

**BOROUGH OF WIND GAP
545 East West Street
WIND GAP, PA 18091
610-863-7288
FAX 610-863-1011**

Wind Gap Borough Council meeting on Tuesday September 3, 2024, 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 Steve Bender, Mark Crossen, Dave Manzo, Jason Boulette, Patrick Webber, and Alex Cortezzo. Also in attendance were Mayor Wesley J. Smith, Borough Solicitor Ronald Karasek, Borough Engineer Brian Pysker and Borough Manager Louise Firestone.

PUBLIC COMMENT

No public comments were heard at this time.

OATH OF OFFICE

Mayor Smith administered the Oath of Office to the newly appointed Junior Council Member, Olivia Bentley. She will attend monthly council meetings, observe borough council meeting rules and participate in borough business.

APPROVAL OF MINUTES

On motion by Dave Manzo to approve the August 20, 2024, minutes and seconded by Alex Cortezzo. Roll call vote taken. In favor: S. Bender, A. Cortezzo, M. Crossen, G., Hinton, D. Manzo, P Webber. Abstained: J. Boulette. Motion passed: 6 – 0 – 1.

APPROVAL OF EXPENSES

On motion by Patrick Webber to approve the expenses in the amount of \$12,881.91 and seconded by Dave Manzo. Roll call vote taken. Council agreed unanimously.

SOLICITOR'S REPORT

See attachment one (1).

ENGINEER'S REPORT

Brian reported that the paving contractor for Constitution Avenue and Oak Street sent him a paving schedule indicating that they will be milling Oak Street this Friday, September 6 and then paving when they are finished milling. Once Oak Street is finished, the contractor will move their equipment to Constitution, with plans to mill on Tuesday, scratch and overlay on Wednesday, and finish with the overlay on Thursday. Of course, as with any outdoor project or paving, this work schedule is all weather dependent.

The Borough Street Department will continue to construct the retaining wall above the walking trail on the lower tier of the park. Also, they will continue working with Green Knight

Economic Development with the project at the upper ball field which includes replacing the existing backstop and dug outs and installing taller fencing.

NEW BUSINESS

1. Tyrone Klump Third Street Development – Appendix No. 11 – Section 506.L – Waiver Request

Tyrone Klump said he will have a landscaper come in to maintain the property. The uprights will be pressure treated and will be inspected periodically.

On motion by Dave Manzo to grant the waiver request with a stipulation that the grounds be maintained so there is no vegetation growth that is a hinderance and have the code officer inspect the pillars every two years and seconded by Jason Boulette. Roll call vote taken. Council agreed unanimously.

2. Tyrone Klump Third Street Land Development – Street light alteration

Brian Pysher said that Met-Ed changed their standards regarding streetlights. If they are mounted to an existing electric pole, then Met-Ed will maintain them, so if a light goes out, it will be replaced by Met-Ed as it currently is with streetlights within the Borough. Mr. Klump's townhouse development can either connect to the existing poles on the south side of West Third Street or as the approved plans indicate new poles can be erected on the north side along with a new separate service and meter for these lights. Brian and Louise met with Mr. Klump, representatives from Met-Ed and Wind Gap Electric, to discuss the options. Met-Ed is comfortable mounting lights on the existing poles in lieu of what was proposed. The design engineer had provided photometrics of the specific lights that were proposed, demonstrating that it was illuminating enough of the street so there are no dark spots. Mr. Klump was asked to have the engineer put the photometrics on the drawing and provide that for Council so they can get an idea of what area will be lit. This will have to be tabled until Mr. Klump and/or his engineer can provide the documentation for Council to make their decision.

3. PennDOT Scoping Application – Wawa Plan Discussion - Request Additional Escrow Funds Escrow Fnding to cover Expenses Incurred by Borough Professionals Prior to Submission Review of submitted documents / PennDOT documents by P. Terry (Benchmark) B. Pysher (Collura Engineering)

Brian Pysher explained some of the history related to the property at 62 North Broadway. The Borough was copied through PennDOT's electronic permitting system and through an email dating back in April of 2023. The developer for the former Beer Stein property was applying for a scoping application meeting and submitted a conceptual plan of the proposed land development and configuration of the existing intersection. PennDOT provided some comments on the submission, which included asking Wind Gap Borough to provide comments to the plan. Since it is not an actual submission to the Borough's Planning Commission, there is no mechanism to trigger the borough professionals to review the plan. The project stalled with legal action necessary to vacate the alleys on the property. Once the legal issues were worked out, a second scoping application indicated the project once again was moving forward. PennDOT would like to receive comments from the Borough, but up until last week no formal submission was made to Wind Gap. Now that the submission has formally occurred, Council does have questions about the proposed traffic impacts for the development and surrounding businesses. The developer or the developer's representatives have been

asked to attend tonight's meeting to present, explain, and answer any questions. Also, the Borough's traffic engineer, Mr. Peter Terry, is in attendance tonight. Mr. Terry has already provided a draft review letter of the applicants scoping application related to traffic at the intersection known as North Broadway and Park Avenue.

Mr. Peter Terry said that the plans were just submitted to the borough as part of a land development application. They are starting the process for a full review. He went over what they are proposing, what they are not proposing, and what the traffic improvements would look like. Mr. Terry explained to Council that the Borough's ordinance allows for impact of other intersections to be looked at and he recommends making those reviews.

George Hinton informed those present that the Wawa Convenience Store Land Development Plan will be on the agenda for review at the Planning Commission meeting scheduled for Thursday, September 19, 2024, at 7:00 p.m. Dave Manzo requested copies of any changes that might be made so the planning commission has the latest information prior to the Planning Commission meeting.

4. Plainfield Township Invitation to Participate in Regional Comprehensive Plan Discussion – Requested Response October 25, 2024

George Hinton reported that Plainfield Township dropped out of the Slate Belt Comprehensive Plan. Plainfield Township is asking if Wind Gap would like to be in a regional comprehensive plan with Plainfield and Pen Argyl. Alex Cortezzo asked if we would be getting out of the mess from the other plan. George said that the Slate Belt Comprehensive Plan is in its final stages and Lehigh Valley Planning Commission presented the "Plan Slate Belt Comprehensive Plan" recently at a Planning Commission Board meeting. Dave Manzo said that he does not want to see the regional plan and the Slate Belt regional contradicting each other and one community dropping out does not mean that others must follow. George added that the boroughs have all stayed in, but two of the townships, Lower Mt, Bethel and Plainfield have both dropped out. Steve Bender asked if we are aware of the costs that we put into the Slate Belt Plan. Louise said that she would get the numbers. George said we can put in a request to send us the information as to why they did so. Jason Boulette said that he read all the information on Plan Slate Belt and found it very informative. Why would Wind Gap throw out years of work and all the money we spent on this plan because two municipalities dropped out? Although he does not agree with every element of the document, he does not see why we should throw away all we put into this, so he is completely opposed to joining Plainfield Township.

OLD BUSINESS

There was no old business to discuss at this time.

PUBLIC COMMENT

1. Randy Bray of Roosevelt Avenue would like to talk about an ordinance regarding security cameras. He said a security camera is looking directly into his garage and wants to know if there is something we can do. Attorney Karasek said that, if a camera is creating an invasion of privacy in an area where you need the protection of privacy, the borough may be able to do something about that. George said that we have been to this property before and the gentleman that lives next door to Randy had spotlights that have since been taken down. Now the spotlight is gone, he has resorted to security cameras. Brian said that our zoning ordinance does not specifically address cameras so he does not know from a zoning standpoint what section of the ordinance there would be to issue a citation.

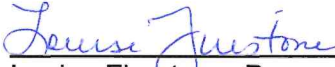
2. Paul Waked of West Center Street said that he is Mr. Bray's neighbor. He was told by the enforcement guy that he can install cameras, and they are allowed to be installed where he has them. Nothing is pointing to his neighbor's garage; he can't see him and is not trying to watch him. He is allowed to have security on his property. Things have been stolen from his property and as soon as possible he will be installing a fence. George thanked both gentlemen, but emphatically stated that this is a private matter and has nothing to do with Council, so he suggests that both neighbors hire a lawyer.

3. Patricia Sutter, 413 South Broadway, suggested adjusting the microphones as people in the audience have not heard everything that has been said during this meeting. George said that, instead of waiting for the end of the meeting, you should have informed Council earlier in the meeting that you could not hear. The microphones will be adjusted.

4. Vanessa Boulette, C36 Dream Drive, said that she wanted to talk about the Plainfield and Slate Belt Plan since they looked into a lot of information about Wind Gap prior to moving to the area. One of the things that they saw was the Slate Belt Plan, and they thought it was a well thought out and sensible plan and made them feel comfortable moving to the Slate Belt and specifically Wind Gap. She personally thinks that it would be stupid to drop out at this point.

ADJOURNMENT

On motion by Dave Manzo to adjourn the meeting of September 3, 2024. Council agreed unanimously. The meeting of September 3, 2024, adjourned at 8:19 p.m.



Louise Firestone, Borough Manager

**SOLICITOR'S REPORT – R. J. KARASEK, ESQUIRE
WIND GAP BOROUGH
NORTHAMPTON COUNTY, COMMONWEALTH OF PENNSYLVANIA
MONTH: August 2024**

MEETINGS ATTENDED:

August 20, 2024 - attendance at regular monthly meeting of Borough Council

SUBDIVISION MATTERS: None

LAND DEVELOPMENT MATTERS:

Receipt, Review and Administration of e-mail from Borough EIT (B. Pysher), Review of 2004 Files, Review of File for Borough Ordinance No. 446, Review of Existing Borough Ordinance No. 407, Preparation of Comprehensive e-mail to B. Pysher RE: Pre-Existing and Non-Conforming Principal Building to be Built Upon an Improved Public or Private Street

Receipt, Review and Administration of Comprehensive e-mail and Review of Copy of Executed Access Easement Agreement Between Borough and Verizon RE: Verizon Cell Tower L.D. Plan

ZONING AND OTHER LAND USE MATTERS: None

DEVELOPMENTS ON OUTSTANDING LITIGATION: None

COURT DECISIONS ON BOROUGH CASES: None

MISCELLANEOUS:

Receipt, Review and Administration of Right-to-Know Request, Review of Office of Open Records Determination, Review of PA Open Records (Right-to-Know) Act and Preparation of Comprehensive Denial Correspondence to Requestor RE: Curry – FOIA Buddy Right-to-Know Request

Receipt, Review and Administration of Comprehensive e-mail from Borough Manager (L. Firestone) with Status of Several Major Projects Occurring Within Borough
Preparation of Monthly Solicitor's Report

OUTSTANDING ITEMS:

No-Parking Ordinance RE: Oak Alley