

**BOROUGH OF WIND GAP  
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The Council meeting of the Borough of Wind Gap on Monday March 2, 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 Council members George Hinton, Joyce McGarry, Mike McNamara, David Manzo, Jeff Yob, and Steve Bender. Also, in attendance were Mayor Mitchell D. Mogilski Sr., Borough Solicitor Ronald Karasek, Borough Engineer Brian Pysher, and Borough Administrator Louise Firestone.

**PUBLIC COMMENT**

1. Glenn Redshaw, 29 East Fifth Street, Wind Gap. Mr. Redshaw had questions for Council regarding the construction of the mega warehouses and the townhouse development on East West Street. His concern with the warehouses is the amount of trucks that will be coming into the Borough and the possibility that the trucks will stage along Route 33 or on the off ramp. He suggested having conversation with Plainfield Township to make the township aware of the truck traffic impacts.

The other thing going around is the development was initially intended to be a 55 and older community and now, the rumor mill is saying that it is going to be low income housing, Section 8 HUD. Brian Pysher stated that when this plan went through the Planning Commission, the members did discuss this and were informed by the developer that the monthly rent would not be conducive for lower income, but actually would be built to attract higher income residents. Dave Manzo reiterated that the discussions at the Planning Commission meetings was that the development is not intended to be low income housing. Brian added that the development will have a clubhouse that is accessible to the residents for their use. The developer invested a lot of money to make this a very attractive neighborhood.

2. Jason Keenhold, 104 East Third Street, Wind Gap. Mr. Keenhold came before Council regarding the 2020 tax increase. He can appreciate and understand why the Borough bought this property to bring the ambulance, borough office, and fire company all under one roof instead of three separate properties. He stated that he had heard this entire parking lot is getting paved when there are plenty of roads in this town that could use serious redoing and repaving. He sees that we refaced this building, he doesn't know if this is the truth or not but he heard that it was part of an \$80,000 grant that the Borough received. He is wondering where that grant came from and what it was received for. He also heard about a heated floor for the maintenance garage, it seems like a lot of things that we are spending money on is like a competition for someone else.

Louise Firestone said that the Borough received a \$100,000 grant for energy efficiencies upgrade to this building, new windows, the façade, and a generator. That was \$100,000 from Monroe County through the Local Sharing Gaming Grant. The Borough put the money out upfront and then was reimbursed upon project completion in December. The paving of this property is part of the mortgage that is being taken out for the maintenance garage. When the Borough purchased this property, we owned 29 Mechanic Street, 125 Water Street, the vacant property behind Wells Fargo Bank, 433 – 435 N Broadway. We had a public meeting that discussed getting those properties sold so the Borough could put them on the tax rolls, selling them to someone who is going to develop them. There were townhouses developed on Lehigh

Avenue, the property at 433 – 435 N Broadway was purchased and now generates tax revenue for the Borough, the School District and Northampton County. As soon as the maintenance garage is built, 29 Mechanic St and 125 Water Street will be put up for sale. We do not receive taxes on that property and we are still paying utilities because the Street Department still lives down there. Council discussed and approved putting East Center Street out to bid this year so we will be paving from Park Avenue east to Alpha, the entire 38-foot width. Upper Alpha Road reconstruction project from last year was \$710,000.00 which was offset by a Community Development Block Grant in the amount of \$190,000 because that is low to moderate income neighborhood. The Borough will be putting a walking trail at the Park from the upper ballfield down through the access road, with grant funding received in the amount \$127,000 through Northampton County Livable Landscapes, Northampton County CIPP, Green Knight Economic Development Corporation and Slate Belt Rising.

George Hinton said that 111 N Broadway, which belonged to the Fire Company was purchased back from the Borough, the Fire Company owns that property and we do pay taxes.

Dave Hess said that another thing with the budget is a few of the larger properties in the Borough asked for tax reassessments and we paid back almost \$60,000 which was out of our control. George said there are also property owners that do not pay their taxes. Jeff Yob said that the major development on West Street will have a major impact on the tax revenue when completed. The warehouse that is partially in Wind Gap and Plainfield Township, we will not get any revenue and it is not any fault of ours. Brian said that if anyone decides to turn their parking lot into a truck stop and there are several trucks parking there, as long as that is brought to the Borough, that can be addressed through Zoning. Brian said that there are 120 truck parking spaces outside the warehouse, he does not know what the intended use will be.

Pat Sutter asked if we already have a mortgage on this property and now, we are taking out another mortgage. Louise replied that the outstanding mortgage will be combined with the new mortgage. Pat stated that she does not approve to taking a second mortgage out when we are spending all this money on this place.

3. Don Moore came before Council regarding the concern of the new proposed warehouse on Male Road. The main concern is what is going to be happening with traffic because the intersection at Male Road and South Broadway is very difficult for trucks making that turn. There was some mention about change of timing to try to alleviate traffic coming northbound from the exit ramp off of 33. Dave Hess said that this has been discussed. Brian Pyscher stated that a whole section in their review letter addresses that in conjunction with a section in the Ordinance. A Traffic Engineer reviewed the plan and made the numbers work by changing the signal timing and the signal service ability does not drop below the certain threshold and the other Traffic Engineer that reviewed it for the Borough agrees. Mr. Moore said that on paper it looks like it is going to work. Thank you.

4. Adrienne Fors, Waste Management, came before Council with the landfill operations neighborhood update.

1. Landfill operations: We are currently accepting an average of 2,200 tons per day.

2. The PH Building construction is ongoing and is expected to be completed sometime at the end of March.

3. The final cap project: 90% of protective cover is down. About 20% of the topsoil has been placed. Seeding will be completed in the coming weeks.

4. Rezoning Announcement: Grand Central Landfill will host three community meetings on March 18<sup>th</sup> (6pm at Plainfield Township Social Hall) and March 19<sup>th</sup> (1pm at Wind Gap Social Hall and 6pm at Lookout Fire #1).

a. Project updates will be included on the landfill website and Facebook pages.

5. Wildlife Habitat Education
  - a. The Annual Great Backyard Bird Count with Rich Eime and WM team was held Feb 16<sup>th</sup> with approximately 25 guests touring the landfill.
  - b. Earth Day preparations are underway for April 22<sup>nd</sup>. Our annual event will be held from 5pm – 7pm at the education center.

Adrienne said that there was a contract put together in 2002. At that time Council met with Waste Management and agreed that Wind Gap Borough would get forty cents per ton so, every ton that comes into the landfill they get forty cents. It was ahead of any of the other agreements that were done with Pen Argyl and Plainfield. They are not required to do any of those agreements, the only one that are required to do is with Plainfield Township as the host community and that is one dollar per ton. They worked through that and Plainfield now gets three dollars and 10 cents per ton. She said the last thing she wants is fake news out there, she would like to make sure she addresses any questions and concerns. They have plenty of work ahead of them as far as the rezoning project. She wanted to bring to light that people think there is a rumor that an impact study was never done, but those around know that there was. An updated copy of the Health Risk Assessment is done every five years and will be uploaded to their website. She is happy to share any information, she doesn't want anyone to have concerns or worries, you are welcomed to talk to her.

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

## **APPROVAL OF MINUTES**

**On motion** by Jeff Yob to approve the February 18, 2020 minutes and seconded by Mike McNamara. In favor: S. Bender, D. Hess, G. Hinton, J. McGarry, M. McNamara, J. Yob. Abstained: D. Manzo. Motion carried 6 – 0 – 1.

## **APPROVAL OF EXPENSES**

**On motion** by Jeff Yob to approve the expenses in the amount of \$30,554.56 and seconded by Mike McNamara. Roll call vote taken. Council agreed unanimously.

**On motion** by Dave Manzo to approve the Façade Final Pay Request for NuCor Management in the amount of \$25,100 and seconded by Jeff Yob. Roll call vote taken. Council agreed unanimously.

## **SOLICITOR'S REPORT**

### **MEETINGS ATTENDED:**

February 3, 2020 - attendance at regular monthly meeting of Borough Council.

February 6, 2020 – attendance at regular monthly meeting of Borough Planning Commission.

February 18, 2020 – attendance at regular workshop meeting.

### **SUBDIVISION MATTERS:**

Receipt, review and Administration of Correspondence from Plainfield Township Confirming No Need to Review the JERC Subdivision; however, the JERC Land Development still subject to Plainfield Township Review.

**LAND DEVELOPMENT MATTERS:**

Receipt, Review and Administration of Storm Water Pipe Replacement Plan, Borough Engineer Review Letter, Possinger Replacement Cost Letter and Application for SALDO Waiver re BioSpectra/RX Holdings.

**ZONING AND OTHER LAND USE MATTERS:**

Receipt, Review and Administration of Borough Engineer review letter on Ken’s Auto Application for a Variance to Add Auto Sales to Existing Auto Repair Shop at 433-435 North Broadway.

Receipt, Review and Administration of File, Zoning Ordinance Provisions, Review of County Website for Deed Information and Preparation of Comprehensive Inquiry Correspondence to ZHB Solicitor as to Standing re Guerin Application for a Special Exception Use for a Home Occupation at 333 North Broadway.

**DEVELOPMENTS ON OUTSTANDING LITIGATION:**

**COURT DECISIONS ON BOROUGH CASES: N/A**

**MISCELLANEOUS:**

Receipt, Review and Administration of Application for Public Fire Hydrant.

Two (2) Trips to the Borough Municipal Building and Preparation of the Local Government Unit Debt Act (LGUDA) Loan Package and Submission to PA DCED with response from DCED Assistant Counsel.

Receipt, Review and Administration of Plan Withdrawal (Slate Belt Heat Recovery Center) Correspondence from Synagro/MM.

Preparation of Monthly Solicitor’s Report.

**Outstanding Items:**

Stop Sign Ordinance

Dog Park Ordinance

Attorney Karasek said that as to the Muschlitz Development – Waters Edge Development he received an agreement from the new owner Dream Lehigh Valley LLC asking that the Borough extend the time for the improvements to be completed. They were to be completed pursuant to the agreement that was entered into by May of this year. They are asking for another year extension plus they are requesting that Dream Lehigh Valley LLC be made part of the Improvements Agreement. He will send that to Brian Pysner to look at and ask that it be put on the mid-month meeting for review and approval. This is a standard agreement, but he wants Brian to look at it to make sure that he isn’t missing anything from an engineering point.

Attorney Karasek said that we probably need an executive session if you want to talk about a potential litigation involving the Zoning Hearing Board and the Decision that was recently made with respect to a home occupation. Because that is litigation, it would be an executive session.

**ENGINEER’S REPORT**

Brian Pysner reported that we completed the public sewer hook-up of the municipal building. Once the hook up was completed, Rich Fox went and removed the existing absorption area that was the on-lot septic. As part of removal and replacement we contracted with a Geo-Technical Service who came up and did density testing, we backfilled that and made sure it was adequately impacted. We got that up to grade and A Scott, who is contracted by Nu Cor, came in and put the building pad up to grade so they are up to subgrade. Starting this week, they will dig their footing, pour the concrete and set the building in afterwards. It is progressing, they hope to start this week depending on the weather.

Brian reported that East Center Street is ready to go, we are going to advertise that mid-month.

Brian reported that the Lincoln Street design is done, he just needs to meet with Louise about Community Development Block Grant funding and logistics on how to pay for the materials.

## **NEW BUSINESS**

1. Park Walking Trail – RFP – Consultant Approval – Louise reported that we put out the walking trail request for proposal that was due last Friday. The Borough is looking for a proposal from a firm to design the walking trail with three separate designs that Council can review to determine what they would like to build. We have until mid-month to review them. There was a low cost of \$29,700.00 with the high cost of \$55,295.00. She went over them with Steve Reider as Slate Belt Rising has awarded us some grant money. They reviewed them today and there are definitely two that are outstanding. She would like the committee to have a chance to look at those. Dave Manzo, Steve Bender and Joyce McGarry are on the committee and will review them.

2. Park – Tree Removal Quote - Louise Firestone reported that Rich Fox has gotten quotes to remove four dead trees down at the park. The original quote was \$4,100 from Snow Scape and he received another quote from Gary Eagle for \$8,000. Gary Eagle mentioned that Snow Scape has equipment that he does not have so they are much more efficient for bringing the trees down.

**On motion** by Jeff Yob to contract with Snow Scape to remove the four dead trees at the Park for the cost of \$4,100.00 and seconded by Dave Manzo. Roll call vote taken. Council agreed unanimously.

3 Joyce McGarry reported that there is garbage and debris at the entrances of Wind Gap at the 33 off ramps which is Plainfield Township. Dave Hess said that in the past we did have a Beautification Committee that spent some time cleaning up the off ramps of Route 33, but we no longer have those volunteers. Adrienne Fors said that Waste Management is a partner in Keep Pennsylvania Beautiful and the pick it up days which go from April 1 through the 30<sup>th</sup>, if we could help you get committees together, if they register on line, they give a number and you can bring the bags of trash in at their scale house for free disposal. If this is something of interest you can put it out on Social Media, she will send us the link for interest for getting groups organized to help with that. Joyce will work on gathering a committee for clean-up.

## **OLD BUSINESS**

1. Property Maintenance Code – Dave Hess reported that last month we began discussing the Property Maintenance Code and our first step was gathering information from our neighboring Boroughs. Louise Firestone reported that Pen Argyl Borough has a Quality of Life Ordinance and they also have Property Maintenance in its entirety from 2006. Attorney Karasek reported that Mount Bethel has 2006 but their Zoning Office is pushing for 2015. Plainfield Township just has a Quality of Life Ordinance, but they do not enforce Property Maintenance, they are a Township not a Borough. Don Moore, from Plainfield, said that they looked into Property Maintenance but there was a lot of pushback. It did not go over well and did not think it would go over well with the residents. Steve Bender said that initially you might get some pushback, but overall, the plan does work. It improves your housing and does give you leverage. If you adopt what Pen Argyl has it will give you leverage to collect some of these unpaid taxes without waiting for that period. You will be issuing certificates of occupancy to

landlords and whenever they change and if they are not paid up-to date they will not get an occupancy permit. Attorney Karasek said that Council should be aware that years ago the option was to prepare/adopt some kind of a hybrid ordinance so there is under the Borough Nuisance Ordinance specific sections regarding maintaining the exterior of property, so there is some control that the Borough has right now regarding exterior property maintenance. It is just a matter of enforceability, funds and people to enforce it. We hear about taxes and those things cost money to do that.

2. Dave Manzo reported that he has tried to contact the Athletic Association, but neither the WGAAA President nor the other member of the board returned his calls. He did receive a call from someone there asking about the bathrooms in the building and he said that to his knowledge the building is not useable. The question was asked if they brought in, at their cost, port-a-potties would that be allowed. Dave Hess said that he understands the need for facilities with baseball beginning soon. Dave Manzo said that at one point when he started looking around the bathrooms were unlocked and being used. Louise said that the bathrooms are separate from the fieldhouse and are functioning. Dave Manzo said that the answer he can give them is that if they want to bring in porta potties at their cost and maintain them, the Borough is fine with this arrangement. Prior to placing the port-a-potties, they need to contact the Borough to see where they should be placed.

## **EXECUTIVE SESSION**

Council went into Executive Session at 7:55 pm for litigation. Council returned at 8:24pm.

Attorney Karasek reported Zoning Hearing Board granted the variance for Kim Guerin at the Zoning Hearing Board at their February 5<sup>th</sup> meeting.

**On motion** by Dave Manzo for a land use appeal on Kim Guerin's property based on the Zoning Hearing Board and Planning Commission improprieties and seconded by Jeff Yob. Roll call vote taken. Council agreed unanimously.

Attorney Karasek said that what was discussed was that the application was not reviewed by the Borough Planning Commission as required by the Zoning Ordinance in three separate areas, that he could find, and that the application was filed by Ms. Guerin although she was no longer an owner of the property. He believes that was the reasons for which a motion might have been made.

## **ADJOURNMENT**

**On motion** by Dave Manzo to adjourn the meeting of March 2, 2020. Council agreed unanimously. The meeting of March 2, 2020 adjourned at 8:26 p.m.

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Louise Firestone, Borough Administrator