

**BOROUGH OF WIND GAP
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The Council meeting of the Borough of Wind Gap on Tuesday January 15, 2019, was called to order at 7:00 p.m. by Council President Alex Cortezzo III, at which time he reminded those present that the meeting was being recorded. In attendance were Councilmen: Dave Hess, George Hinton, Mike McNamara, David Manzo, Jeff Yob, and Kerry Gassler. Also in attendance were Mayor Mitchell D. Mogilski Sr., Borough Solicitor Ronold Karasek, Borough Engineer Brian Pysner, and Borough Administrator Louise Firestone.

PUBLIC COMMENT

1. Adrienne Fors of Waste Management reported that the Grand Central Landfill is committed to keeping the community informed.

The Grand Central Landfill team has been completing a lot of improvement and installing, earlier than scheduled, landfill gas collection system, including the installation of 39 gas extraction wells/drains and deploying approximately 13-acres of plastic/synthetic capping on the landfill. The well drilling has wrapped up and the liner crew has installed 7-acres of intermediate slope temporary capping and 6-acres of final capping.

Final Cover on the slopes is still ongoing. Materials for this end of the project have been in high demand and impacted by the weather.

Placing final cover will allow the crews to install the permanent lines to the 39 Gas Collection wells – thus allowing for better field adjustments to collect more landfill gas. Permanent lines cannot be placed until the final cover material is on.

The horizontal gas collector is being installed and is projected to be completed mid-January, weather permitting. This collector will increase the amount of gas collection, thus reducing any potential nuisances. Approximately 2000 linear feet has been installed since last week.

Grand Central recently submitted a response to the DEP Multi-Inspection letter. You should have received a copy for review. Please let us know if you have any questions.

PA DEP recently approved Grand Central to increase the throughput of our Utility Flare (#4) from 850 scfm to 1500 scfm. Grand Central requested this as a permanent increase to provide the site with more capacity to combust landfill gas.

Grand Central will be hosting its Winter Bird walk on January 12th at the Grand Central Environmental Education Center with Community Partner and friend, Rick Wiltraut. This event is free and open to all ages.

Grand Central Landfill website continues to be updated and includes the monthly landfill update notices. www.grandcentrallandfill.com

2. Paul Levits came before Council with questions regarding the January 2, 2019 Council meeting. He questioned who ordered that meeting. Alex Cortezzo stated that at Council's mid-month meeting in December, Council voted on that date and for it to be advertised. Paul then asked who set the agenda for that meeting. Alex said that the President approves all agendas, the agenda was amended during the meeting and an item was added. Paul said that he has a lot of questions and would like to know if questions are permitted during committee reports.

Alex said that public comments are for the public comment portion. No further questions were asked or answered at this time and deferred to Attorney Karasek.

APPROVAL OF MINUTES

On motion by Dave Manzo to approve the January 2, 2019 minutes and seconded by Mike McNamara. Roll call taken. In favor: A. Cortezzo, G. Hinton, D. Manzo, M. McNamara. Abstained: K. Gassler, D. Hess, J. Yob. Motion carried 4 – 0 – 3.

NEW BUSINESS

1. Future LV –Open Call for Transports Plans/Projects – Brian Pyscher reported that they got together and discussed putting together a grant application for the Male Street Bridge. He made a request to PennDOT regarding any information they have on file for the bridge when it was State owned and not Borough owned. Kerry recommended potentially replacing the bridge with a culvert for lower maintenance and eliminating the need for the required PennDOT bridge inspection every two years. The application will be submitted to Lehigh Valley Planning Commission by the January 25, 2019 deadline.

2. Future LV – Slate Belt Communities Support Letter – due Jan 22, 2019 – Louise Firestone reported that there was discussion at the last Slate Belt Rising meeting about taking the lead in submitting a grant application to the Lehigh Valley Planning Commission to get on the project list for a traffic planning study to be done on the 512 corridor. Slate Belt Rising is looking for a letter of support from the Borough. If the Slate Belt as a whole supports the project there would be more interest from Lehigh Valley Planning to include the project in the funding request. The deadline is the 25th so they are looking for a letter of support from each municipality in the Slate Belt by January 22, 2019. Alex asked if this would affect us, Louise said this was asked and they believe that it will not affect us individually.

Jeff asked for a sample letter, Louise will get one from Robin. Alex said that the county is strongly encouraging your request to be submitted and a letter of support for something for all three Municipalities is important.

On motion by George Hinton to send a letter of support for Slate Belt Communities and seconded by Dave Manzo.

George Hinton said that when they had their round table discussions all the communities were there and everyone was complaining about the corridor. The infrastructure is not there to handle the amount of traffic that runs through the Slate Belt. They thought it would be stronger if all parties are involved.

Alex said there is a motion on the floor. He would like to see a letter, we can simply write a letter saying we are in support of the traffic study, to be part of the traffic study for the 512/611 corridor. We are in support of that being done.

Motion amended by George Hinton to send a letter of support for the traffic study along the 512/611 corridor and seconded by Dave Manzo. Roll call taken. Council agreed unanimously.

3. Male Road Bridge Report- Brian Pyscher reported that the Borough received the inspection report dated April 23, 2018, from Michael Baker International, contracted by PennDOT to inspect the bridge. Even though it is our bridge, PennDOT still requires that the bridge be inspected every other year at the Borough's cost. There was no change in the status

of the bridge. According to the repairs that they suggested that we made a couple of years ago, at a minimum we stabilized the bridge, and the rating has not decrease. The proposed development is a major point of concern because of the additional traffic any development on Male Road will bring. The current ratings are the same if not better than the previous report. When the weather starts getting better there are some things on Male Road that the Borough will have to address.

4. Giant food Stores – Liquor License – Public Hearing –

On motion by Jeff Yob to advertise for February 19 the Public Hearing Action on Giant Food Store Liquor License request and seconded by Dave Manzo. Roll call taken. In favor: D. Hess, G. Hinton, D. Manzo, M. McNamara, J. Yob, A. Cortezzo. Abstained: K. Gassler. Motion carried 6 – 0 – 1.

5. Keller Zoning & Inspection Services Fee Schedule

On motion by George Hinton to adopt Keller Zoning Fee Schedule and seconded by Mike McNamara. Roll call taken. Council agreed unanimously.

6. Animal Control Services Agreement – serving entire SBRPD jurisdiction - Dave Hess reported that this is a private business, Pibbles and Paws from Bath, this is not COG related. They are a legitimate business with license, insurance, kennels and everything else we had issues with in the past. Bath Borough just signed on with them, they are doing the entire Nazareth COG and his first question was if they had the staff to cover everyone. They are increasing staff to compensate for all the municipalities they have recently acquired. They do not handle cats and the state has no regulations or laws for cats. Alex said that this would be an increase on the budget of around \$600.00.

On motion by Jeff Yob to enter into an agreement with Pibbles and Paws Animal Control and have the Solicitor draft a replicated agreement based on what was drafted for Plainfield Township and seconded by Kerry Gassler.

Motion amended by Jeff Yob to authorize the Solicitor to draft an agreement before hiring Pibbles and Paws and to ask them to come in and give a presentation on what their shelter is about and seconded by Kerry Gassler. Roll call taken. Council agreed unanimously.

7. Slate Belt Heritage Center –PA Slatelands Presentation, Sun March 10 2:00 p.m. – Alex said that if anyone is interested they are welcomed to attend.

8. New Borough Garage Geotechnical Report – Brian Pysher reported that in correspondence with the architects, they discussed the structural aspects of the building, foundation and footing. The structural engineer asked that we provide a Geotechnical report so they can design the foundation, footings, and slabs according to the soil condition. In the contract this was listed specifically under supplemental, outside the scope of the contract. In negotiation with them they put a clause in that they would let us contract directly with a third party to provide whatever additional information that they would need because they had a surcharge. W2A Design provided Brian with a sample RFP for the services so he will modify it and send it out. Brian is estimating the cost to be from \$5,000 to \$6,000 and will ask for the proposals back by February 15, 2019.

On motion by Jeff Yob to have Brian Pysher complete an RFP for pricing for Geotechnical Report and seconded by Kerry Gassler. Roll call taken. Council agreed unanimously.

9. Office Staff 2019 Compensation Percentage Increase
On motion by Dave Manzo to accept the office staff 2019 compensation percentage increase of 3% and seconded by George Hinton. Roll call taken. Council agreed unanimously.
10. Dave Manzo reported that he was driving down Broadway and saw a drone flying over Broadway hindering traffic. He was wondering if other municipalities have an ordinance against drones flying over streets. Attorney Karasek said he can check with the Pennsylvania State Association of Boroughs in Harrisburg and see if they have any ordinances in their files and if they do he will pass this along to Council.

OLD BUSINESS

1. City of Easton Fireworks Ordinance – Attorney Karasek is waiting to see if Council would like to do something similar to the City of Easton Ordinance.
On motion by Jeff Yob to have Attorney Karasek draft a Fireworks Ordinance based off the Easton example and include language to allow special events approved by Borough Council and seconded by Mike McNamara. Roll call taken. Council agreed unanimously.
2. Center Street/F Alley curbing – Brian Pysher will have something for February. Brian did drive by and look at this today. If we put an apron across F Alley the next inlet is not until west of Water Street so the water will go, rather than down the alley, down Water Street following the curb line. Alex Cortezzo is asking Brian to look at the alley inlet on Center Street which is an issue.
3. Audits – Tax Collector (**\$3,250** – Fire & Ambulance (\$3,800 each) – Alex Cortezzo reported that at the last meeting we spoke about auditing the Fire, Ambulance and Tax Collector. The Auditor came back and said a review was more appropriate verses an audit. It is up to Council as to how to approach this situation. Louise confirmed that the Tax Collector has not been audited by the Borough since 2003. She will clarify the timeframe for how many years. This will be tabled until the next meeting.
4. Cost Estimates – Dump Truck - Alex Cortezzo reported that Louise reached out to get information on leasing. Our next step is to go forward and talk to the banks getting firm numbers on notes. Louise said the Lafayette Ambassador Bank has a program for municipal leasing, that they fund the lease of vehicles to municipalities. She will get more information and she is meeting with Merchants Bank tomorrow.
5. Jeff Yob asked Council President, as we go through Committee reports, will he allow other than normal reporting to be discussed, or will it be strictly committee reports? Alex said, yes he will allow discussion.
6. Zoning Amendments – Attorney Karasek asked Council President how he would like the zoning amendments advertised at this point. Alex said the ordinance can be advertised for March 4, 2019.

COMMITTEE REPORTS

1. EMS – Dave Manzo said he has nothing to report at this time, there is a meeting scheduled for tomorrow.

2. Fire – Mike McNamara said he has nothing to report. They had approximately 170 calls for the year.

3. Regional Police – Dave Hess reported that Police Department responded to a total of 545 calls for service, 159 were for Wind Gap.

On December 20th, Officers Long, Young, Connolly, Antonow, Muccione, Daly, Anderson and Chief Mettin volunteered for the Slate Belt P.A.L. Movie Night held at the new Wind Gap Fire Department Social Hall. Approximately 60 residents attended. Pizza, cookies, popcorn and drinks were served at the event. Since the start of the program in September, officers have volunteered 66.5 hours of time for meetings and events. Sergeant Hoadley was promoted to the position of Lieutenant.

4. Emergency Management – Jeff Yob reported that the NIMS information has been filed and is current. State Representative Marsha Hahn was urging for a meeting regarding the traffic flow during major traffic events. A meeting has been scheduled for Friday, February 8th with PennDot and other municipalities. They are looking to PennDot for solutions, traffic signals, stop signs, maybe message boards on 33 North for early warning. Jeff said that he still needs some information from Fire and EMS for NIMS.

5. Zoning – Mike McNamara reported that Keller Zoning reported that they processed 6 permits and had 3 site visits, 2 Enforcement Letters sent out, and 2 Zoning Hearing Board Notices for the month of December. Tina is doing a good job, she gets along with the office staff.

6. Planning – Nothing to report.

7. Municipal Authority – Jeff Yob reported that as everyone knows, he was not at the last meeting when there was action taken for appointments. As an individual, he does not think it was fair to the individuals that serve on the boards to have been blindsided. However, after reviewing the appointments he would like to bring the Council's attention that it is his belief that neither appointment was done properly. He thinks one appointment that was made, does not live within the franchise area which would disqualify that person from serving. Mr. Cornman does not live in the franchise area, or the service area, nor does he own property or conduct business of any kind in the Borough. Alex Cortezzo said that from what he read on the Municipal Code, it is within either Municipality, not specific to a franchise area. Attorney Karasek stated that under the residency requirements of the Municipality Planning Act, the members of the board can fall under certain categories. They can be a tax payer, you do not have to live here but if you own property and pay taxes, you can be a board member. If you maintain a business in the Borough, or if you are a resident of the Borough, or if you live in one of the project areas of the Sewer Authority. If Mr. Cornman falls within any of those categories he could be legitimately appointed.

Paul Levits requested to address Attorney Karasek, he stated that one other additional item that he may want to look at under the Municipal Authority Act, Section 5610, as you covered the eligibility requirements, there is also one according to the Municipal Authority Association, the choice of Board Members must also be conditioned by the conflict of interest section, this section prohibits any Authority Board member from being in any manor interest in any contract or agreement with the Authority for any reason. Mr. Coremen is interested in a contract which is the agreement with the Green Knights and the Wind Gap Municipal Authority, which clearly has his name on the agreement as a signatory to it.

On motion Dave Manzo by to reconsider the vote and seconded by George Hinton. Roll call taken. In Favor: K. Gassler, D. Hess, G. Hinton, D. Manzo, M. McNamara, A., Cortezzo. Abstained: J. Yob. Motion Carried – 6 – 0 – 1.

On motion to vacate the appointment of Mr. Cornman who is in conflict with the Municipal Authority with a contract and nominate Ms. Mullin and seconded by Mike McNamara. Roll call taken. Council agreed unanimously.

Jeff said that the Municipal Authority has hired a new administrator, Monica Harrison. He would be interested in Monica meeting with the Office Staff.

Alex Cortezzo requested that, if possible, he would like a representative from the Municipal Authority attend Council workshop meetings.

8. Streets – Jeff reported that even though we did not use Flagger Force, they are looking to have an agreement on file. If the need ever arose the Borough would already have the paperwork completed.

On motion by Jeff Yob to accept the Flagger Force Agreement to have on file for future endeavors and seconded by George Hinton.

Jeff reported that the work on Male Road was successful. It was discovered that there was a pipe underneath the sill. They also cleaned out behind 6th Street on Windy Woods section of the street.

Jeff said that if someone feels that there is an issue that needs attention from the Street crew, contact either him or Kerry. If they are not available contact Alex. Try to minimize overtime and call outs as we approach this heavy winter season. If you see something just make them aware of it and they will make a judgement on it.

9. Park/Concession Stand - Dave Manzo reported that the last couple of weeks he has been working with Senator Scavello's office, DCNR and Lehigh Valley Center for Independent Living. Representatives came out to the park and/or ballfield and looked at it and they will be providing a report. He will be going to a DCED Grant Writing Session next month. He has a list of foundations that can be approached, he shared this with Alex and George. Dave shared pictures of their suggestions with Council and will keep them informed.

A. Summer Sounds Schedule booked – J. Valley - Louise Firestone reported that Joan Valley has booked the schedule for the summer. She has booked six (6) bands and has stayed under budget. Louise will meet with Pen Argyl to get everything advertised. Alex said that our thanks go out to Joan for continuing with summer sounds, this is greatly appreciated.

10. Tipping Fees – Kerry Gassler reported that in December we received a check for \$62,049.76 for 157,624.39 tons of garbage.

11. C.O.G. – Nothing to report.

12. Slate Belt Rising – George Hinton reported that they had their meeting about the support letter. They asked Wind Gap about the community garden and location, the area across for Petro Mart or move it down at the lower end of the park. Kerry asked about using our land behind Colonial Springs. Louise reported that Steve Reider will be at our next meeting.

13. Mayor's Report – Mayor Mogilski reported that nothing happened in December. He will be attending the Census meeting for 2020 next week.

ADJOURNMENT

On motion by Kerry Gassler to adjourn the meeting of January 15, 2019. Council agreed unanimously. The meeting of January 15, 2019 adjourned at 8:43 p.m.

Louise Firestone – Borough Administrator