

**BOROUGH OF WIND GAP  
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The Council meeting of the Borough of Wind Gap on Monday July 2, 2018, was called to order at 7:00 p.m. by Council President Alex Cortezzo III, at which time he reminded those present that the meeting was being recorded. In attendance were Councilmen: Mike McNamara, David Manzo, and Kerry Gassler. Also in attendance were Mayor Mitchell D. Mogilski, Sr., Borough Solicitor Ronold Karasek, Borough Engineer Brian Pysher and Borough Administrator Louise Firestone. Absent were Councilmen Dave Hess and Jeff Yob.

**PUBLIC COMMENT**

1. George Hinton, 630 Washington Street, appeared before Council on behalf of Troy Haydt. Mr. Haydt has concerns regarding his mother's house in Wind Gap and her desire to move back into her house on Second Street which has no electricity and no heat. Brian Pysher stated that since the Borough has no Property Maintenance Code he will look into the Nuisance Ordinance to determine if it addresses those concerns.

2. Scott Parsons, 134 Alpha Avenue, appeared before Council regarding the letter he received about the street paving project. He stated that the time frame of getting curb work completed in a short time frame puts everyone in a bad spot. He asked if residents need a permit if they are replacing the curb, if so can Council waive the fee? He added that he is glad that the road is finally being paved. Mr. Parsons was informed that the letter was to inform property owners if they wanted to replace their curb now is the time to do it, but it is not a requirement to replace it.

3. Maryann Getz, 336 Fairview Avenue, would like to know why her driveway was marked for curb replacement. Alex said that the letter was to inform the residents that the road will be paved and if they would like to replace the curbs you can.

4. Pat Sutter appeared before Council to find out if the Deputy Tax Collector has been approved. Louise said she is waiting to get the approval from our insurance company.

Pat has tax records that need to be shredded and she would like to know if Council would let the Street Department cart her records down to the Bethlehem Recycling Plant to get rid of them or could she get a shredding truck to come to her house and would the Borough pay for that. Council agreed that the Street Workers can take the records to Bethlehem.

**APPROVAL OF MINUTES**

**On motion** by Dave Manzo to approve the June 19, 2018 minutes and seconded by Mike McNamara. Roll call taken. Council agreed unanimously.

**APPROVAL OF EXPENSES**

**On motion** by Kerry Gassler to approve the expenses in the amount of \$169,022.01 and seconded by Dave Manzo. Roll call vote taken. Council agreed unanimously.

## **SOLICITOR'S REPORT**

### **MEETINGS ATTENDED:**

June 4, 2018 - Attendance at Regular Monthly Meeting of Borough Council.

June 11, 2018 - Planning Meeting on June 14th for the Albanese & Grimes, Water Street Project.

June 19, 2018 – Attendance at Regular Monthly Workshop Meeting of Borough Council.

### **SUBDIVISION MATTERS: NA**

#### **LAND DEVELOPMENT MATTERS:**

Receipt, Review and Administration Receipt, Review and Administration of Proposed Performance Bond re West Street L.D. Plan, Preliminary and Final (Water's Edge at Wind Gap, LLC).

Receipt, Review and Administration of Proposed (Partially) Signed Land Development Improvements Agreement by Applicant re West Street L.D. Plan, Preliminary and Final (Water's Edge at Wind Gap, LLC).

Receipt, Review and Administration of Second Review Letter by Alternate Borough Engineer J. Ott re Albanese & Grimes L.D. Plan.

Preparation of 13 SALDO Waivers Recommendation/Official Action Forms re Albanese & Grimes L.D. Plan.

Receipt, Review and Administration of e-mail from Applicant's Attorney concerning Time Line for Completion of Required Improvements and the Necessity of Male Road Property to be included in Land Development Agreement re Green Knight Industrial Park II L.D. Plan (Preliminary and Final).

#### **ZONING AND OTHER LAND USE MATTERS:**

Receipt, Review and Administration of Multiple e-mails to and from Borough Z.O. Wolf, Computer Search for Deed and Related Documents and Recommendation as to how to Proceed re 550 Lehigh Street (Building Demolition and 30 Roosevelt Street (Pole Building)).

#### **DEVELOPMENTS ON OUTSTANDING LITIGATION: N/A**

#### **COURT DECISION ON BOROUGH CASES: N/A**

#### **MISCELLANEOUS:**

Preparation of Borough Planning Commission Meeting Minutes for Meeting of June 11, 2018.

Preparation of Agenda for Borough Planning Commission Meeting of June 11, 2018.

Preparation of Borough Planning Commission Meeting Minutes for Meeting of June 11, 2018.

Preparation of Monthly Solicitor's Report.

#### **OUTSTANDING ITEMS:**

Stop Sign Ordinance

Dog Park Ordinance

Fire Company Ordinance

Attorney Karasek reported that he is still waiting for a response from the Lehigh Valley Planning Commission regarding the Zoning Amendments.

## ENGINEER'S REPORT

Bryan Pysher reported Bracalente Construction was notified that they were awarded the paving project on Alpha Avenue and Fairview. Bracalente will schedule the work for early fall, but will start on the slurry seal as soon as their schedule permits. He met with Rich and they shot the intersection of Alpha and Genoga in order to correct the water pooling problem. The Street Department will excavate that portion of the street and Brian will stake it for them so the base can go in and be ready for the overlay with Bracalente. Once the Borough receives the schedule, Rich will get signage out to the residents as soon as possible.

The Kohler technician from PALCO was here last Monday to train the Borough Staff, Brian and Rich on the setup and controls of the generator and also complete the load test. The generator runs fine, but when they tried to complete the load test the generator gets up to 26% capacity and then the engine cuts out which means it is not getting enough propane. Brian contacted Eastern Propane since they installed a dedicated line just for the generator because there was a concern running the generator and heater at the same time. The Kohler technician does not think the regulator is big enough. Eastern Propane swapped out the regulator with a larger one and if it does not work with that other diagnostics will have to be done. PALCO will have to be rescheduled, since the Borough needs the load test in order to get final inspection.

Brian reported that he met with Jim Fish from Super Heat and they laid out the dimensions for the concrete heater pad. He will get with Rich to form the pad this week. Once completed they will follow up and install the heater.

Architectural services Request for Proposal (RFP). Seven Architectural firms attended a mandatory pre bid meeting Monday morning. There was one firm that contacted him after the pre-bid meeting, which was mandatory in the RFP. He said he would bring it to Council's attention that there is an additional firm interested but they did not attend the mandatory pre-bid meeting.

Attorney Karasek suggested that Council does not make an exception, because once that is done theoretically, Council is saying that bidders do not have to follow the specs. Council agreed to follow the bidding requirements which included attending the pre-bid meeting. Brian said the RFP is due July 17, 2018 at 1:00 pm, evaluation from July 18 through August 6<sup>th</sup>, selection decision for the winning bidder will be no later than August 5, 2018 and we will notify the bidders by August 13<sup>th</sup>. The Building Committee will need to have discussions with the architects specific to features such as doors, flooring, etc.

## NEW BUSINESS

1. Performance Bond – Water's Edge at Wind Gap - Attorney Karasek reported that as of Friday a Performance Bond in the name of Aegis Security Company in Harrisburg would be submitted for the 2.7 million and change for the bonding requirements. That company is authorized to do business in Pennsylvania and is on the US Treasury List of approved companies. He recommends that the Borough accept that bond. If accepted the package will be complete with the bonding being accepted and the agreement being accepted. Council would then need to sign off on that agreement.

**On motion** by Kerry Gassler to approve the performance security for Water's Edge project by Aegis Security Company in the amount of \$2,784,557.64 and seconded by Dave Manzo. Roll call vote taken. Council agreed unanimously.

2. Automated Red Light Enforcement Program Funding Agreement (ARLE) 2018-06 – Brian Pysher reported that we have an agreement, it is in place. General Counsel decided that an extension could not be done, so a new agreement was drafted. Charles Richards, PennDOT Administrator at District 5, prepared the revised agreement. Louise received it on June 25<sup>th</sup>.

PennDOT requires that Council accept the agreement by resolution. PennDOT did confirm that once the Borough executes the resolution and agreement and it is fully executed by PennDOT, the Borough could proceed with our contractor. Brian is hopeful construction can start within a month.

**On motion** by Kerry Gassler to approve and sign Resolution 2018-06 for the ARLE Funding Agreement and seconded by Mike McNamara. Roll call vote taken. Council agreed unanimously.

## **OLD BUSINESS**

1. Animal Control Officer (ACO) Update – Mayor Mogilski reported that as of their last meeting, there is no Animal Control Officer in place. The COG did receive 7 applications, but none appear to be acceptable at this time. Wind Gap decided to hold any future payments to the COG until all the issues have been cleared up. Alex said this has always been an issue with the feral cats and dogs. Mayor Mogilski stated that Slate Belt Regional Police Department is thinking of putting some type of procedure in place.

2. Trail to Town Family Jamboree – August 4 – Senator Scavello - Louise Firestone reminded Council of the event at Wind Gap Borough Park on Saturday August 4<sup>th</sup> from noon to 3:00 pm. We will have a table set up for Council to man and answer questions.

3. Council Seat Vacancy

**On motion** by Dave Manzo to nominate George Hinton for the vacant Council seat created by the passing of Councilman Dave Valley. Roll call vote taken. Council agreed unanimously.

George Hinton was sworn in as Councilman by Mayor Mogilski. George than took a seat at Council's table.

4. Kerry Gassler asked Louise Firestone if she had an information on the radar signs. Louise reported that she has checked into them. Monroe County Local Gaming Grant will be open for applications shortly.

5. Kerry Gassler asked if anyone was able to take a look at the Turtzo subdivision and what would be the process to purchase that property? Attorney Karasek informed Council that there would be an agreement of sale between the Borough and Mr. Turtzo regarding the amount that would be paid, settlement to be within 30 to 45 days, search the property for a clear title and have closing. If Council would like, he can contact Mr. Turtzo regarding what his terms are and report back to Council.

## **COMMITTEE REPORTS**

1. EMS – Nothing new to report.

2. Fire Co – Mike McNamara reported that their carnival was a success. George Hinton added that they gave out 3,850 wristbands for the rides.

3. Regional Police – Mayor Mogilski reported that they meet tomorrow evening. He said that the School Resource Officers were approved. There will be an officer at each of the three schools in the Pen Argyl Area School District. There will be further discussion on procedures for dances or events, whether they want an officer there or not. The officers are completely trained

and will be wearing the body cameras. Alex requested that Mayor Mogilski question the Police Commission about their intent regarding an Animal Control Officer.

4. Emergency Management – Alex Cortezzo reported that the Hazard Mitigation Resolution 2018-05 was signed for 2013 and the one for 2018 one will be here soon.

5. Zoning – Chuck Wolf, Barry Isset, met with Jeff Detzi last Thursday regarding 550 N. Lehigh Street. Chuck said that they worked everything out. Jeff Detzi came in the office and submitted Third party permit.

6. Planning – Attorney Karasek reported that Albanese and Grimes Water Street Project did get their SALDO waiver. They will have to come back to Planning for recommended approval and then come back to Council for final approval of the plan. Alex asked if we did final approval on Green Knights, Attorney Karasek said they did on one section. Brian added that months ago we had started making the final review to make sure they complied with all the requirements and conditions. They were running closure checks and there were all kinds of errors. The GKEDC stated that they would have their surveyor correct the errors prior to any further reviews, but Brian has not heard anything since. Attorney Karasek will contact Green Knights and get back to Council.

7. Municipal Authority – Louise Firestone received a Right-to-Know request for 550 N. Lehigh Avenue. She received, as did Deb, an e-mail copy and a hard copy that they mailed. Senator Scavello is in the process of setting up a meeting to discuss the Wind Gap Municipal Authority's Sewer capacity. He is concerned that companies are not locating in this area because of the sewer restrictions. The Senator is trying to promote the Slate Belt in order to assist in economic development. Once a meeting is set up, Council will be notified so they can chose to be included in the discussions.

8. Streets – Rich said they put new fencing at the park. Alex asked, in conjunction with the paving project on Fairview and Alpha, did the Borough want to waive the permit fees for the residents putting curbing in. Kerry said we can give them a no fee permit but they must still get their inspections.

**On motion** Kerry Gassler to waive the permit fee for the curbing project on Alpha and Fairview Avenue, they still must get a permit and follow through inspections as necessary and seconded by Mike McNamara. Roll call vote taken. Council agreed unanimously.

9. Park – Alex Cortezzo reported that the park looks good with the new split rail fence that was put up. Rich Fox said that they rolled the park this morning. Mike McNamara said there is nothing for smokers to use for their cigarette butts. Dave Manzo said that toxins are still released from the cigarette butts and going into the ground.

10. Tipping Fees – Kerry Gassler verified with Louise that the meeting with Waste Management is set up and scheduled for July 16<sup>th</sup> at 1:00 p.m. Kerry said that if anyone has any more ideas to let him know.

11. C.O.G. – Mayor Mogilski reported that they had a presentation about Lake Minsi. They put flyers out for different ways to make money. The Slate Belt COG have a new Executive Director, John Birmingham, and his plan is to redo the programs for everything, budget, minutes, expenses etc.

12. Slate Belt Rising – Louise Firestone reported that the next Steering Committee is scheduled for July 12, 2018.

13. Technology – Louise Firestone reported that the 1<sup>st</sup> background writing, technical programming, has been completed for the new website.

14. Borough 125 Anniversary – Alex Cortezzo said we have an idea of what is going on the day of as far as different event and things going on here in the building. We will have a layout put together and get together with Fire and Ambulance so they know what we have planned.

15 Mayor’s Report – Nothing to report

Alex Cortezzo had a question for Attorney Karasek in regards to First Street alley. Attorney Karasek said he spoke with Al Pierce asking his position in respect to this because his position will be similar to the lane request. He sent a letter to their Attorney asking what they are looking to do. Attorney Karasek requested a copy of the title report to see what they are saying in respect to this alley.

George Hinton reported that the old firehouse is on the schedule to be demolished the last week of July or the first week in August. The pole from Met Ed will be there the week of July 9, 2018. The Fire Company signed the agreement with the Sewer Authority.

Alex Cortezzo said that if Council is in agreement, we will cancel the next meeting and meet on August 6, 2018.

## **ADJOURNMENT**

**On motion** by Kerry Gassler to adjourn the meeting of July 2, 2018. Council agreed unanimously. The meeting of July 2, 2018 adjourned at 8:32 p.m.

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Louise Firestone – Borough Administrator