

**BOROUGH OF WIND GAP  
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The Council meeting of the Borough of Wind Gap on Tuesday, January 19, 2021 was called to order at 7:02 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 Steve Bender, George Hinton, David Manzo and Joyce McGarry. Also participating were Mayor Mitchell D. Mogilski Sr., Borough Solicitor Ronald Karasek, Borough Engineer Brian Pysher, and Borough Manager Louise Firestone. Absent were Councilmen Mike McNamara and Jeff Yob.

**PUBLIC COMMENT**

1. David Drake, President & CEO, W2A Design Group – Maintenance Garage Update reported that they did a final punch list/inspection on Friday with Louise Firestone, Brian Pysher, and Rich Fox. After that inspection, there are a few things that still need to be done. They determined that since the Borough would like to take occupancy and move in, they would issue Certificates of Substantial Completion that were mailed to the contractors yesterday. Louise reported that she received signed copies from Nu Cor and Wind Gap Electric. David Drake acknowledged that it is safe for the Borough to begin moving in. They are still going to withhold substantial sums of money from the contractors until all items on the punch list have been completed. The most major issue is with K.C. Mechanical, they are the ones that held up the project for the last month or so. Mr. Drake explained that once the certificates of substantial completion are executed, the one-year warranty for the building begins and allows the Borough to take occupancy of the building. W2A Design Group assigned a dollar amount on the certificates of what they thought the work that was remaining should be valued at but they can still retain additional funds. Brian Pysher reported that they had a meeting on-site with K.C. Mechanical and they addressed potentially moving the heater to mount on the structural steel of the building. The plans specifically called for the heater to be hung off of the purlins. K.C. Mechanical suggested possibly moving it to the steel, which the Borough did not oppose, but he indicated that we would have to pay additional money to fabricate a bracket. At that time, Brian told him that the Borough was not willing spend more money, put the heater where the plans indicate. He did not install it where it shows on the plan. Dave Drake said he does not have a problem with where it is installed, but has a problem with the orientation of it and it is up to K.C. Mechanical to correct. Brian Pysher said the K.C. Mechanical indicated that they would be back next week. Dave Hess said we will give them until the end of next week. Attorney Karasek said that setting a time is fair, he thinks that next week is more than reasonable. Dave Drake said that this is reasonable and they will send them a letter tomorrow.

**On motion** by George Hinton to have a letter sent to K.C. Mechanical that they must complete their work and teach us how to use and maintain the equipment by the close of business on January 29, 2021 and seconded by Joyce McGarry. Roll call vote taken. Council agreed unanimously.

David Drake said he will follow up with Nu Cor regarding the water coming in at the garage doors when it rains and for the garage door remotes.

## **NEW BUSINESS**

1. TEG Logistics, LLC – 62 North Broadway – Zoning Map Amendment - Dave Hess said he received a letter regarding 62 N Broadway and that a potential buyer is asking Wind Gap Borough to rezone that address to make it appropriate for the plans of the potential buyer. Brian Pysher said that based on their letter, they are requesting that the borough take action to allow a trucking business to operate on the property. Attorney Karasek said the letter requests that:

1. Wind Gap amend the text of the C Zoning District to designate this use as either a Permitted, Special, or Conditional Use in the C Zoning District subject to certain site standards and perhaps other performance standards to be discussed with the Borough or:

2. Amend the Zoning Map to extend the I-C District further South to include the Beer Stein properties. This option would not necessarily require a text change to the Zoning Ordinance as the use is permitted in the I-C Zone.

Attorney Karasek explained that a Special Exception would require a hearing by the Zoning Hearing Board, a Conditional Use would require a hearing by Council. Brian Pysher stated that the potential buyer made an application for zoning. Tina Serfass, the Zoning Officer, denied the application and a Zoning Variance Application was sent to them. It would appear that the buyer does not want to ask for a variance, but ask for zoning to be amended. Attorney Karasek said that assuming they can meet the requirements of the variance, one of the requirements is that you can't use the property as zoned which could be why the Attorney said that they want to see if they can rezone. Brian Pysher asked Council to review the documents submitted by Attorney Wolfe. Attorney Karasek cautioned Council that any hearing would incur costs to hold a public hearing, advertising and he would advise that the Borough state the applicant would be responsible to pay the fees and costs. The applicant and their Attorney can talk to the Planning Commission or Council to get a feel for what they are thinking about. Dave Hess suggested that the Zoning Officer, Ms. Serfass, be invited to our next meeting.

**On motion** by George Hinton to table the 62 N Broadway request until our next meeting on February 1, 2021 so everyone can look at this request and seconded by Dave Manzo. Roll call vote taken. Council agreed unanimously.

2. Delaware Avenue Paving Project Approval / Project Timeline - Brian Pysher reported that he and Louise Firestone spoke about this project. They are going to put the project together and are projecting the award of the project at the March 16<sup>th</sup> meeting and that would give us a month to get the bonds together and to get PennDOT Liquid Fuels pre approval. Once we have everything in order, we would be looking at the middle of April for a tentative start date. The project should identify the first week of August as a project completion deadline.

**On motion** by George Hinton to do the engineering, get the bid specs drawn up and advertise for the Delaware Avenue Paving Project and seconded by Joyce McGarry. Roll call vote taken. Council agreed unanimously.

## **OLD BUSINESS**

There was no Old Business to be discussed at this time.

## **COMMITTEE REPORTS**

1. EMS – Dave Manzo reported that for the month of December the Ambulance responded to 132 calls, 5 ALS calls and 11 BLS calls in Monroe County, 17 ALS calls and 32 BLS calls in Northampton County, 60 non-emergency transports with an average response time of 2.4 minutes.

In 2020, the Ambulance responded to 1258 calls, 85 ALS calls and 112 BLS calls in Monroe County, 218 ALS calls and 301 BLS calls in Northampton County, 542 non-emergency transports with an average response time of 2.6 minutes.

2. Fire – George Hinton reported that the Fire Company is gathering information for equipment that they need for the ladder truck prior to putting it in service. They are figuring out their next fundraiser. The 100<sup>th</sup> year anniversary celebration plans are being discussed, but the committee is struggling because of unknown restrictions related to COVID-19.

3. Regional Police – Dave Hess reported that for November, the Police Department responded to a total of 392 calls for service, 115 were for Wind Gap.

Dave Hess reported that Officer Wales, who was out with a torn hamstring, was cleared to return and is back to full duty. The first year of the accreditation has been completed, they did all the documents and requirements. Eleven members of the Police Department, including the Chief, received their first dose of the Coronavirus vaccination, they received the Moderna. That was done on a volunteer basis.

4. Emergency Management – Dave Hess reported that we had requests from EMS, they were becoming short on N-95 medical brand masks. They were unable to find them, we did some research and were able to find them. We will be ordering the medical brand N-95 masks for the Ambulance and we will work out how to bill or be reimbursed for the purchase.

Dave Hess reported that last evening, he scheduled a clinic that was held at the Municipal Building to get the Fire and EMS their first dose of Coronavirus Vaccinations. We had 23 people that took it, there were a few from Plainfield Township's Fire Department members that were included. The second round of vaccinations will be scheduled in February. George Hinton thanked Dave Hess as the EMA Director for organizing the vaccination and staying informed with COVID-19 related information.

Dave Hess reminded everyone about the NIMS training, please get that done.

5. Zoning – Deb Harbison reported that there were four permits issued so far for this year. Three of the permits were for commercial business signage. Brian Pysher reported that the Zoning Hearing Board did meet regarding the relocation of the Male Road Billboard, which was granted. This will be in front of the Planning commission because it does require Land Development.

6. Planning – Dave Manzo reported that there will be a Planning Commission Meeting on February 4<sup>th</sup> for Tractor Supply. They are proposing to install a greenhouse on the outside of the building previously occupied by K-Mart.

7. Municipal Authority – Nothing to report.

8. Streets – George Hinton reported that they did their routine tasks. We did get the F-550 back. He stated that the truck has been in running condition.

9. Park/Athletic Fields – Dave Manzo reported that he received an e-mail from Tony Borger, Wind Gap Area Athletic Association, announcing his intention of resigning from the WGAAA and including a link to the WGAAA Zoom meeting scheduled for tomorrow night. Dan Sinclair and Tony Borger were both participants on tonight's Council Zoom meeting.

Tony Borger said that he realized that it is time for him to step down because it is in the best interest of the association for this to happen. Tony stated that he spoke to Dan Sinclair at length on Saturday about nominating him for presidency, but he is more than willing to help him out with the transition and bring all of the WGAAA records up to date so Dan is not burdened with all of the outstanding issues. He read back through some of the Council minutes and noticed at the November 17, 2020 meeting, that the Borough stated that they were paying for power to the fieldhouse. He wanted to make it clear that the WGAAA was paying \$50 to \$60 a month for their electric bill for the fieldhouse. Dave Hess said that prior to the Borough tearing down the fieldhouse, it was necessary to disconnect the power and the line was traced back to the tennis courts. George Hinton asked if there was a separate meter on the field lights? Tony said the field lights were only used for a month and a half out of the year for the end of baseball season. George stated that if there was a separate meter for the lights that could be the bill the WGAAA receives whether the lights are turned on or not all year round. The Borough thought the electricity was turned off and it was not so an electrician was hired to look into it and the power into the field house came out of the basketball court, underneath the tennis court, down over the hill, into the bathroom side of the building. The electrician tracked the line to the fieldhouse, so he disconnected it at the basketball court panel box and took down the panel box on the wall in the fieldhouse. Tony said to his knowledge, they were paying the electric that they were responsible for since he has been involved.

Tony said there were other notes about Wind Gap playing sports during COVID-19. He wants to clarify that they followed every rule in order to put their programs on, Governors direction, DYSA, the League had mandated rules and as much as they could follow, they were followed. They got through their fall season that was allowed by State Law to participate and have the kids out on an open field outdoors. In order to participate in youth sports in an outdoor field, they used masks and hand sanitizer when necessary, maintained social distancing guidelines and got through the entire fall season with almost one hundred kids and 20 plus coaches without any cases of COVID-19. It was ever kid and every child's decision to participate in the sport under the guideline of rules. They got through it very safely and they plan on doing the same in the spring. He wanted to make that clear, that there was no negligence by anyone by playing youth sports under the COVID-19 guidelines of the State.

Other than that, he looks forward to working with Dan over the next couple of weeks and months. Dan asked him if he would continue to coordinate soccer, he would be happy to do that because that is where he has fun. He reported that their checking accounts and books are all up to date. As noted in the prior minutes, their IRS filing is delayed. Dave Manzo asked for clarification about the organization not having paid the 2009 taxes and last year's taxes, meaning 2020 or 2019? Tony confirmed that they did not file last year. Dave Manzo said they are in arrears for two years. Tony said he spoke with a CPA and he was on the phone with the IRS all day trying to find exactly what they have to do and the IRS explained they can retroactively file for 501.C.3 status again. Dave Manzo asked if they lost their 501.C.3 status. Tony said that is correct, but he wanted to make certain that he understood it better and obviously he is responsible for this so he spoke with the IRS at length and they explained to him that they can file to be retroactively reinstated to 501.C.3 and file the 990 tax forms that are required. Dave Manzo said that his guess is that he cannot do any fundraising until you get your 501.C.3 status back. Tony said that taking tax deductible contributions is correct, honestly,

they have not done a whole lot of that in the recent months so he does not think they technically violated anything. Dan Sinclair said that when he spoke with Tony, there was a signature that was missed or something when he filed the taxes. Tony said that in 2009, his understanding, was that they were filed but not signed. He was going to let the Tax Accountant take care of that and try to figure out. Dave Manzo asked if they were going to have a car show this year. Tony said that he does not believe there are plans for a car show, no.

Mayor Mogilski thanked Tony for all his years the he gave in service for the Athletic Association. Tony appreciates Dan stepping up and he fully supports him and he hopes he can help him out wherever he needs him.

Tony said that the only other questions that he asked Dave Manzo was the availability of the softball fields for the spring. Louise said that currently the fields will not be affected, the only construction we anticipate this year would be the access road off of East West Street up to and behind the Legion Field. She does not know the timing of that, it will not be in the early spring, we will work around whenever there are games. The ballfields will not be under any construction. Tony said that one of the topics at tomorrow's meeting will be whether they can try to get basketball going for a spring or summer league. One of the questions will be if they can ask the Borough for use of the basketball courts since the WGAAA was not able to have a winter league at the schools. We do not need an answer tonight but would that be something that they can come to you for use of the basketball courts. Dave Hess said yes that is what it is all about. Tony said that for every sport they are doing, they will put a fairly detailed COVID-19 plan together based on State guidance. He is pretty sure that softball will have a COVID-19 plan for their league. They are putting health and safety first for these programs. They will try to hash out what they will do for spring and summer leagues and basketball and will bring those plans to Council. Dave Hess said that they look forward to that.

Walking Trail – Nothing to report.

10. Tipping Fees – Louise Firestone had nothing to report since the fourth quarter tipping fees have not yet been received from Waste Management.

11. C.O.G. – There was no meeting so there is nothing to report.

12. Slate Belt Rising – George Hinton said that they met and went over all the programs that are in place. They are still reaching out to try and find people who want to participate in the façade grant program. They have changed drastically and are trying to include more people with funding. Slate Belt Rising established a Commercial Lease Subsidy Program to provide lease money to businesses moving into the four boroughs or trying to establish a second location in an effort to entice new business to come into our business district in Wind Gap, Pen Argyl, Bangor and Portland.

13. Multi-Municipal Plan –Nothing to report. They will not meet potentially until March.

14. Mayor's Report – Mayor Mogilski had nothing to report.

15. International Property Maintenance Code (IPMC) – Dave Manzo recommends that we look at a Borough that is similar in size to Wind Gap and adopt their penalties in order to move ahead with the adoption of the IPMC.

Louise Firestone reported that a proposal for codification services was received from General Code and it was forwarded to Council. The proposal includes their quote on page twelve and their references on page thirteen. Both Pen Argyl Borough and Plainfield Township are listed as customers. This service has been budgeted for; it would put our ordinances on our

website which links to general codes. They would be responsible to update and review our ordinances for legality. This service would allow residents who have questions to go to our website as opposed to just calling and asking for assistance when they need interpretation of our ordinances. We had a Right-to-Know request today from a trucking company that was issued a citation on Alpha Road and we had to send them our ordinance. So, without taking up Deb's time, they could have gone to our website and found the pertinent ordinance that was passed in November 2019 restricting truck traffic on Alpha Road. Dave Manzo said that would be a good assist to the IPMC.

Dave Hess said that Slate Belt Police focused heavily the past week and a half on Alpha Road watching the truck traffic. They issued several citations enforcing the No Truck ordinance. The Police are up there because several complaints from the neighbors have been received at the Borough Office and the Police Department.

## **QUESTIONS AND ANSWERS**

1. Mark Kukla joined the Council meeting regarding his commercial business located at 40 South Broadway. He said that he is trying to get an Occupancy Permit and he thinks this was discussed at the last meeting which he did not attend. Attorney Karasek said that if we are talking about whether or not a permit should be issued, that would be a zoning matter. The Zoning Officer would have to look at that and decide if everything has been completed for the permit or if there are issues with the permit. The Zoning Officer makes the call and if Council does not like what the Zoning Officer does, they can appeal the Zoning Officer's decision just like a landowner can appeal the Zoning Officer's decision.

2. Dave Hess reported that he is monitoring the phases for the COVID-19 vaccine and Public Officials are not too far down the line. When we get to that, he will reach out to Council and office to see if anyone is interested. He will keep everyone up to date.

## **ADJOURNMENT**

**On motion** by Dave Manzo to adjourn the meeting of January 19, 2021. Council agreed unanimously. The meeting of January 19, 2021 adjourned at 8:08 p.m.

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Louise Firestone, Borough Manager