

**BOROUGH OF WIND GAP
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WIND GAP, PA 18091
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Wind Gap Borough Council meeting on Tuesday, May 16, 2023, 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 Dave Hess, Steve Bender, Dave Manzo, Patrick Webber, Jeff Yob, and Alex Cortezzo. Also in attendance were Mayor Wesley J. Smith, Borough Solicitor Ronald Karasek, Borough Engineer Brian Pysker, and Administrative Assistant Debra Harbison. Councilman David Hess joined the meeting at 7:16 p.m.

PUBLIC COMMENT

1. Mr. Smith, 34 Alpha Road, came before Council with questions about who is in charge of the park. George Hinton replied that Borough Council, along with the Borough Manager with input from the Street Leader. Mr. Smith asked if bids were put out for the mulch in the park. George said that the Borough requested quotes to do the landscaping and it was brought up at the meeting to put it out for bid, which was done with only one company providing a quote to the borough. Mr. Smith commented that there are No Dogs Allowed in the Park signs, but there are dogs in the park.

APPROVAL OF MINUTES

On motion by Jeff Yob to approve the May 1, 2023, minutes and seconded by Dave Manzo. Roll call vote taken. Council agreed unanimously.

NEW BUSINESS

1. George Hinton said that after the last Police meeting a Supervisor from Plainfield Township submitted a Right-to-Know request to the Commission's Solicitor for e-mails and text messages from members of the Commission along with Wind Gap Council and Wind Gap Municipal Authority. Attorney Karasek said that a public record is a record in which the Borough uses to rely upon to make decisions and various motions. If it is something like that and is on Borough business, yes, it is subject to the Right-to-Know. There are several municipalities that give out phones to their employees to use for business. You do not have to give up your personal text messages if it is not on Borough business.

2. Jeff Yob asked about the Norco 2020/21 Grant money for the parking lot. He wanted to know if we are going to piggyback this with other work that we will be doing this summer. Brian Pysker said that the Street Department will be doing the patching and overlay work on Roosevelt Street so that work will be done in-house. The project on Constitution Avenue has been put out to bid and the paving depends on the timeline of the Sewer Authority and their proposed project. Brian explained that the grant money received was specific to paving the municipal lot. Discussions have occurred that paving the entire lot may have to be done in phases as the grant funding will not cover the entire project. Prior to any paving being

completed Wind Gap Electric has to run the conduit for the gas line and also have discussions regarding installing parking lot lighting. Brian will follow-up with Wind Gap Electric.

3. Dave Manzo reported that the developer at 20 Green Knight Drive is moving dirt. Brian said he contacted the developer, the engineer, and the contractor to reiterate that they are not permitted to move dirt until their permits are in place. They are allowed to dig holes to access the soil for the Geotech Engineer. Attorney Karasek said he received an e-mail asking when the development agreement is going to be prepared so they can move on with this matter. He did prepare another Green Knight plan in 2019, but it was never filed at Northampton County, therefore, the Borough has no protection in regard to this project. Brian was informed by the developer that they are waiting on an outside agency permit and he made them aware they need to speak with Attorney Karasek and get the Developers Agreement executed. They may come in and talk about indemnification to possibly start moving dirt once they get their permits in place. They are also awaiting sewage approval. There is an exemption mailer, a certification by the Sewer Authority, which needs to be approved and signed by Council and sent to DEP. George asked if they changed property lines. Brian said they did, it is all in the lot line agreement and the lot line adjustment plan. He did a review, and all of the plans are acceptable.

OLD BUSINESS

1. Slate Belt Regional Police Lease Agreement - George Hinton provided Council with a copy of the most recent lease offer from Plainfield Township. When the Commission asked for comments related to the lease from Wind Gap's Council May 1st meeting, George and Dave took back what Council thought was a fair offer and they were chastised for questioning the lease proposal amounts. Council further discussed the issue and concluded that what Plainfield is offering is not reasonable. Dave reiterated the current offer for rent from Plainfield Township is \$13 a square foot with an increase of 3% every year in addition to paying for the utilities. Dave explained that since there is no current signed lease because it expired, the rent amount has reverted back to the amount that was paid at the end of the last lease without the 3% increase. It was agreed that since the initial lease arrangement was brand new to everybody there is no fault to any one municipality for what turned out to be an overpayment of the rent. George said that once the overpayment was determined the obvious correction would have been to forgive the entire 18 months of rent overpayment, but Plainfield dictated that 12 months was sufficient. When Plainfield Township was questioned as to specifics of the lease and the reasoning for increasing the square footage dollar amount and an overall annual percentage increase, which includes language that the Commission is responsible for 70% of the building utility bills, Plainfield had no answer or explanation.

Attorney Karasek said that generally in municipal matters, towns, boroughs and townships are not supposed to make money on people. Can't this just be a break-even lease? Dave Hess said he questioned where the rent money goes or is spent. Again, no answer from Plainfield Township. The money should be accounted for and when Plainfield needs it for something for the police station such as renovations, all they would have to do is go to that account and pull the money. At the end of the year, with the money left, everyone would get a reduction in their percentage of the budget for the following year. Plainfield was not agreeable to handling the rent money in this manner. Jeff Yob asked if there was any arbitration clause in the original lease. Attorney Karasek said he was looking for it, but could not find one in his records. If there was and the lease is expired, it is meaningless, it would be mute. Jeff Yob said if we sign a new lease agreement, we want an arbitration clause added to this lease. If we are going to have potential disputes in the future, we need a way to resolve these with an impartial third party. He recommended trying to make some language about utilities and costs

and have the arbitration paragraph included and move forward. Dave Manzo said that he is not ready to pay the \$13 a square foot when they cannot even tell us what happened to the six months of overpayments. Attorney Karasek stated he is trying to understand the legal matter on how Plainfield Township requires more than a break-even lease. If in fact that is what they are spending to run the place, then okay, but right now, he is not hearing anything about a break-even lease, they do not have to pay real estate taxes and the Commission is paying 70% of the utilities and repairs. Attorney Karasek said that he could send a letter, on behalf of the Borough, to the Commission to Attorney Backenstoe requesting their legal basis for having a profit lease as opposed to a break-even lease.

On motion by Jeff Yob to authorize Attorney Karasek to send a letter to the Plainfield Township Solicitor requesting basic information prior to signing the lease and seconded by Dave Manzo. Roll call vote taken. Council agreed unanimously.

ZONING OFFICER'S REPORT

Suzanne Borzak asked if Council had any questions related to her last monthly zoning report. Dave Hess asked for an update related to the incident on Jefferson Street that he contacted her about. Suzanne said she visited the site; they had trees cut down after the mast head went through the casing. They had an electrician fix all the electrical issues and subsequently, Med Ed restored electricity to their house.

Attorney Karasek reported that after the May 4, 2023, Planning meeting, the Zoning Officer revised the chicken and sign ordinances. They are continuing to be discussed and will be on the Planning Commission meeting in June. Suzanne added that the chicken ordinance is ready to be reviewed by the Lehigh Valley Planning Commission.

COMMITTEE REPORTS

A written committee report was provided to Mayor Smith and Council. Dave Hess said that the media will be at the next commission meeting. The meeting will be held at the Wind Gap Municipal Complex beginning at 5:00 p.m. There will be a large media presence because the department will be presenting K-9 Zorro. If anyone is available, Wind Gap will be hosting the Slate Belt Regional Police Commission meetings for the next three months. It would be nice to see some Council members in attendance.

Steve Bender wanted to thank the Fire Company for supplying the information for the monthly report.

Alex Cortezzo asked why we do not have anything down for Ambulance. George Hinton said he missed their meeting and did not have that information.

On motion by Alex Cortezzo to amend the agenda to have the Borough assist the Ambulance Corp to finish paying the balance of \$27,000 for the ambulance from the tipping fees and seconded by Jeff Yob.

Attorney Karasek said that Act 65 of 2021 requires that a motion first be made to put this item on the agenda and then, once on the agenda assuming the motion is approved, Council can then vote on it.

On motion by Dave Manzo to amend the agenda to include the Wind Gap Ambulance and seconded by Jeff Yob. Roll call vote taken. In favor: D. Hess, Hinton, D. Manzo, P. Webber, J. Yob, A Cortezzo. Opposed: S. Bender. Motion carried with a vote of 6-1.

On motion by Alex Cortezzo to use \$27,000 out of the tipping fees to pay the balance for the new ambulance and seconded by Jeff Yob. Roll call vote taken. In favor: D. Hess, G, Hinton, D. Manzo, P. Webber, J. Yob, A Cortezzo. Opposed: S. Bender. Motion carried with a vote of 6-1.

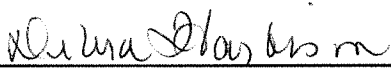
Alex Cortezzo said the Fire Company Carnival is coming up and asked if Council granted them a waiver to have liquor at the park, as per our ordinance. This will be on the agenda for the June 5th Council meeting.

MAYOR SMITH REPORT

Mayor Smith reported that he attended the COG meeting last month. He said that they are working on their tax exemption status. Their next meeting is scheduled for May 24th. Last year, he started a Mayor's Scholarship for a graduating Pen Argyl senior who resides in the Borough. On May 18th he will be presenting the award and the check to the senior to assist them in offsetting some of their college expenses.

ADJOURNMENT

On motion by Dave Manzo to adjourn the meeting of May 16, 2023. Council agreed unanimously. The meeting of May 16, 2023, adjourned at 7:51 p.m.



Debra Harbison, Administrative Assistant

MAY 16, 2023 MONTHLY REPORT

STREETS:

Roosevelt Street – 4 Storm structure boxes ordered for east side pipe installation.

Inlets are 24" x 45 ¼" i.d. boxes with 7" thick floor & 6" walls, RC-34 6" reveal concrete "C" top with PennDOT bicycle safe grates, cast openings for pipe penetrations and are delivered & unloaded at the job site.

Constitution Avenue – Project has been advertised for submission by Tuesday, June 20 for award at Council meeting that evening.

92 tons of Salt ordered and delivered @ \$72.44/ton = \$6,664.48

Minimum requirement to order 5.79 more tons by July 31, 2023

Male Road – Water Main Installation – PA American Water Company

Will be boring under wetlands on east side of Rt 33 and adjacent to new JERC Warehouse to install a water main (from Male Road south to behind bowling alley)

PENDING ITEMS:

Meeting on East First St for placement of Street Light – B. Pyscher to schedule meeting with Met Ed for location of existing wiring.

Funding from Gap View Estates Escrow

POLICE:

April 2023 – Violations – 5 total

▪ Inspections - 2	\$20.00
▪ Commercial Vehicle – 1	\$10.00
▪ Obstruct Driveway – 1	\$15.00
▪ Yellow Line – 1	<u>\$15.00</u>
	\$60.00

April Monthly Calls for Service and Police Activities will be provided to the Police Commission on Thursday, May 18, 2023.

EMERGENCY MANAGEMENT:

4/30/23 – Request by Fire Chief Kyle Reinart to speak with owner at 149 Jefferson St. a tree limb damaged the weather head resulting in the home losing power. Dave Hess spoke with the owner and referred the matter to the Zoning/Code Officer.

Still To Be Ordered - 3 New Hand-Held Radios

WASTE MANAGEMENT:

Neighboring Partnership Agreement:

2023 1st Qtr Tipping Fee Total = \$181,942.98

April 2023 Tipping Fees = \$72,199.85

WIND GAP AMBULANCE:

FIRE COMPANY:

Fire Company Carnival – June 29, 30, July 1, 2023
Calls for the Month of / Calls for the Year

2023 Calls:

- 3 Dwelling Fires
- 1 Wire Down
- 3 Fire Alarms
- 1 Gas Leak
- 1 Chimney fire
- 1 Spill
- 1 MVA with Injuries
- 1 Vehicle Fire
- 1 Indoor Odor Investigation
- 1 Wire Fire
- 1 Brush Fire

Boy Scout Trail to Town Camporee:

2023 Dates = June 16, 17, 18, 2023

WIND GAP MUNICIPAL AUTHORITY:

PLANNING:

ZONING:

Zoning report is attached.

OFFICE/BUILDING:

Parking Lot - \$35,000 from 2021 Grow NORCO Grant – Deadline Dec 31, 2023

FINANCIALS: – Balances as of April 30, 2023:

General Funds:	\$227,460.51
Money Market Funds:	\$1,230,360.20
Capital Reserve Funds:	\$1,765,396.58 (\$665,104.39 – Sale of Borough Properties) (\$287,037.35 – American Rescue Plan Act - ARPA)
State Liquid Fuels Funds:	Current Balance = \$239,560.07 (Allocation Based on 9.36 miles / Population of 2720)

BOROUGH PROPERTIES:

Municipal Building

B. Pysher completed the design to convert the Municipal building and the Maintenance Garage to natural gas. He has sent the drawings to contractors in order to get bids for the work.

SLATE BELT RISING:

Earth Day - Slate Belt Rising Litter Pick-up Event was held on Saturday, April 22, 2023
Wind Gap, Pen Argyl, Bangor, Portland – Over 25 volunteers collected 460 lbs. of garbage

- June 10th – Pen Argyl – Celebration of Weona Park / Carousel
- July 8th – Wind Gap Vendor Event
- August 26th – Portland River Festival
- Sept. 16th - Pastie Festival in Bangor

MISCELLANEOUS:

Dream Lehigh Valley LLC	
Appraised Value	= \$13,264,300
Assessed Value	= \$6,632,200
Real Estate Property Tax	= \$110,492.45 (Paid during Discount Period)