

**BOROUGH OF WIND GAP
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The Council meeting of the Borough of Wind Gap on Monday, November 5, 2018, was called to order at 7:00 p.m. by Council President, Alexander F. 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, Dave Manzo, Jeff Yob, and Kerry Gassler. Also in attendance were Mayor Mitchell D. Mogilski, Sr., Borough Solicitor Ronold Karasek, Borough Engineer Brian Pysker, and Borough Administrator Louise Firestone.

PUBLIC COMMENT

1. Charles Henry, 142 Jefferson Street, came before council with concerns about paper alleys. Who does it belong to, who maintains it, is it surveyed, is it mine, yours, neighbors? Alex Cortezzo asked if it is an open alley. Mr. Henry replied that there are trees and a creek and people are putting structures and fences on it. Alex said that this is not an open alleyway, it normally reverts 50/50 to each property owner. Brian said that the land between Washington St and Water St is designated as K Alley and it is a Borough alley because there is sanitary sewer running through it. The alleys between Washington and Jefferson and Jefferson and Lincoln are paper alleys. The Borough has nothing to do with them, they are alleys that show up on the adjoining property owners' deeds because it was created at one time. This is really a civil issue. You cannot put anything in an ordained alley, all adjoining property owners have a right to access it. If there is a question about where the alley line is, it is just like where a property line is, a survey would need to be completed. If someone came to Zoning and was permitted to put a shed up it would be incumbent on the zoning officer for them to provide whatever information they need to be assured that they are not putting it where they should not. The Borough ordained certain alleys for the sanitary sewer. This is a civil matter between neighbors because it involves property lines and thus the Borough has nothing to do with a determination.

2. Fire Chief Allen Predmore and Fireman Bill Harmon came before Council with an invoice for fire equipment. The firemen requested the money in the Borough budget for the Fire Company be utilized for this equipment purchase. Kerry Gassler asked if they could take this out of their Relief Fund. Allen said that he was informed by Council President Alex Cortezzo that the \$9,000 that was in the budget for the Fire Company for the utilities for the old social hall was to be used for equipment as long as the Fire Company had a specific equipment purchase and approval from Council. The invoice was for more than the \$9,000, but the Fire Company would make up the shortfall.

On motion by Dave Manzo to release the funds of \$9,000, from the 2018 budget, to the Fire Company for equipment and seconded by Mike McNamara. Roll call taken. In favor: A. Cortezzo, D. Hess, G. Hinton, D. Manzo, M. McNamara, J. Yob. Opposed: K. Gassler. Motion carried with a vote of 6-1.

APPROVAL OF MINUTES

On motion by Dave Manzo to approve the October 16, 2018 minutes and seconded by Mike McNamara. Roll call vote taken. Roll call vote taken. Council agreed unanimously.

APPROVAL OF EXPENSES

On motion by D. Manzo to approve the expenses of \$210,196.92 with Liquid Fuels Project approval – Slurry Seal - \$80,201.31 and seconded by George Hinton. Roll call vote taken. Council agreed unanimously.

SOLICITOR'S REPORT

MEETINGS ATTENDED:

October 1, 2018 – attendance at Regular Monthly Meeting of Borough Council.
October 4, 2018 – attendance at regular Monthly Meeting of Borough Planning Commission.
October 16, 2018 – attendance at Regular Workshop Meeting of Borough Council.

SUBDIVISION MATTERS:

Receipt, review and Administration of copy of Recorded Plan and legal Research regarding Dedication of Roadways-East First Street and Chestnut aka Lehigh Street re Posh Properties Major Subdivision aka Gap View Estates.

Receipt, Review and Administration of e-mail transmission with revisions to Land Development Improvements Agreement re Green Knight Industrial park II Major Subdivision Plan.

LAND DEVELOPMENT:

Receipt, Review and Administration of Borough Alternate Engineer Third Review Letter (and Related Documents) re Albanese & Grimes Properties, LP L.D. Plan.

Receipt, Review, Administration of JERC LLII, LLC Warehouse Sketch Plan.

ZONING AND OTHER LAND USE MATTERS:

Review of Past Resolutions/Ordinances (and Related Documents) and Preparation of Comprehensive Enclosure Correspondence to J. Marchioni of PA Department of Labor & Industry re Wind Gap Borough Opt-In to Administer and Enforce UCC.

Review of Zoning Officer Job Description and Preparation of Revisions to Same
Legal Research and Preparation of Comprehensive Correspondence to PA DAOP re Private Request by Bushkill Township to Revise Official 537 Plan.

Preparation of Termination Correspondence to J. Decusatis, SEO/BOC and C. Wolf C.M./Zoning Inspector.

Receipt, Review and Administration of LVPC Correspondence re Proposed Zoning Ordinance Amendments.

DEVELOPMENTS ON OUTSTANDING LITIGATION: N/A

COURT DECISIONS ON BOROUGH CASES: N/A

MISCELLANEOUS:

- Preparation of L.V. 2018 Hazard Mitigation Plan resolution.
- Review of AIA Contract with Comprehensive Enclosure Correspondence with Revisions to AIA Contract re Borough Maintenance Garage and Borough Municipal Building Façade.
- Preparation of Advertising Notice and e-mail Transmission/Enclosure Correspondence re Borough Ordinance 498-Fire Company Reimbursement Ordinance.
- Preparation of Wind Gap Planning Commission Meeting Minutes and 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 Louise, himself and Rich met with Jeff Roback from PennDOT regarding Liquid Fuels today. This is one of the most productive meetings that they have had with PennDOT as he seems to be willing to develop a relationship with the Borough with respect to Liquid Fuels. Mr. Roback signed off on all the paperwork, so that project is finalized both on the payment side since it was approved tonight and from Liquid Fuels end. We did speak with him regarding East First St. Once the Borough gets the paper work together with Attorney Karasek for East First Street that street can be added to the Borough's list of streets qualifying for Liquid Fuels. The liquids fuels map was discussed and Brian will meet with Rich to go through the Borough's current map in an effort to make sure the map is current.

Northeast Signals started the ARLE Grant project, they started the intersection of Park and Lehigh replacing the signal heads. There are 8 existing signal heads, they are 8 inches in diameter, for this project PennDot requires 12 inch signal heads to be put in place. There are cameras to go up and there are turn arrows that are going in for the east west direction. They met with the contractor and there were some field changes. We are finally in the construction phase. Alex Cortezzo asked about Opticon, Brian will check and get more information.

The Borough is moving ahead on the project on upper Alpha Road. Louise and Brian met with Frank Brooks from Northampton County CDBG and discussed the possibility of funding the southbound left turn signal at Park and Broadway. Mr. Brooks indicated that he has some additional funding from the CDBG Grant that we are going to write in for a request hoping to obtain this funding. The Borough has already authorized Traffic Planning and Design to complete the traffic study and signal studies.

Pete Albanese asked if the Borough was going to ask the existing property owners to replace the curbing. Brian said that we are going to evaluate what curbing exists and the condition of the curbing. However, because this is a Community Development Block Grant (CDBG), it only qualifies because it is in an area for low to moderate income and the funding will not allow the homeowners be required to pay for upgrading the curbing.

NEW BUSINESS:

1. Albanese & Grimes – Final Plan Conditional Approval – Attorney Karasek said that last month there was a review of the conditions that were recommended by the Borough Planning Commission for this project, however there was no official action to approve the project so before the time runs out for this project Borough Council has to act on this plan.

On motion by Jeff Yob to approve the Final Plan Conditional Approval for the Albanese and Grimes project on Water Street and seconded by Kerry Glasser. Roll call vote taken. Council agreed unanimously.

2. Resolution 2018-10 – 2018 Hazard Mitigation Resolution – Attorney Karasek reported that he prepared this resolution last month.

On motion by Jeff Yob to adopt Resolution 2018-10 – 2018 Hazard Mitigation Resolution and seconded by Mike McNamara. Roll call vote taken. Council agreed unanimously.

3. Ordinance Enactment No 498 – Recoupment of Fire Co Costs & Expenses - Attorney Karasek reported that the Borough had agreed to acknowledge the authority of the Fire Company to recover costs and expenses when they are involved in first responder activity such as the cost of their tools or equipment, chemicals, use of trucks, etc. Borough Council authorized him to advertise and it is ready for adoption. You are acknowledging the right of the Fire Company to charge those expenses.

On motion by George Hinton to adopt Ordinance Enactment No 498 – Recoupment of Fire Co Costs & Expenses and seconded by Mike McNamara. Roll call vote taken. Council agreed unanimously.

4. Pre-Application Meeting – JERC Partners – Nov 21, 2018 8:50 AM – Attorney Karasek reported that there has been no application filed to date. Louise reported that the Borough has been invited to attend the Northampton County Conservation District Meeting on Wednesday November 21 at 8:50 in Nazareth. Brian said that any project involving an NPDES permit in Northampton County requires a pre-application meeting. The developer has to explain the design to the Conservation District so they understand the proposal from a designer and reviewer standpoint. This requirement is done for any project over an acre of disturbance. They are going to be subject to stormwater requirements also. Brian will attend this meeting on behalf of the Borough if Council wishes. Alex said that Louise and Brian should attend.

On motion by Dave Manzo to have Louise Firestone and Brian Pysher represent the Borough at the pre- application meeting for JERC Partner and seconded by George Hinton. Roll call vote taken. Council agreed unanimously.

5. Park – Fireworks – Existing Ordinance- Alex Cortezzo reported that we had an incident with a fireworks display at the Park with the police becoming involved. There is no question, fireworks are not permitted in the Borough without seeking release from the ordinance. This is something that should not have happened. Dave Hess added that fireworks are legal to own but illegal to set off. This was a unique situation and will not be occurring every weekend.

On motion by George Hinton to authorize Attorney Karasek to update the Ordinance 114 for fireworks and seconded by Mike McNamara. Roll call vote taken. Council agreed unanimously.

6. Slate Belt Regional Police Department Cost Formula Ordinance – Attorney Karasek reported that last month he had prepared an ordinance along with a notice. He then received, via e-mail from Louise, a new and revised ordinance and a new and revised notice from Mr. Petrucci stating that this is what the Police Chief and Plainfield is recommending and Solicitor Goudsouzian is recommending to be adopted. He has the ordinance and the notice ready so if Council would want to adopt this ordinance at the workshop meeting of November 20, 2018, Council must authorize him to advertise the proposed ordinance.

On motion by Kerry Gassler for the Police Department Cost Formula Ordinance and seconded by Dave Manzo. Roll call vote taken. Council agreed unanimously.

7. Slate Belt Regional Police Department Budget – Dave Hess reported that everyone should have a copy of the budget. This is strictly operational, the only addition was an extra \$9,000 to put into the legal line item for the negotiation of the 2019 Labor Contract for the officers. This is a working budget.

On motion by Jeff Yob to approve the Slate Belt Regional Police Department Budget and seconded by Mike McNamara. Roll call vote taken. Council agreed unanimously.

8. Approval Zoning Ordinance Amendment Advertisement – Attorney Karasek reported that he received from Lehigh Valley Planning Commission dated October 30th a review of the zoning amendments that have been pending for some time. Their review letter states that these are matters of local concern. Now that we have received that letter in hand Council can authorize him to advertise for that amendment to be adopted.

On motion by George Hinton to authorize Attorney Karasek to advertise for the Zoning Ordinance Amendment for the December 3rd meeting and seconded by Mike McNamara. Roll call vote taken. Council agreed unanimously.

9. Borough Building/Garage Sale - Louise Firestone reported that the Borough Office gets inquires once in a while and there are two that are very interested in that property. Attorney Karasek said we still have the issues such as the shared sewer line and the generator and that we should advertise. George Hinton said advertise, sealed bid, date when to open, and act on after opened. Pete Albanese asked if it was in zoning district R-8, can it be converted back to residential or can it stay commercial. Kerry said that there is no commercial in R-8, this was a non-conforming use. Brian said that it is not commercial it is a Municipal Use. This would have to go back to a use that is consistent in the R-8 District. Alex asked if Council would want to re-advertise. Attorney Karasek said that we would do this the same as any other bid opening, advertise with a date to open and when it would be acted upon. Alex said we are working on the architectural end of this right now. Brian said that we are still trying to work on the contract. We did get a response back that he forwarded to Attorney Karasek. Attorney Karasek said that he received and reviewed those changes and as far as he is concerned he is ready to recommend that that contract be approved by Borough Council unless Brian thinks something is missing.

Alex said that he would like to table the Borough building and garage sale until the next meeting.

10. NIMS Compliance Forms - Dave Manzo reported that he spoke with Mr. Yob about referring him to the correct person to get the information that he needs.

11. Dave Manzo asked Deb Harbison if she attended the meeting on Blighted properties. Deb did attend, but that currently there is nothing to report. The meeting included discussions about the effects that blighted properties have such as bringing down the property values in the municipality. There will be an additional three (3) meeting to be held to continue discussions.

OLD BUSINESS:

1. Cost Estimates – Dump truck – Jeff Yob said that he has some pricing on 3 different chassis. He went over the costs. This will be discussed at the next meeting.

2. Architectural Services – Brian Pysher recommended Council approve the agreement as W2A has included all the verbage as requested by Attorney Karasek and himself.

On motion by Kerry Gassler to approve the contract for architectural services for the Façade and the Municipal Garage and seconded by Jeff Yob. Roll call vote taken. Council agreed unanimously.

3. Rich Fox asked if they should order the lawnmower or if we should wait. Alex said that there is money left over in the park budget. Rich said that the price will be going up for next year.

On motion by George Hinton to purchase the John Deer Lawnmower from Deer Country and seconded by Kerry Gassler. Roll call vote taken. Council agreed unanimously.

4. Draft 2019 Budget – Louise reviewed the proposed 2019 Budget which still includes a shortfall of \$161,627.00. Council discussed several specific line items in order to increase revenue or reduce spending. The main contributor to the increase along with the Slate Belt Regional Police increase, is a third full-time street worker, an increase adjustment in the interest rate for the Municipal Complex, along with increases for wages, benefits and utilities. Council agreed to look at the proposed budget and if a tax increase is necessary and if so, how much.

ADJOURNMENT

Council unanimously agreed to adjourn the meeting of November 5, 2018. The meeting of November 5, 2018 adjourned at 9:12 pm.

Louise Firestone – Borough Administrator