

**BOROUGH OF WIND GAP
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WIND GAP, PA 18091
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Wind Gap Borough Council meeting on Monday, December 4, 2023, was called to order at 7:00 p.m. by Council President George Hinton, at which time he reminded those present that the meeting was being recorded. In attendance were Council members Dave Hess, Steve Bender, Patrick Webber, and Alex Cortezzo. Also, in attendance were Mayor Wesley J. Smith, Borough Solicitor Ronald Karasek, Borough Engineer Brian Pysher and Borough Manager Louise Firestone. Absent were Councilmen Dave Manzo and Jeff Yob.

APPROVAL OF MINUTES

On motion by Patrick Webber to approve the November 21, 2023, minutes and seconded by Alex Cortezzo. Roll call vote taken. Motion carried unanimously.

APPROVAL OF EXPENSES

On motion by Patrick Webber to approve the expenses in the amount of \$34,577.55 and seconded by Alex Cortezzo. Roll call vote taken. Motion carried unanimously.

On motion by Patrick Webber to approve the CMR Construction Inc. Constitution Avenue Pay Request No. 4 in the amount of \$242,981.44 and seconded by Steve Bender. Roll call vote taken. Motion carried unanimously.

Brian Pysher added that CMR Construction Inc. has provided the Borough with a 12-month Maintenance Bond - \$79,531.91, which is 15% of the total project cost of \$530,212.75.

SOLICITOR'S REPORT

Attorney Karasek advised that he has created Resolution 2023-07 that awaits Council's approval "Fixing the Real Estate Tax Millage for the Calendar Year 2024 and Continuing to Allow Payments of Said Tax in Three (3) Equal Installments for the Calendar Year 2024". The resolution was only forwarded to Council this afternoon, so this item will be on the December 19, 2023, mid-month agenda.

Attorney Karasek informed Council that correspondence was received from Attorney Asteak related to the Pear Street topic. If Council desires, this item can be discussed during an Executive Session at the December 19, 2023, Council meeting as this may become a legal matter.

Attorney Karasek reviewed his written report that was provided to Council prior to the meeting. See attachment one (1)

ENGINEER'S REPORT

Brian Pysher reported 20 Green Knight Drive sent correspondence requesting a Letter of Credit Reduction. Items included in the engineer's proposal for reduction, have not yet been addressed by the developer, so Brian recommended that this request be tabled until a future

Council meeting to allow the developer to respond and adjust the dollar amount for the Letter of Credit reduction. To date, Brian has not performed a site inspection and is awaiting that request.

On motion by Patrick Webber to table the 20 Green Knight Drive, Request Letter of Credit Reduction item on the agenda to a future Council meeting and seconded by Alex Cortezzo. Roll call vote taken. Motion carried unanimously.

Brian Pysher reported that a meeting was held with an engineering representative for CRG Development, Tyler Bartron, PA American Water, Mr. Hinton and Brian. PA American Water is trying to sort out how to get water service to the proposed warehouse buildings because currently, it is a private road. If the road remains private, there are different and less strict requirements for the pipe installation, but if the road is public, it will be more costly to the developer to build up to Borough standards. Currently, there is a water line that runs up Alpha Road and ties into North Broadway that would have to be abandoned and re-directed up the new Alpha Road into Industrial Drive and then tap into North Broadway. Brian reiterated that Wind Gap has not received any correspondence from the developer regarding how the 2,000' of roadway within the Borough would be taken care specifically for maintenance during snow events, but also for any future road and infrastructure repairs.

Brian requested that the developer provide the Easement Agreement to Council and plan on attending a Council meeting in February 2024 to have discussion regarding specific concerns from Wind Gap and our engineer.

George added that a request was made to the developer to provide comments from Plainfield Township regarding Industrial Drive being private versus public. Alex added that Plainfield Township has very similar concerns about the road that Wind Gap has expressed.

Council will wait for correspondence to be forwarded from CRG Development and this topic will continue to be discussed. Once this occurs, George proposed that a sub-committee be formed with Wind Gap and Plainfield to understand all the concerns from both the borough and the township.

NEW BUSINESS

1. Approval of Advertisement of January 2, 2024, Reorganization Meeting.

On motion by Steve Bender to advertise the Council Reorganization Meeting for Tuesday, January 2, 2024, at 7:00 p.m. and seconded by Patrick Webber. Roll call vote taken. Motion carried unanimously.

2. No Nonsense Neutering (NNN Voucher Contract Approval)

On motion by Steve Bender to approve and sign the Agreement with No Nonsense Neutering for 2024 and seconded by Patrick Webber. Roll call vote taken. Council agreed unanimously.

OLD BUSINESS

1. Roosevelt Street. Steve Bender asked Borough Engineer, Brian Pysher, for an update on the water issue on Roosevelt. Brian replied that survey work has been completed, but he recommends that Council further discuss this project in the spring.

PUBLIC COMMENT

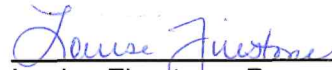
1. Pete Albanese asked for clarification about the Borough's desires to have Industrial Drive public or private. George stated that originally the Borough only wanted to have upper Alpha Road and the connection onto Industrial Drive west to North Broadway as the public road. He explained that practically, if the Borough is only responsible for that portion of the roadways, it will still be a burden for the safety of all traffic within the Borough. This development lies substantially within Plainfield Township so Wind Gap will not see any tax revenue, but will be burdened with salting, plowing and maintaining the road. Brian added that it was after the plan was submitted by the developer that the realignment of Alpha Road was discussed as a safe alternative to having the intersections so close in proximity. Brian stated that the only way to control the construction and safety of the road was to have the Borough take it over, but Council needs to discuss the topic at great length.

2. Randy Bray of Roosevelt Street questioned whether the Borough will be doing any further repairs on Roosevelt since he has water that comes down the road and runs eight feet out in the road and freezes by his property. Brian Pysher stated that the design would include tying an inlet into the pipe in the middle of the street.

ADJOURNMENT

On motion by Patrick Webber to adjourn the meeting of December 4, 2023. Council agreed unanimously. The meeting of December 4, 2023, adjourned at 7:46 p.m.

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Louise Firestone, Borough Manager

**SOLICITOR'S REPORT – R. J. KARASEK, ESQUIRE
WIND GAP BOROUGH
NORTHAMPTON COUNTY, COMMONWEALTH OF PENNSYLVANIA
MONTH: November 2023**

MEETINGS ATTENDED:

November 2, 2023 - attendance at regular monthly meeting of Borough Planning Commission
November 6, 2023 - attendance at regular meeting of Borough Council
November 21, 2023 - attendance at regular mid-month meeting of Borough Council

SUBDIVISION MATTERS: None

LAND DEVELOPMENT MATTERS:

Receipt, Review and Administration of Indemnification Agreement and Amendment to Stormwater Management Agreement (partially signed by Applicant) to Allow Earth-Moving before the Land Development Plan is Filed of Record with e-mail Transmission to/from Borough ZO-Borzak Questioning Whether Applicant can Begin re 20 Green Knight Drive LD Plan

Receipt, Review and Administration of e-mails to/from Applicant's Attorney-Burkhart as to Status of PENN DOT Application for Roadways re: CRG Service Management aka 900 Pennsylvania Avenue

Review of Escrow Agreement for Cabot Donation and Grant Application for the Male Road Bridge with Comments re CIVF VI DEV – PA 1M02, LLC (formerly JERC L.D. Plan)

ZONING AND OTHER LAND USE MATTERS:

Receipt, Review and Administration of Lehigh Valley Planning Commission Review Correspondence re Sign Ordinance

Receipt, Review and Administration of Lehigh Valley Planning Commission Review Correspondence re Chicken Ordinance

Review of Bangor Borough Ordinances as to Building Code Reviews prior to Sale or Lease of Real Estate

Preparation of Borough Comments for Bushkill Township Project at 454 and 480 Male Road

DEVELOPMENTS ON OUTSTANDING LITIGATION: None

COURT DECISIONS ON BOROUGH CASES: None

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MISCELLANEOUS:

Receipt, Review and Administration of E-mails, Telephone Calls and Preparation of Correspondence re Slate Belt Regional Police Force Commission Regarding Calculation of Holiday Pay for Police and Ex Parte Meeting on Topic Without Notification to or Participation by Borough

Preparation of Borough Planning Commission Meeting Minutes of November 2, 2023 with e-mail Transmission to Borough

Preparation of Monthly Solicitor's Report

OUTSTANDING ITEMS:

Stop Sign Ordinance

Dog Park Ordinance