

**BOROUGH OF WIND GAP
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The Council meeting of the Borough of Wind Gap on Monday, April 5, 2021 was called to order at 7:03 p.m. by Council President Dave Hess, through Zoom Video Conferencing. Louise Firestone informed everyone that the meeting was being recorded.

A verbal roll call was taken by Borough Manager Louise Firestone – participating via Zoom computer link or Zoom phone link were Council members: Steve Bender, Dave Manzo, Joyce McGarry, and Mike McNamara. Also participating were Mayor Mitchell D. Mogilski Sr., Borough Solicitor Ronald Karasek, Borough Engineer Brian Pysher, and Borough Manager Louise Firestone. Absent were Councilmen George Hinton and Jeff Yob.

PUBLIC COMMENT

No public comments were heard at this time.

APPROVAL OF MINUTES

On motion by Dave Manzo to approve the March 16, 2021 minutes and seconded by Mike McNamara. Roll call vote taken. Council agreed unanimously.

APPROVAL OF EXPENSES

On motion by Steve Bender to approve payment for K.C. Mechanical – Application No. 5 in the amount of \$38,222.50 and seconded by Mike McNamara. Roll call taken. Council agreed unanimously.

On motion by Dave Manzo to approve the General Expenses for the month of March in the amount of \$185,294.74 and seconded by Joyce McGarry. Roll call vote taken. Council agreed unanimously.

SOLICITOR'S REPORT

MEETINGS ATTENDED (all via Zoom)

March 1, 2021 – attendance at regular monthly meeting of Borough Council.

March 16, 2021 – Attendance at regular mid-month meeting of Borough Council.

SUBDIVISION MATTERS: None

LAND DEVELOPMENT MATTERS:

E-mails, Telephone Calls with Applicant's Attorney and Receipt of Several Documents i.e., Executed Indemnification Agreement (with attachments-COI and Escrow Check), Operations and Maintenance Agreement-Storm Water Maintenance, Land Development Improvement Agreement, Template Agreement for road Right-of-Way and Giroux Driveway Access Easement Agreement re: JERC LD Plan.

Receipt, Review and Administration of Borough Engineer's Review of the Conditions of Conditional Plan Approval and the Borough Engineer's Review of the Applicant's Engineer Cost estimate re JERC LD Plan.

Receipt of proposed Easement Agreement for Cul-de-Sac to be Revised by Borough Solicitor re Klump LS Plan-Third Street.

Preparation of SALDO Waiver Request form and Receipt, Review and Administration of form executed by Applicant's Representative re Tractor Supply LD Plan-Garden Center Addition to K-Mart Existing Building.

File (at courthouse) the Easement Agreement for Borough Park Access with e-mail to Applicant's attorney re Water's Edge-Dream Lehigh Valley LD Plan.

ZONING AND OTHER LAND USE MATTERS:

Receipt, Review and Administration of Application, Site Plan and Borough Engineer Review Letter re: 67 Park Avenue (former Sew-n-Vac property).

DEVELOPMENTS ON OUTSTANDING LITIGATION: None

COURT DECISIONS ON BOROUGH CASES: None

MISCELLANEOUS:

Preparation of Monthly Solicitor's Report.

OUTSTANDING ITEMS:

Property Maintenance Code

Stop Sign Ordinance

Dog Park Ordinance

1. Green Knights' Lot Annexation / Land Development Plan - Attorney Karasek informed Council at the last Planning Commission meeting, the Planning Commission board reviewed a proposal for a manufacturing building approximately thirty-one thousand square feet along 20 Green Knight Drive. The proposed building lot is located within the Green Knight Economic Development Corporation (GKEDC) subdivision off of Male Road. During the planning approval for GKEDC two waivers were granted for the plan, first, the width of the road was reduced from 60' to 50' wide and second, a waiver was granted eliminating the installation of sidewalks. In Brian Pysher's review letter to the Planning Commission, he notes that prior SALDO waivers were granted for the entire GKEDC subdivision. The plan that is presently before the Borough at 20 Green Knight Drive is calling out the road at fifty feet as per that SALDO waiver and is not proposing any sidewalks as per that prior SALDO waiver. Attorney Karasek said that if there is no change in the sub-division lot and there is no significant change, he would think that those SALDO Waivers would carry over to this plan. Attorney Karasek asked Council to look over this plan and determine whether those two waivers should continue to apply or if as a body believe those waivers need to be looked at again, he will notify the applicant so they can be aware moving forward in review of this plan. Attorney Karasek said if Council determines that the SALDO Waivers can be carried over to individual lot plans, that needs to be noted on the plan so that moving forward everyone knows that those were granted.

ENGINEER'S REPORT

1. Recommendation for Award of Delaware Avenue Paving Project. Brian Pysher explained that an error existed in the material quantities for the two streets being paved and after discussions with Attorney Karasek and Louise, it is his recommendation to rebid the project.

On motion by Dave Manzo to reject all Delaware Avenue bids from April 1, 2021 and seconded by Steve Bender. Roll call taken. Council agreed unanimously.

On motion by Dave Manzo to readvertise for the Delaware Avenue and Burdette Street Paving Project to have bid award at the April 20, 2021 Council meeting and seconded by Joyce McGarry. Roll call taken. Council agreed unanimously.

2. Dream Lehigh Valley Request for Letter of Credit reduction and Security for Maintenance on Dedicated Improvements – Brian Pysher

On motion by Dave Manzo that the Bond that is presently issued by Muschlitz can be released and Dream Lehigh Valley is to replace it with a Performance Bond for \$49,151.00 and assuming that the improvements are dedicated to the public, accepted by the Borough and meet the Borough Engineer's approval, there would be a Maintenance Bond of \$73,071.90 and seconded by Mike McNamara. Roll call taken. Council agreed unanimously.

NEW BUSINESS

1. Approval Project Child – Tortoise and Hare – May 31, 2021 – Louise Firestone reported that the Borough has once again been asked by "Project Child" to send a letter giving approval to run the Tortoise and Hare 5K because they are going to be in the Borough. Project Child needs permission and our approval letter to move forward with sending the required paperwork to PennDOT to receive a permit allowing them to run the race on a State Road.

On motion by Dave Manzo to approve the Tortoise and Hare Run / Walk and to send them a letter of approval and seconded by Joyce McGarry.

Dave Hess said that the letter to them must state that if PennDOT does not issue a permit, the race cannot happen. The last he knew, PennDOT was not issuing permits for parades or other activities.

Motion amended by Dave Manzo to approve the Tortoise and Hare Run / Walk contingent upon Project Child receiving their PennDOT approval and permit to hold this event. Roll call taken. Council agreed unanimously.

2. Signal Services – Traffic Light Maintenance Report - Louise Firestone reported that she sent everyone a copy of the Signal Services Maintenance Report. The inspection report includes items that need to be repaired. Signal Services has already completed replacing the emergency pre-emptors at the Third Street and South Broadway traffic light. All four emergency pre-emptor detectors at Male Road and South Broadway have failed and need to be replaced. The other noted items include painting the crosswalk markings per PennDOT condition and diagrams. There is no action to be taken, she just wanted everyone to be aware that these need to be upgraded and Rich and the Street Department will get them painted as soon as the weather permits.

3. Steve Bender asked if it was possible to have the tennis court nets installed at this time. Louise said that we will take care of this.

OLD BUSINESS

1. Snow Emergency – Emergency Route Streets – Louise Firestone said we sent out the draft for everyone but have not heard any comments related to the draft of the ordinance.

Dave Hess added that once the new Snow Emergency Ordinance has been adopted, we will have to contact each resident with a personal letter explaining why their street has been added as a snow emergency route and give them options to locate their vehicles either at the park or the social hall. Louise will send the template to Attorney Karasek for his review.

2. 29 Mechanic Street / 125 Water Street – Real Estate Sale – Louise Firestone reported that she has not received the appraisal. The walkthrough has been completed, but she has not received the report. She will follow up with him tomorrow.

ADJOURNMENT

On motion by Dave Manzo to adjourn the meeting of April 5, 2021. Council agreed unanimously. The meeting of April 1, 2021 adjourned at 7:41 p.m.

Louise Firestone, Borough Manager