

**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 Tuesday December 17, 2019, was called to order at 7:00 p.m. by Council President Dave Hess, at which time he reminded those present that the meeting was being recorded. In attendance were Councilmembers: George Hinton, Joyce McGarry, Mike McNamara, and David Manzo. Also, in attendance were Mayor Mitchell D. Mogilski Sr., Borough Solicitor Ronold Karasek, Borough Engineer Brian Pysher, and Borough Administrator Louise Firestone. Absent were Councilmen Kerry Gassler and Jeff Yob.

**PUBLIC COMMENT**

1. Bio Spectra Property – Rick Mutchler, President of Bio Spectra, came before Council regarding the property currently known as Cramer’s Lumber Yard on Alpha Road, which his company purchased several months ago. Mr. Mutchler met with Ms. Bettina Serfass, Zoning Officer from Keller Zoning and Inspection Service. He stated that he proposed tearing the building down and putting a brand-new steel, fire suppressed, appropriate lighting, much better, newer version of the building there. At the time they wanted to tear down the old building and improve the set-back and make it more compliant, cleaner, nicer, but have the new building where the old structure existed. In the process they leveled that building, except for the foundation and concrete. His plan is to ask to retain the non-compliant setbacks that are currently in place. He provided a recent drawing to Council of his proposed project. When the Borough was in the process of completing the Alpha Road project, Brian Pysher contacted him to ask where they wanted their access egress in the curbing. Brian shared with him the possibility of a drainage issue somewhere on the property underneath the building. Mr. Mutchler stated that it would appear that there is some drainage that comes down the property and there appears to be some breakage in a pipe. At the time when Cramer’s owned the property, they backfilled the pipe with concrete, releveled and re-supported it, making it work for them. It now appears that it is in worse repair than they originally thought. They spoke with Brian Pysher today and understand that the Borough had a fully engineered plan to wrap that pipe around the building that was done in 2012. Cramer’s, at that time, felt that this was not a property owner issue, that in fact they believed that it was the Borough’s drain and it does not serve this property, so they declined to invest in the property by fixing the pipe. Mr. Mutchler requested a copy of that 2012 engineered drawing in order to obtain pricing to have this repaired or rebuilt to divert that storm drain around the property, but still in the set-backs to hook up to the Borough’s new connection. They are willing to use that property as a distribution facility and they do not want to falsify a land developments plan. Mr. Mutchler feels that this is a Borough need and they need to fix it straight and if the Borough wants the land owner to fix it, he will pay for it, but he needs to have that done acknowledging what it is. He agrees that it would be better served to move it completely around the existing foundation of the building. What he is asking for, is to have a copy of what was apparently reasonable in 2012 to fix this and if so, is he allowed to start sourcing someone who would consider acting as a contractor to fix this drainage issue.

Attorney Karasek stated that Land Development is defined as the improvement to any non-residential lot. Based on what is described, it falls under that category. Brian provided Mr.

Mutchler the option to either go for land development or to ask for a waiver of the land development requirement, he would have to ask Council on what their opinion is for waiving land development.

**On motion** by George Hinton to release the requested documents contingent on a Right-to-Know Request being submitted to the Borough office and seconded by Dave Manzo. Roll call taken. Council agreed unanimously.

### **APPROVAL OF MINUTES**

**On motion** by Dave Manzo to approve the December 2, 2019 minutes and seconded by Mike McNamara. Roll call taken. Council agreed unanimously.

### **APPROVAL OF EXPENSES**

**On motion** by George Hinton to approve the expenses in the amount of \$38,613.66 and seconded by Mike McNamara. Roll call vote taken. Council agreed unanimously

**On motion** by George Hinton to approve Bracalente Construction Pay Request No. 2 for the Alpha Road Reconstruction Project in the amount of \$162,545.00 and seconded by Mike McNamara. Roll call taken. Council agreed unanimously.

Brian Pysker reported that he and Louise met with Jeff Roback, the Liquid Fuels Representative for PennDOT and he approved the payment of the portion from Liquid Fuels.

### **NEW BUSINESS**

1. T. Klump Third St Development – Approve Signing DEP Public Sewerage Service

**On motion** by Dave Manzo to approve signing DEP Public Sewerage Service for T. Klump Third Street Development and seconded by George Hinton. Roll call taken. Council agreed unanimously.

2. Enactment Ordinance 505 – Repeal of Per Capita Tax

**On motion** by George Hinton to enact Ordinance 505 - Repeal of Per Capita Tax and seconded by Dave Manzo. Roll call taken. Council agreed unanimously.

3. Enactment Ordinance 506 – SBRPD Cost Assessment Formula for 2020

**On motion** by George Hinton to enact Ordinance 506 – SBRPD Cost Assessment Formula for 2020 and seconded by Dave Manzo. Roll call taken. Council agreed unanimously.

4. Enactment Ordinance 507 – Real Estate Millage for 2020

**On motion** by Dave Manzo to enact Ordinance 507 – Real Estate Millage for 2020 and seconded by Mike McNamara. Roll call taken. Council agreed unanimously.

## OLD BUSINESS

1. Emergency Management Plan – Dave Hess said that he received an e-mail earlier today from Councilman Jeff Yob, who was absent from tonight’s meeting, recommending that Council adopt the plan without Plainfield Township’s information and then amend the plan once we obtain the approval and information.

**On motion** by Dave Manzo to not adopt the Emergency Management Plan as proposed since at this time it is incomplete and seconded by George Hinton. Roll call taken. Council agreed unanimously.

Dave Manzo said that he compared what Jeff submitted to Council to other plans in other Boroughs and Townships and it is sadly missing a lot of stuff for the amount of time he had to complete the plan. This plan effects funding, our relationship with the County and the State, and for those reasons, I request that he be removed as chair.

George Hinton said that he does not have all the certifications to have that position and after 15 years we do not have an accurate current plan.

**On motion** by Dave Manzo to remove Mr. Yob as the Wind Gap Borough Emergency Management Coordinator and seconded by George Hinton. Roll call taken. Council agreed unanimously.

**On motion** by Dave Manzo to appoint Mr. David Hess as Wind Gap Borough’s Emergency Management Coordinator and seconded by George Hinton. Roll call taken. Council agreed unanimously.

Dave Hess said that regarding the Deputy, Council can leave that position open and ask Mr. Yob if he is willing to accept that position. Dave Manzo said that if he accepts Deputy, he needs his certifications within two months. Attorney Karasek said that Council is coming into an even number year in January and Council is going to have to reorganize and at that reorganization meeting you may put that appointment on the agenda.

2. Attorney Karasek reported that the loan for the new building will be discussed at the January meeting. Dave Hess confirmed yes, at the mid-month meeting.

3. Borough Manager Job Description – Dave Hess reported that Council should have a copy of the job description for Borough Manager so you can look at this for our next meeting. This is what we are recommending, we can further discuss and take action next month.

## COMMITTEE REPORTS

1. EMS – Dave Manzo had nothing to report, the Ambulance meeting is scheduled for tomorrow evening. Dave Hess reported that the gas was restored to the stove today.

2. Fire – Mike McNamara had nothing to report.

3. Regional Police – Dave Hess reported that Police Department responded to a total of 480 calls for service, 133 were for Wind Gap.

Oral interviews for the new officers were held on November 14 and 15, 2019. All candidates have picked up their extended applications and are set to begin background investigations on the candidates.

The Department had its “mock assessment” for the Accreditation process. Assessors came to the Department and reviewed all PLEAC standards, policies, proofs and the

headquarters for compliance. Minor issues were noted that are easily taken care of and overall, the Department fared very well thanks to the great effort by Lt. Hoadley.

PAL Movie Night featuring the Grinch Movie was held On December 5<sup>th</sup> at the Wind Gap Fire Company Social Hall with approximately 50 people in attendance. Thanks to the Fire Company for use of the Social Hall.

Chief David Mettin has handed in his resignation as he accepted another job in his hometown of Plumstead Township. He will be leaving at the end of January. Lt. Hoadley will take over until a new chief is found.

4. Emergency Management – Dave Hess said he will start working on the plan and will have an update next month. Dave Manzo said that when the Borough Manager is finally chosen and put in place, he would like the Manager to review all property that might have been part of Emergency Management. He wants to know where there might be computers, software, radios, anything else that might have been part of the Coordinators equipment and have that equipment turned back to the Borough so that the new Emergency Management Coordinator could have access to it. George Hinton said there were three laptops and software/programs that was installed on them somewhere out there because Council approved paying for them.

5. Zoning – Mike McNamara has nothing to report other than the work at the former Cramer’s property.

6. Planning – Dave Manzo reported that a Planning Commission meeting is scheduled for January 2nd for JERC’s proposed warehouse at 550 Male Road.

7. Municipal Authority – Brian Pysher had a meeting with Terry Miklas and the Authority’s engineer, Tom Duffy, John and John Brian Goffredo from Nu Cor Management, and the plumbing contractor. Brian had previously spoken with Terry Miklas regarding the process of conducting a dye testing. Terry had expressed concern on how the Borough was planning on testing the last ten feet. After the specifics were discussed it was determined that the work is projected to start January 13, 2020. Rich and his team moved the trees and stump and it is all ready to go.

8. Streets – Dave Hess reported that the Street Department has been repairing alleys, filling potholes and general maintenance in the shop and throughout the Borough.

9. Park/Athletic Fields – Dave Manzo reported that a Wind Gap Area Athletic Association meeting is scheduled for December 30, 2019 at 7:30 p.m. at the ScoreCard. Louise reported that through Northampton County’s Livable Landscapes Initiative, Wind Gap Borough was awarded \$79,303.00 which is 13% of what they were giving out for the entire county. Our trail project has funding through Community Investment Partnership Program of \$25,000, Green Knights \$3,000, Slate Belt Rising \$18,993 for a total of \$126, 296.00 towards our trail. Steve Reider, Director of Slate Belt Rising, has already put together an RFP, we are looking to get the trail designed by any company familiar with the park trails.

10. Tipping Fees – Kerry Gassler and Jeff Yob were absent so there was nothing to report.

11. Slate Belt Council of Governments – Mayor Mogilski reported that he did speak with Cheryl, the grant writer, regarding potential funding to repair the Male Road Bridge.

12. Slate Belt Rising – Louise Firestone reported that Slate Belt Rising did not have a formal meeting this month, but did meet for a Christmas dinner. The next scheduled meeting is the

second Thursday in January. Wind Gap Borough is the focus municipality for Slate Belt Rising in 2020 so Steve Reider will be here every Wednesday for a few hours to assist in any projects that the Borough may have besides the park trail.

13 Multi-Municipal Plan – Louise Firestone said there is no meeting next month, but one is scheduled for the first Wednesday in February.

14. Mayor’s Report – Mayor Mogilski reported that he received an e-mail that came through the office from the Community Outreach and Redevelopment questioning if he would be willing to sit down with Lehigh Valley Economic Development Corporation Director Andrew Kleiner. He asked Council If anyone would like to join in a meeting let him know.

Mayor Mogilski wanted to thank everyone employed by Wind Gap Borough for the terrific job that keeps this town moving forward.

### **QUESTIONS AND ANSWERS**

None

### **ADJOURNMENT**

**On motion** by Mike McNamara to adjourn the meeting of December 17, 2019. Council agreed unanimously. The meeting of December 17, 2019 adjourned at 8:00 p.m.

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Louise Firestone – Borough Administrator