

**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 Monday, April 7, 2020 was called to order at 7:09 p.m. by Council President Dave Hess, through Zoom Video Conferencing.

A verbal roll call was taken by Borough Administrator Louise Firestone – participating via Zoom computer link or Zoom phone link were Council members George Hinton, Joyce McGarry, David Manzo, and Steve Bender. Also participating were Mayor Mitchell D. Mogilski Sr., Borough Solicitor Ronald Karasek, Borough Engineer Brian Pysker, and Borough Administrator Louise Firestone. Not participating in the Zoom Video Conferencing were Councilmen Mike McNamara and Jeff Yob.

**PUBLIC COMMENT**

There was no public comment at this time.

**APPROVAL OF MINUTES**

**On motion** by Dave Manzo to approve the March 2, 2020 minutes and seconded by George Hinton. Roll call vote taken. Council agreed unanimously.

**APPROVAL OF EXPENSES**

**On motion** by George Hinton to approve the expenses in the amount of \$161,795.45 and seconded by Dave Manzo. Roll call vote taken. Council agreed unanimously.

**On motion** by George Hinton to approve the payment for NuCor Management App No 19300.2 – Sanitary Sewer Lateral - \$17,055.00 and seconded by Dave Manzo. Roll call vote taken. Council agreed unanimously.

**On motion** by George Hinton to approve the payment for NuCor Management App No 19300.3 – Site/Concrete Work - \$89,910.00 and seconded by Dave Manzo. Roll call vote taken. Council agreed unanimously.

**SOLICITOR'S REPORT**

Dream Lehigh Valley LLC – Wind Gap Amendment / Extension of Land Development Agreement - Attorney Karasek reported that Attorney Vogt, Attorney representing Dream Lehigh Valley LLC, has joined in on our video conference this evening.

Attorney Karasek reported that regarding Dream Lehigh LLC, Wind Gap Amendment/Extension of Land Development Agreement, the improvements agreement matter originally should have be completed on or before May 14, 2020. Due to the stay at home order and businesses being closed, they can request an additional year extension through May 31, 2021. Once Dream Lehigh Valley, LLC is on all agreements, Waters Edge would then be released from this project. Attorney Vogt believes that May 2021 is reasonable. Attorney Karasek said that if they feel that it will go beyond that, they can always request that Borough

Council consider allowing an additional extension. He asked Brian Pysher if he felt that the Quantity and Cost would still be good through May 31, 2021. Brian said that most of the improvements are completed.

**On motion** by George Hinton to approve with the condition that if the cost estimate rises, we will have the ability to collect.

**Amended motion** by George Hinton to amend his previous motion to approve with the condition that the Quantity and Cost Estimate be reviewed by the Borough Engineer. If there is an additional cost, it should be posted and seconded by Joyce McGarry.

**MEETINGS ATTENDED:**

March 2, 2020 – Attendance at regular monthly meeting of Borough Council.  
(March 5, 2020 – regular monthly Planning Commission meeting cancelled).

**SUBDIVISION MATTERS:** N/A

**LAND DEVELOPMENT MATTERS:**

Receipt, Review and Administration of Borough Engineer Review Correspondence of March 4, 2020 (Second Review) re BioSpectra RX Holdings Pipe Replacement Plan.

Review of Amendment and Extension Agreement to include Dream Lehigh Valley, LLC re Water's Edge Street Land Development Plan.

**ZONING AND OTHER LAND USE MATTERS:**

Preparation of Zoning Appeal in K.Guerin Application for a Special Exception Use for a Home Occupation at 333 North Broadway including Legal Research, Review of Borough Zoning Ordinance and Preparation of Land Use Appeal.

Receipt, Review and Administration of Right-to-Know (RTK) Request, Legal Research Under PA Open Records Law, and Preparation of e-mail and Comprehensive Correspondence with Denial Response re K. Guerin RTK Request for Township Planning Commissioner Identifying Information.

**DEVELOPMENTS ON OUTSTANDING LITIGATION:** N/A

**COURT DECISIONS ON BOROUGH CASES:** N/A

**MISCELLANEOUS:**

Preparation of Advertising Notice with e-mail transmission to Express-Times re Borough Manager Ordinance.

Preparation of Borough Planning Commission Meeting Agenda for March 5, 2020.

Preparation of Comprehensive Response to PA DCED Council with Additional Packet and Exhibits and Approval of Local Government Unit Debt Act (LGUDA) Loan Package.

Receipt, Review and Administration of Several Court Orders, Preparation of Resolution to Extend Proclamation of Disaster Energy and Preparation of Request for Waiver.

Preparation of Monthly Solicitor's Report

**OUTSTANDING ITEMS:**

Stop Sign Ordinance

Dog Park Ordinance

Attorney Karasek said that in addition to his written report, he has filed an appeal for the Home Occupancy on Broadway. He also received approval from PA DCED for the debt/loan.

**ENGINEER'S REPORT**

Brian Pysher reported that he spoke with Justin Huratiak, Dream Lehigh Valley – Water's Edge Development, regarding street names and addresses for their East West Street development. Brian would like to get Council's approval on the street names. Mr. Justin

Huratiak has joined in on our video conference this evening and asked for unique names for the streets, they would like Dream Drive for the loop and Prosper Lane for the connector street. The original approved plan had four different street names so this request would change the recorded plan. Brian informed Council that one name for the loop street and another name for the connector would simplify the neighborhood. Brian did initially express concern regarding emergency services and their ability to navigate in the development during an emergency. Brian will work with Justin, the Borough's Emergency Services and the Post Office for addresses for all the units. Dave Manzo asked if this would satisfy the Municipal Authority and Brian said that it will.

**On motion** by George Hinton to approve and accept the proposed street names within the Water's Edge development with one street name for the loop as Dream Drive and one for the connector road as Prosper Lane and seconded by Joyce McGarry. Roll call vote taken. Council agreed unanimously.

Brian reported that regarding the Green Knight Economic Development Male Road project, they forwarded a proposed detour map to the Borough. GKEDC will set up a detour closing Male Road from the Wind Gap Plaza back to Old Allentown Road. Traffic would be detoured up to North Broadway turning left onto West Center Street. Brian did not think the Borough has an ordinance regulating street detours. It is Brian's opinion that there will be no issues with functionality and the entrance and exits to the Wind Gap Plaza will be open and there will be a sign that businesses are open. George Hinton said that when they are digging under the bridge it would be beneficial to put the drain in at that time. Attorney Karasek said that as long as the detour complies with the Motor Vehicle Code and road closures are in compliance, the Borough should be fine. Brian said that businesses and Emergency Services will be notified in Wind Gap, Bushkill and Plainfield Township. This was initially scheduled to start March 30<sup>th</sup>, but was put on hold until GKEDC informs the Borough of a new start date. Dave Manzo asked about notifying the residents, Brian said they will have signs out prior to construction and we can notify residents through the NIXLE Alert System also. George said that we can coordinate with them and get all utilities done at that time.

Dave Hess reported that the traffic light at Third Street and South Broadway is not working correctly and asked Brian to contact the contractor as soon as it is feasible to investigate.

## **NEW BUSINESS**

1. Proclamation of Disaster Emergency - Resolution 2020-03

**On motion** by Dave Manzo to adopt Resolution 2020-03 and seconded by George Hinton. Roll call vote taken. Council agreed unanimously.

2. Park Walking Trail – RFP – Navarro & Wright Consulting Engineers, Inc.- Louise Firestone reported that she received proposals from five engineering firms. She said that Steve Bender, Joyce McGarry and Dave Manzo met and made the recommendation to hire Navarro & Wright for \$30,000. They understand that the schedule will need to be adjusted due to the pandemic and our grant funding.

**On motion** by Dave Manzo to award the Park Walking Trail RFP to Navarro & Wright Consulting Engineers, Inc. for \$30,000 and seconded by Joyce McGarry. Roll call vote taken. Council agreed unanimously.

3. Grand Central Landfill Operations March 2020 Update - Louise Firestone reported that Waste Management postponed their Public Meeting regarding their application to Plainfield Township and the rezoning and proposed landfill expansion at this time. They will come before Council with a formal proposal.

Council had previously received the written report as follows:

Waste Management, landfill operations neighborhood update as submitted by Adrienne Fors.

Grand Central Landfill is committed to keeping the community informed. Below, you will find the most recent copy of the landfill operations neighborhood update.

1. Landfill Operations: We are currently accepting an average of 2,300 tons per day
2. The PH Building construction is ongoing. Currently, the control panels are being built and some of the equipment is being installed.
3. The final cap project is complete. We plan to seed in the coming weeks. Planning for additional intermediate and final cap is underway.
4. The landfill spring gas project is in the design phase.
5. Rezoning project:
  - a. Our community meetings to explain the landfill project is currently on hold until the COVID-19 crisis is behind us.
  - b. Our landfill tour is still tentatively scheduled for May 20<sup>th</sup> but may be rescheduled for June. Please watch for updates on our website and Facebook page.
  - c. Project Video is currently in the works and will be uploaded in the coming weeks to the Grand Central Landfill website.
6. Wildlife Habitat Education:
  - a. Earth Day 2020 has been postponed and will likely be held in conjunction with our American Kestrel Banding event in the early part of July. Stay tuned for the announcement in the coming weeks.

Grand Central Landfill website continues to be updated and includes the monthly landfill update notices. [www.grandcentrallandfill.com](http://www.grandcentrallandfill.com)

4. Street Laborer Position – George Hinton reported that phone interviews will be set up this week with applicants for the vacant street laborer position. At the mid-month meeting, the committee will have their recommendation for Council. Rich Fox will be sitting in on the interviews.

5.. Approval Center Street Paving Project Advertisement - Brian Pysher reported that originally the East Center Street was to be out to bid with bids due by the April 21, 2020 Council meeting. Council was to review, approve and award the project at the mid-month meeting. Brian said that paving companies are non-essential businesses, so he suggests that the Borough advertise and award in May. Attorney Karasek said that bid can be sent electronically to eliminate the need to come to the closed Borough Office. This item will be on the agenda for the mid-month meeting for further discussion and action.

6. Easter Egg Hunt – Louise Firestone reported that due to the COVID-19 Virus and the Shelter in Place declaration by Governor Wolf, the Wind Gap Easter Egg Hunt is cancelled for this year.

## **OLD BUSINESS**

1. BioSpectra Land Development Plan – Attorney Karasek reported that for the BioSpectra Land Development Plan, official action is needed on or before May 20, 2020. Brian said that BioSpectra sent in new plans in reply to the engineering review letter. The plans are in the office and he will review them once he gets them. The Planning Commission will schedule the Planning Meeting for Thursday, May 7, 2020

2. Borough Manager – George Hinton asked Attorney Karasek about advertising the Borough Manager Ordinance. Attorney Karasek said that he can advertise for the April 21<sup>st</sup> meeting.

**On motion** by George Hinton to authorize Attorney Karasek to advertise the Borough Manager Ordinance for the April 21, 2020 meeting and seconded by Joyce McGarry. Roll call vote taken. Council agreed unanimously.

3. Committee Reports – Dave Hess asked if anyone had anything for Committee Reports since Council's mid-month March was cancelled.

Dave Manzo reported that at the Municipal Authority meeting they discussed addresses for Dream Lehigh Valley – Water's Edge. Brian will be working with Emergency Management, Fire and Ambulance along with the Post Office. This will satisfy Municipal Authority concerns.

Dave Manzo said that he will attend the next meeting with Wind Gap Area Athletic Association regarding liability concerns. Brian Pysher said that there should not be any leagues playing at the fields during this pandemic. They are following all CDC guidelines until this is all clear.

Dave Hess reported that the Slate Belt Police Department are doing what they can over the phone to help keep everyone safe. Regarding Emergency Management, this has become a 24/7 job. We applied for the Federal Claim for this pandemic. He is keeping a time line on what comes in for Fire and Ambulance. The building and trucks were sanitized.

Dave Hess stated that if necessary, the mid-month Council meeting will be conducted using the same Zoom Virtual Conferencing.

## **ADJOURNMENT**

**On motion** by Dave Manzo to adjourn the meeting of April 6, 2020. Council agreed unanimously. The meeting of April 6, 2020 adjourned at 8:13 p.m.

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Louise Firestone, Borough Administrator