

**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 June 4, 2018, 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, Dave Valley, M. McNamara, Dave Manzo, and Kerry Gassler. Also in attendance were Mayor Mitchell D. Mogilski Sr., Borough Solicitor Ronold Karasek, Ryan Dentith representing Robert Collura Engineering, and Borough Administrator Louise Firestone. Absent was Councilman Jeff Yob and Borough Engineer Brian Pysher.

**PUBLIC COMMENT**

1. Stefan Madzhirski of Utica Avenue came before Council requesting the installation of a street light on Utica Avenue below Seventh Street. Kerry Gassler said he is sure the Borough could get a light installed there and he believes we just need a pole after notifying Med Ed.
2. Mike Metzger introduced himself and wife, Crissa, requesting use of Wind Gap Borough Park for a bloodmobile drive on July 21, 2018. A family in Wind Gap recently received the devastating news that their youngest son has leukemia. The family wishes to have a blood drive to help support all people with cancer in conjunction with the Miller Blood Bank. They would like to use the Park pavilions and allow the van to have access to the bathrooms. They asked if Council would reduce or waived fee for this event from 9:00 am to 2:00 pm.

**On motion** by Kerry Gassler to approve the use of the large pavilion at no cost for a Blood Drive on Saturday, July 21, 2018 from 9:00 a.m. to 2:00 p.m. and seconded by Mike McNamara. Roll call vote taken. Council agreed unanimously.

**APPROVAL OF MINUTES**

**On motion** by Dave Valley to approve the May 22, 2018 minutes and seconded by Mike McNamara. Roll call vote taken. Roll call vote taken. Council agreed unanimously.

**APPROVAL OF EXPENSES**

**On motion** by Kerry Gassler to approve the expenses in the amount of \$43,221.12 and seconded by Dave Valley. Roll call vote taken. Council agreed unanimously.

**SOLICITOR'S REPORT**

**MEETINGS ATTENDED:**

May 1, 2018 - Attendance at meeting with Borough Z.O. Wolf and Representatives from B. Isett & Company.

May 3, 2018 –Attendance at Regular Monthly Meeting of Borough Planning Commission.

May 7, 2018 - Attendance at Regular Monthly Meeting of Borough Council.

May 22, 2018 – Attendance at Regular Monthly Workshop Meeting of Borough Council.

**SUBDIVISION MATTERS: NA**

**LAND DEVELOPMENT MATTERS:**

Receipt, Review and Administration Receipt, Review and Administration of Proposed Performance Bond re West Street L.D. Plan, Preliminary and Final (Water's Edge at Wind Gap, LLC).

Receipt, Review and Administration of Proposed (Partially) Signed Land Development Improvements Agreement by Applicant re West Street L.D. Plan, Preliminary and Final (Water's Edge at Wind Gap, LLC).

Receipt, Review and Administration of Second Review Letter by Alternate Borough Engineer J. Ott re Albanese & Grimes L.D. Plan.

Preparation of 13 SALDO Waivers Recommendation/Official Action Forms re Albanese & Grimes L.D. Plan.

Receipt, Review and Administration of e-mail from Applicant's Attorney concerning Time Line for Completion of Required Improvements and the Necessity of Male Road Property to be included in Land Development Agreement re Green Knight Industrial Park II L.D. Plan (Preliminary and Final).

**ZONING AND OTHER LAND USE MATTERS:**

Receipt, Review and Administration of Multiple e-mails to and from Borough Z.O. Wolf, Computer Search for Deed and Related Documents and Recommendation as to how to Proceed re 550 Lehigh Street (Building Demolition and 30 Roosevelt Street (Pole Building).

Preparation of Proposed Correspondence from Borough to Athletic Association re Borough Park-Little League Concession Stand.

**DEVELOPMENTS ON OUTSTANDING LITIGATION: N/A**

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

**MISCELLANEOUS:**

Preparation of Borough Planning Commission Meeting Minutes for Meeting of April 3, 2018.

Preparation of Agenda for Borough Planning Commission Meeting of May 3, 2018.

Preparation of Borough Planning Commission Meeting Minutes for Meeting of May 3, 2018.

Receipt, Review and Administration of Right-to-Know Public Records Request for 61 Lehigh Avenue (former Davey Property).

Receipt, Review and Administration of Second (and Final) Installment Payment to Taxpayer's Attorney re Wind Gap Manor Associates Real Estate Tax Assessment Appeal.

Preparation of Monthly Solicitor's Report.

**OUTSTANDING ITEMS:**

Stop Sign Ordinance

Dog Park Ordinance

Fire Company Ordinance

Ordinance for reimbursement of equipment, materials and supplies in responding to environmental, hazardous, safety or rescue events (police, fire or both?)

Attorney Karasek reported that he called the Department of Labor to inquire about the Borough Uniform Construction Code Opt-In situation. L&I has not responded yet.

**ENGINEER'S REPORT**

Ryan Dentith was in attendance representing Robert Collura Engineering. Ryan reported on the curb issue at the corner of Genoga and Alpha Avenue. They are currently in the process of doing a design to get the water to flow down the gutter line with street reconstruction rather than having them put in new curbing. Brian marked spots where he felt that it was up to

Council to decide if they want the residents to put in new curbing or not. Brian did make a statement that the Borough can go ahead with the project as planned without putting in new curbing. Bid opening was advertised for Tuesday, June 19, 2018.

#### **NEW BUSINESS:**

1. Washington/Second Street Complaint – Alex Cortezzo asked Rich Fox to take a look at complaint about the potholes to see if a portion can be milled and patched.

2 Performance Bond Re: West Street L.D. Plan (Water's Edge) – Attorney Karasek reported that when the Borough has land development matters an improvements agreement is prepared which states that if you are not going to install the improvements right away that you need to post a bond in order to assure that the public improvements, streets, hydrants, lights, trees, etc. are going to be installed and if not the Borough has the ability to call in the bond. Mr. Muschlitz's attorney provide Attorney Karasek a bond along with other documents. In reviewing the bond, the bonding company is to be on the US Treasury list of approved sureties, which this one is not. Secondly, the bond format does not state that they are authorized to do business in the Commonwealth of Pennsylvania. For those two reasons he does not recommend accepting this bond, however Council makes the final call.

**On motion** by Dave Valley not to accept the bond due to the fact that they are not on the list of approved sureties and they are not authorized to do business in the Commonwealth of Pennsylvania and seconded by Kerry Gassler. Roll call vote taken. Council agreed unanimously.

3. Land Development Improvements Agreement Re: West Street L.D. Plan – Attorney Karasek reported that he prepared this agreement back in July of last year and sent it to their attorney for review. Mr. Muschlitz has new attorneys, but the Improvements Agreement has been signed without any changes being made and they are now asking Council to approve it.

**On motion** by Kerry Gassler to approve the West Street Land Development Improvements Agreement and seconded by Mike McNamara. Roll call vote taken. Council agreed unanimously.

Alex asked if everything was in order, such as the Municipal Authority. Attorney Karasek said that the condition of approval was that they needed to have the Sewer Authority on board, etc. In this there are 16 different conditions, unless they are met the project cannot proceed forward, nor can the plan be recorded.

4 TPD, Traffic Signal Coordination – Louise said that there was a Pre-Construction Meeting on May 31, 2018 with Northeast Signal & Electric Co. Brian Pysher led the discussion by at the meeting by explaining that the Borough was notified that morning the ARLE grant funds had expired on May 3, 2018. Brian and Louise have had conversation with PennDot District 5-0 and Central Office to see if the funds were reallocated or if there is a possibility that the funds would still be available. Louise and Brian are working together to rectify this and get answers to the availability of funds.

#### **OLD BUSINESS:**

1. East First Street – Dedicated Borough Street (Liquid Fuels) - Attorney Karasek said we need Brian to verify that East First Street is completed up to Borough standards.

2. Curbs – Alpha Ave / Fairview Ave – Council will have to decide how to proceed with the curbing in conjunction with the paving of Alpha Avenue and Fairview Avenue. A notice can go

out to the residents on both streets when the Borough awards the projects informing them that they have the opportunity to install new curbing at their expense if they choose to do so. Alex's opinion is curbing does not have to be put in to repave the roads, nice thing to do but we should not have to mandate that this has to be done. Kerry Gassler stated that he believes that if the curbs fail than the road fails faster. Attorney Karasek cautioned Council regarding how they proceed and what precedent they are setting for covering the cost of curb installation.

3. Nixle/Savvy Citizen App - Louise Firestone reported that she attended a meeting with Slate Belt Regional Police Chief Mettin, Plainfield Township Manager Tom Petrucci, and Pen Argyl Borough Manager Robin Zmoda. They determined that Nixle would be the way to go since it has the reverse calling ability at this time. Slate Belt Regional Police is going to host this, it would be under their jurisdiction and the cost would come out of the regional police budget in the communication line item. Each Municipality would have the ability to put information out that is specific to their residents.

4. Recoupment of Fire Company Costs and Expenses – Attorney Karasek is still working on the ordinance.

5. Animal Control Officer – Mayor Mogilski reported that there was no COG meeting so there is no update. Alex suggested that Council send a letter to the COG to see what their position is and possibly reaching out with our own three Municipalities seeing if we can look into an ACO. Attorney Karasek added that Council send a letter asking what is happening and then see if the next action should be stop making payments in the future.

6. Park Little League Concession Stand – Louise reported that she did not receive an update from Rid-ET. There needs to be ongoing discussions regarding what course of action should be taken in accordance with the Master Plan.

7. Trail to Town Family Jamboree – August 4 – Senator Scavello – Louise suggested that we set times as to when everyone is going to be available from 12 to 3:00 pm.

8. Waste Management Meeting – Kerry Gassler had nothing to report. Louise asked Kerry to provide several dates and times to coordinate with Waste Management for a meeting. Dave Manzo asked that before the meeting there should be a plan brought to Council. Kerry said that everyone should come up with ideas and give them to him, Jeff or Alex.

9. 125<sup>th</sup> Borough Celebration – Alex said there was meeting beforehand and there are a couple of ideas that the committee has been working on for the celebration.

10. 2006 GMC Dump Truck – Alex said he will meet with Rich Fox.

11. Borough Webpage – Louise reported that she has two proposals, one is from Higher Information Group and the other one is from Triscari Marketing. Triscari is the company that does the Pennsylvania State Association of Boroughs, their proposal of \$5,695.

**On motion** by Dave Valley to contract with Triscari Marketing to revamp the Wind Gap Borough Website and seconded by Mike McNamara. Roll call vote taken. Council agreed unanimously.

12. Northampton County Gaming Revenue – Uncommitted Funds - \$31,440 – Louise reported that she has not heard back from the other Municipalities.

13. Gas Line – East West Street – Nothing to report.

14. Zoning Ordinance Amendment – Attorney Karasek reported that he is ready to send this to Lehigh Valley Planning Commission for review.

15. Northampton County has a grant - 2018 Hotel Tax Grant which is used for Economic Development. Louise will look into possible projects.

16. Mayor Mogilski reported that he received a call from Mrs. Snyder who lives at Third and Washington and she was wondering what the holdup is for Tyrone's development. Since they put the slate down there her backyard gets flooded when it rains. Attorney Karasek reported that there has not been any movement on that project for the past few months. Alex and Rich will take a look.

Mayor Mogilski said he spoke with the gentlemen from Slate Belt Rising and he asked why Wind Gap is not going to the meetings to ask for anything, the other Municipalities have asked for things. We should take things to them.

17. Attorney Karasek said that at the last meeting there was discussion about a Resolution for the Hazard Mitigation Plan. Louise sent him a copy of the resolution that was passed by Upper Nazareth Township adopting the Lehigh Valley 2013 Hazard Mitigation Plan. He will do a resolution as long as everyone is comfortable with the 2013 plan. Alex reported that Jeff Yob was in agreement with this. Attorney Karasek will work on the resolution.

#### **ADJOURNMENT**

**On motion** by Dave Valley to adjourn the meeting of June 4, 2018. Council agreed unanimously. The meeting of June 4, 2018 adjourned at 8:12 p.m.

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Louise Firestone – Borough Administrator