

BOROUGH OF WIND GAP
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The Council meeting of the Borough of Wind Gap on Monday May 6, 2019, 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, Mike McNamara, David Manzo, and Jeff Yob. Also in attendance were Mayor Mitchell D. Mogilski Sr., Borough Solicitor Ronald Karasek, Borough Engineer Brian Pysker, and Borough Administrator Louise Firestone. Absent were Councilwoman Joyce McGarry and Councilman Kerry Gassler.

PUBLIC COMMENT

1. Adrienne Fors, Waste Management, came before Council with the landfill operations neighborhood update.
 1. The final capping project (along Pen Argyll Road) was completed. Topsoil and seeding were placed and completed at the end of April.
 2. The Green Knight Energy Center is currently running two turbines. The Candlestick flare is destroying approximately 1,200 scfm of landfill gas.
 3. A Spring Gas Collection Well Drilling is underway with about 50 % of the wells completed. These wells are being drilled in the Southwest direction of the facility.
 4. Preparations are underway for a 5-acre temporary capping project at the Southwest corner of the property. This project is expected to commence on or around May 13, 2019.
 5. Preparations for Cell 17 are underway. The team is anticipating the rollout of the liner in May.
 6. Continued communications with 3rd party haulers about Alpha Road. Truck route sheets have been provided to Monroe County Solid Waste as well as all drivers entering and exiting the landfill.

Community Relations

1. 75 guests attended the Annual Earth Day Festival
2. July Landfill Tour Date – July 12th, 3pm and 4pm tours.

Grand Central Landfill is committed to keeping the community informed. Below, you will find the most recent copy of the landfill operations neighborhood update.

Grand Central Landfill website continues to be updated and includes the monthly landfill update notices. www.grandcentrallandfill.com

2. Nazareth Ambulance Corps – Jennifer McCloskey, EMS Director, Nazareth Ambulance Corps, came before Council regarding the decision that was made at the last Council meeting to change Wind Gap's ALS provider from Nazareth to Bushkill. She requested an explanation for the change since Nazareth has been providing Advanced Life Support service to Wind Gap Borough for 20 plus years. Jennifer stated that to her knowledge, there has not been an issue with the service they have provided over the years. Jennifer understands that this was a business decision however, but based on what criteria. Nazareth Ambulance is cheaper than

Bushkill, they provide more services, and they have more licensed ALS units and more employees. George Hinton, President of the Wind Gap Ambulance Board, reported that the Board met on several different occasions and there was the opportunity to expand Wind Gap's coverage and grow our ambulance. The Ambulance Board felt that Bushkill Township would help expand BLS and transports for Wind Gap. The Ambulance Board brought their request to Wind Gap Borough Council and asked that the elected officials honor the request. Brian Cole stated the end goal is to take Wind Gap Ambulance and have a partial staffing of ALS during the week and bring an ALS chase truck to sit here in the Borough. The purpose is to better serve the residents and have a working relationship closer within the Borough.

Jennifer asked why Nazareth was not given the chance to opt for or given the same opportunity to do that for Wind Gap. Brian Cole said that they could provide more of a service being close together and Bushkill is closer than Nazareth. Dave Hess expressed his frustration that this was a rush decisions and discussions should have happened months ago.

Dave Hess asked how much Bushkill charges for ALS calls. Brian said that their current agreement is \$165.00. Jennifer said that Nazareth charges \$155.00 and have not raised their rate nor have they contacted lawyers or collection agencies to collect on any bills that are owed to them and there are thousands owed to them. She said that Brian did go to her after the last meeting with dual agreements upping their rate to \$170.00 to match Bushkill's rate of \$165.00. Brian said his goal was to make the numbers appropriate across the board so all of the same billings were the same and with times changing their revenue has increased so they are able to provide that dollar amount.

Jeff Yob said that at one time there was a guarantee to be paid to ALS providers, does that still exist? Brian said the current agreement is that Wind Gap Ambulance bills the insurance and takes care of all the billing and after payment Nazareth would get their \$155 payment. If they were not successful in collecting payment, Nazareth was responsible for attempting to collect their own payment. Jeff asked what the unreimbursed call dollars are for 5 years. Jennifer said about \$30,000.00. Jennifer provided Brian with \$9,000.00 that was outstanding since 2017 and it also has an ageing list as well and only \$3,000.00 was over 180 days, the rest is still in progress. Jeff Yob asked if Bushkill would forgive Wind Gap the payments if not received. Brian said that with their agreement, if we do not receive payment then they would not receive payment either. The other benefit is that Bushkill and Wind Gap both have the same billing company so when charts are submitted to the billing company for processing they are all in the same place. They do not have the same billing company as Nazareth.

Brian Cole stated that as of right now, we do not have the agreement signed and it is not approved through the State this is what they are working on. Jeff said that the vote Council took is un-excommunicable for months until these agreements are all in place so we are going to expect Nazareth to still continue service for another 6 months. Brian said that as per their agreement respectfully 30 day notice.

APPROVAL OF MINUTES

On motion by Mike McNamara to approve the April 16, 2019 minutes and seconded by Jeff Yob. Roll call vote taken. Council agreed unanimously.

APPROVAL OF EXPENSES

On motion by Jeff Yob to approve the expenses in the amount of \$27,321.67 and seconded by Mike McNamara. Roll call vote taken. Council agreed unanimously.

SOLICITOR'S REPORT

MEETINGS ATTENDED:

April 1, 2019 - attendance at regular monthly meeting of Borough Council.

April 16, 2019 – attendance at regular mid-month meeting of Borough Council.

SUBDIVISION MATTERS:

E-mail to/from Owner's and Applicant's Attorneys and Borough solicitor as to Land Development Improvements Agreement, Telephone Conference with Borough EIT and Borough Engineer Review Correspondence (Seventh Review) and E-mails as to the Pre-Construction meeting re GKIP II Major Subdivision Plan-Preliminary and Final.

LAND DEVELOPMENT MATTERS:

Preparation of Corrective Deed for Albanese and Grimes Properties, LP re Lehigh Street Preliminary/Final Major Subdivision.

E-mail as to the status of Quantity and Cost Estimate for Albanese and Grimes Properties, LLC LD Plan re Water Street.

ZONING AND OTHER LAND USE MATTERS:

Preparation of Final Draft of the Advertisement for the Fireworks Ordinance.

Receipt, Reviews and Administration of Correspondence from Property Owners Attorney re Collision with Kerosene Tank on North Broadway.

Receipt, Review and Administration of LVPC Correspondence as to Final Version of Zoning Ordinance Amendments.

Preliminary Review of Slate Belt Multi-Municipal Comprehensive Plan

DEVELOPMENTS ON OUTSTANDING LITIGATION: None

COURT DECISIONS ON BOROUGH CASES: None

MISCELLANEOUS:

Receipt, Review and Administration of RTK Correspondence from Nazareth Ambulance copy of the April 16, 2019 Borough Council mid-month audio tape, Legal Research and Comprehensive e-mail response to Brought Open Records Officer.

Preparation of Monthly Solicitor's Report.

Outstanding Items:

Stop Sign Ordinance

Dog Park Ordinance

Attorney Karasek reported that he is asking that the Zoning Ordinance Amendments put back on the agenda for a reconfirmation vote. When Council voted on the amendment there was a minor change of language to make sure the front yard fence would not be in the clear site triangle. This went to Lehigh Valley Planning Commission for their review and they said that this is a matter of local concern.

Attorney Karasek was contacted by Pete Albanese regarding the deed that he received from the Borough on the Lehigh Avenue project. The bank where he is getting financing for those lots is asking for a revised deed because the owner of record is listed as Albanese & Grimes Property LLC, but will be Albanese & Grimes Properties LP. He will prepare a deed to correct that and that will get filed.

ENGINEER'S REPORT

Brian Pysher reported that he had a pre-construction meeting today with the Green Knights Economic Development Industrial Park Male Road back at PVT Truck & Trailer. Rich Fox attended it with him along with Plainfield Township, Ott Consulting etc. They are looking to start their construction. He made them aware that they need to get in touch with Attorney Karasek because prior to them starting construction in Wind Gap Borough they must put the

securities up and execute their developer's agreement. The developer indicated that they plan on starting construction in Plainfield. Brian will follow up with them, according to their sequence it is approved under their NPDES permit there are erosion controls that needs to be done in Wind Gap Borough. Brian did question them on the tire capping and they stated that they are trying to find fill that can be dumped over the top of the quarry to cap it. Brian said his concern is that they admitted that they grossly underestimated the volume of material needed to go in the quarry and now they are going to start construction building roads that will ultimately be dedicated to the municipalities and if they build these roads and then track thousands of yards of material to get it into the quarry it will damage the roads.

George Hinton said on that Male Road, the drain on the west side of the bridge, which was cleaned out still has water that lays there. Brian stated that they are going to upgrade that side, put curbing and an inlet in, remove the one that is there and replace it. Green Knight Economic Development Corporation (GKEDC) is currently working through the sewer, there is a phase two to the agreement but no one has seen it yet.

Attorney Karasek reported that there are some concerns with the improvements agreement. The stormwater covenant that he puts in his agreements stating it is the owner of the lot that is responsible for that stormwater facility on its property has been stricken. Apparently, Beers as owner of the property does not want that in the agreement. Same thing with the easements, Lot 9 does not want the language in that Lot 9 owner shall be responsible for the access road or easement on their lot. Brian emphasized to John Goffredo, member of GKEDC to contact Attorney Karasek to try and work out those issues. Brian will keep everyone informed regarding this project.

Brian reported that Jack Muschlutz, Water Edge, has started again, he paid the money for his tapping fees. They had a preconstruction meeting that the Borough was not informed was scheduled.

Brian reported that Alpha has been advertised. We had 3 contractors pick up bid packages. We did get confirmation from CDBG and sent them a copy off the specs, this is federal funding so we always make it a point to send them all the bid specs and they gave us their approval on it. The specs were also sent to Jeff Roback of PennDot so they can start the process of approval for liquid fuels. Funding sources are CDBG, Liquid Fuel, and General Funds that Louise Firestone has allocated for street projects.

Regarding the ARLE Grant, all of the radios are installed. The only thing left is training for Brian and the other Borough Officials, probably Rich Fox would be involved since he is called out when there are accidents/events. The software will be installed at the Slate Belt Regional Police Station. We contacted with Northeast Signal to put video detection in at Male Road, Third Street and Center Street. Through much discussion, it was determined that the Borough needed to eliminate the wire loops in the paving on Male Road, with the only option as installing video detection at that intersection. The change order was \$41,674.10 to upgrade the three intersections. Dave Hess said that the traffic has been backing up while going west on Lehigh Avenue. Brian will bring this to their attention.

On motion by Jeff Yob to approve the change order of \$41,674.10 and seconded by George Hinton. Roll call vote taken. Council agreed unanimously.

NEW BUSINESS

1. Lower Mt. Bethel Township Request for Support Letter regarding Bio-solids - Mayor Mogilski will bring this request to the Slate Belt Council of Governments (COG) to see if they want to do one letter as a COG for all 10 Municipalities.

2. Lincoln & Mechanic Streets-Approve Engineer to Complete Field work and provide Cost Estimate for Project – CDBG Approval 2019 Application – 2020 FY Project – Brian reported that he, Louise and Rich went through and laid out the grant application schedule for CDBG for the next five (5) years. In their discussion, Lincoln Street can be improved similar to what was done for Jefferson Street. He would like Council to approve the completion of the field work for Lincoln Street in order to submit a CDBG application for funding.

On motion by Jeff Yob to authorize Brian Pyscher to do the field work and get cost quantities and estimates for Lincoln Street and seconded by George Hinton. Roll call taken. Council agreed unanimously.

3. East Center Street- Approve Engineer to Complete Field work and provide Cost Estimate for Bid Specifications / Design Drawings –

On motion by George Hinton to authorize Brian Pyscher to do the field work and get cost quantities and estimates for East Center Street and seconded by Jeff Yob. Roll call taken. Council agreed unanimously.

4. Slate Belt Multi-Municipal Comprehensive Plan Report - Louise Firestone reported that SB Multi-Municipal Committee met on Wednesday, May 1, 2019. The discussion at the meeting was how the votes should be counted, unanimous, weighted, or weighted by how many square miles. The first vote was not unanimous, but it was then decided that the vote should be unanimous and each Municipality gets one vote and each Municipality should only have three members. They made a change on the Inter-Municipal Agreement, it is basically up to the Municipality to decide who they want to appoint because it originally stated Council, Staff and a representative from the Planning Commission. Some of the communities did not feel that it should be up to the group to decide. We have to approve that agreement which states what the financial commitment is from each Municipality plus the funding sources because there is grant money involved.

On motion by George Hinton to pass the Inter-Municipal Agreement and seconded by Mike McNamara. Roll call vote taken. Council agreed unanimously.

5. Park Play Equipment – Dave Hess reported that another spring ride has been broken, and there were three in the park, but only one remains. Louise reported that to replace the spring on one ride is \$605.00 plus shipping and a new spring ride is \$999.00. It was the Street Workers opinion that we purchase two of them as they are popular pieces of equipment.

On motion by George Hinton to purchase two spring rides for the park and seconded by Mike McNamara. Roll call vote taken. Council agreed unanimously.

6. Articles of Agreement for the C.O.G. - Mayor Mogilski reported that everyone received a copy of the new Articles of Agreement for the C.O.G. with three changes. He would like Council to review and vote.

On motion by Jeff Yob to adopt the Articles of Agreement for the C.O.G. with changes as noted and seconded by Dave Manzo. Roll call taken. Council agreed unanimously.

OLD BUSINESS

1. Grant Update – Louise Firestone reported that she applied for four grants under the Green Knight Economic Development for Summer Sounds, LED lights up at the basketball/tennis courts, radar activated speed sign for Alpha Road, and money for the walking trail in the park. Last week she applied through Lehigh Valley Greenways Mini Grant for funding for the walking trail in the park in the amount of \$10,000.00. The Community Development Block Grant deadline is May 17, 2019. For Slate Belt Rising she applied for \$20,000.00 for the

park walking trail. There is an open grant cycle for Community Investment Partnership Program (CIPP). In conjunction with Slate Belt Rising's anticipated funding of \$20,000.00, this grant is May 13 through July 12, we are going to request \$50,000.00. There is a Hotel Tax Grant with the deadline of June 14, 2019 to further promote tourism throughout the county and may be a potential source of funding for the summer sounds or any event held at the park would be eligible.

The ARLE Grant original award amount was for \$85,238, right now the project has a short fall of approximately \$120,000.00. Some of that will be offset with the \$31,440.00 from Northampton County Uncommitted Funds from Gaming Revenue and Economic Redevelopment Authority.

2. Borough Priority List – Projects/Equipment/etc. – Louise Firestone said she has started a project/equipment priority list. She asked for Council to provide input on what they would like to see on this list so financial planning can be done. Dave Hess said that during discussions with Merchants Bank, they recommended a game plan, long term and short term expenses.

3. Insurance - Louise reported that the Borough had an insurance claim from a fall up at the park. Our insurance adjuster sent a letter to her attorney stating that it is her decision to decline making any payment on this claim. The other insurance went to County Court, the woman that hit the Slate Belt Rising sign on N Broadway pleaded guilty to DUI and was found to have to pay fines, costs, restitutions plus prison time. We anticipate getting reimbursement for the cost of replacing the sign. That sign has been reorder at the cost of \$1,425.00. We still had a balance with Slate Belt Rising so they are picking up \$650.00 and we are paying the difference right now.

4. Borough Manager - Dave Hess reported that Bangor Borough was contacted and they do not have anything as far as a job description. Dave Manzo is in favor of upgrading the position but he is wondering if a list could be provided that includes similar size boroughs with similar tax bases to determine a rate of pay. Dave asked Attorney Karasak since this is a new position does this have to be advertised or can a promotion from within be done. Attorney Karasek said that you could always advertise anything, he does not believe that you have to since this is a professional service, but if you want to show that the Borough is being transparent Council could decide to advertise.

ADJOURNMENT

On motion by Jeff Yob to adjourn the meeting of May 6, 2019. Council agreed unanimously. The meeting of May 6, 2019 adjourned at 8:37 p.m.

Louise Firestone, Borough Administrator