

**BOROUGH OF WIND GAP
545 East West Street
WIND GAP, PA 18091
610-863-7288
FAX 610-863-1011**

The Council meeting of the Borough of Wind Gap on Tuesday, February 16, 2021 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, David Manzo, Joyce McGarry and Jeff Yob. Also participating were Borough Solicitor Ronald Karasek, Borough Engineer Brian Pysher, and Borough Manager Louise Firestone. Absent were Mayor Mitchell D. Mogilski Sr. and Councilman Mike McNamara.

Councilman Jeff Yob left the meeting at 8:07 p.m.

PUBLIC COMMENT

1. Chief Hoadley, Slate Belt Regional Police – Traffic Violation Tickets - Louise Firestone reported that Slate Belt Regional Police Chief Hoadley was invited to the meeting to discuss how Pen Argyl Borough deals with parking violations and enforcement. Pen Argyl Borough has been very successful in eliminating some of the parking issues during snow emergencies and through complaints.

Chief Hoadley said that the Police Department made an impact with parking in Pen Argyl and he thinks this would be fantastic for Wind Gap. Wind Gap's Ordinance does cover unregistered and uninspected vehicles but to enforce it, it is a citation with the fine amount at \$100.00. The Department have been using that approach sparingly, basically complaint driven as opposed to actively giving out violations and writing out citations with a heavy fine amount. A Parking Ticket Ordinance would allow the Borough the freedom to set parking ticket fine amounts.

On motion by George Hinton to have the Borough Manager sit with the Chief of Police to come up with a citation protocol that is appropriate for Wind Gap and seconded by Dave Manzo. Roll call vote taken. Council agreed unanimously.

2. Kevin Correll – K.C. Mechanical – Maintenance Garage – Kevin Correll said that he wanted to make himself available to Council regarding the ongoing project at the new maintenance building and to answer any questions or discrepancies that they might have. He received a letter from the Solicitor last week stating that they were in violation of not finishing the punch list, but he confirmed that K.C. Mechanical completed the on January 29, 2021, as per direction from the engineer from Wallace Watson (W2A Design). Brian Pysher reported that on January 30, 2021, the unit heater in the big garage was not working, the thermostat was turned off and the exhaust fans were running even though the fans were to be programmed from seven a.m. to five p.m. Monday through Friday according to the plans. The big portion of the garage was around 44 degrees, the smaller area of the maintenance garage had the unit heater running. Brain confirmed with the electricians that the fan in the bathroom was not working. Multiple e-mails have been sent acknowledging that there are issues, but he said they are not necessarily punch list items, but maintenance items. The main issue is to get all the mechanical

issues functioning as they were designed to operate. Kevin explained that the Borough would have a one-year warranty with us so no one is walking out the door. Kevin will be on-site on Wednesday, mid-morning to look at these items. George Hinton asked Brian if he would be available to meet Kevin at the maintenance garage tomorrow, Brian said that he will be there.

3. Joe Correia, J. G. Petrucci – Male Road Project - Joe Correia said wanted to get on the agenda to discuss an update on the project and to request an Indemnification Agreement. The one remaining item was the part two sewer permit from DEP and it was finally issued and approved last Monday. As part of their approval, they recently made a submission back to the Borough and Plainfield Township to make sure that they complied with all the conditions that were set forth in their approval. He knows the Mr. Pysher is still in the process of reviewing a Preliminary Opinion of Probable Construction Costs and once they get the okay, they can start working on the development agreements and posting security. A few weeks ago, he mentioned that the highway occupancy permit for the DS Burke property, formally known as the Silverline property, was issued. Their plan was to complete those improvements prior to starting the main construction. They did mobilize equipment last week and were anticipating to start last Monday. Due to the weather, that did not happen so they were hoping to get started tomorrow. This work should only take about a week to complete. The Indemnification Agreement would put them in a position to start site work once the weather starts to cooperate. As they start to finalize the agreements, they will post the security which is necessary to record the plan. Attorney Zator reported that they closed on the DS Burke and Giroux properties, his clients are now owners of the properties. The Consolidation Deed was a matter of interest to the Borough as it was part of the Requirements Agreement that was executed a few weeks ago and filed with the County. The Municipality Planning Code allows the developers to start the construction activity at their own risk as soon as the Preliminary Plan Approval has been granted. Attorney Zator has provided a copy of the signed agreement with Plainfield Township to Attorney Karasek. They pursued that because they wanted to proceed with the emergency access construction. The agreement is not so limited to be just for the emergency access, it allows for the earth moving activity for the site work to occur on the entire property in Plainfield Township and it would make sense to not draw that boundary line with their contractor and allow the site work to progress in both municipalities. The agreement does allow for the site work to proceed, the NPDS permit is already in place. If there are any particular permits, with grading or site work to apply for and obtain, insurance would get posted with the Borough. The Borough would require a pre-construction meeting involving the Conservation District. They recognize that starting this way would be at their own risk. They are here requesting that Council consider this request and authorize the Borough Solicitor to prepare the appropriate agreement.

Attorney Karasek reported that he looked at the paperwork that was forwarded to his office that was basically the Indemnification Agreement which permits earth moving to begin but it is not an agreement to begin vertical construction of buildings. He informed Mr. Zator that he has not been in a situation where earth moving begins without a Performance Agreement and Security in place. Brian Pysher said that the key is that this is at risk, there are no significant issues with the plans as it was approved previously. He spoke with the Plainfield Township manager and engineer and it seems that everyone is on the same page with this. Mr. Pysher recommends that Council proceed as Plainfield Township did, require money in escrow for inspection or the earth work and site improvements. Attorney Karasek said that Plainfield Township required a \$10,000 deposit for engineering and/or legal fees to be replenish as requested. Brian said he can follow up with the Borough Zoning Officer to see if there are any permits that she needs to issue with respect to the site work.

Wind Gap Borough Zoning Officer, Tina Serfass, reported that the Borough still has to issue a zoning permit for the portion of the site that is in the Borough, but it is her understanding that Plainfield Township would be using their building code official for all inspections for

construction of the project. She has not issued any zoning permits, she reviewed zoning when it was first submitted and it meets the zoning parking requirements for our side of the project.

On motion by George Hinton to table this until the first meeting of the month and to have Attorney Karasek and Brian Pysher review all the documents for the next Council meeting.

On motion by George Hinton to amend the motion to have Attorney Karasek and Brian Pysher make sure everything is available and for Council to have the information that they need to look at prior to that meeting so an intelligent decision can be made.

Mr. Correia stated that the developer does not plan to start within the next few weeks so if it is okay for Attorney Karasek to at least prepare a draft of that agreement it would be greatly appreciated, this of course is totally at their expense. The plan is to start reaching out to soil conversation, utility providers, and the same to Chief Hoadley with his concerns monitoring the bridge during construction activity. It will take him two to three weeks to schedule a pre-construction meeting. Coming out of that meeting they would like to be in the position to start site work as mentioned earlier. If that is agreeable to everyone, they would appreciate it.

On motion by George Hinton to amend the motion to have the Solicitor create the agreement, send to Council for their review and to vote at the next Council meeting and seconded by Joyce McGarry. Roll call vote taken. Council agreed unanimously.

4. Male Road – Bridge Report – Brian Pysher reported that the Borough received the Male Road Bridge Report and had a Zoom meeting with gentlemen from PCS, Pickering, Courts & Summerson, the consultants from PennDOT that they contract to inspect the bridges. They did an inspection last May and they did decrease the deck wearing surface and the deck itself. There is cracking in the bituminous which is allowing water to seep down through the beams that support the structure, so that rating was reduced from a six to a five. They spoke for quite a while and discussed options for the Borough and the course of action for the Borough to try to secure funding, if the Bridge has to be replaced. Louise and Brian spoke and agree that the best course of action is to talk to the State Representatives to get this on their agenda. Wind Gap Borough owns the portion of Male Road and the bridge within Wind Gap. The Borough receives a turnback fee of \$1,680 per year, but is required to have the bridge inspected. The bridge used to be inspected every other year, because of the condition of the bridge, PennDOT determined that the bridge be inspected annually at a cost to the Borough of approximately \$2,200. Now is the time to discuss a plan to involve all the property owners and developers as everyone who has an interest off of Male Road will be affected if the condition of the bridge decreases and the weight limits will be reduced. There are priority action items and recommendations that are more maintenance items. George Hinton added that he has asked for a letter of support, he asked for financial assistance, and he asked for help with a bypass for 512 on Male Road on the opposite side of the bridge explaining many times how this was going to affect a lot of people. If that bridge gets to a point that it goes to one lane it is going to affect everyone.

NEW BUSINESS

There was no New Business to be discussed at this time.

OLD BUSINESS

1. Snow Emergency Ordinance – Street Designations – Dave Hess reported that the current ordinance does not list and specify the streets that are on the Snow Emergency Route. The following three topics need to be discussed in order to properly update the Snow Emergency Ordinance:

- The criteria for declaring a snow emergency – To declare a snow emergency if there is a winter snow warning issued by the National Weather Service for six or more inches of snow.
- The posted routes – We are proposing the entire 512 corridor, from A Street to just past the Detzi's line where Wind Gap Borough ends, North Broadway from the traffic light at the Turkey Hill to the top of the hill where the Borough line ends, South Lehigh Avenue from the monument down to Third Street which is an alternate North – South Route for the majority of the traffic in Wind Gap.
- East Third Street from the traffic light at Broadway to the Borough line that is just around Midvale Road. This is due to the cars parked from Broadway to S. Lehigh. It is pretty much down to one lane during a snow storm making it so the plows can't go down and the cars get buried.

Dave Hess suggested making all of West Street, East West and West West Street due to the emergency vehicles coming out onto West Street. That would be another East - West direction to get moving quickly to get to Route 512 and South Lehigh.

Lastly – what to do with all the cars that people are forced to move. We are finding that people are parking in the main lot at the park, so we can offer that option. Also, the lower lot at the park can be utilized which will help the people on South Lehigh. He would like to approach the Fire Company to see if the Social Hall parking lot could be used for the residents of North Broadway, the northern part of South Lehigh and the upper part of 512.

We can discuss, make changes. Dave Hess asked that Council review and provide any suggestions at the next meeting.

2. 29 Mechanic / 125 Water Street – Real Estate Sale - Louise Firestone reported that Mr. Belon appraised those properties in 2009, 2013, and 2016. Mr. Belon indicated that he will be out next week and provide an updated appraisal within the next two to three weeks.

COMMITTEE REPORTS

1. EMS – Dave Manzo reported that for the month of December the Ambulance responded to 143 calls, 5 ALS calls and 22 BLS calls in Monroe County, 22 ALS calls and 34 BLS calls in Northampton County, 60 non-emergency transports with an average response time of 2.14 minutes.

2. Fire – George Hinton reported that the meeting was postponed this week. He will discuss the use of the Social Hall parking lot for snow emergency parking at the next meeting.

3. Regional Police – Dave Hess reported that for January, the Police Department responded to a total of 457 calls for service, 124 were for Wind Gap.

Dave Hess reported that the Department received recognition of Compliance from the Department of Justice pursuant to the Presidential Order on Safe Policing on Safe Communities. This allows the Department access to Federal Grant Funding to help maintain their accreditation. The Departments drug testing has been started. Three Officers including the Chief were randomly for the testing and all results were negative. The Auditors began the Department 's audit on February 11th, so far no issues have been reported.

4. Emergency Management – Dave Hess reported that the NIMS training is really simple to do and it is required, everyone needs to get it done. The second COVID-19 vaccine was postponed last night by the request of the distributor in Wind Gap. It has been rescheduled for next Monday. The quarterly Emergency Management meeting is coming up and he will be attending virtually in the next few weeks.

5. Zoning – Tina Serfass reported that she issued seven zoning permits for January. A Zoning Hearing Board meeting is scheduled for April regarding 67 Park Avenue, the old vacuum repair shop. The building had a residential unit upstairs along with a business on the first floor. The business is a non-conforming use and it is not a permitted use. The potential purchaser of the property wants to have two separate uses at that property, one residential and one commercial so he has to be granted a variance. She reported that she received an e-mail from PennDOT stating that they are going to be doing street repairs on the 512-corridor starting in June.

Tina stated that Mr. Hinton had some concerns regarding permits and/or zoning hearing that were enforced with the two banks. Lafayette Ambassador Bank changed their name from Lafayette to Fulton which was a name switch on the sign, they did not change anything on the sign. As far as the Fidelity Bank, she originally issued a zoning permit for a sign then they came back and decided they wanted a larger sign that exceeds the limitations in the ordinance and they wanted to go higher so they needed a variance and had to apply to the Zoning Hearing Board because of the size. As far as the water issue at 40 South Broadway, the water issue has been there for years. With all the rain the we had; it created a bigger problem. Mr. Kukla had taken down the walls to that building and just rebuilt on the original footprint. When they took the walls down, they found that one corner of the building, the footer was knocked down the frost step. Instead of knocking down the whole foundation and starting new, they opted to build up that part of the foundation. According to the Zoning Ordinance, if the grading is incidental to the project, it does not require a permit. She has never issued a zoning permit for grading, usually, grading is reviewed by the Engineer and he does the same with the stormwater. They sent calculation into Brian for review, she does not believe that was done yet, Bob Collura was out with health issues so she is not sure if they have gotten a chance to review those stormwater calculations.

George asked about the Gassler project, did the potential purchaser come back after Council met. Tina said no, she has not heard from them. She denied their request because it was not a permitted use. She explained to him that he had thirty days to appeal and go to the Zoning Hearing Board if he wanted to do so. She denied the zoning application on October 1, 2020, hand delivered that denial letter and informed the applicant that he had thirty days to submit to go to Zoning Hearing for a variance. In December, his attorney called and she explained to him that he was given the denial, explained the procedure to go to the zoning hearing for a variance and he chose not to do so. The attorney said that he did not know that he applied for zoning and that he got the denial. At this point, if they want, they would have to reapply for zoning, get the denied and appeal. She would not suggest changing the zoning just for that property. That would be spot zoning.

6. Planning – Dave Manzo reported that the Planning Commission met on February 4, 2021 for Tractor Supply. They are proposing to install a greenhouse on the outside of the building previously occupied by K-Mart. There were issues with the parking of tractor trailers and blocking sidewalks. They may come back and resolve that at some point. George Hinton said that Tractor Supply has a tendency to put pallets of whatever in front of the store. The drawing showed one area for their utility trailers in the back parking lot, but some stores put them in the front parking lot. The concern is that the sidewalk is only so wide and if they are allowed to put items on the sidewalk and/or restricting the sidewalk so it went in with conditions.

During the Planning meeting, George asked about the snow load and wind load and the developer did not know those number, but did indicate that the Borough's Zoning Officer looked at them and was comfortable with them. Tina informed that the snow load for Wind Gap is 30 and wind load is 90 according to the building code.

7. Municipal Authority – Dave Manzo reported that the Municipal Authority had a reorganization meeting and spoke about the development of the Galley Restaurant as a possible hospital. They discussed the Keenhold properties whether they are uninhabitable and if there would be a water shutoff. The Abel Colony Bridge is going to be closed soon. There was an issue with the warehouse on Jacobsburg Road regarding water usage.

8. Streets – George Hinton reported that the Street Department plowed and salted the streets and alleys. The Borough received an e-mail from Mary Mainhardt praising the street department very doing a wonderful job removing mounds of snow from North Lehigh Ave.

Louise Firestone reported that one of our Street Workers has an accident and will out of work for a few weeks. We are fortunate that we hired a dependable part-timer that has been helping during this season.

9. Park/Athletic Fields and Walking Trail Nothing to report.

10. Tipping Fees – Nothing to report.

11. C.O.G. – Nothing to report.

12. Slate Belt Rising – George Hinton reported that the major discussion was the potential loss of funding, \$50,000, from Waste Management. They do not think that Northampton County will let it fail, but the reality is that trying to find a donor of that magnitude is going to be tough.

13. Multi-Municipal Plan –Nothing to report. They will not meet potentially until March.

14. Mayor's Report – Nothing to report.

15. International Property Maintenance Code (IPMC) – Dave Manzo said this process in moving along. He will meet with Louise Firestone to discuss additional items. We should be able to vote to adopt the International Property Maintenance Code in March. This would also include voting on the enforcement agent and the arbitration agency.

16. Committees: Dave Hess reported that when he asked about Committees and if anyone wanted to move around, George Hinton expressed interest in being on the Police Commission. He will be given the links to attend the meetings. We need a strong support of representatives on this committee and Mr. Hinton is welcomed.

ADJOURNMENT

On motion by Dave Manzo to adjourn the meeting of February 16, 2021. Council agreed unanimously. The meeting of February 16, 2021 adjourned at 8:39 p.m.

Louise Firestone, Borough Manager