

**BOROUGH OF WIND GAP  
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The Council meeting of the Borough of Wind Gap on Monday, February, 3, 2020, 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 Council members George Hinton, Joyce McGarry, Mike McNamara, David Manzo, Jeff Yob, and Steve Bender. Also, in attendance were Mayor Mitchell D. Mogilski Sr., Borough Solicitor Ronald Karasek, Borough Engineer Brian Pysner and Borough Administrator Louise Firestone.

After the pledge, Council stood during a moment of silence for the passing of former Wind Gap Borough Councilman, Robert Serfass.

**PUBLIC COMMENT**

1. Blue Mountain Library – Judy Piper, Treasurer for Blue Mountain Library along with Katy Albanese, Valerie Viglione, and Lisa Farnan came before Council to thank them for their contributions to the library. Wind Gap Borough Council has been faithful over the years and they appreciate every penny they receive because it enables them to function as a library within the Pen Argyl Area School District. Judy Piper gave a report regarding programs, fundraisers and financials for the library. Dave Hess thanked them for serving our community.

2. Adrienne Fors, Waste Management came before Council to inform them that Waste Management and Synagro have decided to terminate their relationship and the entire Synagro project. She said that the reasoning was because there was not a lot of support in the community and because Plainfield Township felt that this was not a worthwhile project.

Adrienne said that she has a blood drive this Friday and encouraged all to participate. She said that last week a rare falcon was spotted at the Grand Central Landfill. This falcon is called the Gyrfalcon and it is the largest falcon in the world, it is from the Artic tundra. There is another walk scheduled for next weekend.

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

**APPROVAL OF MINUTES**

**On motion** by Jeff Yob to approve the January 21, 2020 minutes and seconded by Mike McNamara. Roll call vote taken. Council agreed unanimously.

**APPROVAL OF EXPENSES**

**On motion** by Mike McNamara to approve the expenses in the amount of \$26,254.80 and seconded by Dave Manzo. Roll call vote taken. Council agreed unanimously.

## **SOLICITOR'S REPORT**

### **MEETINGS ATTENDED:**

January 2, 2020 - attendance at regular monthly meeting of Planning Commission.

January 6, 2020 - attendance at regular monthly meeting of Borough Council.

January 21, 2020 – attendance at regular mid-month meeting of Borough Council.

### **SUBDIVISION MATTERS:**

Review of Various Items of Correspondence and Preparation of Official Action  
Correspondence with attachments with copy to all Pertinent Parties re Minor Subdivision - JERC Partners. LII, LLC.

### **LAND DEVELOPMENT MATTERS:**

Review of Various Items of Correspondence and Preparation of Official Action  
Correspondence with attachments with copy to all Pertinent Parties re Land Development Plan - JERC Partners. LII, LLC.

### **ZONING AND OTHER LAND USE MATTERS:**

Preparation of Ordinance and Advertising Notices with e-mail transmission to Express-Times (Pre-Adoption and Post-Adoption) under the PA Local Government Unit Debt Act attaching Proposed 2020 General Obligation Note No. 21800.

Receipt, Review and Administration of multiple-e-mails, telephone conversations to and from Property Owner's Representative, Property Owner's Attorney and Borough EIT re BioSpectra – RS Holdings – 519 North Broadway (formerly Cramer's Cashway Property).

Telephone conversation with K. Guerin and Receipt, Review and Administration of e-mail transmission and phone messages to and from Borough Zoning Officer, Review of Township Zoning Ordinance and county Website and Comprehensive Responsive e-mail to Borough Zoning Officer (with copy to other Borough Officials) re 333 Broadway – formerly K. Guerin Property.

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

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

### **MISCELLANEOUS:**

Preparation of Planning Commission Meeting Agenda for January 2, 2020.

Preparation of Planning Commission Meeting Minutes for January 2, 2020.

Receipt, Review and Administration of Borough Manager Job Description, Preparation of Revisions to that Description and Preparation of Draft of Borough Manager Ordinance.

Preparation of Monthly Solicitor's Report.

### **Outstanding Items:**

Stop Sign Ordinance

Dog Park Ordinance

Attorney Karasek said that he is requesting the borrowing base certificate along with other documents prepared by the accountant, he can then prepare the paper work and send to DCED for review and approval. Attorney Karasek was provided a copy of the borrowing base certificate from the auditor.

## **ENGINEER'S REPORT**

Brian Pysher reported that Green Knight Economic Development Corporation (GKEDC) held a pre-construction meeting for their project on Male Road. GKEDC notified the Borough that they are going to start construction in the next couple of weeks with the storm sewer that runs in Plainfield Township. Inspection of the storm sewer in the Wind Gap Borough portion of

the development was observed. At the pre-construction meeting, Terry Miklas and some of the Municipal Authority members acknowledged or agreed that rather than having two inspectors there, they would witness the backfill to try and save the developer some money. Brian went over Tuesday morning when they started on the sanitary and discussed with the Gilmore & Associates inspector who confirmed that he will witness the backfill using 2A modified stone.

Brian reported that we started this morning with A. Scott, on behalf of Nu Cor, to install the new building sewer for this building and the lateral for the Maintenance Garage. Some of the issues and discussions with the Sewer Authority was, when it gets close to the building, the electric service and sewer line are in the same trench. The assumption was made was that the electric line was on top of it but in this case, it is the other way around. One of the concerns the Sewer Authority had was the last ten feet because they were going to put the trap ten feet away so they do not have to work underneath the electric service. Since they determined that it was underneath, we came all the way to the building so the trap will be at the footer.

Brian reported that we received a variance application from Ken Fairchild and the Zoning Officer asked that we review a site plan. The plan was reviewed and a letter was written and this will be discussed at the Planning Commission Meeting on Thursday night. He is looking for an additional principle use, he wants to do auto sales. The Zoning Officer determined that it is two principle uses and said that he needs a variance to conduct both businesses. The second matter is BioSpectra requesting a waiver of land development so a comprehensive review letter was written to the Planning Commission members and will be discussed at Thursday night's meeting. Depending on recommendation of the Planning Commission, it will ultimately come in front of Council.

Brian reported that he is working on Center Street paving project, Lincoln Street storm sewer project and the concrete aprons. The Maintenance Building aprons are good to go, that is part of the building project. The aprons on the east and west side of this building will be put out to bid this summer.

The traffic camera at the intersection of South Broadway and Third Street has been adjusted to eliminate the wires so hopefully this will fix the timing that has been cycling the traffic light throughout the night.

## **NEW BUSINESS**

1. Northeast Signal Maintenance Agreement – Louise Firestone wants to find out if Council is in favor of getting a maintenance agreement for the five (5) traffic signals, we have not had one in the past. Every time Signal Services is called, either by the Borough or by the Police Department, there is a charge for travel and labor. Northeast Signal has given us a proposal in the past. If anyone is in favor, she will request a new proposal. Brian said that he would recommend them, they are the ones that did the installation for the ARLE Grant. Jeff Yob said that he spoke with them while they were doing the installation and they thought Telco would be a better match for us because of the distance that they have to travel. Both companies install and service the same equipment.

2. Wind Gap Fire Company, Digital Sign - George Hinton reported that he handed out a copy of the digital sign that the Fire Company would like to put up over the old sign. The sign will be purchased and installed at no cost to the Borough as it will be strictly funded by the Fire Company. The Fire Company is asking Council to waive any permit fees related to the digital sign installation. The sign will be funded from money earned from bingo, calendar sales and hall rental. Anytime there is a borough related event it can be advertised on this digital sign. The Fire Company Social Hall is in a central location where everybody can see it.

**On motion** by George Hinton to waive all fees associated with the new digital sign for the Fire Company Social Hall and seconded by Jeff Yob. Roll call vote taken. Council agreed unanimously.

3. Louise Firestone reported that she received an e-mail from our architect for the maintenance garage. The mechanical contractor has been storing fans with accessories in their warehouse and they are asking if the Borough could make payment on them since we are the ones that delayed the project. The invoice shows a PA State Sales Tax, she will get that removed so total invoice will be \$5,375.00.

**On motion** George Hinton to pay for the fans to K.C. Mechanical for the new Maintenance Garage and seconded by Mike McNamara. Roll call vote taken. Council agreed unanimously.

4. Dave Hess said that we are part of Slate Belt Rising and they are doing some good things but it seems that Wind Gap is failing. We have lost over six businesses in the last twelve months, long time businesses. We do not have that many that we can afford to lose. Dave recommended contacting Slate Belt Rising and asking for assistance in maintaining the existing businesses and attracting new businesses.

Dave said that his goal of this year is to finally get some type of property maintenance in Wind Gap. You drive through this town and there is empty store fronts and businesses. If you look the other way there are buildings falling down. There is absolutely no reason to stop in Wind Gap. He is not asking for a solution tonight, just asking for thoughts and plans, we need to rally around downtown Wind Gap.

## **OLD BUSINESS**

1. General Obligation Note – Maintenance Garage/Municipal Complex – Attorney Karasek reported that Council previously adopted the Ordinance, the pre-advertisement went in the paper, the post-advertisement went in during the 15 days window. He has the borrowing base certificate and Louise will check with the accountant tomorrow to see if that other document from the PA DCED packet is required or not. Once the final paperwork is prepared Council President, Borough Administrator and Mayor Mogilski will have to sign documents prior to sending it off to PA DCED for their approval. In speaking with the bank officer, he is told that once PA DCED has approved, he will inspect that the documents and the first payment on the note will be due 30 days after the approval of the documents. He is currently having a search performed on the property so that we can get the mortgage prepared etc.

2. Approval of Advertisement for Creation of the Office of Borough Manager Ordinance – Attorney Karasek reported that at the request of Council, he made the revisions to the Borough Manager job duties that were discussed at the last Borough Council Meeting. He prepared the Borough Manager Ordinance for review. Council has to determine if they are comfortable with the duties as outline in that Ordinance, you might be micro managing that job a little too much with four pages of duties, but that at the discretion of Council.

**On motion** by George Hinton to advertise The Borough Manager Ordinance at a date selected by the Solicitor and seconded by Joyce McGarry.

Attorney Karasek said that he would like to get this under his belt first so maybe 30 days out to adopt this, but he can advertise anytime.

Jeff Yob asked if the job description needs to be in sync with the advertisement or is that a document that needs to be discussed. Attorney Karasek said the changes he made were allowing the manager to spend up to \$5,000.00 a month without prior approval by Borough Council provided that there is a monthly report and that report indicates the reason for the expenditure and why the expenditure could not wait until the Borough Council meeting. He also added to the key functions of the Borough Manager that the Borough Manager acts as the Open Records Officer because that was not listed on the job duties that he received and that the Borough Manager must maintain his or her full-time residence in the Commonwealth of Pennsylvania.

Jeff said that he is not clear on page 2 of the job description, when we discussed having a report, provided by the Borough Manager, was not strictly in respect to spending but overall activity report. Attorney Karasek said he can add that and still advertise it. Jeff said that beyond that, he does not remember totally striking the position purpose and objectives, was that done because of the way you wrote the Ordinance. Attorney Karasek said that was moved from section 5 and moved to section 3 and the same thing with term of office was moved to section 4 and qualification of manager was moved to section 5. He will add the monthly report which makes sense. If Council says to put that in this evening, he will put it in this evening and that is how the ad will go out.

**On motion** by George Hinton to amend his motion to add the changes as outlined by Attorney Karasek and seconded by Joyce McGarry. Roll call vote taken. Council agreed unanimously.

3. Joyce McGarry asked if the Borough was advertising the full-time street worker job. The Borough will be placing an ad either on line or in the newspaper in the Help Wanted section of the paper. Any potential applicants can come to the office to apply it does not have to be in the paper to apply.

4. Snow Emergency Ordinance – Dave Hess said that a committee was created to revise or propose a new snow emergency ordinance, is there any update on this. Louise said that she and Rich Fox discussed one of the major failings in the current ordinance dated July 2001, it states that the following Borough streets are hereby designated as Snow Emergency Routes (to be identified and enumerated by the Borough Engineer and Borough Council), that list is not attached to the executed ordinance so it would appear that it does not exist. Jeff Yob said that Council created it back then, maybe it never got published. Jeff said that where the signage is now, that is the routes that were approved then. Dave Hess said that we should see if Rich has any streets that should be added or deleted. Dave Hess said we can expand the streets, but where do we go with all these cars, maybe we should include that we are going to offer parking at the park and our parking lots, at their own risk. Dave Hess said the criteria for an emergency should be updated and specified. A recommendation includes a snow emergency shall be called when a winter storm warning is declared by Northampton County. We get the warning now by Emergency Management in the County. Louise said a meeting 24 hours prior with the Street Leader and the Mayor should be scheduled so there is an understanding of how to prepare for the storm and declare the emergency offering sufficient time to notify the residents.

**On motion** by George Hinton that Mayor Mogilski will meet with Louise Firestone and Rich Fox prior to any snow emergency being called until we get the ordinance in place and seconded by Dave Manzo. Roll call vote taken. Council agreed unanimously.

Mayor Mogilski said that this is still the Mayor's decision. George Hinton said that all we are asking is to communicate beforehand. Dave Manzo said Council is not taking the power away, just making sure that there is communication between the major areas of the Borough.

## ADJOURNMENT

**On motion** by Dave Manzo to adjourn the meeting of February 3, 2020. Council agreed unanimously. The meeting of February 3, 2020 adjourned at 8:03 p.m.

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Louise Firestone, Borough Administrator