

**BOROUGH OF WIND GAP  
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The Council meeting of the Borough of Wind Gap on Tuesday January 21, 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 Councilmembers: George Hinton, Joyce McGarry, Mike McNamara, David Manzo, Jeff Yob, and Steve Bender. Also, in attendance were Mayor Mitchell D. Mogilski Sr., Borough Solicitor Ronold Karasek, Borough Engineer Brian Pysher, and Borough Administrator Louise Firestone.

**PUBLIC COMMENT**

1. Steve Reider, Director Slate Belt Rising came before Council to explain that Wind Gap Borough is the focus of Slate Belt Rising this year with new projects. Steve reported that he drafted an RFP implementing the Park Master Plan with a new trail around the entire park and wondered if Council had any questions. The schedule is aggressive because the objective is to start construction at the end of the season.

Council has a copy of the schedule with the grant funding for the project. A copy of the map of the park from the Master Site Plan is also included.

**On motion** by Mike McNamara to approve the RFP for the engineering and design work of the Wind Gap Borough Park trail and seconded by Jeff Yob. Roll call vote taken. Council agreed unanimously.

Steve also reported that there is an initiative with Northampton County and Community Action Committee Lehigh Valley (CACLV) Better Homes. It is for lead remediation work in homes, older homes with children under the age of six, owner occupied and rental units or any home where a child spends more than six hours a week.

2. Adrienne Fors, Community Relations Manager, and Joe Rohrman, Residential Route Manager, Waste Management came before Council to report that Waste Management contributed \$255,000.00 in tonnage-based payments this year and they estimated a value of recycling at \$207,000.00. In addition to that, Grand Central also provided over 1,000 students and/or visitors with programs this year, and those programs will continue through 2020.

Waste Management will partner with Northampton County and schedule some recycling outreach programs, possibly in Wind Gap or Pen Argyl, to educate residents on what is allowed and not allowed to go in the recycling bin.

This year is the 50<sup>th</sup> anniversary of Earth Day so Waste Management will be hosting an Earth Day Festival again at their Education Center with the focus being on recycling.

If you know of anyone that has children and would like to participate in a week long camp, the Wildlands Conservancy is going to be holding a week long camp at our Education Center the first week in August. A flyer will be distributed next month.

Waste Management will be doing more public tours throughout the year. They have seen great interest in coming to the facility and doing the tours. They had over 35 people registered for the bird watch this past weekend, but due to the weather the event was cancelled. Another bird watch is scheduled in February. Also please mark your calendars for the Chili Cookoff which is tentatively scheduled for the first Saturday in October.

Joe Rohrman said the change of date for curbside collection went very well. There were some issues in the beginning with getting the letters out on time, they do apologize for that. A

lot of residents were notified, about 95 to 98% of the residents had their collection out. The crews had letters inside the truck and were instructed to let the residents know about the change. Joe said that the letter went to Hot Frog Media for printing and labeling and then to the Post Office and should have been delivered on January 9, 10 and 11, 2020. They found out that the Post Office held them until Adrienne spoke with the Post Office and had the flyers delivered the next day. Adrienne said that the Post Office did apologize, they said that they had technical issues. Joe and Adrienne thanked Louise and Debbie and for all the cooperation with the Borough assisting in getting the word out with the collection day transition. The reach on Facebook worked well also.

## **APPROVAL OF MINUTES**

**On motion** by Dave Manzo to approve the January 6, 2020 minutes and seconded by Mike McNamara. Roll call taken. Roll call vote taken. Council agreed unanimously.

## **NEW BUSINESS**

1. JERC – Conditional Approval – Attorney Karasek informed Council that for the JERC Plan there are two plans to act on, one is the Sub-Division Plan, review letter by Robert Collura's office is dated December 30, 2019 and the other is the Land Development Plan with a review letter by Mr. Collura's office is dated December 29, 2019.

**On motion** by George Hinton to add an additional condition that if the Green Knight Economic Development Corporation (GKEDC) project does not proceed, JERC will be fully responsible to complete the sanitary sewer extension and other utility extensions and JERC would be entitled to any Green Knight Economic Development Corporation (GKEDC) performance bond proceeds and JERC needs the Wind Gap Municipal Authority (WGMA) approval and seconded by Dave Manzo. Roll call vote taken. Council agreed unanimously.

**On motion** by Dave Manzo to grant Conditional Plan Approval for the JERC Minor Sub-Division Preliminary and Final Plan, the various conditions have been acknowledged by the applicant, land owner and or developer or authorized agent and seconded by Mike McNamara. Roll call vote taken. Council agreed unanimously.

**On motion** by Dave Manzo to grant Conditional Plan Approval for the JERC Land Development Plan Preliminary and Final, the applicant, land owner and or developer or authorized agent has signed the agreement for Conditional Plan Approval Form indicating they agree to the conditions and seconded by Mike McNamara. Roll call vote taken. Council agreed unanimously.

2. JERC Partners – Approval Sewer Module Exemption Form

**On motion** by Dave Manzo to approve the JERC Sewer Module Exemption Form and seconded by Jeff Yob. Roll call vote taken. Council agreed unanimously.

3. General Obligation Note – Maintenance Garage/Municipal Complex - Attorney Karasek reported that the General Obligation Note has been advertised to be adopted at this evening's meeting. If approved this evening a second advertisement must appear in the paper no later than 15 days after today. Once that second advertisement is done, he will need the borrowing base certificate from the Borough Auditor and then he will send the entire package to DCED. If they look at it and it is approved, the note is approved and the Borough must sign the

documents as indicated. Mr. Jobes of Merchants Bank indicated to change the note to read within 30 days after all the loan documents are signed.

**On motion** by Jeff Yob to approve General Obligation Note, Ordinance 508 and seconded by Mike McNamara. Roll call vote taken. Council agreed unanimously.

#### 4. Board Re-Appointments 2020

**On motion** by Jeff Yob 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.

**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.

**On motion** by Jeff to re-appoint The Molnar Law Office as the Borough Zoning Solicitor at the rate of \$65/hr., and seconded by Dave Manzo. Roll call vote taken. Motion carried unanimously.

**On motion** by Dave Manzo 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 Mike McNamara. Roll call vote taken. Motion carried unanimously.

**On motion** Dave Manzo to re-appoint Ott Consulting as the Alternate Borough Engineer at the rate of \$96.00/hr. for the Principal Engineer and \$92.00/hr. for the Project Engineer and seconded by Mike McNamara. In favor: J. McGarry, M, McNamara. J. Yob, D. Hess, G. Hinton, D. Manzo. Opposed: S. Bender. Motion carried 6-1.

**On motion** by Jeff Yob to re-appoint Robert Collura as the Borough Sewage Enforcement Officer at a rate of \$75.00/hr. and seconded by D, Manzo. Roll call vote taken. Motion carried unanimously.

**On motion** by Jeff Yob 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.

**On motion** by Dave Manzo to re-appoint Woodrow Kindrew to the Zoning hearing Board for a three-year term and seconded by Mike McNamara. Roll call vote taken. Motion carried unanimously.

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

**On motion** by Jeff Yob to re-appoint Ralph Stampone to the Wind Gap Municipal Authority for a five-year term and seconded by George Hinton. Roll call vote taken. Motion carried unanimously.

**On motion** by Jeff Yob to re-appoint John Barto to the Wind Gap Municipal Authority for a five-year term. Lack of a second, the motion dies.

**On motion** by Dave Manzo to appoint George Pultz to the Wind Gap Municipal Authority for a five-year term and seconded by George Hinton. Roll call vote taken. Motion carried unanimously.

**On motion** by Mike McNamara to re-appoint Keller Zoning & Inspection Services as Zoning Officer at a rate of \$65.00/hr. and seconded by Dave Manzo. Roll call vote taken. Motion carried unanimously.

**On motion** by Jeff Yob 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.

5. Approve Project Child – Tortoise and Hare Race – May 25, 2020  
**On motion** by Dave Manzo to send an approval letter for the Tortoise and Hare Race for May 25, 2020 and seconded by George Hinton. Roll call vote taken. Motion carried unanimously.

6. Approval Bracalente Invoice #3 – Alpha Road Project – Brian Pysker reported that they met with Hoebel to finish up the items on the punch list. Bracalente Construction was in agreement to hold \$25,000.00 as retainage for restoration work that needs to be done in the spring.

**On motion** by Jeff Yob to approve Invoice #3 from Bracalente Construction for the Alpha Road project in the amended amount of \$205,388.00 and seconded by Mike McNamara. Roll call vote taken. Motion carried unanimously.

7. Handicap Ramp – Corner Longcore and East West Street

**On motion** by George Hinton to install the Handicap Ramp at the corner of Longcore Road at a cost of \$4,915 and East West Street and seconded by Mike McNamara. Roll call vote taken. Motion carried unanimously.

Brian reported that the design is done and Muschlitz Excavating will contact Brian to coordinate the work to be done in the spring.

Brian said he spoke with them regarding the barricades on East West Street and they are going to remove one and replace it with something that can be moved by hand in the event that an emergency vehicle needs to get through.

8. Animal Control Services Agreement – Pibbles and Paws Safe Haven – Louise Firestone said it is the same contract as last year but has been increased to \$2818.00 for the year. Louise will request a quarterly report.

**On motion** by Dave Manzo to approve the Animal Control Services Agreement with Pibbles and Paws Haven and seconded by George Hinton. Roll call vote taken. Motion carried unanimously.

9. Resolution 2020-01 – Approval Updates Emergency Operations Plan – Dave Hess reported that the plan is complete and in the office for Council to review. It does require all signatures of our Elected Officials.

**On motion** by Jeff Yob to approve Resolution 2020-01 Approval Updates Emergency Operations plan and seconded by Dave Manzo. Roll call vote taken. Motion carried unanimously.

10. Financial Updates. Louise Firestone provided Council with a schedule of milestone dates for all of the street paving projects, the new garage construction and upgrades and the park trail project. The financials included how each project will be funded and when Council will be expected to act on advertising and approvals to stay on schedule for the year.

## **OLD BUSINESS**

1. Appointment of Vacancy Board Chair

**On motion** to re-appoint James Shoemaker as the Vacancy Board Chair and seconded by Mike McNamara. Roll call vote taken. Motion carried unanimously.

2. East First Street – Street Light Installation – Brian Pysker reported that an Engineer from Met Ed came out to look at the site and it was determined that there was not a wire run by the

developer. In order to install the street light, the Borough will have to cross Mr. Bortz's driveway and then run through his yard to get to a location. There is also a disconnect that would have to be installed at the transformer. Brian spoke with Pete Albanese, Wind Gap Electric, and he said there are other options such as solar powered street lights. Brian can move ahead and look at cost estimates to make those improvements to bring the wire over and also what the solar power lights cost and present it at the next meeting.

3. Snow Emergency Declaration – Mayor Mogilski asked the Mayor from Pen Argyl to come in to discuss snow emergency declarations. Dave Hess said that our issue is that we need to be clear and decisive as to what criteria we are going to use when we call an emergency and call it at the correct time. The idea of snow emergency is to have vehicles moved before it starts snowing. Jeff Yob suggested that the Snow Emergency ordinance be updated, it does not refer to Slate Belt Regional, it refers to our Chief of Police. Dave Hess said we will form a committee to review this ordinance and suggest updates. Mayor Mogilski said that we need to work on better communication starting with the Mayors. Dave Hess said that we need continuity when declaring a snow emergency.

**On motion** by Jeff Yob to revisit the Snow Emergency Ordinance and update it accordingly and seconded by Dave Manzo. Roll call vote taken. Motion carried unanimously.

The Mayor Mogilski, Louise Firestone and Rich Fox will be on the committee.

4. Borough Manager – Dave Hess said the everyone has had the agreement/contract that was passed around a couple of months ago for review for changes and corrections. Dave said the committee put the original job description together, proposed it, and at the last meeting there were changes discussed. Jeff suggested that for removal of a manager, that Council would provide a thirty-day notice of intent, has this been discussed because there should be some formality on how Council should proceed. Was anything discussed about residency, not necessarily in Wind Gap but in the State of Pennsylvania? The other thing that he did not see was a monthly update of activity report. Dave Manzo said he would like to see the report at the mid-month meetings. Attorney Karasek said he can prepare an ordinance for Council to look at to determine if it meets with all the concerns and then Council can proceed to approve advertising the ordinance. Attorney Karasek referenced The Borough Code that requires a municipality adopt an ordinance to appoint or select your Borough Manager.

**On motion** by George Hinton to authorize Attorney Karasek to prepare the Ordinance to establish a Borough Manager and seconded by Mike McNamara. Roll call vote taken. Motion carried unanimously.

5. Jeff Yob asked Brian if he had an update for the traffic light on Third Street. Brian reported that he sent Northeast Electric a video of the light malfunctioning and they agreed that it is not functioning the way it was designed. The initial thought is that the wires that are hanging down are obstructing the view. They are going to send out a technician out to adjust the view of the camera at night. Dave Hess said the they tried to recreate this during the day but they couldn't, there is too much traffic. Brian said that they sent him a screenshot of the camera view at night and you can see the cables possibly causing the obstruction.

## **COMMITTEE REPORTS**

1. EMS – Dave Manzo reported that there is a new kitchen code of conduct to be enforced. The Director met with Louise and the content covers the responsibilities expected of the ambulance members in utilizing the appliances upstairs.

In 2019, the ambulance responded to 1,644 total calls, January this year there were 122 calls to date. The Ambulance received a small State Fire Commission Grant which will be helpful to the Ambulance Corps.

George Hinton said that the junk ambulance, weather permitting, is first going to be cut up by the Fire Company for training purposes and then will be going to the scrap yard.

2. Fire – Mike McNamara reported that the Fire Company had 24 calls for the month of December, 7 motor vehicle accidents, 6 fire alarms, 3 wires down, 3 EMS assist calls, 2 wire fires, water main break, structure fire and dwelling fire. Last year the Fire Company had a 176 calls for the year.

3. Regional Police – Dave Hess reported that in December the Police Department responded to a total of 425 calls for service 121 were for Wind Gap.

The Police Department is currently conducting in-depth background checks on five candidates for the position of Patrol Officer. Background investigations are recommended for conditions of employment and they should be completed by February 4, 2020.

One Officer was involved in a minor traffic accident, an Officer struck a pole while conducting a vehicle check, the cruiser sustained minor damage and has since been repaired.

The PLEAC Assessment for the Accreditation is ongoing, it began today and will continue tomorrow.

4. Emergency Management – Dave Hess reported that the plan is done and Council has already acted on adopting the Resolution.

5. Zoning – Mike McNamara reported that for the month of January two permits were issued, and a total of 50 permits were issued for 2019. There are two applications for Zoning Hearing Board in February.

6. Planning – Dave Manzo reported that in early January they met with JERC and coming up in February they will be meeting with BioSpectra.

7. Municipal Authority – Dave Manzo said the meeting is scheduled for tomorrow night.

8. Streets – Rich Fox reported that the truck chassis is scheduled for January 28<sup>th</sup>.

9. Park/Athletic Fields – Dave Manzo reported that the Athletic Association was supposed to meet on December 30, but they did not meet. He does not know when the next meeting is scheduled.

10. Tipping Fees – Nothing to report.

11. C.O.G. – Mayor Mogilski reported that there was no meeting last month but they will be meeting tomorrow night. He would like a wish list from Council.

12. Slate Belt Rising – Nothing to report.

13. Multi-Municipal Plan – Nothing to report.

14. Mayor's Report – Mayor Mogilski reported that he received an e-mail asking him to write a proclamation for School Choice Week for the week of January 26<sup>th</sup> to February 1<sup>st</sup>, 2020. Mayor Mogilski completed the proclamation.

## QUESTIONS AND ANSWERS

### ADJOURNMENT

**On motion** by Jeff Yob to adjourn the meeting of January 21, 2020. Council agreed unanimously. The meeting of January 21, 2020 adjourned at 9:17 p.m.

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Louise Firestone – Borough Administrator