

**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 Tuesday, January 3, 2017, 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 Jeff Yob. Also in attendance were Mayor Shoemaker, Borough Solicitor Ronold Karasek, and Borough Administrator Louise Firestone. Absent was Councilmen Jon Faust, Dave Valley and Borough Engineer Brian Pysher.

PUBLIC COMMENT

There were no public comments at this time.

APPROVAL OF MINUTES

On motion by Tony Curcio to approve the minutes of December 20, 2016 and seconded by Alex Cortezzo. Roll call vote taken. Council agreed unanimously.

APPROVAL OF EXPENSES

On motion by Kerry Gassler to approve the expenses of \$144,982.42 for the beginning of 2017 and seconded by Tony Curcio. Roll call vote taken. Council agreed unanimously.

SOLICITOR'S REPORT

MEETINGS ATTENDED:

December 5, 2016 – attendance at regular monthly meeting of Borough Council
December 20, 2016 - attendance at regular workshop meeting

SUBDIVISION MATTERS:

Review of Wind Gap Minor Subdivision for 29 Mechanic Street and 125 water Street
Preparation of Official action correspondence on PA American Water Minor Subdivision
(Preliminary and Final)

LAND DEVELOPMENT MATTERS:

Review of SALDO Waiver of Fire Company to Demolish and Rebuild of Social Hall at
111 North Broadway

Review of DePue SALDO Waiver for Storage Addition to Office of District Judge

ZONING AND OTHER LAND USE MATTERS:

Prepare and Exchange Documents and Arrange for Closing and Final Settlement on Gift
of 403 North Lehigh Avenue along with Recording of Deed

Preparation of Sketch of Properties and Comprehensive Correspondence to Buyer's
Attorney concerning Issues with 29 Mechanic Street – Sanitary Sewer Lateral, Borough
Generator and Install New Sanitary Sewer Line

Correspondence to Slate Belt Regional Police Department Solicitor regarding 400 sq. ft.
Storage Area at Borough Municipal complex

DEVELOPMENTS ON OUTSTANDING LITIGATION: N/A

COURT DECISIONS ON BOROUGH CASES: N/A

MISCELLANEOUS:

Preparation of Monthly Solicitor's Report
Receipt, Review and Administration (along with Legal Research with Suggested Responses) of multiple K. Guerin Right-to-Know Requests pursuant to the PA Open Records Act – Storm Water and Zoning matters
Re-Advertise and Adopt Ordinance No. 491 (2017 Real Estate Tax Millage)
Receipt, Review and Administration of Certified Letter from K. Guerin Repeating Prior Allegations against Rodgers, Borough so forth

OUTSTANDING ITEMS:

Home Occupation, Clear Site Triangle, Fences (and related) Zoning Ordinance Amendments.
Stop Signs Ordinance
Dog Park Ordinance
Fire Company Ordinance
Ordinance for reimbursement of equipment, materials and supplies in responding to environmental, hazardous, safety or rescue events (police, fire or both?)

Attorney Karasek said he hand delivered the original documents to Louise for the property at 403 North Lehigh Avenue. The property is fully deeded and recorded at the courthouse. Attorney Karasek made sure the property is fully insured and he prepared an application for Real Estate Tax Exemption for Council to sign. He said he prepared this since the property would be used for open space, recreation, etc. Attorney Karasek said if there is no other change in that regard, Council would need to sign the form and give it back to him so he can file it at the courthouse.

Attorney Karasek reported that he continues to deal with Right-to-Know responses related to requests from Ms. Guerin and also real estate matters involving 29 Mechanic and 125 Water Street. He sent correspondence to the Attorney for the State Belt Regional Police Department regarding an agreement between the Borough and Regional Police related to a storage facility on Borough property.

ENGINEER'S REPORT:

Brian Pysner was absent so nothing was reported.

NEW BUSINESS:

1. Municipal Complex Propane – Automatic Delivery Approval – Dave Hess said he received a phone call around 9:00 p.m. on New Year's Eve that there was no hot water, no heat at the building and it was determined that we ran out of propane. He said he spent New Year's Eve at the Municipal Complex with Allen Predmore, Fire Chief for Wind Gap Fire Company, because the entire upstairs was full of propane odor. He called Lessig and they would not come out because we are on will call and not on automatic delivery. He talked them into coming out the first thing New Year's morning so he was back again at 6:30 a.m. so they could fill the tank and come in to re-light the furnaces and the hot water heater. Dave said he thinks it is in our best interest to go on automatic delivery. He said the tank is 1000 gallon and will have to be filled every two weeks. Council discussed the need for automatic delivery and potential suppliers of propane who could be contacted to go on automatic delivery and revisit this in the fall.

On motion by Kerry Gassler to call for pricing and contract the lowest bid for propane delivery for automatic fill for the year and Council will revisit this in the fall and seconded by Alex Cortezzo. Roll call vote taken. Council agreed unanimously.

2. Committee Reappointments – Dave said we will do our reappointments at our next meeting. He said he received a letter from the Municipal Authority recommending that Borough

Council not reappoint Linda Nittle. He said there are other Board and Commission Members with terms that expired December 31. Dave said the Borough traditionally sent letters to those members whose term is up requesting them to let us know that they are still interested in serving on the board. Attorney Karasek said if they have not responded and are still interested they can re-apply. Dave said we can start to advertise for the positions and appoint who is interested at our next meeting.

3. New Property at 403 Lehigh Avenue – Dave asked if Council would like to think about what they would like to do with the property. He said Danielle Seiple, who is taking care of our Beautification Committee, has shown interest in putting a community garden in the Borough and that might be a good location. The Mayor said it would be a place for us to put the park sign. Alex questions putting a digital sign there. Attorney Karasek said a digital sign advertising public and Borough events is something that he thinks would fall under public service, we are not getting any money for the advertisements. Dave said he will try to contact Danielle before the next meeting to see if she is interested in putting a garden there. There was discussion regarding concerning limited parking, but there is on street parking.

OLD BUSINESS:

1. Borough Property 29 Mechanic / 125 Water Street – Louise reported that the appraiser was contacted and she met with him last week. A written appraisal has not been received as of yet. Attorney Karasek said he has not informed them as of yet that Council might want to make this a package deal that includes both the building and property on Mechanic Street and the garage on Water Street. He has corresponded with the bidder's lawyer and informed them of what needs to be done. Jeff said where the lateral is located it is going to cross both properties. Attorney Karasek said that according to what Mr. Levitz said, the Sewer Authority is not permitting any shared laterals. Louise reported that Brian Pysner was presented this morning when the line was located and the camera was used through the line. The sewer line comes out of the municipal building and goes right under the generator pad along the side of the garage and then comes out north of the two car garage down the alley by the salt shed.

2. Opt In/Opt Out Uniform Construction Code – Code Official – Dave Hess said the letter is prepared, signed and ready to go out but there are a lot of decisions to be made by Council on how to proceed. Attorney Karasek said he did some checking after the last meeting and found Ordinance 440 when the Borough was opting into and enforcing the code in 2004. He doesn't have copies of a signed ordinance. Approximately two years later, in 2006, Ordinance 449 was the Borough opting out of enforcing the code, assuming that is the case, he is not sure if the State was ever advised. Attorney Karasek said he could not find anything in the files regarding opting back in. Council would have to adopt an Ordinance to Opt-In to enforcing the Uniform Construction Code which includes designating someone in the Borough as the Municipal Code Official and confirming that the Borough is included with the Slate Belt COG in order to utilize the Appeal Board should someone appeal a determination. Attorney Karasek said the Borough needs to hire a Building Code Official (BCO). Kerry said we did not have a Code Official, we hired Base as the Building Code Official and had a third party inspector. Louise reported that Pen Argyl utilizes Barry Isett Associates for Zoning and Code, and Plainfield hires Keycodes Inspection for Building Code Enforcement and Zoning.

On motion by Kerry Gassler to obtain three quotes for a Borough Code Official Company and second by Jeff Yob. Roll call taken. In favor D. Hess, J. Yob, A. Cortezzo, K. Gassler. Opposed – T. Curcio. Motion carried 4-1.

Kerry suggested that an interested firm come to a Council meeting with a presentation to introduce their firm and explain how they handle enforcing the Uniform Construction Code in other Municipalities.

3. Side walk Permit. Dave Hess said there is a Zoning Permit in the office that has not been picked up or paid for. Attorney Karasek stated that if it is Council's wishes he can send a letter informing them that they owe the Borough money.

On motion by Jeff Yob to send Roger Bet a letter, from the Borough Solicitor, requesting he pay the \$150.00 permit fee and seconded by Tony Curcio. Roll call vote taken. Council agreed unanimously.

4. Christmas Lights – Jeff said he gave Council a copy of a flyer with Christmas decorations for the poles, from Rick Snyder of Rileigh's Outdoor Decor. The flyer states that the lights are pre-owned, but actually they are just over stock inventory. The pricing for the lights include the mounting kits, but LED lights would have to be ordered for them. He recommends that Council stay within the same size that the Borough currently owns. Jeff said he will discuss with Rich how many new light decorations could be added.

5. Social Hall – Wind Gap Fire Company – Kerry asked if the Fire Department gave the Borough a time frame on plans for the social hall and progress with regard to construction. Kerry suggested that Council invite representatives from the Fire Company to a Council meeting for an update and a progress report.

6. Sale of 435 N. Broadway and Lehigh Avenue Lot – Kerry asked Louise where money from the sale of the Borough property is being invested. Louise said it is currently in Capital Reserve. She has invited an investment broker to a Council meeting in order to discuss potential investment opportunities.

7. Wind Gap Municipal Authority Flow Charts – Jeff said we received flow charts from the Municipal Authority. He said we should include them with our Permit Application.

8. SYNAGRO – Dave said Council received information regarding SYNAGRO and dates for information expos. He said that Council should attend one of their expos to gain information about the proposed plan.

PUBLIC QUESTIONS AND ANSWERS

No public question and answers were heard.

ADJOURNMENT

On motion by Tony Curcio to adjourn the meeting of January 3, 2017. Council agreed unanimously.

The meeting of January 3, 2017 adjourned at 7:59 p.m.

Louise Firestone – Borough Administrator