

**BOROUGH OF WIND GAP
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WIND GAP, PA 18091
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Wind Gap Borough Council meeting on Monday, November 6, 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, D. Manzo, Patrick Webber, and Jeff Yob. Also, in attendance were Mayor Wesley J. Smith, Borough Solicitor Ronald Karasek, Borough Engineer Brian Pysher and Borough Manager Louise Firestone. Absent was Councilman Alex Cortezzo.

APPROVAL OF MINUTES

On motion by Dave Manzo to approve the October 17, 2023, minutes and seconded by Patrick Webber. Roll call vote taken. In favor: S. Bender, G. Hinton, D. Manzo, P. Webber. Abstained: D. Hess, J. Yob. Motion carried with a vote of 4-0-2.

APPROVAL OF EXPENSES

On motion by Jeff Yob to approve the expenses in the amount of \$61,362.59 and seconded by Dave Manzo. Roll call vote taken. Council agreed unanimously.

On motion by Jeff Yob to approve the CMR Construction Inc. Constitution Avenue Pay Request No. 3 in the amount of \$166,850.23 and seconded by Patrick Webber. Roll call vote taken. Council agreed unanimously.

SOLICITOR'S REPORT

Home & Rental Inspection - Sample Ordinances for licensing of residential rental units and real estate inspection prior to any sale or transfer of ownership. George Hinton said that this will be tabled until the mid-month workshop meeting.

Attorney Karasek reviewed his written report that was provided to Council prior to the meeting. See attachment one (1)

ENGINEER'S REPORT

Brian Pysher reported that the contractor working on Constitution Avenue was on site today and completed the installation of all the curbing according to the specifications.

He has a meeting tomorrow with the general contractor and the contractor for the restoration. The paving contractor has scheduled the base repair paving. Brian reviewed the work that was completed during the installation and replacement of the storm sewer, along with the additional work necessary after the contractor discovered parallel perforated pipe that was four feet off the other pipe. Because this pipe was running parallel with our pipe, we decided that the pipe should be removed. Pay Request No. 3 that Council approved included the additional cost of removing almost five hundred feet of perforated pipe along with backfilling the ditch with 2A Modify. During the construction phase, it was decided that an additional inlet to the west of the American Water Company pump station was necessary due to a low spot which

would alleviate a puddle that continually forms in that location. Hopefully, we can have this project completed within the next two weeks. Permanent restoration will not be done until the spring. Regarding the yards, they will do the grading, get the topsoil down, put straw mats to keep everything from eroding during the winter months and then come back in the spring to do the seeding.

NEW BUSINESS

1. 20 Green Knight Drive – Indemnification Agreement - Attorney Karasek said that, by way of background, in September 2022, this development plan was approved with various conditions as normally required. Pursuant to that approval, a land development agreement was approved, prepared, and signed by the Green Knight representatives. A stormwater agreement was prepared and approved by the Green Knight representatives and then an amendment to the stormwater agreement was approved. They also deposited, with the borough, a letter of credit for the improvement to be made for over one and a half million dollars. Apparently, there was some change in the plan as to the size of the building footprint that would not enable the actual plan to be filed at the courthouse. It was questioned if, without the plan being filed at the courthouse, can they be permitted to have earth moving or other type of dirt moving there. He suggested allowing earth to move upon signature to an Indemnification Agreement, saying that if anything goes wrong, the developer is doing it at their own risk. That agreement was drafted, has been approved and signed by the developer. Attorney Karasek has the interest of the Borough, and he believes that the Borough is protected regarding allowing the developer to begin work. Brian Pysher added that he is fine if the agreement has been executed. George Hinton has concerns with receiving prints that are not the right ones. There is a building that has been laying on their property and the size of the building has changed. The developer James Vozar, said they had an approved plan, and the steel was ordered based on the approved plan. The building grew to just over 30% threshold because of the insulated panels on the outside of the building which took them from 29.9% to 30.2%. They are 2% over the allowable impervious coverage for the park. They are going to the Zoning Hearing Board on November 16th to get this cleared up. They are here this evening to respectfully request that the Indemnification Agreement to be signed work can continue their project.

On motion by Jeff Yob to approve and sign the 20 Green Knight Drive – Indemnification Agreement and seconded by Steve Bender. Roll call vote taken. Council agreed unanimously.

John Goffredo is a board member of the Green Knight Economic Development and he wanted to bring to the Council's attention that he is not sure why we are talking about the variance request. When they submitted the land development for the subdivision, they were under the plan development status which is 40% building coverage and 80% maximum impervious. Attorney Karasek said that the dispute is whether it is the 40% or 30% and that the plan development has two uses, and this only has one.

OLD BUSINESS

1. SuperHeat Quote No. 12631 – Conversion from LP to Natural Gas

On motion by Dave Manzo to approve the Quote received from Super Heat to convert the Municipal building and the Maintenance Garage from propane to natural gas in the amount of \$22,398.23 and seconded by Jeff Yob. Roll call vote taken. In favor: P. Webber, D. Hess, G. Hinton, D. Manzo, J. Yob. Opposed: S. Bender. Motion carried with a vote of 5 to 1.

PUBLIC COMMENT

1. Randy Bray of Roosevelt Street questioned whether the Borough will be doing any further repairs on Roosevelt since he has water that comes down the road and runs eight feet out in the road and freezes by his property. Brian Pysher will put this on the schedule to look at and to have surveyors visit the site.

2. Jason Boulette, C36 Dream Drive, Wind Gap, expressed concern about the billboard on Broadway. He believes that the sign is an eyesore and is dangerous based upon the brightness level especially for individuals with stigmatism. He does not see why Council cannot pass an ordinance regulating the brightness of electronic signs in the borough to make it safer and less distracting. He asked that the Borough complete a comprehensive review of our existing ordinances and make it easier to review the ordinances on the borough website. George replied that Council had no input on issues related to the billboard as that is a zoning issue. The Borough Zoning Officer reviewed the application and based upon her determination of the Zoning Ordinance issued a permit. Brian Pysher added that PennDOT permitted the billboard, and the Zoning Officer should follow up with PennDOT. He will follow up with the Zoning Officer.

Regarding the question about the ordinances on the website, Louise Firestone reported that the ordinances are being reviewed by General Code and upon completion of the review, the ordinances will be searchable on the website.

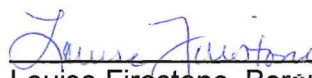
3. Adriane Bender, Third Street, Wind Gap wanted to say thank Council for all that they do, for the new activities in the park, the walking trail, which is gorgeous, for allowing the Dream Apartments to come into our town as they are beautiful and well maintained, and for not raising our taxes which allows resident to stay in their homes.

4. Richard Smith, Alpha Road, Wind Gap, continued to express his concerns related to the expense of converting the borough buildings from propane to natural gas and the amount of emergency response calls to the Dream Apartments, as he listens on his scanner.

5. Pete Albanese, representing Green Knights, said that he appreciated Council giving 20 Green Knight Drive the Indemnification Agreement, however, it is his belief that it is not necessary as the coverage was approved at 40%. He would like to keep communication open going forward as there remains three buildable lots in this industrial park.

ADJOURNMENT

On motion by Dave Manzo to adjourn the meeting of September 5, 2023. Council agreed unanimously. The meeting of September 5, 2023, adjourned at 7:44 p.m.


Louise Firestone, Borough Manager

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

MEETINGS ATTENDED:

September 5, 2023 - attendance at regular monthly meeting of Borough Council
September 19, 2023 - attendance at regular mid-month meeting of Borough Council
October 2, 2023 - attendance at regular monthly meeting of Borough Council
October 17, 2023 - attendance at regular mid-month meeting of Borough Council

SUBDIVISION MATTERS:

Status e-mails of Maintenance of Emergency Access Maintenance Agreement re JERC Partners, LII, LLC-Minor Subdivision

LAND DEVELOPMENT MATTERS:

E-mail transmissions to/from Borough Solicitor and Applicant's Attorney with Copy of Borough Resolution No. 2023-03-Official Action Resolution and e-mails with EIT-Pysher, Applicant's Traffic Engineer-Hoffman and Applicant's Attorney-Burkhart as to PennDOT Highway Occupancy Permit Application for Alpha Road Removal/Re-Alignment with Responsive e-mail with Conditional Approval of PennDOT HOP re CRG Service Management a/k/a 900 Pennsylvania Avenue-Industrial Development Road
Review of File, Final Inspection by the Borough EIT-Pysher with Recommendation as to Release of any Continuing Maintenance Security re Water's Edge at Wind Gap, LLC nka Dream Lehigh Valley

Preparation of Assignment Agreements for Land Development Plan and Easement Agreement (from Klump individually to Klump Property Management) re Klump Third Street Land Development Plan

Receipt, Review and Administration of PennDOT Review of Bushkill Township Project re Greystone Minor Subdivision Plan-450 and 484 Male Road

Receipt, Review and Administration of e-mails as to Review of Revised Plan, Land Development Plan, Storm Water Plan, Letter of Credit, Issue with Percentage (%) of Building Coverage and Need for Variance, Several Telephone Calls with Borough Engineer and Applicant's Attorney and Preparation of Indemnification Agreement to Allow Earth-Moving before the Land Development Plan is Filed of Record re 20 Green Knight Drive LD Plan

Receipt, Review and Administration of e-mails as to Amendment to Letter of Credit re CIVF6 DEV II Plan

ZONING AND OTHER LAND USE MATTERS: None

Receipt, Review and Administration of e-mails and attachments (including 2004 and 2005 Meeting Minutes and Photographs), Responsive e-mails from Borough Zoning Officer Borzak and Legal Research on the Revocation and/or Expiration of a Variance re Albanese-Pear Street and Utica Avenue

Preparation of Release, Indemnification and Hold Harmless Agreement for Borough Events such as the 5K Race with Families First

Preparation of Ordinance Amendment to Park Rules and Regulation prohibiting all types of vehicles in Borough Park

Review of Bangor Borough Ordinances for Bangor Borough Ordinance No. 959- Licensing Rents Residential Rental Units and Bangor Borough Ordinance No. 987- Requiring Code Inspection at time of Sale and/or Lease of Residence

Preparation of Correspondence to Applicant's Attorney (Asteak) and ZHB Solicitor (DeFelice) attaching Certification of Record re Smith ZHB Appeal of Verizon Case

DEVELOPMENTS ON OUTSTANDING LITIGATION: None

COURT DECISIONS ON BOROUGH CASES: None

MISCELLANEOUS:

Receipt, Review and Administration 2022 Solicitor Reports and Preparation of Solicitor Audit Correspondence for 2022 Calendar Year to Borough Auditor

Receipt, Review and Administration of Correspondence from LVPC to Plainfield Township Board of Supervisors, Package with Steering Committee Meeting Agenda, Adoption Time-Line, To-Do List, Elements for an Inter-Municipal Cooperative Planning Agreement and Related Items re Slate Belt Multi-Municipal Comprehensive Plan

Receipt, Review and Administration of E-mails, Telephone Calls and Correspondence re Slate Belt Regional Police Force Commission and Calculation of Holiday Pay for Police

Receipt, Review and Administration e-mail and Legal Research under PA Open Records (Right-to-Know Law) as to Sufficient Specificity of a Right-to-Know Request re Attorney Durso

Preparation of Borough Planning Commission Agenda of November 2, 2023 with e-mail transmission to Borough

Preparation of Monthly Solicitor's Report

OUTSTANDING ITEMS:

Stop Sign Ordinance

Dog Park Ordinance