

**BOROUGH OF DELAWARE WATER GAP  
MONTHLY COUNCIL MEETING  
September 12, 2011**

The regular monthly meeting of the Borough Council of Delaware Water Gap was held in the Francis (Casey) Drake municipal building on Monday, September 12, 2011.

Council members present: Vice President Bill Buzzard, Jack Shoemaker, Elvi DeLotto, Susan Wilson, Philip Farber and George Munn. Also present Solicitor David Williamson & Engineer David Jones.

**Key of Terms:**

President Wayne MacWilliams – WMW  
Vice President Bill Buzzard – BB  
Jack Shoemaker – JS  
Susan Wilson – SW  
Elvi DeLotto – ED

Philip Farber – PF  
George Munn – GM  
Mayor Walt Conway – WC  
Solicitor David Williamson – DW  
Engineer Boucher & James – B&J

Borough Secretary/ Treasurer Johanna Moreo - JM  
Superintendent Bob Gallagher - BG  
Delaware Water Gap - DWG  
Zoning Officer Larry Freshcorn - LF

Vice President Bill Buzzard called the meeting to order at 7:30 pm with the pledge of allegiance. **George Munn made a motion to approve the minutes, the treasurer's report, & pay the bills. Jack Shoemaker seconded it. All in favor.**

**Superintendent's Report**

Bob Gallagher wondered what has been decided on the backhoe. BB stated that it is parked on Kimberly originally thought it was an injector problem, which would cost around \$800.00 now the repairman states that it is something else at a considerable cost. The question was posed on what should be done, BB mentioned that Bob Marki could fix it for \$6-10K a new one would cost \$100K & a used one would be \$10K. PF stated that they are running out of time, snow will be coming there will be no way to move it. **Phil Farber made a motion to move it off of the street to have it looked at, Susan Wilson seconded it. All in favor.**

**Engineer's Report** – *refer to Engineer's report for further details.*

- Broad Street - meeting with BB, JS & BG along with PennDOT director, Bob Mudrick. PennDOT definitely plans on paving Main Street in 2012. They also went out onto the field to look at the drainage on Main Street. JS mentioned that BG came up with an alternate way to temporarily resolve it by sloping the roadway so the water could run that side until it is repaved. They cannot run the water to the gas station side because DEP's test wells are located there. Mudrick stated that they could super-elevate one side from the uncurbed side to the curbed side but will not do anything with the drain. As far as the handicapped ramp - they stated that if the Boro can show imminent plans to be approved then they will create a waiver in favor of sidewalk repair at a later date. DRJTBC is still withholding funds because of the PennDOT permit. DJ will determine how much money it is to do the curbing there then set-up a meeting with DRJTBC to see if they could help with the problem. DJ stated that it would probably cost \$4,800.00 to do the 2 ramps. WC mentioned that he could probably get the Monroe County Redevelopment Authority to fund the 2 handicapped ramps in order to close out the DRJTBC grant. DJ said there are 2 good reasons to prepare the estimate: 1) Provide an imminent plan to PennDOT to close grant & 2) Meeting with DRJTBC to help fund.
- Well Grant – DJ spoke to DCED, the application went thru their 1<sup>st</sup> review process, and they cannot act on it until the grant closes on 9/30 but DJ feels positive.
- Open Space Grant – Meeting with the RR regarding the trail going underneath the train track trestles, they want an easement because there are issues with liability. DW is concerned because they want the Boro to sign a lease & indemnification on the Boro for any injuries cause, even put their liability onto the Boro for negligence, etc. The indemnification would put the RR Authority onto the Boro; it could be catastrophic for the Boro. They are being sued all of the time now they have municipalities sign off because they are tired of being sued. Discussion followed on ways to minimize the exposure to the Boro i.e. net fencing underneath to trap debris & proposing an easement area to limit it this one area. It was decided to do homework, include Smithfield and then discuss this again.

## Mayor's Report

The Mayor reported on the Police Dept - \$3K on citations August - September. Point of the Gap sign for size of trucks is down, Chief contacted PennDOT they will replace it as soon as the flooding is over. It is hard to enforce the ordinance without this sign. PF commended all 3 for a job well done during the flood especially with the Broad Street pump.

## Zoning Update - refer to Zoning Officer's report for further details.

1. Laird - received calls from Paul Weiss every month, wondering what was being done. DW stated that he assumes that they are under contract with Maula. JS stated that they have 2 months left on the contract. WC stated that one good thing is that it did not flood with the last 2 storms, he thinks the flood issue there has been resolved.
2. Adams Outdoor - LF & DW met with Adams & their attn'y, they are close to a deal with Small for the easement. DW believes Small is buying time because he wants to see what happens at the zoning hearing. The bottom line is that he doesn't think they're violation the ordinance, but would like to get this resolved.
3. McCool/ vacant property off of Shepard Avenue behind Post Office - LF & DW met with him & his attn'y. The alley abuts all of the surrounding properties; he would need everyone to sign off on it to gain access to the property. His lawyer advised him that he would spend more money getting approvals then he would on building. LF doesn't think anything will come of this.

## Old Business - None. Chief Brad not present.

## New Business

### **Ordinance for 911 Addressing - Public Hearing.**

BB opened the hearing for comments. DW stated that Monroe County PC & PC looked at the ordinance but has not received approval yet. It was stated that an abridged version of the ordinance be posted in the newsletter. BB closed the public hearing

**Jack Shoemaker made a motion to pass the ordinance, Elvi DeLotto seconded it. All in favor.**

### **MA requesting update on Gong meter.**

GM stated that we do not have the backhoe available at this time to dig it up, but as soon as funds present themselves & have backhoe then will go back to it.

Then the trash situation on the Gong property was discussed. WC read the letter that was sent certified to the Gong's requiring them to provide proof of a trash hauler for the past 12 months. He also did a Google search on the property, they have an advertisement for a juvenile drug rehab & there is also an advertisement for rentals to dorm students. There has been no request to date for any of these uses. DW stated that the Boro needs to find out if there is anyone living there. If there is enough proof then could have the Zoning Officer with the assistance of an officer can go out & inspect the property. JS has the advertisement he will give it to LF. It was recommended that JM contact the school district to see what students are registered under Gong's tax id number.

### **Boucher & James hosting a grant meeting tomorrow.**

There are 2 grant opportunities for municipalities, their planner will go thru the grant in detail & other municipalities will be there. Susan Wilson stated that she would attend.

## Committee Reports

JS – A catastrophic tragedy occurred when there were downed power lines for 24 hours. He would like to know what the conclusion is from Met Ed's investigation. Met Ed should have ultimate responsibility & the Fire Department should have been there to make sure no one came into its vicinity. **Jack Shoemaker made a motion that the Borough sends a letter to get a hotline number from them for emergencies & a conclusion of their investigation. George Munn seconded it. All in favor.**

GM - continuing repairs on water tank, getting estimates.

PF & SW - nothing to report.

JS - thank DJ for setting up the meeting with PennDOT & also thank BG & everyone for their help during the floods & the Jazz Fest.

### **Questions and Concerns of Citizens**

Andrea Kiebler, Main Street resident - her property butts up to the Dutot Museum. She is concerned about the trees that are leaning towards her home located on the Museum property. She would like the Boro to consider removing them. SW stated that maintenance is usually taken care of by the Museum. GM will discuss it with the Museum board. DW will look at the lease agreement because the Borough could still be liable.

Christine Farber - concerned about the constant smell of gasoline in the building. It is not healthy for anyone in the building. Something needs to be done. Discussion followed. The mold issue was also discussed; Council would like BG to obtain more estimates.

**George Munn made a motion to adjourn to Executive Session at 8:55 p.m. Jack Shoemaker seconded it. All in favor.**

**Phil Farber made a motion to adjourn Executive Session at 9:09 p.m. Jack Shoemaker seconded it. All in favor.**

Commercial garbage accounts were discussed, JM is to check with the County Municipal Waste Authority on regulations that may prohibit Commercial accounts from using Municipalities garbage pick-up. Check the language/ regulations if any.

**George Munn adjourned the meeting at 9:14 p.m. Susan Wilson seconded it. All in favor.**

**Respectfully Submitted,**

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**Johanna Moreo, Secretary/ Treasurer**