

**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 February 4, 2019, was called to order at 7:00 p.m. by Council Vice-President Mike McNamara, at which time he reminded those present that the meeting was being recorded. In attendance were Councilmen George Hinton, David Manzo, and Kerry Gassler. Also in attendance were Mayor Mitchell D. Mogilski Sr., Borough Solicitor Ronald Karasek., Borough Engineer Brian Pusher, and Borough Administrator Louise Firestone. Absent were Council President Alex Cortezzo III, Councilmen Dave Hess and Jeff Yob.

PUBLIC COMMENT

1. Blue Mountain Library – Judy Piper, Treasurer for Blue Mountain Library along with Katy Albanese, Valerie Viglione, Lisa Farnan, and Jill Silvius came before Council to thank them for their contributions to the library. Wind Gap Borough Council has been faithful over the years and they appreciate every penny they receive because it enables them to function as a library within the Pen Argyl Area School District. Jill Silvius gave a report regarding programs, fundraiser and financials for the library.

2. Steve Reider – Slate Belt Rising – Steve Reider came before Council regarding approval for a Community Garden in Wind Gap either across from the Sunoco Gas Station or at the Borough Park. Steve said that because of a lack of access to water for the Borough property across from Sunoco the Park may be a more logical location because of access to water. This project is supposed to be a collaboration between the Slate Belt PAL and the Slate Belt Regional Police. This would be a locked facility, the police would open it up in the morning and lock it at night. George Hinton stated that at the last Council meeting another location was discussed and the land is back on West West Street. This is Borough property that our Street Department maintains. Kerry Gassler said the property goes from W. West Street to Center Street. Steve said that since Council definitely wants the Community Garden he will go back and start getting things together for the project.

Steve said on behalf of the four boroughs, Slate Belt Rising did apply to the Lehigh Valley Planning Commission for a corridor study for Route 611, from Portland to Route 512, and from Route 512 in Mount Bethel to Route 33 in Wind Gap. This is a study to see what could be done to make the corridor from 512 to 33 safer and to help the flow of traffic.

Steve said that in 2020, Slate Belt Rising will focus on Wind Gap Borough. If there is something that Council wants to get done or if the Borough would be applying for grants that SBR can match he asked for Council to start planning. The SBR planning will be finalized by June.

George Hinton asked how many we have that applied for the façade grants. Steve said they are looking into a residential façade as well as the Tropical Fish Store and the Wind Gap Theater. They have received an application for Café on Broadway which is the only one to go out to bid. If you see a building, commercial or residential that is in need of repair, please let him know.

3. W2A Design Group – Boro Garage/Building Façade Design Update – Dave Drake and Christine Carl came before Council to discuss the design of the façade of this building and to give an update. They are looking to complete the drawings on both projects by the May so they can get approval and put them out to bid in May and award contracts in June. They brought drawings for the design of the building along with brick samples for Council to see along with copies of the plans for the Borough Garage. They will come back with samples of split face and bricks to the next meeting.

On motion by Kerry Gassler to go with Option D for the design and seconded by George Hinton. Roll call vote taken. Council agreed unanimously.

APPROVAL OF MINUTES

On motion by Kerry Gassler to approve the January 15, 2019 minutes and seconded by Dave Manzo. Roll call vote taken. Council agreed unanimously.

APPROVAL OF EXPENSES

On motion by Kerry Gassler to approve the expenses in the amount of \$36,512.90 and seconded by George Hinton. Roll call vote taken. Council agreed unanimously.

SOLICITOR'S REPORT

MEETINGS ATTENDED:

January 15, 2019 – attendance at regular workshop meeting of Borough Council.

SUBDIVISION MATTERS: N/A

LAND DEVELOPMENT MATTERS:

Receipt, Review and Administration of Comprehensive e-mail transmissions to/from Borough Solicitor, Applicant's Attorney and Property Owner's Attorney Inquiring as to Status of Revised Land Improvements Agreement, Performance Bond and Emergency Access Covenant re Green Knight Industrial Park II L.D. Plan.

ZONING AND OTHER LAND USE MATTERS:

Preparation of First Draft of Fireworks Ordinance.

Preparation of First Draft of Animal Control Services Agreement.

Preparation of Comprehensive First Draft of Newspaper Re-Advertisement (under Name of Borough Administrator and Borough Solicitor) for Zoning Ordinance Amendment and e-mail transmission.

Receipt, Review and Administration of Correspondence from Borough Property Owner's Attorney concerning Water Accumulation on Client's Property.

Receipt, review and Administration of Comprehensive Correspondence from Applicant's Attorney, Legal research under PA Liquor Code and Comprehensive Responsive Correspondence regarding Rescheduling Public Hearing date re Intermunicipal Transfer of Restaurant Liquor License for Giant Food Stores, LLC.

Receipt, Review and Administration of e-mail transmission re Borough Zoning Solicitor Reappointment.

DEVELOPMENTS ON OUTSTANDING LITIGATION: N/A

COURT DECISIONS ON BOROUGH CASES: N/A

MISCELLANEOUS:

Receipt, Review and Administration of Right-to-Know Request with LEGAL Research and Response re Madzhidski Request for Permits for Randy's Automotive.

Receipt, Review and Administration of e-mails from Borough Administrator with attached Enrolling/Membership Ordinances re Wind Gap Municipal Authority.

Preparation of Monthly Solicitor's Report.

Outstanding Items:

Stop Sign Ordinance
Dog Park Ordinance

ENGINEER'S REPORT

ARLE Grant Update - Brian Pysker reported that he was in touch with Frontier on Friday after a discussion with Louise to determine where a new line for the signals was located. The Borough has been paying the phone bill for an additional line since November, but the contractor (Northeast Signal & Electric Company) was not aware that the line was available. The signals need communication from the software at the Police Station in order to change the timing sequence and synchronize the timing of the lights in case of an emergency when S.R. 33 is closed due to weather or traffic incident and traffic is rerouted onto S.R. 512. That is done remotely, they dial into a modem, that sits in a cabinet down at Jacobsburg and 512, and that triggers the inter-connect. The project has been connecting all of the signals together, from Jacobsburg through Sullivan Trail to Male Road through fiber optic cable. As part of the ARLE Grant the signals from Male Road, Center Street, Third Street and Park Avenue a radio connection was installed. Northeast Signal & Electric Company installed the four traffic lights and then went down to Jacobsburg to check the fiber optic connection and discovered a break in the line. It was determined that the fiber optic cable was broken at the entrance of Auto Zone during driveway construction. In order for communication with those signals, we need either fiber or radios. Brian had NES give him three options to fix this, bypass the fiber and go with radios all the way through, replace a portion of the fiber optic cable by splicing it or installing new fiber optic cable. George Hinton said we should go with radio. Brian said the problem with radio is that we do not own the signal down at Jacobsburg Road so he would have to get in touch with Plainfield Township because they own the signal at that intersection. He brought this back to TPD to our engineer to make sure that the radios are our best option and was informed that economically radios would be the best option. If both municipalities are agreeable the Borough will need to send a request to PennDot District Staff Traffic Signal Supervisor explaining why the changes in the inter-connection are desired and include a letter from Plainfield Township that they are in agreement. Once PennDot responds with an acceptance the change to radio can be implemented. Once we get the radios installed they need to develop the communication. Our contractor will meet with Frontier this Thursday.

On motion by George Hinton to do the radios at Jacobsburg Road and to get all the documents needed and seconded by Kerry Gassler. Roll call vote taken. Council agreed unanimously.

NEW BUSINESS

1. Emergency Management Spills/Related Clean-up Costs – Louise Firestone recommended informing Attorney Karassik of the two incidents in the Borough in the past month related to hazmat spills. George Hinton reported that on Christmas morning a driver took out a 250 gallon oil tank on North Broadway and 8th Street and it leaked into the water table up on 8th Street. The driver ran through a rental property, they had to evacuate the building and Emergency Management had to come in and determine that clean-up including filtering the water to get the oil out. Recently, there was another incident at 15 N Broadway. The Borough signed off on both incidents and will be held responsible for paying for the clean-up. The questions is how, how does the Borough go about recouping the expenses when the invoices are received. Louise said that the incident at 15 N Broadway/Wells Fargo was \$2,900.00 for a 4 hour minimum. George stated that the incident on 8th Street will be considerably more expensive as the clean-up and follow-up monitoring took weeks. Attorney Karasek said the Borough could make a claim against the person that caused the problem or the property owner

if they were at fault. He is not sure if there is some state reimbursement fund that the Borough could get from Emergency Management or DCED. He said to make the claim against both, the property owner and the operator of the vehicle and inform them to send to their insurance company. Louise will send Attorney Karasek the information needed.

Louise informed Council that she confirmed the Borough's Emergency Plan on file is dated 2003. This Plan needs to be updated as soon as possible.

Fire Chief Dan Sinclair reported that regarding the spill on 8th and N Broadway, Rapid Response just finished the clean up and took everything away last Friday, February 1st. He is trying to get a list of everything that Wind Gap Fire Company used for both spills. George asked the Fire Company to come up with a material list for both incidents. Dan said that he gathered the numbers for the incident at 15 North Broadway which was \$913.00. He said that Pen Argyl and Plainfield were also there for man power.

2. Park – Wind Gap Area Athletic Association – Financials – Dave Manzo met with Nestle Water and they showed an interest in helping and today he met with Techo- Bloc and they are interested but they have to send material to their boss in Canada. Dave thinks that what needs to occur is for the Borough to get information from the Wind Gap Area Athletic Association (WGAAA) such as their recent financials. If the Borough does upgrades it is not wise to hand over the key to a new building in the park to an association that does not allow us to look at their books, since this is Borough land.

George reported that at the meeting that was held with representatives from the WGAAA, the committee came up with ideas, but it requires more information from our Engineer to determine if the ideas are a feasible solution. Also, it has to be determined how large of an area is available for development.

On motion by George Hinton to have the Borough Engineer make a concept plan of the Athletic fields and seconded by Dave Manzo. Roll call vote taken. Council agreed unanimously.

3. Snow Emergency Protocol – Louise Firestone reported that Councilman Jeff Yob had sent an e-mail that once a Snow Emergency has been called, the Borough needs to notify Northampton County 911 Center. She requested that the Mayor text the office staff when declaring a snow emergency because due to our fire walls there is lag time with our e-mails and we need to get this out on NIXLE as soon as possible.

4. Pibbles and Paws Agreement – Animal Control Officer – Attorney Karasek reported that he has completed a draft of this document. He is not sure if we are ready to finalize and there are some things that we need to talk about. He asked if we have an ordinance for dog or pet control. Who will we have contact Pibbles and Paws if there is a problem with dogs? The agreement states that the resident would call the Police and they would notify Pibbles and Paws. He will make changes stating calls will be initiated by the Slate Belt Regional Police or Northampton County 911 Dispatch. The budget number for this service will be \$.75 per Wind Gap resident or \$2,040. Dave Manzo would like them to come in and give a presentation. Louise said the Pen Argyl and Plainfield has already signed up. Attorney Karasek asked if Council wanted this to be a one year contact or have it renew every year. He will also include that Wind Gap can terminate for no reason at all, with or without reason.

5. Approval 2019 Election Polling Location - Louise Firestone reported that we received a letter last week asking us to sign the agreement to have the election this year, May 16th for the primary and November 5th for the general at 545 East West Street. Does Council want to continue holding elections at our Municipal Complex or should we contact the County asking them to relocate to the Wind Gap Fire Company Social Hall? Louise will call the County and ask if we could use the new Social Hall as the new polling place.

On motion by George Hinton to contact the County to have the polling place changed to the Social Hall and seconded by Dave Manzo. Roll call vote taken. Council agreed unanimously.

OLD BUSINESS

1. Audits – Tax Collector (\$3,250) – Fire & Ambulance (\$3,800 each) – Louise did confirm with our Auditor that these figure would be for one year. Since the Tax Collector no longer collects the earned income tax, she collects the per capita and real estate and for that reason Mr. France kept the same fee because the review it is not as extensive as it used to be. The Fire Company and Ambulance would basically be reviewing their financials not an in-depth audit. Louise will put this in the budget for next year.
2. Center Street / F Alley curbing – Mike McNamara reported that he went by there a couple of times when the Borough recently had all large amounts of rain and there was nothing going down the alley, it was flowing down Center Street. There a zoning meeting on Wednesday for Chad Weeast to keep the building on his property.
3. Attorney Karasek informed Council that he will be advertising the Zoning Ordinance Amendments for the March 4th meeting and the Giant Food Liquor License Public Hearing for the March 19th Council meeting.

ADJOURNMENT

On motion by Kerry Gassler to adjourn the meeting of February 4, 2019, 2019. Council agreed unanimously. The meeting of February 4, 2019 adjourned at 8:45 p.m.

Louise Firestone, Borough Administrator