

**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 Tuesday September 3, 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 Council members George Hinton, Joyce McGarry, Mike McNamara, David Manzo, and Jeff Yob. Also in attendance were Mayor Mitchell D. Mogilski Sr., Borough Solicitor Ronald Karasek, Borough Engineer Brian Pysker and Borough Administrator Louise Firestone. Absent was Councilman Kerry Gassler.

**PUBLIC COMMENT**

1. Adrienne Fors, Waste Management, came before Council with the landfill operations neighborhood update.

1. The Cell 17 liner project: The leachate collection and gas collection lines are complete. Then next step is for the server of the liners by a 3<sup>rd</sup> party before the liner can be certified by DEP. Once approved, GCS: can begin placing MSW in the cell.
2. Gas Collection Project: Plans for our next landfill gas drilling project is expected mid-September. The team plans to drill 11 wells.
3. GCSL plans to place 6.5 acres of Final cap on the landfill. This is expected to begin at the end of September into October. (along the Pen Argyl Road side of the landfill)
4. Landfill operations: We are currently accepting an average 2600 tons per day. The landfill operations will be positioned closer to Pen Argyl Road as we prepare for Cell 7 operations.
5. Recycling drop-off center continues to experience illegal dumping and misuse of the recycling bins. The Grand Central team has installed new signage for the recycling drop off area.

2. Community Relations:

1. Mark your Calendar for Chili Cook-off and Open House – October 5, 2019 12 p.m. – 4 p.m.
2. Creatures of the Night Event at The Grand Central Environmental Education Center is October 8<sup>th</sup>.
3. Grand Central Landfill website continues to be updated and includes the monthly landfill update notices. [www.grandcentrallandfill.com](http://www.grandcentrallandfill.com)

**APPROVAL OF MINUTES**

**On motion** by Jeff Yob to approve the August 5, 2019 minutes and seconded by Dave Manzo. Roll call vote taken. Council agreed unanimously.

**APPROVAL OF EXPENSES**

**On motion** by Dave Manzo to approve the expenses in the amount of \$10,876.01 and seconded by Mike McNamara. Roll call vote taken. Council agreed unanimously.

## **SOLICITOR'S REPORT**

### **MEETINGS ATTENDED:**

July 1, 2019 - attendance at regular monthly meeting of Borough Council.

July 11, 2019 - attendance at regular monthly meeting of Borough Planning Commission.

August 1, 2019 - attendance at regular monthly meeting of Borough Planning Commission.

August 5, 2019 - attendance at regular monthly meeting of Borough Council.

### **SUBDIVISION MATTERS:**

Preparation of Revisions to Land Development Improvements Agreement ("LDIA") and Hand Delivery of LDIA Performance Security-Bonds re GKIP II Major Subdivision.

Receipt, Review and Administration of File and SALDO Waiver Request Forms (4 waivers) re JERC Preliminary-Final Minor Subdivision Plan.

### **LAND DEVELOPMENT MATTERS:**

Preparation and Recording of Corrective Deed and Enclosure Correspondence to Applicant re Albanese & Grimes Properties, PL-Lehigh Avenue L.D. Plan.

Preparation and Recording of Unification and Merger Deed and Enclosure Correspondence to Applicant re Albanese & Grimes Properties, LP-Water Street L.D. Plan.

Receipt, Review and Administration of Plan, Brief Review of Related Documents including Traffic Study and Stormwater Management Plan along with Borough Engineer Review Letter, Borough Traffic Engineer Review Letter, LANTA Response Letter and Correspondence from Applicant's Attorney with Extension of Time form and Related Documents re JERC Partners LII L.D. Plan.

Receipt, Review and Administration of Township Engineer Review letter (Fourth Review) and Preparation of Recommendation for Conditional/Preliminary Final Plan Approval re T. Klump Third Street L.D. Plan.

Receipt, Review and Administration and Agreement for Conditional Preliminary and Final Plan Approval and SALDO Waiver Request Forms re T. Klump Street-L.D. Plans.

Receipt, Review and Administration of File and SALDO Waiver Request Forms (7 waivers) re JERC Preliminary-Final L.D. Plan.

Receipt, Review and Administration of Northampton County Conservation District Comprehensive Review Letter (six pages) re JERC Preliminary-Final L.D. Plan.

Receipt, Review and Administration of Request for Production of Letter of Credit re Water's Edge @ Wind Gap, LLC-West Street Land Development. Plan

### **ZONING AND OTHER LAND USE MATTERS:**

Receipt, Review and Administration of Right-to-Know Request for Rogers Zoning Permit -339 North Broadway, Legal Research with PA Office of Open Records and Comprehensive Responsive e-mail and Correspondence re K. Guerin Request.

Receipt, Review and Administration of e-mail transmission from Borough Administrator with Responsive e-mail transmission attaching Revised Signature Page for Borough Ordinance No. 501-Zoning Ordinance Amendments.

### **DEVELOPMENTS ON OUTSTANDING LITIGATION:**

Receipt, Review and Administration of e-mail and Correspondence to and from Borough Insurance Carrier and Insurance Carrier Agent including Review of Notice of Occurrence, Comprehensive Coverage Correspondence and Telephone Conference with Borough Insurance Adjuster re K. Guerin Lawsuit.

Receipt, Review and Administration of Copy of Guerin vs. Rogers Northampton County Order of May 6, 2019 re K. Guerin Lawsuit.

Receipt, Review and Administration of e-mails and Police Incident Reports re Dispute with Rogers re K. Guerin Lawsuit.

**COURT DECISIONS ON BOROUGH CASES: N/A**

**MISCELLANEOUS:**

Receipt, Review and Administration of e-mail and Preliminary Review of AIA Contract Borough Façade Project.

Preparation of Agenda for Borough Planning Commission Meeting of August 1, 2019.

Preparation of Comprehensive Borough Planning Commission Meeting Minutes for July 11, 2019 and August 1, 2019 (8 pages) with e-mail transmission to Borough.

Preparation of Monthly Solicitor's Report.

**Outstanding Items:**

Stop Sign Ordinance

Dog Park Ordinance

**ENGINEER'S REPORT**

Brian Pysher reported that a pre-construction meeting was held for the Alpha Road project last Tuesday. Louise Firestone was in contact with GAF and provided that information to Bracalente so they can use GAF's parking lot to stage their material and equipment. Our survey crew will be over there tomorrow to stake out all the inlet boxes and pipe runs so when they get there Thursday they will know where to saw cut. It was decided that for safety reasons the road will be closed during phases of construction. Louise has the NIXLE system so the people that opted in to notifications will be informed.

Brian reported that he spent the last month reviewing the warehouse land development for JERC. A Planning Commission meeting is scheduled for Thursday, September 5, 2019. He is in the process of completing their review which will be on the agenda for the meeting.

George Hinton asked Brian if there was a walking trail in the plans for Waters Edge and if they put a handicapped ramp at the corner. Brian said there will be a sidewalk along the south side of West Street and they should be putting the ramp in by hand. The plan does not show a crossing along Longcore, just a sidewalk going around Longcore. Rich Fox said that they no longer have access to get into the swale line on E. West Street. There was no curbing there before but now there is no way to get the mowers in there. Louse said that we have to maintain that, it was part of the judgement. Brian will talk to them on Thursday.

Jeff Yob stated that at the most recent Sewer Authority meeting, Bohler Engineering, representing the Green Knight Economic Development project on Male Road, indicated that they were green lighted to proceed at their own risk for development and infrastructure. Attorney Karasek stated that Council did have discussion at the last meeting but were waiting for documents to be signed off on. Brian said that we signed the mylars and we have the Developers Agreement and Bond which will be recorded once Plainfield signs the mylars.

Jeff Yob said there will be a gravity line from the JERC property to the manhole onto the Green Knight property and it will be fed down to the Green Knights pumping station. They decided that the most cost effective thing to do was to share the force main. Brian said the force main will be in the road.

George Hinton said that JERC was on Male Road today and they called him and had a discussion about the bridge. If Male Road is shut down to one lane of traffic to do work on the bridge, there is not a lot of distance between Male Road and Route 512, only approximately 400 feet. This will continue to cause major traffic issues on South Broadway and Male Road. For parking they are proposing 56 trailer parking spots, 43 loading docks, and 152 parking spots for that one development, not the development across the road. Dave Manzo added that the letter from Lehigh Valley Planning Commission states that LVPC has concerns about safety, visibility of signs due to the increase of truck traffic and accidents. On the second page they say that

Male Road is not suitable for this kind of traffic. The bridge is in poor condition and will not be able to handle the increase of truck traffic. George said that we have to be cautious when they go over Planning Commission heads, because they are not going to like what planning is going to say. His solution is that if we get the support from JERC, Green Knights, and Lehigh Valley Planning and try to get a bypass from 512 to Male Road. The Borough will not get any financial gratis from JERC after it is built, but will get the problems and Plainfield gets the revenue. Brian said the initially JERC exceeded the maximum impervious coverage and made an application to the Zoning Hearing Board. They were also exceeding the maximum height requirement in Plainfield and submitted application to both boards at the same time. They went before Plainfield and were denied prior to them coming to Wind Gap to talk about the impervious coverage. Once they were denied they asked us to table the plan, they reconfigured the plan by pushing the building further back into Plainfield which adjusted the impervious cover that was in Wind Gap therefore putting them in compliance and they did not need the variance anymore. As part of our land development review, we always review it according to the zoning ordinance and then sit down with the Zoning Officer for any additional input. One of her comments is that they need more parking than what they are proposing. Parking is only based on the office space and number of employees, she took the whole area in Wind Gap and calculated it, which he does not necessarily agree with. She also said that the parking spaces that are required in Wind Gap must be shown in Wind Gap. If the Zoning Officer determines that the developer does not comply, they will have to get a variance or ask for an interpretation.

Attorney Karasek said the Planning Commission and Borough Council must keep in mind that is JERC is in compliance with Borough they must be granted approval. Brian said that we talked about a Capital Improvements Plan, Off Site Improvements, etc., but Wind Gap does not have those plans for a developer to comply. Brian said that the Borough did receive correspondence from Charles Miller, the owner of the plaza on Male Road. He is well aware of the bridge and he is encouraging the Borough to try to enter into some agreement like we had with him, when he was required to put up a bond to 25 years. The idea is to open up the dialogue to ask them what they are going to do to contribute. The Planning Commission tabled their decision because they wanted to go out for a site visit. We say to put sidewalks in because it is unsafe without them and if someone gets injured in front of the wetlands that is then a DEP problem not the Borough problem. If anyone says that there is no sidewalks under the bridge, you can go to the Delaware Water Gap where they put the walking trail in, they put sidewalks under the bridge. Attorney Karasek said that the SALDO that the Borough has is very strict, they have to show what they are proposing is equal to or better than what the SALDO requires or the special configuration or geography or topography of the lot is such that they can't develop it and Council should keep in mind those standards.

## **NEW BUSINESS**

1. Maintenance Garage Project Award – Louise Firestone reported that the total project cost would be \$1,083,500.00. That includes general construction, plumbing, mechanical, and electrical.

**On motion** Jeff Yob to award the General Construction work for the Maintenance Garage to Nu Cor Management for the amount of \$687,000.00 and seconded by Mike McNamara. Roll call vote taken. Council agreed unanimously.

**On motion** Jeff Yob to award the Plumbing work for the Maintenance Garage to The Warko Group for the amount of \$101,700.00 and seconded by Mike McNamara. Roll call vote taken. Council agreed unanimously.

**On motion** Jeff Yob to award the Mechanical Construction work for the Maintenance Garage to K.C. Mechanical Service Inc. for the amount of \$167,000.00 and seconded by Mike McNamara. Roll call vote taken. Council agreed unanimously.

**On motion** Jeff Yob to award the Electrical work for the Maintenance Garage to Wind Gap Electric for the amount of \$127,800.00 and seconded by Mike McNamara. Roll call vote taken. Council agreed unanimously.

2. Financial/Treasurer Update – Louise Firestone went over the proposals from Merchants Bank for the funding for the Borough Maintenance Garage.

3. West Street Land Development LOC Reduction Request –

**On motion** by Jeff Yob to approve the LOC Reduction request from the total amount of securities posted by way of a \$2,784,557.67 bond, the amount to be released is \$981,100.65 as per the letter from the Engineer dated August 23, 2019 and seconded by Mike McNamara. Roll call vote taken. Motion carried unanimously.

4. Discussion – Per Capita Tax (\$5.00/yr. – Discount-\$4.90, Penalty-\$5.50) - Louise Firestone reported that the school passed a motion, starting next school year, July 2020, that they will no longer be collecting a Per Capita Tax. Our Tax Collector asked us to look at this and possibly follow suit. Louise provided Council with a spreadsheet outlining the amount of money collected over the past four years with the amount that the Borough spends on printing of the bills, postage, and commission to Mrs. Sutter to fully explain the minimal amount of revenue generated by a per capita tax.

**On motion** by George Hinton to eliminate the Per-Capita Tax and seconded by Mike McNamara. Roll call vote taken. Council agreed unanimously.

5. Louise Firestone went over her report for financials regarding grants obtained, time schedule for the truck that we ordered, and monies received from sale of Borough properties.

She received notification from the County that our Emergency Operations Plan must be updated every two years, the last update on file from Wind Gap Borough is dated May 2003. When it does get updated and when we are offered assistance to get it updated we must pass a resolution.

There is paper work that has to be completed by October 1<sup>st</sup> from the Mitigation Meeting.

Rich and Louise will be having a phone conference with our Attorney regarding the park issue.

## **OLD BUSINESS**

1. Electric Quotes for Park Kitchen Upgrade – Rich Fox reported that he did not get a quote back from Wind Gap Electric yet.

2. 28 W. Second – Slate Belt Rising & Land Trust – Dave Manzo reported that he spoke with Steve Reider from Slate Belt Rising and he gave him the contact for Mike Handzo who is the Director of this Land Trust Agency. He said there is money to help fix up this property along with money from Slate Belt Rising however, there is an issue with trying to get on the property and into the house to evaluate this situation. He spoke with George Hinton since he knows the owner and may be better able to explain the process of assistance. Once that is done we can get in touch with Mr. Handzo to have someone come out to evaluate the property.

## **ADJOURNMENT**

**On motion** by Dave Manzo to adjourn the meeting of September 3, 2019. Council agreed unanimously. The meeting of September 3, 2019 adjourned at 8:12 p.m.

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Louise Firestone, Borough Administrator