

**BOROUGH OF WIND GAP
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WIND GAP, PA 18091
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The Council meeting of the Borough of Wind Gap on Monday, March 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 David Hess, David Manzo, and Patrick Webber. Also, in attendance were Mayor Wesley J. Smith, Borough Solicitor Ronald Karasek, Borough Engineer Brian Pysher, and Borough Manager Louise Firestone. Absent were Councilmen Steve Bender, Alex Cortezzo, and Jeff Yob.

PUBLIC COMMENT

No comments were heard at this time.

APPROVAL OF MINUTES

On motion by Dave Manzo to approve the February 22, 2022 minutes and seconded by Patrick Webber. Roll call vote taken. Council agreed unanimously.

APPROVAL OF EXPENSES

On motion by Dave Manzo to approve the expenses in the amount of \$36,530.87 and seconded by Patrick Webber. Roll call vote taken. Council agreed unanimously.

ENGINEER'S REPORT

Brian Pysher reported he is finalizing the project bid specifications for advertisement for the Lincoln Street project.

Water's Edge / Dream Lehigh Valley has sent correspondence regarding a request for reduction to the letter of credit and maintenance bond which will be discussed later on in the meeting.

Brian reported that he was contacted by Joe Correia, JERC Partners, LII, LLC regarding information with the Fire Chief. JERC is currently trying to set up a meeting with emergency services to discuss their obligation as far as maintenance for the emergency access. He has not heard back as of yet.

George Hinton reported that Tyrone Klump called him, he is looking for a letter from the Fire Chief regarding his 3rd Street project confirming that the Fire Company can service the development. Brian said that the office should have a copy of the latest drawing, but the drawings are the final plans.

NEW BUSINESS

1. Resolution 2022-01 – Approval of Emergency Operations Plan (EOP) - Dave Hess reported that this is the standard Emergency Management Plan the Borough is obligated to update every other year. He completed that update and went over the contacts making sure all the names and phone numbers are correct for the critical businesses, he added the generator for the shelter and he added Dream Lehigh Valley.

On motion by Dave Manzo to approve Resolution 2022-01 which is the approval of update to the adopted Emergency Operations Plan and seconded by Dave Hess. Roll call vote taken. Council agreed unanimously.

2. Approval CRG Services Management, LLC Chapter 102 Permits, Individual NPDES Permit for Stormwater Discharges Associated with Construction Activity – 905 Pennsylvania Ave, Pen Argyl. - Brian Pyscher reported that CRG has not submitted and formal application or any plans to Wind Gap.

On motion by Dave Manzo to authorize Brian Pyscher, Borough Engineer, to contact Attorney Karasek with the information required to prepare a letter to send to Bohler Engineering regarding the CRG Development and seconded by Patrick Webber. Roll call vote taken. Council agreed unanimously.

3. West St LD / Dream Lehigh Valley – Letter of Credit Reduction / Maintenance

Inspection and Approval of Remaining Performance Items Reducing/Eliminating the \$49,151 Performance Bond

On motion by Dave Manzo that the Performance Bond of \$49,151.00 can be released as all performance pursuant to that bond has been met and seconded by Patrick Webber. Roll call vote taken. Council agreed unanimously.

Confirmation that the 18 -Month Maintenance Period expires 9/30/22 – s/b 10/14/2022

On motion by Patrick Webber to make certain that the Maintenance Warranty Bond in the amount of \$73,071.90 continues in effect and is extended through October 14, 2022 and seconded by Dave Manzo. Roll call vote taken. Council agreed unanimously.

Confirmation that the approved As-Built plans have been received and recorded as required in the Developer's Agreement

On motion by Dave Manzo that the “As-Built” plans have been approved and will be filed for recoding by Justin Huratiak and seconded by Patrick Webber. Roll call vote taken. Council agreed unanimously.

Confirmation that Waters Edge LLC and Dream Lehigh Valley LLC, have completed all outstanding items and have fully satisfied the terms of the Developers Agreement.

On motion by Patrick Webber that based upon the information that has been provided to Borough Council, the terms and development of the Improvement Agreement Dated May 14, 2018 and file of record at the Courthouse in Record Book Volume 218-1 page, 192426 have been met and seconded by Dave Manzo. Roll call vote taken. Council agreed unanimously.

4. AARP / Local Share Account (LSA – Gaming Funds) Park Grant Application – Resolutions – Louise Firestone reported that a potential funding opportunity for purchase and installation of a new park pavilion is available through AARP. The Grant application deadline is March 22, 2022, so with the assistance of Slate Belt Rising, an application will be submitted. The small pavilions at the park had concrete foundation cracking issues, so the concrete slabs were removed and gravel was installed as the base. Since AARP is an organization for Americans 50 and older, submitting an application to replace one or both of the two pavilions and installing a walkway from the Third Street sidewalk to those pavilions would qualify as making them accessible. Louise spoke with the Executive Director of Chandler Estates and she is willing to write a letter of support since Chandler provides transportation for their resident to the summer sounds concerts. The borough is only looking for a letter of support and this would not constitute and financial commitment from Chandler Estates.

Along with the AARP grant application, there is another current grant opportunity, a Local Share Account grant which utilizes gaming money. Typically, the grant LSA grants are open in September, but due to extra money being available, an extra grant round has been announced with a submission deadline of March 15, 2022. The grant guidelines focus on purchase or renovating outdoor facilities that pertain to recreation. Additional work on the park trail would qualify for this grant funding request. Grants have adoption of a resolution as a requirement that indicates that the elected board supports the funding request and authorizes an individual to serve as the point of contact for the application.

On motion by Dave Manzo to acknowledge and grant official approval for the resolutions necessary for the grant submissions of the AARP Grant for small pavilions and LSA Grant for the Park Walking Trail and Improvements and seconded by Patrick Webber. Roll call vote taken. Council agreed unanimously.

OLD BUSINESS

1. OSJ of Wind Gap, LLC – Fair Market Value / Assessment Change – Attorney Karasek reported that this matter was on the agenda at the last meeting to sign a stipulation to agree to the Borough's settlement with the taxpayer and real estate owner as to the new real estate tax assessment. Northampton County was not willing to agree to the original amount because the property was undervalued when purchased because K-Mart had declared bankruptcy so the County felt the property was worth much more and hired their own appraiser and then they agreed with the fair market value of the property. Now that the appraisal has been completed, Northampton County is asking for the Borough to approve.

On motion by Dave Manzo to authority Attorney Karasek to sign the stipulation and seconded by Patrick Webber. Roll call vote taken. Council agreed unanimously.

2. Verizon Lease Agreement – Attorney Karasek reported that the office received an e-mail transmission from Susan Manchel from Verizon, stating that Verizon will take care of the permitting and zoning costs for subdividing the property that they are going to lease for the erection of the cell tower.

On motion by Dave Manzo to have Brian Pysher start the subdivision process. Motion died for lack of a second.

On motion by Dave Manzo to amend his motion to say that upon Verizon paying the application fee for a major subdivision, the subdivision process can proceed. Motion died for lack of a second.

Brian Pyscher stated that Verizon is going to have to provide land development for approval and also get zoning relief. He thought that they were going to incorporate the subdivision into the land development plan. Brian said that he will contact their professionals and see what their intent will be for submitting plans.

On motion by Dave Manzo to authorize our Engineer to reach out to the Verizon Representatives or Planning Professionals in order to start the process of coordinating the subdivision, land development plan and all that is involved and seconded by Patrick Webber. Roll call vote taken. Council agreed unanimously.

Brian Pyscher said that once he talks to Verizon, he will report back to Council.

ADJOURNMENT

On motion by Dave Manzo to adjourn the meeting of March 7, 2022. Council agreed unanimously. The meeting of March 7, 2022 adjourned at 7:45 p.m.

Louise Firestone, Borough Manager