

**BOROUGH OF DELAWARE WATER GAP
MONTHLY COUNCIL MEETING
October 3, 2011**

The regular monthly meeting of the Borough Council of Delaware Water Gap was held in the Francis (Casey) Drake municipal building on Monday, October 3, 2011.

Council members present: President Wayne MacWilliams, 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

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

Superintendent's Report - Bob Gallagher not in attendance.

Engineer's Report – *no Engineer's report this month since there has not been much activity.*

- Broad Street - didn't get back in touch with Melissa, waiting to hear from the Mayor & how he made out with the DRJTBC. He currently has a call into them.
- Fairway Estates - nothing new, still pending on the bond company.
- Well Grant – The application period closes on the 30th should have an answer by next meeting. On 10/13 going to East Windsor with Craig & George Munn to see their filtration system.
- Women's Resources - Engineer accompanied Larry on a walk through. Escrow could be released; they will need to make a formal request to the Borough.
- Open Space Grant – Prepared a simple attachment to be added to the legal document that DW & the solicitor with Smithfield Township would work on. This includes safety controls to agree with the RR, 6' high chain link fence from the RR to the tree line to prohibit climbing, underneath the trestle a mesh cable that would protect people from falling debris & no trespassing signs. This combined with DW & Smithfield's solicitor's language to address the liability concerns. George Munn mentioned the gate concern used to close the section. It was never part of the design for approval to remove the gate. Sue Cooper stated that they talked to the contractor to move the gate. DJ suggested having it wrapped into an amendment to the DRJTBC for safety controls & 2 new gates. GM also mentioned having a group of volunteers to be responsible for the opening & closing of the gate to protect it from being abused. David W. stated that he did not like the RR liability release at all. However, DJ has presented good plans to alleviate the liability but he has not heard back from Smithfield's solicitor yet. He also stated that if there will be a sharing of the maintenance, etc. there will need to be an Inter-Municipal Agreement. Bill Buzzard is concerned about this whole thing, especially with DWG having to expend funds. Council needs to look into this further. **Bill Buzzard made a motion to add safety controls as a amendment, Susan Wilson seconded it. All in favor.**

Mayor's Report - Mayor not in attendance.

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

Chuck Cooper, representing his father, addressed Council. He stated that they are close to an agreement with the MA, also that he would like to settle the 4 Zoning Violations separately. DW stated that he spoke to David Jordan, their attorney, and they will discuss that in Executive Session. They should hear what Chuck has to say & what he can do about the zoning violations.

- 1) 96R - admitted to illegally dividing the apartments and he will do whatever it takes to set the record straight. Already submitted application with a 3rd party UCC agency to inspect it.

- 2) 110 Main Street/ Edge of the Woods - When bought the building there was a business already there & an apartment above. His father bought this at a Sheriff's sale; he doesn't think this should be on the list. No proof to state that it was or was not a business there & he has a DWG citizen that will vouch for them in a letter that there was a business there.
- 3) 74 Broad Street - Next to the Pack Shack, the building in the back. They were wrong; they did not get a change of use. It was renovated after the building was flooded out. He is requesting more time to get this one done. Preferably when the tenants move out they could get the building empty so the inspector could do their job. He feels that since they came forward with the billing discrepancies, Council could work with them for more time.
- 4) 109 Main Street - Change of Use permit; it was a poster shop when it was bought. It was renovated over 10 years ago before the 2004 codes. He doesn't feel that it is fair to get an inspection done when at the time it was bought many other properties did not get zoning permits either. He thinks this one should be removed from the list. He feels that they are being treated unfairly since they came forward with the billing issues & they are upstanding citizens.

Larry made his zoning report:

1. Adams Outdoor - Adams has their deal ready for Small to sign, this will start the berm process. Dig out the fill & level it out afterward. Not sure on a date but deal worked out to sign tomorrow.
2. Vertellus is requesting fire extinguisher training for a night, he suggested to them to notify the DWGFD & Control Center. Would like Council's approval. **Phil Farber made a motion for a 1 day event for fire extinguisher training with one stipulation that the fire truck be there. Elvi DeLotto seconded it. All in favor.**
3. Gong - DW spoke to their attorney, Dave Martino, he invited them to attend tonight's meeting to address Council (of which they did not attend) & to also meet with LF on a separate date to work things out.

Old Business

Museum Lease

DW stated at last meeting there was concern over the trees & that he would look into their lease. Under the terms it puts the responsibility onto the Museum. Museum has its own insurance. Susan W. stated she will have someone at the Museum look into it. **Bill Buzzard made a motion to extend the lease from 1999 to now and for another 10 years. George Munn seconded it. All in favor.**

New Business

Floodplain Ordinance.

Council referred this back to the Planning Commission to discuss Monroe County Conservation Districts recommendations & to review the Borough's current ordinance to make sure it is in compliance. Sue Cooper stated that she is concerned that the flood ordinance is excluding businesses.

MA requesting shut-offs.

George Munn made a motion to move ahead with the shut-offs, Phil Farber seconded it. All in favor.

Laird on the agenda for tax appeal.

DW stated that if the Boro is going to object to their appraisal they the Boro would need their own appraisal to be done. It is up to the assessment appeal board if whether or not they feel it is justifiable. It costs ~\$2,500. to have an appraisal done. Most times if it is approved it goes before the Court of Common Pleas. He suggests keeping in contact with the Assessor's Office. The Boro has 30 days to appeal after notice is given. Chris Farber will contact the business manager for Stroud school district, Don Jennings, a call.

Memo: Patriot Energy - Council agreed to have them send a contract to review prior to agreeing to it.

Committee Reports

GM - Rec'd estimates on repairs for the water storage tank, estimate is \$39,820. When time comes, will have to bid out but it needs to be repaired it just a matter of time. It is ideal to do it without draining the tank. This will have to be a budget item.

PF - Halloween this year on October 31st 6:00-8:00 p.m.

ED - nothing on park.

JS - Would like to get a hotline number from Bob or the DWGPD for emergencies. JM stated no new information on their investigation.

SW - nothing to report.

BB - Reported on the backhoe; difficulty getting the parts. It will need to be available this Friday for shut offs.

The final cost will be \$3,500.-4,000., will need another \$1,200. for tires & \$1,200. for a radiator. He would like to get it onto a 2 year maintenance agreement. GM thanked BB for taking the time to do the research & take care of this.

Questions and Concerns of Citizens

Sue Cooper - wanted Council to know that the zoning issues on the properties have fallen onto their son. This is all comes down to his livelihood and whether or not he could stay here. They did not do this deliberately it had happened many years ago and they apologize for it. They will try to fix it. She would like Council to take into consideration all of the work they have done for the Borough over the years.

Phil Farber made a motion to adjourn to Executive Session at 8:50 p.m. Jack Shoemaker seconded it. All in favor.

Phil Farber made a motion to adjourn Executive Session at 9:06 p.m. Jack Shoemaker seconded it. All in favor.

Phil Farber adjourned the regular meeting at 9:07 p.m. George Munn seconded it. All in favor.

Respectfully Submitted,

Johanna Moreo, Secretary/ Treasurer