

**BOROUGH OF WIND GAP  
545 East West Street  
WIND GAP, PA 18091  
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The Council meeting of the Borough of Wind Gap on Monday, October 4, 2021, 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, Joyce McGarry, Mike Laudano, David Manzo, Jeff Yob and Steve Bender. Also in attendance were Mayor Mitchell D. Mogilski, Sr., Borough Solicitor Ronald Karasek, Borough Engineer Brian Pysner and Borough Manager Louise Firestone.

**PUBLIC COMMENT**

1. Dave Manzo excused himself from the Council table and addressed Council. Dave provided a brief outline of his education, career and professional accomplishments before returning to the Council table.

**APPROVAL OF MINUTES**

**On motion** by George Hinton to approve the September 21, 2021 minutes and seconded by Mike Laudano. Roll call vote taken. In favor: S. Bender, D. Hess, G. Hinton, D. Manzo, J. McGarry, M. Laudano. Abstained: J. Yob. Motion carried with a vote of 6-0-1.

**APPROVAL OF EXPENSES**

**On motion** by George Hinton to approve the expenses in the amount of \$174,205.99 and seconded by Mike Laudano . Roll call vote taken. Council agreed unanimously.

**SOLICITOR'S REPORT**

**MEETINGS ATTENDED:**

September 7, 2021 – attendance at regular monthly meeting of Borough Council.  
September 8, 2021 - attendance at regular Borough Planning Commission Meeting.  
September, 21 2021 – attendance at regular mid-month meeting of Borough Council.

**SUBDIVISION MATTERS:**

Receipt, Review and Administration of Applicant's Planning Professional Response Letter. Borough Engineer Review Letter No. 2 (5 pages). Three (3) SALDO Waiver Requests, Preparation of SALDO Waiver form, Preparation of Revised Plan Note No.9-Restrictive Covenant-Retaining Wall Easement, Preparation of Conditional Approval form and Preparation of Official Action Correspondence re Tanzosh Minor Subdivision/Lot Line Adjustment.

**LAND DEVELOPMENT MATTERS:**

Receipt, review and Administration of Borough alternate Engineer Status/Update Correspondence on Renewal of Performance Security re Albanese and Grimes, LD Plan-Water Street.

Re-Review and Administration of LCPC review Letter Application, Re-review of five (5) SALDO Waiver Forms, Review of Two (2) additional SALDO Waives during Planning commission Meeting Review of Borough engineer review Letter (12 pages) on both the Lot Annexation Plan and the LD Plan, Preparation of conditional Approval Form and Seven (7) SALDO Waiver forms re GKIP II LD Plan (20 Green Knight Five).

**ZONING AND OTHER LAND USE MATTERS:**

Receipt, Review and Administration Receipt, Review and Administration of telephone calls and e-mails to/from the Auctioneer, the applicant and Borough Solicitor with Applicant Requesting an Extension of Time to close re Sale of 29 Mechanic Street and 125 Water Street

Preparation of Second and Final Drafts of Deed to Substituted Grantee re Sale of 29 Mechanic Street and 125 Water Street.

Receipt, Review and Administration of Seller's Closing Documents with Solicitor revision to same i.e., Title Affidavit, 1099 Address Information and Form and Settlement Sheet and related documents re Sale of 29 Mechanic Street and 125 Water Street.

Meeting at Borough Municipal Building for Borough council President to sign all Settlement Documents re Sale of 29 Mechanic Street and 125 Water Street.

Meeting with SBRPD Chief to Review Draft of Borough Ordinance Canceled as SBRPD Police Chief failed to show for Meeting re Proposed parking Violations Ordinance.

Receipt, Review and Administration of the File and Preparation of Comprehensive Memorandum re Verizon Land Lease Agreement.

Receipt, Review and Administration of Borough Zoning Officer's August 2021 Report.

**DEVELOPMENTS ON OUTSTANDING LITIGATION:** None

**COURT DECISIONS ON BOROUGH CASES:** None

**MISCELLANEOUS:**

Preparation of the Borough Planning Commission Meeting Agenda 09-08-2021.

Preparation of the Borough Planning Commission Meeting Minutes 09-08-2021.

Preparation of Monthly Solicitor's Report.

**Outstanding Items:**

Stop Sign Ordinance

Dog Park Ordinance

**ENGINEER'S REPORT**

Brian Pysher reported that he reviewed the descriptions of the Tanzosh Lot Line Adjustment plan for conditional approval. He had some additional comments and just late yesterday afternoon, he did receive the revised descriptions. He will check them tomorrow and then hopefully the plans will be finalized and recorded.

The plastic pipe for Lincoln Street was delivered to the Borough garage as well as the inlet boxes. It is our intent to get the Lincoln Street project completed, but will depend on the weather and other scheduled items to be completed by the street department.

Brian reported that he met with a representative from DEP regarding the MS4 which has to do with the stormwater, storm sewer system. It is a lengthy procedure which includes Community Outreach and permitting through the State in an attempt to detect illicit discharges. Because Wind Gap Borough is in a high-quality watershed the permitting requirements are more extensive and potentially very costly. The best approach may be to put together a Request for Proposal (RFP) to solicit a firm who specializes in MS4 permitting to handle all the necessary paperwork and documentation and keep us up to date on what is required in renewing that permit, which is good for five years.

**On motion** by Steve Bender to authorize Brian Pysker to put out an RFP for the MS4 and seconded by George Hinton. Roll call vote taken. Council agreed unanimously.

Brian Pysker reported that as part of their annual inspection, DEP did inspect the Maintenance Garage and made sure that they did not have any oil spills. The inspector was pleased with the cleanliness of the garage. A discussion point from the inspection was a recommendation to purchase spill kits and keep them on hand in case of an oil spill.

## **NEW BUSINESS**

1. Green Knight – Industrial Park II – Lot Annexation & Land Development  
Recommendation for Grant and/or Denial of SALDO Waiver Requests – Attorney Karasek reported that there were seven waivers that were discussed at the Borough Planning Commission meeting that he will review.

SALDO Section 305 requires that a preliminary plan be filed before a final plan. The request is to allow the filing of a preliminary/final plan at one time. The Engineer has no objection provide the filed plan includes all applicable requirements for the preliminary and final plans.

**On motion** by George Hinton to grant a waiver for SALDO Section 305 Preliminary Plan Application and seconded by Dave Manzo. Roll call vote taken. Council agreed unanimously.

SALDO Section 402.C.4 requires that all existing features within two hundred (200) feet of the tract be shown. A partial waiver is requested since many of the existing features are shown on the plan; however, limited access to SR 33 and the ROWs limit the extent of what can be included in the plan. Further, the information depicted is consistent with what was shown on the earlier accepted and reviewed Green Knight Plans.

**On motion** by George Hinton to grant a partial waiver for SALDO 402.C.4, Existing Features and seconded by Dave Manzo. Roll call vote taken. Council agreed unanimously.

SALDO Section 509.G requires that the street right-of-way be sixty (60) feet. A previous waiver to allow Green Knight Drive to be fifty (50) feet was approved as part to the Green Knight Drive Industrial Park II Subdivision so it would be consistent with the prior plan. Also, a sixty (60) foot ROW would negatively impact the development of Lot No. 6C and the existing sanitary sewage pump station.

**On motion** by George Hinton to grant a waiver for SALDO 509.G Street, Private Streets and Driveways – Right-of-Way and Cartway Widths and seconded by Dave Manzo. Roll call vote taken. Council agreed unanimously.

SALDO Section 510.B requires that sidewalks be installed. The plan does not propose sidewalks as this requirement was waived for the Green Knight Drive Industrial Park II Subdivision so this request would be consistent with the prior plan. George explained that he believes providing sidewalks allows workers in the development a safe area to walk as he has witnessed present employees walking during their lunch break.

**On motion** by George Hinton to not grant the waiver as sidewalks are to be installed for SALDO Section 510.B Vehicular Parking Facilities, Sidewalks and Curbs – Sidewalks and seconded by Joyce McGarry. Roll call vote taken. Council agreed unanimously.

SALDO Section 514.1.7 requires eight (8) street trees. A partial waiver is requested where the Applicant proposes two (2) trees since there is not sufficient space for eight (8) trees

as a result of the proposed driveways, stormwater management facilities, utility connections, the existing sanitary sewage pump station and sight distances.

**On motion** by George Hinton to grant a partial waiver for SALDO Section 514.1.7 Landscaping and screening – Shade Trees and seconded by Dave Manzo. Roll call vote taken. Council agreed unanimously.

SALDO Section 506.F.4.c requires that slopes of earth dams be designed to not less than 3 horizontals to 1 vertical. The applicant is proposing a partial waiver of 2:1 basin side slope due to issues of the required storage volume, DEP loading ratios, infiltration rates and the like.

**On motion** by George Hinton to grant a partial waiver for SALDO Section 506.F.4.c Design Standards – Detention and Retention Facilities and seconded by Joyce McGarry. Roll call vote taken. Council agreed unanimously.

SALDO Section 506.G.7 requires that the stormwater management collection and conveyance systems be designed with fifteen (15) inch diameter pipe. The Applicant proposes that the roof leaders be twelve (12) inches in diameter since a larger diameter is not necessary to carry the 100-year storm.

**On motion** by George Hinton to grant a waiver for SALDO Section 506.G.7 Design Standards – Collection and Conveyance Systems and seconded by Dave Manzo. Roll call vote taken. Council agreed unanimously.

**On motion** by Steve Bender to grant the Conditional, Preliminary, and Final Plan Approval for Green Knight Industrial Park II combined Lot Annexation Plan and Land Development and seconded by George Hinton. Roll call vote taken. Council agreed unanimously.

2. Cooperation Agreement – LSA Grant (As Required by PA DCED)  
2018 Wind Gap Municipal Authority Sewer Line Study

**On motion** by George Hinton to approve and sign the agreement for the LSA Grant related to the Wind Gap Municipal Authority Sewer Line Study and seconded by Steve Bender. Roll call vote taken. Council agreed unanimously

3. Correspondence from Lower Nazareth

Regarding Existing State Municipal Planning Laws – Letter to State Legislators – Louise Firestone reported that Lower Nazareth Township is asking Northampton County municipalities to submit a letter to their local elected State representatives regarding a request for an update of the Pennsylvania Municipalities Planning Code (MPC).

**On motion** by Steve Bender to send a letter support to our Representatives expressing concerns over Planning and seconded by Dave Manzo. Roll call vote taken. Council agreed unanimously

4. Draft 2022 Borough Budget - Louise Firestone distributed the first draft of the 2022 Borough Budget to Council. She is available should they have any questions or comments.

## **OLD BUSINESS**

1. Verizon Cell Tower Land Lease Agreement Questions / Concerns - Louise Firestone will invite a Verizon Representative to the October 19 Council meeting. Dave Hess asked that Council provide their questions to the office so any and all Council questions/concerns are answered by their representative.

## **ADJOURNMENT**

**On motion** by Steve Bender to adjourn the meeting of October 4, 2021. Council agreed unanimously. The meeting of October 4, 2021 adjourned at 8:00 p.m.

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Louise Firestone, Borough Manager

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