

**BOROUGH OF WIND GAP
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The Council meeting of the Borough of Wind Gap on Tuesday, June 16, 2020 was called to order at 7:00 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, Mike McNamara, David Manzo, Jeff Yob, and Steve Bender. Also participating were Mayor Mitchell D. Mogilski Sr., Borough Solicitor Ronald Karasek, Borough Engineer Brian Pysner, and Borough Manager Louise Firestone.

PUBLIC COMMENT

Council President Dave Hess asked if there was anyone on-line or on the phone from the public wishing to make a comment or ask a question of Borough Council. Council Hess hearing no public comment proceeded with the meeting agenda items.

APPROVAL OF MINUTES

On motion by Dave Manzo to approve the June 1, 2020 minutes and seconded by Mike McNamara. Roll call vote taken. In favor: D. Hess, G. Hinton, D. Manzo, J. McGarry, M. McNamara, S. Bender. Abstained: Jeff Yob. Motion carried with a vote of 6-0-1.

NEW BUSINESS

1. Well Abandonment Agreement – 435 N. Broadway – Attorney Karasek said there was discussion with Ken Fairchild regarding the status of the Well Abandonment Agreement prepared in 2016 and the actual well abandonment work to be completed. He spoke with Mr. Fairchild who authorized the agreement to be re-dated to June of this year. The Agreement is ready to be approved by Borough Council. In the meantime, when the real estate at 435 North Broadway was sold to Mr. and Mrs. Fairchild, there was the issue about whether or not the Borough should have advised Mr. Fairchild of the permits that were required from the Municipal Authority, etc. There was an amount of \$5,500 set aside from the proceeds to the Borough to pay any Municipal costs. In reviewing the file, there was \$2,500 feasibility study fee, a \$2,600 tapping fee, it could be reversed for a total of \$5,100 meaning, that there was still \$400 in that account, un-used. Attorney Karasek sent a check to the Borough for the \$400 plus interest that it gained to close out that account. If the Well Abandonment Agreement is approved then the Borough would take the steps necessary to begin with MEA to start the abandonment process.

On motion by George Hinton to approve the Well Abandonment Agreement and seconded by Steve Bender. Roll call taken. Council agreed unanimously.

2. Tax Collection Committee Delegate/Alternate Delegate – Louise Firestone reported that the Commonwealth of Pennsylvania adopted Act 32 of 2008 which was established to reform the current earned income tax collection system. Northampton County spearheaded the

collection so there was a committee formed with a delegate from each Municipality along with an alternate delegate. The State allowed Municipalities and School Districts to combine and select a single delegate and combine their weighted vote factor. The decision at that time was to make the School District Representative Wind Gap Borough's Delegate. She attended their Zoom meeting last week, and was informed that Wind Gap Borough has not participated in years and our assigned delegate, Pen Argyl School District has not participated in quite some time. She contacted the Administrator for Northampton County Tax Collection Committee and inquired how Wind Gap's delegate could be changed and proposed to Council that she be appointed as delegate and Debra Harbison be appointed as the alternate delegate. They meet twice a year and the meetings are generally 15 to 30 minutes to go over Keystones financials. If there are any appeals to the Earned Income Tax, they would go to the Appeal Board.

On motion by George Hinton to approve and appoint Louise Firestone as Delegate and Debra Harbison as Alternate Delegate for the Northampton County Tax Collection Committee and seconded by Dave Manzo. Roll call taken. Council agreed unanimously.

3. Water's Edge – Letter of Credit Reduction - \$982,222.40 – Brian Pysher reported that Jack Muschlitz, developer, had contacted him regarding release of funds for associated improvements at Water's Edge. He met with Jack last week on-site and went over the improvements. He sent out a letter yesterday recommending that the Borough release the funds, \$982,222.40. As discussed previously, regarding when that was transferred, the Borough withheld the 10% contingency for those improvements to increase the funds on hand. Jeff Yob asked what the remaining value of the credit letter in hand would be if reduced. Brian said it would be \$821,236.63. Jeff asked if he was comfortable with that value. Brian said that the value is based on the improvements that are left, they are getting closer to the end.

On motion by Dave Manzo to approve Water's Edge Letter of Credit Reduction by \$982,222.40 and seconded by George Hinton. Roll call taken. Council agreed unanimously.

OLD BUSINESS

1. Alpha Road - Restoration – Dave Hess said that Bracalente is requesting the release of the retainer in the amount of \$25,000. Brian Pysher said that is correct, the project wrapped up in November 2019 so it was too late in the year to do any restoration. The contractor waited until spring, but the completion was delayed to the mandated COVID-19 shutdown. The sub-contractor came out to do the required restoration, but unfortunately when the work was inspected it was not done correctly. The restoration was redone and inspected today by Brian and Rich and everything is adequate. The areas are cleaned up, raked, seeded, and the water valve that needed to be lowered was done. Everything that was discussed during the walk-through meeting has been completed.

Dave Hess asked about the storm grates banging and clanging. Brian said that he spoke with Rich, he has some other grates that he will swap to try and eliminate the banging. Dave Hess asked if this is a borough issue that has to be fixed by the street department or the contractor, Bracalente. Dave Hess said it is not just one grate, it is several. Brian said that the grates were purchased by the contractor through a pre-caster so it could potentially be a defective product. George Hinton said that if swapping them out doesn't work, we will have to call the pre-caster to come in and weigh in on this. Brian said he will look into that.

On motion by George Hinton to table the restoration release to Bracalente Construction of \$25,000 until the July 6, 2020 Council meeting and seconded by Mike McNamara. Roll call taken. Council agreed unanimously.

2. 2006 GMC Truck – Value – Municibid – George Hinton reported that he contacted Jeff Baskin, Wind Gap Chevy, to get some expertise. Mr. Baskin contacted to three different places

and only one got back to him, he will follow up with the other two. Currently the value of the 2006 GMC would be \$25,000. Attorney Karasek offered that the Borough can set the reserve at \$25,000 which appears to be fair market value. George would like to table this until the next Council meeting.

COMMITTEE REPORTS

Dave Hess reminded everyone that Council typically only has one meeting in July so the Committee Reports will be on the July 6, 2020 agenda.

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. Average response time is 2.9 minutes.

2. Fire Co – George Hinton reported that the Fire Company will have a Drive Through Food Truck Carnival next week at the Social Hall. Everyone will stay in their cars and drive past the food trucks. If this is successful, they may be back asking if they can do another one at the park. George reported that their bills have been paid up to date. They met with the Auxiliary to discuss opening for bingo when Northampton County goes to the green phase. They will meet with Dave Hess, Emergency Management Coordinator, regarding their ideas on how they want to open while following rules and regulations.

Mayor Mogilski ask George if they made any claims against the Fire Company Insurance for loss of income from Bingo. George said that just renewed the policy and they are in contact with their insurance representative.

3. Regional Police – Dave Hess reported that they did not have an early meeting this month. Their next scheduled meeting is on Thursday, June 18, 2020. He spoke with the Administrator and there is nothing going on at this time.

4. Emergency Management – Dave Hess said that he spoke with AJ Olszewski, Ambulance Administrator, who said that the Ambulance is doing fine.

Dave Hess reported that County Emergency Management does weekly updates for the Covid19 disaster. They are suggesting that Municipalities begin to stockpile PPE supplies in preparation for the second wave of what is expected to come in the winter. We should order some items, stocking up on masks. He believes that we are good with cleaning materials. The Borough Office will also need some items when our building is open to the public.

Dave Hess reported that there was a Farmers to Family Food Box Distribution at the Social Hall last Thursday. He called the County and informed them of what we are doing. He contacted the lady at the YMCA and she informed him that she has everything set up and under control and would not need any other services. This is pretty much a private event from here on in.

5. Zoning – Deb Harbison reported that zoning received several permit applications along with the application for the companies going into the K-Mart building.

6. Planning – Dave Manzo reported that Planning Commission will meet this Thursday via ZOOM. Pete Albanese will discuss adding a double unit on Broadway and JERC will discuss their emergency access for the warehouse project on Male Road.

George Hinton reported that he along with, Dave Manzo, and Fire Chief Dan Sinclair met on-site with JERC. They are asking for a waiver for their emergency entrance but as per their

drawing the emergency entrance is in the same intersection as their main entrance. They spoke to them about it, but we are still meeting Thursday night to discuss it some more. This will not work; they went to Plainfield and got a waiver on the emergency entrance from 512 because they had some difficulty with PennDOT. They might want to come up with an alternative location. He wants everyone to be aware since if they do not like the outcome at the Planning meeting, they might come to the July Council meeting.

7. Municipal Authority – Dave Manzo reported that they discussed the letter from the Borough regarding the issue with the alley behind Delaware Avenue. They said that they are not going to do anything and they will send a letter to the Borough. They are looking to make connections and check manholes for clearance at Water's Edge/Dream Limited, the Green Knight's sewer connection and pump station that has to go through there, and the gravity lateral for JERC.

8. Streets – Jeff Yob reported that he spoke with Rich Fox who said that Zach is working out well. He is pleased with his performance, from personnel stand point.

George Hinton reported that they are working on filling potholes, mowing and weed whacking our properties, and putting down mulch. They also fixed the pipe on West First Street. Brian and Rich Fox went to Roosevelt to look at the drains. Rich is planning on replacing the boxes next week.

9. Park/Athletic Fields – Dave Manzo had nothing new with parks other than working on the trail.

Dave Hess reported that the office is getting calls asking if the park is open and about renting pavilions. Council discussed different levels of park accessibility including leaving the park restrooms closed for the summer, the Summer Sounds Concert Series has been canceled for the summer, waiting for the Governor to give more specific instructions, leaving the "use at your own risk" signs posted for the Kiddie Play Area, keeping the park closed through July and then re-evaluate for August, not taking any reservations for pavilion rentals, but leave as basically first come first serve. Most municipalities are at the same thought process of when the county goes green, they will revisit it and see what we can or cannot do this year. Everyone has basically cancelled any major events in their park.

Regarding yard sales and community yard sale, the Borough will not be promoting them but if residents want to have them, it is their decision.

A. Park – Trail – Navarro & Wright – There is another meeting this Thursday, June 18 at 2:00 p.m. about the trail.

B. Community Garden – Joyce McGarry reported that the garden is looking very nice. Merchants/Fidelity Bank will maintain one bed and one of her customers will maintain another one. She joined the Slate Belt Community Blog. Hopefully we will get more residents interested. Rich, Kyle & Zach did a great job, it looks nice and everything is growing.

10. Tipping Fees – Louise Firestone reported that she spoke with Adrienne Fors who informed us that the tonnage is beginning to increase. We should receive a check in July.

11. C.O.G. – Mayor Mogilski reported that their meeting is scheduled for tomorrow.

12. Slate Belt Rising – George Hinton reported that they discussed the budget and reorganization for next year.

13. Multi-Municipal Plan – Nothing to report, still on hold.
14. Mayor’s Report – Mayor Mogilski said that he had received complaints about fireworks, he got the name and details and gave the information to Chief Hoadley.
15. Property Maintenance – Dave Manzo reported that he, George and Louise met last week. We are moving ahead with it but Deb and Louise have to pull all the ordinances and see where we are at in relationship to the code, what needs to be kept, or repealed as a stand along ordinance. Dave Manzo said that maybe by the August meeting we could have the ordinances ready and move ahead with this in the fall. Jeff asked if there was any discussion about paring down the ordinance as it was presented or are you looking at enacting it as is? Dave Manzo said as is, the entire code. Jeff thought there would be decision about paring it down and reviewing it to see if it all make sense or is the committee suggesting the it all makes sense. Dave Manzo said it does make sense and we are one of the few Municipalities that has not adopted it. Attorney Karasek said that for an ordinance to be adopted, there has to be a public hearing and those issues and questions can be raised at that hearing so they can be properly addressed. Jeff said that he thought we were going to have more discussions, he will go through and read his copy. Jeff asked if the committee had any discussions about who would be doing the enforcing. Dave Manzo said they talked about the engineer enforcing it. Jeff said enacting is one part, enforcing is one part, and paying for it is another part. We need to look at the overall comprehensive part of it. Dave Manzo said that it is a matter of protecting the residents of the Borough and not protecting the absent landlords who allow people to live in less than quality conditions. Dave Hess said that the committee is recommending that we adopt the entire Property Maintenance Code. No action will be taken this evening.

ADJOURNMENT

On motion by Jeff Yob to adjourn the meeting of June 16, 2020. Council agreed unanimously. The meeting of June 16, 2020 adjourned at 8:15 p.m.

Louise Firestone, Borough Manager