

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

**PUBLIC COMMENT**

1. Steve Reider Director of Slate Belt Rising came before Council to introduce himself to the new Council Members. He said that former Mayor Jim Shoemaker is currently on their steering committee and will remain, but if Council wants to appoint someone new, it is allowed. A new round of projects for funding 2018 has started. Slate Belt Rising did get their regional branding strategy in so this will be showcased in all the Boroughs and hopefully in the townships too. Mr. Reider provided Council with sample logos to be used for the Gateway signage upon approval from Council.

2 George Hinton of Wind Gap Fire Company put together a Fire Company budget for Council. Mr. Hinton was hoping that Council could explain to the Volunteer Firefighters why Council deemed it so important to transfer the utilities for the old firehouse into the Fire Company's name when it was already in the 2018 budget for the Borough to pay the utilities. The hook-up fees for the utilities will cost the Fire Company an additional \$1,000.00.

Alex Cortezzo said everything was transferred over to the Social Hall, but there was no intent on running up expenses for the Fire Company. Wind Gap Borough is here to help the Fire Company however possible, specifically with equipment for the Fire Company. Council does not want to run the Social Hall for the Fire Company, nor do they want to take care of the Fire Company's property.

George explained that the Fire Company only took the property over for one reason, there was an agreement with the Borough and the Fire Company. Their biggest fear was that they were going to lose money, but ultimately it cost them \$19,000.00 with the closing costs and all the other unforeseen related fees. When the 2018 Borough budget was approved it was approved without any changes and then at the last meeting of the year, Mr. Gassler made a motion to take it out, why was it done at that time after it was approved? Alex said we have taken nothing away from the Fire Company. The utilities were transferred to the Fire Company for the property because the Fire Company now owns it and must maintain it.

**APPROVAL OF MINUTES**

**On motion** by Dave Valley to approve the January 2, 2018 minutes and seconded by Kerry Gassler. Roll call vote taken. Council agreed unanimously.

Dave Manzo said he is new to Council and he would like a clarification, under fire safety there is a line item of \$15,000 for the truck and \$15,000 for Fire Relief. Alex said Fire Relief is a pass through amount that goes directly to the Fire Company from the tax dollars to the Fire Company. Dave asked about public utilities and electric, what does that cover. Alex said that amount was for the old property at 111 N. Broadway. Dave asked if it is still in the budget. Alex said it changed at the end of the year, it went back to the Fire Company. Dave asked the Fire Company if they got the \$9,000 and Alex responded by saying that it is still in the budget but we transferred the utilities to the Fire Company, but the money is still there for the Fire Company to use. George said they wanted to shut off the utilities without us knowing about it. Alex said no, we wanted to transfer it you not shut it off. Dave Manzo asked if that money was still allocated for that or reallocated for something. Alex said it is still in the budget, if the Fire Company has a need they can come to Borough Council and they will absolutely get it.

*(Volunteer Fire Relief – is an allocation made in accordance with Act 205 of 1984 which stipulates that 50 percent of your allocation is based on the population of the municipality and 50 percent is determined by the market value of real estate in the municipality compared to the state average).*

## **ENGINEER'S REPORT – Brian Pysher**

### **Wind Gap Borough ARLE Grant**

PennDOT required Traffic Planning and Design (TPD) to alter the signal at Jacobsburg Road and SR 0512. The alteration required the mylars to be updated and a new set signed. Since the Jacobsburg Road signal is located in Plainfield Township, Plainfield needs to sign the plans as well as Wind Gap Borough. The plans were signed last week by Council President and subsequently taken to Plainfield for their signature. Debra has received the signed plans back and TPD has been notified that the plans can be picked up for recording. I received confirmation from TPD that they would pick the plans up either today or tomorrow.

TPD did confirm that the specs have finally been reviewed and approved by PennDOT. They will need to update the prevailing wage rates and the project will be ready to be bid. I will coordinate advertisement and bid opening dates to incorporate into the specs. Hopefully this project will be completed by Spring/Summer 2018.

### **Municipal Building Back Up Generator**

The generator has been ordered through a PA COSTAR participating business (PALCO, Norvelt, PA) and is scheduled for delivery sometime around the second/third week of February. Payment for the generator is due upon delivery. The generator is a Kohler 50REZGC equipped with a 4P10X alternator operating at 120/208 volts (3 phase) and is rated for 53 KW. The generator set includes a weatherproof housing and a service entrance rated automatic transfer switch (ATS). The cost of the generator and ATS is \$22,670.00

I have prepared specs for the installation of the backup generator and ATS and distributed them electronically to three electrical contractors (Wind Gap Electric, BEI Electric & Advantage Electrical Installation, Inc.). The bid proposals are due by 1:00 pm, February 5<sup>th</sup>. The specs only include the installation of the generator, ATS and all connections to existing service. I will work with Rich to install the concrete pad, 6" bollards and the new gas line. Rich will do the trench work for the gas line and I have been in contact with Stroh's to install the line.

### **Municipal Building Quick Recovery Heater Replacement**

The replacement quick recovery heater has been ordered and I am still awaiting a delivery date. The new heater is a Greenheck VSU-218-H40 and is the same capacity as the existing heater. The cost of the heater is \$24,450.00 and a check for half the amount has been mailed. The remainder of the cost shall be paid upon delivery and inspection of the unit.

I have prepared specs for the demolition of the existing and installation of the new heater. The specs will be distributed in March such that installation can occur sometime in April. Installation time will depend on the temperature. We will only disable the existing heater when we are confident it is not needed.

### **Proposed Municipal Garage/Brick Façade**

It is my recommendation that the Borough solicit the services of an architectural firm in order to handle the new municipal garage project. I would also recommend a committee be formed, with input from Rich, in order to determine everything that will be needed in the new garage (i.e., radian floor heating, quick recovery heater, security cameras, key fobs, etc.). We can prepare a RFP to determine which architectural firm to utilize.

I would request the architect also prepare the plans and detailed specs for the Municipal Building brick façade and window replacement.

**On motion** by Kerry Gassler to solicit RFP's for an architect for the façade project and municipal workers garage and to put together a committee and seconded by Dave Manzo. Roll call vote taken. Council agreed unanimously.

Mike McNamara, Dave Manzo, and Kerry Gassler will serve on the committee for the façade and municipal garage.

### **Grant Money for Alpha Road Reconstruction**

Wind Gap Borough has received grant money, through an application made by Louise, from Northampton County CDBG for the reconstruction of Alpha Road. We submitted a cost estimate with the application, but the funds we received were only about a third of the project cost. Council needs to decide how they would like to proceed. We don't believe the County will allow us to defer the money to next year and add it to another application. It's possible to break the project into phases, but that is not always the most desirable course of action.

**On motion** by Kerry Gassler to do an engineering design for Alpha Road and seconded by Dave Manzo. Roll call vote taken. Council agreed unanimously.

### **Park Avenue/N. Broadway Traffic Signal**

I reached out to TPD regarding the alteration of the traffic signal pattern at the intersection of Park Avenue and N. Broadway. The following is Rob Hoffman's response to my request on how much it would cost for the Borough to add a left turn arrow for southbound traffic:

"Good Morning Brian and Happy New Year. Basically, the first step is to conduct traffic counts, review crash histories and prepare a traffic signal design study evaluating the warrants required for the installation of the advanced left turn phase. AS long as the warrants are satisfied, PennDot will permit the installation of the left turn phase. A revised traffic signal permit plan would then need to be designed. Cost of the study is about \$5,200.00 and the permit plan revision would be about another \$5,000.00. As far as construction costs, for the new signal head, video detection, associated wiring, signage and traffic controller modifications you are probably looking at about \$8,000.00 - \$10,000.00.

The total cost is approximately \$25,000.

**On motion** by Dave Manzo to solicit Green Knights and Waste Management in support of a traffic study for left hand turn arrow at Route 115 and Route 512 and seconded by Kerry Gassler. Roll call vote taken. Council agreed unanimously.

## **Barto Alley Vacation**

I reviewed the descriptions and deeds provided by Mr. Barto's attorney (McLean). They did not provide the easement agreement that will provide access for AutoZone. Attorney McLean agreed to draw up an agreement and provide it for Attorney Karasek's review. Otherwise, all of the documents submitted are in order

## **NEW BUSINESS**

1. 2017 Community Development Block Grant (CDBG) Award  
**On motion** Kerry Gassler to approve the agreement and accept the grant money for \$75,000.00 and seconded by Mike McNamara. Roll call vote taken. Council agreed unanimously.
2. Full-time Street Worker, Approval for Advertisement – Alex Cortezzo said this is something that was added to the budget  
**On motion** by Kerry Gassler to approve the advertisement for a full-time street worker and seconded by Dave Valley. Roll call vote taken. Council agreed unanimously.
3. Committee Appointments – Alex Cortezzo said he did ask everyone to let him know which committees they would like to be on. The Council Committees are as follows:

**E.M.S.:** Chairman Dave Manzo, Mike McNamara

**Fire:** Chairman Mike McNamara, Jeff Yob

**Regional Police:** Chairman Dave Hess, Mayor Mogilski

Dave Hess suggests that this be appointed by Council similar to the Municipal Authority and the Boards.

Mayor Mogilski stated that he called the PSAB about this because your Mayor is in charge of your police. Your Mayor is given duties by the State Legislature as are your Councilmen. PSAB stated that the Borough Code is your bible and that is what you have to go by. The duties do not interchange with each other. Attorney Karasek stated that he believes that the Mayor is right that he is in control of the Police Force, but that would be right if the Borough had a Police Force and the Borough does not. Mayor Mogilski said that Wind Gap and Pen Argyl both have Mayors so they oversee the Police Departments. Attorney Karasek replied that the two Boroughs and Plainfield Township decided to charter a Regional Police Force. Under that Regional Police Force Charter it indicates that anyone that is a full time resident of the Borough can be appointed to the committee. He believes that Council could appoint Mr. Hess if it wanted to, which is Council's call. Mr. Goudsouzian, Solicitor for State Belt Regional Police Commission, said that the Commission has recommended that Mr. Hess be appointed so as to prevent any lag in the learning curve. Kerry Gassler thought the charter agreement said an elected or appointed official. Attorney Karasek said on page 3 of the Charter it states, the representative and alternate of each municipality shall be an elected or appointed official of that municipality. The only qualification is that they must be a full time resident. Attorney Karasek informed Council that they can appoint the Mayor, they have that option. However, he does not know if the Mayor must be appointed because it is not a Borough Police Force. Mayor Mogilski said that the Charter does not override what the State Legislature put together. Attorney Karasek has not researched this issue, he does not know if the Borough Code overrides when a number of Boroughs get together to have a Regional Police Force. Other than that who runs the Police Force, you, the Mayor of Pen Argyl, who is running the Police Force. This is simply the appointment of a representative to the Commission, not the same as running the force. It is up to Council as to how they want to proceed. Alex said he will take a motion to appoint Dave

Hess as the proposed appointee to the Slate Belt Regional Police Commission with Mayor Mogilski as the backup.

**On motion** by Kerry Gassler to appoint Dave Hess as the proposed appointee to the Slate Belt Regional Police Commission with Mayor Mogilski as the backup and seconded by Mike McNamara.

Dave Manzo asked if it would be wise to get additional research done or is it fairly clear. Attorney Karasek said that in his legal opinion he thinks this is clear, but that does not mean that he knows every issue on what is happening. The question becomes does the Borough Code override the Charter of the Commission. That is the issue, the Mayor checked and his position is that the Borough Code cannot be overridden by this Charter.

**Emergency Management:** Chairman Jeff Yob, Dave Hess

**Zoning:** Chairman Mike McNamara, Alex Cortezzo

**Planning:** Chairman Dave Manzo, Alex Cortezzo

**Municipal Authority:** Chairman Jeff Yob, Kerry Gassler

**Streets:** Chairman Jeff Yob, Kerry Gassler

**Park:** Chairman Dave Valley, Alex Cortezzo

**Tipping Fees:** Chairman Kerry Gassler, Jeff Yob

**C.O.G.:** Chairman Mayor Mogilski, Dave Valley

**Slate Belt Community Partnership:** Chair Dave Valley, Mike McNamara, Louise Firestone

**Technology:** Chairman Dave Hess, Jeff Yob

Dave Hess suggested adding Louise Firestone to Slate Belt Community Partnership because it involves day meetings and Borough Managers make up the majority of those members. I know Louise is not a manager but you need a full time staff person on the committee.

#### 4. 2017 Reappointments

**On motion** by Kerry Gassler to re-appoint The Karasek Law Offices LLC as Borough Solicitor and Borough Planning Solicitor at a rate of \$100.00/hr and seconded by Dave Valley. Roll call vote taken. Motion carried unanimously.

**On motion** by Kerry Gassler to re-appoint The Molnar Law Office as the Borough Zoning Solicitor at a rate of \$65.00/hr and seconded by Dave Manzo. Roll call vote taken. Motion carried unanimously.

**On motion** by Dave Valley to re-appoint Robert Collura as the Borough Engineer at a rate of \$85/hr (R. Collura) and \$75.00/hr (B. Pyscher) and seconded by Mike McNamara. Roll call vote taken. Motion carried unanimously.

**On Motion** by Dave Manzo to re-appoint Alternate Borough Engineer Ott Consulting as Principal Engineer at a rate of \$94.00/hr and \$90.00/hr for the Project Engineer and seconded by Kerry Gassler. Roll call vote taken. Motion carried unanimously.

**On motion** by Mike McNamara to re-appoint Robert Collura as the Borough Sewage Enforcement Officer at a rate of \$85.00/hr and seconded by David Valley. Roll call vote taken. Motion carried unanimously.

**On motion** by Kerry Gassler to re-appoint France, Anderson, Basile and Company as the Borough Auditor at a rate of Not-to-Exceed \$4,200 and seconded by Dave Manzo. Roll call vote taken. Motion carried unanimously.

Alex asked for a motion to appoint Robert Matlock as an alternate and Michael McNamara III as an alternate for the Zoning Hearing Board.

Louise Firestone stated that the Zoning Hearing Board currently has three (3) members with 2 requests to be alternates, but our Planning Commission only has 3 members. She suggested contacting the two interested residents to see if they would be interested in Planning as opposed to having a full board on Zoning and not a full board on Planning. Alex said we will hold off on the Zoning Hearing Board.

**On motion** by Kerry Gassler to appoint George Hinton to the Planning Commission for a four year term and seconded by Dave Manzo. Roll call vote taken. Motion carried unanimously.

Alex asked for a motion to appoint Joan Valley to the Park Board for a four year term Dave Valley asked that this be tabled.

**On motion** by Kerry Gassler to appoint Roger Bet to the Wind Gap Municipal Authority for a 5 year term and seconded by Dave Manzo. Roll call vote taken. Motion carried unanimously.

**On motion** by Kerry Gassler to appoint Barry Isett & Associates as Zoning Officer and seconded by Dave Valley. Roll call vote taken. Motion carried unanimously.

**On motion** by Kerry Gassler to re-appoint Robert Collura as the Alternate Zoning Officer at the rate of \$675.00/hr and seconded Mike McNamara. Roll call vote taken. Motion carried unanimously.

5. Resolution 2018-01 UCC Slate Belt C.O.G. Appeals Board – Alex Cortezzo said everyone received a copy of this resolution for the UCC Joint Board of Appeals from the Slate Belt C.O.G. This is something that we have to do with keeping up with the Uniform Construction Code, we have to appoint a board that people can go to if they want to have an appeal. Attorney Karasek said that Louise did send him a copy and this is step 2. That resolution establishes the fees for the appeal. We still need to do step one, we need to enter into an inter-municipal agreement with the C.O.G. and that has to be approved by an ordinance to use their joint board as the Borough's board. He thought this had been done back in the early 2000's but this was never done. We need to go back and do that. Attorney Karasek or Louise will contact the C.O.G. and request the resolution or action that was taken to establish this board. Once received an inter-municipal agreement along with an ordinance using the C.O.G. Board as the Appeals Board. The cost for the Appeals Board is \$3,000 for commercial and \$2,000 for residential.

## **OLD BUSINESS**

1. Dave Valley request for signs in the Park to be changed. Any change in the Park has to be done by a change in the ordinance.

2. Attorney Karasek said he is working on the Pan Handling Ordinance. The One Way Ordinance for E- Alley, and the Fire Company Ordinance that will allow First Responders to bill people for use of their equipment or facilities while responding to an event.

Regarding Planning, Albanese and Grimes have not filed a new plan for Water Street and Tyrone Klump also has a plan filed but has not moved on that yet.

## **COMMITTEE REPORTS**

1. EMS – Dave Manzo reported that EMS is meeting tomorrow night. A report will be available for the February meeting.
2. Fire – Alex Cortezzo reported that the Fire Company had 13 incidents in December and a total of 167 for the year. Randy George said that in regards to the 111 N. Broadway property, for years that has served as a Medivac Landing Site and it will remain there. The Borough has plowed and taken care of the grounds and he is requesting that the Borough keep the integrity of that landing intact. Kerry Gassler will reach out to the Street Department to verify that this is still in their plan.
3. Regional Police – Dave Hess reported that there were 485 calls for service in December, 166 were for Wind Gap. For the year they responded to 7001 calls.
4. Emergency Management – Jeff Yob was absent there was nothing to report.
5. Zoning – Alex Cortezzo reported that Albanese & Grimes were at the Zoning meeting requesting variances for their Water Street project. All variances were granted for the proposed townhouses.
6. Planning – Dave Manzo reported that there will be a meeting on Thursday for the Zoning Ordinance Amendments.
7. Municipal Authority – Jeff Yob was absent so there was nothing to report.
8. Streets – Jeff Yob was absent so there was nothing to report.
9. Park – Dave Valley reported that no meeting was held in January. Alex Cortezzo said that Council has to decide what they would like to do with the Park Board, keeping it with a conventional park board or move it to park commission. We can meet with the Park Board and get their feeling on the matter. Council can discuss at next month's Council meeting.
10. Tipping Fees – Kerry Gassler had nothing to report.
11. C.O.G. – Mayor Mogilski had nothing to report
12. Slate Belt Rising – Steve Reider gave an update at the beginning of the meeting.
13. Technology – Alex Cortezzo reported that Louise and Debbie have been in contact with John Trail. We requested to get all of Council their own e-mail address to cut down on the paperwork.
14. Mayor's Report – Mayor Mogilski reported that the office has received requests for banners. There is a letter from the Lehigh Valley Planning Commission, they are looking at getting groups together to participate in the Lehigh Valley General Assembly.

## **PUBLIC QUESTIONS AND ANSWERS**

No public questions and answers were heard.

## ADJOURNMENT

**On motion** by Dave Valley to adjourn the meeting of January 16, 2018. Council agreed unanimously. The meeting of December 19, 2017 adjourned at 8:11p.m.

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Louise Firestone – Borough Administrator