

**BOROUGH OF WIND GAP  
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The Council meeting of the Borough of Wind Gap on Monday November 4, 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 Councilmembers: George Hinton, Mike McNamara, David Manzo, and Jeff Yob. Also, in attendance were Mayor Mitchell G. Mogilski, Sr. Borough Solicitor Ronold Karasek, Borough Engineer Brian Pysher, and Borough Administrator Louise Firestone. Absent were Councilwoman Joyce McGarry and Councilman Kerry Gassler.

**PUBLIC COMMENT**

No public comment at this time.

**APPROVAL OF MINUTES**

**On motion** by Dave Manzo to approve the October 7, 2019 minutes and seconded by Mike McNamara. Roll call taken. In favor, D. Hess, G. Hinton, D. Manzo, M. McNamara. Abstained: J. Yob. Motion carried 4 – 0 – 1.

**APPROVAL OF EXPENSES**

**On motion** by George Hinton to approve the approve the expenses in the amount of \$37,346.42 and seconded by Dave Manzo. Roll call vote taken. Council agreed unanimously.

**On motion** by Dave Manzo to approve the approve the Nu Cor Management Pay Request No 2 in the amount of \$57,800 for the construction being done on the façade of the Municipal Building and seconded by Jeff Yob. Roll call vote taken. Council agreed unanimously.

Dave Manzo asked if the leak in the Borough Administrator's office was fixed. Louise said that it is not fixed, but the contractor believes that there might be some water infiltration coming down from the fire side which they will continue to monitor.

**SOLICITOR'S REPORT**

Attorney Karasek reported that he did not get a chance to send in his written report this month, he will get it to Council.

On general matters the two major items were completing the general advertising of Ordinance 504 for the Alpha Road Commercial Truck Restriction that will be voted on this evening and preparing a search of deeds and tax records etc. in order to respond to Mr. Keenhold's concerns that he expressed last month for property at 104 East Third Street.

As to the JERC Partners matter, he secured an extension so that we are okay by time in that regard and we also obtained from them the signed SALDO Waiver Forms with respect to the SALDO Waivers that were granted. He is not sure where the applicant may be with this project at this point.

As to Water's Edge Development, he has prepared the new easements with the new language and has been shared these documents with their legal counsel so they can be reviewed and signed.

Attorney Karasek reported that he prepared the official action correspondence for Tyrone Klump's project which was approved by Council. At this point he is waiting for the Quantity and Cost Estimate for submission by their engineer to the Borough Engineer to make sure those numbers are correct. If so, he can prepare an Improvements Agreement.

He also got the paperwork ready to go for the mortgage loan if in fact Council wants to act on that this evening.

Dave Hess asked Attorney Karasek about the Writ of Summons received by the Borough regarding North Broadway. He said that the Solicitor for the Police called, on behalf of the SBRPD he sent a notice to the County that it is time to act upon it. Attorney Karasek said the Writ of Summons protects the expiration of the statute of limitation. If the person who gets served with the Writ, says okay let's get the show on the road, that person files a precipe to issue a complaint, the complaint has to be issued and the matter gets started into litigation.

## ENGINEER'S REPORT

Brian Pysher reported that Alpha Road is progressing, the last two weeks the contractor had a setback due to the weather. They have the majority of the curbing done on the northwest side and they are starting on the east side. They are going to start doing the base repair starting from the PetroMart and heading north. We have been in constant contact with the neighbors for the last week and a half and we are trying to accommodate them the best that we can, notifying them when they will have and not have access to their driveways. Bracalente Construction also sent letters to the neighbors to let them know the plans for paving. Hopefully the weather holds out and the curbing is finished and then get the paving done.

George Hinton asked Brian about the risers, do we know the size and how long will it take to get them. Brian said that as far as he knows, they are in stock. The deadline according to the contract with Bracalente Construction is November 15, 2019. Dave Hess said to give them a couple of days if needed. Brian said that they are not going to pave unless the temperature is where it should be and he is comfortable giving them until mid-month to complete the road.

Brian reported that his survey crew went to F Alley based on a complaint at a previous Council meeting from one of the residents regarding the shrubbery that was in the way. Brian stopped the survey because there is conflicting information out of the dozen deeds for that block, there are four different widths of the alley on adjoining property deeds. No matter how much survey work we put into he does not know if we can come up with a correct solution to it. If you project the curb line at West Center and also at Mechanic, you can see that there is a visible bow where people were driving around the vegetation. There are manholes and it is an ordained alley, so to address this issue he recommends the Borough Street Department trimming the brush.

**On motion** by George Hinton to take care of the brush and straighten F Alley and seconded by Jeff Yob. Roll call vote taken. Council agreed unanimously.

Brian reported that Taft Street – a resident of Colonial Springs contacted the Borough office and then called Senator Scavello's office regarding overflow water caused by the heavy rains. Brian reviewed the original Colonial Spring plans from 1971 which included piping and storm drains on their private property and he recommends that the owner of Colonial Spring maintain and fix this so it drains correctly. It is a dedicated street which technically requires the property owner to maintain the curb and sidewalk. He will send them a letter about reinstalling the curbing. Jeff suggests sending them a copy of the original plan showing what needs to be

repaired and restored. Jeff asked Attorney Karasek if we should give them a timeline, commitment. Attorney Karasek said we should see what the requirements or what they were to do regarding the planned development.

George Hinton said that it looks like they are getting ready to put sidewalks in at Longcore and West Street and they do not have any handicapped accessibility to the sidewalk. Brian said that he spoke to Jack Muschlitz about that and the Borough would have to go in and design it and tear the curb out and put it in because that was not required on the plans. He will ask him to leave the corner out of the sidewalk. Louise said that the sidewalk around Water's Edge development has been used as a trail connection for the Northern Tier Trail which would connect the Plainfield Township Trail to the Wind Gap Borough Park and connect the loop. It is that connection that has been identified in the plan and used in grant applications for funding to build the trail to and through the park.

Brian reported that they met with UGI and prior to him finalizing Longcore Road and putting the overlay, they are going to trench across and put a twelve-inch sleeve in for PVC pipe for a future gas line. They met with UGI and Met Ed and he received the specs from UGI so they can do the PA One Call and Rich Fox will excavate Longcore to put the sleeve in for the gas line extension.

## **NEW BUSINESS**

1. Alpha Road – Weight Limit Restriction/Ordinance – Enactment Ord 504 – Attorney Karasek said this has been advertised and is ready for adoption by the Borough. The ordinance follows the study that was done by Brian Pysher with respect to Alpha Road from North Lehigh Avenue to North Broadway dealing with approximately 2280 lineal feet and this basically restricts commercial truck traffic on the road except for local deliveries. Brian notes in his report that this restriction to commercial truck traffic is not anything severe since the alternate route is only .37 miles extra to an overall trip and will take affect within five days after adopted. Rich said he already has the signs up at North Broadway, he has to do Lehigh.

**On motion** by Jeff Yob to adopt Enactment Ordinance 504 and seconded by Dave Manzo. Roll call vote taken. Council agreed unanimously.

2. Municipal Complex Garage – Sewer Hook-Up - Brian Pysher reported he had requested a proposal from the Warko Group to hook the Municipal building to the sewer, but that the bid was high. In discussion with NuCor Management, they offered to provide some numbers and their numbers are significantly less than the Warko Group. The Warko Group was close to \$30,000.00 and NuCor Management is \$18,950.00. Brian submitted the plan to the Sewer Authority so there are additional items in the comment letter that NuCor will be addressing in the proposal. He recommends that we hire NuCor to do the building sewer for this building. There are a couple outstanding questions, so he still needs to meet with the Sewer Authority.

**On motion** by George Hinton to award the Sewer Hook-up to NuCor Management with conditional approval at a cost of \$18,950.00 and seconded by Jeff Yob. Roll call vote taken. Council agreed unanimously.

3. Merchants Bank – Maintenance Garage – Financing Approval - Louise Firestone reported that the borough received a commitment letter from Merchants Bank for a mortgage to combine the current mortgage and the new maintenance garage. The mortgage amount is up to \$2.5 million with the interest rate of 3.53% tax exempt fixed for the first five years. With that amount it will give us a repayment of a monthly fee of approximately \$14,603.00. Once this is

signed and back to the bank, Attorney Karasek can do what is needed for the ordinance and the paperwork for DCED.

**On motion** by Jeff Yob to accept the letter and seconded by George Hinton. Roll call vote taken. Council agreed unanimously.

## **OLD BUSINESS**

1. East West Street – Winter Closure – Dave Hess reported that Council asked for time to review the street closure for the winter. The reason why the road closure is being recommended is because it is not completely paved and the manholes are sticking up and will get damaged if the Borough would plow over them.

**On motion** by George Hinton to close East West Street from Longcore Road to Fairview for the winter and seconded by Mike McNamara. Roll call vote taken. Council agreed unanimously.

Jeff Yob asked that the barrier on the end be moveable, not the concrete blocks that are there. We should put additional closure signage up and barriers for better safety.

2. Appalachian Trail Zoning – Overlay Zoning – Dave Manzo reported that he read both ordinances that Attorney Karasek supplied to him and they are both overlay zones. Dave will look at them and have information to share at the next meeting.

3. East First Street (Deed of Dedication) – (Liquid Fuels) – Metes/Bounds – Louise Firestone reported that we were going to look and see who owns East First Street so they can deed the street to us. Brian Pysker said that he will get the information.

## **COMMITTEE REPORTS**

1. EMS – Dave Manzo reported that the Ambulance responded to 28 ALS calls and 25 BLS calls in Northampton County, 4 ALS calls and 12 BLS calls in Monroe County, and 51 transports. Response time is 2.31 minutes, September calls in Wind Gap Borough 122, calls year to date 1275 in Wind Gap.

2. Fire – Mike McNamara reported that the Fire Company has been busy with fires. Fire Chief Dan Sinclair will give Mike reports every month.

3. Regional Police – Dave Hess reported that Police Department responded to a total of 578 calls for service, 178 were for Wind Gap.

Personnel took part in the Slate Belt Public Safety Fair which was held at the Wind Gap Middle School. Due to inclement weather, the event was held in the gymnasium. Officer Long is commended for organizing the fair, obtaining other emergency services to be on scene for fundraising for the event.

Personnel took part in the 3<sup>rd</sup> annual Waste Management Chili-fest. Lt. Hoadley was in charge of the chili, placing 3<sup>rd</sup> in the judge's vote and 2<sup>nd</sup> in the popular vote.

Officers took the written examination for the positions of Sergeant. Oral interviews are set for October 18, 2019 and new Officers testing took place on October 19 at the Wind Gap Company Fire Hall. Thanks for the use of the hall.

4. Emergency Management – Jeff Yob reported that he has the annual certification letter from Fresenius Kidney Center that he will drop off this evening. Dave Hess reported that he completed training that the County required.
5. Zoning – Mike McNamara had nothing to report.
6. Planning – Dave Manzo had nothing to report.
7. Municipal Authority – Dave Hess reported that Green Knights resubmitted their paperwork to DEP, they seem frustrated. Jeff Yob said that the largest issue is crossing under the stream. Dave Hess said that the turtle study was good. Water's Edge, the lines were tested but the manholes were not tested. Jeff said that if anyone is interested, you can now go online to pay you sewer bill. Log onto their website, there is a small surcharge. Louise reported that the Administrator gave a screen shot of that page to be included into our newsletter.
8. Streets – Jeff Yob reported that leaves are getting picked up. Regarding the new truck, the Borough was notified that the supplier ordered the wrong chassis for us so they have to order another one which will push us back another three to four months. He will be in touch with the sales person tomorrow.
9. Park/Athletic Fields – Dave Manzo reported that the Wind Gap Area Athletic Association will meet on November 25, 2019 and they still do not have any officers.
  - A. Electrical Upgrade – Rich Fox reported that Dave Albanese has everything ready to go. Met Ed needs to hook up the main line to the underground wire which is ready to go. They just have to put the new transformer up. He has all the wiring done inside the kitchen.
10. Tipping Fees – Jeff Yob reported that the Borough received a check for \$70,671.70 and will be dispersed according to the percentages.
11. C.O.G. – Mayor Mogilski reported that the last meeting on October 23<sup>rd</sup> they heard back regarding the Monroe County LSA Grant and Lehigh County and Northampton County Grants. They both wanted some Municipality to take the lead on the grants, Portland stepped up and took the lead. The Articles of Agreement are finally finalized. November 23<sup>rd</sup> at Weona Park is where Vets can go to pick up the clothing that is being collected. Regarding the wires, Senator Scavello's Office is still working on it. Saturday, November 16, 2019 is Pen Argyll Lookout Fire Company's grand opening for their new firehouse with the ribbon cutting at 12 noon.

Dave Hess asked Council if it is worth the annual membership fee of \$700 to continue participating in the COG, and do we want to continue. Jeff said that the Mayor attends the meeting faithfully but he has not seen any benefit in the last five years. Attorney Karasek said that the benefit would be if someone appealed a building code decision, the COG has an appeals board in place. The Mayor asked if there was anything that they would like for him to take to the COG that they would like to see for Wind Gap. Dane Hess said the problem is if they purchase something, who's problem is who is liable for it, maintains it, where do you keep it, how do you share it. The Mayor said it falls on who is using it at the time. Jeff said it would be nice if they could work in conjunction with Slate Belt Rising. If you could bring those two groups together it would be better for the entire Slate Belt.
12. Slate Belt Rising – George Hinton said they are closing down the year, they are looking into properties to invest in, trying to rewrite the guidelines to make the grant process more affordable/appealable to business owners and residents.

13 Multi-Municipal Plan – Louise Firestone reported that the next meeting is scheduled for Wednesday night. They are currently discussing issues and opportunities in the Slate Belt as a whole. They project by 2040 Wind Gap Borough will have 397 new units which does not include the units on Muschlitz’s property. They talked about the how many people work out of this area and commute. They did the local traffic transportation concerns. Anyone interested in joining, the next meeting is Wednesday night from 7:00 and is over by 9:00.

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

15. Budget – Dave Hess asked if anyone has any questions, we can over it briefly this evening. At our mid-month meeting we will focus on the budget. The biggest thing missing out of the budget is the Police, the Chief did give Louise a number to go on.

### **QUESTIONS AND ANSWERS**

1. Dan Sinclair, Fire Chief asked if there were any updates on the Christmas Day incident on North Broadway with the insurance companies. Attorney Karasek said that the Borough did not have to pay anything so as far as he knows, we are okay. Dan said that he submitted a breakdown of the money they spent, did anything happen with it. Attorney Karasek said we attempted to get some money from the driver and or property owner, but he has not heard anything.

### **ADJOURNMENT**

**On motion** by Jeff Yob to adjourn the meeting of November 4, 2019. Council agreed unanimously. The meeting of November 4, 2019 adjourned at 8:26 p.m.

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Louise Firestone – Borough Administrator