

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

The Special Council meeting of the Borough of Wind Gap on Saturday, January 25, 2003, was called to order at 1:00 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, Sandra Lockard, Mitchell D. Mogilski, Sr., William Pysher, Peter Stinson, and Kerry Gassler. Also in attendance Secretary/Treasurer Louise Firestone. Mayor Kenneth George was absent.

Public Comment - none

Old Business

1. Wind Gap Industrial Park Intermunicipal Agreement. Winton acknowledged the presence of Nolan Perin, developer, at the meeting and asked if Mr. Perin had any comments. Nolan stated that he was attending the meeting in order to answer any questions Council may have prior to voting on the changes made in the agreement between Plainfield Township, Pen Argyl, Wind Gap and himself as N.A.P.E.R. Development. Mitch stated that he had contacted the Department of Environmental Protection and they stated that a transfer station could be built on the property for Waste Management twenty-four hours a day, seven days a week. Mitch asked Nolan if he could provide confirmation that a transfer station would not be built as part of this development. Nolan replied that it is not properly zoned and all solid waste must be taken across the street. Mitch contacted Charles Knecht, Plainfield Township Zoning Officer, and a transfer station could be a conditional use on that property. Nolan does not believe that he is correct, because Nolan was around when the zoning ordinance was rewritten and passed. Nolan has copies of permitted and conditional uses on that property and he promised to provide Council with a copy. Mitch stated that he wanted the Intermunicipal Agreement to include the context that a transfer station cannot be built on the property. Nolan stated he does not believe that the agreement addresses that issue. The agreement spells out the responsibilities of the developer and the three municipalities. Winton stated that the County is well aware of what is being proposed for the Industrial Park and they would not support this with a bond issue if there were going to be a transfer station. Nolan asked Mitch where this issue of a transfer station is coming from because he has not discussed with anyone including Waste Management the possibility of putting in a transfer station and in fact with the other uses he has planned for that property a transfer station would be incompatible. Winton stated that the County is anxious to get this project moving or there exists the possibility that the money from the bond issue will be lost.

Dave DePalma, Pen Argyl Borough Council, received notice today that the agreement is changing and provided Council with a copy of a letter from Wind Gap's solicitor to Pen Argyl's solicitor. Language was added to give Wind Gap the authority to condemn any property that

needs to be condemned or standing in the way of this project. This is a change to the agreement after Pen Argyl had already agreed to at their meeting. Nolan replied that the condemnation language was in the agreement from the beginning. Dave stated that the developer is already asking for changes after approval on accepted language. Winton stated that Pen Argyl was waiting for the final wording to come in from Pete Layman and then they approved the agreement with that language. Nolan stated that he reads this latest change as further clarification, but Nolan does not think this language to be included in the agreement.

On motion by Mitchell D. Mogilski, Sr. to add that under no conditions is a transfer station of any kind to be put in this industrial park with the condition that it is also approved by Plainfield Township and the Borough of Pen Argyl. Motion died for lack of a second.

Nolan stated that he never contemplated this and the land that is owned by the corporation is included on the drawing that everyone is already well aware of and he sees no need for this language to be included in the agreement. There is property that may interfere with the development of the road and Winton stated that they are aware that a small piece of property at the west end of the property may have to be condemned.

Bob Hahn asked who would pay for the condemnation? Mitch replied that it would be the responsibility of the individual municipality and there is no way of knowing those figures. Nolan replied that he does not believe that is correct. If Council has to condemn a piece of property then that money would come out of the bond issue. Winton stated that if it not covered by the bond issue, he has made arrangements that other money would be made available.

On motion by Kerry Gassler to strike that language from the Intermunicipal Agreement and vote for the original agreement approved by Plainfield Township and Borough of Pen Argyl and seconded by Bill Pysher. Roll call vote taken. In favor: K. Gassler, S. Lockard, W. Male, L. Paulhamus, B. Pysher, P. Stinson. Opposed: M. Mogilski. Motion carried with a vote of 6-1.

Nolan stated that he will deliver to Council a copy of the Plainfield Township zoning ordinance section that spells out all the permitted, conditional, special exception to lay that issue to rest. Nolan offered to meet with anyone present who may have questions to contact him directly and he will set up a meeting with them and make any information available to them.

2. Planning Board Appointment. **On motion** by Bill Pysher to appoint Linda Paynter to the Planning Commission and seconded by Sandra Lockard. Roll call vote taken. Motion carried unanimously.

3. Civil Service Appointment. Winton announced two vacancies exist on the Civil Service Commission, the seat left vacant by Charles Sutter and the renewal of Cathie Yob.

On motion by Lewis Paulhamus to appoint Karen Skorochood to fill the seat vacated by the resignation of Charles Sutter and seconded by Peter Stinson. Roll call vote taken. Motion carried unanimously.

On motion by Kerry Gassler to renew Cathie Yob's term to the Civil Service Commission and seconded by Lewis Paulhamus. Roll call vote taken. In favor: K. Gassler, S. Lockard, L.

Paulhamus. Opposed: W. Male, M. Mogilski, B. Pysher, P. Stinson. Motion did not pass with a vote of 3-4.

Mitch asked if a letter was sent to Cathie Yob asking if she still had interest. Secretary stated that Cathie was the only term expiring and a letter was not sent. Mitch stated that it was a motion of Council. The Secretary replied that it was a suggestion to send out letters. Lewis stated that Cathie should have the opportunity to submit a letter. Winton replied that Council did vote on her and she was not reappointed.

On motion by Peter Stinson to appoint Linda Paynter to the Civil Service Commission and seconded by Winton Male. Roll call vote taken. In favor: W. Male, M. Mogilski, P. Stinson. Opposed: K. Gassler, S. Lockard, L. Paulhamus, B. Pysher. Motion did not pass with a vote of 3-4.

On motion by Bill Pysher to table nominations for the Civil Service Board until the next meeting in February to find a candidate and seconded by Peter Stinson. Roll call vote taken. Motion carried unanimously.

4. Borough Auditor Appointment – **On motion** by Mitchell D. Mogilski to appoint France, Anderson, Basile and Company to audit the Borough, the Fire Company and the Tax Collector and seconded by Peter Stinson. Roll call vote taken. Motion carried unanimously.

5. Advertisement for Sale of Police Car. **On motion** by Kerry Gassler to advertise the sale of the 1997 Chevy Lumina Police Cruiser and seconded by Bill Pysher. Roll call vote taken. Motion carried unanimously.

6. Resolution 2003-1 for Inclusion Lehigh Valley Co-op Purchasing Program. **On motion** by Mitchell D. Mogilski, Sr. to pass Resolution 2003-1 to make application to participate in the Lehigh Valley Co-op Purchasing Program and seconded by Sandra Lockard. Roll call vote taken. Motion carried unanimously.

7. Purchase of a new Borough Truck. Kerry stated that he and Mitch have worked on the specs for a hook loader type vehicle. It is recommended that the bid be put out before March because GMC only makes a limited number of rolling chasses and if the order is not place, would have to wait until the 2004 model. The specifications would be for a GMC rolling chassis with a utility body and an aerial (bucket truck) with a cost estimate of \$75,000. There is \$36,000 available in savings and budgeted money. Mitch stated that Council could take money from the tonnage to pay for the shortfall. Kerry suggested taking the money out of the general account, but every year in line item it would go toward the truck. Winton stated that the numbers have to be worked out and the Borough has to get through the first three months of the year with the money that is currently in the bank. Winton asked if other entities are using the hook loader? Kerry replied that Williams Township is using the truck and they have already order other bodies. The truck weighs under 26,000 lbs. so a CDL license is not required to operate the vehicle. Kerry informed Council that it takes less than one minute to unload and load different bodies off and on the chassis. It would be beneficial to the Borough to have the versatility of a hook loader truck in dealing with PennDOT and the Agility Program.

On motion by Kerry Gassler to put the truck specs out to bid and seconded by Mitchell

D. Mogilski, Sr. Roll call vote taken. Motion carried unanimously.

8. Street Paving Bid Advertisement. **On motion** by Mitchell D. Mogilski, Sr. to advertise the street paving bids on Tuesday, January 28 and Monday, March 3. The ad should include the bids will be accepted up until 1:00 p.m. on March 18, 2003 and publicly read at 2:00 p.m. on March 18, 2003. The anticipated award date is Monday, April 7, 2003. Bids must be accompanied by a 10% security, bidders will be pre-qualified by PennDOT and there is a \$15.00 fee per set of specifications, projects will be July 1 to October 15 and seconded by Sandra Lockard. Roll call vote taken. Motion carried unanimously.

9. Nextel Cellphone Plan. Kerry provided Council with a Plan description for Nextel's cellphone plans. The suggested plan is the Nextel Breakthrough 5,000 Plan. It would provide for 500 cell minutes, additional minutes \$.35, 2,500 minutes of direct connect, additional direct connect minutes would be \$.15 per minute, 2,000 nights and weekend minutes with additional minutes charged at \$.15 per minutes, for each phone, each month. The government discount for this plan would be \$35.99, per month, per phone. Kerry stated that the Office could use the cellphone minutes each month instead of the landline to benefit from the 500 plan minutes. Discussion if all the phones would need the Breakthrough Plan.

On motion by Lewis Paulhamus to subscribe to four plans of the Nextel Breakthrough 5,000 Plan, with the purchase of 3 new phones at \$.99/phone after the rebate and a flip phone for the Chief and seconded by Kerry Gassler. Roll call vote taken. Motion carried unanimously.

10. Borough Webpage. Sandra reported that the webpage is outdated and some of the links do not work. Council received a proposal from Mitchell D. Mogilski, Jr. to redesign the Borough's Webpage on a volunteer basis. Winton stated that the intent of setup of the webpage was so any changes could be done in the office. **On motion** by Peter Stinson to accept the proposal as stated and seconded by Kerry Gassler. Roll call vote taken. In favor: K. Gassler, S. Lockard, L. Paulhamus, P. Stinson. Opposed: W. Male, B. Pysher. Abstained: M. Mogilski. Bill stated that he would have liked more time to review the proposal.

11. Curb Replacement – Permit Fees Waived. Mitch stated that as a formality he wanted the approval of Council to waive the fees for residents repairing curbing for the street paving projects.

On motion by Mitchell D. Mogilski, Sr. to waive fees for regular repairs of curbs, but complete the paperwork, but any new construction the paperwork must be completed the appropriate fees must be paid and seconded by Kerry Gassler. Roll call vote taken. Motion carried unanimously.

Judy Piper, Mayor of the Borough of Pen Argyl, introduced herself and apologized for being late, but she was involved with the mailing of the health surveys. She stated at the Pen Argyl Borough Council meeting on January 7, 2003, Winton stated that the Borough of Wind Gap had already approved the version of the Intermunicipal Agreement that Pen Argyl Council was to vote on that night. Winton apologized if he gave that impression, but Wind Gap Council voted on the Agreement presented to them at their December 2, 2002 meeting. Both Pen Argyl and Plainfield requested additional wording for clarification in the agreement and they subsequently voted on those revised agreements. Wind Gap approved this agreement twice, once in December and today. Winton stated he did not mean to mislead Pen Argyl Borough Council. Wind Gap was satisfied with the original agreement and approved it as such. Once the other municipalities made their changes, Wind Gap had to approve those changes so all three municipalities had voted on the same version of the agreement. Mitch asked if Pen Argyl Council would want to look at it again because they were misinformed. Judy replied that she is sure they will discuss it again. Judy asked if Pen Argyl Borough could receive a copy of the agreement that was approved at the Wind Gap December 2, 2002 meeting. She asked it be faxed on Monday.

Lewis asked if the security system has been looked into. This will be completed shortly.

Lewis stated that no appointments were made to the Park Board.

Mitch stated that the Wind Gap Ambulance was meeting and there should be some feedback regarding the lease agreement. Kerry stated that the Trustee Board members did not have a copy of the agreement for their meeting. Mitch replied that he was sure Joe has it because John Molnar stated that he does have a copy. Mitch stated that he has had the agreement since January 9 and questioned if as long as Joe sits on it, it will not be discussed. Kerry will contact Joe and it will be discussed.

On motion by Peter Stinson to adjourn the meeting of January 25, 2003 and seconded by Kerry Gassler.

Meeting of January 25, 2003 adjourned at 2:15 p.m.

Louise Firestone, Secretary / Treasurer