

**BOROUGH OF WIND GAP  
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The Council meeting of the Borough of Wind Gap on Tuesday October 16, 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: Dave Hess, George Hinton, Mike McNamara, David Manzo, Jeff Yob, and Kerry Gassler. Also in attendance were Borough Solicitor Ronold Karasek, Borough Engineer Brian Pysker and Borough Administrator Louise Firestone. Absent was Mayor Mitchell D. Mogilski Sr.

**PUBLIC COMMENT**

1. John Morganelli, District Attorney, Northampton County came before Council to introduce himself and to give a quick overview of projects he is involved with throughout the County and specifically the Slate Belt. He said that he has respect for local government where residents come with problems and Council is the problem solvers. Mr. Morganelli provided his direct contact information to the council members.

2. Scott and Lori DeFiore, of 26 South Broadway, came before Council with a concern regarding the alley behind their property. Mr. DeFiore said that the alley has become overgrown with weeds and vegetation and people are starting to drive over his property and they are driving into the parking lot for Wind Gap Hardware. He asked if the Borough could take a look and see what can be done. Alex Cortezzo said that they should fill out a complaint form and his concern will be addressed.

3. Roger Bet, representing Wind Gap Municipal Authority, came before Council with information on a Grant that the WGMA would like to submit an application for funding. The grant is from Northampton County Gambling Monies. State Representative Marcia Hahn and Senator Mario Scavello offices said that they would have to go through Wind Gap Borough to apply for the grant. He is asking Council if they would submit a grant for \$40,000 for the Wind Gap Municipal Authority to go ahead and to survey some of their lines. There is seepage coming into their lines that they would like to take care of the problem. Over the last few years they fixed a lot of the lines and they got a \$300,000 grant from the State of Pennsylvania to finish the work on Roosevelt Street. If you could consider the request from the Authority to submit a grant for them, they would appreciate it. The Municipal Authority will write up the grant themselves and have the Borough submit it. The due date is November 16, 2018. Council would like a copy by the next Council meeting on November 5, 2018

**APPROVAL OF MINUTES**

**On motion** by Dave Manzo to approve the October 1, 2018 minutes and seconded by Mike McNamara. Roll call taken. In favor: G. Hinton, D, Manzo, M. McNamara, and J. Yob Abstained: A. Cortezzo, K. Gassler, and D. Hess. Motion carried 4 - 0 -3.

## NEW BUSINESS

1. JERC LLII LLC – Male Road Development – Representatives from JG Petrucci Company, Steve Bohler Engineering, and McMahon Associates came before Council with a sketch plan for Male Road. They are proposing to develop the 32.9 acre parcel with a 333,125 square foot building with truck parking and access facilities to support business. This project will be developed on three parcels within Wind Gap Borough and Plainfield Township. They are looking for feedback regarding this project. Council voiced their concerns regarding traffic on Broadway and Male Road.

2. Future LV – Slate Belt Multi- Municipal Comp Plan – Meeting Date - Louise Firestone reported that she received an e-mail from Lehigh Valley Planning Commission asking for the Borough to send 5 to 7 members to attend a 90 minute round table discussion on Tuesday November 13th at 5:30 pm at the Pen Argyl Community Center, 25 S Main Street, Pen Argyl. LVPC is looking for participation in the planning process to discuss issues and needs regarding future growth impacts. The Lehigh Valley Planning Commission is updating the regional plan entitled FutureLV.

3. Personnel Decisioning Making – Dave Manzo asked for this to be put on the agenda because of a decision that was made at the last Council meeting by one individual where the decision was not brought to Council and it should have been a personnel decision. He is not talking about the decision itself but the process. He expects to be able to make his voice known and his vote made on decisions affecting the Borough. This decision was made by one individual and it should have come to Council for a vote. Alex Cortezzo said that he will take this into consideration going forward, but committees have the right to run with what they are in charge of to be done, there will not be micro managing being done.

4. International Property Maintenance Code (IPMC) – Dave Manzo would like to know why Wind Gap Borough does not have the International Property Maintenance Code. Alex Cortezzo said that we have the Nuisance Ordinance. Dave asked if that is as effective as the code. Kerry Gassler said that with the International Property Code, half of the properties would not pass with the way that houses were built years ago. Attorney Karasek said that a few years ago an issue was brought up to adopt a Property Maintenance Code, the feeling was that the code was too strict. Borough Council then decided to adopt the Nuisance Ordinance that was a hybrid between a regular Nuisance Ordinance and International Property Maintenance Code. In our Nuisance Ordinance, there are provisions for the exteriors of properties, and the Building Code Official is Brian Pysher. Brian said that when someone files a complaint he sends the property owner in question an Enforcement Notice, if needed. They have 15 days to bring it into or attempt to bring it into compliance. If they do not comply within 15 days they are sent a citation, than it go before the Magistrate who can that fine them. They can still be in contempt or in violation and not comply with the enforcement notice. Notices are certified return receipt since we need proof that they received notices so it does not get thrown out of court.

5. Poplar Street – Dead End Street Sign Request

**On motion** by Jeff Yob to install a Dead End sign and seconded by Mike McNamara. Roll call taken. Council agreed unanimously.

6. 2018 Hazard Mitigation Resolution - Attorney Karasek reported that this is similar to the 2013 Resolution that was signed and adopted. As per the e-mail that he received from Council, he prepared the new Resolution for the 2018 Hazard Mitigation Plan and sent it over to the borough office. Louise commented that she has been attending the bi-county Hazard Mitigation meetings for a year now and there is a meeting this coming Thursday. It says that FEMA has approved the plan pending adoption and there are further steps to discuss. She requested that this be discussed and approved at the next Council meeting, because it does not appear to be time sensitive at this point. Attorney Karasek said that Council can table this for now to see if there are any changes from the meeting and then Council can let him know so he can make changes.

7. Approval 2017 CDBG Addendum #1 – Contract Extension – April 30, 2019 – Louise Firestone reported that Wind Gap received notification that our upper Alpha Road project was approved with 2018 CDBG funding for \$115,000 and which will be added to the 2017 funding award of \$75,000 last year making the total \$190,000. The funds for 2017 expires December 31, 2018. She requested and received an addendum to extend that until April 30<sup>th</sup> of next year. Everyone has a copy of the addendum that needs to be signed. If necessary, an additional extension can be requested for the 2017 funding.

**On motion** by Jeff Yob to approve the CDBG Addendum # 1 and seconded by Mike McNamara. Roll call taken. Council agreed unanimously

8. Approval Traffic Planning & Design Professional Services Agreement - Brian Pysher refreshed Council on an e-mail that discusses the truck traffic on upper Alpha Road. The only way to divert trucks off of Alpha Road is to get them to go down Broadway and turn left at the light. The traffic light at that intersection currently does not have a left turn signal arrow and it is almost impossible to make that left with traffic coming northbound. There was a chain of e-mails with Traffic Planning and Design and PennDot and they laid out the process necessary to add the left turn arrow. In response to what PennDot is asking for, TPD had given us a ball park number on the cost to prepare the traffic study and to do the PennDot plans to alter the signal. Traffic Planning and Design offered a formal proposal to do the traffic study at that intersection and that cost would be \$6,200 for the report and \$5,000 for the signal plan design to be submitted to PennDot. We have a formal proposal to sign should we want to move forward with this. The ultimate goal is to prepare an engineering study. Louise has been in discussions with Frank Brooks from Northampton County who indicated that he may have some funding available to assist the Borough with improving that intersection. They will meet next week and lay out all the plans.

**On motion** by Jeff Yob to approve the project total of \$11,200 with Traffic Planning and Design for the intersection at Broadway and North Lehigh Avenue and seconded by Kerry Gassler. Roll call taken. Council agreed unanimously

9. Brian Pysher reported that at the last meeting Council discussed putting together a Request for Proposal (RFP) to develop a Capital Improvements Plan so the Borough could ultimately adopt a Capital Improvements Ordinance and then collect Capital improvement fees. He reached out to Traffic Planning and Design to get feedback on what is required. The way the impact fees are set up, the projects have to be developed and created from new trips, so it has to be something that will come up from new development and additional trips. The bridge being a structure does not qualify for that. In our discussions the main concern was trying to collect impact fees for that structure. Mainly impact fees are for flow and intersection signalization and traffic flows. It is \$75,000 to \$100,000 to do the traffic impact study. George Hinton asked about the stormwater by the bridge. Brian said that this is something they will have to be addressed in the land development. Brian said he will not pursue the Capital

Improvements Plan unless Council would like him to continue. An example of projects that could qualify would be adding another lane to the bridge.

## **OLD BUSINESS**

1. W2A Design Group Architect Agreement - Brian Pysher reported that he and Attorney Karasek went over the original contract that was submitted by the architect. There were clarifications with respect to the wording, asking them to include the same verbiage as the RFP. The verbiage they had with respect to the meeting was a little unclear so we are asking them to clarify that. The RFP did specify for the maintenance building they were required to meet monthly, we are asking them to specify and put into the contract. Some of the comments from Attorney Karasek were for supplemental services, additional services. We are clarifying that they need to include the schedule and billing rates. We are also stating that their MEP and structural engineer are not supplemental services or additional services that is included within the base bid. We do not believe that they should be collecting 10% on reimbursable expenses. With Council's approval he will send the changes to W2A Design Group.

**On motion** by Jeff Yob to authorize Brian Pysher to send the changes to W2A Design Group for clarification and seconded by Mike McNamara. Roll call taken. In favor: D. Manzo, M. McNamara J. Yob, A. Cortezzo, K. Gassler, D. Hess. Opposed: G. Hinton. Motion passed 6-1.

2. East First Street – Dedicated Borough Street (Liquid Fuels) – Metes/Bounds – Attorney Karasek reported that he did some additional research and he does not believe we can simply adopt an ordinance for that because we do not own it yet. Rather than jumping through the hoop of noticing and advertising and letting the adjoining neighbors know what is going on, he will contact Tuskes Homes and see if they would give us a deed.

3. UCC Status Update - Attorney Karasek reported that he sent the Inter-municipal Agreement between all the Slate Belt Municipalities that have adopted the Slate Belt Council of Government Board of Appeals for UCC appeals, our letter of May 2, 2017 advising Harrisburg that we are going to opt in, a letter of December 22, 2017 attaching the ordinance where we are adopted in and the documentation and our Resolution 2004-4 that we adopt the Uniform Construction Joint Board of Appeals. To his understanding that was the issue, he has not heard back as of yet. They should have everything they need.

4. Review Zoning Fee Schedule – Louise Firestone said we were going to find out if this has to be changed by ordinance or resolution.

5. Turtzo Property – Longcore Road – Alex Cortezzo asked Council if they put any thought into this potential purchase. Attorney Karasek provided Brian a copy of the sub-division map for Council to see. Brian put the map on the television showing that the property is predominantly wet lands. Brian said a sub-division plan submitted by Mr. Turtzo did not go very far because they had difficulty complying with the ordinance. The majority of this property is in Plainfield Township with the small upper portion in Wind Gap. Kerry Gassler would like to see us pursue this and possibly put in soccer fields. This will be held as a pending topic.

6. Cost Estimates – Dump Truck /Lawnmower – Jeff Yob reported that Rich Fox is gathering more information on the cost of a new dump truck. Rich did find, what he believes is the source of the problem last winter with the truck stalling out. There is a hole in the fuel tank allowing seepage into the tank. Rich received pricing on riding lawnmowers and will be provided to Council.

7. Borough Properties Maintenance Grass/Snow Removal – There was discussion regarding having the Street Department maintain the property at the Social Hall since it is no longer a Borough Property.

**On motion** by Dave Manzo to plow the Social Hall Parking lot when there is a significant snow fall so that the possibility of the hall being used as some type of gathering point the parking lot is clear and salted and seconded by George Hinton.

**Original Motion rescinded** by Dave Manzo. **Amended Motion** by Dave Manzo that the Borough cuts the grass and provides 50% reimbursement to the Fire Department for snow plowing and seconded by George Hinton.

**Second Motion** rescinded by Dave Manzo. **Amended Motion** by Dave Manzo to have the Borough cut the grass, weedwack, plow and salt the parking lot of the Wind Gap Fire Company Social Hall located at 111 North Broadway and seconded by George Hinton. In favor: M. McNamara, D. Hess, George Hinton, D. Manzo. Opposed: J. Yob, A. Cortezzo, and K. Gassler. Motion passed 4-3.

8. Draft Budget 2019 – Special Meeting Date – Alex Cortezzo reported the next meeting will be the budget meeting.

## **COMMITTEE REPORTS**

1. EMS – Dave Manzo reported that we did a follow up to a satisfaction survey within the Wind Gap Ambulance Corps.

2. Fire – Mike McNamara reported that Fire had a total of 13 calls for September, 133 calls for the year. At the Fire meeting they asked if we could do something with the gravel. He asked is we could get a grant. Louise said, yes discussion has taken place regarding submitting a grant to utilize the gaming funds. Brian will do a cost estimate.

3. Regional Police – Dave Hess reported that Police Department responded to a total of 603 calls for service, 213 were for Wind Gap. Officers worked the Labor Day Parade and carnival on September 3<sup>rd</sup>. Several incidents were reported along the route. Sergeant Moskella and Officer Daly attended a Medical Marijuana Workshop hosted by the Pennsylvania DUI Association. The department took part in the Waste Management Chili Cook Off on September 29, 2018. They were the defending champions. They formed a Police Athletic League through Slate Belt Rising and their first event was this evening, a game of basketball at Pen Argyl Park. There was a dozen kids shooting hoops with the officers and the Chief was shooting hoops in his uniform. Coffee with a Cop is coming up. They will be in Pen Argyl on October 24 in the evening and Wind Gap on November 13 at 2:00 pm and Plainfield on November 14 at 9:00 am. They are getting out in the community, they are doing good things. The next meeting is Thursday evening, it will be a budget meeting. They will be voting to send the budget to the Municipalities for review and a vote. You should receive your copy next week. If you have any questions Dave will try to answer them.

4. Emergency Management – Jeff Yob stated that topics will be tabled until the next meeting.

5. Zoning – Mike McNamara had nothing to report. Deb Harbison reported that the Zoning Officer was here last week and she will have office hours on Fridays. Attorney Karasek reported that he did receive the review letter from her for the Albanese and Grimes project.
6. Planning – Dave Manzo reported that JERC LLII was at Planning two week ago. The representatives gave the same information tonight that was presented to the Planning Commission members.
7. Municipal Authority – Build Outs - Jeff Yob reported that he will have an update for the next meeting. Alex asked where we are regarding the sewer lateral. Jeff said that we agreed to bring the lateral over to the property line so it is out of the street. We have to pay their contractor to do this work.
8. Streets – Jeff Yob reported that the paving work is completed, he has not heard of any complaints. Mike McNamara said they did a nice job. Leaf vacuuming started today.
9. Park/Concession Stand– Alex Cortezzo had nothing to report.
10. Tipping Fees – Kerry Gassler had nothing to report
11. C.O.G. – Mayor Mogilski was absent.
12. Slate Belt Rising – George Hinton reported that the Road Rally Scavenger Hunt that started in Portland was a success. They are looking for projects in Wind Gap for the matching funds. It is our job to get out in the community to find locations for the facelift. Café on Broadway and the Gap Theatre are both interested. He is going to speak with the new owner of the hardware store.  
We lost the Slate Belt Rising sign at the top of Broadway. Louise has a copy of the invoice and forwarded it to the officer that responded to the accident and they will try to get some restitution for it, the price is over \$2,500. We still have \$650 in the Slate Belt Rising budget which will be used for the new sign.
13. Mayor’s Report – Mayor Mogilski was absent.

Alex asked Council if they want the Street Department to put lights in the park this year. Council said yes it looked nice.

Rich Fox asked Council what they would like to put behind the monument where the time capsule was. It was discussed, Rich will get new bricks to put in the area.

## **ADJOURNMENT**

**On motion** by Kerry Gassler to adjourn the meeting of October 16, 2018. Council agreed unanimously. The meeting of October 16, 2019 adjourned at 9:37 p.m.

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Louise Firestone – Borough Administrator