

**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, May 3, 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, Dave Manzo, Joyce McGarry, and Jeff Yob. Also participating were Mayor Mitchell D. Mogilski Sr., Borough Solicitor Ronald Karasek, Borough Engineer Brian Pysner, and Borough Manager Louise Firestone. Councilman George Hinton joined the meeting at 7:26 p.m.

PUBLIC COMMENT

Adrienne Fors, Waste Management reported that:

Grand Central Landfill is committed to keeping the community informed. Below, you will find the most recent copy of the landfill operations neighborhood update.

1. Landfill Operations: We are currently accepting an average of 2600 tons per day.
2. The facility continues to work on its' 8-acre final capping project for cell 17.
3. The landfill gas collection project scheduled for the Spring is ongoing.
4. Grand Central Landfill will host a bird walk on May 8th at 11am. Registration is required.
5. Recent charitable donations: \$2,500 to the Wind Gap Fire Company for the 100th Celebration.

The Grand Central Landfill website continues to be updated and includes the monthly landfill update notices. www.grandcentrallandfill.com. Residents can also learn more about us by visiting our Facebook page as well.

APPROVAL OF MINUTES

On motion by Dave Manzo to approve the April 20, 2021 minutes and seconded by Joyce McGarry. Roll call vote taken. In favor: S. Bender, D. Hess, D. Manzo, J. McGarry. Abstained: J. Yob. Motion carried: 4-0-1.

APPROVAL OF EXPENSES

On motion by Jeff Yob to approve the General Expenses for the month of April 2021 in the amount of \$33,023.66 and seconded by Dave Manzo. Roll call vote taken. Council agreed unanimously.

On motion by Dave Manzo to approve Nu Cor Management – Application No. 19300.12 for the Maintenance Garage in the amount of \$71,618.50 and seconded by Steve Bender. Roll call vote taken. Council agreed unanimously.

SOLICITOR'S REPORT

MEETINGS ATTENDED (all via Zoom)

April 1, 2021 – Attendance at regular monthly meeting of Borough Planning Commission.

April 5, 2021 – Attendance at regular monthly meeting of Borough Council.

April 20, 2021 – Attendance at regular mid-month meeting of Borough Council.

SUBDIVISION MATTERS: None

LAND DEVELOPMENT MATTERS:

E-mails, Telephone Calls with Applicant's Attorney and Applicant's Engineer. Forwarding Template Irrevocable LOC and Receipt of Several Documents i.e., Operation and Maintenance Agreement-Storm Water Maintenance, Land Development Improvements Agreement, Templet Agreement for Easement/Road Right-of-Way along Male Road and Giroux Driveway/Access Easement Agreement with Solicitor Cross-Check, Review of such Documents with Questions and/or Suggested Revisions re JERC LD Plan.

Receipt, Review and Administration of Recorded Unification and Merger Deed and Giroux Driveway/Access Easement and Borough-EIT – Approved Metes and Bounds Description for Easement/Road Right of Way along Male Road re JERC LD Plan.

Receipt, review and Administration of Borough Engineer Review Letter and Borough Zoning Officer Review re Green Knights LD Plan – 20 Green Knight Drive.

Solicitor Revisions to the proposed Easement Agreement for Cul-de-Sac with forwarding email to Applicant's Attorney for Review and Approval re Klump LD Plan – Third Street.

Forwarding the signed ASLDO Waiver Request form to Borough Officials re Tractor Supply LD Plan – Garden Center Addition to K-Mart Existing Building.

Forwarding Recorded Easement Agreement to Applicant's Attorney re Dream Lehigh Valley and Status of Separate maintenance Agreement for Dedicate Public Improvements.

ZONING AND OTHER LAND USE MATTERS:

Receipt, Review and Administration of Application, Site Plan and Borough Engineer Review Letter, Borough Zoning Ordinance and Preparation of Comprehensive Correspondence (to ZHB) with Planning Commission Recommendation re 67 Park Avenue (former Sew-n-Vac property).

DEVELOPMENTS ON OUTSTANDING LITIGATION: None

COURT DECISIONS ON BOROUGH CASES: None

MISCELLANEOUS:

Preparation of Planning Commission Meeting Agenda of April 1, 2021.

Preparation of Planning Commission Meeting Minutes of April 1, 2021.

Receipt, Review and Administration of Rile with Various Closing Documents and Recorded Construction Mortgage re GON 2020-Construction of Maintenance Garage.

Preparation of Statement of Financial Interests Form.

Legal Research under Borough Code re Resignation of Elected Official.

Preparation of Monthly Solicitor's Report.

OUTSTANDING ITEMS:

Property Maintenance Code

Stop Sign Ordinance

Dog Park Ordinance

ENGINEER'S REPORT

Brian Pysker reported that he has been onsite at the JERC Warehouse project at 550 Male Road. He has been observing the site improvements including the construction of the permanent storm sewer in accordance with their erosion and sedimentation control sequence. They are in the process of constructing retaining walls and basically moving a bunch of dirt from the high side to the low side. In the next couple of weeks, they will be moving material to level out the site. He does have some e-mails from Attorney Karasek that he will follow up with regarding the Improvements Agreement and trying to get the final plan recorded.

Bracalente was on-site today to complete the final overlay for Delaware Avenue and Burdette Street. Dominic Bracalente confirmed that they finished up so the paving project is all completed.

NEW BUSINESS

1. Male Road Bridge – Funding Opportunity - Louise Firestone reported that Council had previously authorized a meeting with representatives from Wind Gap and Plainfield Township to discuss the Male Road bridge deficiencies. Senator Scavello was kind enough to offer to moderate the meeting that was scheduled for last Thursday. He invited State Representative Ann Flood, Plainfield Township representatives, Wind Gap Borough representatives, Green Knights, JERC, Giroux, and PVT Trucking. The main topic of discussion was going to be the current condition of the bridge based on past bridge reports, the most recent being done in April 2020, and how the ratings have decreased over time. Based on the bridge ratings, the allowable tonnage has been reduced from forty tons down to thirty tons. As more development occurs off of Male Road, the bridge will continue to absorb stress from the weight of both truck and car traffic. The meeting was intended to discuss how the municipalities can work together to potentially upgrade or replace the bridge. Prior to the construction of the JERC building, a portion of that land was situated in Wind Gap Borough which allowed the borough to receive property taxes. Since the parcel of land was consolidated with another parcel for the warehouse, Plainfield Township will receive the property revenue and Wind Gap loses that revenue. Wind Gap Borough's discussion points would have included the fact that there are expenses associated with the bridge and the road, and the loss of revenue from property taxes. Senator Scavello called prior to the scheduled meeting to offer an alternative funding option for Wind Gap that includes support of some of the property owners, either with a letter of support or financial contributions, he is proposing that Wind Gap Borough apply for a Multi-Modal Transportation Fund (MTF) grant. That grant round opened two weeks ago with a submission deadline at the end of July. The Senator is very optimistic that with a strong application, his support, Representative Flood's support, and some matching grant money that Wind Gap would be able to secure funding in this grant round. The grant funding would hopefully be announced this November and the project could be potentially put it out to bid January or February of 2022 and have construction completed by the end of the year. It is all good news, not one hundred percent guaranteed money but the Senator understands, for economic development and Wind Gap's burden of the road and limited resources, he is going to do everything he can to find funding through this grant.

2. Mayor Mogilski reported that he received an e-mail from Susan Wild's secretary, she would like to meet with all the Mayors to discuss what the area could use in the form of relief funds. The meeting is scheduled for June 3, 2021 so this will give everyone time to think of projects that he can suggest in the way of funding.

OLD BUSINESS

1. International Property Maintenance Code (IPMC) – Dave Manzo reported that it turns out that in June 2012, Attorney Karasek, as the Borough Solicitor, had prepared an ordinance for the International Property Maintenance Code which at the time had been advertised, but did not pass Council for adoption. He would like to make a motion that the International Property Maintenance Code, that has been updated by Louise Firestone, be re-advertised as soon as possible for the 2015 International Property Maintenance Code. Louise said that she did make the changes but did not distribute the changes. Dave Manzo recommended that the IPMC also be available on line as well as having copies in the office.

On motion by Dave Manzo to re-advertise for the adoption of the International Property Maintenance Code with the 2015 edition and seconded by Steve Bender. In favor: J. McGarry, S. Bender, D. Hess, G. Hinton, D. Manzo. Opposed: J. Yob. Motion carried: 5 – 1.

Attorney Karasek said that looking at the ordinance that was prepared back in June 2012, it refers to various sections of the International Property Maintenance Code 2009 edition. Council has to make sure that the references to this ordinance are the same as the ones in the 2015 edition. Louise said that she did cross reference everything so she will forward this to Attorney Karasek and Council.

Dave Manzo asked if Council should appoint the Appeals Board and the Enforcement Officer. Do we need to make a motion on that again or since it is in the ordinance, is that okay? Attorney Karasek said that Council should keep the same thing, any person has the right to appeal to the appeals board that is established by Borough Council or Slate Belt Council of Governments. If the Council of Governments does not have an Appeals Board, an Appeals Board would have to be established by Council. Until that Appeals Board is established, Council could not enforce the ordinance. Mayor Mogilski said that he spoke with the COG and they do have an Appeals Board made up of five members and an Attorney, each appeal would cost \$2,000. Dave Manzo said that following the last meeting, the Zoning Officer handed out two statements, one from Nazareth and one from Portland Borough and they use Council as their Appeals Board, would that be an option instead of going to the COG thus making Borough Council the Appeals Board. Attorney Karasek said that the 2009 edition references a three-member board who are qualified and are not employees of the jurisdiction. Attorney Karasek said that that Board might deal with the Uniform Construction Code (UCC), but this is the International Property Maintenance Code (IPMC). There is a separate Appeals Board for the Uniform Construction Code that has various expert individuals with knowledge of electrical, plumbing, heating, etc. Council needs to confirm that the SB COG Appeals Board can be used specifically for IPMC.

2. Parking Violations Ordinance – Dave Manzo reported that Council should have received an e-mail from Attorney Karasek earlier this afternoon regarding some questions with the parking ordinance. Some of the specific questions might have to be pushed to the Chief of Police for clarification. Attorney Karasek reported that he went over the ordinance today and would like Council to take a look at it so it can be discussed at the next meeting.

Jeff Yob asked if someone that is an independent trucker and brings his truck home, is he no longer allowed to park in front of his house. Dave Manzo said that that is not the intent, we can discuss this at the next meeting.

3. Snow Emergency Ordinance - Dave Hess asked Council if there were any major concerns with altering the route or language. Louise Firestone reported that at the last meeting there was discussion clarifying how a snow emergency would be called based on the forecast, so that language has been put into the draft. Attorney Karasek said that looking at his notes, one of his concerns was how to determine what should be considered hazardous or dangerous. It was discussed and determined to be six inches as per the forecast of the National Weather Service. Some sections of the ordinance identify that the registered owner of the vehicle is responsible for the removal, towing, penalties, etc., but if the owner is not the one that parked the car or told someone not to take the car and they do, is the registered owner the person who receives the citation. Steve Bender said that the the main intent of a snow emergency declaration is to have the cars removed off of the emergency route so that the full width of the cartway is open to push back the snow. If there is a significant ice storm that is a half of an inch or greater, even though there is concern about hitting vehicles parked on the road, you don't need the width of the cartway for the proper road treatment. Steve said that in Pen Argyl, it was always the registered owner of the vehicle who receives the ticket, but he will confirm this information. It would make sense since the only information the Police Department has is the license number of the vehicle and when they check that goes back to the registered owner of the vehicle. Dave Hess reiterated that the key to getting cars off the snow emergency routes is to call the emergency early enough to give people the opportunity to get their cars out of the way before the snow starts falling. Steve Bender agreed that calling the emergency early enough, but leave the time that it expired to be determined later. Dave Hess asked if Council is comfortable advertising this revised Snow Emergency Ordinance.

On motion by George Hinton to adopt the new updated version of the Snow Emergency Ordinance and seconded by Dave Manzo. Roll call taken. Council agreed unanimously.

QUESTIONS & ANSWERS

ADJOURNMENT

On motion by George Hinton to adjourn the meeting of May 3, 2021. Council agreed unanimously. The meeting of May 3, 2021 adjourned at 7:51 p.m.

Louise Firestone, Borough Manager