

**BOROUGH OF WIND GAP
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WIND GAP, PA 18091
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Wind Gap Borough Council meeting on Monday, April 7, 2025, was called to order at 7:00 p.m. by Council President George Hinton, at which time he reminded those present that the meeting was being recorded. In attendance were Council members: Steve Bender, Mark Crossen, Dave Manzo, Jason Boulette, Patrick Webber, and Alex Cortezzo. Also in attendance were Borough Solicitor Ronald Karasek, Borough Engineer Brian Pysker, and Borough Manager Louise Firestone.

Absent were Mayor Wesley J. Smith, and Junior Council person Olivia Bentley.

PUBLIC COMMENT

1. Jason Keenhold came before Council to inquire about the status of the Wind Gap Fire Social Hall because he has concerns. George Hinton said that the Social Hall is up for sale and once it is sold, the money from the sale would pay off the Social Hall building mortgage and one of the fire truck loans. The remaining funds would go to reduce the loan balance on the other fire truck. Jason asked if the Borough was going to purchase the property. George stated that the property has been listed with a realtor and marketed as a commercial property to be sold to any interested party. He has already spoken to the Northampton County Election Board and the Primary will be held at the social hall in May and if the building is not sold prior to the General Election in November, voting will be held there also. If the building does sell prior to November, the polling location will return to the Municipal Complex as it was previous to the construction of the Social Hall.

2. Rob Kemmerer introduced himself and stated that he is running for Magisterial District Judge. He is a life resident of the area with a degree in sociology and justice. Mr. Kemmerer outlined his professional career for those in attendance.

APPROVAL OF EXPENSES

On motion by Dave Manzo approve the expenses in the amount of \$209,136.67 and seconded by Jason Boulette. Roll call vote taken. Council agreed unanimously.

SOLICITOR'S REPORT

See attachment one (1).

ENGINEER'S REPORT

Brian Pysker reported that at the Planning Commission meeting, the Wawa Convenience Store did get recommendations from the commission on the requested SALDO waivers along with conditional land development approval. Wawa plans on attending the April 22, 2025, Council meeting to seek conditional/preliminary approval along with the waiver

requests from Borough Council. Dave Manzo asked Brian if the developer meets all the Borough Ordinances as they are currently written. Brian replied that the developer requested relief on 14 waivers that were approved by the Commission and now need to be acted upon by Borough Council. There are some outstanding items in his review letter that to date have not been addressed. Unfortunately, Council does not have authority over outside agencies such as PennDOT, Pennsylvania American Water Company or the Wind Gap Municipal Authority or when those agencies will provide Will Serve letters or the necessary permits. Council needs to take official action on this plan at the mid-month meeting. Under the Municipal Planning Code (MPC), the municipality has 90 days left from submission to fully act upon a plan submission. If Council does not take official action at the April 22, 2025, meeting, and the developer does not grant an extension of time, the plan would be deemed approved as the 90 days would have expired. The developer can grant an extension in order to allow Council additional time to review all the documents, traffic studies, and the waiver requests. Brian forwarded all the electronic documentation to the Borough office for Council to review. Jason asked if the Borough's Traffic Engineer, Mr. Terry, reviewed Wawa's traffic study. Brian replied that Peter Terry did prepare a review letter, and the developer has essentially complied with all the Borough Ordinance requirements. They did update the traffic study to include the additional intersections that Borough Council had requested. The finding indicates that the signals and intersections will not be degraded beyond limits that are currently in place.

Dave Manzo asked if Council has concerns about the traffic and denies this plan including their waivers, what are the developer's options. Attorney Karasek said that the developer can file an appeal and a Northampton County Judge in Easton would then review the matter and determine if the developer has complied with all the ordinances. If the developer has complied, the Judge will determine if the developer should have been given approval or not. Pennsylvania is a development state, and the law clearly states that if the applicant meets the ordinances, they must be given approval. Attorney Karasek stated that he understands that the traffic impact is of great concern related to this project. Brian said that the engineer review letter specifically states that the developer must fully comply with the Wind Gap Sewer Authority, the conditional approval that Council grants will have that condition as well. If they cannot comply with the Sewer Authority, conditional approval does not mean anything. Attorney Karasek said that you cannot deny approval based on outside agencies. An outside agency needs to be a condition and for the sewer authority, it might be possible to say the Authority is an internal agency of the borough.

Brian reported that the next Planning Commission meeting is scheduled for Thursday, April 17, 2025, and the Cubes at Wind Gap will be in attendance. Industrial Drive just submitted their documentation regarding the maintenance of the road and how it is to be handled. The plan proposal includes realigning Alpha Road so discussions need to happen related to this change and responsibility. Brian is in the process of completing the engineering review on the latest submission. Dave Manzo said that the Sewer Authority has a big issue with fixing pipes. Now that the plan has changed, they should go back and renegotiate. Wind Gap will not be getting any tax revenue or any kind of benefit from Cubes except a road and traffic.

Brian said that the municipal complex project is ongoing. We were delayed this week due to the weather. Wednesday morning, they will start on the work in the front parking lot and have pushed the paving until Thursday.

He is trying to set up a meeting with some of the Green Knights contractors at the ball field. He staked out the concrete pads for the bleachers and the new dugout. They are waiting for the concrete contractor to get on the schedule. He is working with KeyCodes on permitting, there are some additional documents that they asked us to provide and are currently waiting for from the manufacturer.

The survey for School Alley was completed. The south end of the alley has properties on the west encroaching on the alley and everyone is driving around the different

encroachments. He recommends notifying the neighbors that they are encroaching and encourage them to move encroachments from the alley. Brian will draft a letter advising the property owners that they have 10 days to move their items. He will proceed with staking out where the Borough line is so our street department can get this project on their schedule.

NEW BUSINESS

1. Tortoise and Hare Race – PennDOT Letter of Approval

On motion by Dave Manzo to approve the Tortoise and Hare Run / Walk on Monday, May 26, 2025, and to send them a letter of approval and seconded by Patrick Webber. Roll call taken. In favor: J. Boulette, A. Cortezzo, M. Crossen, G. Hinton, D. Manzo, P. Webber. Opposed: S. Bender. Motion carried: 6 – 1.

OLD BUSINESS

1. 389 North Broadway – Handicap Parking Clarification - Louise Firestone reported that the property owner expressed concern was the painted curbs on the state road in front of her property. George Hinton said that people have been parking there, and we have not heard of any tickets being issued. Louise outlined the three options to move this to conclusion. The Borough could power wash the yellow paint off of the curb in an attempt to restore the curb to original appearance. Another option would be to paint the curb black so no yellow is visible, but this would include labor and material costs. The third option would be to allow the curb to remain as is since there is no ordinance prohibiting no parking and no signs are erected at that location for the police to enforce. Council agreed to direct the street department to power wash the curb but not spend any additional funds. Louise will inform the resident of the Borough's plan of action.

BOROUGH MANAGER

Louise reminded Council that the next meeting is scheduled for April 22, 2025, the fourth Tuesday of the month as the third Tuesday of the month would be next week.


Steve Bender asked if the 2006 truck has been listed on Municibid for sale. Louise replied that she will get the pictures as soon as possible in order to get it posted on the website.

PUBLIC COMMENT

James Pacovich, 157 Fairview Avenue, complained about the number of cars that turn at the old catholic church and proceed to fly down Fairview Avenue. He spoke with the officers, and they said they would be watching it. He is retired and has not seen any officers on Fairview Avenue. George said that he will ride around that area.

ADJOURNMENT

On motion by Dave Manzo to adjourn the meeting of April 7, 2025. Council agreed unanimously. The meeting of April 7, 2025, adjourned at 8:01 p.m.



Louise Firestone, Borough Manager

**SOLICITOR'S REPORT – R. J. KARASEK, ESQUIRE
WIND GAP BOROUGH
NORTHAMPTON COUNTY, COMMONWEALTH OF PENNSYLVANIA
MONTH: January, February and March 2025**

MEETINGS ATTENDED:

January 06, 2025 - attendance at regular monthly meeting of Borough Council
January 21, 2025 – attendance at regular mid-month meeting of Borough Council
February 03, 2025 - attendance at regular monthly meeting of Borough Council
February 18, 2025 – attendance at regular mid-month meeting of Borough Council
March 03, 2025 - attendance at regular monthly meeting of Borough Council
March 18, 2025 – attendance at regular mid-month meeting of Borough Council
March 20, 2025- attendance at regular monthly meeting of Borough Planning
Commission

SUBDIVISION MATTERS:

Receipt, Review and Administration of SALDO Waiver Appendices 11, Preparation of SALDO Waiver Form, Preparation of Agreement for Conditional Preliminary/Final Plan Approval and Preparation of Official Action Correspondence re Revised Lot Consolidation Plan-Wawa Project

LAND DEVELOPMENT MATTERS:

Receipt, Review and Administration of SALDO Waiver Appendices 11 and Preparation of SALDO Waiver Form-14 Waivers, Review of Borough Traffic Engineer (P. Terry) Review No. 3 and Applicant's Traffic Engineer Traffic Impact Analysis Reports and Fidelity Bank's Satisfaction with traffic patterns re Land Development Plans-Wawa Project

Receipt, Review and Administration of Review Letters from Borough Engineer re Start of the 18-month Maintenance Period re 20 Green Knight Drive

Receipt, Review and Administration of Lease Agreement and Rental Payment due Borough re Verizon Wireless Cell Tower

ZONING AND OTHER LAND USE MATTERS:

Receipt, Review and Administration of e-mails, Review of Supporting Documents, Computer Search on County website for deed/tax parcel information re 241 Broadway Storm Water Issues

Preparation of Collection/Demand Correspondence re RX Holdings, LP

DEVELOPMENTS ON OUTSTANDING LITIGATION: None

COURT DECISIONS ON BOROUGH CASES: None

MISCELLANEOUS:

Preparation of the December 19, 2024 Borough Planning Commission Meeting Minutes

Preparation of Planning Commission Meeting Agenda for March 20, 2025

Preparation of Calendar Year 2024 Audit Letter

Legal Research and PSABS Contact re CDL License Requirements

Preparation of Monthly Solicitor's Report

OUTSTANDING ITEMS: None at this time