

**BOROUGH OF WIND GAP  
29 MECHANIC STREET  
WIND GAP, PA 18091  
610-863-7288**

The Council meeting of the Borough of Wind Gap on Tuesday, December 16, 2003, was called to order at 7:30 p.m. by Council President Winton Male, Jr., at which time he reminded those present that the meeting was being recorded. In attendance were Council members: Lewis Paulhamus, Karen Skorochood, Mitchell D. Mogilski, Sr., Bill Pysher, and Kerry Gassler. Also in attendance Borough Solicitor, Len Zito and Secretary/Treasurer Louise Firestone. Councilman Peter Stinson was absent.

Mayor Kenneth George arrived at 7:32 p.m.

### **Approval of Minutes**

**On motion** by Bill Pysher to approve the minutes of October 21, 2003 and seconded by Mitchell D. Mogilski, Sr. Mitch asked that the minutes include the words "and it can be cited" to the comments made by Chief Armitage regarding the speed limit. Bill amended his motion to include the wording and seconded by Mitch. Roll call vote taken. In favor: K. Gassler, W. Male, M. Mogilski, L. Paulhamus, B. Pysher. Abstained: K. Skorochood. Motion carried with a vote of 5-0-1.

**On motion** by Kerry Gassler to approve the minutes of November 3, 2003 and seconded by Karen Skorochood. Roll call vote taken. In favor: W. Male, M. Mogilski, L. Paulhamus, B. Pysher, K. Gassler. Abstained: K. Skorochood. Motion carried with a vote of 5-0-1.

**On motion** by Lewis Paulhamus to approve the minutes of November 18, 2003 and seconded by Kerry Gassler. Roll call vote taken. In favor: M. Mogilski, L. Paulhamus, B. Pysher, K. Gassler, W. Male. Abstained: K. Skorochood. Motion carried with a vote of 5-0-1.

### **Public Comment**

1. Jeff Schlogel, Express Times Reporter, questioned the Executive Session and the right to discuss behind closed doors and estimate for litigation costs and condemnation. He asked if they discussed strategy with no attorney present. Len Zito responded that he had been contacted by Jeff prior to the meeting. He stated that Executive Sessions are governed by Section 708, which defines six separate categories proper for Executive Session. (1) To discuss any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of performance, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the agency, or former public officer or employee. (2) To hold information, strategy and negotiation sessions related to the negotiation or arbitration of a collective bargaining agreement or, in the absence of a collective bargaining unit, related to labor relations and arbitration. (3) To consider the purchase or lease of real property up to the time an option to

purchase or lease the real property is obtained or up to the time an agreement is obtained directly without an option. (4) To consult with its attorney or other professional advisor regarding information or strategy in connection with litigation or with issues on which identifiable complaints are expected to be filed. (5) To review and discuss agency business which, if conducted in public, would violate a lawful privilege or lead to the disclosure or information or confidentiality protected by law, including matters related to the initiation and conduct investigations or possible or certain violations of the law and quasi-judicial deliberations. (6) as related to State Board of Higher Education. Len stated that he was not in attendance last evening, but notes Jeff's contention that budgetary matters were discussed. He stated that strategy related to real property would resolve in favor of the municipality, but litigation may be general and may not be proper subject matter for Executive Session. Winton added that the items discussed were not part of the budget, but that he re-iterated items that may become an expense down the road. Len stated that Council must decide after hearing the above items for Executive Session if an infraction occurred. He asked if any member of Council felt that an infraction occurred and if so, the topic should then be disclosed at the public meeting.

**On motion** by Mitchell D. Mogilski, Sr. that no violation of the Open Meeting Law occurred during the meeting of December 15, 2003 and seconded by Bill Pysher. Roll call vote taken. In favor: B. Pysher, K. Skorochood, K. Gassler, W. Male, M. Mogilski. Opposed: L. Paulhamus. Motion carried with a vote of 5-1.

2. Paul Levits asked about the motion made regarding the Perin property and the by-pass roadway and the status. Winton replied that Council's motion was to recommend to County Council to establish those parameters and County Council decided not to take any action at all. He added that subsequently the developer has indicated that the property in Wind Gap will be all industrial.

## **Committee Reports**

1. EMS – Kerry Gassler reported on the Wind Gap Ambulance lease. On January 10, 2003 Joe Dell'alba sent a fax to Len Zito that included a list of changes of ten items. The two committees consisting of members of Council, Mitch, Winton and Lewis and the ambulance committee of Joe, Tom Knitter and Dianne Schippers. They held a meeting on July 22, 2003 when the figure for rent of \$244 was discussed. This amount needed Council's approval. Correspondence occurred between Mr. Molnar and Mr. Zito. The agreement has not been changed to reflect the rent amount. Bill stated that he had a problem with the 25 years as being too long and that it should be renegotiated after five years. Kerry stated that these two section of the agreement need to be changed. Len asked that he be instructed what to change from Council and Mitch to contact Joe.

2. Police – Bill Pysher reported that he would talk about the Chief's contract later in the meeting. Mitch stated that he received a copy of Officer Redmond's log for the snowstorm on Saturday, December 6, 2003 and what was noted. Mitch asked that the log be corrected to

reflect was actually happened. The Mayor to check into this issue.

3. Streets – Kerry Gassler reported that he spoke to John regarding being called out for snow and that in the past the Police have called John out. Kerry will go out also. Bill suggested having a backup such as a contractor. Kerry replied that there is no money in the budget for a sub-contractor. Jonathon Faust has a CDL license and has agreed to help out during snow removal.

4. Finance and Administration – **On motion** by Karen Skorochood to give a dollar an hour increase for Secretary/Treasurer Louise Firestone and seconded by Bill Pysher. Roll call vote taken. Motion carried unanimously.

**On motion** by Bill Pysher to pay Group Life Insurance in the amount of \$50,000 to Secretary/Treasurer Louise Firestone and seconded by Kerry Gassler. Roll call vote taken. Motion carried unanimously.

5. Zoning and Planning – Winton Male reported that there is a Day Care Center being proposed in the real estate building owned by the Hackmans.

6. Parks and Recreation – Lewis Paulhamus stated that he had nothing further to report because Council knocked a lot of stuff from their budget.

7. Fire Company – George Hinton reported that their meeting was held on Monday, December 15, 2003. They hope to take delivery on the new truck this Thursday. Everyone will be trained and certified, hopefully this Saturday morning and have the truck in service before the new year. Bill asked if a CDL is required to drive the truck? George replied that it is up to the governing body.

8. Buildings – Mitch Mogilski had nothing to report.

9. Insurance – Winton Male reported that he is concerned about the potential cost of the insurance in 2004.

## **Mayor's Report**

Mayor George reported that Contractor's License fees collected for the month of November was \$25 for a grand total for the year is \$2,150, amusement license stayed the same and so did the transient license for a grant total collected of \$2,675. Council received the Police report, they responded to 120 calls, 54 traffic citations and 11 motor vehicle accidents.

Lewis stated that the Sewer Authority has people in the audience and they might want to make a report. Bob Hahn stated that he spoke to Mrs. Hackman and she is not sure if she wants to go forward with the plan for the Day Care Center.

## **New Business**

1. Advertise January 5 Reorganization Meeting. **On motion** by Lewis Paulhamus to advertise the January 5, 2004 meeting and seconded by Bill Pysher. Roll call vote taken. Motion carried unanimously.
2. Police Pension Ordinance. Len Zito submitted the original ordinances for signature.
3. Police Chief's Contract. Bill reported that he has had ongoing negotiations with the Chief. The new contract would include a 4% increase for 2004 and 2005, which is the same of the officers. His salary in 2004 would be \$44,955 and in 2005 it would be \$46,753. The other terms in the contract are the same as in the old contract. On motion by Bill Pysher to accept the agreement and to pay a 4% increase in 2004 and 2005. Mitch asked for a copy of the contract prior to Council voting on it. Bill asked if this could be voted on at the December 29, 2003 meeting? Len replied that it was advertised appropriately; it would be available for enactment at that meeting.
4. Submission Signal Warrant Report for Third Street and Broadway. **On motion** by Kerry Gassler to have Hanover submit the report and seconded by Lewis Paulhamus. Discussion regarding once the report is submitted and if PennDOT approves the light, Council is committing the funds to install the light. This expense could be \$70,000. Council understood the commitment and Winton stated that there is \$65,000 in the Capital Reserve account. Roll call vote taken. Motion carried unanimously.
5. Shore Slurry Contract Approval of Payment. **On motion** by Mitchell D. Mogilski, Sr. to approve payment to Shore Slurry \$45,415.19 minus the \$508.76 for a total payment of \$44,906.43 and seconded by Bill Pysher. Roll call vote taken. Motion carried unanimously. Funds to be paid out of State Liquid Fuels.
6. Budget 2004. Mitch stated that the pension for the streets should be split into two separate line items, pension \$4,000 and \$3,200 back pension. He also stated that Council had decided to remove the \$2,500 for tent seat covering. These corrections to be made. **On motion** by Bill Pysher to advertise the 2004 with those corrections and seconded by Winton Male. Roll call vote taken. In favor: B. Pysher, K. Skorochood, W. Male, M. Mogilski. Opposed: L. Paulhamus, K. Gassler. Motion carried with a vote of 4-2.

**On motion** by Kerry Gassler to adjourn the meeting and seconded by Bill Pysher. The meeting of December 16, 2003 adjourned at 8:20 p.m.

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Louise Firestone, Secretary / Treasurer