

**BOROUGH OF WIND GAP
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The Council meeting of the Borough of Wind Gap on Monday March 4, 2019, was called to order at 7:00 p.m. by Council President Dave Hess, at which time he reminded those present that the meeting was being recorded. In attendance were Councilmen George Hinton, Mike McNamara, David Manzo, and Jeff Yob. Also in attendance were Mayor Mitchell D. Mogilski Sr., Borough Solicitor Ronald Karasek, Borough Engineer Brian Pusher, and Borough Administrator Louise Firestone. Absent was Councilman Kerry Gassler.

PUBLIC COMMENT

1. 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 the municipal building and to give an update on the maintenance garage. Council decide on sample B7 as their choice of color and design for the front to the Municipal Complex. Council had a lengthy discussion on the options for radiant heating for the garage floor so this topic will be further discussed with Rich Fox. W2A Designs anticipates putting these projects out to bid in May so they can be awarded in June. At the latest, the front of the building should be completed by early October.

2. Lehigh Valley Planning Commission (LVPC) – Multi-Municipal Comp Plan - Tracy Oscavich, Director of Development for Lehigh Valley Planning Commission, came before Council with updates on the Multi-Municipal Comprehensive Plan. Tracy provided Council with a draft scope of work and cost estimate for the creation of a multi-municipal, comprehensive community and economic development strategy for the ten communities in the Slate Belt. LVPC is asking each community to appoint three (3) members to the committee. The kick-off meeting will be held on Wednesday, Marcy 20, 2019 at 7:00 p.m. at Weona Park Community Center

3. Adrienne Fors came before Council with the landfill operations neighborhood update.

Grand Central Landfill is committed to keeping the community informed. Below, you will find the most recent copy of the landfill operations neighborhood update.

Final cover on the slopes is complete. The topsoil will be added once the ground is ready to be seeded in the spring.

Final gas collection lines are being installed concurrently with the placement of final cover. Due to the weather delays, the GCS crew has upgraded several of the temporary gas collection headers in order to increase the available vacuum to a handful of the new gas wells. These wells were already under vacuum; however, GCSL felt it was important to increase the flow rates (by increasing the vacuum) before the permanent gas collection is installed. The permanent gas collection lines are about 85% installed.

The Green Knight Energy Center is currently running two turbines. The Candlestick flare is destroying approximately 1,300 scfm of landfill gas.

Preparations are underway for a 5-acre temporary capping project at the Southwest corner of the property. These preparations include the ordering of materials, design work, etc. This is expected to begin in the second quarter of 2019.

Community Relations:

The Dr. Seuss event was held on March 2 and included roughly a dozen children from the area. Grand Central discussed trees and the importance of preserving land for wildlife. The Northampton Conservation District was present and hosted a discussion on the Spotted Lantern Flies.

Preparations for the Annual Earth Day are underway and will commence on April 27th from Noon- 3pm at the Grand Central Environmental Education Center.

Grand Central Landfill website continues to be updated and includes the monthly landfill update notices. www.grandcentrallandfill.com

4. Public Hearing on a Proposed Amendment to the Zoning Ordinance Inform, Discuss, Obtain Public Comment

A. Official Action – Adopt Ordinances No. 501 – Attorney Karasek reviewed the Zoning Ordinance changes with Council.

On motion by Dave Manzo to adopt Ordinance No. 501 with changes as discussed and seconded by Jeff Yob. Roll call taken. In favor: D. Manzo, M. McNamara, J. Yob, D. Hess. Opposed: G. Hinton. Motion carried 4 - 1.

APPROVAL OF MINUTES

On motion by Jeff Yob to approve the February 19, 2019 minutes and seconded by Dave Manzo. Roll call vote taken. Council agreed unanimously.

APPROVAL OF EXPENSES

On motion by George Hinton to approve the expenses in the amount of \$31,246.00 and seconded by Mike McNamara. Roll call vote taken. Council agreed unanimously.

SOLICITOR'S REPORT

MEETINGS ATTENDED:

February 4, 2019 - attendance at regular monthly meeting of Borough Council.

February 19, 2019 – attendance at regular workshop meeting.

SUBDIVISION MATTERS:

Receipt, Review and Administration of Recorded Plan concerning non-demolition of garage along F Alley re Weeast Minor Subdivision-Preliminary and Final.

LAND DEVELOPMENT MATTERS: N/A

ZONING AND OTHER LAND USE MATTERS:

Preparation of Resolution and Advertising Notice and e-mail to the Express Times re Transfer of Liquor License to Giant Food Stores, LLC.

Preparation of Fireworks Ordinance.

Receipt, Review and Administration of Agreement of Sale for Adjoining Park Property.

Receipt, Review and Administration of Police Crash Report, County Website for Property, Photographs and Parcel Information, PA Uniform Judicial Website for Disposition of the Citations vs. Bigelow, Office Conference with V. Smith and Preparation of Comprehensive Claim Correspondence re Kerosene Leak and Clean-Up.

DEVELOPMENTS ON OUTSTANDING LITIGATION: N/A

COURT DECISIONS ON BOROUGH CASES: N/A

MISCELLANEOUS:

Finalize Animal Control Services Agreement with Pibbles & Paws Safe Haven.

Review of Borough Code and Resignation Correspondence re A. Cortezzo.

Preparation of Monthly Solicitor's Report.

Outstanding Items:

Stop Sign Ordinance

Dog Park Ordinance

Attorney Karasek said that the most important thing that he would like to discuss is the matter dealing with the kerosene tank. He sent letters to the property owner where the tank actually was locate and the driver, Ms. Bigelow. In addition he had a meeting with the neighbor, Virginia Smith, where the kerosene leak was removed. He received a letter from Attorney Larry Brienza of Nazareth asking how the Becks were wrong, the tank was properly installed, there has never been a problem or issue where the tank was, no one has ever complained about it, etc. Attorney Brienza stated that they are directing the matter to their homeowners insurance which is Allstate. Jeff Yob said that we have to rely on one of the homeowners insurance to pick this up. Attorney Karasek said that when he spoke with Mrs. Smith, she said that she believed that the insurance has paid a lot of money into this matter. Attorney Karasek said that according to what Mrs. Smith said, he got the impression that a lot of these bill have been paid. Louise said that she spoke with Rapid Response, they have ceased cleanup because the money has run out. Their clean up at this point is going to be outside however they do distribute organisms to eat up the chemicals in the ground because it is too cold out. His comments were that they were paid, at this point in time he doesn't see that the bill would be forwarded to the Borough. There are four insurance companies involved in this. Potentially there will no further remediation for months, the insurance companies are handling this amongst themselves. Jeff said that our initial response was to cover the initial remediation, in his opinion that is done. Any additional remediation would be directed by DEP and have nothing to do with the initial incident. The Letter of Responsibility was signed off by the driver of the vehicle.

Attorney Karasek said that at the mid-month meeting the hearing for the Inter-municipal Liquor License Transfer for Giant Food Store that has been advertised.

Attorney Karasek made the changes to the Fire Works Ordinance. Council requested the ordinance include a section for a special permit at the discretion of Borough Council. If Council wants to advertise this ordinance for adoption they should make that motion and he will put this on for the April meeting.

On motion by Jeff Yob to give our Solicitor the power to advertise the Fire Works Ordinance and seconded by Mike McNamara. Roll call vote taken. Council agreed unanimously.

ENGINEER'S REPORT

Brian Pysher reported that he is still working on Alpha Road, finalizing the design, and preparing the bid specifications.

Brian did correspond with Attorney Karasek pertaining to an e-mail that he received from Mr. Weeast regarding the Zoning Hearing Board variance decision. He said that his engineer was asked by zoning if they needed to get plans re-recorded since the garage will now stay and the recorded plans indicate that there is no garage. Their opinion was not since the changes to the property after recording don't require new recordings since they did not change any impervious surfaces. In discussion with Attorney Karasek, his response was that if it is a

significant enough change it would warrant re-submission to the entities and Lehigh Valley Planning Commission. Mr. Weeast had to remove the shed in order to conform to zoning. After construction of the duplex, he decided that he did not want to remove the garage. He appealed it to the Zoning Hearing Board and the board granted his waiver request. Basically he would have to resubmit revised plans showing the variance that has been granted and showing the shed to remain. According to Attorney Karasek's e-mail, he would have to go through approvals from Planning Commission, Council, and Lehigh Valley Planning Commission, the Borough would resign the plans and rerecord them.

George Hinton asked if the money received from the Gaming Grant could be used to put towards the shortfall of the ARLE Grant. The money must be spent by May 30, 2019.

On motion by George Hinton use the money from the Gaming Grant towards the shortfall of the ARLE and seconded by Dave Manzo. Roll call vote taken. Council agreed unanimously.

NEW BUSINESS

1. Building Emergency Protocol - Dave Hess reported that we need guidelines for how to handle emergencies. There was an incident at the Municipal Complex over the weekend and several people were called. He does not have a problem with what was done but there needs to be procedures in place. Public Works should be called first, they are responsible for our buildings and our streets. This is in discussion and will be continued at our next meeting.

OLD BUSINESS

1. 2019 Tipping Fees – Dept Allocation Percentages – Tabled for the March 19th meeting.

ADJOURNMENT

On motion by Jeff Yob to adjourn the meeting of March 4, 2019. Council agreed unanimously. The meeting of March 4, 2019 adjourned at 9:18 p.m.

Louise Firestone, Borough Administrator