

**BOROUGH OF WIND GAP  
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The Council meeting of the Borough of Wind Gap on September 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, George Hinton, M. McNamara, Dave Manzo, and Jeff Yob. Also in attendance were Borough Solicitor Ronold Karasek, Borough Engineer Brian Pysker, and Borough Administrator Louise Firestone. Absent were Mayor Mitchell D. Mogilski, Sr., and Councilman Kerry Gassler.

*Councilman Dave Hess joined the meeting at 7:09 pm.*

**PUBLIC COMMENT**

1. Ronald DeCesare Jr., volunteered to be the contact person for the Wind Gap Area Athletic Association. Council will be in contact with Ron to set up a meeting.

**EXECUTIVE SESSION**

Council adjourned to Executive Session at 7:04 p.m. to discuss matters of personnel involving the Zoning Officer. Council reconvened at 7:22 p.m. Council President Cortezzo stated that no action will be taken at this time.

**NEW BUSINESS:**

1. Water's Edge – Land Development Plan Recording/ Land Development / Improvements Agreement – Attorney Karasek introduced Attorney Stan Margle who is in attendance tonight representing developer Jack Muschlitz. Attorney Margle stated that Jack Muschlitz will be the developer for this project. The bond has been posted, the Land Development Improvements Agreement has been signed and the Land Development Plans have been signed and are ready to be recorded. Attorney Karasek re-iterated that there will be no earth movement until all plans and permits are signed and in place.

**On motion** by Jeff Yob to record plans and improvement agreements and seconded by Dave Manzo. Roll call vote taken. Council agreed unanimously.

**APPROVAL OF MINUTES**

**On motion** by Jeff Yob to approve the August 6, 2018 minutes and seconded by Mike McNamara. Roll call vote taken. Roll call vote taken. Council agreed unanimously.

**APPROVAL OF EXPENSES**

**On motion** by Jeff Yob to approve the expenses of \$44,208.86 and seconded by George Hinton. Roll call vote taken. Council agreed unanimously.

## **SOLICITOR'S REPORT**

### **MEETINGS ATTENDED:**

August 6, 2018 – attendance at Regular Monthly Meeting of Borough Council.

### **SUBDIVISION MATTERS:**

Receipt, Review and Administration of several e-mails to and/from Applicant's Attorney and Property Owner's Attorney regarding Revisions to Proposed Land Development Improvements Agreement, Lot No. 9, Emergency Access Covenant and Inclusion of Male Road Industrial Properties, LP as Signatory to Improvements Agreement re Preliminary/Final Major Subdivision Plan for Green Knight Industrial Park II.

Receipt, Review and Administration of e-mail transmission for Applicant's Attorney with Responsive e-mail to Property Owner's Attorney attaching copy of Land Development Agreement in work re Preliminary/Final Major Subdivision Plan for Green Knight Industrial Park II.

### **LAND DEVELOPMENT MATTERS:**

Conference with Borough Administrator at Municipal Building regarding Status of Plan and Land Development Improvements Agreement Recording re West End Land Development L.D. Plan-Water's Edge at Wind Gap, LLC.

Receipt, Review and Administration of several e-mails to and from Applicant's Attorney and Status of Several Easement Agreements re West End Land Development L.D. Plan-Water's Edge at Wind Gap., LLC.

Preparation of Easement Agreement for Right-of-Way along Longcore Road re West End Land Development L.D. Plan-Water's Edge at Wind Gap, LLC.

Preparation of e-mails to and from Borough with Responsive e-mail attached to Extension of Time form re Albanese & Grimes Properties LP L.P. Plan – 124 Water Street.

Receipt, Review and Administration of Correspondence from Applicant's Engineer, SALDO Waiver Request and Revised L.D. Plan re Klump-Third Street Development.

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

Receipt, Review and Administration of e-mails (with Third party Agreement of Sale) re Turtzo Longcore Road Property.

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

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

### **MISCELLANEOUS:**

Legal Research-PA Open Meeting Law and Executive Session for Purchase of Real Estate.

Preparation of Monthly Solicitor's Report.

### **OUTSTANDING ITEMS:**

Stop Sign Ordinance

Dog Park Ordinance

Fire Company Ordinance

Attorney Karasek reported that extension for Albanese & Grimes Water Street Project has been received. There is a Planning meeting scheduled for Thursday September 6<sup>th</sup> for Tyrone Klump Third Street and Washington Street Project.

## **ENGINEER'S REPORT**

Brian Pysher reported that Super Heat was at the complex to set up the heating system and insulate the ductwork. He said that when the unit was installed they found that the control panel and wiring was not included in the box. Brian contacted Delren and they should be delivered within the next few days. Brian stated that Robert Collura Engineering will pay the

replacement fee on behalf of the Borough. Bob Belusko from Labor & Industry has been out to inspect the progress and will be returning when the project is completed.

Brian reported that a representative from Koehler did the load test for the generator and we are waiting for the final report.

W2A Design Group provided the Borough with a standard agreement for architectural work to be completed for the building facade and the design of the street garage.

Brian said that the storm drains along Alpha and Genoga have been installed. This should alleviate some of the water problems at that specific intersection. He contacted PennDot for approval of the use of liquid fuels and to confirm that the contractor will be using a smaller size stone in the slurry seal. The Street Department will be doing the base course on Alpha Avenue and Bracelente Construction will do the overlay in late September early October.

Tyrone Klump submitted revised plans and will be before the Planning Commission on Thursday. The Green Knights would like to have their plans recorded. There are parcels that they would like to merge, Brian will reach out to Attorney Karasek to discuss.

Sketch Plans were received from Giroux Land LLP & Wind Gap 1990 Realty Corporation. A Planning Commission meeting will be scheduled for October 4, 2018.

2. Slate Belt Rising – Facades – Steve Reider, Director, Slate Belt Rising, came before Council to give updates and to show before and after pictures of façade projects that were completed in Bangor and Pen Argyl. He said that Cafe of Broadway has applied for a facade grant to improve the front of their building and new signage.

Steve asked Council to consider the possibility of having a Community Garden in Wind Gap.

The Slate Belt Bash Road Rally Scavenger Hunt is scheduled for Sunday, September 30, 2018 from 9:00 a.m. to 1:00 p.m. Registration deadline is September 15<sup>th</sup> and the cost to enter is \$30 per car with a maximum of 4 people. There will be food, family fun, music and prizes. There will be over \$1,000 in prizes. Steve asked for volunteers from Council to work the Rally and indicated that child abuse clearance is necessary, but is free to complete and be done on-line.

3. W2A Design Group Architect Agreement - Brian reported that he sent the contracts to Attorney Karasek for review. There were concerns regarding extra supplemental services, reimbursable expenses, termination of contract, compensation, site visits, and design meetings. Brian will review the wording in the RFP and discuss with Attorney Karasek prior to the next meeting.

4. Super Dome Climber Purchase Approval - \$3,797 – A vote was taken at the Outdoor Event and the 125th Anniversary Celebration and the new piece of equipment will be the Super Dome Climber.

**On motion** by Jeff Yob to purchase the Super Dome Climber for the price of \$3,797 and seconded by George Hinton. Roll call vote taken. Council agreed unanimously.

5. Park – Centennial Time Capsule – Approval to Pump/Close – Alex Cortezzo reported that it was very unfortunate that the containers used for the time capsule were not properly sealed and when they were unearthed at the Park behind the centennial wall, the vault was completely filled with stagnant water.

**On motion** by Jeff Yob to pump the water out of the vault in the Park, fill it in and close it up and seconded by Dave Manzo. Roll call vote taken. Council agreed unanimously.

6. Wind Gap Municipal Authority – Administration – Jeff Yob reported that the Municipal Authority Administrator, Bob Hahn is retiring after 30 years of service. Jeff said there may be

some functions that could be maintained by the Borough Office. Dave Manzo asked if there would be any legal issues with the Borough taking over some of the Municipal Authority's duties. If Council desires, Attorney Karasek would have to further look into the legalities.

7. Techo Bloc Meeting – Dave Manzo reported that he would like to meet with representatives from Techo Bloc to discuss projects in Wind Gap similar to the meeting that was held with Waste Management. The suggested committee will be Alex Cortezzo, George Hinton, and Dave Manzo.

#### **OLD BUSINESS:**

1. Zoning Ordinance Amendment – Attorney Karasek reported that the changes to the Zoning Ordinance are now at Lehigh Valley Planning for review.

2. Recoupment of Fire Company Costs and Expenses – Attorney Karasek reported that Council will vote on this at their September 18<sup>th</sup> Workshop Meeting.

3. Waste Management – Adrienne Fors came before Council with the September monthly landfill update.

Grand Central Landfill will continue to host small blasts throughout September. These are scheduled on a weekly basis. They will continue to update and include Wind Gap on the blast notification list. The small blast has occurred on the western side of the landfill property.

The landfill crew continues to prepare the side slope (Pen Argyl Road Side) for final and temporary capping. This will continue through October. Much of the slope has been covered with several inches of dirt. Operations has moved to the top of the landfill working face.

Landfill tonnages are currently holding steady around 2,400 tons per day.

As part of the capping project, the landfill crews will be including approximately 20 vertical gas wells with the installation of a horizontal well system going in later this year (November – December time frame).

We are gearing up for the 2<sup>nd</sup> Annual Chili Cook-off and Open House which will be held on September 29<sup>th</sup> from noon till 4 p.m. at the landfill parking lot. Slate Belt Regional Police, Lookout Fire Company, Plainfield Township Fire, Washington Township Fire, Slate Belt Rising and Slate Belt YMCA participants. Donations for the chili cook-off will be \$10, all of which will be divided between 12 organizations. We will also be raffling items to help raise money for the organizations. A complete list of the organizations is posted on our Facebook page.

A reminder for this week as we are operating on a holiday schedule, trash service will be delayed on day.

Our Community Line is open 24/7 so that local residents can call with questions and comments about the landfill and its operations.

4. First Street – Paper Alley Update – Attorney Karasek reported that he spoke with Attorney Pierce and they currently disagree how this should be handled. Attorney Karasek recommends that this issue be handled between the two property owners.

4. Utica Avenue – Potholes – Jeff Yob reported that the Street Department will treat Utica Avenue the same as all of the alleys in the Borough. If potholes need filled to maintain a safe passage way the potholes will be filled. Council will consider constructing this street up to standards and requiring curb installation as a project two or three years from now.

5. Turtzo Property – Longcore Road – Attorney Karasek informed Council of the 5 year payment plan that he received from Mr. Turtzo, should Council decide to purchase the land on Longcore Road. Since most of the property is in Plainfield Township, Wind Gap would have to file an exemption request with the County to make the property tax exempt. This item is tabled until the next meeting.

6. Zoning – Alex Cortezzo reported that we have been receiving complaints that our Zoning Officer is not returning calls and that he is not available to meet with residents. A representative from Barry Isett was supposed to be at the office on Tuesdays and Thursdays for several hours to see what is going on in the Borough and to meet with residents as needed. Unfortunately, this has not taken place for the past few months. While in Executive Session Council discussed appointing a company that would be available to be at the office as needed with regular office hours. Council would like to hire Keller Engineering to take over as Zoning Officer and Uniform Construction Code Official. Attorney Karasek stated that Council should compile a Job Description under which the Zoning Officer would be required to work under.

**On motion** by Jeff Yob to appoint Keller Zoning as per their rate schedule of \$61.50/hour effective September 15, 2018 including a Job Description as approved by Borough Council and seconded by Mike McNamara.

After further discussion, the motion was amended to "confirm that Keller Zoning is certified as a Building Code Official and not include an effective date".

Roll call vote taken, motion carried unanimously.

## **ADJOURNMENT**

Council unanimously agreed to adjourn the meeting of September 4, 2018. The meeting of September 4, 2018 adjourned at 9:08 pm.

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Louise Firestone – Borough Administrator