

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 Monday July 1, 2019, 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, Kerry Gassler, Joyce McGarry, Mike McNamara, and David Manzo. Also in attendance were Mayor Mitchell D. Mogilski Sr., Borough Solicitor Ronald Karasek, Borough Engineer Brian and Borough Administrator Louise Firestone. Absent was Councilman Jeff Yob.

PUBLIC COMMENT

1. Adrienne Fors, Waste Management, came before Council with the landfill operations neighborhood update.
 1. Green Knight Energy Center is currently running on turbine. The facility is currently destroying landfill gas with Flare 3 and Flare 4. The Energy Plant is waiting on new valves to come in. Once they arrive, the plant will be back up to 2 turbines.
 2. The 6-acre temporary capping project at the Southwest corner of the property has begun and is completed.
 3. Cell 17 construction is ongoing.

Community Relations:

1. July Landfill Tour Date – July 12th, 3pm and 4pm tours.
 2. July Butterfly and Bird Walk with Jacobsburg State Park at WHC – July 13th, 9am – 11am.
 3. Mark your Calendar for Chili Cook-off and Open House – October 5, 20189 12 pm – 4pm.
 4. GCSL, Plainfield, Wind Gap Borough Walk on June 22 summary.
 5. Fireman's safety tour scheduled for July 8, 2019.
 6. Grand Central Landfill website continues to be updated and includes the monthly landfill update notices. www.grandcentrallandfill.com
2. David Steward came before Council with information on his new retail business at 228 C S. Broadway. He is asking for approval to buy guns as part of his business. Attorney Karasek said that if this is approved by Zoning, buying guns would have to be part of the Zoning Permit. He suggests that Mr. Steward file another permit application with the Zoning Officer, including all the business that they asking to conduct at their store front location and have her give an opinion on whether or not that permit can be issued. If Ms. Serfass gives you that permit then you are good and you do not need anything else in the way of an approval from the Borough. If you are not approved and you disagree with her determination, you can request a hearing before Wind Gap Borough's Zoning Hearing Board who would hold a hearing to determine if her decision was in accordance with the Borough's Zoning Ordinance.

APPROVAL OF MINUTES

On motion by Mike McNamara to approve the June 18, 2019 minutes and seconded by Dave Manzo. Roll call vote taken. In favor: D. Hess, G. Hinton, D. Manzo, J. McGarry, M. McNamara. Abstained: K. Gassler. Motion carried 5 – 0 – 1.

APPROVAL OF EXPENSES

On motion by Kerry Gassler to approve the expenses in the amount of \$177,634.63 and seconded by Dave Manzo. Roll call vote taken. Council agreed unanimously.

SOLICITOR'S REPORT

MEETINGS ATTENDED:

June 3, 2019 - attendance at regular monthly meeting of Borough Council.

June 18 2019 – attendance at mid-month meeting of Borough Council.

SUBDIVISION MATTERS:

Receipt, Review and Administration of Several comprehensive e-mail transmission to and from Applicant's Attorney attaching Various Documents to be Land Development Improvements Agreement including Exhibit "E" (Metes and Bounds Lot Line Adjustment), Delivery of Partially Executed Documents including Land Development Improvement Agreement, Plan Set, Exhibit "A" to Land Development Improvements Agreement, Quantity and Cost Estimate for Required Improvements and Performance Bond and Telephone Conversation with Applicant's Attorney.

LAND DEVELOPMENT MATTERS:

Preparation of Corrective Deed in Albanese & Grimes Properties, LP-Lehigh Street L.D. Plan, Recording of Corrective Deed at Courthouse and e-mail transmission to applicant and Bank Representative.

Receipt, Review and Administration of Extension of Time form to 12/31/19 re T. Klump LD Plan-Third Street.

Preparation of Unification and Merger Deed with e-mail transmission to Applicant for Review and Approval and Receipt, Review and Administration of Partially Executed Land Development Improvements Agreement (executed by Applicant) re Albanese & Grimes LP L.D. Plan-Water Street.

Receipt, Review and Administration of Borough Engineer review Letter and LVPC review Letter with Stormwater Attachment re JERC Partners, LII, LLC, L.D. Plan. .

ZONING AND OTHER LAND USE MATTERS:

Preparation of Final Drafts of Ordinance and Resolution re No Tobacco at Borough Park of Borough Property.

Receipt, Review and Administration of correspondence from Resident's Attorney re Randy's Custom Automotive, 245 North Broadway.

DEVELOPMENTS ON OUTSTANDING LITIGATION:

Receipt, Review and Administration of Writ of Summons, Computer Search for Docket Information and e-mail transmissions to and from Borough Administrator, Borough commercial Insurance Agent and Borough Insurance Adjuster re K. Guerin.

COURT DECISIONS ON BOROUGH CASES: N/A

MISCELLANEOUS:

Preparation of Revisions to Erasure of Audio Recordings Resolution.

Receipt, Review and Administration of e-mail transmission from Borough Administrator attaching prior Correspondence and/or Documents from Northampton county Area on Aging re Resident Welfare Checks.

Receipt, review and Administration of Proposal and Specifications for Alpha road Reconstruction and Written Memo to File.

Receipt, review and Administration of Invitation to Bid for Construction Project.

Preparation of Monthly Solicitor's Report.

Outstanding Items:

Stop Sign Ordinance

Dog Park Ordinance

ENGINEER'S REPORT

Brian Pysher reported an ARLE meeting was held on site last Monday with representative from PennDot, Signal Control Products, Traffic Planning and Design, our contractor from Northeast Signal, Police Chief Mettin and Plainfield Township Fire Chief Alex Cortezzo and Wind Gap Fire Chief Dan Sinclair. They went over how to implement the 411 Emergency Action Plan in case of an event on Route 33. The Slate Belt Regional Police Department was provided with 10 keys to access the cabinet. Rich Fox has a key, both Fire Chiefs have keys, and speaking with Fire Chief Sinclair, he is going to put the key in the KNOX box. In the event of an emergency, they would open the cabinet and toggle the switch that will implement 150 timing sequence to extend the green in the north/south direction. Once the event is over they would go back to the cabinet and flip it off to go back to regular actuation.

PennDOT notified him that a letter would be issued after the inspection was finalized in order to apply for reimbursement through the Automated Red Light Enforcement (ARLE) Grant program. The final outstanding issue is installing the traffic light software on a PennDOT District 5 computer. Unfortunately, the PennDOT representative at the inspection walk through could not confirm when a computer would be available since PennDOT is installing new computers throughout their offices. We are waiting to hear back so the software can be installed. Brian will follow up on the letter and reimbursement. This is up and functional and all of the Emergency Responders are aware of how we implement the Emergency Action Plan.

There was a concern about the timing at the light at Park and Broadway. The contractor observed the light and determined that the camera was the issue. The wind can sometimes move the cameras and if the camera gets out of focus from the stop bar it will not "see" a car pull up and trigger the light to turn green. There are video monitors that we can confirm that the focus and direction of the camera is correct. If there is a problem we can get in touch with the engineers to adjust the cameras.

Brian provided an update on the Alpha Road stormwater, paving project. Brian and Louise met with Jeff Roback, PennDOT, to go over how to utilize all our liquid fuels for this project. It is relatively simple, there is a CS4174 that he forwarded to Bracalente who will provide material certifications so the Borough can get reimbursed through liquid fuels. He also sent him the project agreement and followed up with him last Friday. Once the Borough receives the executed agreement, a notice to proceed will be issued and the order can be placed for the structures to be made.

JERC, the warehouse, Planning Commission Meeting is scheduled for July 11th. After a comprehensive review of the plan was completed, Brian identified some issues that he believes will be in front of Council. The developer is proposing that the property have only one principle access off of Male Road and the other goes through the old Silverline property out onto Route 512 at the interchange. There are several issues with that access, PennDot permitting being one of them. The developer is not proposing to widen Male Road probably because there are wetlands that adjoin it. The meeting is Thursday so the Planning Commission will discuss our

review letter and potentially make recommendations on the waiver request. He is sure that they will come before Council to ask for waiver recommendation.

Tyrone Klump resubmitted his townhouse land development on East 3rd Street. That development is also be on the agenda for next Thursday.

NEW BUSINESS

1. No Nonsense Neutering Meeting Update – Mayor Mogilski reported that he and Mike McNamara attended the Pen Argyl Council meeting to listen to a presentation by No Nonsense Neutering. Males are neutered one day and released and the females are held for two days. The cost would be \$35.00 per cat and it would be up to the Municipality to determine if they are willing to split the cost with the resident. Mike McNamara added that they also give the cats shots and clean their ears and clip their ear and tattoo their belly to indicate that they have been fixed. Mike said they give the Borough the vouchers and residents come here to get the vouchers and they charge us \$35.00 per cat.

On motion by Mike McNamara to contract with No Nonsense Neutering at the cost of \$35.00 per cat not to exceed \$1,000 and seconded by Dave Manzo. Roll call vote taken. Council agreed unanimously.

2. Treatment Release Form – PA Spotted Lanternfly Cooperative Eradication Program
On motion by Kerry Gassler to allow treatment of trees on Borough property and seconded by George Hinton. Roll call vote taken. Council agreed unanimously.

3. Frequency Specific to Slate Belt Regional Police Commission – Louise Firestone reported that during the Tortoise and Hare 5K race on Memorial Day, there were communication issues with Plainfield's Fire Police, Wind Gap and Slate Belt Regional Police. A meeting was called by Chief Mettin to discuss the possibility of the three municipalities having a private frequency. The Chief contacted Two Way Wireless and to get a quote he would like a count of radios from all municipalities. Dave Hess said we need to get counts from EMS, Fire and Borough to give to the Chief.

4. Electric Quotes for Park Kitchen Update – Dave Hess reported that Council was provided with quotes from Total Electric and David Albanese for the park kitchen electrical panel. Rich Fox said Council should consider moving the transformer and getting wires underground in accordance with the Master Plan. Rich met with Met Ed to discuss the options. A new transformer would have to be installed on a pole in the parking lot where the public phone is located and a trench dug to bury the line under the lot to the kitchen. The Met-Ed representative will send a quote over within the next two to three week on the cost to move everything. Rich suggested waiting for the quote from Met Ed before awarding the electrical work project.

OLD BUSINESS

1. Tobacco Ordinance No. 503 Approval to Advertise Attorney Karasek reported that he prepared this for the last meeting and there was discussion as to whether or not it should just be kept for the Borough Park, playground, and athletic fields or whether it should apply to all Borough property so the matter was tabled for further discussion.

George Hinton said his biggest concern is how we are going to enforce this. Dave Hess said this is meant to be a deterrent, if you are caught you can be fined or cited, if nothing is there you cannot do anything. Attorney Karasek now has the ordinance saying this can be enforced by the Code Enforcement Officer, Zoning Officer and the Borough Manager if there

would be one, or the Police Force. If Council wants to do this for all borough properties you may want to assign a designated smoking area if that is the case he will need to know this before we can advertise this ordinance.

On motion by Kerry Gassler to advertise as drafted the Tobacco Ordinance No 503 and seconded by George Hinton. Roll call vote taken. Council agreed unanimously.

2. Plan Slate Belt – Approve Consulting Contract with LVPC – Attorney Karasek reviewed the agreement and sent a copy of his review that was done for Upper Mount Bethel to Wind Gap. The scope of services and the fee schedule is not included. There is also one change in respect to language in section 6.2 that says that a material breach in the agreement certain things occur, he would like the word “material” deleted. As long as Council is comfortable with Scope of Services and if Lehigh Valley wants to make one change then this is fine.

On motion by Dave Manzo to approve the Consulting Contract with LVPC and seconded by Kerry Gassler. Roll call vote taken. Council agreed unanimously.

3. Mayor Mogilski brought up the Weed Ordinance and it was discussed, we should continue to send out letters when needed.

COMMITTEE REPORTS

1. EMS – Dave Manzo said there is nothing new to report.

2. Fire – Mike McNamara reported that the Fire Company carnival went well. George Hinton said the carnival was successful as they gave out approximately 4,000 wrist bands. The carnival dates for 2020 are June 25, 26 and 27. Again they will be asking for the beer and clam tent for next year again. It is impossible to get the park cleaned up on Sunday so he strongly suggests not having summer sounds concert the day after the carnival.

3. Regional Police – Dave Hess had nothing to report.

4. Emergency Management – Jeff Yob was absent so there was nothing to report

5. Zoning – Mike McNamara had nothing to report.

6. Planning – Dave Manzo reported a Planning Commission meeting is scheduled for July 11th for JERC’s proposed warehouse at 550 Male Road and Tyrone Klump’s Third Street Land Development.

7. Municipal Authority – Dave Hess reported that their average flow last month was 1.6 million, which is the average. Bohler Engineering presented for JERC, they discussed in length their sewer service line. The Authority wants them to run it from their property all the way down 512, they are arguing why because Green Knights is running another one. They are going to contact Green Knights to see if they can team up, pay for one together and hook into one. Green Knight is on hold with them, they need a permit from DEP for a Force Main. Brian Pyscher said they applied for a GP permit to go under the creek. Dave said they are purchasing a new software computer system, they never had any software protection with the old administrator and they have 10,000 plus viruses in their system. They are also going to the new billing system so they will purchase what they need. They thanked the Borough for assisting in getting them the road opening permit so quickly, they are happy with the way the communication is going between our offices. Schmauder should be this week to run the lateral.

8. Streets – Kerry Gassler had nothing to report.

9. Park/Athletic Fields: Park – Wind Gap Area Athletic Association – Meeting Update – Dave Manzo reported that he, Dave Hess and Louise met with the Athletic Association last week and invited them to come to the mid-month meeting to provide a report. Some interesting things came up about audits, taxes and also how they keep their finances which is done using Excel Spreadsheets. There are some issues that might be worth delving into at future meetings regarding their finances. He would like to know if we are pursuing a loan to start some of the Master Plan or a bond issue. Louise said the general opinion was a loan but she is still working on the list. One of those that we have gotten past Alpha Road the next thing is what the cost of the maintenance garage is going to be and the priority list of streets to be done.

ATC Trail to Town Family Jamboree – August 10 12:00 – 3:00 p.m. – Adrienne Fors reported that she has a meeting with the new Scout Director to discuss getting information distributed to all the Scout groups.

10. Tipping Fees – Kerry Gassler had nothing to report.

11. C.O.G. – Mayor Mogilski reported that everyone received a copy of the minutes from the June 26th meeting and one thing not in there is the Article of Agreement that you voted on last month. There was a section in there that allowed Municipalities not involved with the COG to buy into using equipment purchased through the COG at a higher rate. They decided to take that article out so you need to vote on this again so Louise can sign the signature page and get this back to Laura.

On motion by George Hinton to readopt the amended Articles of Agreement and seconded by Kerry Gassler. Roll call vote taken. Council agreed unanimously.

Attorney Karasek will look at the present agreement to see how it can be amended, either by Ordinance or Resolution.

Motion rescinded and tabled by George Hinton.

12. Slate Belt Rising – George Hinton had nothing to report

13. Multi-Municipal Plan – Louise Firestone reported that the next meeting is scheduled for July 17, 2019.

14. Mayor's Report – Mayor Mogilski reported that he had the opportunity to attend the Pen Argyl High School Charter School Memorial Day Celebration.

He also attended the complete count committee on the census for Northampton County.

He had the honor of recognizing Louise Firestone and Richard Fox at the County Recognition Day at Louise Moore Park on May 25, 2019.

He performed a marriage ceremony between Amanda DeAngelo and Brian Aman.

He took part in a conference call with Eric Gutshall, the Secretary of Intergovernmental affairs for our Governor, regarding the elimination of school property tax.

15. Dave Hess said that if Council cancels the mid-month meeting, we will post a notice.

ADJOURNMENT

On motion by Mike McNamara to adjourn the meeting of July 1, 2019. Council agreed unanimously. The meeting of July 1, 2019 adjourned at 8:26 p.m.

Louise Firestone, Borough Administrator

