

**BOROUGH OF WIND GAP**  
**545 East West Street**  
**WIND GAP, PA 18091**  
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The Council meeting of the Borough of Wind Gap on Monday, February 1, 2021 was called to order at 7:00 p.m. by Council President Dave Hess, through Zoom Video Conferencing. Louise Firestone informed everyone that the meeting was being recorded.

A verbal roll call was taken by Borough Manager Louise Firestone – participating via Zoom computer link or Zoom phone link were Council members: George Hinton, Dave Manzo, Joyce McGarry, and Mike McNamara. Also participating were Mayor Mitchell D. Mogilski Sr., Borough Solicitor Ronald Karasek, Borough Engineer Brian Pysher, and Borough Manager Louise Firestone. Absent were Councilmen Steve Bender and Jeff Yob.

**PUBLIC COMMENT**

1. Adrienne Fors, Sr. Community Relations Specialist – Waste Management joined the meeting via Zoom. Ms. Fors monthly report is as follows:

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 2300 tons per day.
2. The horizontal gas collection well in Cell 17 is complete.
3. On behalf of WM of Pennsylvania, Grand Central has awarded \$18,000 in Pre-K Scholarships through the Bridge Foundation. Overall EITC Pre-K scholarships by WM is \$160,000.
  - a. Recipients include: Greater Valley YMCA, Immaculate Conception, Lehigh Christian Academy, The Growing Place (Monroe County)
4. WFMZ News Story: Grand Central Landfill's second winter bird walk was included in the 1/23 news segment. [https://www.wfmz.com/news/feature-belt/thousands-of-snow-geese-spotted-locally-this-week/article\\_ca525d8a-5be9-11eb-8825-ff81ac9d05b3.html](https://www.wfmz.com/news/feature-belt/thousands-of-snow-geese-spotted-locally-this-week/article_ca525d8a-5be9-11eb-8825-ff81ac9d05b3.html)

WFMZ News Story: The annual winter bird walk was featured on 1/16 with a 5-minute segment discussing partnerships and conservation.

[https://www.wfmz.com/news/sunrise/annual-winter-bird-walk-in-pen-argyl-held-saturday/article\\_36b2bab4-5803-11eb-9f88-1bd0fe9d6b63.html](https://www.wfmz.com/news/sunrise/annual-winter-bird-walk-in-pen-argyl-held-saturday/article_36b2bab4-5803-11eb-9f88-1bd0fe9d6b63.html)

The Grand Central Landfill website continues to be updated and includes the monthly landfill update notices. [www.grandcentrallandfill.com](http://www.grandcentrallandfill.com). Residents can also learn more about us by visiting our Facebook page as well.

2. Joe Correia, J.G. Petrucci – Male Road Project – Joe Correia and his project team joined in the meeting with an update for Council. Mr. Correia reported that the plans have been recorded and closing was held on both parcels, the Vitters and Giroux properties. One of the open issues is the emergency access off of Route 512 going through the Silverline property which is now owned by DS Burke. The highway occupancy permit has been received which allows them to move forward with the emergency access as originally planned. A grading permit application has been submitted with Plainfield Township for those improvements. Mr. Correia previously provided backup documentation to Mr. Pysher for the Borough's file.

Attorney Zator said that with respect to the posting of securities, there was as special condition made part of the conditional plan approval. He believes that Attorney Karasek had written several of them in and one reads as follows: "If the Green Knight project does not proceed, JERC will be fully responsible to coordinate the sanitary sewer extension and other utilities extension and JERC would be entitled to any Green Knight performance bond proceeds". They would anticipate that because the only work left to be done is the electric connection to the pump station and they would secure that and because it is relatively modest, they would not try to coordinate with Green Knights about taking over their security. JERC is confident that they will get this done. Understanding the Borough wants to be protected, they will secure it outright and not worry about taking over Green Knight security. That is acceptable to JERC and consistent with the condition that the Borough imposed at the time of land development conditional approval. Mr. Correia explained that closing occurred on both properties, but properties are not in the name of JERC, so he will provide Attorney Karasek with the information on who the grantees were for the agreement.

Brian Pyscher asked Matt Chartrand, just to clarify that part 2 permit from DEP is to get that pumping station on line. Matt said no, the pumping station itself can go on line right now based on what the Green Knights are permitted. They have a certain flow that is permitted right now through part 2 but they only secured basically one EDU per lot which is authorized now to go through the pumping station so they had to update that permit to include the flow from JERC site. Their anticipation is that the 3500 gallons per day from their side will be the first to go through that pumping station. There is a permit for the pumping station, we need to tell them what flows are going to be going through it and note that there is not going to be any industrial waste water that needs to be further treated. This is part of what the part 2 permit captures, what flow and how much they are sending through that pump station. The Sewer Authority has been actively involved with this process and security is in place for inspection and on-going inspections.

Attorney Karasek said he spoke with Attorney Zator about the performance bond to secure the electrical connection to the pump station and he was told that as long as the Wind Gap Municipal Authority is okay with how the sewer went in and it meets with their approval, he does not have a problem advising the Borough to secure the electrical connection. Brian Pyscher said he will correspond with the Sewer Authority, as long as they are okay with it, the Borough will be fine with it.

Attorney Karasek said that it was good work to get the 512 access, it was important to the Council members.

## **APPROVAL OF MINUTES**

**On motion** by Dave Manzo to approve the January 4, 2021 minutes and seconded by Joyce McGarry. Roll call vote taken. Roll call vote taken. Council agreed unanimously.

**On motion** by Joyce McGarry to approve the January 19, 2021 minutes and seconded by Dave Manzo. Roll call vote taken. Roll call vote taken. Council agreed unanimously.

## **APPROVAL OF EXPENSES**

**On motion** by Mike McNamara to approve the expenses in the amount of \$51,350.70 and seconded by George Hinton. Roll call vote taken. Council agreed unanimously.

**On motion** by George Hinton to approve Nu Cor Management – Application No. 19300.11 for the Maintenance Garage in the amount of \$10,800.00 and seconded by Mike McNamara. Roll call vote taken. Council agreed unanimously.

**On motion** by Dave Manzo to approve K.C. Mechanical – Application No. 5 in the amount of \$38,222.50 and seconded by Mike McNamara. Roll call taken. In favor: None. Opposed: M. McNamara, D Hess, G. Hinton, D. Manzo, J. McGarry. Motion did not pass 0 – 5.

There was discussion on the work done, the timers on the exhaust fans not working properly, the timers not being programmed, and the heater in the garage not working. Their letter expired regarding the time frame for the work to be completed.

**On motion** by George Hinton not to pay Warko Group – Application No. 4 in the amount of \$6,930.00 and seconded by Mike McNamara. Roll call vote taken. Council agreed unanimously.

There was discussion that the toilets are low volume and low water flow and the pipes easily get clogged, the faucet in the slop sink need to be replaced and the water hammer has to be replaced due to the pipes banging and rattling.

**On motion** by George Hinton to hold payment for Warko Group – Application No. 5 in the amount of \$3,195.00 and seconded by Joyce McGarry. Roll call vote taken. Council agreed unanimously.

**On motion** by Dave Manzo to approve Wind Gap Electric – Application No. 5 in the amount of \$45,819.00 and seconded by Mike McNamara. Roll call vote taken. In favor: D. Manzo, J. McGarry, M. McNamara. Opposed: D. Hess, G. Hinton. Motion carried 3 – 2.

**On motion** by M. McNamara to approve Wind Gap Electric – Application No. 6 in the amount of \$4,914.00 and seconded by D. Manzo. Roll call vote taken. In favor: J. McGarry, M. McNamara. Opposed: D. Hess, G. Hinton, D. Manzo. Motion did not pass. 2 – 3.

There was discussion whether the fire alarms had not been tested.

## **SOLICITOR'S REPORT**

### **Meetings Attended:**

January 4, 2021 – Regular Monthly Meeting of Wind Gap Borough Council via Zoom

January 19, 2021 – Mid-Month Meeting of Wind Gap Borough Council via Zoom

**Subdivisions:** None

### **Land Development Plans:**

Receipt, Review and Administration of Correspondence from Alternate Borough Engineer (Ott Consulting) Concerning Stormwater Improvements – Concrete Pads for Lots 1-4 RE: Albanese L.D. Plan – Water Street

Receipt, Review and Administration of e-mail from Applicant's Engineer Concerning Inspection of Completed Required Improvements and Reduction of Bond from Performance to Maintenance RE: Water's Edge – Dream Lehigh Valley/West Street L.D. Plan

Receipt, Review and Administration of Comprehensive e-mail from and Telephone Conference with Applicant's Attorney with Status of Required Land Development Improvements RE: JERC L.D. Plan

Receipt, Review and Administration of SALDO Waiver Request (with Site Plan) RE: Tractor Supply, Inc. into former K-Mart Store

### **Zoning Matters:**

Receipt, Review and Administration of Application by T.E.G. Logistics for Zoning Change RE: 62 North Broadway

Receipt, Review and Administration of Packet of Documents Concerning Issues with 40 South Broadway with Stormwater Runoff on to 50-52 Broadway

Receipt, Review and Administration of Correspondence from Northampton County Conservation District RE: Issues with 40 South Broadway with Stormwater Runoff on to 50-52 Broadway

**Developments on Outstanding Litigation:** None

**Decisions on Borough Cases:** None

**Miscellaneous:**

Receipt, Review and Administration of e-mails and Packet of Information RE: T. Dailey Pension Information

Receipt, Review and Administration of e-mail RE: Maintenance Garage Contract and Possible Claim Against K.C. Mechanical

Receipt, Review and Administration of Resignation Letter of R. Deiter from Wind Gap Municipal Authority

Receipt, Review and Administration of e-mail of T. Borger Resignation from Wind Gap Athletic Association

Receipt, Review and Administration of Borough Resolution No. 2020-07 – Real Estate Tax Millage for 2021

Prepare Monthly Solicitor's Report for November and December, 2020

**Outstanding Items:**

Stop Sign Ordinance

Dog Park Ordinance

**ENGINEER'S REPORT**

1. Brian Pysher reported that the letter from David Drake, W2A Design Group, sent to K.C. Mechanical was forwarded to Attorney Karasek for him to review and advise Council on how to proceed with getting the work on the new Maintenance Garage completed.
2. Delaware Avenue – Brian Pysher reported that the survey and quantity cost estimates were done for the paving project on Delaware Avenue. There is some base repair that he thinks the Borough Street Department will be able to complete.
3. Planning – Proposed Warehouse Development Plainfield Township – Brian Pysher reported on the PennDOT Scoping Meeting, CRG Acquisition, LLC Industrial Development, Plainfield Township for the proposed warehouse which would be located by the former N.A.P.E.R. property. The meeting was attended by multiple representatives from PennDOT, Plainfield Township Manager, Zoning Officer for Plainfield Township, their Engineer, Brian Pysher and other representatives from the Borough, CRG Acquisitions the company that is associated with this, and Rob Hoffman, who was the coordinator; he is the representative from Traffic Planning and Design. They are working on the PennDOT permitting for this project. Wind Gap has utilized Traffic Planning & Design in the past as part of our ARLE Grant project, they have reviewed traffic studies associated with the JERC Warehouse project and the Green Knight project. In this particular case they will be representing CRG, they are the ones developing this property. They talked about a number of possibilities with this project which will consist of, similar to what Industrial Drive was, there will be a new road that originates across from the entrance of Grand Central Landfill and proceed through that property and exit or enter onto North Broadway in Wind Gap. One of the big discussion points was, making everyone in attendance aware that the Borough does not have the financial or manpower resources and

does not want to take over any proposed street within Wind Gap. They did say that it will be a public street, open for public access. They discussed left and right turn lanes, so a turn lane analysis will be completed to determine if they are required on Broadway and they talked about signalization on North Broadway which Wind Gap would recommend. He is sure that they are not going to propose one unless the traffic studies indicate that it is required. This project will require the developer to submit preliminary plans and go in front of Borough Council for Land Development approval. There is no proposed development in the Borough, the warehouse buildings and the other lot are all located in Plainfield Township.

Brian suggested that Wind Gap contact the Traffic Engineer that Plainfield Township utilizes to handle all of our traffic reviews of this project as Traffic Planning and Design (TPC) is being retained to work on behalf of the developer. Since Plainfield has a Traffic Engineer that they are currently utilizing, it would make sense to utilize that same Engineer.

## **NEW BUSINESS**

### 1. Re-Appointments 2021

Borough Solicitor

The Karasek Law Offices, L.L.C. - \$102.50/hr.

**On motion** by George Hinton to re-appoint The Karasek Law Offices LLC at \$102.50/hr. as the Borough Solicitor and seconded by Dave Manzo. Roll call vote taken. Motion carried unanimously.

Borough Planning Solicitor

The Karasek Law Offices, L.L.C. - \$102.50/hr.

**On motion** by Dave Manzo to re-appoint The Karasek Law Offices LLC at \$102.50/hr. as Borough Planning Solicitor and seconded by George Hinton. Roll call vote taken. Motion carried unanimously.

Borough Zoning Solicitor

The Molnar Law Office - \$65.00/hr.

**On motion** by George Hinton to table the re-appointment of The Molnar Law Office as the Borough Zoning Solicitor until we hear from the Zoning Hearing Board and seconded by Mike McNamara. Roll call vote taken. Motion carried unanimously.

Borough Engineer

Robert Collura - \$85.00/hr. - R. Collura, \$75.00/hr. – B. Pysher

**On motion** by Mike McNamara to re-appoint Robert Collura as the Borough Engineer at a rate of \$85/hr. (R. Collura) and \$75.00/hr. (B. Pysher) and seconded by Dave Manzo. Roll call vote taken. Motion carried unanimously.

Alternate Borough Engineer

Ott Consulting - \$97.00/hr. for Principal Engineer / \$93.00/hr. for Project Engineer

**On motion** Mike McNamara to re-appoint Ott Consulting as the Alternate Borough Engineer at the rate of \$97.00/hr. for the Principal Engineer and \$93.00/hr. for the Project Engineer and seconded by George Hinton. Roll call vote taken. Motion carried unanimously.

Borough Sewage Enforcement Officer  
Robert Collura - \$75.00/hr.

**On motion** by George Hinton to re-appoint Robert Collura Engineering as the Borough Sewage Enforcement Officer (SEO) at a rate of \$75.00/hr. and seconded by Dave Manzo. Roll call vote taken. Motion carried unanimously.

Borough Auditor  
France, Anderson, Basile and Company  
- Contract Rate for 2019 Audit – NTE \$4,755

**On motion** by George Hinton to re-appoint France, Anderson, Basile and Company as the Borough Auditor at a rate of Not-to-Exceed \$4,635 and seconded by Mike McNamara. Roll call vote taken. Motion carried unanimously.

Planning Commission – 4-year term  
- Michael McNamara III – 12/31/2024

**On motion** by George Hinton to re-appoint Michael McNamara III to the Planning Commission for a four-year term and seconded by Dave Manzo. Roll call vote taken. Motion carried unanimously.

Wind Gap Municipal Authority – Currently two vacancies on a 7-member board  
5-year terms  
- Vacancy from Resignation of Russell Dieter  
- Vacancy from Resignation of George Pultz

Louise Firestone reported that the Municipal Authority has not forwarded any recommendations for appointment to the WGMA, but they did forward one job application. Mr. Manzo reported at their last meeting that according to their By-Laws, they can have a number of five members up to a number seven members sitting on their Board, they are currently at five members.

**On motion** by Dave Manzo to the leave the Wind Gap Municipal Authority Board at five Board members and seconded by Mike McNamara. Motion carried unanimously.

Zoning Officer  
- Keller Zoning & Inspection Services - \$65/hr.

**On motion** by George Hinton to solicit another firm as Zoning Officer and seconded by Dave Manzo. Roll call vote taken. Motion carried unanimously.

Alternate Zoning Officer  
- Robert Collura - \$75.00/hr.

**On motion** by George Hinton to re-appoint Robert Collura as the Alternate Zoning Officer at the rate of \$75.00/hr. and seconded Dave Manzo. Roll call vote taken. Motion carried unanimously.

2. Bridge Inspection Meeting – February 2, 2021 – Louise Firestone reported that there is a meeting scheduled for 9:00 a.m. on Tuesday, February 2, 2021 via Zoom. A third party does the bridge inspection on Male Road and gives the report eleven to twelve months after the inspection. The latest inspection is dated April of 2020. Louise and Brian Pysher will be participating in the Zoom meeting. The inspectors rate different portions of the bridge based upon the current condition of the bridge. Louise and Brian will give a further update at the next meeting.

3. Wind Gap Municipal Authority Update - Louise Firestone reported that after the last Municipal Authority meeting on January 27, 2021, Monica Harrison, the Administrator for the Wind Gap Municipal Authority, sent an e-mail informing the Borough that water shut-off proceedings have begun for several properties including the Travel Inn in Plainfield Township and several of Mr. Keenhold's properties in both Wind Gap Borough and Plainfield Township. The Borough Members of Wind Gap Municipal Authority would like to remain in lockstep with the Borough of Wind Gap and Plainfield Township. Please keep them apprised of any aversions and/or opinions to the contrary from the Borough upon the presentation of these developments. These property owners owe the Municipal Authority over \$150,000 in unpaid sewer bills so they are taking steps to shut off those properties. George Hinton said that the owners would pay the water bill, but not the sewer bill and the Sewer Authority had to figure out how to go after them. The Travel Inn owes them over \$128,000 alone. Louise stated that the Authority was not looking for any action to be taken by Borough Council, but just want to keep us informed.

4. 84" Angle Broom for Skidsteer - \$4,905.64 (CoStars pricing) - Dave Hess said this is an attachment with a rotating broom which will be primarily used to clear the snow from sidewalks. We added all new sidewalks at the park around the garden area along with the path for the walking trail that they will be responsible for clearing. Rich does not want to take the backhoe on the new sidewalks and it would be impossible for them to have to shovel all of those sidewalks.

**On motion** by George Hinton to purchase the 84" Angle Broom for the Street Department Skidsteer for \$4,905.64 and seconded by Mike McNamara. Roll call vote taken. Motion carried unanimously.

## **OLD BUSINESS**

1. TEG Logistics, LLC – 62 North Broadway – Zoning Amendment - Attorney Karasek explained that TEG Logistics, LLC is asking for a Legislative Change, they have not filed a petition for a Curative Amendment or Zoning Validity which requires certain things to be done. They are asking if Council would be willing to change zoning to accommodate this trucking business, which as per a follow up letter that was sent by the prospective buyer, indicated that there would be upwards to thirty-five trucks on that property and also a 5,000 square foot building to repair trucks. Apparently, the proposed use is not allowed in that zoning district, so if Council would consider this amendment it has to be reviewed by the Wind Gap Borough Planning Commission, Lehigh Valley Planning Commission and a public hearing would need to occur adopting this amendment or the other option is to decide to not consider this request. The prospective buyer can file for a variance with the Zoning Hearing Board.

**On motion** by George Hinton to authorize Attorney Karasek to notify the applicant's attorney that Borough Council is not interested in any zoning changes at 62 North Broadway at this time and seconded by Dave Manzo. Roll call vote taken. Motion carried unanimously.

2. Wind Gap Municipal Athletic Association (WGAAA) – Financials/Insurance – Dave Manzo reported that after his discussion with the new president of the Athletic Association, he received financials and insurance certificates from the WGAAA. The primary financial concern is they do not have their non-profit status and they have not filed taxes for many years. The past president has contacted a CPA to look into the tax issue and acknowledged that the taxes have not been filed possibly from 2016 or longer which is a different story than what Council received in the previous Council meeting when we were told that perhaps one year was missing and some signatures were missing on another year.

Council discussed what is the right thing to do with the kids, we cannot penalize them. Is it possible for the Green Knights organization or Plainfield Township to absorb the kids for a season? Dave Manzo said the Borough should be concerned that the organization is being run properly since the Borough is allowing them use of Borough property. The Borough feels obligated to have a contingent plan with somewhere for them to play. There is concern on how the WGAAA would be able to get nine years of tax returns done and how they are going to be able to get another 501(c)(3) designation. There was not much optimism that this will get done this year or next year. It may be easier to start a new organization and have that organization apply for a 501(c)(3) status, insurance and set up new financials. Dave Hess asked if the Borough wants to take this on as a Borough entity or if we can get other people to start a new youth athletic association, such as the newly elected president.

**On motion** by Dave Manzo that the Borough cut ties with the Wind Gap Area Athletic Association and not allow the Wind Gap Area Athletic Association to use any facilities that are associated with Wind Gap Borough and seconded by George Hinton. Roll call vote taken. Motion carried unanimously.

Attorney Karasek said that as far as he knows the Wind Gap Area Athletic Association is a separate corporation, which he believes had been given 501(c)(3) status. It is not a borough entity, agency or a borough activity of any kind so he does not think that would be an issue. It is a separate corporation and if the borough does not want to deal with that separate corporation the borough has no obligation.

3. Dave Hess said that he spoke with Rich several times today and the Street Department has been out plowing since 4:00 pm yesterday. They do not plan on going home tonight, so they are doing the very best that they can utilizing every piece of equipment for the storm and also our part timer is working with them. We wish them well.

## **ADJOURNMENT**

**On motion** by Dave Manzo to adjourn the meeting of February 1, 2021. Council agreed unanimously. The meeting of February 1, 2021 adjourned at 8:33 p.m.

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Louise Firestone, Borough Manager