

**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 August 6, 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, M. McNamara, Dave Manzo, Jeff Yob, and Kerry Gassler. Also in attendance were Borough Solicitor Ronold Karasek, Borough Engineer Brian Pysher, and Borough Administrator Louise Firestone. Absent was Mayor Mitchell D. Mogilski Sr.

PUBLIC COMMENT

No public comments were heard.

APPROVAL OF MINUTES

On motion by Dave Manzo to approve the July 2, 2018 minutes and seconded by Mike McNamara. Roll call vote taken. Roll call vote taken. In favor: A. Cortezzo, K. Gassler, G.Hinton, D. Manzo, M. McNamara. Abstained: D. Hess, J. Yob. Motion carried: 5-0-2.

APPROVAL OF EXPENSES

On motion Jeff Yob to approve the expenses, but withholding payment of the invoices from Barry Isett and Associates for the months of May and June until further discussion and seconded by Kerry Gassler. Roll call vote taken. Council agreed unanimously.

SOLICITOR'S REPORT

MEETINGS ATTENDED:

- June 4, 2018 – attendance at Regular Monthly Meeting of Borough Council
- June 14, 2018 - attendance at Regular Monthly Meeting of Borough Planning Commission
- June 19, 2018 – attendance at regular Workshop Meeting of Borough Council
- July 2, 2018 - attendance at Regular Monthly Meeting of Borough Council

SUBDIVISION MATTERS: NA

LAND DEVELOPMENT MATTERS:

- Approval of Land Development Improvements Agreements and Disapproval of Proposed Performance Bond for Required Improvements (along with several e-mails to and from Bonding Company Representatives) re West Street L.D. Plan (Water's Edge at Wind Gap. LLC)
- Receipt, Review and Administration of Conflicting Extensions of Time with Inquiry Correspondence to Applicant re T. Klump L.D. Plan
- Multiple e-mails to/from Applicant's Attorney, Councilman Yob and Solicitor (and related items) concerning the Performance Bond and signed Land Development Improvements Agreement re West Street Land Development Plan (Water's Edge at Wind Gap, LLC)

Telephone Conference with Attorney for Male road Industrial Properties, LP and whether Male Road Properties needs to sign the Land Development Improvements agreement re Green Knights Industrial Park II

ZONING AND OTHER LAND USE MATTERS:

Preparation of Third Draft of zoning Ordinance Amendments, Comprehensive e-mail transmission to all Borough Council Members and Borough Engineer re No-Impact Home-Based Business, Home Occupation, Revision to Fences and Signs, Clear Sight Triangles and Certificate of Compliance

Receipt, Review and Administration of Finalized Enforcement Notice re 550 Lehigh Avenue – Demolition of Building

Preparation of Borough Resolution to Adopt Lehigh Valley 2013 Hazard Mitigation Plan

Receipt, Review and Administration of File and Request from Slate Bet COG re copy of fully executed Intermunicipal Agreement for UCC Joint Board of Appeals, Receipt of Agreement and e-mail transmission to Borough

Receipt, Review and Administration of Several emails to and from Applicant's Attorney and Borough Zoning Officer including Time Limitations to Borough ZHB and Stay of Proceeding re 550 Lehigh Avenue – Demolition of Building

Receipt, Review and Administration of e-mail transmission and computer Search on County Website for Updated Tax Parcel and Deed Information re Turtzo Property next to Borough Park

Telephone Conversion with Applicant's Attorney, Plainfield Township Solicitor, Male Road Properties, and L.P. Attorney re Green Knights L.D. Plan Phase II

Receipt, Review and Administration of file, Computer Search for Tax Parcel and Deed Information and Comprehensive –mail re Bray Lot Line/Vacated Alley Matter

Receipt, Review and Administration of file, Computer Search for Tax Parcel and Deed Information and Comprehensive –mail re Cortezzo – 809 Broadway Matter

Received, Review and Administration of Multiple e-mails to/from Borough Zoning Office, Property Owners' Attorney and Borough Solicitor concerning appeal, third party inspection and supersedes of Enforcement Notice re 550 Lehigh Avenue Demolition

Receipt, Review and Administration of Right-to-Know Request (under PA Open Records Law) from Wind Gap Municipal Authority re 550 Lehigh Avenue Demolition

Receipt, review and Administration of e-mails t/from Property Owners, Correspondence to Property Owners' Attorney re lot-Line Adjustment for Bray Property at 25 Roosevelt Street

Receipt, Review and Administration of e-mails re Cortezzo Property – 809 Broadway and Vacate Alley.

DEVELOPMENTS ON OUTSTANDING LITIGATION: N/A

Receipt, Review and Administration of Telephone Calls and e-mails re Pay-Off of Municipal Lien on 61 Lehigh Avenue

COURT DECISION ON BOROUGH CASES: N/A

MISCELLANEOUS:

Preparation of Fire company-Recoupment of Costs and Expenses Ordinance

Receipt, Review and Administration of e-mail transmission regarding Randy's custom Automotive and Councilman M. McNamara

Receipt, Review and Administration of File, Review of Borough Code, Leal Research including Article by S. Houck of PSABS and Preparation of Comprehensive e-mail to Borough Administrator with copy to all borough councilman re Need to Fill Vacancy in elected Borough Office

Receipt, Review and Administration of e-mail and Bidding/Contract Documents for ARLE's Project

Preparation of Monthly Solicitor's Report

Receipt, Review and Administration of signed Resolution No. 2018-15 (Hazard Mitigation)

Receipt, Re-review and Administration of ARLE Grant Documents
Preparation of Monthly Solicitor's Report

OUTSTANDING ITEMS:

Stop Sign Ordinance
Dog Park Ordinance
Fire Company Ordinance

ENGINEER'S REPORT

Brian Pyscher reported that the executed agreement with Northeast Signal has been sent and they anticipate starting the project in late August or early September. He did make contact with Traffic Planning and Design and asked them to move ahead with the submittals to get the project started. Brian will contact the Slate Belt Regional Police Department if there are any traffic control requirements during the signal improvement project. He did speak with Charles Richards of PennDOT today and the Borough will be sent a copy of the executed ARLE Grant agreement.

Brian reported that the Borough street workers will be installing 5 inlet boxes and 100 feet of pipe for storm sewer on Genoga and Alpha Avenue. He anticipates that once the storm sewer is installed, Bracalente will move in to do the overlay and slurry seal coat. Brian did contact PennDOT's Jeff Roback regarding using liquid fuels usage on the slurry seal portion of the paving work. The Borough will complete all necessary paperwork to utilize our liquid fuels.

The load test for the generator is scheduled for this Thursday. In order for the Borough to receive the completion for the generator installation L&I has to be present for the load test. Wind Gap Electric and a representative from Eastern Propane will be here for the test. We tried to do this load test last month but when they started to ramp up the generator and put it under load the engine quit and the diagnosis was that it was not getting enough propane. Critical Systems of Stroudsburg, a certified local Kohler dealer, will send one of their technicians to be present for the load test. Critical Systems will be available should the Borough need future maintenance on the generator.

The quick recovery heater is up and in place. Super Heat came out last week to set the unit on the concrete slab. SuperHeat plans on finishing the duct work while the Labor and Industry Inspector, Bob Belusko, is present for the generator load test.

Jeff Yob asked Brian if the street light for Lehigh and 1st Street is scheduled. Brian said it has been ordered and Wind Gap Electric will contact the Borough office when it arrives.

Jeff reported that cars are parking in the vacant lot next to Detzi's Tavern and there is no occupancy permit for a parking lot. Brian stated that hopefully this was addressed in the Zoning Officers letter that this cannot be utilized as a parking lot because it is not permitted by right, it is a residential district. There are a lot of requirements in the Borough's ordinance to protect the public. Attorney Karasek added that Mr. Wolf had to determine whether or not land development would be required if Detzi's Tavern would be improving the land as a parking lot. If they are just going to use it as a parking lot without making any improvements a permit should be issued by him. He does not know if Mr. Wolf has done any of that, but knows that Mr. Wolf was working on the demolition and getting a third party inspector to approve the demolition, which has been approved. The parking lot issue is still up in the air and if people are still parking on that area, they should not be unless the Zoning Officer has issued a zoning permit to park cars there.

On motion by Jeff Yob to officially ask the Zoning Officer of investigate a complaint for 550 N. Lehigh Avenue for possible violation on that property of parking being allowed without permits being in place and ask him to investigate the matter and seconded by Kerry Gassler. Roll call vote taken. Council agreed unanimously.

Attorney Karasek said we can register a complaint with him same as a citizen would and say that we have received a complaint where there are people parking there and you would like him to investigate.

Jeff Yob asked Brian for an update on the gas line extension. Brian reported that he did meet with Carmine from UGI, it was not a very productive meeting because he was unprepared. He did provide a sketch map which shows that confirms that they are going to loop it through the proposed West Street Water's Edge. He was going to work up some numbers and get back to us.

NEW BUSINESS:

1. Mark Davis – Probationary to Full-time Status

On motion by Jeff Yob to move Mark Davis from probationary to full time status and seconded by Kerry Gassler. Roll call vote taken. Council agreed unanimously.

2. RFP (Request for Proposal) Architectural Services (Façade/Garage) - Brian gave council copies of the proposals with a breakdown of the costs from Louise. There are three aspects that they requested the Architectural Firms to provide for the two separate projects. The initial phase is the permit and design drawings, the second phase is the construction specification, and the third phase is construction administration. Brian went over the proposals and answered all questions.

On motion by Jeff Yob to award W2A Design Group pending validation of their contract for their RFP in the amount of \$66,600.00 and seconded by Kerry Gassler. In favor: M. McNamara, A. Cortezzo, J. Yob, K. Gassler. Opposed: D. Manzo, D. Hess, G. Hinton. Motion carried with a vote of 4-3.

On motion by Dave Manzo to amend the motion to reject all RDP and come back, open up RFP's again, sit down with the group when the proposals come in so they can be reviewed in a more detailed fashion. Motion died for lack of a second.

3. Wind Gap Municipal Authority – Dave Manzo has concerns about the information or lack of information that Borough Council is receiving. He went through the minutes from January through now in order to understand some of the things occurring such as the amount of days the sewer plant exceeded capacity and the Authority's desire to remove term limits. Senator Scavello was at one of the meetings and asked about upgrades and the amount of money needed to upgrade the system but did not get a response from the Board. He is also concerned about development in the Borough and how it is being impacted by the Municipal Authority. Jeff Yob said that the Municipal Authority minutes reflect the activity at the meetings, their operation of the Authority is independent from the Borough. Dave said there are a group of committees that we have liaisons for and we are not getting any information regarding the Municipal Authority. If we are putting members on the Authority, we have to have some oversight and right now Council does not have the information to make relevant and informative decisions. Alex said we can ask them for specifics such as what their plans are and what needs to be done. Jeff said that from an operation standpoint, exceeding their capacity is something that occurs during storm cycles. Dave re-iterated his concern is having someone attend the meetings so it shows that Borough Council has an interest in what is happening and for the liaison bring back information to Council. Jeff said if you want specific information for him to

bring back, let him know. All the documents that are part of their packet are always given to the office such as the minutes etc.

4. First United Methodist Church Bandshell Request – First United Church is requesting permission to hold a Christian based film, Saving Faith and to have the actors there to give their testimony about the movie. This film gives the message that you do not have to look a certain way or be a certain size to be beautiful or accepted.

On motion by Kerry Gassler to grant First United Methodist Church the movie night request and seconded by George Hinton. Roll call vote taken. Council agreed unanimously.

On motion by Jeff Yob to follow the regulations as per a large pavilion rental and to waive the permit fee and, if needed, waive the curfew to 11:00 pm and seconded by George Hinton. Roll call vote taken. Council agreed unanimously.

5. Zoning – Alex Cortezzo said we are having issues with Barry Isett and Associates. We have reached out to Keller Engineering who provides the same service. How would Council like to move forward, should we get quotes together to replace the Zoning Officer or should we try to meet with them?

On motion by Kerry Gassler to seek RFP for UCC and Zoning Official for the Borough of Wind Gap and seconded by George Hinton Roll call vote taken. Council agreed unanimously.

6. Municipal Bldg – Key Fob Quote for Assembly Room Door - Alex Cortezzo said that Tyco was contacted for a quote to key fob the door. Tyco came back with an estimated cost between \$4,000 to \$5,000, depending upon length for wiring and type of electric lock, to put a key fob on the last external door for this building.

On motion by Jeff Yob to have the last exterior door key fobbed by TYCO and seconded by Kerry Gassler. Roll call vote taken. Council agreed unanimously.

OLD BUSINESS

1. Zoning Ordinance Amendment – Attorney Karasek reported that he forwarded to Council the third draft of the Zoning Ordinance Amendments. The latest changes were sent to Lehigh Valley Planning Commission for re-review. They responded that these are items of local concern. If the changes are what Council would like to pass, he will send them to Lehigh Valley Planning Commission for final review.

On motion by Jeff Yob to send the Zoning Ordinance Amendment to Lehigh Valley Planning Commission and seconded by Dave Manzo. Roll call vote taken. Council agreed unanimously.

2. Recoupment of Fire Company Costs and Expenses – Attorney Karasek reported that he prepared the ordinance and shared it with Council on June 8th. He will prepare an advertisement in order for Borough Council to act on the proposed ordinance.

On motion by Jeff Yob to advertise for a hearing on September 18, 2018 for the proposed ordinance for recoupment of Fire Company Costs and Expenses and seconded by Mike McNamara. Roll call vote taken. Council agreed unanimously.

3. First Street – Paper Alley - Attorney Karasek reported that he does not have an update at this time.

4. Turtzo Property – Attorney Karasek reported that if Mr. Turtzo wants Borough Council to act on this proposal he should let us know his purchase price and what his terms of repayment are.

On motion by Jeff Yob to instruct Attorney Karasek to send a letter to Mr. Turtzo asking for written specified terms on what he is asking for the property and seconded by Kerry Gassler. Roll call vote taken. Council agreed unanimously.

On motion by Jeff Yob to have the Borough Administrator contact the County Open Space Preservation Committee and seconded by Kerry Gassler. Roll call vote taken. Council agreed unanimously.

On motion by George Hinton to find out all the details on the tax implications on that property and seconded by Jeff Yob. Roll call vote taken. Council agreed unanimously.

COMMITTEE REPORTS

1. EMS – Dave Manzo reported that Wind Gap Ambulance responded to 40 calls in Wind Gap, 23 ALS in Northampton County, 25 BLS in Northampton County, 2 ALS in Monroe County, 2 BLS in Monroe County, and 68 non-emergency transports. Total number of calls were 120. Alex asked if it could be brought to the ambulance members to try to park in the back because when they are backing in the front lot they are backing up and over the curb causing a hazard.

2. Fire - George Hinton reported that hopefully the Social Hall will be up and running by the end of the month.

3. Regional Police – Dave Hess reported that for June there were 612 calls, 191 calls were for Wind Gap. The Junior Police Academy was held in June with 24 youngsters participating. Everyone is aware of the construction vehicle that was stolen, within an hour the suspect was apprehended and in custody. There was a CPR save in Wind Gap, officers responded, used CPR and used an AED, the victim has survived. Officers are using the Body Worn Cameras. There will be an Officer in each of the three schools beginning this coming school year. The Chief had several meetings with the school district to go over policies. Several officers attended Active Shooter Training to become certified and they in turn will train other officers and school staff.

4. Emergency Management Jeff Yob asked Louise if the Borough received the proposed 2018 Hazard Mitigation Plan. Louise replied there is a meeting next Thursday and LVPC hopes to have a complete draft of the plan distributed. Lehigh Valley Planning Commission has a draft up on their website for review. Jeff asked for us to put this on the agenda for the first September meeting. This should be ready for adoption, their goal was to have Municipalities begin to adopt it. Jeff asked if we sent the endorsed copy for 2013 to the County. Louise said she e-mailed it to them. Jeff said the one thing we added for 2018 as a potential project, if funds become available, was an emergency generator for the Social Hall.

5. Zoning – Mike McNamara reported that he went to the meeting where they granted the variances for Tyrone Klump West Third Street project.

6. Planning - Nothing to report.

7. Municipal Authority – Nothing to report.

8. Streets – Brian Pysker previously reported on the paving and stormwater project on Alpha Avenue and Genoga. Alex thanked everyone for doing their best while dealing with the situation.
9. Park - Nothing to report. Alex thanked everyone who came out to the Park on Saturday for Senator Scavello's event.
10. Tipping Fees – Kerry Gassler reported that on July 16th they had a meeting with Waste Management. They went over everything that they would like to do over the next 20 years. A follow-up meeting will be scheduled in September. We received a check for \$71,863.10 for the second quarter of 2018.
11. C.O.G. – Dave Hess reported that he spoke with the Regional Police regarding an Animal Control Officer. The Slate Belt Council of Governments had taken on this responsibility and it currently is not working. If the three participating municipalities for regional police were to try and contract with an individual to work as an ACO a lot of details would have to be worked out including who would oversee this person, do they need a vehicle and who would pay for the liability insurance?
12. Slate Belt Rising – George Hinton reported that Wind Gap has to come up with projects for 2020. Slate Belt Rising is working on façade grants. These grants are matching funds, but an application has to be filled out by a business or home owner who would like to do a new facelift, new windows, railings, etc. Next month for the workshop we will have pictures of the houses done in Bangor to give a better understanding of how these houses have been transformed. Alex said that when our website is up and running, we can share more information with our residents.
13. Technology – Dave Hess reported that NIXLE is up and running, residents need to sign up. Louise reported that she has a temporary link to see what the new web designers have done to construct our new website. If there is anything Council would like to add, please let her know.
14. Borough 125th Anniversary - It will soon be here! Alex said we had a meeting before tonight's Council meeting. The committee went over what needs to be done, we now have a list of things for Rich do. Please be here, be present on August 19th from 11:00 a.m to 2:00 p.m. Alex asked Council for permission to open the time capsule that has been located in the park behind the centennial wall. Alex said that Council should think of additional items to put in the capsule.
On motion by George Hinton to open the time capsule at the Open House on August 19 and to purchase a new slate commemorating the 125th and seconded by Dave Manzo. Roll call vote taken. Council agreed unanimously.
15. Mayor's Report – Mayor Mogilski was absent.

ADJOURNMENT

On motion by Kerry Gassler to adjourn the meeting of August 6, 2018. Council agreed unanimously. The meeting of August 6, 2018 adjourned at 9:20 p.m.

Louise Firestone – Borough Administrator