

**BOROUGH OF WIND GAP  
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WIND GAP, PA 18091  
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**EXECUTIVE SESSION** – Council went into Executive Session from 6:30 p.m. to 7:00 p.m. to discuss street personnel, no action taken.

The Council meeting of the Borough of Wind Gap on Monday June 3, 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, Joyce McGarry, Mike McNamara, David Manzo, and Jeff Yob. Also in attendance were Mayor Mitchell D. Mogilski Sr., Borough Solicitor Ronald Karasek, Borough Engineer Brian and Borough Administrator Louise Firestone. Absent was Councilman Kerry Gassler.

**PUBLIC COMMENT**

1. Carlton Snyder, Wind Gap resident and President of Green Knight Economic Development Corporation (GKEDC), came before Council because at the last GKEDC Board meeting he became aware that Wind Gap Council is putting together various grant applications for projects at Wind Gap Park making this the golden opportunity to try to get interest in a municipal dog park in our Borough. Dave Hess said this is not a new topic, this has been discussed in the past and when we did our Master Plan there was some feedback for the residents expressing interest in a dog park. One of our concerns was where to put a dog park. George Hinton asked what the size was of the parks that he has visited, Carlton said 1 to 1 1/2 acres. Carlton said he is willing to help design the facility, make phone calls, put together a proposal and help however he can. Dave Hess said that we need to figure out where it would be and the cost of this project. Dave Manzo said that cost would be the best place to start and the location could be below on the other side of the creek. He said we would need to discuss drainage and how to fix that. Dave Manzo and Mike McNamara volunteered to be on the Dog Park Committee.

2. Adrienne Fors, Waste Management, came before Council with the landfill operations neighborhood update.

1. The Green Knight Energy Center is currently running two turbines. The Candlestick flare is destroying approximately 1,000sfcm of landfill gas.
2. The Spring Gas Collection well Drilling has been completed. These wells were drilled in the southwest direction of the facility.
3. The 6-acre temporary capping project at the Southwest corner of the property has begun and is about 60% completed.
4. Preparations for Cell 17 are underway. The team is anticipating the rollout of the liner within the next two weeks.

**Community Relations**

1. July Landfill Tour Update – July 12<sup>th</sup>, 3pa and 4pam tours.
2. Grand Central Landfill website continues to be updated and includes the monthly landfill update notices. [www.grandcentrallandfill.com](http://www.grandcentrallandfill.com)

## **APPROVAL OF MINUTES**

**On motion** by Dave Manzo to approve the May 22, 2019 minutes and seconded by Mike McNamara. Roll call vote taken. Council agreed unanimously.

## **APPROVAL OF EXPENSES**

**On motion** by George Hinton to approve the expenses in the amount of \$40,981.67 and seconded by Dave Manzo. Roll call vote taken. Council agreed unanimously.

## **SOLICITOR'S REPORT**

### **MEETINGS ATTENDED:**

May 6, 2019 - attendance at regular monthly meeting of Borough Council.

May 22, 2019 – attendance at regular workshop meeting.

### **SUBDIVISION MATTERS:**

Receipt, Review and Administration of e-mail from Applicant's Attorney and Confirming Status of Revisions to Land Development Improvements Agreement re GKIP II Major Subdivision.

### **LAND DEVELOPMENT MATTERS:**

Receipt, Review and Administration of File and Request for Extension of Time Form re T. Klump L.D. Plan-Third Street

Receipt, Review and Administration of Quantity and Cost Estimate for Borough Alternate Engineer, Preparation of Land Development Improvements Agreement and Preparation of First Draft of Unification and Merger Deed re Albanese & Grimes L.D. Plan-Water Street.

Receipt, Review and Administration of e-mails and related transmissions regarding Status of Corrective Deed being held in Escrow and Real Estate Transfer Exposure re Albanese & Grimes L.D. Plan-Lehigh Street.

Receipt, Preliminary Review and Administration of Plan (with Related Supporting documents) and Telephone Conference and e-mails with Applicant's Attorney- Paralegal regarding Protocol for Extensions of Time re JERC Partners, LII, LLC, L.D. Plan.

### **ZONING AND OTHER LAND USE MATTERS:**

Preparation of First Draft of Ordinance and First Draft of Resolution re No Tobacco at Borough Park.

### **DEVELOPMENTS ON OUTSTANDING LITIGATION:**

Receipt, Review and Administration of Writ of Summons re K. Guerin.

### **COURT DECISIONS ON BOROUGH CASES: N/A**

### **MISCELLANEOUS:**

Legal Research under PA Right-to-Know Law for Request for Sent e-mail transmissions re N. Smith.

Legal Research under PA Right-to-Know Law for Disclosure of Borough Council Meeting Audio Recording re Nazareth Ambulance.

Preparation of Resolution for Erasure of Audio Recording of Borough Council Meetings upon Approval of Official Meeting Minutes by Borough Council.

Legal Research and Review of PA Borough Code and Review of Salary Ranges re Borough Manager.

Preparation of Monthly Solicitor's Report.

### **Outstanding Items:**

Stop Sign Ordinance

Dog Park Ordinance

Attorney Karasek said that Council can review the Ordinances and put it on the agenda for further discussion, official action or authorize him to advertise. The draft resolution deals with no tobacco or tobacco products in the Borough park, but Council can decide if they want tobacco restrictions for all Borough properties.

## **ENGINEER'S REPORT**

Brian Pysker reported that regarding the ARLE Grant, the one remaining item is installing the software. The software will give the Slate Belt Regional Police Department the ability to alter the signal timing remotely at the Police Station in the event of an emergency or a Route 33 closure. Dave Manzo asked if this will get the light back in sync so the traffic doesn't get backed up on Park by Turkey Hill. Brian said he will confirm with Northeast Signal that the cameras are positioned and timed correctly. Brian reported that the camera installation for Male Road, Third Street and Center Street have all been upgraded.

Brian reported that Council President Dave Hess was called out Sunday evening regarding an incident on Second Street. The Slate Belt Regional Police Officer who responded to the residence felt that the woman was in danger due to the current living conditions, the County Center of Aging was notified. The following day the Center of Aging said that they did not have anywhere for the woman to go, but she could be put on a housing wait list. As the Code Official for the Nuisance Ordinance, Brian would like to have legal advice from Attorney Karasek regarding the ordinance being enforceable for the condition of the interior of the building. Attorney Karasek said if there are broken windows etc. that are exterior issues you may still be able to enforce the ordinance. The County on Aging is charged to handle this. Dave Hess asked how it would be different if the Borough had the International Property Maintenance Code (IPMC). Attorney Karasek said the Borough would have control on the interior of properties within Wind Gap. Attorney Karasek will meet with Brian.

Brian reported that two bids were submitted today, both were significantly greater than our initial estimate of \$480,000. Bracalente was the low bidder at \$696,000. Brian asked Attorney Karasek if there are aspects of the project that he thinks can be removed from the bid specifications. There is significant portion of storm sewer that was designed and installed in 1990 that runs from the discharge of GAF's detention basin all the way down to Liberty or lower. The inlet structure themselves are in tack, a lot of the inlet tops need to be replaced. Based on the number that Bracalente submitted, the Borough can probably eliminate \$156,000 to \$160,000 of that project by leaving the existing storm sewer system, replacing the concrete tops rather than the entire inlet. Attorney Karasek said he would have to see how the job or bid specs were published but his feeling is that we will have to rebid. When we had the pre-bid meeting the discussion was there are a lot of unknowns because of the amount of utilities in the road and along the curb line. Brian said that the advertisement reads, "Wind Gap Borough reserves the right to reject all bids, increase or decrease any item or items, delete any items or wave informalities in the bidding". Attorney Karasek recommended Council formally act on this item, not to reject it, just table it since they have 60 days to act on the bid submittal.

**On motion** by Jeff Yob to table the awarding of the bid for the Alpha Road project until the next meeting and seconded by Dave Manzo. Roll call vote taken. Council agreed unanimously.

## NEW BUSINESS

1. Municipal Complex Fire Alarm – Dave Hess reported on Memorial Day weekend we had another fire alarm here due to careless cooking upstairs. This time a pan was left on the stove and the excuse was that they simply forgot that there was a pan on the stove. He spoke with Dave Manzo and Joe DePue and with the Ambulance Board in the past. There are people here constantly, this is like a tenant – landlord situation. Brian said he can call Strow's and have them cap it. Dave Hess said that it does not have to be forever. Attorney Karasek said the before Council takes action in capping the line, a written notice should be sent informing the Ambulance Corps what the intention is and why.

**On motion** by Jeff Yob to remove the stove and cap the line in the Ambulance and cap the line and seconded by Dave Hess. In favor: J. Yob, D. Hess. Opposed: J. McGarry, M. McNamara, G. Hinton, D. Manzo. Motion did not pass: 2 – 4.

Jeff Yob said they are tenants of the Borough and have no responsibility of what they do up there. If they start a fire we are reliable. There was discussion in the past about creating a lease, we can outline some responsibilities.

**On motion** by Dave Manzo to give the Ambulance Corp notice that we are capping the stove for three months, which will occur in one week and seconded by Mike McNamara. Roll call vote taken. In favor: M. McNamara, D. Hess, G. Hinton, D.S. Manzo, J. McGarry. Opposed: J.Yob. Motion carried: 5 – 1.

3. Alpha Road – Truck Restriction – Brian said that he has to do a traffic and engineering study and forward to Attorney Karasek to prepare an ordinance.

**On motion** by Jeff Yob to do a traffic study on Alpha Road and seconded by D. Manzo Roll call vote taken. Council agreed unanimously.

4. Pibbles & Paws Dog Shot Clinic – August 24, 2019 - Louise Firestone reported that they called asking for permission to have a clinic at the park. They would use their vet and they anticipate that they can offer shots to approximately 100 dogs.

**On motion** by George Hinton to allow Pibbles & Paws to use the park and to waive the no pets in the park for August 24, 2019 and seconded by Jeff. Yob. Roll call vote taken. Council agreed unanimously.

5. No Nonsense Neutering Meeting Update – Mayor Mogilski reported that the meeting at Pen Argyl was cancelled and rescheduled for June 25, 7:00 pm at Pen Argyl Borough Hall.

6. Resolution 20196-04 – Erase Audio Recordings – Attorney Karasek prepared a resolution to have the audio tape erased after the official meeting minutes are approved so that we do not have an issue that someone is saying that the audio tapes are different from what is in the official minutes. This is perfectly legal however you cannot erase the audio tapes until such time as the official minutes are approved, that is the official record/document.

**On motion** by Jeff Yob to adopt Resolution 2019-04 with the change for any past or historical audio tapes in which official meeting minutes have been approved are to be erased and moving forward any audio tapes are to be erased once minutes are approved, and seconded by George Hinton.

Jeff Yob rescinded his original motion and Council authorized Attorney Karasek to make the change to Resolution 2019-04 and have it prepared for next meeting.

7. Street Light – Utica Street – Deb Harbison reported that last year we received a request to have a street light installed on the pole in front of 145 Utica Avenue. Met-Ed said that the pole is acceptable for a light, the high pressure is free to install with a charge of \$15.63 a month and the LED is \$160 to install at \$10.32 or \$13.43 a month.

**On motion** by Jeff Yob to have an LED street light installed in front of 145 Utica Avenue and seconded by Mike McNamara. Roll call vote taken. Council agreed unanimously.

8. George Hinton asked Council to waive no alcoholic beverages in the park for the Wind Gap Fire Company Carnival.

**On motion** by George Hinton to allow the Fore Company to serve beer in the park during the carnival on June 27<sup>th</sup> through the 29<sup>th</sup> 2019 and to provide the permit and insurance to the Borough office and seconded by Jeff Yob. Roll call vote taken. Council agreed unanimously.

## **OLD BUSINESS**

1. Reconfirmation of Zoning Ordinance Vote – Attorney Karasek reported that at the March 9, 2019 Council meeting, Council approved the Zoning Ordinance Amendments and at that meeting a motion was made to accept and approve those changes on condition that there be one addition "No fence shall be erected in the front yard of a corner lot that would be located with any clear site triangle space or distance". Because of that change, the Commonwealth Court said that before you can approve any zoning or its amendments any change at all, it must go back to Lehigh Valley Planning Commission for their review and approval before you vote on it. We received Lehigh Valley's approval on April 9<sup>th</sup> and they said they have reviewed the ordinance with other versions and accordingly, he would want the Borough Council to reconfirm their vote on the Zoning Amendments so that would be the date of the actual ordinance adoption which would be today, postdating from the April 9<sup>th</sup> letter. That ordinance can be officially confirmed, put in your ordinance book and sent to Lehigh Valley Planning for their book and would now be effective.

**On motion** by Jeff Yob to approve the Zoning Ordinance Amendments and seconded by Mike McNamara. In favor: McNamara, J. Yob, D. Hess, G. Hinton, D. Manzo. Abstained: J. McGarry. Motion carried 5 – 0 – 1.

2. Borough Priority List – Projects/Equipment/etc. - Louise Firestone asked if anyone has anything to add let her know.

3. Mayor Mogilski reported that he got an e-mail about the complete count committee for the census and they are going to have originations and attendees from sub- committees meet on June 12, 2019 from 8:30 to 11:30.

4. George Hinton asked if the Street Department is replacing signs that have been bleached out from the sunlight. Rich Fox replied that he is working on replacing old signs.

## **ADJOURNMENT**

**On motion** by Mike McNamara to adjourn the meeting of June 3, 2019. Council agreed unanimously. The meeting of June 3, 2019 adjourned at 8:37 p.m.

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Louise Firestone, Borough Administrator