

**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 Wednesday, May 19, 2021 was called to order at 7:03 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, and Jeff Yob. Also participating were Borough Solicitor Ronald Karasek, Borough Engineer Brian Pysher, and Borough Manager Louise Firestone. Absent was Mayor Mitchell D. Mogilski, Sr.

PUBLIC COMMENT

No comments were heard at this time.

APPROVAL OF MINUTES

On motion by Dave Manzo to approve the May 3, 2021 minutes and seconded by Joyce McGarry. Roll call vote taken. Council agreed unanimously.

NEW BUSINESS

1. Council Vacancy – Dave Hess reported that Council received one letter of interest from Michael Laudano to fill the vacancy on Council that will expire on December 31, 2021.

On motion by Dave Manzo to accept the letter of interest from Michael Laudano and place him on council for the remainder Michael McNamara's term which will expire on December 31, 2021 and seconded by George Hinton. Roll call vote taken. Council agreed unanimously.

We will get in touch with Mayor Mogilski to have Michael Laudano sworn in as soon as possible.

2. Verizon Cell Tower - Ordinance 406 - Louise Firestone reported that the Borough received an e-mail from Verizon wireless. Verizon is inquiring if Wind Gap Borough would allow them to erect a Verizon Cell Tower at 545 East West Street, which is Verizon's preferred location. Wind Gap Borough has an ordinance specifying requirements and/or restrictions of cell towers within the borough. The e-mail specifically includes potential compensation and tower and equipment requirements along with a proposed lease agreement for a total up to twenty-five years. Brian Pysher looked at the lot here and had some comments about possible locations on borough property. Attorney Karasek said that Ordinance 406 was adopted in 1998 and includes what type of towers are allowable and how they are defined such as lot size and tower height among other things. The approval of the use is by Special Exception and if the

applicant would want to make changes to the ordinance provisions, it would require a variance to be heard by the Zoning Hearing Board. Attorney Karasek recommended sending a copy of the ordinance to Verizon.

On motion by George Hinton to allow Louise Firestone to do some fact finding and gather information regarding a potential cell tower located on Borough property and seconded by Dave Manzo. Roll call vote taken. Council agreed unanimously.

OLD BUSINESS

1. Parking violation Tickets – DRAFT - Attorney Karasek reported that he sent an e-mail to the Borough along with a copy of the draft parking ordinance along with some questions for Council. Jeff Yob sent an e-mail stating that he would like this re-looked at for purposes of commercial trailers. Attorney Karasek stated that he needs policy guidance as to how Council wants to finalize the ordinance. Dave Hess reiterated that this ordinance will be enforced by the Slate Belt Regional Police and they are the ones that have the discretion to cite or not to cite. Attorney Karasek said he can put a provision in stating that this ordinance shall be enforced by the Slate Belt Police Department and the Officer shall use their discretion. Dave Manzo said that this can be advertised on our Facebook page, and on the Borough web-site. Dave Hess suggested that we ask the Police to show some leniency in the first few weeks.

On motion by Dave Manzo to advertise the Parking Violation Ticket Ordinance as it is currently drafted and adding a provision stating that this ordinance shall be enforced by the Slate Belt Regional Police Department at their discretion and seconded by Steve Bender. Roll call vote taken. In favor: D. Manzo J. McGarry, S. Bender, D. Hess, G. Hinton. Opposed: J. Yob. Motion carried: 5 – 1.

2. Snow Emergency DRAFT Ordinance – Attorney Karasek reported that Louise Firestone sent him a revised ordinance which addressed some of the issues that he had in a memo that was prepared and forwarded to the Borough. Although he was directed to advertise the ordinance at the last meeting, he did not want to do that until he was sure that all of Council was on board with the final draft and if so, he will get it advertised.

On motion by George Hinton to advertise the new Snow Emergency Ordinance and seconded by Dave Manzo. Roll call vote taken. Council agreed unanimously.

3. 29 Mechanic / 125 Water Street – Real Estate – Louise Firestone asked Council for direction regarding the appraisal at the old borough building, police station and garage. The appraiser came out, did a physical walk through of 29 Mechanic Street and 125 Water Street, took pictures, subsequently sent her an e-mail with a dollar amount that he was proposing as an appraisal amount. She went back to compare previous year appraisals and the dollar amount for both properties is less than at any one time for one property. She requested that he send her the complete appraisal with comparable properties so she would know where he derived his amount. She called him, e-mailed him and she gets no response. Council needs to move forward with selling these properties because the longer the buildings sit vacant, the condition of them is deteriorating. George Hinton asked Attorney Karasek that since we went through the appraisal property several times, could we just put it through a realtor and have them sell it. Attorney Karasek said that in order to be safe, advertise it again and if you do not get any compliant bids, you would have more than enough basis to follow that act that no bidding was received and then there is a special procedure to be followed. Dave Hess asked if we could auction it off and set a minimum of what we want. Attorney Karasek said that that was done before with Mr. Teel where a bid was accepted and then they were told that they had to put in or deal with the sewer, but if Council wants to auction the properties off together, they can. The

Borough Code does permit an auction, Council can put a set price for the property, advertise and sell. If that is what Council wants to do, he needs to prepare another resolution.

4. JERC – Attorney Karasek reported that he has been in touch with the applicant's attorney and engineer. He has been reviewing the final documents, Improvements, Stormwater, and Easement Agreements for JERC. All the documents appear to be in order with the various changes that have been discussed and made. After receiving Council's permission, he will tell Attorney Zator to get those documents filed so they can be signed. Brian Pysher said that regarding inspections, that was sorted out in e-mails that he sent last week and they are required to supply "As Built" drawings. That will essentially be the certifications of improvements. Attorney Karasek will get the documents finalized and get them to Borough council to be put this on the agenda for June so Council can formally vote on the documents.

COMMITTEE REPORTS

1. EMS – George Hinton reported that for the month of April, the Ambulance responded to 136 calls, 7 ALS calls and 13 BLS calls in Monroe County, 22 ALS calls and 30 BLS calls in Northampton County, 64 non-emergency transports with an average response time of 3.66 minutes from dispatch to responding.

2. Fire – George Hinton reported that they are moving ahead with the carnival. They plan on advertising on the radio. They will be having a firefighter competition at the park on June 19th which will be in the big field. Fundraising is up, people are enjoying getting up and out. Dave Hess said he received a call from the Fire Department in regards to the competition, he asked if the borough would approve closing South Lehigh Avenue. George said the fire company discussed this topic last night and they plan on moving the equipment towards the fence and just have one and a half lanes for traffic. They will have traffic control there. Dave Hess asked if the participants provide waiver insurance as part of the registration. George said he will report that at their meeting at the first of the month.

3. Regional Police – Dave Hess reported that for the month of April, the Police Department responded to a total of 383 calls for service, 134 were for Wind Gap.

Officer Muccione has been extremely active with drug enforcement and continues to utilize her expertise to assist our Officers, as well as outside Agencies.

Last month, and this month, continue to be a busy time for the Officer's annual training. Last month, Sergeant Connolly and Sergeant Daly Successfully completed POSIT training (through Penn State) and Grant Writing (through Penn State). This month has been the Officer's annual firearms qualifications, which are administered by Officer Joseph Torre and Jarad Steirer.

Defensive Tactics training was conducted at Lower Saucon Police Department, with the blessing of Chief Barndt. Officers were allowed to use the MILO system which provides an interactive scenario based "movie" training for the Officers to make reactionary decision in real time.

4. Emergency Management – Dave Hess reported the quarterly Emergency Manager meeting was held on May 12, 2021. The program this quarter was a presentation from an EPA Representative who discussed oil spill recovery and went over the normal working of County Emergency. It seems that things are opening up slowly and in person events are resuming. Big events will be held in person, including Musikfest.

5. Zoning – Tina Serfass reported that she processed eleven zoning applications, issued seven permits, two denials and two are pending UCC reviews. There was nothing for the Zoning Hearing Board. She was in Staples and the manager asked about reaching out to the Fire Company, they would like to supply the fire trucks with free wipes and other similar items.

6. Planning – Dave Manzo reported that there was no meeting scheduled this month.

7. Municipal Authority – Dave Manzo reported that sadly we saw the passing of Ralph Stampone. He has been in touch with Randy Yordy on several occasions discussing the replacement for the Board and the procedure to do that. They have a meeting next week where, he believes they will make a recommendation for a board member.

8. Streets – George Hinton reported that once the street sweeper was received the street workers completed sweeping the streets. They worked on the small pavilions and took out the concrete pads and put some gravel/stone down and rolled it and got the pavilions where they are useable. They have been filling some potholes and mowing, trimming, and weed whacking.

Jeff Yob asked if there were any issues with the paving work for Delaware Avenue. He did not hear anything negative but will like to know if there were any issues. George Hinton said not to his knowledge, Rich or Louise would have informed us. Jeff complimented the work done and especially how the new pavement was blended in nicely with the other new pavement from last year's Center Street paving project. Jeff asked Louise if we were okay with payment. Louise said there were no issues, that the invoice will be on the June agenda for payment out of the Liquid Fuels Account (PLGIT).

Dave Hess said the Street Department and George did a good job with the small pavilions. We made a motion to take them down, but they found a way to get the concrete out and save the structure and put down temporary flooring for this year.

9. Park

Community Garden – Joyce McGarry reported that she did get six residents this year to take beds there so that left three for community gardens. Everyone has planted and it looks like it is going to take off in the right direction.

Boy Scout Jamboree – June 18, 19, 20 – George Hinton reported that the last meeting with the Boy Scouts, they went over the water, waste water and other things at the park. They were excited and anticipate great participation from Northampton County scouts.

Wind Gap Area Athletic Association - Dave Manzo reported that he had a brief conversation with the new president of the Athletic Association and he was told that the finances, all signatories are in order and they are looking into starting a summer basketball league. They are also looking at holding a meeting at the Fire Company Social Hall.

Louise Firestone reported that the park kitchen will be cleaned next Thursday, it has not been cleaned in several years. The landscaping company will come in and do the islands which have not been done in several years. The street workers put up the No Smoking – Kids at Play signs around the Kiddie Play area. They were pressure washing the bandshell with the intent to paint it and paint the gazebo which are maintenance items that have not happened in a couple of years. We had a return call from the organizer of the Tortious and Hare 5K Run/Walk because PennDOT is requesting additional language holding PennDOT harmless of any injuries or accidents that may occur during their 5K race on Memorial Day. This is a standard request.

On motion by Jeff Yob to supply PennDOT with a letter that states they will be held harmless during the Tortious and Hare Race/Walk and seconded by George Hinton. Roll call taken. In favor: J. Yob, D. Hess, G. Hinton, D. Manzo, J. McGarry. Opposed: S. Bender. Motion carried: 5 – 1.

10. Tipping Fees – Louise Firestone reported that she received a check for the first quarter in the amount of \$52,143.47. She will get the report out shortly.

11. C.O.G. – George Hinton reported that he missed their last meeting and this month's meeting is next week which he will be attending.

12. Slate Belt Rising – George Hinton reported that at the last meeting the committee went over financials and announced their high school scholarships. Louise Firestone said that Slate Belt Rising was initially set up to be a six-year program so going into the 2021 – 2022 budget which runs from October 1, 2021 to September 30, 2021, it will be the final year of the six-year plan. To continue on with Slate Belt Rising, they need to find funders to assist with the projects that happen here in the Slate Belt with the four boroughs, Wind Gap, Pen Argyl, Bangor and Portland. As a tool to assist with fundraising in our communities, Steve Reider, Director of SBR, put together a narrative to be read while a videographer taped each of the managers in the four boroughs this morning. Wind Gap's was recorded at the Community Park since Slate Belt Rising funded and continues to fund a portion of our expenses related to the garden which includes the sign, flowers, dirt, fencing, and so on. When the volunteers were there planting on Saturday, representatives who showed up from Pen Argyl, were very impressed with our garden. The garden would not look like it does without the efforts of Joyce McGarry and our Street Department. The decision to put the garden as the forefront of the video for Wind Gap shows how funding from Slate Belt Rising was utilized to enhance the park and promote community efforts in a positive way. The guy doing the recording set up a drone above our park to showcase the park because Slate Belt Rising has assisted with other funding toward the construction of the walking trail. Slate Belt Rising has committed an additional \$10,000 in the 2021 - 2022 budget.

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

14. Mayor's Report – Mayor Mogilski was absent so there was nothing to report.

15. International Property Maintenance Code (IPMC) – Dave Manzo reported the he sat with Louise and he asked her to get the 2021 edition of the IPMC. He went over it to determine how much change had occurred from the 2015 edition to the 2021 and there were very little changes made to the new edition. Dave recommends adopting the 2021 edition of the IPMC. He would like to see it adopted by the June 7th meeting. Attorney Karasek said that unless he has a copy of the 2021 edition, he cannot make the changes into the ordinance. He did receive the 2015 edition and made those changes but if we are going to do 2021, he needs that edition if that is what we are going to use. Dave Manzo said there were no changes to the body of the work. There were changes in the first chapter which threw off some of the numbers, but the content basically remains the same as 2015. Attorney Karasek said he needs to double check and make sure the numbers and the format are all okay and if that is the case and everything is in line and the formatting is okay, it should be shared with the Borough Council to look at and talk about. Dave Hess asked if it would be beneficial to adopt the 2021. Tina said it is out there but there are no municipalities that she deals with that has adopted the 2021 yet. Dave Manzo said he happened to see that there was a new edition and again, basically no difference between 2015 and 2021 in content. Some of the numbers have been switched around which again

throws it off a little bit. Tina said the only changes in those books are the black marks on the side of the page that would be additions or changes. Most of the changes, minor changes, were in the initial intro chapter not in the body of the work dealing with plumbing, and electrical. Louise said that we will get a copy to Attorney Karasek as soon as possible. Attorney Karasek said he will make changes on the document that he had and he will let Louise know when he is done so she can decide if she wants to distribute it or simply say advertise it.

ADJOURNMENT

On motion by Jeff Yob to adjourn the meeting of May 19, 2021. Council agreed unanimously. The meeting of May 19, 2021 adjourned at 8:17 p.m.

Louise Firestone, Borough Manager