

**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 October 1, 2018, was called to order at 7:00 p.m. by Council Vice-President Mike McNamara, at which time he reminded those present that the meeting was being recorded. In attendance were Councilmen: George Hinton, Dave Manzo, and Jeff Yob. Also in attendance were Mayor Mitchell D. Mogilski, Sr., Borough Solicitor Ronold Karasek, Borough Engineer Brian Pysher, and Borough Administrator Louise Firestone. Absent were Council President Alex Cortezzo III, Councilmen Dave Hess and Kerry Gassler.

**PUBLIC COMMENT**

1. Representatives from the United Methodist Church appeared before Council to thank them for the use of the park and the bandshell. They reported that they had a good turnout of over 105 people, the movie was enjoyed by all and the actors were present. They presented Council with a letter and said that they would like to make a donation on to the Borough on behalf of the Church for the use of the park.

2. Kim Davis of 38 West 2<sup>nd</sup> Street appeared before Council with concerns and comments about the property at 28 West 2<sup>nd</sup> Street. Pictures of the property were displayed on the screen for Council to see. Bryan Pysher, as Code Officer, informed Mr. Davis to fill out a Complaint Form and once he receives it he will enforce what is allowable under the Borough's Nuisance ordinance.

3. Adrienne Fors, Waste Management, came before Council to thank everyone for their participation at the Chili Cook Off. They had over 150 people that showed up and taste tested the chili. The top three winners were, for 1<sup>st</sup> place the Green & White Youth Association, 2<sup>nd</sup> place Plainfield Volunteer Fire Company, and 3<sup>rd</sup> place was Lookout Fire Company.

The landfill has completed the mini-blasting for the new cell construction. As part of the capping project, the landfill crews will be including approximately 30 vertical gas collection wells. They are waiting for the drill to come in this week. Once the lift is completed they will install approximately 3,500 linear footage of horizontal gas collection piping. These projects will greatly reduce the possibility of any odor nuisances. Landfill tonnages are currently holding steady around 2,200 tons per day. October 8<sup>th</sup> will be our first Scout Day. We will offer landfill tours and provide badges to scouts that participate. Creatures of the Night will be held on October 24<sup>th</sup> at 6 pm. The Wildlands Conservancy will have live animal demonstrations.

**APPROVAL OF MINUTES**

**On motion** by Jeff Yob to approve the September 18, 2018 minutes and seconded by Dave Manzo. Roll call vote taken. Roll call vote taken. Council agreed unanimously.

## **APPROVAL OF EXPENSES**

**On motion** by Jeff Yob to approve the expenses of \$160,490.42 and seconded by Dave Manzo. Roll call vote taken. Council agreed unanimously.

## **SOLICITOR'S REPORT**

### **MEETINGS ATTENDED:**

September 4, 2018 – attendance at Regular Monthly Meeting of Borough Council.  
September 6, 2018 – attendance at regular Monthly Meeting of Borough Planning Commission.  
September 18, 2018 – attendance at Regular Workshop Meeting of Borough Council.

### **SUBDIVISION MATTERS:**

Receipt, review and Administration of Revised Land Development Improvements Agreement, Proposed Performance Bond and Related Documents re Green Knight Industrial Park II – Preliminary/Final Subdivision.

Receipt, Review and Administration of Comprehensive Review Letter from Borough Engineer (Sixth Review) re Green Knight Industrial Plan II-Preliminary/Final Subdivision.

### **LAND DEVELOPMENT:**

Preparation of Comprehensive SALSO Waiver Request for including Six (6) new Waiver Requests and Three(3) Prior Waiver Requests.

Receipt, Review and Administration of e-mails to and from Applicant, Applicant's Attorney and Borough concerning Earth-Moving Activity, Recording of Land Development Improvements Agreement and Drafting of Remaining Easements re West Street Land Development L.D. Plan (Water's Edge at Wind Gap, LLC).

Receipt, Review and Administration of Proposed Warehouse Sketch Plan re Giroux Plan, LLC.

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

Legal Research under PA Municipalities Planning Code and Preparation of Revised Powers and Duties of Borough Zoning Officer.

Receipt, Review and Administration of Metes and Bounds Description for East First Street and Chestnut Street re Gibraltar Development Corp., Inc. formerly Posh Properties Major Subdivision.

Receipt, Review and Administration of e-mails to and from Councilman Yob re Wind Gap Municipal Authority and Bridge Development Partners, LLC Land Development re Warehouse Project.

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

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

### **MISCELLANEOUS:**

Preparation of Borough Planning Commission Meeting Minutes of September 6, 2018.  
Meeting with Borough EIT to Review W2A Design Group Architect Agreement.

Receipt, Review and Administration of e-mail from PA Department of Auditor General re Compliance/Non-Compliance with Non-Union Contribution.

Receipt, Review and Administration of Correspondence and Proposed Resolution  
revision Cost Sharing Formula for 2019 Budget, Preparation of First Draft of Borough Ordinance  
Adopting the Revised Cost re Slate Belt Regional Police Department.  
Preparation of Monthly Solicitor's Report.

**OUTSTANDING ITEMS:**

- Stop Sign Ordinance
- Dog Park Ordinance
- Fire Company Ordinance

Attorney Karasek reported that he spent a significant amount of time this past month with Planning Commission agenda items. The Tyrone Klump Land Development Plan required a review of several SALDO waivers that will be coming to Council for a vote. He reported that Land Development Improvement Agreements were received for the Green Knights Industrial Park II major sub-division, from the attorney for Male Properties. Those matters have to be reviewed.

He also received e-mails, to and from, regarding working on the easement agreements for the West Street Development Plan, Water's Edge LLC.

He is getting the ordinance ready for advertisement and adoption for the Fire Company Recoupment of expenses. He will be directing his attention to the cost formula that was presented by the Slate Belt Regional Police Department for the 2019 Budget related to the three municipalities so it can be adopted. Council will adopt both of these items at either the workshop or regular meeting.

Attorney Karasek reported that Mr. Keenhold stopped by unexpectedly to talk about certificate of occupancy issues related to his properties in Wind Gap. Attorney Karasek has done additional work in respect to the UCC. Pennsylvania Department of Labor and Industry informed him that they still do not have information that the Borough has officially adopted an appeals board for the UCC determinations. In reviewing records that were done back in 2004, the agreement was not fully executed with signatures from all the municipalities within the Slate Belt Council of Governments, signatures are missing. Hopefully we will be able to get this signed and send back to Harrisburg.

**ENGINEER'S REPORT**

Brian Pysher reported that he provided a copy of Lower Nazareth's Capital Improvements Plan to Attorney Karasek for review so Borough Council can start doing the research on putting together a Capital Improvements Plan. We have to do a RFP to secure a traffic consultant firm that can prepare the Capital Improvements Plan as required by the Municipality Planning Code. Council was in agreement that moving this plan forward is a high priority for the Borough given the current developments being proposed on/off Male Road and the impact those developments will have both on the road and the bridge which are both owned and maintained by Wind Gap Borough. Attorney Karasek said that we are talking about an ordinance in which the Borough can charge a developer for off-site improvements, road improvements, intersection improvements, perhaps bridge improvements if you think of the Male Road as being a potential problem.

**On motion** by Dave Manzo to have Brian Pysher prepare and send out an RFP to traffic consulting firms in order for Council to move forward on the Capital Improvements Plan and seconded by Jeff Yob. Roll call vote taken. Council agreed unanimously.

Brian reported that Bracalente Construction is currently milling on Alpha and Fairview. Their schedule was pushed back due to the weather. The residents are all aware of the schedule changes.

Brian spoke with Rich today, AMS for Seal Coating has a tentative schedule to start Thursday through Friday, again, dependent on the weather. AMS will handle the parking restrictions and sending out notification to the residents.

Brian stated that he met with Attorney Karasek to go over the comments regarding the contract that the architect submitted for the municipal building façade and the borough garage. Brian will get something back to the architect and see if they are comfortable with the changes that are being asked for, most of it is for clarification.

## **NEW BUSINESS:**

1. Albanese and Grimes – Water Street – Pete Albanese came before Council regarding Albanese & Grimes Water Street Project. Pete said that they were before Council in June and went through the list of items that were still outstanding. He explained that they had some clean up issues and some things to put on our plan and come back for final approval. Plans were submitted back in September and they asked to be on October 1<sup>st</sup> meeting. The engineer promised he would have the review letter by the 24<sup>th</sup> of September, but Mr. Albanese received it on September 28, 2018.

Attorney Karasek reviewed the third review letter by Ott Consulting dated September 27, 2018. This plan proposes to consolidate two existing parcels into one residential building lot to construct a four unit low rise multi-family dwelling on Water Street. Attorney Karasek noted that Albanese & Grimes was granted Conditional Approval at the June 14<sup>th</sup> Council meeting.

Attorney Karasek gave Pete Albanese an updated conditional approval form showing him what conditions have been met since the June meeting, what conditions still need to be done and that he will review those additional conditions with the Borough Alternate Engineer. If there are any questions they can come back to Council to address them. In order to do the Improvements Agreement the Alternate Engineer would need to do a Cost and Quantity Estimate so we can make them part of the agreement. Once the Applicant meets the other requirements the plan can be given the final approval for recording.

**On motion** by Jeff Yob to grant a waiver of SALDO Section 509.A.8 on condition that there is no construction within the street and seconded by Dave Manzo. Roll call vote taken. Council agreed unanimously.

**On motion** by Jeff Yob to grant a waiver of SALDO Section 509.G and seconded by Dave Manzo. Roll call vote taken. Council agreed unanimously.

2. Ordinance Enactment – Recoupment of Fire Co Costs & Expenses – Attorney Karasek asked that Council table this item.

3. Traffic Improvements Ordinance for Discussion - Attorney Karasek said that we discussed this earlier in the meeting.

4. Bridge Development Partners – WGMA Act 537 Plan – Jeff Yob reported that everyone should have a copy of the correspondence between the Municipal Authority Solicitor and DEP. There was a letter written to DEP by the Authority, at the last meeting they felt that they could address this issue if the applicant would come before them to amend Act 537. Wind Gap Municipal Authority Board members, Ralph Stampone and Paul Levits explained to Council that the developer went directly to DEP and is trying to surpass the Municipal Authority. The

Municipal Authority and the Borough would have to amend Act 537. Mr. Stampone and Mr. Levits asked Council to consider sending a letter to DEP expressing opposition to contacting DEP and superseding the Authorities powers and Borough Council power by allowing this to go forward without the Borough's input.

**On motion** by George Hinton to authorize Attorney Karasek to do the research and send out a letter to DEP and seconded by Jeff Yob. Roll call vote taken. Council agreed unanimously.

5. Resolution 2018-08 – Monroe County LSA Funding – Digital Traffic Signs

**On motion** by Jeff Yob to adopt Resolution 2018-08 and seconded by George Hinton. Roll call vote taken. Council agreed unanimously.

6. Resolution 2019-09 - LVPC Monroe Cty LSA Funding – Multi-Municipal Comp Plan

**On motion** by Jeff Yob to adopt Resolution 2019-09 and seconded by Dave Manzo. Roll call vote taken. Council agreed unanimously.

#### **OLD BUSINESS:**

1. W2A Design Group Architect Agreement – Topic discussed earlier in this meeting.

2. Zoning Ordinance Amendment – Attorney Karasek reported that he contacted Lehigh Valley Planning Commission and they said that they will send him a letter.

3. Zoning Officer Job Description – Attorney Karasek reported that he made revisions to the description and make additions from the PA Municipalities Planning Code. Copies were given to Council.

**On motion** by Jeff Yob to adopt the amended job description as per the revisions of the Solicitor and seconded by Dave Manzo. Roll call vote taken. Council agreed unanimously.

**On motion** by Jeff Yob to hire Keller Zoning & Inspection Services, Inc. as our Zoning Officer effective October 2, 2018 and seconded by Dave Manzo.

**On motion** by Jeff Yob to discharge Barry Isett as the Zoning Officer effective as of midnight October 1, 2018 and seconded by George Hinton. Roll call vote taken. Council agreed unanimously.

4. Review Zoning Fee Schedule – Jeff Yob asked Attorney Karasek if changes to the fee schedule would be done by ordinance. Attorney Karasek said that if the old schedule was by ordinance, then yes by ordinance. If it was just by resolution, or if the ordinance states that any changes can be by resolution than Council would not need to do an ordinance. Normally if you are doing fees and costs, that is administrative so it does not require an ordinance, you are not making law. Council will look over the fee schedule. Attorney Karasek said that in respect to the fee schedule, the Borough cannot make any money, the Borough can only get reimbursed for the cost and expenses of its people in reviewing a permit or item of some type.

5. Turtzo Property – Longcore Road – Attorney Karasek gave Brian Pysher a copy of the sub-division map that was prepared several years ago. Brian will copy it and put it in format and submit to Council. This will be tabled until the workshop meeting.

6. East First Street – Dedicated Borough Street (Liquid Fuels) – Metes/Bounds – Attorney Karasek reported that he is in the process of doing an ordinance. Brian did send him metes and bounds distances for East First Street and Chestnut Street. He will try to have this at the workshop meeting.

7. Cost Estimates – Dump Truck/ Lawnmower – Jeff Yob said that there was some preliminary discussions between Rich Fox and vendors. This will be tabled until the workshop meeting.
8. Audits – Louise Firestone reported that she has an audit with the Auditor General for Liquid Fuels and an Insurance Workers Compensation Audit this week.
9. UCC Status Update - Attorney Karasek reported that he was in contact with Labor & Industry. He will update Council when he has more information from L&I.
10. Draft Budget 2019 – To be tabled until the workshop meeting.
11. Dave Manzo asked if we were able to get in contact with Techo-Bloc and set up a meeting. Louise did contact them and they did not return the call, but she will make a follow-up phone call.

## **ADJOURNMENT**

Council unanimously agreed to adjourn the meeting of October 1, 2018. The meeting of October 1, 2018 adjourned at 9:07 pm.

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Louise Firestone – Borough Administrator