

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

Wind Gap Borough Council held an Executive Session on Tuesday, March 11, 2003 from 7:30 p.m. to 9:00 p.m. in Council Chambers. Borough Council discussed litigation.

The Special Meeting of Borough Council was called to order at 9:04 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 Pyscher, Peter Stinson and Kerry Gassler. Also in attendance were Mayor Kenneth George, Borough Solicitor Len Zito, Sharon Freiland, Hanover Engineer and Secretary/Treasurer Louise Firestone.

Council President Winton Male informed the public that the only issue on the agenda for discussion this evening and that is a vote on a declaration of taking for Manor Haven Property.

**Public Comment -**

Jeff Yob asked what is Manor Haven? Winton replied that Manor Haven is the Twins at the Gap. Len Zito added that an aerial photograph and a sketch plan which Council is going to consider and the public is welcome to take a look at it.

Paul Levits said he has a question then. At the last month's meeting, or at the last general meeting, the motion was made for Executive Session to be held at Mr. Zito's office in regards to the lawsuit with the Sewer Authority. Was this Executive Session that you just held based on that topic or was this topic discussed also? Winton replied, this was discussed also. Paul asked, well how can you do that? Winton answered, because we put an ad in the paper on Monday also. Paul replied, you never made a motion at a public meeting. Lewis asked, in what paper was it in? Winton answered, it was in the Express. Lewis said I don't get the Express.

Ron DeCesare asked if an appraisal was made of the property so Council would know how much it would cost for this piece? Winton replied that a vote would be taken to make an offer on the property. Ron questioned if it won't be prudent to find out the value prior to voting? Winton answered that it is not necessary at this point, but will be necessary soon because if it is too much then the Borough can withdraw their offer.

Tom Knitter asked what is the purpose of acquiring this property? Winton replied that the property is necessary for the proposed by-pass extending the industrial park road across to Route 33 and beyond. Tom asked if the Borough could offer to buy part of the property so the Borough could still have tax revenues for some of the property. Winton stated that it is the intention to purchase enough property necessary for the road and without the by-pass Wind Gap will live with the traffic forever.

Ron DeCesare asked what the urgency is to vote before knowing the answer to the value? Winton answered if another plan is presented and approved, then the cost of taking would be substantially more. Jeff Yob asked what if there is never a plan? Winton replied that it would be unrealistic to expect that the developer would just walk away. Jeff asked if that is why the plan was turned down by the Planning Commission? Winton replied absolutely not. Jeff stated that it looks suspicious that two weeks after denial Council will go after the property and change the configuration. He added that as a citizen he feels that Council would be foolish to take action without having knowledge of the cost involved. Peter replied that the offer could be withdrawn within ninety days.

Bob Hahn asked what phase of proposed by-pass is this and what about the other phases. Winton answered that presently the Green Knight Economic Development Corporation is financing a feasibility study and if the study turns out to be positive more money will be forthcoming to carry the study further. It has been proposed to the County and they are in favor of the project and supposedly the Governor's people have

reviewed the plans and it is one of the things on their list. Bob asked why the residents of the Borough have not had the opportunity to address this issue. Winton replied that they will, but this issue is the responsibility of Council because of the timing.

Paul Levits questioned the master plan not being available to the public. Winton answered that the master plan does not get involved with the laying out of roads. Paul stated that this road will bisect residential land as it currently stands and for evermore. Winton added that Urban Research and the Land Use Committee are proposing the Industrial Commercial (IC) district. Paul stated that the people don't know because it has not been discussed at an open meeting. Winton replied that it will be discussed at the mid month meeting and then there will be a public meeting. The residents who are there now may not be changed to IC and this will be an issue for Council to discuss.

Jeff asked how much money would be necessary for this taking? Winton replied that the cost would be minimal just the filing. Len replied that the preliminary work has already been done. Jeff asked who will be paying for this and who authorized this to be done? Winton replied at the Borough's cost and he authorized Mr. Zito to do this preliminary work.

**On motion** by Peter Stinson to resolve to file a declaration of taking authorizing the solicitor to file a declaration of taking of a portion of the properties of Manor Haven Corporation identified as parcel id E83-3, described in deed book volume 862, page 630 and a portion of the property of Richard Keenhold, Jr., Richard Keenhold, Sr. and Danny Keenhold trading as Keenhold Associates identified as Northampton County parcel identifier E8-25-1A, described in deed book volume 1995-1, page 124821 for the specific public purpose of providing a roadway and road bed for the future bypass road to divert and otherwise provide an alternate for truck and vehicular traffic from Route 512. The land proposed to be taken is identified in a sketch plan of Hanover Engineering identified as WG03-2 dated March 10, 2003. The plan will be available for public inspection in the Borough Office and seconded by Winton Male. Roll call vote taken. In favor: S. Lockard, W. Male, B. Pysher, P. Stinson. Opposed: K. Gassler, M. Mogilski, L. Paulhamus. Motion carried with a vote of 4-3.

John Molnar stated that the Wind Gap Municipal Authority contacted him to attend tonight's meeting because the subject matter included the litigation between the Borough and the Authority. There was concern that tonight's meeting would include the possible dismantling of the Authority. John stated that it is his observation that a great deal of tension exists between the two bodies. There needs to be an open line of communication. He suggested that Council and the Authority begin some discussion and Council members attend the Authority's meetings. It is his personal opinion that the litigation needs to cease. Somehow there needs to be an answer to solving the litigation. He offered his support in participating in these discussions if necessary. This matter needs to be resolved for the good of the Borough. One of the issues discussed last time was certain Authority records. Bob has searched his records and turned them over to John. John has certain records from the former bond counsel and these have also been turned over. John feels that it is almost immaterial at this point in time what happened in 1967, 1968 or 1969 when the project started. What is important is what is happening now and what can be done to get this resolved.

Winton replied that it is definitely something to think about.

**On motion** by Peter Stinson to adjourn the meeting of March 11, 2003 and seconded by Mitchell D. Mogilski, Sr. Meeting adjourned at 9:24 p.m.

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Louise Firestone  
Borough Secretary

