

BOROUGH OF WIND GAP
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The Council meeting of the Borough of Wind Gap on Monday, December 7, 2020 was called to order at 7:00 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, George Hinton, Dave Manzo, and Joyce McGarry. Also participating were Mayor Mitchell D. Mogilski Sr., Borough Solicitor Ronald Karasek, Borough Engineer Brian Pysher, and Borough Manager Louise Firestone. Absent were Councilmen Mike McNamara and Jeff Yob.

PUBLIC COMMENT

1. W2A Design Group – David Drake, Christine Carl – David Drake joined the Council meeting with the progress and updates on the Municipal Garage. He had a meeting with the contractors last week, the anticipated schedule projects completion the end of this week. A walk through will be conducted with all interested parties this Friday to compile a “punch list” prior to project completion. He anticipates that early next week, they can issue a certificate of substantial completion which would allow the Borough to take possession of the building.

2. Adrienne Fors, Sr. Community Relations Specialist – Waste Management joined the meeting via Zoom. Ms. Fors monthly report is as follows:

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 2500 tons per day.
2. The horizontal gas collection well in Cell 17 is about 80% complete. The team will be wrapping this project up in the coming weeks.
3. Community Relations
 - a. Community Relations Since 2001, WM has provided almost \$19 million in EITC grants that help Pennsylvania students offset the cost of private school tuition and support outside-the-classroom programs for public school students. This year's funding also will provide assistance to children from under-performing school districts who wish to attend non-public schools. Locally, Grand Central Representatives awarded five organizations in the Slate Belt, Lehigh Valley and Poconos a combined \$25,000 in October.
 - b. Grand Central Landfill, Nestle Waters and fellow businesses in the Slate Belt proudly supported the Pen Argyl School District's Stuff the Bus event on November 20th. The school reached out for help as they received 12 pallets of food and didn't have anywhere to store them, let alone pick them up. Ultimately, the school decided to hold the event at GCSL's parking lot – which served as a

very nice setting for the event. The event collected more than 7,000 items and fed over 75 families.

- c. Pennsylvania Environmental Award; Grand Central Landfill and its partners were one of five recipients of the 30th anniversary PEC Partnership Awards. Grand Central and Friends of Minsi Lake were awarded the partnership awards within the first 25 mins of the program. You can watch it here <https://lnkd.in/emYA4Uk>
- d. WFMZ News Story: Grand Central was featured on 11/16 and again on 11/21 by WFMZ Meteorologist Drew Anderson's segment. In case you missed it, you can find it here: https://www.wfmz.com/news/area/lehighvalley/slate-belt-landfill-honored-for-preserving-the-environment/article_5f768f98-2748-11eb-bac4-130aedef4024a.html
- e. Recycling Webinar with Monroe County Waste Authority was held on November 18. The event featured the basics of recycling. The virtual 1-hour event was recorded and can be watched <https://youtu.be/oh6D6LtR0MU>

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.

3. Eric Fleming joined the meeting regarding his current status of suspension due to an incident that he was involved in on Borough property. He would like to get back to being a fire fighter and helping people. Attorney Karasek requested that Eric call him at his office to further discuss this situation.

APPROVAL OF MINUTES

On motion by Dave Manzo to approve the November 17, 2020 minutes and seconded by Joyce McGarry. Roll call vote taken. Council agreed unanimously.

APPROVAL OF EXPENSES

On motion by Dave Manzo to approve the expenses for November 2020 in the amount of \$62,401.44 and seconded by Steve Bender. Roll call vote taken. Council agreed unanimously.

On motion by George Hinton to approve CMR Constructions for the Park Trail in the amount of \$197,866.00 and seconded by Steve Bender. Roll call vote taken. Council agreed unanimously.

On motion by George Hinton to approve MSG Associates for the Concrete Aprons in the amount of \$94,850.00 and seconded by Dave Manzo. Roll call vote taken. Council agreed unanimously.

On motion by George Hinton to approve Nu Cor Management – Application No. 19300.10 for the Maintenance Garage in the amount of \$49,486.00 and seconded by Dave Manzo. Roll call vote taken. Council agreed unanimously.

SOLICITOR'S REPORT

Attorney Karasek reported that he will forward his report to Borough shortly.

JERC PARTNERS, LII, MALE ROAD SUBDIVISION PLAN

Attorney Karasek forwarded the letter that he received from Attorney Zator regarding the Lot Consolidation, Temporary Access Easement, and Monumentation Escrow to Council. Attorney Zator believes that JERC is at the point where the Subdivision Plan can be recorded. They are trying to coordinate the closing with the two properties.

Lot Consolidation –The Subdivision Plan envision consolidation of the Giroux acreage being acquired by the developer with the adjoining Vidders property, which also is to be acquired. Lot consolidation can only occur when both parcels are owned by the same person. The closing will occur in the future, but will not be occurring immediately following recording date of the Subdivision Plan. JERC acknowledges the obligation to consolidate the two lots. However, that cannot occur in connection with recording the plan.

Temporary Access Easement – A Temporary Access Easement is depicted on the Subdivision Plan. The Borough Engineer has approved of the metes and bound description for the Temporary Access Easement for the benefit of Giroux. It is not possible for the easement to be granted by Deed/Agreement of Easement at this time or at the time of the Plan being recorded. In connection with the recording of the plan, Giroux will continue to be the owner of the entirety of the land over which the easement will exist in the future.

Monumentation Escrow – Brian Pysher has indicated the necessary amount of the Escrow to address future monumentation of the site is \$2,600.00, which has been received by the Borough. The purpose of the escrow would be for the Borough to use that sum for the monument installation if the Developer would fail to fulfill its obligation to install monuments. The Developer recognized that a Certificate of Occupancy may be withheld by the Borough if the monumentation has not been installed at required property corners.

On motion by George Hinton that Wind Gap Borough receive a written correspondence clarifying the items discussed at tonight's (December 7, 2020) Council meeting and seconded by Joyce McGarry. Roll call vote taken. Council agreed unanimously.

Attorney Zator asked to make a request in connection with the motion, recognizing that Attorney Karasek will either prepare, review, and/or approve this agreement. Once he has approved it, recognizing the discussion we had this evening, and it has been signed by JERC, they would request that the normal Borough process of recording be allowed to proceed without having to wait for the next Borough Council meeting to have it signed. This is a process he often uses in other Municipalities and would like to make that request of Council.

Attorney Karasek said that if Attorney Zator can prepare an agreement that he can look at, we may be able to vote on this at the mid-month meeting. Attorney Zator said that he thinks that there is no objection to the approach that they discussed, the idea is that JERC needs to be legally obligated to what was represented in his letter. Rather than actually drafting a contract from scratch, he would like to use the document from JERC in a one-page agreement that it is committing to all the representations outlined in the Zator letter and attach it as an exhibit. Would this work for Attorney Karasek and Borough Council? Attorney Karasek said that it works for him, something in writing as long as it is in recordable form so it can be recorded at the Courthouse along with the plan or shortly thereafter. George Hinton said that he is fine with this approach.

ENGINEER'S REPORT

Brian Pysher reported that Council should have a copy of a letter he sent regarding 40 S. Broadway. He said that 40 S Broadway is the former hardware store purchased by MK6 LLC with the intent of constructing a building to house multiple professional offices. MK6 LLC applied and was granted a variance for the parking, there was a site plan that was submitted in association with that application that showed additional parking in the front. The Borough received a complaint from Robert Aide, who owns the property to the south, regarding the grading that was done on the south side of 40 S Broadway. As the Borough Engineer, it is our opinion that the grading that was done has relocated the drainage patterns and increased the run-off onto the southern property. The zoning permit that was issued, makes no reference to any type of grading. The site plan makes no reference to any type of grading. Mr. Pysher's letter asked the owner of that property to restore it back to pre-construction. He had a conversation with Richard Pierce, the contractor for Mark Kukla the property owner, and based on his last conversation with him, it did not appear that he had any intention of restoring it back to the original condition. Mr. Aide has been persistent with contacting the Borough and sending pictures, videos, and documenting the storm during the heavy rain and claims that he now receives more water in his basement. Mr. Pysher asked Attorney Karasek where does the Borough go from here regarding the permitting and the complaint of the neighbor. Attorney Karasek asked Brian if this is a private dispute between two neighbors/property owners. Generally, he advises the Borough not to become involved in a dispute between property owners and if it is, he is not sure that we get involved unless the storm water or other problems are overflowing onto Borough streets or Borough properties. If something was done improperly or is not in the zoning permit, and should have been listed in the zoning permit, this is something that the Borough Zoning Officer should handle. This is a disagreement between two neighbors unless Ms. Serfass wants to issue a violation of the zoning permit. Attorney Karasek said that Brian can prepare a brief report regarding grading issues and send it to Ms. Serfass saying that due to this report we would like her to revisit this issue.

Brian Pysher reported that the aprons are finished, there is some repair work that they need to do. As already reported by the W2A Design Group (architects) the Maintenance Garage completion is continuing and hopefully the Borough will have some closure with that project by the end of this week.

NEW BUSINESS

1. Resolution – 2020-07 – 2021 Budget Real Estate Millage Remain at 16 Mills – Attorney Karasek said that Council should be aware that last year an amendment was made to the Borough Code stating that if the millage is not increased, Boroughs do not have to prepare an ordinance, advertise or go through that extra expense etc. they can prepare a resolution saying that the millage is remaining the same as last year. A Resolution has been prepared for adoption by Council.

On motion by George Hinton to adopt Resolution – 2020-07 – 2021 Budget Real Estate Millage Remain at 16 Mills and seconded by Joyce McGarry. Roll call vote taken. Council agreed unanimously.

2. 2021 Council Meetings - Attorney Karasek reported that the change that was made to allow the Borough to have a ZOOM meeting was conditioned upon a State of Emergency. The Borough will have to continue to monitor the validity of holding public meetings via the ZOOM platform.

On motion by George Hinton to advertise the first quarter of Wind Gap Borough 2021 Council meetings to be via ZOOM and seconded by Dave Manzo. Roll call vote taken. Council agreed unanimously.

3. Animal Control Service Agreement – 2021 – Pibbles Paws Safe Haven

On motion by George Hinton to contract with Pibbles Paws Safe Haven for Animal Control Service Agreement for 2021 at a cost of \$2,818 (\$1.00 per capita) and seconded by Dave Manzo. Roll call vote taken. Council agreed unanimously.

4. No Nonsense Neutering Agreement – 2021

On motion by George Hinton to sign the No Nonsense Neutering agreement for cats only for 2021 (\$35 per cat voucher used) and seconded by Joyce McGarry. Roll call vote taken. Council agreed unanimously.

Council President Dave Hess reminded those in attendance that the next Council meeting is Tuesday December 22, 2020 at 7:00 p.m.

ADJOURNMENT

On motion by Dave Manzo to adjourn the meeting of December 7, 2020. Council agreed unanimously. The meeting of December 7, 2020 adjourned at 8:07 p.m.

Louise Firestone, Borough Manager