

**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 18, 2020, was called to order at 7:06 p.m. by Council President Dave Hess, at which time he reminded those present that the meeting was being recorded. In attendance were Councilmembers: George Hinton, Joyce McGarry, Mike McNamara, David Manzo, Jeff Yob, and Steve Bender. Also, in attendance were Borough Solicitor Ronold Karasek and Borough Administrator Louise Firestone. Absent were Councilman Dave Manzo, Mayor Mitchell D. Mogilski Sr., and Borough Engineer Brian Pysler.

**PUBLIC COMMENT**

No public comments were heard at this time.

**APPROVAL OF MINUTES**

**On motion** by Mike McNamara to approve the February 3, 2020 minutes and seconded by Joyce McGarry. Roll call taken. Roll call vote taken. Council agreed unanimously.

**NEW BUSINESS**

1. Nucor Management – Garage Bond Pay Request - \$6,750.00

**On motion** by George Hinton to approve NuCor Management’s Garage Bond Pay Request in the amount of \$6,750.00 and seconded by Jeff Yob. Roll call vote taken. Council agreed unanimously.

2. GKEDC – PA American Water – Fire Hydrant Agreement

**On motion** by Jeff Yob to accept and sign the Fire Hydrant Agreement and seconded by George Hinton. Roll call vote taken. Council agreed unanimously.

3. GKEDC – Met-Ed – Utility Pole Agreement

**On motion** by Jeff Yob to accept and sign the Utility Pole Agreement and seconded by Mike McNamara.

George Hinton asked if we are sure that the poles and fire hydrants are located in Wind Gap, because there are only three tax parcels from this project that are actually within the borough limits. Attorney Karasek and councilmembers reviewed the submitted map which was scaled down and difficult to see. The map is not definitive enough to allow a determination on where the poles and hydrants are physically located, either Wind Gap or in Plainfield Township.

**On motion** by Jeff Yob to amend his motion for the street lights to only approve those lights within the Borough's limits and seconded by George Hinton. Roll call vote taken. Council agreed unanimously.

**On motion** by Jeff Yob to rescind his previous motion to approve the Fire Hydrant Agreement to determine what hydrants are in the Borough and seconded by George Hinton. Roll call vote taken. Council agreed unanimously.

4. Bus Shelters - Dave Hess said that we have two bus shelters that we were not able to use and his thoughts is that since this is a no smoking facility, we can erect one here at this building as a smoking shelter and we give one to the Fire Company to put at the Social Hall as a smoking shelter.

**On motion** by Mike McNamara to give one of the bus shelters to the Fire Company to use as a smoking area at the Social Hall and seconded by Joyce McGarry. Roll call vote taken. Council agreed unanimously.

Dave Hess said that we will research our no smoking policy for the property and if it allows, we can put one here at the Municipal Complex.

5. Property Maintenance Code – Dave Hess said that he suggested last month that Council seriously consider adopting an International Property Maintenance Code, it is a big part of Slate Belt Rising and the Slate Belt Multi-Municipal Comprehensive Plan. Dave asked what the first step would be to adopt the code? Attorney Karasek replied that Council would have to determine what code would be used and what provisions should be included. An appeals board would have to be established should someone want to appeal a determination and that would not necessarily be through the COG, as their appeals board is for the Uniform Construction Code. Under the new IMPC (International Property Maintenance Code), he thinks the borough would need the board to include an engineer, architect, electrician or other certified professionals. Dave suggested that we ask other surrounding municipalities what they are using so we can blend with the other municipalities in the Slate Belt and try to have some continuity. Attorney Karasek said we might also want to ask how it is working, has there been any problems etc. He said the some of the properties that the borough had issues with could have been condemned through the Property Maintenance Code.

## **OLD BUSINESS**

1. Fork Lift and Shelving Purchase Approval - Dave Hess contacted all of Council for their approval therefore; Rich Fox purchased a fork lift and shelving for the new maintenance garage.

2. Attorney Karasek reported that tomorrow he will be sending out the General Note package to PADCED, a copy here, one to Mark Jobes the Senior Vice President of Marketing for Merchants Bank, and a copy to Attorney Pierce who represents Merchants Bank.

## **COMMITTEE REPORTS**

1. EMS – George Hinton reported that the Ambulance has a meeting tomorrow evening. Nothing else to report at this time.

2. Fire – Mike McNamara reported that the Fire Company had seven (7) calls for the year.

3. Regional Police – Dave Hess reported that Police Department responded to a total of 569 calls for service in January, 166 were for Wind Gap.

Officers completed the background investigations on the 5 candidates for the patrol officer position. Upon completion, candidate Eric Johnson was found to be the most qualified for hire with the Department. Eric Johnson is a three (3) year veteran with the Pocono Mountain Regional Police Department, which is an Accredited Agency. He brings SWAT training, and hostage negotiation training, to our Department. He is also a certified firearms instructor. We will be asking the Commission to allow us to extend Eric Johnson a conditional offer of employment, pending a physical and psychiatric evaluation.

4. Emergency Management – Dave Hess reported that the plan is at the County along with the Resolution.

5. Zoning – Mike McNamara reported that the Zoning Hearing Board granted a variance for Ken's Auto to allow him to both repair and sell cars. The Board also granted a variance to allow Kim Guerin to have a Real Estate office in her home on Broadway. At the Planning Commission meeting, the board discussed how a resident could request and be granted a variance if they did not own the property. Attorney Karasek did call the Zoning Hearing Board Solicitor, Attorney John Molnar, as directed by the board to inquire how a variance could be granted, but has not heard back from him yet. Attorney Karasek said that under the Zoning Ordinance, Attorney Molnar has to prepare a written decision within 45 day of the hearing, within 30 days of that written decision the Borough could make an appeal. Council would have the right to say that the variance was issued in error because she was not the owner. He will have to hear the opinion first to be able to determine how Attorney Molnar writes the standing issue as to why she has standing. If the company, that now has the ownership of the property, says that she can live there as a tenant and gives her the right to make this application for us as the property owner there would be a basis for her to do that. George said that his concern is setting a precedent for the next person who has the same request.

6. Planning – Attorney Karasek reported that BioSpectra filed an application, but has not yet proceeded. Their planning professional said they just received the review letter from Brian so they wanted to table it until the March 5, 2020 Planning Commission meeting. George reported that BioSpectra initially wanted to keep the pipe under the building when they redo it. After discussion at Robert Collura's office they have agreed to put the pipe around the outside, but they are asking for a waiver of land development.

7. Municipal Authority – Dave Manzo was not present but he did send an e-mail to Dave Hess stating that their last meeting was a re-organization meeting. The Municipal Authority addressed Water's Edge and EDU's, Green Knight, JERC and the coordination between Council and the Authority.

8. Streets – Jeff Yob reported that Brian was going to do research for the light on East 1<sup>st</sup> Street and he is working on the plans to go out to bid. George asked what we are doing regarding hiring, Louise replied that to date, we received three applications. Jeff, George and Rich will get together Friday afternoon around 2:30 to review the applicants.

9. Park/Athletic Fields – Rich Fox reported that we had a tree taken down today at the Municipal Complex. There are four trees in the park that need to come down, but it is something that we cannot do because of the fence and wires. He got a price for the company that took the tree down today, he said that for \$4,100 he can take the four trees down, clean up, and grind the stumps. Jeff said that we should get another quote just to have a comparison.

Louise Firestone said that regarding the park trail, she gave everyone a copy of the questions that came in with the RFP. The RFP, the request for proposal, was sent to approximately 15 consultants and it was advertised on a Planning Web-site for the State which is free of charge. These questions were proposed, the deadline was last Friday for the questions, and she will have the answers back to everyone who asked questions tomorrow. They have until Friday, February 28, 2020 to submit their proposal.

10. Tipping Fees – Louise Firestone reported that she gave everyone the tipping fee report, the 4<sup>th</sup> quarter check came in January. The tipping fees that we get from Waste Management is based on forty cents a ton and that is based on two-thousand tons per-day coming into the landfill. When the agreement was original signed in 2002, there was a committee put together to calculate what percentages go to different departments within the Borough. It was determined that if the Borough counted on the landfill tipping fees to balance the budget and for some reason those fees went away, our budget would suffer like Plainfield Township suffered when the tonnage decreased and their fees were reduced. Louise asked if anyone had any recommendations to change any of these percentages because over time the need has changed from within the different departments. If there is anything left at the end of the year in any of these departments, that dollar amount is put into the Capital Reserve account for future projects so that tipping fees for the Streets offset our Alpha Road project, the Park money offsets the trail project, the Administrative is set aside for computer replacement or furniture, anything to do with the office. The only one that we cash out is the Community Library, when that money comes in, we cut them a check, this is what July Piper referenced when she was here. That goes out quarterly to the library.

Steve Bender asked regarding the proposed idea of expanding the landfill, is there any time that you could possibly sit down and be able to re-negotiate. Dave Hess said that we have a good relationship with Waste Management and do intend on having discussions with them at some point in time.

11. C.O.G. – Mayor Mogilski was absent so there was nothing to report.

12. Slate Belt Rising – Louise Firestone reported that the meeting was held last Thursday. The majority of the meeting was to discuss finances. Slate Belt Rising will be hosting a free landlord training workshop on Wednesday, March 25<sup>th</sup> and April 1<sup>st</sup> from 6 to 9 pm at the Wind Gap Social Hall. The first session is preparing the property, applicant screening, rental agreements, and ongoing management and the second session is warning signs of drug activity, roll of the police, crisis resolution, sex and fair housing. They discussed economic development and how the businesses have been affected by other businesses closing down. There was discussion about the boroughs and specifically Wind Gap talking about tax incentives to attract new businesses. Since Wind Gap does not have property maintenance it may not appeal to outside businesses to want to open their shops here. Slate Belt Rising has been approached to start discussions to regionalize some aspects of services, specifically code enforcement so if we had a code enforcement officer that was shared among the four Boroughs, maybe they would be more cohesive on how they approach people that have issues.

13 Multi-Municipal Plan – Louise Firestone reported that there are ten municipalities that are participating in the Comprehensive Plan so they broke the groups down so there is one representative from each municipality, into three tables, one representative at each table. They asked three main questions, what type of business area is currently missing from the Slate Belt, where should new businesses be located in the area, and what can be done to attract more businesses. After the discussion each group presented and it was evident that everyone has the same issues, traffic, lack of a draw to get into our Boroughs, the Townships concern with

development, warehousing, transportation. After the meeting there was some concern that Lehigh Valley Planning needs to be more specific with their assistance to the regions issues and not just be identifying them, but what can be done to improve those issues.

14 Financial Updates – Louise Firestone reported that Al France, CPA, was here and completed the 2019 audit. Mr. France is working on completing the financial statements done and he said that the Borough was in stable financial condition.

15. Mayor’s Report – Mayor Mogilski was absent so there was nothing to report.

## QUESTIONS AND ANSWERS

1. Peter Albanese, Green Knight Economic Development Corporation (GKEDC), was in attendance, Council asked him questions regarding the fire hydrants and utility light poles. Pete said that there is one fire hydrant in Wind Gap. Attorney Karasek said that according to the map, they are all in Plainfield Township. Pete said that he thinks there is one by the pump station that would be Wind Gap, he is pretty sure that there is one in Wind Gap. Jeff Yob said that the cover letter states that the borough is responsible for the fire hydrant as indicated on the agreement.

Pete said that there are thirteen total street lights in the project and six are in Plainfield and seven are in Wind Gap. They are approved by your Engineer, by Met-Ed, and by Plainfield Township. Dave Hess said that the lights have been confirmed.

**On motion** by Jeff Yob to grant conditional approval for the fire hydrant if there is one in Wind Gap and seconded by George Hinton. Roll call vote taken. Council agreed unanimously.

Pete said that going back to the lights, there was one questions on there regarding maintenance, how do you deal with that now. Jeff said that it will get added to the master plan. Pete asked if the Municipality wants to have Met-Ed handle the lamp and photocell maintenance. Council said yes.

Pete asked Council if they have looked into getting a percentage of the taxes from the Petrucci Project (JERC II development on Male Road). In his opinion, if 40 % of that project is in Wind Gap, he feels that Wind Gap should get 40 % of the taxes. Dave Hess said that he and Louise met with Plainfield Township and they confirmed that the tax rights go to Plainfield Township because a majority of the property resides in the township not the borough. George added that Wind Gap gets all the headaches, the traffic but don’t receive any of the revenue generated by the development. Attorney Karasek stated that if both municipalities agreed a private agreement between Plainfield and Wind Gap could be entered into that says when they get the local taxes for this project, they will give you x amount of dollars. Pete said that the developer would like to see Wind Gap get a portion, all the improvements are in Wind Gap. Pete said that if Plainfield, Wind Gap and Bushkill are willing to work together, the Green Knights and Petrucci will work with you along with other developers.

Pete asked when and how the sale of the Borough Garage would happen. Attorney Karasek said the Borough would have to re-bid the property. He stated that he and his partner would like to see that returned to a residential district that it is, a residential use would benefit everyone. They are concerned that someone will go in there and try to stuff 19 apartments in the Borough building and operate a business out of the garage and it will bother every resident on the street.

## ADJOURNMENT

**On motion** by Mike McNamara to adjourn the meeting of February 18, 2020. Council agreed unanimously. The meeting of February 18, 2020 adjourned at 8:30 p.m.

---

Louise Firestone – Borough Administrator