

**BOROUGH OF WIND GAP**  
**545 East West Street**  
**WIND GAP, PA 18091**  
**610-863-7288**  
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The Council reorganizational meeting of the Borough of Wind Gap on Tuesday, January 2, 2018, was called to order at 7:00 p.m. by Mayor Mitchell D. Mogilski, St. In attendance were Councilmen: Alex Cortezzo, Kerry Gassler, and Jeff Yob. Also in attendance was Borough Solicitor Ronold Karasek and Borough Administrator Louise Firestone. Absent was Borough Engineer Brian Pysher.

Administering the Oath of Office to Councilmen - At this time Mayor Mogilski administered the Oath of Office to: David Hess, David Manzo, Michael McNamara, and David Valley. Council took their seats.

Mayor Mogilski then proceeded with the order of business by seeking nominations for Council President. Council made the following: **On nomination** by Kerry Gassler for Alex Cortezzo III to hold the position of Council President. Vote for Alex Cortezzo III: Yea, A. Cortezzo III, Yea, K. Gassler, Yea, D. Hess, Yea, D. Manzo. Mr. Cortezzo was appointed Council President with majority of the Council vote.

The next item of business was Mayor Mogilski seeking nominations for Council Vice President. Council made the following: **On nomination** by Kerry Gassler to nominate Dave Hess for Vice President. Dave Hess declined the nomination for Council Vice President. **On nomination** by Kerry Gassler for Michael McNamara to hold the position of Council Vice President. Vote for Michael McNamara: Yea, Kerry Gassler, Yea D. Hess, Yea, D. Manzo, Yea, M. McNamara. Mr. McNamara was appointed Council Vice President with the majority of the Council vote.

Mayor Mogilski turned the meeting over to Council President Alex Cortezzo III.

The next item of business was Council President, Alex Cortezzo III seeking nominations for Council President Pro-Tem. Council made the following: **On nomination** Kerry Gassler for Dave Hess to hold the position of Council President Pro-Tem. Dave Hess declined the nomination for Council President Pro-Tem. **On nomination** by Kerry Gassler for David Manzo to hold the position of Council President Pro-Tem. Vote for David Manzo: Yea, D. Hess, Yea, D. Manzo, Yea, M. McNamara, and Yea, D. Valley. Mr. Manzo was appointed Council President Pro-Tem with the majority of the Council vote.

The next item of business was Council President, Alex Cortezzo III seeking nominations for Council Vacancy Board Chair. Council made the following: **On nomination** by Dave Valley for James Shoemaker to hold the position of Council Vacancy Board Chair. Vote for James Shoemaker: Yea, D. Manzo, Yea, M. McNamara, Yea, D. Valley and Yea, J. Yob. Mr. Shoemaker was appointed Council Vacancy Board Chair with the majority of the Council vote.

## **PUBLIC COMMENT**

1. Wind Gap Fire Company – George Hinton came before Council to ask why the Fire Company's utility portion in the 2018 Borough budget was changed and eliminated. The Fire Company received a letter stating that the utilities at the old firehouse were to be changed over into the Fire Company's name which equates to \$9,000 being taken away. Alex Cortezzo responded that at the last Borough Council meeting, Council voted to stop payments for the utilities at 111 N. Broadway which is the social hall for the Fire Company. The Borough houses everyone in this building and everything is paid for at this building. George said the Fire Company has always depended on this money to balance their budget. Alex stated that when the property at 111 North Broadway was being transferred back to the Fire Company taking over the utilities was discussed. Alex stated that as President of Council he has no problem spending money on equipment for the Fire Company, he does not know what their financials are, where the money goes or where the money comes from because he has never seen their budget. If the Fire Company wants to come to the Borough and ask for money for equipment purchases and things like that he is sure Council would entertain those requests. Alex stated that he went to bat for the Fire Company before the Pen Argyl Area School Board in order to obtain funding for the Knox boxes and that has been approved.

## **APPROVAL OF MINUTES**

**On motion** by Dave Valley to approve the December 19, 2017 minutes and seconded by Jeff Yob. Roll call vote taken. Council agreed unanimously.

## **SOLICITOR'S REPORT**

Attorney Karasek reported that all the matters being handled by his law office for the Borough during the month of December are outlined in a report.

## **MEETINGS ATTENDED:**

December 4, 2017 – attendance at regular monthly meeting of Borough Council.

December 19, 2017 – attendance at regular workshop meeting.

## **SUBDIVISION MATTERS:**

December 5, 2017 – attendance at Joint Attorneys-Engineers Meeting re Green Knight Industrial Park II Major Subdivision (Preliminary and Final).

Receipt, Review and Administration of Quantity and Cost Estimate of Required Improvements re Green Knight Industrial Park II Major Subdivision (Preliminary and Final).

## **LAND DEVELOPMENT MATTERS:**

Preparation of and Receipt of Signed Extension of Time form re Klump L.D. Plan.

Receipt, Review and Administration of Borough Z.O. Review Correspondence and Borough Engineer Review Correspondence re Albanese & Grimes Properties, LP – Water Street Sketch Plan.

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

Preparation of Enclosure to PA Department of Labor enclosing copy of Borough Ordinance No. 493: Opt-In to Adopt, Administer and Enforce the UCC.

Preparation of Enclosure Correspondence to Borough re Borough Requirements for UCC Opt-In.

Preparation of Enclosure Correspondence to LVPC and Borough Planning Commission re Zoning Ordinance Amendments.

Receipt, Review and Administration of Proposed Sanitary Sewer Easement and Deed for Vacated Alley re Petition of Vacate Barto Alley.

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

#### **MISCELLANEOUS:**

Receipt, Review and Administration of e-mails re Synagro Project in Plainfield Township.

Preparation of Enclosure Correspondence and Cross Check Newspaper Ads with Notice in File re Proposed Borough Ordinance No. 494 – 2018 Real Estate Tax Millage with Installment Payment Option.

Preparation of Enclosure Correspondence, Suggested Revision, Preparation of Advertising Notice and e-mail transmission to Newspaper re Proposed Borough Ordinance No. 495 – Amendment to SBRPD Charter Agreement.

Cross Check Ad in Newspaper and Notice in File re Proposed Borough Ordinance No. 495 – Amendment to SBRPD Charter Agreement.

Attorney Karasek reported that regarding Barto Alley, the applicant's attorney advertised the Ordinance for approval this evening. The Borough office never received the original ordinance before this evening. Attorney Karasek apologized on behalf of the attorney for Mr. Barto because Council did not have a copy of the ordinance before this evening.

#### **APPROVAL OF EXPENSES**

**On motion** by Kerry Gassler to approve the expenses in the amount of \$146,820.75 and seconded by Dave Valley. Roll call vote taken. Council agreed unanimously.

#### **ENGINEER'S REPORT**

Borough Engineer Brian Pysker was absent.

#### **NEW BUSINESS**

1. Approve Advertisement of Borough Meetings for 2018

**On motion** by Kerry Gassler to approve the advertisement of Borough Meetings for 2018 and seconded by Jeff Yob. Roll call vote taken. Council agreed unanimously.

2. Barto Alley Vacation – Attorney Karasek reported that the attorney for Mr. Barto advertised and prepared the ordinance for adoption this evening. The vacation of the Barto Alley is approximately 3707.98 square feet or approximately 0.0851 acres. This is the alley between Auto Zone and the Burger King. He has no problem with having Borough Council consider adopting the ordinance providing that it is understood that within 30 days the following occurs: the Borough Engineer approves the meets and bounds description, bearing and distances that are in the deed being conveyed to Barto and the sewer easement that is being given to the Municipal Authority and the Borough, that the Wind Gap Municipal Authority approves of the sewer easement agreement and that the Vacation and Merger Deed be prepared for the amount of the alley that is being vacated and attached to lot 1 A, the Burger King lot. So if those three things occur within the next 30 days this would be a done deal if not he would make a request upon Council to repeal whatever ordinance it adopts or they can say they are not in a position to adopt it this evening until everything is completed and then adopt

the ordinance when completed. Pass the ordinance with the understanding in the minutes that these things are not done within the next 30 days a motion will be made to repeal the ordinance or wait for these thing to be done.

**On motion** by Kerry Gassler to approve upon the conditions to be met within 30 days from what Attorney Karasek has mentioned and seconded by Dave Valley. Roll call vote taken. Council agreed unanimously.

Jeff Yob asked Mr. Barto if he had any concern about having everything completed with 30 day. Mr. Barto replied that he has no problem with having everything completed.

## **OLD BUSINESS**

1. Attorney Karasek wants Council to know that the ordinance amendments have been sent out to the Lehigh Valley Planning Commission and to the Borough's Planning Commission for review. There is a meeting scheduled for tomorrow evening for our Planning Commission to review the amendments.

Attorney Karasek reported that Albanese and Grimes submitted a sketch plan for housing development on Water Street. No final plans have been submitted.

2. Jeff Yob had questions regarding the UCC change effective today, do we have to formally appoint Barry Isett. Attorney Karasek said six months ago when the Building Code Official was appointed that was done, if not we could do it again. We have to adopt a fees and permit schedule and check with COG for the appeals board fee. This should all be adopted by resolution.

3. Jeff Yob said he is looking for direction from Attorney Karasek. We have a professional that does not like to invoice us in a timely manner and getting a lump sum at the end of the year can be problematic in trying to account for time spent on projects. Is there a way we can enforce or engage with that person to get invoices in a timely fashion? Attorney Karasek said we can ask for a bill on a monthly basis, itemized so we know what is being done.

## **PUBLIC COMMENT:**

1. George Hinton asked Council to consider reinstating the 3% tipping fees that the Fire Company gave back to Council when the Borough Municipal Complex was purchased and renovated. The tipping fee money comes from Waste Management and is only a pass through budget item for the Borough. The property at 111 North Broadway was appraised at \$210,000 and once the new social hall is completed that piece of property would be valued at \$1,150,000, which is an asset for the Borough and community. Kerry responded that Council needs time to get the committee together and discuss this option.

## **ADJOURNMENT**

**On motion** by Dave Valley to adjourn the meeting of January 2, 2018. Council agreed unanimously.

The meeting of January 2, 2018 adjourned at 7:44 p.m.

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Louise Firestone, Borough Administrator