerry Gassler. Roll call taken. Council agreed unanimously.

3. Regional Police – The Mayor reported that he has not yet received the report for July. Dave Hess said Officer Strawn was promoted to Sergeant, Officer Zabriskie was promoted to Lieutenant and a new Police Officer was hired.

4. Emergency Management – Jeff Yob had nothing to report.

5. Zoning – Tony Curcio had nothing to report.

6. Planning – Kerry Gassler said there is a Planning Meeting scheduled for August 4th for the Green Knights Industrial Park, Route 33 and Male Road. Brian said this is going to be a limited review.

7. Municipal Authority – Jeff Yob said he attended the meeting last week. He said there were some disgruntled residents at the meeting regarding the North Broadway Project. Jeff reported all the East Side permits for driveways have finally been received from PennDOT so the contractor will be there next week to begin the concrete work. He said they is still some discrepancy with regard to one driveway on the west side of North Broadway.

Jeff stated that the Municipal Authority is looking to replace mains on Roosevelt next year. He said he spoke with Rich to put this street on their paving list for next year.

Jeff said the Authority has concerns regarding the Muschlitz project. He said there was discussion that the development should be completed in Phases, building by building.

8. Streets – Jon Faust informed Council of the work the Street Department had completed in July.

9. Parks – Dave Valley said there was no meeting held in July. He said Rich did an amazing job, the Park was vandalized on Thursday and Rich had everything fixed and up prior to the concert. Dave thanked Rich for being very observant regarding the need to add mulch in the kiddie play area. He said the concert was a success with over four hundred people attending. Dave said that the straps on the tent were cut and had to be replaced. He said the vandals released the tent straps and broke one of the tables. Dave asked Brian is there is any way we could mount up the cameras in the park. Brian said only if there is electric to the poles. The Borough is required to go through Labor & Industry with plans and receive L&I approval. Dave Hess said when we bought the cameras we were waiting for the Master Plan in order to redo the electrical throughout the entire Park. Brian added that Council had decided since there is poor and faulty wiring to overhaul all the electric and panel boxes. He said if the vandalism is a continual issue, we can power the cameras from one of the panels, replace and upgrade it.

Dave Hess said CSI, supplier of the cameras, sent us a notice that they want us to pay the remainder of the balance, close out, or install. Brian said CSI was set to install them but there needed to be 120 outlets and improvements to complete the installation. He said there also has to be internet connection. Brian said he will work with CSI and get something together so they can install the cameras and make the hookup afterwards.

Dave Hess said we posted pictures from the vandalism on Facebook and we received some tips, one was to check the tennis courts. Dave said we went and checked the cameras and they are not recording. Jeff suggested getting throw away cameras, Dave suggested trail cameras. Brian said he can talk to CSI and upgrade, interconnect all of them like we have at the office where you can sit at one desktop and view all the cameras. He said he will ask CSI for a proposal to include the tennis courts. Jon asked how long until we have something up and running. Brian said he will talk to CSI.

On motion by Kerry Gassler to purchase a camera system for the tennis courts and seconded by Tony Curcio. Roll call taken. Council agreed unanimously.

10. Tipping Fees - Tony Curcio reported that the total funds available are \$380,029.03.

11. COG – The Mayor reported that the Slate Belt COG met on July 27th. He said the Sue Henn reported there was seven (7) dogs in the kennel, all had been returned within 24 hours. The Mayor said there was a pit bull chained to a tree, owner was cited and dog was put up for adoption and adopted. He said Sue Henn will pay for her assistant out of her salary. The Mayor said COG is looking to host an E-cycling event in the future. The next meeting is scheduled for August 24th at 7:00

p.m. at the COG office. Dave said Scott informed him that there was a cat issue in Wind Gap and the ACO handled it. The Mayor said they are looking into the Ordinance to handle cat issues.

12. Slate Belt Community Partnership – Dave Valley said he sent an e-mail to Sharon Davis thanking her for the great job with the Boy Scouts Jamboree at the Park. He said Jim Gloria asked to borrow Wind Gap's bucket truck for a day to paint the mural in Bangor. Attorney Karasek said if Council wants to do this, Council needs to direct him to look into the five (5) page lease agreement and insurance that was sent to the Borough Office. Jeff suggested that the Slate Belt Community Partnership rent a bucket truck and split the cost with those in the Partnership.

13. Technology – Dave said the laptops are in, hopefully by the next meeting the television will be up and running. Brian will contact Jason Keenhold to have him do the wiring and hookup.

14. Fence Ordinance – Alex reported that he did give copies to Council. He said they can put ideas together to finalize somethings.

15. Mayor's Report – The Mayor said there was vandalism in our Park Saturday night between 11:00 p.m. and 1:00 a.m. He said our current Park rules state no one is allowed in the Park from 10:00 p.m. to 6:00 a.m. The Mayor said that if you see anything suspicious, please contact the Slate Belt Police Department. He said the Boy Scouts did an excellent job of cleaning our park after the Jamboree. The Mayor said people are now stopping at the stop signs on Lehigh Avenue near the Park. He said he hopes everyone enjoyed Summer Sounds and he would like to thank the sponsors.

Jon said the non-emergency number for the Slate Belt Regional Police is 610-759-2200.

NEW BUSINESS

1. Auto Zone Land Development Plan – Recreation Fee-in-Lieu – Attorney Karasek said the AutoZone attorney is asking for the Recreation amount and how it is calculated. He said for the Albanese and Grimes subdivision their recreation fee is \$250 per lot. Attorney Karasek said that under the SALDO requirements of the Pennsylvania Municipalities Planning Code you need to have an exact method and our SALDO does not give us exact method on how to do computation, plus the SALDO requires that there be a formerly adopted recreation plan in order to be able to pass and require this fee. He said the Borough does not have a formerly adopted recreation plan so this provision is unenforceable.

Attorney Karasek said the fee would be \$25,000.00 based upon the fair market value, but if Auto Zone objects to the evaluation, they can get an appraisal on their own.

On motion by Kerry Gassler to require AutoZone to pay \$2,500.00 for Recreation Fee-in-Lieu and seconded by Jeff Yob. Roll call taken. Council agreed unanimously.

2. Proposed Loitering and Panhandling Ordinance – Attorney Karasek said if they are creating a nuisance or creating a problem in a public area, this allows the Police to cite that person. He recommends sending a copy of the proposed loitering and panhandling ordinance to Chief Mettin, Slate Belt Police Department to ask if they will enforce this ordinance. Attorney Karasek will forward a copy to Chief Mettin for his input.

3. Council Meeting Scheduled for August 23, 2016- Dave Hess said Council will meet on Tuesday, August 23, 2016.

4. Occupancy Limits – Jon Faust said as Wind Gap Fire Company Fire Chief he does not know where to go with the occupancy limits. A group is holding meetings on First Street, in a small cubical, with an estimated 100 or more in attendance and he is sure they are over the occupancy limit. Brian

said he will see if they have a permit from Labor & Industry and depending on the occupancy classification and square footage that will dictate what the occupancy limit is and who enforces it.

OLD BUSINESS

1. Dentith Stormwater Counterclaim – Litigation Pending - Attorney Karasek said since 2004 this has been noted as pending but inactive, etc. on his Monthly Solicitor's report. Attorney Karasek explained that the lawsuit was related to Mr. Dentith closing the drain pipe in order to avoid flooding on his property. Attorney Karasek said that if the pipe has been open and working in the past 13 years with no problem, why put time and money into this. Kerry said the Borough had all of their work done by Hanover Engineering. Alex said it still floods at the telephone building. Jeff said that they need to verify that the pipe is open. Attorney Karasek explained that the Agreement with the new buyers states that the Borough has an easement on the property to do allowing the Borough/Borough workers to do maintenance etc. with the pipe. He received an email stating the Mrs. Dentith has agreed to drop the lawsuit. Attorney Karasek said that he can inform them that the Borough will go on the property to confirm that the pipe is open and to clean and maintain it prior to discontinuing this lawsuit. Jon said we need to confirm that there is an easement on this property prior to Rich Fox going on the property.

On motion by Jeff Yob to drop the Dentith Stormwater Litigation based upon the Easement Agreement that the Borough has the right to go on the property for maintenance purposes and seconded by Kerry Gassler. Roll call taken. Council agreed unanimously.

2. Sewer Authority – Jeff Yob read the letter the Borough received from the Sewer Authority regarding their request, that was received certified. He said he informed the Municipal Authority that at this time we do not have anything budgeted for any type of sewer work. He said it would be appropriate for Council to discuss this at their 2017 budget meeting and to budget funds for engineering work next year, and budget for the actual sewer installation for the following year. Jeff said he informed them that he will give them quarterly updates and if they don't see him at a meeting they can contact the office for updates. Jeff said he made them aware that we are looking to change the ownership of 111 N. Broadway and we will keep them in the loop to avoid any miscommunication.

3. Flag Pole – Dave Hess said the flag pole is here and ready for installation.

4. Auction for 29 Mechanic Street – Dave said at the last meeting Council discussed having the buyer pay the closing costs. He said the auctioneer does not recommend it. Jeff said it was discussed that the reserve will be \$100,000. A business on Broadway was allowed to utilize the municipal parking lot as part of their approved plan. This plan will have to be reviewed.

On motion by Jeff Yob to proceed with the auction for 29 Mechanic Street with a reserve of \$100,000, as is and seconded by Kerry Gassler. Roll call taken. Council agreed unanimously.

Public Questions and Answers

No Public Questions were heard.

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

The meeting of August 1, 2016 adjourned at 8:46 p.m.

Louise Firestone – Borough Administrator