

**BOROUGH OF WIND GAP
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The Council meeting of the Borough of Wind Gap on Monday, May 19, 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 Pysker, and Borough Manager Louise Firestone.

Councilman Steve Bender joined the meeting at 7:06 p.m.

PUBLIC COMMENT

1. Alex Cortezzo III, Fire Chief, Plainfield Township Volunteer Fire Company, came before Council regarding the emergency exit for the proposed JERC Warehouse on Male Road. He said in discussions with the applicant's engineer the proposal is to utilize Giroux's existing access just to the west of their primary entrance off of Male Road as an emergency access rather than the existing lane on the Silverline property. Brian Pysker looked at the ordinance and it defines an emergency access as separate from the primary entrance by 150 feet. If the developer, JERC, wants to use the Giroux property, they will have to apply and submit to the Wind Gap Borough Planning Commission for a waiver and if the Planning Commission so approves the Commission will make a recommendation to grant the waiver to Wind Gap Borough Council.

APPROVAL OF MINUTES

On motion by Dave Manzo to approve the May 4, 2020 minutes and seconded by Jeff Yob. Roll call vote taken. In favor: D. Hess, G. Hinton, D. Manzo, J. McGarry, M. McNamara, J. Yob. Abstained: S. Bender. Motion carried with a vote of 6-0-1.

NEW BUSINESS

1. BioSpectra – Waiver Request – Land Development for Stormwater Pipe - Attorney Karasek reported that representatives for BioSpectra went before the Planning Commission on May 7, 2020 to request a waiver from Land Development for the stormwater pipe. The Planning Commission recommended approval of the waiver based on the Borough Engineer's review of the plans and supportive information from the applicant. This waiver is for the pipe replacement only, not for the building. This will help alleviate stormwater issues.

On motion by Jeff Yob to approve the waiver of Land Development with conditions in the May 5, 2020 review letter from the Borough Engineer and seconded by Mike McNamara. Roll call vote taken. In favor: G. Hinton, D. Manzo, J. McGarry, M. McNamara, J. Yob, S. Bender. Opposed: D. Hess. Motion carried with a vote of 6-1.

Dave Hess said that he has concerns with this since the pipe replacement was the major problem. Attorney Karasek explained that the pipe will be going around the building. He has a construction easement agreement signed by Nolan Perin, on behalf of N.A.P.E.R. the adjoining property owner, and RX Holdings. The Borough needs to sign the temporary construction easement agreement. Attorney Faul said that they have the pipe on site and they are ready to work on this project, can they proceed now or wait until after June 1st. Attorney Karasek said that at the June 1st, Council can approve to sign the agreement. Brian said the Borough does not want the same issues that existed when Cramer's owned the building. BioSpectra will be rerouting the pipe and will not build over the pipes. They have a good plan and he feels comfortable with this design. Attorney Faul said that BioSpectra will coordinate with Brian prior to starting.

2. Maintenance Garage – Construction Loan Agreement – Attorney Karasek reported that both the mortgage and loan agreements are in order and will be signed at the closing tomorrow at 10:00 a.m. with Fidelity Bank, formerly known as Merchants Bank.

On motion by Jeff Yob to give authorization for signature on the loan document and seconded by Dave Manzo. Roll call taken. Council agreed unanimously.

3. Maintenance Garage – Construction Mortgage

On motion by Jeff Yob to approve signature on the mortgage and seconded by Dave Manzo. Roll call taken. Council agreed unanimously.

4. Public Meeting Location – Per Governor Wolf's Directive - Dave Hess reported that this goes along with the pandemic and the stay at home order. He along with Louise, Rich and Deb met to look at the building to see if it is possible to hold public meetings using social distancing defined as six (6) feet apart, in the municipal building meeting room. Unfortunately, the regular Council meeting room is too small to hold all of Council, Staff and visitors, so if we at some point are required to meet using social distancing, we will have to look for an alternate location, presumably being the Fire Company Social Hall. If at the conclusion of the Emergency Disaster Declaration, the Governor mandates public meetings in person to resume, Wind Gap Borough will have to advertise and move meeting locations. If the Borough is allowed to continue to meet via Zoom through July and August, that would make the most sense. Attorney Karasek said that Act 15 2020 permits Zoom meetings for boroughs, but it is only in effect for a certain period of time. Jeff said the he would like to know what the timeline is for Act 15. This topic will be further discussed as updates become available from the State.

5. Center Street Paving Project Award – Dave Hess reported that we had the bid openings today. Brian Pysher reported that the Borough received bids from H&K Group for \$111,523 and Bracalente Construction for \$106,844. Bracalente was the low bidder, so he would recommend going with Bracalente. Jeff Yob said that there are deep depressions in Center Street and asked if they allowed for that in their pricing. Brian confirmed that material and labor for those repairs were taken into account in the bid specifications. Bracalente was the low bidder, however, there was a mathematical error – the numeric dollar amount was different from the written dollar amount and the bid document specifically states that the written dollar amount takes precedence over the numeric amount. Attorney Karasek stated that Bracalente Construction was the low bidder regardless off how the number calculation was used, the decision to award at either amount would be acceptable.

Councilman Mike McNamara lost connection with the meeting and was not available for the remainder of this meeting.

On motion by Jeff Yob to award the East Center Street Paving Project to Bracalente for \$104,344.000. Motion died for lack of a second.

On motion by Steve Bender to award the East Center Street Paving Project to Bracalente Construction for \$106,844.000 and seconded by George Hinton. Roll call taken. In favor: J McGarry, S. Bender, D. Hess, G. Hinton, D. Manzo. Opposed: J. Yob. Motion carried 5-1.

6. 2006 GMC Truck – Value – Municibid – Dave Hess reported that the GMC is being replaced with the new truck. We need to put it on Municibid and get it listed. Attorney Karasek stated that if the value is more than \$1,000.00 then the vehicle has to be bid. George Hinton said that we need to get a value of the truck so a reserve number can be put on it. Louise said that she did not see any trucks comparable on Municibid. Jeff Yob said the truck has low mileage, a plow, and a spreader on it. Steve Bender said that Pen Argyl sold a GMC 2006, 5500, plow and spreader and they got \$11,900.00 on Municibid. This will be on the agenda for our next meeting.

Attorney Karasek reported after he conducted some research regarding the Zoom meetings, this is set to expire when the COVID-19 emergency disaster terminates or when the governor’s authority terminates under the Emergency Management Act.

7. Brian Pysher reported that Ken Fairchild of 433 -435 N. Broadway contacted the Borough office with concerns about the monitoring wells that were drilled on the property. In 1996/97, prior to building the Ambulance Corps building, there were old fuel tanks that had to be removed. There was some remediation to be done and some wells that were drilled, one in the garage and a few others on the property, but for whatever reason the testing was never completed. When the Borough went to sell the property, it was discovered that the remediation was never closed out with DEP. The Borough contracted MEA to complete the project, but they could not locate the wells in the parking lot so they had to drill new wells. They did all the testing that was required. The Borough received the closeout letter from DEP and it was recommended that the wells be remediated as prescribed. In 2016 MEA sent a proposal to complete the remediation process at a cost of \$1,900.00. This was approved at a Council meeting contingent upon the new owner executing an agreement allowing the Borough onto their property to do the well remediation. Louise and Brian reviewed the file and confirmed that Attorney Karasek prepared the agreement and it was sent to Mr. Fairchild’s Attorney, Dave Ceraul. The Borough never received the executed copy back so the remediation was never completed.

Attorney Karasek said that he reviewed the packet that Louise and Brian got together for him. The agreement is still fine as far as he is concerned. Brian will contact MEA to verify if their proposal remains the same. Attorney Karasek will contact Attorney Ceraul once Brian gets an updated proposal.

Brian showed Council the original land development plan of the Wind Gap Ambulance Corps which runs along Alpha Road due to a complaint by Ken Fairchild. Brian confirmed that what was proposed on the map is what is existing there today. When he contacted Mr. Fairchild, he informed Brian that when the Alpha Road project was completed the contractor replaced the curbing on the southern portion of his property and removed what he thought was a depression to access his property. Brian went through all the survey information related to the Alpha Road reconstruction project. They did not locate any curb depression there and they only

replaced curb depressions that already existed. In Brian's opinion there was never any curb depression there, if he did access his property there it was because the curb was jumped.

Brian said that regarding the Alpha Road Reconstruction, Bracalente Construction sent a contractor to do the final restoration. Brian and Rich walked Alpha Road and were not satisfied with the yard restoration work. Dominic Bracalente will meet with Brian to walk the area. The Borough is currently holding \$25,000 until the project is completed.

NEW BUSINESS

1. Dave Hess said that there is considerable staining on the brick on the front of the Municipal Building. The general contractor, Nu Cor Management, did come and take a look at it and asked the brick distributor to look at it. The distributor said that they did a great job laying the brick. He put water on one of the sills and the stain went away, but came back the next morning. He said that there is efflorescence, a crystalline deposit of salts that can form when water is present in or on the brick or concrete. It has a white or greyish tint and consists of salt deposits left behind when water evaporates. He said that brick should not be laid in the winter. There are no weep holes installed, there is water in the windows. To get rid of the staining we can wash and brush the brick. This should dry up in the summer months. Brian said that there are weep holes under the windows. We should go to Nu Cor for answers and a fix. Louise said that for the next step, she will contact all involved and set up a meeting time. Jeff Yob asked Attorney Karasek if we should send them a letter or notice. Attorney Karasek said that we should first meet with them.

COMMITTEE REPORTS

1. EMS – Dave Manzo reported that for the month of April, the Ambulance responded to 43 911 calls and 23 transports for a total of 66 calls. Response time is 3 minutes. They will have a meeting tomorrow evening.

2. Fire Co – George Hinton reported that the Fire Company meeting was last night. They are looking for ideas on how to raise money in these difficult times.

3. Regional Police – Dave Hess reported that Police Department responded to a total of 271 calls for service, 67 were for Wind Gap for April. Call are down due to the pandemic.

The Officers have remained active with in-house training. They completed their annual OPEC updates. They updated their CPR, First Aid, and AED training. Mandatory fire arms was held at the range. New Department vehicles are in service. There in one vehicle that they will be auctioning on Municibid.

4. Emergency Management – Dave Hess reported that the testing site at Easton Hospital for Northampton County has been extended. They are instituting a feeding mission, there are no details as of yet, but the Slate Belt is a targeted area. They spoke with someone at the food bank at Decesare's church on North Lehigh Avenue and were informed that they are seeing a decrease in the number of people coming through and don't know whether to attribute it to the lack of communication or the fear of coming out by the residents. There is no shortage of food supplies.

5. Zoning – Deb Harbison reported that Tina Serfass is working on permits that have been submitted. There are no Zoning Hearing Board meetings scheduled.

6. Planning – Dave Manzo reported that Planning Commission met on May 7th regarding BioSpectra pipe replacement which was discussed under new business.

7. Municipal Authority – Dave Manzo reported that they discussed payment plans for businesses that were delinquent like Spanky's Car Wash, issues with Water's Edge addresses, and the pumping station for Green Knight development.

8. Streets – Jeff Yob reported that he spoke with Rich, normal spring projects are underway, grass cutting, trimming of trees, etc, with no major projects starting yet. Regarding the old truck, Jeff said that if we do not get what we want for the vehicle, we can keep it to use.

George Hinton reported that the office received a call regarding Railroad Alley. A house is pumping water and it is making a rut. The Street Department will fix the alley and when there is significant rain the pump comes on and washes away the stone and gravel that they put in. There is no easy fix as long as that pipe is going to be there.

A resident on Fairview Avenue called the Borough Office, a neighbor was flooding his property by pumping his pool. It appears that he was pumping water off his pool cover. George suggested putting something in the Newsletter about being mindful of your neighbors when draining or pumping so you do not direct water onto their property.

A resident on Delaware called Borough office with concerns in the rear of his yard which is sinking in several areas. George walked the property and took photographs and it appears that the depression is in line with the sewer pipes. He thinks we need to send the Sewer Authority a letter asking them to visit the site and if necessary, fill the low spots caused by the sewer pipe. Dave Manzo said that he will mention this at their next meeting. George said that if we do a letter, we can send it to the resident letting them know that we did talk about this and we are responding to them. Jeff said a letter would make them aware for discussion at their next meeting

George Hinton said the he and Brian met with the representatives from Green Knight Economic Development regarding the water pipe, sewer pipe, and stormwater related to their development on Male Road. They extended the gas line, water line and are putting the 4-inch force main in. Eventually they are going to bore around the entrance by Giant, the bridge and creek and come up on the other side and tie into the manhole. The meeting today was supposed to be with Northampton County Conservation District, but they apparently forgot about the meeting. They did convey over the phone that they need to re-review their plans and it may take about a month. It looks like part of their improvements along Male Road, they were required to widen the road, install curbing there, redo a couple of inlets. What they found was an existing inlet with the pipe coming out of it labeled as reinforced concrete pipe on the design plan, as it turns out it is corrugated metal. The existing inlet that they found was not shown on the plans. There was also another headwall. The corrugated metal pipe was not in best of shape so we required them to replace it with reinforced concrete pipe. The other existing cross pipe is reinforced concrete pipe. GKEDC's engineers are working on a re-design to resubmit to the Borough for approval.

9. Park/Athletic Fields – Dave Manzo reported that he will reach out to Tony Borger and Ron DeCesare Jr. to see if they have plans for when restrictions are lifted for youth sports. Dave Hess said he a copy of the plan for reopening of parks, he will give Dave a copy, but it does not look like anything will be opening anytime soon.

A. Park – Trail – Navarro & Wright – Louise Firestone reported that there is a meeting with the consultant scheduled for Thursday at 2:00 p.m. at the park. They are going to do a walk about and get his ideas since he has never been to the park. Louise invited all of

Council to participate in the walk if they are available. Louise also reported that RCN installed internet so the park cameras will be up and operational shortly.

B. Community Garden – Joyce McGarry reported that the Street Department extended the garden and put mulch down. Residents are asking if they can volunteer at the garden. Dave Hess said we can put this on Facebook.

Louise reported that she is waiting for approval from Steve Reider for the banner.

10. Tipping Fees – Louise Firestone reported that she will get a report out shortly.

11. C.O.G. – Mayor Mogilski reported that they did not have a meeting. He would like them to get together via Zoom.

12. Slate Belt Rising – Louise Firestone reported that the Steering Committee met via Zoom conferencing last Thursday. The committee for Slate Belt Rising has recommended reallocating some of their budget funds to the four Boroughs in the amount of \$1,750. Each municipality can utilize the funds to purchase and distribute food or assist small businesses with any small needs. They talked about ways they could cook food and have the residents pick it up either at the Social Hall or the park. There is a sufficient amount of food coming into the Slate Belt. Mike Ortoski explained to the Steering Committee that he receives food and has issues where to store the food. Wind Gap has a couple of commercial refrigerators down at the park and there is one at the Social Hall.

13. Multi-Municipal Plan – Nothing to report.

14. Mayor's Report – Mayor Mogilski had nothing to report

15. Property Maintenance – Louise Firestone reported that Tina from Keller was kind enough to send us a copy of the Property Maintenance Code, she distributed copies to the committee. They reviewed the code so the next step is to have a meeting with the committee via Zoom.

Councilman Jeff Yob disconnected from the Zoom Meeting at 8:30 p.m.

ADJOURNMENT

On motion by Dave Manzo to adjourn the meeting of May 19, 2020. Council agreed unanimously. The meeting of May 19, 2020 adjourned at 8:35 p.m.

Louise Firestone, Borough Manager