

**BOROUGH OF WIND GAP
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The Council meeting of the Borough of Wind Gap on Monday, February 7, 2022 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, David Manzo, Patrick Webber, and Alex Cortezzo. Also, in attendance were Mayor Wesley J. Smith, Borough Solicitor Ronald Karasek, Borough Engineer Brian Pysner, and Borough Manager Louise Firestone. Absent were Councilmen Dave Hess and Jeff Yob.

PUBLIC COMMENT

1. Blue Mountain Library – Judy Piper, Treasurer for Blue Mountain Community Library along with Valerie Viglione, Kathy Hinton, and Jill Silvius came before Council to thank them for their contributions to the library. Wind Gap Borough Council has been faithful over the years and they appreciate every penny they receive because it enables them to function as a library within the Pen Argyl Area School District. Jill Silvius gave a report regarding programs, fundraisers and financials for the library.

2. Adrienne Fors, Waste Management – Adrienne Fors came before Council and presented a letter dated January 27, 2022 outlining the financial and service benefits provided by Waste Management to the residents of Wind Gap Borough. Adrienne said they will be asking the Girl Scout Troops in the Slate Belt how they can help their community. She would like to partner with Wind Gap and Pen Argyl to do a park cleanup around or after Earth Day. If there is an opportunity to do something together and get the girls involved, they would love to partner with the Borough.

APPROVAL OF MINUTES

On motion by Dave Manzo to approve the January 18, 2022 minutes and seconded by Steve Bender. Roll call vote taken. Council agreed unanimously.

APPROVAL OF EXPENSES

On motion by Dave Manzo to approve the expenses in the amount of \$22,784.33 and seconded by Patrick Webber. Roll call vote taken. In favor: G. Hinton, D. Manzo, P. Webber. S. Bender. Abstained: A. Cortezzo. Motion carried 4-0-1.

SOLICITOR'S REPORT

MEETINGS ATTENDED:

January 3, 2022 – Unable to attend. However, did review Council's Meeting Minutes.
January 18, 2022 - attendance at regular mid-month meeting of Borough Council.

SUBDIVISION MATTERS: None

LAND DEVELOPMENT MATTERS: None

ZONING AND OTHER LAND USE MATTERS:

Receipt, Review and Administration of Borough Zoning Officer Determination Variances Required for P. Albanese project for Multiple Residential Family Housing (3 Units) at 614 Broadway.

Receipt, Review and Administration of Verizon Cell Tower Lease file in preparation for mid-month Borough Council.

DEVELOPMENTS ON OUTSTANDING LITIGATION: None

COURT DECISIONS ON BOROUGH CASES: None

MISCELLANEOUS:

Preparation of Monthly Solicitor's Report.

Outstanding Items:

Stop Sign Ordinance

Dog Park Ordinance

ENGINEER'S REPORT

Brian Pysher reported he is working on the bid specifications for the paving project on Lincoln Street which will get advertised once the weather warms up. Due to the weather, no field work on Constitution Avenue has occurred yet. He is also working on the bid specifications for the paving at the Municipal Complex. Brian informed Council that Wind Gap Electric was onsite to begin the hookup of the generator to the new maintenance garage.

NEW BUSINESS

1. Acela MS4 Engineering Professional Services Proposal - \$30,000 – Brian Pysher said that late last year, the Borough advertised for professional services for the MS4 permitting that has to do with stormwater discharge. A meeting was set up to discuss the proposal with representatives from Acela Engineering. Acela provided a proposal to Wind Gap to complete the necessary work as required by DEP.

On motion by Dave Manzo to accept the proposal from Acela Engineering at the rate of \$30,000 to do the MS4 work to bring up back into compliance with DEP and seconded by Alex Cortezzo. Roll call vote taken. Council agreed unanimously.

2. OSJ of Wind Gap LLC – Fair Market Value / Assessment Change - Attorney Karasek said that the Borough received an Order and Stipulation from Attorney Corriere, the Assistant County Solicitor, regarding the real estate tax assessment appeals for the property of OSJ of Wind Gap LLC, formally known as the K-Mart. The request indicates that the County has already approved the market value of the property from \$6,175,000 to \$4,745,000 based upon the fair market value as it sits. In fact, it is even higher than the sale price. Attorney Karasek explained that recently a letter was sent by the County that moving forward, if municipalities want to contest the Real Estate Tax Appeals, they have to get actively involved. Council has to make a decision as to whether they want to get involved with fighting these things because ultimately, he is not sure how cost effect this would be. Dave Manzo asked if we could get an explanation as to why there is this reduction in the taxes. The attorney for OSJ said that the appeal was filed because the fair market value of the property is substantially lower than what it is on the assessment. If Council is unsure why the changes have been made, he can contact the Assessor's Office and ask for an explanation.

On motion by Dave Manzo to ask for clarification from the County regarding the tax assessment and table the issue until our workshop meeting and seconded by Patrick Webber. Roll call vote taken. Council agreed unanimously.

3. Slate Belt Rising – Park Community Event – June 11, 2022 - George Hinton said that Slate Belt Rising is looking to have a fundraising event at our park.

On motion by Dave Manzo to allow Slate Belt Rising to use Wind Gap Park for a community event with the stipulation that it may not be June 11th and seconded by Patrick Webber. Roll call vote taken. Council agreed unanimously.

4. Board Appointment – Mike Laudano Zoning Hearing Board

On motion by Steve Bender to appoint Michael Laudano to the Zoning Hearing Board and seconded by D. Manzo. Roll call vote taken. Council agreed unanimously.

5. Prolific Landscape, Inc Spring Maintenance Package Approval - \$4,515.64 - George Hinton reported that Prolific has previously done work in the park cleaning up the islands.

On motion by Alex Cortezzo to approve Prolific Landscape, Inc Spring Maintenance Package Approval for \$4,515.64 and seconded by Patrick Webber. Roll call vote taken. Council agreed unanimously.

OLD BUSINESS

1. Verizon Cell Tower – Louise Firestone reported as a follow-up to the last meeting, the motion was to advertise land for lease, she contacted Sprint, AT&T, T-Mobile and other cell carriers. Unfortunately, any 800 phone numbers related to real estate that were contacted never allowed the opportunity to discuss any interest by that provider. She had a phone conversation with the Verizon Representative and their Attorney and explained to them Council's concern about our tax exemption status of this property and the small property that they would be utilizing to erect the tower. Their attorney understood our concerns, he said that he has never had any problems with tax exemption on any public property. If Council would still want her to advertise, she will need very specific instructions on how to put that ad in the newspaper. Verizon mentioned that they do not put their equipment on other towers so if for some other reason another cell carrier was to erect a tower on this property, Verizon would probably walk away. Verizon verbally confirmed that they are very agreeable to subdividing, they have no problem and they also spoke with their zoning attorney and they are well aware of the procedures necessary to move this project forward. Attorney Karasek said that he believed that if you are going to proceed, you should subdivide the property. There may need to be some zoning changes. He would like to see something in writing, that Verizon will pay for any sketches, zoning variances, subdivision fees, land development fee, etc.

On motion by Dave Manzo that we would like something in writing by Verizon that they will be responsible for all Zoning, Subdivision, and Land Development costs and seconded by Steve Bender. Roll call vote taken. Council agreed unanimously.

2. Attorney Karasek wanted Council to be aware that at the March 3rd Planning Commission meeting, the Billboard matter will be coming before the Planning Commission Board possibly for a final review and we also received a sketch plan from Cosmos Development LLC for review.

ADJOURNMENT

On motion by Dave Manzo to adjourn the meeting of February 7, 2022. Council agreed unanimously. The meeting of February 7, 2022 adjourned at 7:42 p.m.

Louise Firestone, Borough Manager