

**BOROUGH OF WIND GAP
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WIND GAP, PA 18091
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Wind Gap Borough Council meeting on Monday, May 1, 2023, 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 Dave Hess, Steve Bender, Dave Manzo, Patrick Webber, Jeff Yob, and Alex Cortezzo. Also, in attendance were Mayor Wesley J. Smith, Borough Solicitor Ronald Karasek, Borough Engineer Brian Pysher and Borough Manager Louise Firestone.

PUBLIC COMMENT

No comments were heard at this time.

APPROVAL OF MINUTES

On motion by Dave Manzo to approve the April 18, 2023, Council meeting minutes and seconded by Steve Bender. Roll call vote taken. Council agreed unanimously.

APPROVAL OF EXPENSES

On motion by Jeff Yob to approve the expenses in the amount of \$36,476.61 and seconded by Alex Cortezzo. Roll call vote taken. Council agreed unanimously.

SOLICITOR'S REPORT

Attorney Karasek reported that his monthly Solicitor's Report will be forthcoming. Attorney Karasek did provide an overview of some of the issues he dealt with during the month of April. He stated that he reviewed the proposed Resolution to Approve Plan (presented at the Wind Gap Borough Planning Commission meeting), including drawing of the pavement markings and site plan for no parking on North Broadway for CRG Services Management, 900 Pennsylvania Avenue Industrial Development Road. He reviewed both the proposed Chicken Ordinance and Sign Ordinance in preparation for the May Planning Commission meeting.

ENGINEER'S REPORT

Brian Pysher reported that 20 Green Knight Drive is working through their conditions from the conditional plan approval. The majority of the comments are for outside agencies, water, sewer, and NPDES permits. The developer will be working with Attorney Karasek to complete and sign all necessary agreements. Brian stated that there is no action to be taken by Council because the plan has already received Conditional Plan Approval, but he wanted to provide an update of the project.

Brian reported that the advertisement for the Constitution Avenue project will be set for advertising this week. He is waiting for a call from the mechanical engineer for clarification regarding the natural gas conversion for the municipal building and the maintenance garage.

Brian stated that he has finalized the storm sewer design for Roosevelt Avenue and sent the design to Monarch Concrete for construction of four precast boxes. Once the boxes are received, the street department will schedule the project.

Wind Gap Convenience Store – North Broadway - Brian Pysher reported that the Borough received notification and a copy of the Transportation Impact Study (TIS) Determination and Scoping Meeting Application submitted to Pennsylvania Department of Transportation by BTS Commercial Real Estate for a proposed development at the former BeerStein property. The application included a drawing for a Wawa Convenience Store at approximately 6,606 sq. ft. with 16 fueling positions. This is very preliminary; they are just working with PennDOT at this point as no formal plans have been submitted to the Wind Gap Borough Planning Commission nor Wind Gap Borough. Brian will forward any information to Council as he receives it either from PennDOT or from the developer.

NEW BUSINESS

1. Green Knight Economic Development Corps. Industrial Park Approval Bond to Maintenance Period – 18 Month Period - Brian Pysher reported that he received a copy of the cost estimate. A list of outstanding items on the July 2022 punch list have been addressed and others still remaining incomplete. The value of the outstanding items have been provided to Brian in order to reduce the bond. Council discussed their reluctance to allow the developer to move to the maintenance bond as the road does not currently meet Borough standards as determined by the Borough Engineer. However, Council did discuss the reduction of the bond since the majority of the project has been completed and it is no longer necessary to hold a bond for the entire project.

On motion by Steve Bender for the Bond for the Green Knight Industrial Park Phase II Project from \$1,112,691.55 reduced by \$927,905.79 to \$184,785.85 and seconded by Alex Cortezzo. Roll call vote taken. In favor: D. Hess, P. Webber, J. Yob, S. Bender, A. Cortezzo. Opposed: G. Hinton, D. Manzo. Motion passed 5 – 2.

OLD BUSINESS

1. Park Landscape – Annual Landscape Maintenance Package. At the previous meeting, Council requested that other landscape contractors be contacted for price comparison. Unfortunately, the two suggested companies did not respond to the request.

On motion by Dave Manzo to approve the Annual Landscape Maintenance Package from Prolific Landscape in the amount of \$7,239.60 and seconded by Dave Hess. Roll call vote taken. In favor: G. Hinton, D. Manzo, P. Webber, D. Hess. Opposed: J. Yob, S. Bender, A. Cortezzo. Motion passed 4 – 3.

2. 2023 Slate Belt Regional Police Lease Discussion / Building Committee Update.
George Hinton and Dave Hess provided Council with an update of the ongoing discussions related to the Slate Belt Regional Police Department and the Lease Agreement with Plainfield Township. The municipal managers determined that rent paid to Plainfield Township constituted an overpayment of 18 months of rent. Plainfield Township acknowledged that this

overpayment was not intentional and offered the Slate Belt Regional Police Commission a credit of 12 months of "free" rent, but not the 18 months. Currently, the rent is \$15.00 per sq.ft. Plainfield Township is proposing a new lease that would charge \$13.00 sq.ft., plus 70% of the utilities, plus 3% rent increase per year. The current rent payment is \$4,895 per month or \$58,740 per year. Discussion occurred with the justification of the dollar amount as a commercial rate amount as opposed to a regional police department supported by three municipalities and their tax paying residents. Plainfield has been asked what they use the rent revenue for and what is the justification for an annual increase as a municipality is exempt from property taxes on the building and their property, but the Plainfield Police Commission representatives do not answer the question.

Mayor Smith stated that he completed a Right-to-Know from Plainfield Township for the utility bills, specifically the electric and water bills because they seemed too high compared to those same utility bills paid by Wind Gap Borough for our properties. Once the bills were received a comparison was made and it appears that Plainfield Township does not have an energy supplier and is paying the highest Met-Ed rate. If Plainfield Township used an energy supplier, comparable to the supplier used by Wind Gap for their municipal building, they would have saved \$4,748. If they saved that amount, 70% of that amount would have been a savings for the Police Commission. Also, Plainfield paid an electric bill late and passed that cost on to the Commission. Louise further explained that Wind Gap has a contract through Penn State Extension which negotiates an electric rate on behalf of municipalities throughout the Commonwealth and that rate is currently \$0.05754 per kwh as opposed to Plainfield's rate at the end of 2022 at \$0.125670 per kwh or more than twice our rate. Translated into overall bills that Plainfield Township invoices the Slate Belt Regional Police Commission at 70% is more than Wind Gap pays for both our municipal building and our maintenance garage. In the twelve-month period, not during any one month did our two building electric bills exceed \$1,000. Steve asked if a stipulation can be added requiring that Plainfield get an energy supplier. Louise offered a suggestion to take the kwh rate of Wind Gap, take the kwh rate from Pen Argyl Borough and average the two to be used as the factor in calculating the 70% of Commission's electric usage at the Plainfield Township Municipal Building.

The Commission did appoint a committee to review the feasibility of continuing to pay rent either to Plainfield Township or renting another building or potentially acquiring land and building a police station. The Slate Belt Regional Police Department is a regional accredited department that currently has inadequate space and insufficient facilities to accommodate all of the officers, both male and female. They are getting limited on space due to records retention requirements and evidence that has to be saved. Alex added that if the Police moved out of the township building then Plainfield would not have to expand or renovate their building which ultimately would save them money. Council agreed that a police station may require at least 10,000 sq.ft. to satisfy the needs of the department because growth of the department should be considered in planning the building for the future.

At the last Police Commission meeting, Plainfield representative requested that George and Dave bring information back to Wind Gap Council for discussion. Dave stated that the 3% increase is what triggered the review of rent. If the 3% increase continues for 10 years the Commission may not be able to afford to continuing paying the rent to Plainfield. The rent is not paying for equity in a building that all three municipalities have ownership in, but continues to assist in offsetting general expenses in Plainfield Township's budget. Steve stated that we should not agreed to the 3% increase.

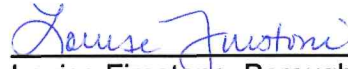
Alex suggested that all three municipal boards sit down as a whole to negotiate the lease. He asked if we could get Colonial Regional's lease agreement as a comparison which Dave replied that it was already requested and Colonial pays \$5.00 per sq.ft. Alex also added that Slate Belt Regional Police Department is the third busiest police department in Northampton County. Jeff acknowledged that during this discussion it is apparent to him that

Plainfield Township is offsetting their cost for a police department from the rent and that is why they don't want to give it up.

Council agreed that after hearing the information, they think that \$7.00/sq.ft., average of the kwh cost of the utility, no annual increase, and receiving the six-month credit that is still outstanding from overpayment. Conversation on whether it is legal to put the rent in an escrow account until all points are agreed upon. The consensus is that Plainfield Township is not negotiating in good faith.

ADJOURNMENT

On motion by Jeff Yob to adjourn the meeting of May 1, 2023. The Council agreed unanimously. The meeting of May 1, 2023, adjourned at 8:19 p.m.



Louise Firestone, Borough Manager

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

MEETINGS ATTENDED:

April 3, 2023 - attendance at regular monthly meeting of Borough Council
April 6, 2023 - attendance at regular monthly meeting of Borough Planning Commission
April 18, 2023 - attendance at regular mid-month meeting of Borough Council

SUBDIVISION MATTERS: None

LAND DEVELOPMENT MATTERS:

Receipt, Review and Administration of telephone calls and e-mails to and from Applicant's Attorneys, Review of proposed Resolution to Approve Plan (presented at Planning Commission Meeting), Solicitor Revisions to Resolution and cross-check several conditions discussed with Planning Commissioners and Solicitor Notes, Northampton County Conservation District Extension Letter and Pavement Markings and Site Plan as to Alpha Road and North/South Broadway Letter reflecting three (3) on-street parking spaces re CRG Services Management aka 900 Pennsylvania Avenue-Industrial Development Road

Receipt, Review and Administration of e-mails to/from the Borough EIT and Applicant's Planning Professional as to Quantity and Cost Estimate re 20 Green Knight Drive L.D Plan-Lot 6C

ZONING AND OTHER LAND USE MATTERS:

Receipt, Review and Administration of Chicken Ordinance and Sign Ordinance with corresponding comments from Solicitor, Borough EIT and Zoning Officer

DEVELOPMENTS ON OUTSTANDING LITIGATION: None

COURT DECISIONS ON BOROUGH CASES: None

MISCELLANEOUS:

Telephone Conversation with Property Owner's Attorney re Chicken Ordinance
Receipt, Review and Administration of Five (5) Right-to-Know Requests with e-mails to Borough Open Records Officer re R. Smith

Preparation of Borough Planning Commission Meeting Agenda for Meeting of April 6, 2023

Preparation of Borough Planning Commission Meeting Minutes of April 6, 2023
Preparation of Monthly Solicitor's Report

OUTSTANDING ITEMS:

Stop Sign Ordinance
Dog Park Ordinance