

**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 Tuesday, September 22, 2020 was called to order at 7:02 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 Pysker, and Borough Manager Louise Firestone. Absent was Councilman Mike McNamara and Mayor Mitchell D. Mogilski Sr.

PUBLIC COMMENT

There were no public comments at this time.

APPROVAL OF MINUTES

On motion by Dave Manzo to approve the September 8, 2020 minutes and seconded by Joyce McGarry. Roll call taken. In favor: D Hess, G. Hinton, D. Manzo, J. McGarry, J. Yob. Abstained: S. Bender. Motion carried 5–0–1.

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 18, 2020 – Attendance at regular monthly mid-month meeting of Borough Council (via Zoom).

SUBDIVISION MATTERS:

Receipt, Review and Administration of Plan, Borough Engineer Review Letter, LVPC Review Letter and Bearing/Distances Descriptions for Lots 1 and 2 and Remaining Land Re: Detzi Preliminary/Final – 570 North Lehigh Avenue

LAND DEVELOPMENT MATTERS:

Receipt, Review and Administration of JERC Options for Emergency road Access.
Receipt, Review and Administration e-mail from Applicant's Attorney and preparation of Easement Agreement for Access Drive between Dream Lehigh Valley, LLC and the Borough.
Receipt, Review and Administration of e-mail from Applicant's Engineer and Contractor (including photos and maps) outlining proposed modifications to prior approved Land Development Plan.

Receipt, Review and Administration of comprehensive Borough Engineer Review Letter, LVPC Review Letter and e-mail from Wind Gap Municipal Authority Re: Indefinite Hold on Plan.

ZONING AND OTHER LAND USE MATTERS: N/A

DEVELOPMENTS ON OUTSTANDING LITIGATION: N/A

COURT DECISIONS ON BOROUGH CASES: N/A

MISCELLANEOUS:

Receipt, Review and Administration of several e-mails from Borough Manager attaching HB 1069 changes RE: meeting agenda.

Preparation of Planning Commission Meeting Agenda for August 6, 2020.

Preparation of Monthly Solicitor's Report.

OUTSTANDING ITEMS:

Stop Sign Ordinance

Dog Park Ordinance

NEW BUSINESS

1. Resolution No. 2020-04 – Multimodal Transportation Fund Grant - \$250,000 –
On motion by George Hinton to adopt Resolution No. 202-04 and seconded by Dave Manzo. Roll call vote taken. Council agreed unanimously.
2. Draft AIA Contract for Wind Gap Borough & CMR Construction – Park Walking Trail –
On motion by Jeff Yob to approve the AIA Contract including the Provision of Retainage at 10%, Performance Payment Bond, and the Scope of Work and seconded by George Hinton. Roll call vote taken. Council agreed unanimously.
3. Roshawn Kerdzaliev, ScoreCard Bar and Grill, came before Council regarding his request for a waiver from land development for a proposed 30 X 30-foot addition in the front parking lot at the Scorecard. He was not sure if he was to be on the agenda. Attorney Karasek reported that this matter was heard at the Planning Commission Meeting on September 17, 2020 and there needs to be a determination by the Zoning Officer with respect to whether or not she is in agreement that the place can hold 445 customers, that there are no issues with the front yard setback, and until the Zoning Officer determination is made, the matter would not be put before Council and in addition an Appendix 11 form needs to be filed. Dave Manzo prefers that this waits until the October meeting so all procedures are followed correctly.

OLD BUSINESS

1. BioSpectra – Land Development Plan Update – Attorney Karasek reported that at the last meeting he said that the Wind Gap Municipal Authority had received an e-mail from the applicant's Planning Professional to the Municipal Authority Administrator to put the plan on an indefinite hold. Council was of the belief that they should receive something from the applicant saying that they are putting this matter on an indefinite hold or withdrawing the plan so that we are not relying on an e-mail that was sent to a non-Borough entity which was the Municipal Authority. He contacted their Attorney and explained what Council was looking for and he said that if in fact his client simply wants to extend the matter, they can complete the extension of time form and he recommended that they extend it for six months. He has not heard back from them and no new submissions have been filed. He would like to put this on his October 5, 2020 Council Meeting with his recommendation that this plan be denied based upon the plan not being in compliance with the Borough Engineer's review letter and or failure to obtain SALDO Waivers which were required and based upon a letter from Ms. Serfass, the Zoning Officer dated September 15, 2020, there are also variances needed. Borough Council has until November 4, 2020 to address this plan. This will be on the October 5th agenda.
2. Dave Hess reported that he noticed, in the early hours of the morning, that the traffic light at Third Street is not working correctly. Deb said that the Pen Argyl Area School District did complain. Brian said he contacted Northeast Signal and they were going to send a crew out. He asked them to notify him when the crew would be there so he could meet them to try to

get some first-hand knowledge of what exactly is going on. Dave Hess asked if there was a way to override the overnight cycle, that is what seems to be the problem.

COMMITTEE REPORTS

1. EMS – Dave Manzo reported that the Ambulance responded to 100 calls, 21 ALS calls and 28 BLS calls in Northampton County, 10 ALS calls and 12 BLS calls in Monroe County, and 29 non-emergency transports. Response time is 2.4 minutes.

2. Fire – Dave Hess reported that Mike McNamara called him this afternoon saying that he would not be attending the meeting this evening, but provided that the Fire Company had 89 calls for the year. George Hinton reported that they are continuing fundraisers and bingo is doing well. The only question from their meeting was the Fire Company had turn-out gear damaged in the fire at Smart Fuel. In order for them to keep these fire fighters in gear they need to buy a couple of sets. To his knowledge they have not asked for that money in the budget for the fire company, they would like to ask for the \$9,000 for turnout gear, which would buy about three sets. Dave Hess asked how many sets were destroyed and George said six. Dave asked if they were purchased for relief, George said they were not. The Fire Company will be getting money from the insurance to replace hoses and gear.

On motion by Georg Hinton to release the \$9,000.00 from the Borough budget to the Fire Company to recoup lost gear that was damaged in a fire and seconded by Jeff Yob. Roll call vote taken. Council agreed unanimously.

3. Regional Police – Dave Hess reported that Police Department responded to a total of 608 calls for service, 208 were for Wind Gap.

Sergeant Connelly completed training and is certified as a De-escalation Instructor for the Department. Officer Muccione was accepted into the Drug Recognition Expert Program. This is difficult to obtain and will provide the department with a valuable asset with conducting drug work within the department. She will be an expert recognizing drug, dealing with people under the influence such as the way they act and it will help her determine what kind of drugs they may be under. New body cameras will be arriving this week so the department will be in training on how to use them.

Plainfield asked that we adopt the Charter Agreement but they did not include our wishes. He told them that our position stands.

4. Emergency Management – Dave Hess reported that the County called and said the most recent version of the Emergency Response Guidebooks are in and they will send an e-mail as to how they will be distributed. He will get them and give them to our First Responders.

5. Zoning – Deb Harbison reported that there was a Zoning Hearing Board meeting on September 2, 2020 for Fidelity Bank. They wanted an additional sign, which is a digital message board, below their sign. Their request was granted.

6. Planning – Dave Manzo reported that there were three individuals attending. The Scorecard addition was deferred to Zoning, Detzi's Lot Line Adjustment was approved, and BioSpectra was tabled.

7. Municipal Authority – Dave Manzo reported that they discussed a letter that they received regarding JERC. The letter was a waiver from DEP regarding their hook-up. The Authority was shut down for a few days due to the storm. They are currently up and running

and all is good. There is potential for a development of 65 units on Church Road in Plainfield Township. They went to the Municipal Authority first rather than going to Plainfield Township.

8. Streets – Jeff Yob reported that Deb e-mailed Council the Street Activity Report. George Hinton reported that they milled out some bad spots on Lehigh down by the middle of the park and on East West Street and they should put the tar down tomorrow. They were also down on Washington and Second Street and did some milling and paving. The Gas Company did come back to East West Street and paved where their cutmarks were from work that they did. Pennsylvania American Water fixed a small water main break and patched Broadway in front of the tattoo store, but it is pretty rough so we need to contact PA American Water and ask them to return and made a better repair.

9. Park/Athletic Fields – Louise Firestone reported that a letter was sent to the Wind Gap Area Athletic Association notifying them they have until October 4, 2020 to get anything out of the building that they wish to get out. We did make contact with Tony Borger, regarding an alarm system that is set up on the building and he acknowledged that he would call and have it disconnected. The propane tank has been disconnected and the rodent control that was set up for the mice has been cancelled. Tony will also be taking care of Met-Ed connection that comes in for the fieldhouse and the light for that field. The water going to the field house is shut off.

Walking Trail - Louise has been in contact with Craig Bachik, we are moving ahead with the construction of the park trail. We will have a pre-construction meeting now that we have formalized what portion of the project, we want to spend our money on. Anywhere that they pull up the concrete sidewalk, we are going to have that placed where the fieldhouse sits right now. The contractor hopes to start the trail in early October.

Louise spoke with Sherry Acevedo who works for Northampton County, she was very instrumental in getting up money from Northampton County Livable Landscapes. They will not have another round of funding this year but she said with the progress we make on the trail we can continue to ask for funding.

Dream Lehigh Valley put sidewalk in from their entrance down to the access road. They had to pull out the last piece of concrete and pour a handicapped ramp there.

Community Garden – Joyce McGarry reported that she is planning on cleaning up the garden.

10. Tipping Fees – Nothing new to report.

11. C.O.G. – George Hinton reported that he was unable to attend the meeting. He is going to schedule to attend every month.

12. Slate Belt Rising – Louise Firestone reported that an additional \$1,750.00 was given to each of the four Boroughs from Slate Belt Rising. Since the food distribution ended a couple of weeks ago, the money has been earmarked to support the local businesses in the Borough. Slate Belt Rising will purchase, on the Borough's behalf, open banners with our logo on them. The intent is to purchase a total of twenty-five banners and distribute them to small businesses on Broadway, to indicate that their business is open. They would get the flagpole, flag and bracket to hang the banner at no cost to them.

This Sunday is the Road Rally, Scavenger Hunt that Slate Belt Rising sponsors, which will be starting out at the Wind Gap Social Hall. There are currently 25 entries and there can be one person up to four in a vehicle. Registration is between 7:30 and 9:00, they go through the Slate Belt and return back to the Social Hall between 11:00 and 1:00 to see if they have all of their stops and to get their prizes.

13 Multi-Municipal Plan – Louise Firestone reported that their next meeting is scheduled for October 7, 2020 going virtual.

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

15 - International Property Maintenance Code (IPMC) – Dave Manzo reported that they are moving along with this, they are in agreement on what should be kept and looked at again and what should be discarded. He thinks that they should be able to adopt this soon.

QUESTIONS AND ANSWERS

1. Attorney Karasek asked the status of the easement agreement with Dream Lehigh Valley for the use of a portion of their property for the trail driveway, etc. Louise stated that the agreement was approved at the last Council meeting, but she has not seen a clean copy and was unsure if the copy was coming our attorney or Dream Lehigh Valley’s attorney. Attorney Karasek said that he will send a clean copy to be signed by Council President Hess and Louise.

2. Louise said that as a follow up, she believes that the goat situation has fixed itself. The owner contacted the office and said that they got rid of the goat. We have not received any new complaints from the neighbors.

Louise said that the Borough was notified that Wells Fargo Bank is closing their Wind Gap branch so she had to go and close out the safe deposit box today. It has been open since 1986 and there are quite a few deeds in the box that she will go through. She is asking Council if they want her to keep these documents in house, we have fireproof cabinets or we can get a fireproof safety box and put it in the box in the filing cabinet. Dave Hess said that he feels comfortable keeping them safely in the office, Council agreed.

ADJOURNMENT

On motion by Jeff Yob to adjourn the meeting of September 22, 2020. Council agreed unanimously. The meeting of September 22, 2020 adjourned at 8:09 p.m.

Louise Firestone – Borough Administrator