

**BOROUGH OF WIND GAP
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The Council meeting of the Borough of Wind Gap on Tuesday, August 16, 2022 was called to order at 7:00 p.m. by President George Hinton, at which time he reminded those present that the meeting was being recorded. In attendance were Council members David Hess, Steve Bender, Dave Manzo, Patrick Webber, Jeff Yob and Alex Cortezzo. Also, in attendance were Mayor Wesley J. Smith, Borough Solicitor Ronald Karasek, Borough Engineer Brian Pysher, and Borough Manager Louise Firestone.

PUBLIC COMMENT

1. Pete Albanese came before Council with questions and concerns about the Wind Gap Municipal Authority. Mr. Albanese stated that he regularly attends the WGMA meetings and it has come to his attention that one of the Council members is looking to become a board member of the Sewer Authority and he is questioning why. Dave Manzo said that there is nothing in their By-Laws or Regulations that prevent a Council member from becoming a member of the Sewer Authority and currently a vacancy exists on the board. Pete said that he is concerned about the Authority, they had some hard times and they are moving forward and working together. He asked if Council appoints Sewer, Planning and Zoning members, to which George Hinton said yes. Pete said it is his understanding that you need an active authority to get loans and grants for capital improvements to their system. Dave Manzo said that there will be an active board with an organizational change.

2. Dave Manzo said that he would like to make a motion to amend the agenda.

On motion by Dave Manzo to include both CRG Land Development and issues related to the Wind Gap Fire Department and seconded by Alex Cortezzo. Roll call vote taken. Council agreed unanimously.

Attorney Karasek said that tomorrow, an amended agenda must be posted on the Borough website and displayed in the office.

APPROVAL OF MINUTES

On motion by Steve Bender to approve the July 19, 2022 minutes and seconded by Dave Manzo. Roll call vote taken. In favor: S. Bender, A. Cortezzo, D. Hess, G. Hinton, D. Manzo, P. Webber. Abstained: J. Yob. Motion carried: 6 – 0 – 1.

APPROVAL OF EXPENSES

On motion by Jeff Yob to approve the expenses in the amount of \$15,376.38 and seconded by Dave Manzo. Roll call vote taken. In favor: D. Hess, G. Hinton, D. Manzo, P. Webber, J. Yob, S. Bender. Abstained: A. Cortezzo. Motion carried: 6 – 0 – 1.

SOLICITOR'S REPORT:

Attorney Karasek reported that he sent a letter addressed to Attorney Goudsouzian, legal counsel, to the State Belt Regional Police Commission, regarding a potential issue with the Plainfield Township Supervisors with a copy to our Borough Manager and Plainfield Township Attorney Backenstoe.

Attorney Karasek prepared a letter, that will go out tomorrow by certified mail, to the Department of State in Harrisburg, enclosing the resolution for the Wind Gap Municipal Authority retroactively reinstating its term through November 2024.

Attorney Karasek also prepared the Comprehensive SALDO Waiver Form for CRG along with preparing the Planning Commission agenda for the August 4th meeting. He also reviewed the Cosmo development sketch plan which was pulled from the Planning Commission Agenda again.

ENGINEER'S REPORT

Brian Pysher reported that he met with Bracalente Construction regarding the Lincoln Street overlay which is scheduled to be completed next week. He met with representatives from the Green Knight Economic Development Corporation regarding the issues with the pump station. They conducted testing on the pumps. There were issues so they ended up turning the water on trying to simulate normal function and they are waiting for the results. They also reviewed the plans for 20 Green Knight Drive Land Development. The developer wants to increase the size of the building which was reviewed at the Planning Commission and was recommended for approval. This plan will be before Council in the near future for discussion and action.

ZONING OFFICER'S REPORT

1. Zoning Changes - Amendment - Suzanne Borzak reported that she is getting a lot of cooperation with the enforcement notices going out to residents who are in violation of assorted sections of the ordinance. Roofs that have been tarped for years are now in the process of getting quotes and shortly their roofs will be replaced. She has also sent out enforcement notices regarding unpermitted signs.

NEW BUSINESS

1. Appointment Dave Manzo to Wind Gap Municipal Authority Board - No motion was made at this time.

2. Grant Awards from Green Knight Economic Development –Louise Firestone reported that the Borough was awarded three separate grants from the Green Knight Economic Development Corporation (GKEDC), \$5,000 for sealing of the tennis courts, \$5,000 for Summer Sounds, and \$3,000 for the Emergency Management Coordinator for a new laptop and new hand-held radios

3. CoStars Quote for Tennis Court/Pickleball – Basketball Court Sealing/Paint – Louise Firestone reported that in order to put the grant applications in for the Green Knights, Rich Fox obtained a quote through the State procurement program – “CoStars” to seal and paint the tennis courts, a pickleball court which is encompassed in the tennis courts, and seal and paint

the basketball courts. This has not been done since they were originally sealed and striped back in 2011. The quote was broken down into two separate projects, the \$5,000 from GKEDC would offset the cost of the tennis and pickleball courts with a total quote of \$17,837.37. Additional funding is available from Slate Belt Rising in the amount of \$6,750 that will offset the cost of the project. Recommendation is to complete both projects this year as it is all one surface so the remaining funding will be offset by park tipping fees in the Capital Reserve account. In order to save money on labor, our Street Dept will do the whole application and will be guided by an expert from Seal Master.

On motion by Steve Bender to move forward with sealing and painting the tennis, pickleball, and basketball courts and seconded by Patrick Webber. Roll call vote taken. Council agreed unanimously.

4. **On motion** by Dave Manzo that we initiate a police investigation of the Wind Gap Fire Department theft of credit cards and use at Reimers of several hundred dollars and seconded by Alex Cortezzo.

After additional discussion, Mr. Manzo amended his motion and Mr. Cortezzo agreed to his second of the amended motion.

On Amended motion by Dave Manzo that the results of the police investigation of the alleged theft of the gas cards and fraudulent use of the gas cards have been initiated by the Fire Department, but the results should also be reported to the Borough and seconded by Alex Cortezzo. Roll call vote taken. Council agreed unanimously.

5. CRG Services Management, LLC – 905 Pennsylvania Avenue

Attorney Karasek reported that there were SALDO waiver requests that needed to be reviewed by the Borough's Traffic Engineer, Peter Terry, and that e-mail was only received today. CRG Services Management has not filed a revised plan so the time to act on the plan would have expired on August 31, 2022. He has since received, late today, an extension of time from Attorney Blake Marles, who is the attorney for CRG, extending the time to act on this plan until October 1, 2022. Alex Cortezzo asked if this plan is before Planning or has it been finished. Attorney Karasek said that last month the Planning Commission heard requests for the SALDO waivers. There was a tremendous amount of waiver requests, so Attorney Karasek suggested that the applicant appear before Council in order to confirm that all the waivers requested would be granted by Council because if not all are granted, the developer would have to redesign the plan in order to be in compliance with the Borough's SALDO. Brian said during the Planning Commission meeting, the applicant did not have a revised traffic study completed so they requested that the Borough hold off having the traffic engineer review it. Alex said that going back and forth with the waivers could there be a joint meeting the Plainfield Township and Wind Gap Borough so they know what each is doing.

OLD BUSINESS

1. Local Tax Enabling Act - Jeff Yob suggested looking into the Local Tax Enabling Act in order to determine if properties that physically sit in two municipalities, split between Wind Gap and the township, allows the borough the ability to collect some type of tax as revenue. Is there any way that we could use this law to realize some financial benefit of funds in order to offset expenses to maintain infrastructure maintenance and repairs that the borough bears related to development in the neighboring township. Attorney Karasek asked if he was talking specifically about real estate. Jeff said he doesn't know, is it a revenue tax, a real estate tax, an employee occupancy tax, he does not know the answer, but thought this potentially could be an avenue to

explore. Attorney Karasek said that in this case, you are basically saying the you want to get a chunk of that real estate tax revenue, especially if it is commercial project. That would be a real estate tax issue more than a local tax issue. He would like to know, traditionally what the Borough has done when property is split by the township and the borough. Louise said it goes to the municipality where the majority of the land is located. Jeff said the County will not split revenue. Attorney Karasek said that he will check it out now that he knows more of the specifics of the question being posed.

2. Municipal Complex Site Plan for Proposed Upgrades Related to Paving Project - Brian Pysker reported that he added the additional lighting to the back property as discussed. Part of the paving in the back corner of the lot has light within the access easement and there is a stormwater swale that is proposed there as well. Brian will produce a final drawing for review.

3. Steve Bender asked what the status is regarding chickens. Suzanne Borzak said that Deb contacted adjoining boroughs and asked if they allow chickens and if so, could we get a copy of their ordinance/regulations. Pen Argyl, Bangor, Roseto, and Nazareth allow chickens, Pen Argyl does not allow roosters. When asked about chickens, Northampton Borough said NO. She is reading some of the ordinances that we received and ones that said yes do not prohibit them, but the rules to keep them are extremely strict. She works in Williams Township and they allow them but they can only have 12 chickens along with regulation on distances from the coop to the house, neighbor's property and property lines. She currently has two enforcement notices out. It is written in the Wind Gap Borough Ordinance that chickens are not allowed in the borough. We do not go around looking for chickens, but we have received written complaints. If we are going to allow chickens, we need to have regulations and revise the ordinance. Attorney Karasek said that he forwarded, a copy of the ordinance for Bethlehem and Smithfield Township regarding chickens. George asked that when the ordinances are received from the neighboring boroughs that they be forwarded to Council for review and discussion.

4. Wind Gap Fire Department – Alex Cortezzo asked George Hinton about the status of the new fire truck. George said that the discussion at their meeting last night was no grant, no truck.

COMMITTEE REPORT

A written committee report was provided to Mayor Smith and Council.

Mayor Smith's Report

Mayor Smith thanked George Hinton for attending the COG meeting last month; while he was out of town. There is no COG meeting in August, the next meeting is scheduled for September 28, 2022.

ADJOURNMENT

On motion by Jeff Yob to adjourn the meeting of August 16, 2022. Council agreed unanimously. The meeting of August 16, 2022 adjourned at 7:56 p.m.


Louise Firestone, Borough Manager