

**BOROUGH OF WIND GAP
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The Council meeting of the Borough of Wind Gap on Tuesday, September 6, 2022 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 David Hess, Steve Bender, David Manzo, Jeff Yob, Patrick Webber, and Alex Cortezzo. Also, in attendance were Mayor Wesley J. Smith, Borough Solicitor Ronald Karasek, Borough Engineer Brian Pysher, and Borough Manager Louise Firestone.

EXECUTIVE SESSION ANNOUNCEMENT/ACTION

President George Hinton reported that Council had an Executive Session on Thursday, September 1, 2022 from 5:00 p.m. through 6:05 p.m. regarding the matter of the Fire Company gas cards. Borough Manager Louise Firestone, who caught the discrepancies, explained the specifics of the fuel invoices and the timeline of what transpired and the Chief of Police, who conducted the investigation, gave his recommendations to Council. The Borough Solicitor also attended the Executive Session.

On motion by Alex Cortezzo to press charges as recommended by the Chief of Police and seconded by Patrick Webber. Roll call taken. In favor: A. Cortezzo, D. Hess, G. Hinton, D. Manzo, P. Webber, J. Yob. Opposed: S. Bender. Motion carried 6-1.

PUBLIC COMMENTS

1. Vincent Behe came before Council to introduce himself as the new Director of Slate Belt Rising, a non-profit organization servicing Wind Gap, Bangor, Portland, and Pen Argyl. Their mission is community revitalization, they do community and economic development work. The initial six years of the program, SBR has been operating off of a community plan that expires this year. In order to continue the funding for the program and a new six-year plan must be resubmitted to PADCED, who approves all plans for funding. They are going to be targeting the same initiatives and areas, carrying them over from the old plan while adapting and responding to new priorities. He wanted to come before Council to see if they have any questions and to invite them to familiarize themselves with the new plan bringing new ideas or concepts before him. If anyone has any potential for partnership with the organization, or is interested in joining one of their committees, let him know.

2. Barbara Janette, of 241 S Broadway, came before Council with concerns regarding changes that her neighbor made on his property which she believes has forced water to flow towards her property. She said that she is getting water in her yard and consequently they water has to be pumped away from the southside of her building. She presented pictures to Council. George Hinton, Brian Pysher, the Borough Engineer, and Suzanne Borzak, the Zoning Officer, will meet next Tuesday at her property to have discussion with her and the neighbor.

APPROVAL OF MINUTES

On motion by Dave Manzo to approve the August 16, 2022 minutes and seconded by Alex Cortezzo. Roll call vote taken. Council agreed unanimously.

APPROVAL OF EXPENSES

On motion by Dave Manzo to approve the expenses in the amount of \$32,779.42 and seconded by Jeff Yob. Roll call vote taken. In favor S. Bender, D. Hess, G. Hinton, D. Manzo, P. Webber, J. Yob. Abstained: A. Cortezzo. Motion carried 6-0-1.

On motion by Jeff Yob for the approval of expenses for the Bracalente Construction invoice for Lincoln Street Paving in the amount of \$58,581.64 and seconded by Dave Manzo. Roll call vote taken. Motion carried unanimously.

SOLICITOR'S REPORT

MEETINGS ATTENDED:

August 4, 2022 – Unable to attend Regular monthly meeting of Borough Planning commission.

August 16, 2022 – Attendance at regular mid-month meeting of Borough Council (which was the only meeting in August)

SUBDIVISION MATTERS: None

LAND DEVELOPMENT MATTERS:

Receipt, Review, and Administration of File and Preparation of SALDO Waiver Form (12 waivers), Borough Engineer Review Letter, Responsive e-mail from Borough Traffic Engineer, P. Terry to Applicant's SALDO Waivers, Preparation of Extension of Time for Official Action Form and e-mails to/from the Borough EIT and Applicant's Attorney as to relocation of Alpha Road re CRG Services Mgmt-900 Pennsylvania Avenue-Industrial Drive.

Receipt, Review and Administration of Borough Engineer Review Letter (Third Review) and e-mails to/from the Borough EIT and the Applicant's Engineer as to As-Built Summary and Punch-List Items re Green Knight Economic Development Corp.-LD Plan.

ZONING AND OTHER LAND USE MATTERS:

Receipt, Review and Administration of Correspondence and Telephone Conversations with Applicant's Attorney re Appeal to ZHB of Borough ZO's Back-Yard Chicken Determination.

Receipt, Review and Administration of First Amendment to the Existing Neighboring Municipality Agreement with Waste Management.

Receipt, review and Administration of Correspondence from Property Owner's Attorney re Gassler Quiet Title Action.

DEVELOPMENTS ON OUTSTANDING LITIGATION: None

COURT DECISIONS ON BOROUGH CASES: None

MISCELLANEOUS:

Preparation of Borough Planning Commission Meeting Agenda for August 4, 2022 and September 1, 2022.

Review of Planning Commission Meeting Minutes of August 4, 2022.

Review of Borough Council June 2, 2022 Meeting Minutes and Preparation of Correspondence to SBRPD Solicitor re Open Meetings Law and Plainfield Township Supervisor, D. Moore with Responsive e-mails from Plainfield Township Manager and D. Moore.

Preparation of Correspondence (and related documents) forwarding Borough Resolution No. 2022-04 to PA Office of the Secretary (by certified mail, RRR) re Extension of Wind Gap Municipal Authority term of existence.

Receipt, Review and Administration of Palmer Township Ordinance dissolving its Sewer Authority and e-mail copy to Borough.

Receipt, Review and Administration, Legal Research and Review of PA Open Meeting Law re Executive Session as to Fire Company Credit Card Issue.

Receipt, Review and Administration of Act 57 of 2022 and Preparation of the First Draft of Borough Resolution Waiving Real Estate Tax Penalty under Certain Circumstances.

Preparation of Monthly Solicitor's Report.

OUTSTANDING ITEMS:

Stop Sign Ordinance

Dog Park Ordinance

ENGINEER'S REPORT

1. Brian Pysher reported that a Planning Commission meeting was held last Thursday to discuss the CRG/ Industrial Drive project. CRG is on the agenda this evening to ask for waivers.

Brian reported that last week he was on Alpha Road along with the paving contractor, Bracalente Construction, who is doing the paving restoration for the PA American Water Company water main restoration/replacement project. Brian will inspect areas of Alpha Road that have to be milled out and patched with base prior to the final top coat being put down.

Brian gave an update on the proposed paving at the Municipal building. He finally got in touch with UGI, they extended the gas main under Longcore Road in order to service the Kidney center. Brian obtained a load sheet that needs to be completed and returned to them in order for them to determine what size main to run to the Municipal property. He will contact Strows Plumbing for their opinion and he will figure out the most cost-effective way to get service to the property. With the improvements in the front of the building and concrete aprons, if we run that line to the back, the length exceeds the requirements for service. He will sort out what exactly needs to be done. He will also contact Mike Goffredo to talk about parking space and at the access easement. Prior to any paving to be completed, a new conduit will need to be installed to get all the communication wires from the municipal building over to the garage.

NEW BUSINESS

1. CRG Land Development – SALDO Waivers / Official Action on Plan

SALDO Section 402-A-1 requires that the plan be drawn to a scale of one (1) inch equals fifty (50) feet. A waiver has been requested of the plan scale from one (1) inch = fifty (50) feet to one (1) inch = sixty (60) feet. The Borough EIT stated that he agreed with this request since he is able to easily understand the plan.

SALDO Section 402.A.4 requires that the plan be on a 24' x 36' sheet. The plans have been submitted on a 30' x 42' Sheet.

SALDO Section 402.C.4 – Existing Features within 200' of the site to be noted on plan. A waiver is requested where the Applicant would not be required to depict existing features within 200' of the subject tract on condition that there be (as per the Borough EIT) and all necessary clarifying information of the plan.

SALDO Section 509.A.10 – retaining walls need to meet maximum 3:1 grading requirement. The proposed retaining wall does not meet the 3:1 grading requirement since the retaining wall is vertical.

SALDO Section 509.A.14 - The SALDO requires that all proposed streets be offered for dedication and that all private streets shall conform to Borough Standards. A waiver of this requirement is requested since the proposed Industrial Drive is a private road with a public use/access easement. The obligation to maintain this private road shall be on proposed Lot No. 2 so there will be no responsibility upon the Borough to maintain this easement; however, it will retain rights to utilize same.

SALDO Section 509.B.4 – The tangent for reverse curves must be at least 100' on local or collector streets. Here, the tangent is 66.56' between two reverse curves. The reason for this tangent is to be certain that there is sufficient room for truck turning (such as firetrucks) on condition that the speed limit be established and approved by the Borough Engineer and/or Borough Traffic Engineer as the case may be.

SALDO Section 509.B.5 – The two centerline curves for collector and arterial streets shall be 300'. As proposed, there are two centerline curves that are less than 300' i.e., 180' and 220' on condition of approval by the Borough Engineer and/or Borough Traffic Engineer as the case may be.

SALDO 509.L – Street lights are not to be more than 250' apart. Here street lights are proposed for the north side of Industrial Drive and are spaced more than 250' apart providing the spacing of the street light is approved by the Borough Engineer or the Borough Traffic Engineer as the case may be.

SALDO 510.B – This ordinance requires the installation of sidewalks. A partial waiver is requested whereby sidewalks will be installed on the south side of Industrial Drive.

SALDO 510.C – The SALDO requires an 8" curb reveal while the project proposes a 6" reveal. The 6" reveal is being proposed because it is consistent with and matched up with the other curbing. This is for a partial waiver.

SALDO Comment No. 42 - The SALDO requires that street trees be provided. The street trees that have been proposed are not on the approved Borough species list as those species would grow too high and interfere with the overhead utility lines. This being said, other adaptive species (as approved by Plainfield Township) are being proposed. This is for a partial waiver.

On motion by Dave Manzo to grant approval for the SALDO waiver requests as listed above and seconded by Jeff Yob. Roll call vote taken. Council agreed unanimously.

SALDO Waiver 509.E.3 – Street intersections which can be no closer than 1,000' (this is the same requirement as Zoning Ordinance Comment) as Alpha Road and Eighth Street are approximately 175' and 265' from the intersection of proposed Industrial Drive and Constitution Avenue is approximately 400' from proposed Industrial Drive. The Borough EIT questions whether Alpha Road will be re-aligned as it is the closest street to Industrial Drive at 175'. A possible waiver was tentatively discussed based upon PennDOT approval of the isolation distance.

On motion by Jeff Yob to withdraw SALDO Waiver 509.E.3 out of the list of waiver requests and seconded by Dave Manzo. Roll call vote taken. Council agreed unanimously.

On motion by Jeff Yob to deny SALDO Waiver 509.E.3 as presented and seconded by Alex Cortezzo. Roll call vote taken. Council agreed unanimously.

Brian reported that he had a discussion with Louise and he decided that he would contact PennDOT so they can talk about these warrants and liabilities and what the issues are regarding the requirements for installation of a traffic light at the new Industrial Drive intersection on North Broadway.

2. Families First 5K Race Approval Letter Addressed to PennDOT

On motion by Jeff Yob to send a letter of approval to PennDOT for the Families First 5K Race and seconded by Dave Manzo. Roll call vote taken. In favor: A. Cortezzo, D. Hess, G. Hinton, D. Manzo, P. Webber. Opposed: S. Bender, J. Yob. Motion carried 5-2.

3. Action to Quiet Title – K. Gassler Property Discussion and/or Action - Attorney Karasek reported that the Borough received a request from the attorney representing the potential buyer of the property at 62 North Broadway and the adjacent alleys regarding the 1910 Keller map. There was an action brought against the Borough to try and close the streets so that there would be no access to the people who bought out of the Keller Subdivision, etc. Basically, what this title company is saying that they want to make sure that no one else has any access to any of the roads, street and/or alleys that were around the Gassler property in order to convey clear title. They will have to bring a lawsuit to do that. The buyer is saying that approximately one hundred property owners would have to be served and they would like to know if those property owners can be served by publication only and not individually. He is not sure why they are making that request. He suggests that the property owners are given certified mail for the notice. The title company wants the courts to say the streets and alleys are closed. He thought that this was done by an action filed against the Borough approximately ten years ago on behalf of that. His statement back to the title company would be that he thinks this has been done already and they may have to search it. The people should still be served a letter with proof of mailing. The Borough can say that they are not going to take any action on their request.

On motion by Dave Manzo to follow the Solicitors recommendation and have them notified by certified letter.

Motion rescinded by Dave Manzo.

On motion by Dave Manzo to rescind motion to say that the Solicitor should respond with a letter to the attorney asking about the Borough's involvement and question why the Borough has to approve or support their request and seconded by Patrick Webber. Roll call vote taken. Council agreed unanimously.

4. Slate Belt Regional Police Dept Charter Agreement – Approval to Advertise - Dave Hess reported that he does not agree with the proposed changes to the agreement and he stated that the changes were done to appease Plainfield. This will be tabled until the next workshop meeting.

5. George Hinton asked Council to consider making some safety upgrades to the Municipal building in light of an incident at the building last week. He suggested having film installed on the first-floor windows that would allow the office staff to see out, but not allow residents to see into the building. Also, get a quote to install an electronic door opener to unlock the main front door when the person can be seen on camera before entering the building. Louise Firestone said effectively immediately the front door will be locked during the day. Dave Hess said that we should make a policy that the doors are lock five to ten minutes after the meeting starts. Attorney Karasek said that we can put a note on the exterior door informing any late arriving meeting participants that they have to knock on the door to gain entrance to the meeting.

6. Green Knights Conditional Plan Approval based on the Planning Commission of August 4, 2022.

On motion by Alex Cortezzo to approve the addition of Green Knights to the agenda and seconded by Jeff Yob. Roll call vote taken. Council agreed unanimously.

Attorney Karasek read through the list of conditions that were part of the August 4th Planning Commission meeting. A copy of the Agreement for conditional Plan Approval was filled out and signed by the applicant. Brian Pysher reported that the original land development plan already had prior Conditional Preliminary Plan Approval, but based on the end user's needs for the building, modifications were made to the original plan. There were numerous waivers that the Planning Commission recommended and Council had already approved. The redesign did not require any additional waivers or modifications. This plan is being treating as a revision to the plan.

On motion by Dave Manzo to grant Conditional Preliminary and Final Plan approval for 20 Green Knight Drive – Green Knight Industrial Park II and seconded by Patrick Webber. Roll call taken. Council agreed unanimously.

OLD BUSINESS

1. Municipal Property Paving Project – Discussion / Action - Brian Pysher reported that we need to figure out how to get the gas line here. Brian will follow up with UGI to get pricing. Rich Fox will be installing the conduit to the maintenance building. He will call Mike Goffredo regarding the parking.

2. Tyron Klump dropped off the Easement Agreement and the Land Development for his Third Street development for Council's review.

EXECUTIVE SESSION – Personnel-Teamster Contract

Council adjourned to Executive Session at 8:55 p.m. to discuss the Street Department Teamster Contract. Council reconvened at 9:25 p.m. No action was taken at this time.

ADJOURNMENT

On motion by Jeff Yob to adjourn the meeting of September 6, 2022. Council agreed unanimously. The meeting of September 6, 2022 adjourned at 9:26 p.m.


Louise Firestone, Borough Manager