

**BOROUGH OF WIND GAP  
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The Council meeting of the Borough of Wind Gap on Tuesday October 18, 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, Kerry Gassler, and Dave Valley. Also in attendance were Mayor James Shoemaker, Borough Solicitor Ronold Karasek, Borough Engineer Brian Pysher, and Borough Administrator Louise Firestone. Absent was Councilmen Jon Faust and Jeff Yob

### **PUBLIC COMMENT**

1. **CACLV** – Alan Jennings came to inform Council that he will be doing the Comprehensive Plan for Neighborhood Partnership. He said it is an initiative offered by the state to provide tax credits to companies that make multi six year investments of at least \$50,000 a year into a comprehensive neighborhood revitalization strategy. Alan said this was for urban neighborhoods, but they convinced the State that they should commit to multiple Municipal Neighborhood Partnership. Alan handed out a plan to Council that was developed with community input along with their annual report. He said they have been doing the neighborhood partnership in Allentown, Bethlehem and Easton for the past 12 to 15 years. Alan said they would bring a wide range of support, home ownership counseling, small business development, weatherization of homes, and housing rehab for the county. He said they would bring all of their resources in addition to the new funds available through tax credits. Mayor Shoemaker said that he along with Dave Valley and George Hinton are on the committee.

### **APPROVAL OF MINUTES**

**On motion** by Dave Valley to approve the minutes of the September 20, 2016 Council meeting and seconded by Alex Cortezzo. Roll call taken. Council agreed unanimously.

**On motion** by Tony Curcio to approve the minutes of the October 3, 2016 Council meeting and seconded by Kerry Gassler. Roll call taken. In favor: T. Curcio, K. Gassler, D. Valley and A. Cortezzo. Abstained: D. Hess. Motion carried 4 – 0 – 1.

### **COMMITTEE REPORTS**

1. **EMS** – Joe DePue reported that the Ambulance had 74 calls for September and 711 calls year to date. He said four members attended EMS classes to update their credentials. Joe said they will have a turkey drawing along with coin tosses as their upcoming fundraisers. The Ambulance Corps was informed, by the State, that they have to be in service 95% of the time beginning in January 2017. He said they might need a new ambulance and more members. Alex asked what is their current in-service rate. Joe replied that Casey Zelena has the report for in-service time.

2. **Fire** – Alex Cortezzo had nothing to report.

Wind Gap Fire Company Property Agreement – Attorney Karasek said that at the last meeting he was asked to see if there was a lease agreement between the Borough and the Fire

Company regarding the firehouse property. He said he found a lease agreement originally signed in 1995 that expires in January 2081. Attorney Karasek reported that he prepared a Gift Agreement at the request of Council that has been sent to the Borough Office and should have been distributed to Council members. The agreement he prepared is ready to move forward if the Borough and the Fire Company are in agreement with the language in the document. Attorney Karasek said that since this is a Gift Agreement, the Fire Company would not be paying any money in exchange for the property. He said this is a conditional gift that if the Fire Company were to go bankrupt or cease to exist the property would come back to the Borough. George Hinton said he does not know why they need another agreement because as far as the Fire Company is concerned they have an agreement and it is in effect until 2081. George said the Fire Company would agree that the current agreement can be modified to include language that the property goes back to the Borough should they cease to exist. Joe DePue asked if that could be added to the lease. Attorney Karasek said to clarify the lease would be changed to a deed, making the Fire Company owners of the property. Dave Hess asked the Fire Company what their preference is regarding the Gift Agreement. George replied that the Fire Company would prefer that the old lease agreement stay in effect and add that if anything happens to the Fire Company the Borough gets the property back. Joe said the Fire Company did purchase the property and then turned it over to the Borough in 1995 and if the clause is added it protects both parties. Attorney Karasek explained that if the lease is left in effect, the Borough will still own the property and be responsible for the insurance and liability issues, but if the property is "gifted" to the Fire Company they hold the deed and everything falls on the Fire Company. Dave said if the Borough continues to hold the deed, we continue to insure it. Attorney Karasek said yes if we do not deed it. Kerry said that if the Borough continues to have the lease agreement then the Borough would have to continue to pay for the utilities. He asked to have specific numbers for the utility bills over the past year. George said the number will do down with a more efficient building. Alex asked the Fire Company if they have a 5 year, 10 year plan about what they are planning and what they are expecting for revenue. George said once everything is in place he will give Council more information. He said they will continue with Bingo for Friday nights and the new facility should bring in more people. He said they are looking into other events to host at the new building. Attorney Karasek said the Fire Company will also have the right, under the lease, to use or sublease the premise for other lawful activities. Dave Hess asked Council if they want to leave it as a lease or transfer the deed.

**On motion** by Alex Cortezzo to deed the 111 N. Broadway property to the Fire Department and seconded by Kerry Gessler.

Dave Hess asked if anyone had any questions or comments. George Hinton said they have a lease already signed and documented giving them the usage of the property until 2081. Alex said that according to that agreement Council can make them repair the building. George said they are working on it, they are going to do the necessary repairs. Attorney Karasek said in respect to the lease and repairs they would, at their sole expense and risk, maintain the roof, foundation underground or otherwise concealed plumbing, and the structural soundness of the exterior walls (including all windows, window glass, plate glass, and all doors), and all other parts of the building and other improvements on the Leased Premised in good repair and condition, including but not limited to, repairs (including all necessary replacements) to the interior plumbing, windows, window glass, plate glass, doors, heating system, air conditioning equipment, and the interior of the building in general) and including the reasonable care of landscaping and regular mowing of grass. He said the Fire Company would have to do that under this lease, there are significant obligations with this lease. Kerry said it has not been done since 1995. George said they will take care of that. He invited Council to one of their meetings to discuss the cost.

Dave said he would like to set an amount of money to be budgeted and then work out the logistic. Alex said they would like to see a budget from the Fire Department. George said the Borough gives them \$15,000 that they put into a money market for their truck fund. Alex asked for their 5 year plan, what are they planning to do down the road.

Dave said we have a motion on the table to deed 111 N. Broadway. He asked the Fire Company if they wanted to deed, they said no. Attorney Karasek said they can still make the motion. He said if it passes or fails and the "Buyer" is not willing to do that than they would start over, renegotiate, or put this clause in the lease. Attorney Karasek said he does not think Council has the ability to say that if the Fire Company does not want the deed than we will terminate the lease.

Dave asked Alex if he wanted to leave the motion on the floor or withdraw it. Alex said he wants to leave it on the floor.

**Motion was acted upon** "by Alex Cortezzo to deed the 111 N. Broadway property to the Fire Department and seconded by Kerry Gassler". Roll call taken. Council agreed unanimously.

Attorney Karasek said Council made a statement that they want to deed the property, He said the Fire Company personnel does not want the deed, they want to proceed with the lease agreement with a revision added to say that if the Fire Company goes bankrupt the property goes back to Council and the lease would be terminated.

Dave said that Tony, Alex, himself or Kerry will meet with the Fire Company on November 2<sup>nd</sup> at 7:00 pm at the Municipal Building to discuss the lease and/or gift agreement.

3. **Regional Police** – Mayor Shoemaker said there were a total of 519 Calls for Service for the month of September, 132 calls were for Wind Gap. Mayor Shoemaker said Officers went through defensive tactics training. He said the Preliminary Budget for 2017 was unanimously approved by the Commission and must be approved by the municipalities.

4. **Emergency Management** – Nothing to report.

5. **Zoning** – Tony Curcio said there was a Zoning Hearing Board meeting on October 5<sup>th</sup> regarding Reimer Brothers signage at the Petro Mart. He said they wanted to enlarge their sign from 32 square feet to 49.3 square feet. Tony said it was approved by Zoning Board.

6. **Planning** – Attorney Karasek said there was a Planning Meeting on October 6<sup>th</sup> with PA Water and on November 3<sup>rd</sup> the Green Knights matter will be presented for consideration. Alex Cortezzo said PA Water was as the meeting and it is not a subdivision as far a Wind Gap is concerned. Alex said the committee was able to discuss the Green Knight Project.

7. **Municipal Authority** – Nothing to report.

8. **Streets**- Rich Fox said he put some new street signs through town and did patching and sealing. He said he received his new equipment.

Brian added that he met with Rich to look at the possibility of straightening Longcore Road. Brian provided Council with a copy of a sketch drawing of Longcore to correct the sharp bend in the existing roadway with the radius and still stay within the right-of way. Brian said in order to straighten the road out it will take a substantial amount of land going through Goffredo's property. He said there are issues and Council needs to decide to what extent they want to try

to correct them. He said we can clear the trees up to the right-of-way line for sight distance which will increase visibility issues. Kerry said he thinks Council should go by Brian's sketch and get as close as possible and take the trees down, some improvement is better than no improvement. Council verbally agreed to move forward with the street improvement. Brian will get all the information and get a design together and work with Rich.

Alex stated that the Borough has many streets that are in disrepair and he would like to talk about the possibilities of doing research on floating a bond in order to pay for a significant amount of streets to be repaired/paved at once.

Brian reported that Traffic Planning and Design (TPD) sent information to the Borough regarding the "No Truck" sign on Male Road before the overpass of Route 33. Brian believes that the sign was erected many years ago in conjunction with the Giant Plaza development, but a traffic study was never completed in order to enforce the sign. He said TPD and the traffic engineer are looking at the traffic as part of a warehouse development on the southwest side of the 33 interchange. Brian had advised them to submit a Right-to-Know request to see if any ordinances were passed or if any studies were ever done but the office did not find anything. Brian suggests removing the sign as it is unenforceable without an enacted ordinance.

**On motion** by Alex Cortezzo to take down the unenforceable "No Truck" sign on Male Road and seconded by Tony Curcio. Roll call taken. Council agreed unanimously.

9. **Park** – Dave Valley said the Rotary Club held their car show at the park. He said they rented the kitchen and cleaned it. Dave asked about the Park Board sign. Dave Hess said the sign was put away for the winter but it was taken out for the Rotary Club.

Dave Hess said that in the future the gifted lot on Lehigh Avenue would be a good place to put an electronic sign. Council informed Rich to keep the sign in for the winter.

10. **Tipping Fees** – Tony Curcio said for the third quarter we received, from Waste Management, Tipping Fees of \$66,263.69.

11. **C.O.G.** - The Mayor said the next meeting is scheduled for Wednesday, October 26, 2016 at 7:00 pm. He said there is an e-cycling event scheduled for October 22<sup>nd</sup> from 9:00 a.m. to noon at the Washington Elementary School, Rt. 191 in Bangor. He said the Animal Control Officer report will be discussed at a meeting regarding an advisory committee.

12. **Slate Belt Community Partnership** – Mayor Shoemaker said Alan Jennings spoke earlier regarding the comprehensive plan.

13. **Technology** – Nothing to report.

14. **Zoning Ordinance Amendment** – Nothing to report

15. **Mayor's Report** – Mayor Shoemaker said he received complaints about Ordinance Number 402, regulating excessive growth and vegetation. He said notices were sent out to residents. Mayor Shoemaker said leaf collections starts the first week of November, please put leaves out for pick up at the curb, do not put more than 3 feet from the curb.

## **New Business**

1. Slate Belt Regional Police Department 2017 Budget – Dave Hess said Wind Gap's contribution would be exactly the same as last year with no increase due to good budgeting.

**On motion** by Dave Valley to approve the Slate Belt Regional Police Department 2017 Budget of \$499,973.90 for Wind Gap and seconded by Alex Cortezzo. Roll call taken. In favor: D. Valley, A. Cortezzo, T. Curcio, and D. Hess. Abstained: K. Gassler. Motion carried 4 –0– 1.

2. Support Letter Green Knight Industrial Park 2 Monroe County LSA Application – Louise said the Borough received a letter from Tim Herrlinger, Acting Director, Department of Community and Economic Development, requesting a letter of support from the Borough and one zoning conformity letter. She said they are applying for Gaming Grant from Monroe County. Brian, as the Zoning Officer, already wrote a letter from a Zoning standpoint that it is an approved site. He said that plan is not very specific, it is more of a subdivision. Brian said in 2013 they were asking for money to cap the tire quarry, now they are asking for additional funds to help supplement the cost of the subdivision.

**On motion** by Kerry Gassler to approve the Letter of Support for the Green Knights Industrial Park and seconded by Tony Curcio. Roll call taken. Council agreed unanimously.

3. 2017 Budget - Dave Hess said Louise gave Council a copy of the proposed budget. He said it does include a five percent increase for the Slate Belt Police Department even though the police budget is not increasing in 2017. Dave said that hopefully at the next meeting, time can be spent on the budget. He said that it may be time for the Borough to think about revenue to do major improvements on the streets. Brian said he and Rich will get together regarding the streets and put together a plan that might include stormwater also.

## **Old Business**

1. Teel Auctions - Attorney Karasek said the agreement with Teel Auctions has been revised in compliance with recommendations from the previous Council meeting. He said the open house will be on October 22<sup>nd</sup> and the 30<sup>th</sup>, with the Auction scheduled for November 19<sup>th</sup>, 2016.

2. Auto Zone – Attorney Karasek said all agreements have been signed and will be sent to his office. He said Louise has the Land Development Agreement, Stormwater Agreement, Deeds of Consolidation, the Agreement with PA Water, and they are working on the changes for the bond.

3. Lot on Lehigh Avenue – Attorney Karasek said he sent an email to their lawyer and said it was approved at the October 3<sup>rd</sup> Borough Council meeting. He requested they send a new settlement date.

4. Water's Edge - Attorney Karasek said he was informed that new plans were dropped off at the office. He said that Brian sent him the Easement Agreement. Attorney Karasek said that at the last meeting the deal was that we needed something to allow Mr. Muschlitz to work in the Borough right-of-way. Brian said Mr. Muschlitz submitted final plans with the idea of getting them recorded. He said by virtue of us approving the plan we gave him the ability to work in the right-of-way.

## **Public Questions and Answers**

George Hinton asked if Muschlitz's project, Water's Edge, is still going to be a 55 and older community. Brian said it was conveyed to him that it is and hasn't been conveyed

otherwise. Attorney Karasek said we have to look at the final plans to see if they are changing it and if they are, the developer would have to come back for approval.

George asked for a status update regarding the delivery of the paver that was brought with Plainfield Township. Rich said he has not received a date at this time.

George asked, regarding the Green Knight Economic Development, if the Borough will be addressing the potential repairs or upgrades to the bridge on Male Road. He said this project is going to increase the traffic on the bridge. He also said we received their preliminary plans and there are 8 additional buildings back on their property. George suggested that Council look into how the Borough can get money for a new bridge from possible tenants in that development. Attorney Karasek stated that to require a developer to pay for off-site improvements there must be a Capital Improvements Plan. It is something that Council will need to further discuss.

**On motion** by Tony Curcio to adjourn the meeting of October 18, 2016. Council agreed unanimously.

The meeting of October 18, 2016 adjourned at 8:30 p.m.

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Louise Firestone – Borough Administrator