

**BOROUGH OF WIND GAP
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The Council meeting of the Borough of Wind Gap on Monday, July 6, 2020 was called to order at 7:03 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, Joyce McGarry, David Manzo, and Steve Bender. Also participating were Borough Solicitor Ronald Karasek, Borough Engineer Brian Pysher, and Borough Manager Louise Firestone. Absent were Councilmen Mike McNamara, Jeff Yob, and Mayor Mitchell D. Mogilski Sr.

PUBLIC COMMENT

1. Craig Bachik, Sr. Landscape Architect/Navarro & Wright Consulting Engineers, came before Council with information and updates on the Wind Gap Borough Walking Trail.

On motion by Dave Manzo for Navarro & Wright Consulting Engineers to advertise bids on PennBid for construction of the walking trail for the park and seconded by George Hinton. Roll call vote taken. Council agreed unanimously.

2. Adrienne Fors, Sr. Community Relations Specialist – Waste Management joined the meeting on Zoom.

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 2500 tons per day
2. Planning for the 2020 intermediate cap is underway.
3. The landfill spring gas project concluded with 5 landfill gas collection wells being drilled. Horizontal work is still ongoing.
4. Litter fences – New netting has been installed behind the Green Knight Energy Center.
5. Wildlife Habitat Education:
 - a. Grand Central Team member hosted a Butterfly walk with community partners at Jacobsburg State Park on July 5th, 18 participants attended this walk. A monarch tagging event is being tentatively scheduled for September 19th with DCNR and community partners.

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

APPROVAL OF MINUTES

On motion by Dave Mango to approve the June 16, 2020 minutes and seconded by George Hinton. Roll call vote taken. Council agreed unanimously.

APPROVAL OF EXPENSES

On motion by George Hinton to approve the expenses in the amount of \$ 175,406.41 and seconded by |Dave Manzo. Roll call vote taken. Council agreed unanimously.

On motion by George Hinton to approve Nu Cor Management pay request 19300.5 for the Maintenance Garage in the amount of \$81,000.00 for the concrete work and seconded by Dave Manzo. Roll call vote taken. Council agreed unanimously.

On motion by Dave Manzo to approve K. C. Mechanical Service pay request 3 for the Maintenance Garage in the amount of \$34,225.00 for the installing the radiant tubes for the radiant floor heating and seconded by George Hinton. Roll call vote taken. Council agreed unanimously.

SOLICITOR'S REPORT

MEETINGS ATTENDED:

June1, 2020 – Attendance at regular monthly meeting of Borough Council via ZOOM.

June 16, 2020 - Attendance at regular monthly mid-month meeting of Borough Council via ZOOM.

June 18, 2020 – Attendance at regular monthly meeting of Borough Planning Commission via ZOOM.

SUBDIVISION MATTERS: N/A

LAND DEVELOPMENT MATTERS:

Receipt, Review and Administration of Sketch Plan and preparation of Correspondence with response from Alternate Borough Engineer – J. Ott, P.E. – Re: inspection of Albanese and Grimes, L.D. Plan – Water Street.

Review of Packet of Information including SALDO Waiver Requests for location of Access Road Re: JERC Partners, LII, LLC. L.D. Plan and telephone conversation with Applicant's Attorney.

Receipt, Review and Administration of Amendment and Extension of Development Agreement and Letter of Credit Reduction Request Re: West Street L.D. Plan.

Preparation of SALDO Waiver Form and Storm Water Easement Agreement (Temporary and Permanent) Re: BioSpectra RX Holdings Pipe Replacement Plan.

Receipt, Review and Administration of Albanese Sketch Plan – 314 South Broadway – L.D. Plan.

ZONING AND OTHER LAND USE MATTERS:

Receipt, Review and Administration of 2016 Well Abandonment Agreement, several e-mails among Applicant, Applicant's Attorney and Solicitor, Revision to Agreement Re: Fairchild – 435 North Broadway.

DEVELOPMENTS ON OUTSTANDING LITIGATION:

COURT DECISIONS ON BOROUGH CASES: N/A

MISCELLANEOUS:

Receipt, Review and Administration of Right-to-Know Request with review of supporting e-mails, review of PA Open Records Law and proposed responsive correspondence Re: List of Landlords.

Preparation of Planning Commission Meeting Minutes of June 18, 2020.

Preparation of Monthly solicitor's Report.

OUTSTANDING ITEMS:

Stop Sign Ordinance

Dog Park Ordinance

ENGINEER'S REPORT

1. Center Street Update – Pay Request – Bracalente Construction - \$120,356.85 - Brian Pysher reported that the East Center Street paving project has been completed and the neighbors are happy. Bracalente used more leveling course than was estimated due to the irregularities in the road. Brian recommends approving the payment. The Borough is in receipt of Bracalente's Maintenance Bond and Pay Request.

On motion by George Hinton to pay Bracalente Constructing for repaving East Center Street in the amount of \$120,356.85 and seconded by Dave Manzo. Roll call vote taken. Council agreed unanimously.

2. Maintenance Garage Update – Brian Pysher reported that the concrete floor has been poured. Prior to that, K.C. Mechanical installed the radiant floor tubing and manifold have been installed. The steel structure erectors were scheduled to be on-site today, but the delivery was delayed. Nu Cor Management anticipates that the contractor will be here tomorrow.

3. Alpha Road Update – release of \$25,000 Retainage - Brian Pysher reported that the issues with all the grates have been resolved. He recommends releasing the \$25,000 retainage. Dave Hess reported that Rich Fox has been in contact with him regarding the banging and clanging of the grates, as far as he can tell, the grate issue has been rectified.

On motion by George Hinton to release the \$25,000 retainage to Bracalente Construction for the Alpha Road upgrade project and seconded by Dave Manzo. Roll call vote taken. Council agreed unanimously.

4. Brian Pysher reported that the Street Department is ready to move forward with the rain garden, pipe installation project on the east side parking lot on the Municipal Complex property. Once the rain garden is excavated, the storm pipe can be installed in the parking lot to alleviate the standing water. Brian anticipates completing the bid specs for the concrete aprons by the end of the week. Since Council will only be meeting once in July, he asked Council to authorize the project to be advertised.

On motion by George Hinton to approve the advertisement of the bid specs for the concrete aprons for the east side of the parking lot and seconded by Dave Manzo. Roll call vote taken. Council agreed unanimously.

NEW BUSINESS

1. Grand Central Rezoning Project - Adrienne Fors, Sr. Community Relations Specialist for Waste Management (WM) came before Council with information on the Rezoning Project. WM will be going in front of the Plainfield Township Board of Supervisors this Wednesday night. The rezoning project will include a 211-acre permit boundary potentially if it goes through, with an 81-acre disposal area. The life of that landfill, if approved, would give them 20 additional years. That facility would begin construction in another 5 to 6 years. Everything takes time, it could take anywhere from 5 to 8 years for all the approvals related to DEP. WM has approximately 7 years of life left at their current location, but because of the length of time required to gain all the approvals, WM needed to start the project now. The first step is the rezoning of the proposed parcel needed for expansion, it is currently not in their name, but the ownership transfer is contingent upon approval of the rezoning. They will be purchasing 325 acres, from Slate Spring Farms, and that property would have buffer property then the 211 acres for the permit boundary and 81 acres for disposal area. The basis behind adding this space is so WM does not have to permit a new landfill somewhere else in the state because the infrastructure already exists in

this location for a landfill. All trucks would continue to come through Route 512 off the access road utilizing their scale. Safety is their number one priority with this as it is for everything. WM would be looking to add a light at the intersection where they would like to have the trucks cross Pen Argyl Road so that would be a portion of the habitat field, the trucks would make a wide turn and the light would be there. This would control the trucks and traffic going in that direction. Adrienne will keep Council and Wind Gap Borough informed. There will be multiple public hearings and community meetings giving residents every opportunity to speak up, provide feedback and work together on this as Waste Management moves forward with their project.

2. Green Knight Land Development Emergency Access Driveway – Dave Manzo asked for a status update related to clearing the access from Male Road for the Green Knights Development and what needs to be done to make sure that it gets completed. Brian Pyscher replied that he is not sure where that is in their construction sequence. He will touch base with the Green Knights for a timeframe for completion. At this point, the road has just been constructed, there are no new occupants on the property, other than the occupants that were there prior to the development being built.

3. Attorney Karasek reported that there are at least 5 representatives from JERC on this evening's Zoom meeting with respect to their SALDO Waiver request for their emergency access driveway. Attorney Karasek reported that today, he sent Council a letter and memorandum of law prepared by Mr. Zator. Although he does not want to delay the matter, it would be better for Council to read and digest that material and put this matter on the next meeting agenda for official action. Dave Manzo said that based on Attorney Karasek's suggestion and based on when they received the letter, he would like to make a motion that they put this on for the next meeting since it is a long letter, involved letter, and takes time to read and make a coherent response to it. He suggests that they wait until the next meeting.

On motion by Dave Manzo that the SALDO waiver request for JERC Emergency Access Driveway be on the agenda for the next Council meeting and seconded by George Hinton. Roll call vote taken; motion carried unanimously.

George Hinton stated that he feels that it is important that the Wind Gap Volunteer Fire Company's Fire Chief, Wind Gap Ambulance Corps Director and Borough Council all be involved in these discussions at the next Council meeting. Attorney Karasek said under Wind Gap Borough's Sub-Division and Land Development Ordinance, it states that if you cannot meet that 150 foot separation, then there are other provisions that would still allow you to put the emergency access driveway if certain things are met and one of those things are that it would be acceptable to the emergency providers in the Borough.

5. Dave Hess reported that a lot of communities this year are getting together and writing their State Representatives and Senators asking them to pressure the State to repeal the commercial grade fireworks ordinance that allow those commercial grade fireworks to be purchased by the public. Dave asked Council if they would be interested in reaching out to our Representatives with a letter asking for them to repeal this ordinance?

On motion by Dave Manzo to contact Senator Scavello and State Representative Marcia Hahn in writing asking them to repeal the commercial grade fireworks ordinance for Pennsylvania and seconded by George Hinton. Roll call taken. In favor: J. McGarry, D. Hess, G. Hinton, D. Manzo. Opposed: S. Bender. Motion carried: 4 – 1.

OLD BUSINESS

1. 2006 GMC Truck – Value/Reserve Amount for Muncibid – George Hinton reported that he received two different quotes, one for \$30,000 and the other one for \$25,000. He would like to put a \$27,500.00 reserve bid on it.

On motion by George Hinton to advertise the 2006 GMC Truck on Muncibid with a reserve of \$27,500.00 and seconded by Joyce McGarry. Roll call vote taken. Council agreed unanimously.

2. Attorney Karasek said that representatives for JERC are still in the meeting and he is not sure if they would like to make any comments before they leave. Council did act and made a motion that the SALDO Waiver will be on the next meeting's agenda, but as a courtesy to them he is not sure if they have any comments before they leave the meeting. Attorney Zator said that they have nothing to state and they will be present for the next meeting.

COMMITTEE REPORTS

1. EMS – Dave Manzo reported that for the month of May, the Ambulance responded to 8 ALS and 9 BLS call for Monroe County 911 Emergency Calls, 17 ALS and 18 BLS for Northampton County 911 Emergency Calls and 32 non-emergency transports for a total of 84 calls. Response time is 2.9 minutes.

2. Fire Co – Nothing to report.

3. Regional Police – Dave Hess reported that the Slate Belt Regional Police Department Commission meeting is tomorrow, there is no monthly report yet.

Charter Agreement – Dave Hess reported that the Charter Agreement is the bylaws. Since the Charter Agreement was approved prior to the formation and start-up of the regional department, the Commission is in the process of reviewing the language because some of the language is now obsolete. For the most part, the Commission has been agreeing on all the proposed changes. The Charter currently states that each Municipality will have two Commission Members, a Commissioner and an Alternate and they will be Elected Officials. Plainfield and Pen Argyl want to keep it that way, Dave's suggestion for Wind Gap is to include language that allows for an Elected Official or Appointed Official (which could include a Borough Manager) be allowed to represent the borough. He is bringing this to Council for their opinion. Do you want to keep it at only elected council members and Mayor, or we could open it up to a citizen? Ultimately it would come back to Borough Council to pick and choose who would be on the Commission. The Commission is the governing body of the Police Department. All three managers have become very involved, they assist in the budget discussions, and they reviewed the Charter Agreement making recommendations. His concern is the time, we cannot force an elected official to serve if they don't want to be involved. If Wind Gap does not have anyone, we can at least say that we have any employee to be a voice. George Hinton asked if they would be more willing to look at an alternative? Dave Hess said that Plainfield and Pen Argyl want it to be an Elected Official, Council and Supervisors. Dave Hess said that he can present it as not an appointed person, maybe an employee of the respected community that limits it to the Managers. Dave Hess is asking Council if they are in favor of opening it up to manager, someone else or fine with Elected Officials. Steve Bender said that he is in favor of opening it up to an Appointed Borough Official which allows us to utilize the Borough Manager if necessary.

On motion by Steve Bender to send a letter to the Slate Belt Regional Police Commission stating that Wind Gap would like to change the Charter to read that the Commission Members could be elected or appointed officials and seconded by George Hinton. Roll call vote taken. Council agreed unanimously.

4. Emergency Management – Dave Hess said that Northampton County Emergency Management, since we went green, they have downgraded their activation to a level three which means that they are monitoring phones more than normal. At level four they will be back to normal day to day operations.

On June 23rd the County did release PPE to the Municipalities for re-opening to the public. Wind Gap received 350 masks, 10 bottles of hand sanitizer, and 20 packs of alcohol Clorox wipes. It is time to reorder the Emergency Response Guide Books, which he has done. He contacted the Fire and EMS Originations to find out how many books they need. All have been ordered. He will be attending a free on-line course for Ethanol Emergency Response Course on July 18th from 5 to 9.

5. Zoning – Deb Harbison reported that 38 zoning permits have been issued for this year and there are 5 applications pending.

6. Planning – Dave Manzo reported that two groups came before the Planning Commission. Peter Albanese came regarding 614 S Broadway requesting a waiver to build onto or next to the building, which was denied. JERC came in looking for a waiver for their Emergency Access Road. He suggests to Council prior to the next Council meeting, they read the minutes from the Planning Commission Meeting and look at Attorney Zator's attitude. He also suggests that you look at SALDO 509 K to get a sense of what we can do for that waiver. Copies of those minutes will be in everyone's mailboxes tomorrow. George Hinton said that he would encourage everyone to look at the revamped drawing of the intersection that Brian will send. SALDO specifies that two entrances have to be 150 feet apart, so the second entrance will actually be on the adjoining property (Giroux), but that entrance only loops back to the exact same location of the other entrance rendering the area a bottleneck of vehicles trying to leave the property and emergency vehicles trying to enter the property. They keep skating on their information about the driveway being 150 feet away. He wants everyone to look at the drawing. This is why the Commission denied them the waiver. Attorney Karasek said that on July 2nd he received a letter/memo which he forwarded to Council which includes an aerial exhibit by the applicant which shows where the driveway is, where the access road is located. He will send that to everyone. Brian Pysher said they can read Section 509.K in SALDO.

Brian Pysher reported that he has been in touch with the representative, from Boucher and James, who is the engineer for BioSpectra and they are in the process of preparing their Land Development. We should see that at some point either August or September.

7. Municipal Authority – Dave Manzo reported that they discussed Bio-Spectra, Green Knight's project, the 3% increase for improvements, Itterly, and Water's Edge and the number if EDU's. Louise Firestone said that she was at the meeting. On the day of the meeting there were e-mails sent back and forth questioning the timing of our E Center Street Project and they were having a communication gap so she thought if there were any questions, she would be there to answer them. Terry questioned why we had not informed him and we worked through it. They got together with Gene Schmauder who was the go between the Municipal Authority and Rich Fox. Also, one of the appointed Municipal Authority Board Members resigned, they have not informed the Borough of anyone that they are interested in appointing.

8. Streets – George Hinton reported that they finished up on Alpha Road and they installed two catch basins on Roosevelt. The owners of Colonial Springs did an excellent job with the culvert on 6th Street and at some point, we will have to figure out if a different pipe needs to be installed in there or not. Center Street paving project is done. They are mowing the grass, weed whacking weeds, all the normal stuff. They are looking forward to doing the rain garden and installing pipes at the municipal building.

9. Park/Athletic Fields – Louise Firestone reported that as the park trail project progresses, the water issue where the field house is located needs to be rectified which means removing the field house. We have had no recent correspondence with the Wind Gap Athletic Association as far as going in there and retrieving any of their possessions and sports equipment. Since the rodent incident, the Borough has been paying a monthly rodent/pest control fee for that field house. In discussions, Mr. Bachik will include the demolish as an alternate in the bid specification to get a dollar amount for the demolition of that building. She thinks that we need to send the AA a certified letter letting them know that we are giving them a 30-day window for them to get in there and get anything out that they want to keep.

On motion by George Hinton to send a certified letter to the Wind Gap Area Athletic Association giving them 30 days upon receipt to retrieve anything that they want out of the field house before the demolition of the building and seconded by Dave Manzo. Roll call vote taken. Council agreed unanimously.

George Hinton said that we should reach out to Ron DeCesare and Doug Siegfried since they were very involved in that building. As far as the Fire Co., he will talk to Fire Chief Dan Sinclair. If the Fire Company has the opportunity to drill there, they would be involved.

A. Park – Trail – Navarro & Wright – Louise Firestone reported that Justin Huratiak from Dream Lehigh Valley/Waters Edge, is participating on this evening's Zoom meeting. We met with him as part of our park trail sub-committee and discussed an easement agreement. The lower end of our access road, actually encroaches on the west side of their property. She has draft language and the actual map from our Consultant. Attorney Karasek said for Louise to send him the information and he will do whatever we need to do to get the easement agreement completed.

Louise said that regarding Mr. Bachik, she has been very happy with the meetings. Council and Rich Fox have attended, Justin was at one, Brian was at one. We are trying to keep everyone informed of this project. Dream Lehigh Valley will be installing the sidewalk along East West Street to connect their sidewalk to the walking trail. They highlighted a couple of amendments to the plan that they are proposing. The only thing that they asked for consideration, if Council would be so kind, the ownership at Dream Lehigh Valley wanted to see if there was an interest in allowing a directional line easement for going down East West Street. In their recorded plans there is a 6-foot fence around the quarry, since it is their liability, they would like to put a 4-foot section at the main entrance. They would like to upgrade to an aluminum fence at the part of the pond that zero's out where the Fire Department was drawing water. They would put a gate there for their future access as well. All of those items will go with this easement. They are willing to do whatever is necessary to make this happen. Brian said that the documents need to get to the Borough and put it on the agenda for the next meeting.

Louise said that the office has been receiving calls regarding the park and our current response is that the restrooms are closed and anything you do at the park is at your own risk. There was a question today that came across our website about having a wedding at the gazebo and the response was that you cannot be 6 foot apart doing social distancing. The other one was a request from a representative from Eastern Lehigh Valley Softball League requesting to utilize our softball fields Saturdays and Sundays for fall softball league. She

knows that this organization was playing down in Palmer, Bethlehem and Whitehall Townships. She thinks that they had not had access approval down at the other fields and they are requesting to use our park. Her response was that we will not be allowing them access to our fields at this time. A fall season would occur during the construction of the park trail and would not be a safe environment regardless of any outdoor activities at the park. Governor Wolf continues to issue updated information regarding the requirement to wear a mask at all times while outside for everyone's safety and this includes baseball and softball.

B. Community Garden – Joyce McGarry reported that the garden is growing. She would like to get some more community support. Dave Hess said we will put this on social media to get the word out. Joyce said that someone from Pen Argyl is interested in helping.

10. Tipping Fees – Nothing to report.

11. C.O.G. – Nothing to report.

12. Slate Belt Rising – Louise Firestone reported that there is a meeting scheduled for this Thursday via Zoom.

13. Multi-Municipal Plan – Nothing to report, still on hold.

14. Mayor's Report – Nothing to report.

15. Property Maintenance – Dave Manzo reported that they are moving forward so that they will be looking at ordinances in August. Louise said that Deb pulled ordinances that we must repeal if we adopt the maintenance code. She will review them and get copies to the committee.

Dave Hess said that the next meeting will be Monday, August 3, 2020 via ZOOM unless otherwise noted.

ADJOURNMENT

On motion by Dave Manzo to adjourn the meeting of July 6, 2020. Council agreed unanimously. The meeting of July 6, 2020 adjourned at 8:20 p.m.

Louise Firestone, Borough Manager