

**BOROUGH OF WIND GAP
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WIND GAP, PA 18091
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Wind Gap Borough Council meeting on Tuesday, July 18, 2023, was called to order at 7:00 p.m. by Council Vice President Dave Manzo, at which time he reminded those present that the meeting was being recorded. In attendance were Council members Dave Hess and Patrick Webber. Councilman George Hinton and Jeff Yob participated via telephone. Also, in attendance were Mayor Wesley J. Smith, Borough Solicitor Ronald Karasek, Borough Engineer Brian Pysher, and Borough Manager Louise Firestone. Absent were Councilmen Steve Bender and Alex Cortezzo.

EXECUTIVE SESSION

Council was in Executive Session, from 6:30 p.m. to 6:59 p.m., to discuss the Slate Belt Regional Police lease agreement.

On motion by Dave Hess to agree to the three-year lease with Plainfield Township. The lease term will go for the remainder of this year, 2023, through December 31, 2026. The agreed upon rate is \$13.00 per square foot with no annual increase and seconded by George Hinton. Roll call vote taken. Council agreed unanimously.

PUBLIC COMMENT

No one appeared before Council at this time.

APPROVAL OF MINUTES

On motion by Patrick Webber to approve the June 29, 2023, minutes and seconded by Jeff Yob. Roll call vote taken. Council agreed unanimously.

SOLICITOR'S REPORT

See attachment one (1).

ENGINEER'S REPORT

Brian gave an update on the Constitution Avenue project. He received the certificate of insurance from CMR Construction. Their performance, payment bonds and executed agreement will be dropped off at the office. Once all documents are in hand, he will issue the Notice To Proceed. They discussed submittals for the storm structures which will be delivered tomorrow. An on-site pre-construction meeting will be held sometime next week to include all contractors who will be part of the project including but not limited to, CMR Construction, Bracalente Construction and the concrete sub-contractor. Brian stated that once the submittals are all approved, he anticipates the lead time to be one to two weeks. In order for the work zone to be safe, a detour is being proposed which will affect Pen Argyl so Brian will contact the

Borough for input regarding detouring traffic to Robinson Avenue and down to the signalized intersection while they are working on the cross pipes. Brian anticipates the detour only being during daytime construction and only for the couple days of installation of the cross pipes. Prior to the project commencing, Brian will communicate with the office in order to put detour information out on Nixle and also the Mayor can put an announcement on Facebook.

NEW BUSINESS

1. MTF - Male Road Bridge Resolution 2023-02

On motion by to George Hinton to adopt Male Road Bridge Resolution 2023-02 required for the 2023 Multi-Modal Transportation Fund application and seconded by Jeff Yob. Roll call vote taken. Council agreed unanimously.

2. Recomplete – U.S. Economic Development Administration (EDA) Challenge Grant - This new \$200 million program is designed to make focused investments in communities most in need of economic resources and options to ensure that all communities have a path to economic prosperity. - Louise Firestone reported that she was notified by the Director for the Department of Community Economic Development for Northampton County, that Wind Gap Borough is considered a distressed area for this pilot program. Wind Gap along with East Bangor and Portland have the ability to apply for these funds. On July 24th there is a webinar that will be specific to this program. Louise will participate in the webinar in order to gather information about this program. This agenda item was for informational purposes only.

3. WTDWG LLC – Lot Line Adjustment 271 E. First St. (Plainfield Twp)

On motion by Patrick Webber to respond that Wind Gap Borough has no comments on this plan based on the location and nature of the project and seconded by George Hinton.

Motion amended by Patrick Webber to include any and all costs incurred by the Borough related to professionals services rendered related to this plan should be reimbursed by WTDWG LLC and seconded by George Hinton. Roll call vote taken. Council agreed unanimously.

4. Green Knight Economic Development Corp – Wind Gap Park Ballfield Backstop Proposal - Pete Albanese reported that the GKEDC moved forward with securing a contractor to remove the existing fence from the Quakertown ball field and delivering it to Wind Gap Borough Park. It will be offloaded behind the metal building in the park. The next step is to have the design done by the Borough Engineer. Louise Firestone will follow up with the Engineer for the borough park.

On motion by George Hinton to approve of the Green Knight Economic Corp with replacing the ballfield backstop and taking necessary steps to do so and seconded by Jeff Yob. Roll call vote taken. Council agreed unanimously.

5. Sander Bros, Concrete Inc. Proposal for Roosevelt St Curb Replacement

On motion by George Hinton to accept the proposal from Sander Bros, Concrete to complete the Roosevelt Street curb replacement at \$50 per lineal foot for a total of \$9,250.00 and seconded by Patrick Webber. Roll call vote taken. Council agreed unanimously.

6. Dream Lehigh Valley – Confirmation that the Maintenance Bond obligation expiration – Attorney Karasek reported that he reviewed the file and the project has moved to completion. Improvements that are going to be dedicated to the public are bonded by a Maintenance Guarantee for a period of eighteen months. The amount would be 15% of the actual cost of the improvements. In the Council meeting of March 7, 2022, the eighteen-month maintenance

period was approved via motion and secured by a separate maintenance bond which expired on September 30, 2022. Dream Lehigh Valley has completed all outstanding items and has fully satisfied the terms of the Developers Agreement.

Brian Pysher indicated that prior to Council taking action on this item, he would like to go through and inspect everything to make sure all items are completed and in order. Dave Manzo said this agenda item will be tabled until the next meeting so the Borough Engineer can make sure everything is in order.

7. **SealMaster – Approval for Sealing Basketball Courts**

On motion by George Hinton to complete the sealing of the basketball courts at a cost of SealMaster's quote of \$28,825.85 with the street workers doing the labor and seconded by Patrick Webber. Roll call vote taken. Council agreed unanimously.

8. **Slate Belt Regional Police Charter Agreement** - Attorney Karasek said that the question is that when you are doing a resolution, it is an administrative act. An ordinance makes law, it is a legislative act. In this case, any further approvals of the Charter do not require an ordinance, the advertising, and public hearing. Council can decide if they just want to do it by resolution. This matter is in a position for discussion and action. He can do it as an advertised resolution so moving forward you will not have to do an ordinance every year. Attorney Karasek recommends an advertised resolution with Council's approval.

On motion by George Hinton to authorize Attorney Karasek to draw up an advertised resolution for the Slate Belt Regional Police Charter Agreement and seconded by Patrick Webber. Roll call vote taken. Council agreed unanimously.

9. **August 2023 Meeting Schedule – August 7 and/or August 15** - Both meetings will be kept on the schedule. If both meetings are not needed, one can be cancelled with 24 hour advanced posted notice.

OLD BUSINESS

Council did not discuss old business at this time.

ZONING OFFICER'S REPORT

The Zoning Officer's report was provided to Council.

COMMITTEE REPORTS

A written committee report was provided to Mayor Smith and Council. George Hinton gave the reports for Fire and Ambulance as follows:

Wind Gap Ambulance had 14 calls for Monroe County, 72 calls in Wind Gap, 2 standby, and 40 transports for a total of 128 calls for the month. Response time was just over 2 minutes.

Wind Gap Fire had 1 tree down, 1 wire down, 1 motor vehicle accident, 1 vehicle fire, 3 elevator rescues, 2 motor vehicle accidents with injuries, 2 dwelling fires, 1 brush fire, 1 commercial alarm, 1 fire alarm, and 2 EMS assists for a total of 16 call for the month, 85 for the year.

Dave Hess reported that under Police, it was requested that we bring back the remaining overpayment to the boards. Plainfield is asking that we forgive the six months of overpayment.


MAYOR SMITH REPORT

Mayor Smith reported that there was no COG meeting in July. He will attend the next meeting scheduled for August 23, 2023.

EXECUTIVE SESSION

Council adjourned to Executive Session at 7:56 p.m. to discuss the lease rental overpayment to Plainfield Township and any potential legal action. Council reconvened at 8:12 p.m. Dave Manzo stated that no action will be taken based upon the discussion held during Executive Session.

On motion by Patrick Webber to adjourn the meeting of July 18, 2023. Council agreed unanimously. The meeting of July 18, 2023, adjourned at 8:12 p.m.



Louise Firestone – Borough Manager

JULY 18, 2023 MONTHLY REPORT

STREETS:

Completed re-surfacing on West First Street – Trained new employees on equipment:
– Materials 66 tons of 9.5 MM – Total \$4,733.52

Continual repairs to grounds in Wind Gap Park due to activities held at park
and torrential rain events.

Completed hanging banners in Borough – trained new employees on bucket truck

PENDING ITEMS:

Meeting on East First St for placement of Street Light – B. Pysher to schedule
meeting with Met Ed for location of existing wiring.

Funding from Gap View Estates Escrow

POLICE:

June 2023 – Parking Violations – \$60.00 total

▪ Inspections - 5	\$50.00
▪ Registration – 1	<u>\$10.00</u>
	\$60.00

June Monthly Calls for Service 524 Police Activities

Wind Gap – 157 Pen Argyl – 133 Plainfield Township – 234

NATIONAL NIGHT OUT – Tuesday, August 1, 2023 4:00 p.m. – 8:00 p.m. Will be held in
Wind Gap Borough Park and will incorporate all three (3) Municipality Fire Depts as well as
other vendors.

EMERGENCY MANAGEMENT:

- 6/4/2023 – Responded to 875 N. Broadway for a dwelling fire. Contacted the Red Cross to assist residents with lodging. Notified the Borough Code's Officer.
- 6/14/23 – Attended quarterly local Emergency Managers meeting. Speaker was the Lehigh Valley Animal Response Team.
- 6/17/23 – Met with Wind Gap Fire Co. for planning their carnival.
- 6/29/23, 6/30/23, 7/1/23 – Attended Wind Gap Fire Co. Carnival at Wind Gap Park. No Issues.

Lehigh Valley Hazard Mitigation Plan - the current, bi-county hazard mitigation plan (Lehigh Valley Hazard Mitigation Plan) is set to expire in October 2023. The last update was completed in October, 2018 and is required to be updated every 5 years. This update is a federally mandated process to keep jurisdictions within the plan eligible for current and future FEMA hazard mitigation funding opportunities.

L. Firestone attended Initial Workshop on Wednesday, June 28, 2023.

WASTE MANAGEMENT:

Neighboring Partnership Agreement:

Total Funds Received in 2023 = \$470,729.36

June 2023 Tipping Fees = \$ 73,747.92

WIND GAP AMBULANCE:

128 total calls – Wind Gap Boro = 72 / Monroe Cty = 14 / Transports = 40 / 2 Standbys
Response Times 2 Minutes Avg (from dispatch to responding)

FIRE COMPANY:

Sold – 3512 – 2004 KME Pumper Truck – Removed from Borough insurance on Friday, July 7, 2023. Will receive credit on automobile insurance policy.

85 Calls Year-to-date

16 Calls for June 2023

1 tree down

1 wire down

1 Motor Vehicle Accident

1 Vehicle fire

3 Elevator rescues

2 Motor Vehicle Accidents with Injuries

1 Brush fire

2 Dwelling fires

2 EMS assists

1 Commercial fire alarm

1 Residential fire alarm

Fire Company Carnival – June 29, 30, July 1, 2023

PARK:

Zoom Meeting with Craig Bachik regarding construction of new sidewalks and additional project funding.

WIND GAP MUNICIPAL AUTHORITY:

59 Park Avenue – Keller Zoning Issued permit for Farm Market – Current concern is that “food service” on property and the necessity for grease trap.

PLANNING:

No meeting held

ZONING:

Property Maintenance

389 North Broadway – Went to Court – June 13 – Continued to June 30

UPDATE – Exterior of Property cleaned up and currently “For Sale”

OFFICE/BUILDING:

Parking Lot - \$35,000 from 2021 Grow NORCO Grant – Deadline Dec 31, 2023

FINANCIALS: – Balances as of June 30, 2023:

General Funds: \$139,371.07

Money Market Funds: \$1,383,665.15

Capital Reserve Funds: \$1,768,454.12
(\$665,104.39 – Sale of Borough Properties)

State Liquid Fuels Funds: Current Balance = \$241,514.43
(Allocation Based on 9.36 miles /
Population of 2720)

MISCELLANEOUS:

Multi-Modal Transportation Fund Grant – Deadline July 31, 2023

Male Road Bridge Superstructure Replacement and Pedestrian Improvements

Support Letter from State Senator Lisa Boscola

Earned Income Tax Collected – Jan – May 31 – 12% increase over last year (\$20,358)

2022 - \$170,964

2023 - \$191,622

Bank Interest – Jan – May 31 – 612% increase (2,682.33)

2022 - \$438.05

2023 - \$3,120.38

Waste Management – Jan – May 31 – 116% increase (174,407.49)

2022 - \$149,466.22

2023 - \$323,873.71

Workers’ Compensation Audit Period 7/1/2022 – 7/1/2023 to be completed by July 20, 2023

**SOLICITOR'S REPORT – R. J. KARASEK, ESQUIRE
WIND GAP BOROUGH
NORTHAMPTON COUNTY, COMMONWEALTH OF PENNSYLVANIA
MONTH: June 2023**

MEETINGS ATTENDED:

June 5, 2023 - attendance at regular monthly meeting of Borough Council
June 20, 2023 - attendance at regular mid-month meeting of Borough Council (while discussion occurred, an official meeting did not take place for lack of a quorum)
June 29, 2023 - attendance at rescheduled mid-month meeting of Borough Council

SUBDIVISION MATTERS:

Receipt, Review and Administration of Plan, e-mails from Applicant's Planning Professional, Computer Search on County website for Deed and Tax Parcel Information re WTDWG, LLC-Lot Line Adjustment-271 East First Street

LAND DEVELOPMENT MATTERS:

Receipt, Review and Administration of e-mails from the Applicant's Attorney Attaching red-pined Revisions to Stormwater Agreement and Land Development Improvements Agreement re 20 Green Knight Drive L.D Plan-Lot 6C

Receipt, Review and Administration of e-mails from the Applicant's Attorney Attaching Irrevocable Letter of Credit, Bearings/Distances and Maps and Additional Solicitor Suggested Provisions for the Emergency Access Agreement for 10 Beers Way, Lot 10 Green Knight Drive and Lot 20 Green K Drive re 20 Green Knight Drive L.D Plan-Lot 6C

Receipt, Review and Administration of e-mails from Applicant's Attorney as to Release of Maintenance Security and End of Maintenance Period re Water's Edge at Wind Gap n/k/a/ Dream Lehigh Valley-West Street LD Plan

ZONING AND OTHER LAND USE MATTERS:

Receipt, Review and Administration of e-mail Request as to Status of the Certified Record re Smith ZHB Appeal of Verizon Variances(s)

Receipt, Review and Administration of LVPC Review of the Chicken Ordinance

Receipt, Review and Administration of Documents and Ordinances (Clear Sight Triangle and Frontage on Improved Street) re Pear Street Project

DEVELOPMENTS ON OUTSTANDING LITIGATION: None

COURT DECISIONS ON BOROUGH CASES: None

MISCELLANEOUS:

Receipt, Review and Administration of Lease and Charter Files, Legal Research and Preparation of Comprehensive Correspondence to Plainfield Township Solicitor (Backenstoe) and SBRPD Solicitor (DeFelice) re Lease Overpayment and Non-Profit Issue

Receipt, Review and Administration of Borough EIT e-mail with Bid Package and Supplemental and Supporting Documents-Bid, Bid Bond, Non-Collusion Affidavit so on, Computer Check on US Treasury List of Approved Sureties re Constitution Avenue Reconstruction

Preparation of Monthly Solicitor's Report

OUTSTANDING ITEMS:

Stop Sign Ordinance
Dog Park Ordinance