

**BOROUGH OF WIND GAP
545 East West Street
WIND GAP, PA 18091
610-863-7288
FAX 610-863-1011**

The Council meeting of the Borough of Wind Gap on Tuesday, January 17, 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: David Valley, Alex Cortezzo III, and Kerry Gassler. Also in attendance were Mayor Shoemaker, Borough Solicitor Ronold Karasek, Borough Engineer Brian Pysher and Borough Administrator Louise Firestone. Absent were Councilmen Tony Curcio, Jon Faust, and Jeff Yob.

PUBLIC COMMENT

1. Robert Teel, Teel Auction - 29 Mechanic Street – Mr. Teel stated that he is attending tonight's Council meeting to help explain that the successful bidder for the Borough property at 29 Mechanic Street, Mr. Xiradakis, attended one of his auctions today and indicated that they are still willing to buy the property. Mr. and Mrs. Xiradakis do not want to get out of the deal and if a new sewer lateral has to be installed for the property, he is agreeable, but he would like to know what the cost might be. Attorney Karasek added that he had a conversation with Attorney Pete Layman who is representing Mr. and Mrs. Xiradakis, and he confirmed that they still want the property very much and are not too concerned with the easements or the sewer issue. Dave Hess said there is more than just the sewer issue. Brian reported that when they were out at 29 Mechanic Street with Tom Knoll and Gene Schmauder, the lines were checked via camera, and it does appear that 29 Mechanic Street has its own lateral. However, a portion of that lateral crosses into the adjoining Borough property at 125 Water Street. As a result, the Borough would need to provide Mr. and Mrs. Xiradakis an easement for use, access and maintenance because the line crosses over the 125 Water Street property. Brian said that the sewer line is cast iron and they might require them to replace them. Kerry thought if you exposed and dug up the line for repair they would have you replace the whole line. Brian will clarify with the Municipal Authority. Mr. Teels said something could be worked out so the property can be transferred and this issue can be resolved and asked that once there is a decision that he be notified. He said he is continuing to work on the Borough's behalf. He said he came to the meeting to let us know that they are willing to address the sewer problem and they still want the property. Attorney Karasek said he spoke with Mr. Layman who said he is scheduled to meet with Mr. Xiradakis to discuss this matter. Mr. Layman will report back to Attorney Karasek.

APPROVAL OF MINUTES

On motion by Kerry Gassler to approve the minutes of January 3, 2017 and seconded by Alex Cortezzo. Roll call vote taken. In favor: A. Cortezzo, K. Gassler, D. Hess. Abstained: D. Valley. Motion passed: 3 - 0 – 1.

NEW BUSINESS

1. 2017 Reappointments

On motion by Kerry Gassler to re-appoint The Karasek Law Offices LLC as Borough Solicitor at a rate of \$100.00/hr and seconded by Alex Cortezzo. Roll call vote taken. Motion carried unanimously.

On motion by Kerry Gassler to re-appoint The Karasek Law Offices LLC as Borough Planning Solicitor at a rate of \$100.00/hr and seconded by David Valley. Roll call vote taken. Motion carried unanimously.

On motion by Alex Cortezzo to re-appoint The Molnar Law Office as the Borough Zoning Solicitor at a rate of \$65.00/hr and seconded by Kerry Gassler. Roll call vote taken. Motion carried unanimously.

On motion by Kerry Gassler to re-appoint Robert Collura as the Borough Engineer at a rate of \$85/hr (R. Collura) and \$65.00/hr (B. Pysher) and seconded by David Valley. Roll call vote taken. Motion carried unanimously.

On Motion by Alex Cortezzo to re-appoint Alternate Borough Engineer Ott Consulting as Principal Engineer at a rate of \$93.00/hr and \$89.00/hr for the Project Engineer and seconded by David Valley. Roll call vote taken. Motion carried unanimously.

On motion by Kerry Gassler to re-appoint Robert Collura as the Borough Sewage Enforcement Officer at a rate of \$85.00/hr and seconded by David Valley. Roll call vote taken. Motion carried unanimously.

On motion by Kerry Gassler to re-appoint France, Anderson, Basile and Company as the Borough Auditor at a rate of Not-to-Exceed \$4,100 and seconded by David Valley. Roll call vote taken. Motion carried unanimously.

On motion by Kerry Gassler to re-appoint Robert Collura as the Alternate Zoning Officer at the rate of \$65.00/hr and seconded by Alex Cortezzo. Roll call vote taken. Motion carried unanimously.

There were No Letters of Interest received for the Zoning Hearing Board, the Planning Commission, or the Park Board. There is one vacancy for the Zoning Hearing Board, one vacancy for the Planning Commission, and three vacancies for the Park Board.

The Wind Gap Municipal Authority has a vacancy, but the Authority Board is not recommending a nominee at this time, leaving one vacancy.

Dave Hess stated that all Council can do is advertise the vacancies and hope that people submit letters of interest to fill the vacancies.

Dave reported that the seven member Park Board currently has three vacancies, barely hanging on to a quorum. He said one person resigned and there are two open seats. Attorney Karasek said four members does constitute a quorum, but all members must be in attendance at a meeting to vote and be able to take action. If the Park Board were to lose one member there would be an issue unless the Ordinance is changed to make the Park Board five members instead of seven, making the quorum three. Louise said this was done by Ordinance and has been changed several times. Dave asked what would be involved to abolish the Park Board. Attorney Karasek said the Ordinance should be reviewed before any decision is made regarding the possibility of eliminating the Park Board. Council should be aware of all of their responsibilities because those duties would have to be completed by Borough Staff.

2. 24" Planer/Attachment Control/Drum - \$16,829.06

On motion by Kerry Glasser to purchase a 24" Planer/Attachment Control/Drum from Bob Cat for \$16,829.06 and seconded by Alex Cortezzo. Roll call vote taken. Motion carried unanimously.

3. Plainfield Township Intermunicipal Agreement – Sharing Street Equipment – Dave Hess informed Council that a Grant Application had been jointly filed with Plainfield Township and the Grant awarded to purchase a Paving Machine, a Roller, a Tack Coat Machine and a Trailer for hauling the Tack Coat Machine. A meeting was held with the Plainfield Township Manager and Street Leader to agree upon items that should be included in an Intermunicipal Agreement. The Agreement outlines how the equipment will be shared, stored, the tracking of the hours, maintenance costs, etc. Attorney Karasek said he quickly reviewed the Agreement, but one question he has is when the two municipalities share their employees, who is going to pay Workmen's Compensation if someone gets hurt. Generally, municipalities cover their own employees regardless of where they are working. An Ordinance has to be drafted and adopted by Borough Council and Plainfield before the Intermunicipal Agreement can be signed. Attorney Karasek said if Council wants him to, he will review this matter in more detail, send Plainfield his notes asking for their input, prepare an Ordinance, attach a copy of the agreement and get it back to Borough Council for discussion.

OLD BUSINESS

1. Borough Property 29 Mechanic – 125 Water Street – Appraisal – Dave Hess reported that the Borough received the appraisal for 125 Water Street, Borough Street Garage. Council reviewed the appraised value of the garage and discussed whether any action should be taken with this property at this time. Attorney Karasek stated that since the garage has never been advertised for sale the proper steps would need to be taken to sell the property. Attorney Karasek explained that the Xiradakis family wants 29 Mechanic Street and Council would not be able to make this a combination deal with both properties. The Borough would have to sell it on its own, but if Mr. and Mrs. Xiradakis decide that they no longer want 29 Mechanic the Borough could make it a package deal and see if they are interested in the combination of both properties.

2. Municipal Complex Sewer Hook-up – Dave Hess stated that the Borough received a letter from the Municipal Authority requesting that the Municipal Complex hook-up to the sewer and Council indicated that the building would be hooked up. Do we want to proceed with that now or wait? Kerry said we should proceed and be a good citizen like everyone else. Brian asked if this would trigger anything across the street with the adjoining neighbors. He said apparently there was an issue with the main and where it stopped with the previous owner of the building. Kerry said that would be up to the Sewer Authority not us as to if they want to force any of the neighbors to hook-up. Attorney Karasek said as a legal issue it protects the Borough in the event we have problems with someone not hooked up. Attorney Karasak said there are fees involved like a feasibility study escrow deposit and hook-up, tapping fee. Brian said we have the paperwork. Louise stated that the original hesitation connecting to the sewer after the purchase of the property was building a new Borough Garage and a Fire Company Social Hall all on this property. At that time, it was discussed that it would be more cost effective if the plans involved the construction of the other two buildings. Dave asked if we should put everything in place so that when a new Borough Garage is built, it could be connected at that time. Brian replied that it could be designed and built, but leave the line capped off until a garage would have to be connected.

On motion by Kerry Gassler to begin to obtain the information necessary to hook up to the Municipal Sewer Authority on condition that there be a waiver of the tap in fee and seconded by Alex Cortezzo. Roll call vote taken. Motion carried unanimously.

3. Holiday Light Purchase Update - Dave Hess reported that Jeff Yob met with Rich Fox and determined the Borough would need eight (8) additional holiday fixtures for empty poles. Rich said Met Ed will need to hook up some of the boxes that are hanging on the poles that currently do not work. Met Ed will be contacted and give updates on the status regarding repair on the poles.

4. Slate Belt Regional Police Department Use and Occupancy Lease Agreement - Attorney Karasek said he just received a Use and Occupancy Lease Agreement from Attorney Goudsouzian on behalf of the Slate Belt Regional Police Department regarding the use of a storage/impound area on Wind Gap Municipal Complex property. He will report on this at the next meeting.

5. West Street Land Development, Waters Edge – Brian Pysher reported that he along with Attorney Karasek were invited and attended a second Municipal Authority meeting related to the Water's Edge development. The topic of discussion was what the Authority is going to do with Mr. Muschlitz and the sewer, if they take the lines over or not. The Municipal Authority wanted representation from Borough Council to be there to stay informed. Brian said a rumor has floated area for some time that there is the potential that the development will change from being a 55 and older community to not being age restricted. Brian has been in contact with Jack Muschlitz regarding revisions they were making to the plans in addition to the changes they are proposing lot lines for all of the townhouses. Brian informed them that with all of the changes they must reapply/resubmit their revised subdivision plans because the changes are a significant difference from the original approved plan. Mr. Muschlitz made a submission incorporating his changes and they were scheduled for the January planning meeting. Mr. Muschlitz contacted the Borough and asked to be removed from the agenda because he was still working through issues with the Sewer Authority. He had a follow up call with Brian to inform him that they are going back to the original layout. They removed all the lot lines, it is the same concept though with a Home Owners Association. Brian reminded their attorney that the plan made grading changes and alignment changes with the road. Mr. Muschlitz has made comments acknowledging that he does not want this to be an age restricted community. Brian researched and pulled minutes from when Council was originally approached by the developer to amend the zoning to allow this project to go forward and it was presented as a fifty-five and over community. Brian explained that he feels that if this was presented as something other than age restricted, Council would not have voted the way they did. Brian provided Attorney Karasek copies of the original zoning review, with five variances they required. One of the comments was that they add a note to the plan to restrict it to 55 and older. In the transcripts from the Zoning Hearing Board meeting their testimony is based on the community being 55 and older. It is his opinion, as Zoning Officer, that those variances are no longer valid. He said the next step from a zoning standpoint is to send them a letter, because based on their testimony at the Zoning Hearing Board meeting the variances were granted based on the 55 and older and if that is not the case he feels that the variances are no longer valid. If we want them to go through land development and subdivision process again, we would not gain anything other than to comment on the plan. If it is determined that their approval is no longer valid they will need to seek approval. Attorney Karasek said the fact that in the Zoning Hearing Board transcript there are several instances where they reference a deed restriction. First he does not feel the variances are valid, that the age restriction is not there and that the traffic impact study completed for this development was based upon an age restricted community and would no longer be valid.

On motion by Kerry Gassler to have Brian Pysher draft a letter regarding Water's Edge and send to Attorney Karasek for review and seconded by Alex Cortezzo. Roll call vote taken. Motion carried unanimously.

6. Propane and Heat in the Garage – Dave Hess reported that Super Heat will be at the Municipal Complex tomorrow to give ideas as to putting a new system in the garage. He said it is old and they do not recommend putting new parts into it.

COMMITTEE REPORTS

1. EMS – Alex Cortezzo reported that Wind Gap Ambulance responded to 74 calls in Northampton County for the month of December. The reports are directly from Northampton County, since EMS 35 has not given a report to Council on call volume. There is no report given for their financial situation.

2. Fire Co. – Dave Hess and Alex Cortezzo will be meeting with new Fire Chief Allen Predmore.

3. Regional Police – Mayor Shoemaker said Slate Belt Regional Police responded to 417 calls in December, 125 were for Wind Gap. The next meeting is scheduled for January 19, 2017 at 5:00 pm.

4. Emergency Management – Jeff Yob was absent, there was nothing to report.

5. Zoning – Brian Pysher reported there was meeting on January 4th for a building addition to the District Magisterial Court on West First Street. Council had waived the land development requirement and the Zoning Hearing Board voted unanimously to grant the variance.

6. Planning – Brian Pysher reported a meeting was held on January 5, 2017 for Chad Weeast, 3 Water Street who is proposing to do a subdivision of a single family lot. Chad had previously gone to the Zoning Hearing Board and was denied a variance request for a single family existing, single family proposed duplex because he could not meet the minimum requirement of the Zoning Ordinance. Chad revised the subdivision plan by proposing construction of townhouses attached to his existing single family residence. The attached townhouse subdivision plan would eliminate the need for a zoning variance. He came to the Planning Commission in hopes that board would recommend that the duplex plan was a better alternative than the three townhouse plan. Chad's intent was to get the Planning Commission Board to agree that the duplex plan back is better even if it requires a variance from the Zoning Hearing Board. He planned on submitting another application to the Zoning Hearing Board for the exact same variance that had previously been denied. He asked Brian Pysher for his opinion as the Borough Zoning Officer and Brian said he did not think he would get a variance because he did not have very much support the first time. We now have another application that conforms to Zoning. He still has to go through subdivision. Currently there are two appeals of Zoning Hearing Board decisions, one from Chad Weeast and one from 208-210 Center Street that are going to Northampton Court.

7. Municipal Authority – Jeff Yob was absent, there was nothing to report.

8. Streets – Rich Fox reported that he would like to start cleaning up around the Municipal Complex grounds. He stated that the alleys have washed out so they are continually trying to patch those using stone and road millings.

9. Park – David Valley reported that no meeting was held in December. He said the Park Board is down to four people. He said he will not recommend dissolving the Park Board but it

should be taken under consideration. David said Cathie Yob is requesting a key fob for access into the Municipal Building. Council will be reviewing Ordinance 424, Amending Ordinance 410 Regarding Rules for the Use of Wind Gap Borough Park.

10. Tipping Fees – Louise Firestone reported that the Borough received \$64,963.32 for the 4th quarter of 2016.

11. C.O.G. – Mayor Shoemaker reported the next meeting will be held on January 25, 2017. The COG is still working on the completion of the Cat Ordinance.

12. Slate Belt Community Partnership – The Mayor reported the Slate Belt Community Partnership ceased to exist and the CACLV took over on January 1, 2017. A Press conference date will be set soon. The Board received 9 applications for the Director's position with interviews scheduled for January 19 and 20, 2017. The next meeting will be held on February 9th at 6:00 p.m. They are looking for temporary office space for startup. The Slate Belt Community Partnership will meet for the final time in February to close out their books and do an audit.

13. Technology – We will be meeting with Greg Cooke from Hometown Press to discuss providing an updated mailed newsletter to Borough residents.

14. Zoning Ordinance Amendment – Nothing to report.

15. Mayor's Report – The Mayor said the COG will meet on at the COG office at 7:00 p.m. on January 25, 2017. Council members are invited to attend.

PUBLIC QUESTIONS & ANSWERS

1. Propane for the Municipal Building – Kerry Gassler asked if we got a contract for propane delivery. Dave Hess replied that Easton Propane was one of the cheapest and will do automatic delivery for the remainder of this year.

2. Wind Gap Fire Department, Social Hall – Kerry Gassler asked if anyone contacted Joe DePue or George Hinton to invite them to a Council meeting to discuss the social hall. Dave Hess said he did not contact them. Brian Pysher reported that he has a meeting scheduled for this Thursday with representatives from the Fire Company and an Architect to get this project moving. Kerry asked if Debbie or Louise could call George or Joe and request that they come to the next Council meeting to explain how the project will be financed and the timeframe for how long this project will take to complete. He said Council might as well knock down the old firehouse building and do bingo here.

On motion by David Valley to adjourn the meeting of January 17, 2017. Council agreed unanimously.

The meeting of January 17, 2017 adjourned at 8:25 p.m.

Louise Firestone, Borough Administrator