

**BOROUGH OF WIND GAP
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WIND GAP, PA 18091
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Wind Gap Borough Council meeting on Monday, March 4, 2024, was called to order at 7:00 p.m. by Council President George Hinton, at which time he reminded those present that the meeting was being recorded. In attendance were Council members: Steve Bender, Mark Crossen, Dave Manzo, Jason Boulette, and Patrick Webber. Also in attendance were Mayor Wesley J. Smith, Borough Solicitor Ronald Karasek, Borough Engineer Brian Pysker and Borough Manager Louise Firestone. Absent was Councilman Alex Cortezzo.

APPROVAL OF MINUTES

On motion by Steve Bender to approve the February 20, 2024, minutes and seconded by Patrick Webber. Roll call vote taken. Motion carried unanimously.

APPROVAL OF EXPENSES

On motion by Dave Manzo to approve the expenses in the amount of \$40,220.21 and seconded by Patrick Webber. Roll call vote taken. Motion carried unanimously.

SOLICITOR'S REPORT

See attachment one (1).

ENGINEER'S REPORT

Brian Pysker reported the paving projects on Constitution Avenue and Oak Street have been advertised. The contract is set to be awarded at the first Council meeting in May in order to give the Municipal Authority time to complete all their sewer pipe work on Constitution.

He attended an on-site meeting with Rich Fox for all the 811 calls by Frontier. Frontier will be running fiber optic lines in different areas of the Borough.

Brian reported that he spoke with the Sewer Authority; they said their contractor will start mobilization this week on Constitution. He will verify that all the detour signs are erected at the locations based upon the plan that was submitted to Wind Gap and Pen Argyl. The contractor confirmed that the Pen Argyl School District was contacted, and they will coordinate getting the buses safely through the work zone. Brian will meet with Rich to discuss some spots on Oak Street that may need base repair completed prior to the overlay.

Brian will be completing the field work for the lot behind the townhouses along the alley on Lehigh which has been delayed due to the rain.

He spent some time reviewing the land development that was submitted for 537 North Lehigh Avenue. Prior to Robert Aide purchasing the property, a single-family dwelling was on the lot. Mr. Aide's intent is to demolish the current structure and install an eight-unit multi-family structure. This plan will go before the Planning Commission this Thursday, March 7, 2024.

He has been doing improvements inspections at the townhouse project on Third Street and the warehouse at 20 Green Knight Drive.

Dave Manzo said the Sewer Authority has been asked to look at the property on Sixth Street, behind Mr. Levits's property on Water Street and he is recommending that Brian be included at the onsite meeting to review any Borough issues with the property.

On East Third Street, there is so much water infiltration in the manhole for the sewer that they are having a hard time getting the manhole to seal up. The WGMA has determined that it is not sanitary because the sewer line is all intact. It appears that ground water is the problem there.

NEW BUSINESS

1. South Broadway Properties – Zoning Districts / Survey Discussion

George Hinton explained the reason for including this item on the agenda. There has always been some confusion and discrepancy between the boundaries of the borough, especially on the south end of town. When anything happens on the south bound lane, Arby's down through 512, Plainfield Township responds to those emergency calls, but anything northbound, Wind Gap responds to those emergency calls. The discrepancy has been brought to light again with the uncertainty of the boundary lines in relation to the billboard and whether it is in Wind Gap or Plainfield.

Brian has done some preliminary research and has found a WPA map referenced by Dick Rutt, and he shows the municipal line per that WPA map. That map is under the ownership of John Molnar; but appears to never have been a recorded map. When it comes to the municipal lines, they put the best information down and that gets recorded. Other than retracing recorded documents, he is not sure what else is there in the way of recorded documents.

Brian said almost every municipality in Northampton County requires what is called a grading plan. They put a limit on what you are building which requires a survey establishing the boundary lines. This would avoid a situation where something gets built where it is not shown on the permit.

Unless the borough can uncover a document in the files that specifically describes the physical metes and bounds enabling those locations with monumentation to be found, he doesn't know if the borough boundaries can be accurately marked.

On motion by Dave Manzo to authorize the Borough Engineer to research and investigate specifically the Male Road borough line issue and seconded by Patrick Webber. Roll call vote taken. Motion carried unanimously.

2. Resolution 2024-02 Enactment – Junior Council Person Program

On motion by Jason Boulette to approve the adoption of Resolution 2024-02 Enactment – Junior Council Person Program and seconded by Steve Bender. Roll call vote taken. Motion carried unanimously.

3. Park Rental – Requesting Use of Bandshell / Band – 7/13/2024 Discussion / Approval

Council discussed how previous requests for use of the bandshell have been handled. The reservation form does not include the bandshell for use or a fee associated with a rental so the bandshell has never been rented for private events. All Borough sponsored events utilizing the bandshell have provided a Certificate of Insurance. Council agreed to continue with the current practice, but this item could be discussed in the future along with a review of the fees associated with Park rentals.

4. Tortoise and Hare Race – PennDOT Letter of Approval – 2/27/2023 Discussion / Approval

Louise Firestone reported that the Borough has been asked by the organizer, Work to Live LLC, to send a letter authorizing them to run the Tortoise and Hare 5K Race on Monday, May 29, 2024, because a portion of the race will take place in the borough and permission is required to move forward with sending the required paperwork to PennDOT to receive a permit allowing them to run the race on a state road.

On motion by Dave Manzo to approve the Tortoise and Hare Run / Walk on Monday, May 29, 2024, and to send them a letter of approval and seconded by Patrick Webber. Roll call taken. In favor: D. Manzo, P. Webber, J. Boulette, M. Crossen, G. Hinton. Opposed: S. Bender. Motion carried: 5 – 1.

OLD BUSINESS

1. Ambulance Corps – Fulton Bank – Line of Credit Application Discussion / Approval

The Ambulance Corps asked the Borough to sign the line of credit application with Fulton Bank. Attorney Karasek went over some of the conditions in the lease, specifically the provision in the Landlord Release that would allow the Bank to enter onto the Borough property and conduct sales of collateral on the Borough's property. He offered to contact Fulton Bank to discuss this provision.

On motion by Steve Bender to authorize Attorney Karasek to review the lease and make changes as requested by Council and seconded by Dave Manzo. Roll call vote taken. Council agreed unanimously.

2. Zoning Ordinance Amendment Discussion / Approval of Advertisement

Attorney Karasek reported that he read over the zoning ordinance amendment. The amendment went to the Lehigh Valley Planning Commission last year. He asked if the Zoning Officer made any changes or if she made corrections. If she made changes, the amendment would have to go back to the Lehigh Valley Planning Commission if not ready for advertisement.

On motion by Steve Bender to advertise the Zoning Ordinance Amendment and seconded by Dave Manzo. Roll call vote taken. Council agreed unanimously.

PUBLIC COMMENT

No public comments were heard at this time.

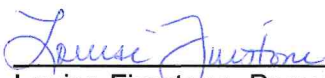
EXECUTIVE SESSION

Council adjourned to Executive Session at 8:08 p.m. to discuss the Zoning Hearing Board Decision for Cosmo Development. Council reconvened the meeting at 8:24p.m.

No official action was taken by Council at this time.

ADJOURNMENT

On motion by Dave Manzo to adjourn the meeting of March 4, 2024. Council agreed unanimously. The meeting of March 4, 2024, adjourned at 8:25p.m.



Louise Firestone, Borough Manager

**SOLICITOR'S REPORT – R. J. KARASEK, ESQUIRE
WIND GAP BOROUGH
NORTHAMPTON COUNTY, COMMONWEALTH OF PENNSYLVANIA
MONTH: February 2024**

MEETINGS ATTENDED:

February 5, 2024 - attendance at regular monthly meeting of Borough Council
February 20, 2024- attendance at regular mid-month meeting of Borough Council

SUBDIVISION MATTERS: None

LAND DEVELOPMENT MATTERS:

Receipt, Review and Administration of e-mails as to Letter of Credit Reduction re 20 Green Knight Drive LD Plan

Receipt, Review and Administration of e-mail from Borough Manager with Fully Executed PENNDOT HOP re CRG Services Management aka 900 Pennsylvania Avenue LD Plan

ZONING AND OTHER LAND USE MATTERS:

Receipt, Review and Administration of e-mails from the Borough EIT re Billboards/Signage Ordinance

Receipt, Review and Administration of e-mails of the Gilmore & Associates Permitting and Superstructure Replacement Engagement and Services Agreement re Male Road Bridge

DEVELOPMENTS ON OUTSTANDING LITIGATION:

Receipt, Review and Administration of the Legal Briefs filed by the Appellant-Smith, the ZHB and Verizon as Intervenor; Preparation of the Borough's Brief as Intervenor and in Support of the Borough ZHB Decision and Submission of the Appeal on Brief for Decision and without Oral Argument

COURT DECISIONS ON BOROUGH CASES: None

MISCELLANEOUS:

Receipt, Review and Administration of Landlord Release submitted by the Fire Company to Borough for approval

Preparation of Draft of Resolution for PSAB Junior Council Person Program

Preparation of Monthly Solicitor's Report

OUTSTANDING ITEMS:

Stop Sign Ordinance

Dog Park Ordinance