

**BOROUGH OF WIND GAP
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The Council meeting of the Borough of Wind Gap on Tuesday, March 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, Mike McNamara and Jeff Yob. Also participating were Mayor Mitchell D. Mogilski, Sr., Borough Solicitor Ronald Karasek, Borough Engineer Brian Pysher, and Borough Manager Louise Firestone.

PUBLIC COMMENT

1. Dan Sinclair, President of the Wind Gap Area Athletic Association (WGAAA), asked Council to reconsider the prior action restricting the WGAAA from using the ballfields at Wind Gap Park because of delinquent tax issues and the organization's non-profit status. Dave Manzo said that he has confidence that Dan will move the WGAAA in the right direction, but asked Dan if he has been able to identify any other officers to help. Dan said no, he is looking for people, secretary, treasurer, and vice president, but right now, no one has stepped forward. Louise Firestone acknowledged that the Borough did receive valid insurance listing the Borough as an additional insured certificate holder. Kevin Black, WGAAA Softball Coordinator, believes that they have a good program for the girls, trying to get them prepared to play for the high school team. He added that they appreciate the work done by the Borough workers, but they try to do what they can to maintain the field keeping the fields free of garbage and debris. He acknowledged that the finances were in a bad state, but the rest of the programs: basketball or soccer or softball need to continue for the children of the community. They currently have forty-nine girls signed up for the spring softball. He hopes we can make this work; this has been a rough year for the girls and they deserve to be outside on the softball field enjoying themselves.

On motion by Mike McNamara to allow the Athletic Association the use of the facilities at the park and seconded by Joyce McGarry. After further discussion, motion withdrawn.

Steve Bender asked if Council would be able to see the treasurer reports. Dan Sinclair said that he will make sure that Louise gets the reports. Dave Manzo asked if this motion was just to play on the fields and Dan replied that the WGAAA just wants to get the girls permission to play on the field. Dave Manzo said that during the summer concerts they would use the kitchen and that money would go to the AA. Mike McNamara said his motion is to let them play on the fields and do what they did before. He appreciated their time and effort to bring this back. Attorney Karasek said that the motion is to allow the fields to be used for girls' softball and to allow the concession stand for that function to be used there is nothing about basketball in the motion, nothing about concerts, nothing about those things. If those things are going to be made part of the motion, the motion has to be amended.

Amended motion by Mike McNamara that the Wind Gap Area Athletic Association (WGAAA) can use the fields as long as they know that it is our fields and our property and they keep in contact with us with what they are doing.

Dave Hess said we need clarification, is this just for softball, just for sports or for AA activities in general. Mike McNamara said that whatever the WGAAA wants to do, we give them permission as long as they inform us as to what is going on and they have insurance and follow the rules. Dave Manzo said that he cannot agree to a motion that says let the WGAAA do whatever they want to do. Motion withdrawn.

Amended motion by Mike McNamara to allow the Wind Gap Area Athletic Association (WGAAA) girls' softball use of the fields at Wind Gap Park and seconded by Joyce McGarry. Roll call taken. Council agreed unanimously.

2. Matt and Jill Silvius joined the meeting to see if there has been any progress about their prior complaint regarding truck idling noise and vibration that was discussed at previous meetings. Dave Hess said that this will be discussed during the committee reports as part of the property maintenance code later on in the meeting.

APPROVAL OF MINUTES

On motion by Dave Manzo to approve the March 1, 2021 minutes and seconded by Steve Bender. Roll call vote taken. Council agreed unanimously.

NEW BUSINESS

1. E-cycling Event – Potential Partnership with Pen Argyl Borough

On motion by Joyce McGarry to partner with Pen Argyl for an e-cycling event and seconded by Steve Bender. Roll call vote taken. Council agreed unanimously.

2. Male Road – Bridge Committee

On motion by George Hinton to send a letter to Plainfield Township requesting a committee be developed to have discussion about Male Road and the impact on future developments and seconded by Dave Manzo. Roll call vote taken. Council agreed unanimously.

3. Lehigh Valley Mini Grant Applications Support Letter – Rain garden / Signage and the Northampton County Livable Landscapes Resolution / Support Letter – Park Walking Trail

On motion by Dave Manzo to send letters of support and necessary resolution for the three projects for the Northampton County Grant Applications and seconded by Mike McNamara. Roll call vote taken. Council agreed unanimously.

OLD BUSINESS

1. Snow Emergency Ordinance – Street Designations – Dave Hess stated that the new draft ordinance will outline the qualifications to call a snow emergency and the specific street designated for the snow emergency route. He asked Council to look at the draft ordinance and send any questions and comments to the office before the next meeting. After any comments, the next step is to seek a motion to advertise the ordinance. Jeff Yob asked if this was to replace the existing ordinance. Dave Hess said we will abolish the existing one and this will be the new updated one.

2. 29 Mechanic / 125 Water Street -Real Estate Sale – Louise Firestone reported that she spoke with the appraiser, Richard Belon, but unfortunately due to the weather he got behind on his work. A meeting has been scheduled for next Monday to do a walk through of the entire property. She anticipates the appraisal will be delivered to the borough before the April meeting.

3. Parking Violation Tickets – Draft – Dave Manzo reported that he went over the items with Louise and the only changes they made were the snow routes and the addition of Wind Gap Park violations. Louise reported that after discussions with the Slate Belt Regional Police Chief, a majority of violations fall under Title 75 which is the vehicle code. The Chief recommended that Attorney Karasek look specifically at the other offenses to see if there is anything that the Borough needs to include in a new ordinance when we do the parking ticket violation ordinance. Dave Manzo said that this was also an opportunity for the rest of Council to make comments about what is in or what they might want included. Jeff said if someone wants to dispute the ticket, that \$10 or \$15 ticket will cost us more than a simple inexpensive fee for an officer to attend a Magistrate hearing. Dave Manzo explained that according to Chief Hoadley once a parking ticket is given and the offender will have ten days to pay that, once the ten days approach there would be a letter that would come from the Police Department to that individual and they would have an additional period of time to pay their ticket. If they do not pay at this point, then the officer will issue a citation and the offender will have the ability to dispute the ticket in court, but should the ticket be upheld, all fees associated with an actual traffic ticket will be added to the initial parking violation. The Police Department would do the collections and once a month the Borough would receive a check from the Slate Belt Regional Police Department with the total amount of fines collected that month. Jeff understands that the Slate Belt Police would handle everything but at what cost, what does it cost to process this and is it worth a \$10 ticket and is that cost passed onto the Borough? A lot of neighbor disputes originate with park violations such as someone parking too close to the neighbor's driveway or too close or in a handicapped spot or too close to the stop sign. If we can get some of those issues resolved before it escalates into a full-blown neighbor issue. Steve Bender asked Louise to verify that this does not count as an incident for the Borough, because does not think it counts. Louise said he is correct; it is basic patrol. Dave Hess said the calls are weighted by a scale they use through the state.

On motion by Dave Manzo to authorize the Solicitor to review the draft ordinance for the Parking Ticket Violations and seconded by Joyce McGarry. Roll call vote taken. Council agreed unanimously.

4. Council Meetings – Zoom / In person at Fire Company Social Hall - Attorney Karasek reported that Governor Wolf signed a fourth renewal of the COVID 19 Disaster Declaration on February 19, 2021. Under the COVID Disaster Emergency, the Borough can continue to meet via Zoom because we are still under that emergency. Once that emergency is lifted, he believes municipalities will no longer be able to meet via Zoom.

On motion by George Hinton that the Borough Council meeting will be held via Zoom for the next three months which is the second quarter of 2021 and seconded by Steve Bender. Roll call vote taken. In favor: S. Bender, D. Hess, D. Manzo, J. McGarry Opposed: J, Yob, M. McNamara. Motion passed 5 – 2.

After the vote was taken, Steve Bender said that he hopes that all of our participants, once we do get back in person, attend the meetings.

COMMITTEE REPORTS

1. EMS – George Hinton reported that Mr. Manzo recently resigned from the Board. The Ambulance Corps wishes to thank him for all his efforts and for serving on the Board. For the month of February, the Ambulance responded to 106 calls, 6 ALS calls and 11 BLS calls in Monroe County, 25 ALS calls and 20 BLS calls in Northampton County, 42 non-emergency transports with an average response time of 2.56 minutes. They do have all three ambulances up and running. They are currently looking for a grant to fund the purchase of a new ambulance.

2. Fire – Mike McNamara reported that the Fire Company responded to 27 calls for the year. The firemen have spent a lot of time cleaning up the garage. George Hinton said they are hoping to have the ladder truck in service this coming Monday, once the final touches and testing is done. Dave Hess reminded them that the borough office does need all of the certifications for the main ladder, ground ladder and pumps for insurance and liability purposes. George said they are moving forward with plans for the 100th Anniversary celebration. They are currently out looking for donations for the ad-book which they will print whether their big celebration happens or if they have a scaled back celebration or even if they have to postpone it depending on the COVID-19 gathering restrictions. Part of their celebration plans include holding a small parade through town. The Fire Company sent a letter asking if Council would consider allowing them to use borough streets because of potential permitting issues to use state roads. This topic to be further discussed.

3. Regional Police – Dave Hess reported that for January, the Police Department responded to a total of 379 calls for service, 110 were for Wind Gap.

Dave Hess reported that Officer Muccione, the Drug Recognition Expert, has been extremely active with drug enforcement and continues to utilize her expertise to assist our Officers, as well as outside Agencies. All her time spent assisting other police departments is recouped through a Grant, so it does not cost SBRPD any money when she is called to another municipality. Officer Nicholas Anderson has applied to be the Department's MCSAP Officer which is a Truck Inspection Officer, he can stop weigh and inspect commercial vehicles. The yearly report is also out, it is a very detailed report done by Pat Stonaker, the Administrative Assistant, along with the Chief. Hard copies are in the office should anyone want to look at them.

4. Emergency Management – Dave Hess reported the NIMS training is on-line, please complete them as soon as possible. Dave Hess registered for the spring training exercise on the weather which will be conducted via Zoom one evening next week.

5. Zoning – Tina Serfass reported that February was a slow month. She reprocessed a zoning application that was originally submitted in October which the applicant put it on hold for a new house on Alpha Road. She issued two use permits, one at 140 Broadway and one for 57 Park/Fairview Avenue. It was previously a daycare and it will reopen as a daycare. Steve Bender said that he recently read an article in the Borough News regarding a Municipality being granted further measures on condemning property. Tina said that normally falls under the property maintenance. If complaints come in, she can go out and request to do an inspection to see if the property is habitable or not. It is difficult to condemn a property and say it is not habitable especially in the winter months especially if there is water, electric and sewer, the three requirements to be considered habitable. Hoarders would fall under the property maintenance code which is currently being reviewed by member of Council and the Property Maintenance Committee.

6. Planning – Dave Manzo reported that there is a Planning Commission Meeting scheduled for Thursday, April 1, 2021.

7. Municipal Authority – Dave Manzo reported that JERC attended the Municipal Authority meeting to discuss the pumping station which is still not completed. They will be coming back to Council for their final plan review. He mentioned to the Sewer Authority the Borough's plan for paving Delaware Avenue and Burdette Street. There was some miscommunication with the WGMA in notifying the Pen Argyl School District about Able Colony Road bridge being closed, which caused issues with the bus routes. The Authority also discussed Tyrone Klump's development on Third Street.

8. Streets – George Hinton reported that the Street Department spent an inordinate amount of time removing snow from the streets and sidewalks. They have been out patching alleys and patching potholes which is common this time of year. They are working in the new shop, moving stuff from the old shop to the new one. They received their seventeen loads of salt as obligated under the State Salt Contract.

9. Park/Athletic Fields and Walking Trail – Joyce McGarry reported that she will meet with Louise and Rich regarding the garden.

A Girl Scout Troop contacted the office requesting the use of our park parking lot to distribute cookies for their annual Cookie Fund Raising. There will be four Girl Scouts there at a time with adult supervision and they will be doing two-hour shifts. Council gave their approval.

Louise said that this year, instead of having a traditional Easter Egg Hunt, we are going to have an Easter Bunny Drive Thru at the Wind Gap Fire Company Social Hall. The event will be held on Saturday April 3, 2021 at 11:00 a.m.

10. Tipping Fees – Louise Firestone had nothing to report.

11. C.O.G. – Mayor Mogilski reported that they had one of the leaf vacs refurbished. At their next meeting they will decide which leaf vacuum they want to sell. Wind Gap and Plainfield Township are both interested in a used leaf vacuum. He did some research, and a 2008 leaf vacuum has a value between \$1,200 and \$1,900. They discussed the storm jetty and the tar buggy which Mount Bethel Township will be housing. They got the street sweeper through the LSA Monroe County Grant. They are also looking at a second street sweeper for smaller municipalities which could cost up to \$40,000.

12. Slate Belt Rising – George Hinton reported that they went over their finances and are looking for additional donors for the program. One facade project is going to be done in Wind Gap, with other projects being done in Pen Argyl and Bangor this year. The mural painting would be in Bangor as well.

Louise Firestone reported that Steve Reider is organizing litter cleanup in all four boroughs on Saturday, April 10, 2021 from 9:00 a.m. to 11:00 a.m. and he asked for at least five people per borough. Louise reported that each year, Slate Belt Rising puts approximately \$10,000 into one of the four boroughs and next year Wind Gap will get that money to put toward a project. She asked for ideas from Council as to how they would like to see that money used, please let her know by the next meeting.

13. Multi-Municipal Plan –No meeting was held, nothing to report.

14. Mayor's Report – Mayor Mogilski had nothing to report.

15. International Property Maintenance Code (IPMC) – Dave Manzo reported that he met with Louise and the intent is to mirror Pen Argyl's code and violation fees. Dave asked Council to review the IPMC and hopefully, we can move it onto the Solicitor, and hopefully by mid-April, vote on the passage of the IPMC.

Dave Manzo said that as far as the noise and vibration ordinance, it is in the Property Maintenance Code, so until we pass that there is not much we can do. Jeff Yob asked if there is a vibration component in the ordinance. Dave Manzo said there are multiple portions of the ordinance and one of the portions deals with vibrations, but it would have to be for a certain duration and reach a certain decibel level. Matt Silvius said that they expressed that it should be something that the average person could call the police. Mr. and Mrs. Silvius expressed concern about the length of the truck idling and the level of vibrations that can be felt in their house. Attorney Karasek explained that the Borough is permitted to do what the Legislature allows them to do, the Borough cannot just do whatever they want to do. The Borough can enact ordinances in respect to health, safety and welfare and in this case, it would be enforced, but he does not know what the code is saying in respect to vibrations or noise.

Tina Serfass said that you cannot change the International Property Maintenance Code and you cannot add things to that code, it is enforceable as it is written. Dave Manzo said it is not being recommended to change the International Property Maintenance Code (IPMC); the changes being suggested are to the current ordinances on the books and do current ordinances need to be repealed. Tina said there are certain things that you have under your Nuisance Ordinance that would go away once you adopt the Property Maintenance Code. That does not include vibrations. You would have to have your own ordinance specifically a noise ordinance to cover the vibrations complaints. Dave Hess asked Tina if she deals with other municipalities that have vibration ordinances. Tina said that some of them do but the problem is who is going to go out take a decibel reading, you have to be certified and have a certified meter. Jeff Yob asked if there is a federal law that prohibits and why can't that be enforced. Jill said that this is not about the sound it is about the vibration. Matt said that they were told that they could plug his truck in rather than letting it run for six hours. Brian Pysher said there is a section in zoning ordinance regarding vibration control, but he does not know how that would be enforced or the validity of it but he thinks this is something the Solicitor can take a look at if that is the route Council wants to take. Dave Hess said the Mr. Manzo is in the process of reviewing ordinances, he can look at the one for vibrations. Attorney Karasek said that if the Police Officers do not want to enforce that federal law, we cannot tell them what to do with that, it is their call. Dave Hess said that he will bring this topic up at the Slate Belt Regional Police meeting. Dave Manzo said he will review the ordinances.

ADJOURNMENT

On motion by Jeff Yob to adjourn the meeting of March 16, 2021. Council agreed unanimously. The meeting of February 16, 2021 adjourned at 8:45 p.m.

Louise Firestone, Borough Manager