

**BOROUGH OF WIND GAP  
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The Council meeting of the Borough of Wind Gap on Tuesday, September 8, 2020 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 George Hinton, Joyce McGarry, Mike McNamara, David Manzo, and Jeff Yob. Also participating were Mayor Mitchell D. Mogilski Sr., Borough Solicitor Ronald Karasek, Borough Engineer Brian Pysher, and Borough Manager Louise Firestone. Absent was Councilman Steve Bender.

Mayor Mitchell Mogilski joined the meeting at 7:15 p.m.

**PUBLIC COMMENT**

1. ScoreCard Sports Bar and Grill – Roshawn Kerdzaliev – Sketch Drawing – Roshawn Kerdzaliev, General Manager for ScoreCard Sports Bar and Grill joined the Council Zoom meeting to request a waiver from the requirement for a full site plan for a proposed 30 x 30-foot patio extension for the front of the building. Dave Manzo said, even though the ScoreCard has been a good neighbor, there is a procedure that should be followed and Mr. Kerdzaliev's request should go before the Wind Gap Borough Planning Commission. Attorney Karasek said that the Planning Commission has a meeting scheduled for Thursday, September 17<sup>th</sup> and if Mr. Kerdzaliev files Appendix 11, from the Sub-division and Land Development Ordinance, the Planning Commission can look at this for their next meeting and then he can come back to Council on September 22, 2020.

**On motion** by Dave Manzo that ScoreCard be referred back to the Planning Commission and a written waiver request be filed and to be put on the Planning Commission Meeting Agenda for September 17, 2020 and seconded by George Hinton. Roll call vote taken. Council agreed unanimously.

Brian Pysher said copies of the waiver request, Appendix 11, along with drawings of what he submitted should be provided to the Planning Commission so the members can understand what is being proposed.

2. Kelly Donahue of 432 N Lehigh Avenue joined in on Zoom. The Donahues moved to Wind Gap in June 2020 and there were complaints that they had chickens and a goat. They removed the chickens that were violating the Zoning Ordinance, but they would like to request to keep the goat as he is an emotional support animal. Attorney Karasek said that this is a zoning decision to be made by the Zoning Officer. If the Zoning Officer does not allow the goat then the Donahues must go before the Zoning Hearing Board for a determination. Kelly said that she cannot afford to apply to have a hearing before the Zoning Hearing Board and would like some relief on the fee. Deb Harbison said that she received several complaints and one written complaint. George Hinton said that the fee was set at \$1,250 because out of that the Borough must pay for the solicitor, the stenographer, the zoning officer, the newspaper advertisement, posting of the property, postage associated with mailing of documents, etc.

Louise Firestone said that the Borough can pass this onto the Director of Slate Belt Rising to determine if the organization could help assist with any funding to offset the cost.

3. Adrienne Fors, Waste Management, came before Council with the landfill operations neighborhood update.

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 2500 tons per day
2. The 14 acres of temporary cap project will begin this week. This temporary cap will be laid across the top of the landfill.
3. The PH Building is expected to be fully operational this week (week of Aug. 31)
4. A second horizontal gas collection well will be installed in the coming weeks.

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

### **APPROVAL OF MINUTES**

**On motion** by George Hinton to approve the August 3, 2020 minutes and seconded by Mike McNamara. Roll call vote taken. Council agreed unanimously.

**On motion** by Dave Manzo to approve the August 18, 2020 minutes and seconded by George Hinton. Roll call vote taken. In favor: D. Manzo, J. McGarry, M. McNamara, D. Hess, G. Hinton. Abstained: J. Yob. Motion carried with a vote of 5-0-1.

### **APPROVAL OF EXPENSES**

**On motion** by D Manzo to approve the expenses in the amount of \$49,709.18 and seconded by Mike McNamara. Roll call vote taken. Council agreed unanimously.

**On motion** by Jeff Yob to approve Nu Cor Management pay request 19300.7 for the Maintenance Garage in the amount of \$48,375.00 for the last portion of the building and framing, acoustical ceiling, and caulking seconded by George Hinton. Roll call vote taken. Council agreed unanimously.

### **SOLICITOR'S REPORT**

#### **MEETINGS ATTENDED:**

August 3, 2020 – Attendance at regular monthly meeting of Borough Council via ZOOM.

August 6, 2020 – Attendance at regular monthly meeting of Borough Planning Commission via ZOOM.

August 22, 2020 - Attendance at special mid-month meeting of Borough Council via ZOOM.

#### **DREAM LEHIGH VALLEY:**

Reviewed the Dream Lehigh Valley plan and prepared an Easement Agreement.

He reviewed the modifications on the Lehigh Valley Plan that were suggested by Mr. Huratiak.

#### **Planning:**

He re-reviewed the JERC options for the Emergency Access Road.

He reviewed the Detzi Minor Sub-division, the revised plan and the bearings and distances discussions that came in.

He reviewed the BioSpectra Plan and was in contact with the applicants Engineer.

#### **MISCELLANOUS:**

He received a letter from a property owners Attorney with respect to payment of back real estate taxes.

#### **ENGINEER'S REPORT**

1. Brian Pysher reported that at 1:00 p.m. the bids for the concrete aprons for the Municipal Building were due. We are proposing a 30' X 100' apron on the Ambulance side and 40' X 100' concrete apron on the Fire Department side. We had five bidders, the low bid was MSG Associates, Inc. There was a primary and an alternate bid. Brian would suggest that Council approve the base bid which is adequate for the proposed use and award this project to the low bidder, MSG Associates on the base bid.

**On motion** by Jeff Yob to award the Concrete Aprons project to MSG Associates at \$94,850 and seconded by Mike McNamara. Roll call vote taken. Council agreed unanimously.

Brian said that he has been working with Nu Cor Management to coordinate this, we put a deadline of December 1, 2020.

2. Brian reported that Rich completed the repairs up on Constitution Avenue. He will get together with Louise Firestone to finalize that work so it can be submitted to the County.

3. Brian said that regarding the Maintenance Garage, the plumbers have been in and installed air lines, water lines, and installed all the rough plumbing. The electrician from Wind Gap Electric is running conduits in the garage, roughing in all their electrical work. They have the panel set. All of the documentation is in place for the electric service with Met Ed. We have A. Scott coming in to install the water line in the next two weeks and to also complete the remaining sewer line for the Municipal building. There will be an oil grid separator and a gravity line to hook into the existing sewer line. The Warko Group installed the oil grid separator and made the final hook-up. They did get their inspection today and everything is backfilled. We need one more sewer line to put in for the Municipal Building and all of our sewer issues are finalized. The tentative date for the oil grit separator is of the week of the September 21, 2020.

#### **NEW BUSINESS**

1. September 22, 2020 Council Meeting Zoom Video Teleconferencing vs In Person – Dave Hess this will be for our next meeting and for the rest of this year. Does Council want to continue to Zoom through the end of this year or begin to have in-person meetings? We would not be able to have them in our conference room since it is too small, we would have to make arrangements for the Social Hall. Pennsylvania is still under a State, County and local emergency. If we do continue to Zoom, we should make one advertisement and make it official.

**On motion** by George Hinton to continue with the Zoom Video Teleconferencing until the end of the year and seconded by Dave Manzo.

**On motion** by George Hinton to amend his motion to advertise that Wind Gap Borough will continue with the Zoom Video Teleconferencing until the end of the year and seconded by Dave Manzo. Roll call vote taken. Council agreed unanimously.

2 BioSpectra – Land Development Plan Update - Attorney Karasek reported that the Municipal Authority forwarded an e-mail dated August 11, 2020, to the Borough, that was received from BioSpectra’s Engineer stating that this project is on indefinite hold. BioSpectra can put this project on hold, but the Borough has to act before November 4, 2020 on this land development plan. BioSpectra has two options related to their submitted plan, either they have to grant the Borough an extension beyond November 4, 2020 or formally withdraw the plan altogether. We did get an e-mail from their attorney, Attorney Faul asking if they can get their unused retainer back. In speaking with Louise, there is no unused retainer, it has been used and they would probably owe the Borough money as the invoice received from Traffic Planning and Design was \$2,600 on its own. A decision has to be made as to whether or not, you want to accept an extension of time from the application for at least six months out or longer or putting this matter on the September 22, 2020 meeting saying that you are considering denying the plan based upon the fact that he has not complied with the Borough Engineer review letter. George said that if the Borough does not hear from representatives from BioSpectra by our next workshop meeting, he will make the motion to deny this plan.

**On motion** by George Hinton to authorize Attorney Karasek to contact Attorney Faul to get clarification of what BioSpectra (RX Holdings) is actually asking for and to get clarification from Louise Firestone as to what we have invested at this time so we can make a decision at the workshop meeting on September 22, 2020 and seconded by Jeff Yob. Roll call vote taken. Council agreed unanimously.

Brian Pysher reported that Debbie forwarded the e-mail from the Municipal Authority to him, he contacted Traffic Planning and Design and asked them to hold off on completing their traffic review as a courtesy since BioSpectra was reaching out to the Municipal Authority. Since the Borough was not notified directly, he had TPD complete the review. The Borough has comprehensive review letters to deny the plan if that is Council’s decision. Brian spoke to the Borough Zoning Officer, Tina Serfass, and she will have her comprehensive review letter by the September 17, 2020 Planning meeting. Jeff Yob said that BioSpectra should be on the September 22 agenda.

3. Authorization for Legal Counsel to Meet Regarding Keenhold Properties/Taxes - Attorney Karasek reported that he received a letter form Attorney Bresset from Honesdale, PA who represents Mr. Keenhold regarding three specific properties, 45 W 8<sup>th</sup> Street, 34 W 6<sup>th</sup> Street, both in Wind Gap Borough and 215 W 8<sup>th</sup> Street in Plainfield Township. He sent a letter to the Taxing Authorities for the County, Attorney Corriere, and Attorney McFall for the school district, himself for Wind Gap, and Attorney Backenstoe for Plainfield Township, making a proposal attempting to settle the long outstanding cases and that certain payments would be made according to his letter of August 20, 2020 and he requested scheduling a phone or video conference to further discuss this topic.

**On motion** by George Hinton to allow the Solicitor to participate in the phone or video conference regarding Keenhold Properties and seconded by Dave Manzo. Roll call vote taken. Council agreed unanimously.

4. Bloodmobile – Wind Gap Park – Louise Firestone reported that the office received a call regarding setting up a bloodmobile in the park. It would be in October and is related to a fundraiser for a family with a sick child. Dave Hess said that he knows that Miller Keystone Blood Bank is very cautious, especially through Covid-19, and you need appointments.

**On motion** by George Hinton to allow Miller Keystone to have the bloodmobile at the park on October 24, 2020 and seconded by Joyce McGarry. Roll call vote taken. Council agreed unanimously.

## OLD BUSINESS

1. Dream Lehigh Valley – Easement Agreement -  
**On motion** by George Hinton to approve the Easement Agreement along their property and the proposed Wind Gap Borough Park Walking Trail for Dream Lehigh Valley and seconded by Dave Manzo. Roll call vote taken. Council agreed unanimously.
2. Dream Lehigh Valley – Land Development Modifications - Brian Pyscher said there were some minor changes and alterations to the plan. They do not require re-review or re-submission. At a previous meeting, Council did recommend that the Planning Commission provide their recommendation. At the last Planning Commission meeting, the board did discuss the changes and the Commission was in agreement with all of the changes. Attorney Karasek said that if the Borough is going to approve the modification to the plan, he thinks an updated plan needs to be signed and filed so the most current rendition will be filed at the courthouse.  
**On motion** by George Hinton to approve these changes as minor changes that do not require plan re-submission and to have the changes noted on the plan and seconded by Mike McNamara. Roll call vote taken. Council agreed unanimously.
3. Property Maintenance Code – Dave Manzo went over the ordinances and he is hoping that between now and the next meeting they can take a look at the material so we can make a decision of where to move from that point. Some of the ordinances are duplicates of older ordinances. If the other committee members could look at it so we can move forward.

## QUESTIONS AND ANSWERS

None

## ADJOURNMENT

**On motion** by Dave Manzo to adjourn the meeting of September 8, 2020. Council agreed unanimously. The meeting of September 8, 2020 adjourned at 8:31 p.m.

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Louise Firestone, Borough Manager