

**BOROUGH OF WIND GAP
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WIND GAP, PA 18091
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The Council meeting of the Borough of Wind Gap on Tuesday, August 17, 2021 was called to order at 7:00 p.m. by Council President Dave Hess, at which time he reminded those present that the meeting was being recorded. In attendance were Council members George Hinton, Joyce McGarry, Mike Laudano, David Manzo, and Steve Bender. Also, in attendance were Borough Solicitor Ronald Karasek, Borough Engineer Brian Pysker, and Borough Manager Louise Firestone. Absent was Mayor Mitchell D. Mogilski, Sr. and Councilman Jeff Yob.

PUBLIC COMMENT

1. Adrienne Fors, Waste Management reported that:

Grand Central Landfill is committed to keeping the community informed. Below, you will find the most recent copy of the landfill operations neighborhood update.

1. Landfill Operations: We are currently accepting an average of 2750 tons per day.
2. Cell 17 horizontal gas collection installation in progress. Gas well drilling anticipated to commence in August.
3. Cell 17 final capping is progressing.
4. Grand Central Landfill has announced that it will hold its' Open House and Chili Cookoff for October 2nd.
5. Recent charitable donations: \$1,000 to the Green and White Youth Association, \$400 donation to Lauren's Hope Foundation, \$1000 to the Pen Argyl Alumni Association, \$250 Pen Argyl Touchdown Club, \$100 Pen Argyl Summer Sounds, \$100 Wind Gap Summer Sounds, \$400 Pen Argyl Fire Dept and Roll off for Labor Day event valued at \$350

The Grand Central Landfill website continues to be updated and includes the monthly landfill update notices. www.grandcentrallandfill.com. Residents can also learn more about us by visiting our Facebook page as well

APPROVAL OF MINUTES

On motion by Dave Manzo to approve the July 20, 2021 minutes and seconded by Mike Laudano. Roll call vote taken. Council agreed unanimously.

Dave Manzo reported that there are corrections to the July Municipal Authority report that he provided. The minutes should reflect that "Attorney Chad DiFelice was hired as the alternate solicitor; John Molnar is the permanent solicitor until the end of the 2021 calendar year".

APPROVAL OF EXPENSES

On motion by Dave Manzo to approve the general expenses in the amount of \$35,813.92 and seconded by George Hinton. Roll call vote taken. Council agreed unanimously.

SOLICITOR'S REPORT

MEETINGS ATTENDED (all via Zoom)

May 24, 2021 – Attendance at Executive Session with Borough Council.
June 7, 2021 – Attendance at regular monthly meeting of Borough Council.
July 20, 2021 - Attendance at regular monthly meeting of Borough Council.

SUBDIVISION MATTERS:

Receipt, Review and Administration of Application and Plan re Tanzosh Minor Subdivision/Lot Line Adjustment.

LAND DEVELOPMENT MATTERS:

E-mails, Telephone Calls with Applicant's Attorney and Review of Several Documents for Approval i.e., Operation and Maintenance Agreement-Storm Water Maintenance, Land Development Improvements Agreement, Easement Agreement along Male Road and Letter of Credit re JERC LD Plan.

Receipt, Review and Administration of Application, Plan and Five (5) SALDO Waiver Forms re GKIP II L.D. Plan.

Receipt, review and Administration Application and Borough Engineer Review Letter re Venture Capital, Inc. Relocation of Billboard

ZONING AND OTHER LAND USE MATTERS:

Receipt, Review and Administration of e-mails, Borough ZHB Decision re 1036 South Broadway.

Receipt, Review and Administration of several e-mails to/from the Auctioneer, the Borough Engineer and Borough Solicitor re Need for Metes and Bounds Description and Proposed Agreement of Sale for auction of 29 Mechanic Street and 125 Water Street.

Receipt, Review and Administration of the PA Borough Code and the Preparation of PA Borough Resolution No. 2021-01 re Auction of 29 Mechanic Street and 125 Water Street.

Receipt, Review and Administration of the File and Preparation of the First Draft of the Newspaper Advertising Notice re Snow Emergency Ordinance.

Receipt, Review and Administration of the File and Preparation of the First Draft of the Newspaper Advertising Notice re Parking Violations Ordinance.

Receipt, Review and Administration of the File and Preparation of the First Draft of the Newspaper Advertising Notice re 2021 IPMC Ordinance.

DEVELOPMENTS ON OUTSTANDING LITIGATION: None

COURT DECISIONS ON BOROUGH CASES: None

MISCELLANEOUS:

Telephone and voice-mail with PSAB re Live vs. Remote Public Meetings.
Review of Act 65 of 2021 re Update Law on Open Meetings, Meeting Agendas and Official Action no on the agenda.
Preparation of Monthly Solicitor's Report.

OUTSTANDING ITEMS:

Stop Sign Ordinance
Dog Park Ordinance

ENGINEER'S REPORT

Brian Pysher reported that they are still trying to get material for Lincoln Street so Rich can complete the project. They have the concrete structures, but unfortunately Fry's Plastic does not have the pipe material. Brian will reach out to some other manufactures to see if they can get pipe.

The Tanzosh Lot Line Adjustment Plan and the plan at 20 Green Knight Drive in the Green Knight Industrial Park off of Male Road have been resubmitted for review and discussion on the for the September Planning Commission meeting agenda.

Brian, Dave and Louise participated in a virtual meeting today with Lehigh Valley Planning Commission (LVPC), PennDOT, representatives from Plainfield Township and Pen Argyl Borough regarding the CRG Development, warehouses at the Perin Property on 905 Pennsylvania Avenue, located in Plainfield Township. The developer has submitted their plan to Plainfield Township, but to date they have not submitted land development plans to the Borough. As part of the meeting conversation, LVPC was soliciting feedback and comments from the municipalities and Brian informed those participating that at this time, Wind Gap Borough does not have any comments since plans have not been submitted to the Borough. Brian explained that it is his understanding that any type of improvement that a developer makes to a non-residential parcel requires land development and according to the plans submitted to Plainfield, CRG has about two thousand lineal feet of proposed road which is labeled as private. Whether it is private or public, it is still an improvement along with twenty plus inlet boxes for storm sewer system. He would like to confirm with Attorney Karasek that they are required to submit land development to Wind Gap and ask for directive from Council to review the plan. Plainfield Township did forward electronic copies to the borough which is a sixty-page plan set, and they are 30 inches by 42 inches so there is a significant amount to print out. There are also Traffic Impact Studies and Storm Management Reports to print and review. Because CRG has not made a formal submission to Wind Gap, there is no escrow account to offset any engineering costs incurred by the borough.

Attorney Karasek said that the Sub-division and Land Development Ordinance defines land development as an improvement on one or more lots. Brian stated there are substantial improvements and in order to speak about this, we need to start reviewing the plan and raise our concerns with our number one concern being traffic. Attorney Karasek asked if a letter, either from him, Brian, Borough Manager or Council President, to Boehler Engineering asking why we have not received anything yet should be sent or should we just let it sit until our next meeting in September. Attorney Karasek suggested putting a request in writing.

NEW BUSINESS

1. Full-time Street Worker – Jeffrey Stanley - George Hinton reported that the committee reviewed all the applications that were received and took the top eight applicants to interview, of which six responded. Upon the conclusion of the interviews, George and Rich would like to recommend Jeffrey Stanley for the position.

On motion by George Hinton to hire Jeffrey Stanley as a full-time street worker starting at \$17.00 an hour with a 90-day probation period and a start date of August 18, 2021 and seconded by Dave Manzo. Roll call vote taken. Council agreed unanimously.

2. Street Vehicle – Pick-up Truck. George Hinton reported that he is recommending the purchase of an everyday pick-up truck to allow the street workers to utilize a vehicle that could be used around town to haul the trash out of the park and for regular maintenance. George received an estimate under the Co-Stars Purchasing Program for a two-wheel drive basic work truck for under \$40,000. He did not check pricing for a four-wheel drive truck, but he can get pricing on that as well.

On motion by Steve Bender to consult with Rick Fox and get options regarding purchasing a new pick-up truck for the Street Department and seconded by Dave Manzo. Roll call vote taken. Council agreed unanimously.

3. Holiday Lights - Dave Hess reported that we received flyers in the mail with holiday lights that can be hung on the poles. The lights would make Wind Gap unique for Halloween. Also, in the spirit of Halloween, and in the future, we can sponsor a haunted walk in the park upon completion of the trail. We have a written proposal to purchase 12 lights for \$9,017.53, with this expense be paid for out of the tipping fees for administrative budget, not Street budget.

On motion by George Hinton to purchase twelve Halloween Lights to hang on the poles and seconded by Mike Laudano. Roll call vote taken. Council agreed unanimously.

4. Families First 5K Race – Louise Firestone reported that Families First has their 5K race scheduled for September 25th at the Wind Gap Park. PennDOT requires the municipalities to state in writing they are aware that this event is happening within their municipality.

On motion by George Hinton to sign the letter for the Families First 5K Race and seconded by Joyce McGarry. Roll call vote taken. Council agreed unanimously.

OLD BUSINESS

1. 29 Mechanic St / 125 Water Street – July 31, 2021 Auction – Attorney Karasek reported that Mr. Teel forwarded a copy of the sales agreement for the property based on the auction that was conducted on July 31, 2021. The basic agreement is for the price of \$255,000, \$5,000 was deposited. There was an addendum to the agreement that made clear that there will be metes and bounds description for the property so they know what they are receiving, which still needs to be completed. He also prepared a second addendum to the agreement regarding a missing tax number which has been signed. The proposed closing date is set for September 14, 2021.

On motion by George Hinton to do the perimeter description on the three parcels and seconded by Joyce McGarry. Roll call vote taken. Council agreed unanimously

On motion by George Hinton to sign the sales agreement for 29 Mechanic Street / 125 Water Street with the two addendums and seconded by Joyce McGarry. Roll call vote taken. Council agreed unanimously.

2. Verizon Cell tower – Louise Firestone reported that Ms. Susan Manchel sent an e-mail dated August 3, 2021 that includes a detailed sketch for the location of the tower at 545 East West Street. They put the elevation and compound plan of the actual structure on page two. Verizon requested feedback from the borough on whether they approve moving forward with the proposal. They were on-site last week and did survey work on our property at their expense. They do understand that they are responsible for completion of all the permitting and they will start that upon our approval to move forward. The original proposal as far as compensation has not changed, that subject has not been further discussed. Attorney Karasek said assuming that this is a telephone cellular tower, they are going to need Special Exception approval and go before the Zoning Hearing Board and comply with the cell tower ordinance. George said he

would like corner pins at the site to make sure that they are not pushing it too far to the west or south-west, so the borough still has the ability to utilize the back portion of our property.

On motion by Dave Manzo to allow Verizon to proceed with the process of putting up a cell tower on Borough property and make sure they are in compliance with the Cell Tower ordinance and any ordinance or permitting that would apply and seconded by Steve Bender. Roll call vote taken. Council agreed unanimously

COMMITTEE REPORTS

1. EMS – George Hinton reported that for the month of July the Ambulance responded to 169 calls, 11 ALS calls and 19 BLS calls in Monroe County, 22 ALS calls and 40 BLS calls in Northampton County, 77 non-emergency transports with an average response time of 2.63 minutes from dispatch to responding. They received quotes from two different companies for the purchase of a new ambulance. They also had a picnic at the park and handed out certificates of appreciation. They presented one to the borough thanking us for all that we do for them.

2. Fire – George Hinton reported that they are getting over the carnival and doing some other smaller fund raisers. This Saturday the doors open at 4:00 pm for their gun bingo at the Social Hall with the chance to win a gun or get cash value for it. Hopefully this will be as successful as the last fundraisers.

3. Regional Police – Dave Hess reported that for July, the Police Department responded to a total of 498 calls for service, 116 were for Wind Gap.

One Officer tested positive for COVID19 from an off-duty exposure, the officer was in quarantine for ten days and is now back to full-time duty. The budget meeting discussions will begin next week with the Chief, secretary, and the two Borough Managers and Township Manager. The arbitration award is in, we are pleased with the award.

4. Emergency Management – Dave Hess reported the 250 S Broadway accident, the yard has been remediated by the clean-up company that was contracted from the trucking firm. DEP has no issues and the property is still condemned.

5. Zoning – Tina Serfass reported that she had eight applications that were processed and permits were issued. She addressed the complaint regarding 424 West Center Street with the metal scraping materials. She did speak with the property owner as did Brian Pysher. They tried to explain to him that since he is collecting the scrap and turning it in and making a profit, it is considered a business and he cannot have a business there without having the proper permits. He has cleaned up the majority of the property. She had done site visits and will go back every other week or so to make sure it is cleaned up. No applications were submitted for the Zoning Hearing Board.

Tina reported that in July three zoning permit applications were for pools and they still need zoning and UCC unless it is less than twenty-four inches. She issued the permits and the property owners were notified to come in the office, pay the fees and pick up their permits but they never came in to get them. Last week she verified that two out of the three put up the pools without picking up the permits so she sent them letters stating they are in violation of the ordinance. One of the residents is upset because he had to get a permit for the swimming pool and had to pay the fees. In his case they are storable pools and they will most likely take them down so if next summer they put it in the same spot and do not make any changes or make the pool bigger, they do not need to submit for a new permit. He is upset because he thinks there

are other pools in the Borough that never got a permit. She has been issuing permits since she got here, making sure they all have their pool and UCC permits.

6. Planning – Dave Manzo reported that there was a brief meeting on August 11th for the property at 633 South Broadway, but because the owner had not received his letter from Lehigh Valley Planning Commission (LVPC) the meeting was an informal discussion about what needed to be done. His engineer was going to contact Brian to get some things straightened out for the September 2nd meeting.

The next meeting is scheduled for September 2nd and the agenda will include 633 South Broadway, Green Knights and maybe the billboard relocation on Male Road. Brian added that the owners of the property for the billboard were going to submit waiver requests, but that paperwork has not received yet.

7. Municipal Authority – Dave Manzo reported that the Authority discussed asking that no permits be issued to repair the house on South Broadway that was hit by the truck since the owner owes \$8,000 to the Municipal Authority and PA American Water wants to shut off the water to that property. Tina said that she sent him a letter informing the property owner that he needs permits prior to doing any repairs on the building because of the structural damage, but she has not heard anything. Dave reported that the old Galley Restaurant may want to put a warehouse there and they discussed the Travel Inn, it went from discussion of being shut down to being shut down.

8. Streets – George Hinton reported that the Street Department is working on the gutter line on Mechanic Street and getting it ready to pave. Rich and George had a conversation about preparation for winter and if any additional equipment is needed, such as a snow blower to hook to the skid steer for the sidewalks. They discussed a V-plow for the Ford F-550 which would assist in keeping the truck straight as they plow the alleys.

On motion by George Hinton to purchase the skid steer snowblower attachment for \$8,063.53 and a V plow for the 2013 Ford F550 in the amount of \$6,574.00 for the upcoming winter and seconded by Dave Manzo. Roll call vote taken. Council agreed unanimously

9. Park / Athletic Fields – Dave Manzo reported that he would like to have a meeting with the Athletic Association. Hopefully, this can be scheduled and happen before his next report to Council.

Community Garden – Joyce McGarry reported that the community garden is winding down. She said that there were a few people interested in the community garden, but did not know who to contact. She would like to put up a banner or sign so they know who to call.

Louise Firestone reported that she had a call from the consultant Craig Bachik, we are scheduling a pre-construction meeting with the contractor, CMR Construction, to discuss the next phase of construction of the park trail project.

10. Tipping Fees – Louise Firestone reported that the second quarter tipping fee check from Waste Management was received in the amount of \$73,711.07. Louise explained how the tipping fees are allocated and utilized for capital purchases and projects. Currently the funds are allocated as 45% going into Capital Reserve to offset the mortgage for this building and now, the maintenance garage, Street get 37% of those funds, Parks gets 7%, Buildings & Grounds get 5%, and Administration 4%. We also cut a check every quarter for the Blue Mountain Library who receives 2% of the tipping fees.

11. C.O.G. – Mike Laudano reported that their meeting is scheduled for Wednesday of next week. He will follow-up with the sale and payment of the leaf vac.
12. Slate Belt Rising – Louise Firestone reported that there was no meeting scheduled for August, but when they last met, they discussed year end budget items.
13. Multi-Municipal Plan – Louise Firestone reported that there is a meeting tomorrow night.
14. Mayor’s Report – Mayor Mogilski was absent so there was nothing to report.
15. International Property Maintenance Code (IPMC) – Attorney Karasek reported that he will have the Property Maintenance, Tickets/Parking, Snow Emergency ready for the next meeting.

ADJOURNMENT

On motion by Dave Manzo to adjourn the meeting of August 17, 2021. Council agreed unanimously. The meeting of August 17, 2021 adjourned at 8:37 p.m.

Louise Firestone, Borough Manager