

**BOROUGH OF WIND GAP
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The Council meeting of the Borough of Wind Gap on Monday, November 1, 2021, was called to order at 7:00 p.m. by Council President Dave Hess, at which time he reminded those present that the meeting was being recorded. In attendance were Council members George Hinton, Joyce McGarry, Mike Laudano, David Manzo, and Steve Bender. Also in attendance were Mayor Mitchell D. Mogilski, Sr., Borough Solicitor Ronald Karasek, Borough Engineer Brian Pysher and Borough Manager Louise Firestone. Absent was Councilman Jeff Yob.

PUBLIC COMMENT

1. A.J. Olszewski, Director, Wind Gap Ambulance came before Council with an update on the current financial condition of the Ambulance Corps. Mr. Olszewski asked Council to consider including a line item in their 2022 budget to cover the ambulance vehicle insurance in order to reduce some of the expense burden. On behalf of the organization, he thanked Council for their support and allowing them to be housed in the municipal complex.

APPROVAL OF MINUTES

On motion by Dave Manzo to approve the September 21, 2021 minutes and seconded by George Hinton. Roll call vote taken. Council agreed unanimously.

APPROVAL OF EXPENSES

On motion by George Hinton to approve the expenses in the amount of \$76,330.96 and seconded by Dave Manzo. Roll call vote taken. Council agreed unanimously.

SOLICITOR'S REPORT

MEETINGS ATTENDED:

October 4, 2021 - attendance at regular monthly meeting of Borough Council.
October 7, 2021 - attendance at regular Borough Planning Commission Meeting.
October 19, 2021 - attendance at regular mid-month meeting of Borough Council.

SUBDIVISION MATTERS:

Receipt, Review and Administration of e-mails to/from Applicant's Planning Professional and Borough EIT concerning outstanding items on conditionally approved Preliminary/Final Plan re Tanzosh Minor Subdivision/Lot Line Adjustment.

LAND DEVELOPMENT MATTERS:

Receipt, Review and Administration of Borough Alternate Engineer Status after Site Inspection (attaching prior status/review correspondence) re Albanese and Grimes, LD Plan-Water Street.

Preparation of Official Action Correspondence Recommendation plus SALDO Waiver Recommendation for Seven (7) SALDO /Stormwater Waivers Form and Receipt of the signed Waiver Form from Applicant's Planning Professional – J. Vozar re GKIP II L.D. Plan (20 Green Knight Drive).

Preparation of SALDO Waiver Recommendation for Thirteen (13) SALDO Waiver Form and forwarding e-mail to Applicant's Planning Professional – W. Erdman re PA Venture Capital, Inc/Exchange 6, LLC.

Receipt, Review and Administration of SALDO Waiver Form as Installation of Sidewalks and Width of Road where Sidewalks Start Immediately at Curb Line re JERC L.D. Plan.

ZONING AND OTHER LAND USE MATTERS:

Attendance at Closing and Settlement (in Allentown) re Sale of 29 Mechanic Street and 125 Water Street.

Receipt, Review and Administration of e-mails to/from Council Members re Method and Manner of Collapse and Fall-Zone of Cellular Towers.

Receipt, Review and Administration of File and Preparation of Resolution to adopt the Slate Belt COG Appeals Board as the Borough's IPMC Appeal Board.

Receipt, Review and Administration of 2-mails from Lower Nazareth Township re Antiquated PA Development Law.

Receipt, Review and Administration of LSA Agreement with Wind Gap Municipal Authority with suggested revision to Agreement.

DEVELOPMENTS ON OUTSTANDING LITIGATION: None

COURT DECISIONS ON BOROUGH CASES: None

MISCELLANEOUS:

Preparation of the Borough Planning Commission Meeting Agenda 10-07-2021.

Receipt, Review and Administration of Mayor's Letter re PA American Water Co. Address request for vacant land off North Broadway.

Receipt, Review and Administration of e-mail from Borough Manager re Election /Political Sign in Tax Collector's Yard.

Preparation of Monthly Solicitor's Report.

Outstanding Items:

Stop Sign Ordinance

Dog Park Ordinance

ENGINEER'S REPORT

Brian Pysher reported that he attended a preconstruction meeting with the Water Company regarding their project down on South Broadway, in front of McDonalds where Wind Gap ends and Plainfield Township begins. PA American Water will be replacing a short section of their main and there was discussion about the necessity for an additional hydrant being installed, so that will be incorporated into this project.

Brian reported that he has been in touch with Muschlitz Excavating, regarding improvements along 550 Male Road related to the warehouse. He was inspecting the curb forming and will continue to be onsite for the installation over the next week. They also had an on-site meeting with Joe Correia from Petrucci regarding the emergency access roadway through the former Silverline property. There were some improvements done on the Silverline property and according to Plainfield Township a permit was issued. Wind Gap does not know exactly what the scope or scale of that permit consists of, but they re-graded the whole area in the front and put topsoil down. They basically narrowed down the emergency access road which is not how the approved plans illustrated the emergency access. The permitted plans show a larger radius, center radii so they can navigate the firetrucks. The meeting included Joe Correia, George Hinton and representatives from Plainfield Township. He just received

confirmation from Bohler Engineering, they are going to redo that emergency entrance so the center line radius is adequate for fire trucks. The warehouse construction should be completed by February 2022, but at this point they do not have an occupant and have indicated that they do not want to split the building for multiple tenants. There are still some issues with the pump station, the warehouse is dependent on that pump station because they discharge to it, but that needs to be resolved with the Sewer Authority.

Brian said that Plainfield Township reached out to Louise about another traffic meeting with PennDOT in regard to the proposed land development plan that involves the Jaindl warehouse.

NEW BUSINESS

1. PA Venture Capital, Inc./Exchange 6. LLC Billboard Land Development Plan Recommendation for Grant and/or Denial of SALDO Waiver Requests – Attorney Karasek reported that Attorney Ronald Corkery is in here on behalf of PA Venture Capital, Inc./Exchange 6 LLC. He is their Attorney and he was at the Planning Commission meeting that was held on October 7, 2021 at which time thirteen SALDO waiver requests were reviewed. One was withdrawn so we are now dealing with twelve SALDO waiver requests for recommendation. The plan will then go back to the Planning Commission for review and then on to the Borough council mid-month meeting of November 16th for official action. There is a SALOD waiver form that he will ask the applicant to sign.

SALDO Section 305/306 requires that a preliminary plan be filed before a final plan. The request is to allow the filing of a preliminary/final plan. This waiver has been recommended on prior occasions where the filing of two plans does not provide any more information to the Borough than one plan.

On motion by Steve Bender to grant a waiver for SALDO Section 305/306 Preliminary/Final Plan Application and seconded by Dave Manzo. Roll call vote taken. Council agreed unanimously.

SALDO Section 402.A.1 requires that the plan be drawn to a scale of one (1) inch equals fifty (50) feet. The borough engineer has no objection to the waiver provide the plan scale is revised to provide more clarity.

On motion by Dave Manzo to grant a waiver for SALDO 402.A.1 Drafting Standards – The plan shall be drawn to a scale of one-inch (1”) equals fifty feet or larger and seconded by Steve Bender. Roll call vote taken. Council agreed unanimously.

SALDO Section 402.A.2 requires that metes and bounds for the ultimate right-of-way shall be shown on all parcels. Given the size of the parcel and that a single minor improvement is proposed i.e., a billboard, a complete property survey was not performed. A motion to recommend approval of a partial waiver i.e., there must still be a detailed survey where the billboard construction will be performed.

On motion by Dave Manzo to grant a partial waiver for SALDO 402.A.2 Drafting Standards - Metes and Bounds Information and seconded by Joyce McGarry. Roll call vote taken. Council agreed unanimously.

SALDO Section 402.C.4 requires that all existing features within two hundred (200') feet of the tract be shown. Since the billboard relocations with one (1) tract and no outside tracts are impacted, a motion was made to recommend approval.

On motion by Dave Manzo to grant a waiver for SALDO 402.C.4 Existing Features - Features Within 200 Feet of the Tract and seconded by Steve Bender. Roll call vote taken. Council agreed unanimously.

SALDO Section 402.E.1.d requires that the property boundary, wetland delineation and access easement shall be based on a field survey. Property lines from GIS are not acceptable. Given the size of the property and the fact that one (1) minor improvement is being made to the property, a motion was made to recommend a partial waiver for at least as a field survey is completed for the construction area.

On motion by Dave Manzo to grant a partial waiver for SALDO 402.E.1.d Certificates, Notification and Reports – Property boundary and Wetland/Access Easement Delineation and seconded by George Hinton. Roll call vote taken. Council agreed unanimously.

SALDO Section 509.A.7.a, 509.A.14 and 509.M require that Male Road be improved to Borough standards for a Collector Road at least up to the centerline including road widening, curb and sidewalk. The ultimate right-of-way along Male Road shall be dedicated to a sixty (60') foot right of way (thirty [30'] feet half width). Given the relatively passive use of the property, that Male Road has a uniform cross section and the frontage is minimal compared to the length of Male Road, a motion to recommend approval with the condition that there be a Maintenance, Repair and Replacement Easement (to include snow-plowing and placement of anti-skid materials) for the driveway and cross-pipe.

On motion by Steve Bender to grant SALDO 509.A.7.a, 509.A.14 and 509.M Streets, Private Street and Driveways – Male Road shall be improved to Borough Standards and seconded by Dave Manzo. Roll call vote taken. Council agreed unanimously.

SALDO Section 510.B and 510.C require that curbing and sidewalk be installed. Curbing and sidewalk will not serve any useful purpose as the only use of this property is a stationary billboard.

On motion by Steve Bender to grant SALDO Section 510.B and 510.C Vehicular Parking Facilities, Sidewalks and Curbs and seconded by Dave Manzo. Roll call vote taken. Council agreed unanimously.

SALDO Section 511 requires placement of concrete monuments at all outbound property corners and along at least one (1) side of each street and at the beginning and end of all curves and all angles. For the reasons already noted, a complete property survey was not performed. A motion was made to recommend a partial waiver where monumentation will be set and shown along Male Road right-of-way, NW property corner adjacent to SR 33 and on the municipal boundary to establish this property line along SR 33.

On motion by Joyce McGarry to grant a partial waiver for SALDO Section 511 Survey Monuments and Markers – Show Monumentation and seconded by George Hinton. Roll call vote taken. Council agreed unanimously.

SALDO Section 514.C requires that landscaping and screening be installed and a planting strip covenant be placed on the plan. Since the property is already heavily vegetated and encumbered by a significant area of wetlands and it would be difficult to build on the remaining acreage.

On motion by Steve Bender to grant SALDO Section 514.C Landscaping and Screening and seconded by Dave Manzo. Roll call vote taken. Council agreed unanimously.

SALDO Section 514.I requires shade trees. For the reasons stated above i.e., existing features such as wetlands would make it difficult to plant trees.

On motion by George Hinton to grant SALDO Section 514.I Landscaping and Screening – Shape Trees and seconded by Dave Manzo. Roll call vote taken. Council agreed unanimously.

SALDO Section 517 requires that there be a dedication of park and/or open space (or a fee-in-lieu). While the applicant argues the project does not create any dwelling units, the Planning Commissioners, nevertheless, recommended a partial waiver where no land dedication is required but a fee-in-lieu be paid of two thousand (\$2000.00) dollars

On motion by George Hinton to grant a partial waiver for SALDO Section 517 Public Dedication of Park and Open Space Lands and seconded by Joyce McGarry. Roll call vote taken. Council agreed unanimously.

SALDO Section 609 requires that an Improvement Development Agreement be executed for construction of public improvements. Since the only on-ground improvements shall be private improvements i.e., a crushed stone driveway and concrete foundation pad to support the sign a motion was made to recommend the waiver.

On motion by Dave Manzo to grant SALDO Section 609 Development Agreement and seconded by Joyce McGarry. Roll call vote taken. Council agreed unanimously.

2. Advertisement Approval for Request for Proposal (RFP) – Professional Services Solicitor (Borough, Planning, Zoning), Engineer, Zoning Officer.

On motion by Dave Manzo to advertise the Request for Proposal for borough professional services and seconded by Steve Bender. Roll call taken. In favor: G.Hinton, D.Manzo, J.McGarry, M.Laudano, S. Bender. Opposed: D. Hess. Motion carried 5–1.

3. Approval for Closure of Fulton Bank Account - Louise Firestone reported that when Blue Mountain Control Center resided on the second floor of 29 Mechanic Street, Northampton County paid rent to the Borough. That account has been dormant now for almost 20 years. Funds from the account were to offset the cost to remove the antenna tower prior to sale. Since the property has been sold the account can be closed. The ending balance through September 30 is \$2,846.99. The account is so old that the signature cards were never updated with the current Council President and Council Vice President, but she and past Council President Mr. Hinton are listed on the signature card as authorized signers.

On motion by Steve Bender to close this bank account at Fulton Bank and seconded by Dave Manzo. Roll call vote taken. Council agreed unanimously.

4. Resolution 2021-10 – Utilization of Slate Belt Council of Governments (GOG) Board of Appeals for any appeals Filed Pursuant to the Borough’s International Property Maintenance Code (IPMC) - Attorney Karasek reported that when the International Property Maintenance Code was adopted, at the September 7 meeting, he prepared it in such a fashion to say that a resolution would be adopted to appoint either Council members or other individuals as members of the International Property Maintenance Code Appeals Board in case there would be an appeal. The COG does have an Appeals Board for the Property Maintenance Code and the PA Uniform Construction Code. Attorney Karasek prepared a resolution that says the three-member Appeals Board established by the COG shall be considered the Appeals Board for the Borough with respect to the International Property Maintenance Code and he has attached to the resolution, the cover letter that was sent to the Municipalities explaining what needs to be done and an application for residential properties with an appeal fee of two thousand dollars (\$2,000.00), or a fee for commercial properties of three thousand dollars (\$3,000.00).

On motion by George Hinton adopt Resolution 2021-10 Utilization of Slate Belt Council of Governments (GOG) Board of Appeals for any appeals Filed Pursuant to the Borough's International Property Maintenance Code (IPMC) and seconded by Dave Manzo. Roll call vote taken. In favor: J. McGarry, M. Laudano, S. Bender, G. Hinton, D. Manzo. Opposed: D. Hess. Motion carried 5 – 1.

OLD BUSINESS

1. Verizon Cell Tower Land Lease Agreement - Louise reported that Verizon did get back in touch with the office and informed that there is one municipality in Carbon County that did sub-divide and she was told more information would be provided. This item will be placed on a future agenda.

2. 2022 Budget – Louise Firestone went over the budget with Council and answered questions. The only change to the budget would be the request from the Ambulance Corps.

On motion by Dave Manzo to advertise and pass the 2022 Budget with a one mill increase which puts the millage rate at 17 mills and seconded by George Hinton.

Motion amended by Dave Manzo to include in the 1 mill increase the coverage for the Ambulance insurance for \$22,112.00 and seconded by George Hinton. Roll call taken. In favor: M. Laudano, D. Hess, G. Hinton, D. Manzo, J. McGarry. Opposed: S. Bender. Motion carried with a vote of 5–1.

ADJOURNMENT

On motion by Dave Manzo to adjourn the meeting of November 1, 2021. Council agreed unanimously. The meeting of November 1, 2021 adjourned at 8:33 p.m.

Louise Firestone, Borough Manager