

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

The Council meeting of the Borough of Wind Gap on Monday, October 6, 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, Sandra Lockard, Mitchell D. Mogilski, Sr., Bill Pysher, Peter Stinson and Kerry Gassler. Also in attendance were Mayor Kenneth George, Borough Engineer Ronald Madison, and Secretary/Treasurer Louise Firestone.

### **Approval of Minutes -**

**On motion** by Kerry Gassler to approve the minutes Of September 16, 2003 and seconded by Bill Pysher. Roll call vote taken. Motion carried unanimously.

### **Approval of Expenditures -**

**On motion** by Bill Pysher to approve September 2003 expenses in the amount of \$22,366.32 and seconded by Kerry Gassler. Mitch questioned the invoice from Cramer's regarding the ceiling tiles and the money coming out of the County 911 Center's escrow account. Louise answered escrow account was set up to pay for legal expenses incurred by the Borough on behalf of 911. He questioned Hanover Engineering Associates invoice related to the zoning ordinance and discussions with Urban Research and the Sierra Club in the amount of \$68.71. Ron Madison explained that the Sierra Club contacted him regarding the zoning changes. Mitch requested anyone contacting Hanover be directed to contact the Borough office. Ron replied that the gentleman from the Sierra Club had numerous questions that Ron had the ability to answer so he did so and then fax related information to him. At the wish of Council, Ron offered to credit the Borough this amount. Mitch questioned the K-Mart bill of \$4.00 for film developing. Louise replied that the Police Department has their film developed related to accidents or other police matters. Kerry questioned the Nextel phone bill because the police bill was higher than normal. Louise informed that there was a \$50 charge for the repair of a phone. Kerry asked why the Park water bill was so high? Louise replied that there was a water leak at the Park for part of the summer. Mitch asked if the depositions for Randy Lieberman and Jane Mellert were correctly billed to the Borough? Winton replied that Len was in attendance during their depositions regarding Manor Haven. Roll call vote taken. Motion carried unanimously.

**On motion** by Mitchell D. Mogilski, Sr. to approve payment to Eastern Industries, Inc. out of Liquid Fuels in the amount of \$64,164.74 and seconded by Kerry Gassler. They asked if it would be feasible to split the money out of Liquid Fuels and the general street budget of \$30,000 for street paving? Louise replied that the other contractor's bill would be approximately \$32,000 - \$34,000 and could be taken out the general budget. Roll call vote taken. Motion carried unanimously.

**On motion** by Kerry Gassler to transfer funds out of Capital Reserve to cover expenses related to the Park restroom – specifically line item 274.01 - \$15,000, line item 274.02 - \$20,000, line item 274.06 - \$3,046.58, line item 274.08 - \$5,000, line item 274.18 - \$11,000 totally \$54,046.58 and seconded by Mitchell D. Mogilski, Sr. Roll call vote taken. In favor: M. Mogilski, B. Pysher, P. Stinson, K. Gassler, S. Lockard, W. Male. Abstained: L. Paulhamus. Motion carried with a vote of 6-0-1.

### **Guests**

1. Gilmore Honey representing area churches/Pocono Slate Belt Youth for Christ (PSBYFC) informed Council that they have secured Billy Graham's grandson, Stephan Tchvidjian, a renowned speaker, for their fall outreach rallies. The rally will take place at the Wind Gap Middle School on Tuesday, October 21, 2003 at 7:00 p.m. The school district made a request that the PSBYFC secure extra parking because of the problems that arose from the graduation ceremony and the related parking issues. They have already received permission from the St. Peter's Lutheran Church and expect an answer tomorrow from the Slate Belt Baptist Church. Mr. Honey asked Borough Council permission to use the parking lot at the Wind Gap Borough Park for the event. He explained that there is a possibility that they will not need the use of the parking lot, but are asking permission in the event it is necessary.

**On motion** by Bill Pysher to approve the request for the use of the parking lot on October 21, 2003 and seconded by Mitchell D. Mogilski, Sr. Mr. Honey will provide the Borough with a copy of their Certificate of Liability as soon as possible. Peter asked if they would need assistance with traffic control? Mr. Honey stated that the Plainfield Township police are going to assist with traffic control and volunteer church ushers will help also. Bill suggested alerting the Wind Gap Police Department to the traffic potential on Third Street the night of the rally. Roll call vote taken. Motion carried unanimously.

2. Northampton County Council – Mary Ensslin and Ron Angle. Ron Angle addressed Council stating that they are here as a committee appointed by Council to get some input on the Industrial Park/Wal-Mart. The County's economic development committee met several weeks back and voted to declare the project impractical and unfeasible. They were disappointed in the direction that the project is headed. Ron suggested to County Council that he and Mary find out what the thoughts of Wind Gap, Pen Argyl and Plainfield are regarding this project. The original project was thirty sites of industrial use. He stated that after talking to residents of Wind Gap their number one concern the traffic. Mary added that County Council is hearing conflicting reports as to the status of the project and the latest information that can be provided. Winton explained that a meeting was held with representatives of Pen Argyl and Plainfield to discuss this issue. Not everyone on the respective boards has been made privy to everything that transpired at the meeting. Winton stated that because of the sensitivity of the matter and the possibility of legal issues down the road, it was suggested that this discussion be held during Executive Session. It is the intent of the three municipalities to contact the County committee and set up a meeting and give the consensus prior to October 16, 2003. Pen Argyl meets tomorrow and Plainfield Township meets on Wednesday. Winton stated that the three felt the need to sit down and openly and honestly discuss all the issues. Lewis asked if the shopping center goes through, would the grant still be there? Ron replied that it is his feeling that County Council would do away with the project. The issue is the \$2.6 million grant. Ron stated that Mr. Perin made it very clear when he was asked if he would stop this project and even Winton had sent him a letter asking to stop the project until these issues are resolved. Mr. Perin made it very clear that he is moving ahead with his project and that is okay, but he may not be moving ahead with County dollars. Mary confirmed that since Wind Gap is the lead in this project, the voice of Wind Gap would be very strong. If Wind Gap says that we still want this even though it is a new project, she believes that Council would listen and reconsider. County Council is very concerned with what the will of Wind Gap is on this project. Winton replied that since it involves three municipalities, it would be best if the three presented a common request to County Council. Mitch added that Winton and the Mayor were sent down to County Council to oppose the project. Bill stated that it would not be the first choice, but it is zoned industrial/commercial by Plainfield Township at this point and can include retail. Ron said that the project was approved for \$2,600,000 as thirty industrial sites, so one of the first questions should be what would this mean to Wind Gap. He feels that traffic is a major concern. Bill feels that the proposed road from Broadway to Rt. 512 would help. Ron stated that there is no money for the road from Broadway to Route 33 at this point and even if the road were there, the average person would not drive around to get by Wind

Gap. Peter said that if Wind Gap opposes any money to developing the infrastructure and Wal-mart goes in regardless, the traffic created by one entity would cause a bigger traffic issue because it would all be on Route 512. Ron replied that before Wal-Mart would get all their permits they would have to show what they would do with all the traffic. He reminded Council that all three would share in the additional traffic, but all will not share in the tax dollars. The Mayor stated that he is not in favor of the Wal-Mart, because it was not in the original plan and was very disappointing. Ron asked Council to do what is best for the citizens of Wind Gap. Ron asked if this topic will be discussed more tonight? Winton replied that this topic would be discussed in Executive Session because there has been some concern about legal issues depending on how this is handled. Mary stated that from her point of view, the three municipalities must decide what they want and tell County Council. Her concern is that there is promised money on the table and she does not want County Council to ripe away the money because this isn't the project you want. She asked for some clear direction in the form of a letter to County Council. Ron stated that it was pretty clear to him that County Council did not give the 2.6 million for a Wal-Mart, but for an industrial park and if there is not an industrial park they are not giving the 2.6. He added that they could change their thinking. Ron said that he dreaded the bond issue, but when it took place he try to get as much money as he could for up north here and Mary stated that she voted no to re-allocate any of the new funds. Ron stated that he does not want the Borough to lose their money, but he believes the taxpayers don't want their money going for an infrastructure for a Wal-Mart. Winton reported that at this time, there are no written agreements between Mr. Perin and the developer, National Realty. They have not done a traffic study, they have not done the engineering and there are a whole punch of ifs out there. Lewis suggested going into Executive Session now so that and then come out and give them the answer. Ron agreed and added that he knows why Council is going in Executive Session, because Nolan has already made overtures that he is going to bring legal actions because no one told him that he couldn't put in a Wal-Mart. He can say what he wants to, the original plans clearly show thirty industrial sites, no Wal-Marts. Kerry asked if Council turns down the money, will it stay in the northern tier or will it go to Bethlehem or some other place? Mary replied the money that was vacated did get re-allocated to new projects. Kerry reiterated that this is the first time that money ever came up here. Ron stated that his original idea of this concept was for that money to go into an industrial park right at the 33 interchange. Ron said he would fight to keep the money here. Mary explained that the tax effort is the same to support the bonds, because even when money gets vacated, it gets re-allocated. If the money is pulled for this project, the tax effort for everyone would be lowered, but the past practice is that it is re-allocated. Ron suggested that there are chances for other projects. County Council has the right at any time to declare that project impractical and unfeasible.

1. Mayor George reported that the Slate Belt Municipal Association had a meeting last Wednesday and currently there are six municipalities that are in favor of the COG. The Mayor suggested going forward with Wind Gap's participation. The COG will be recognized by the State, where the Association is not recognized. The COG will be receiving \$25,000 from the State up to and including three years and \$15,000 from the County. The COG has to show that they are making progress and must go back every year for the funds. The main function of the person the COG hires is to save money for all the municipalities. Discussion regarding opting out of the COG at any time once the Borough would join. Council has already approved joining the COG, it is just waiting for advertising. Peter read from the Articles of Agreement, "a member municipality shall have the right to withdraw from the Slate Belt COG at the end of any calendar year by giving twelve months prior written notice to the COG Chair and Executive Director in the form of an ordinance. A municipality's withdraw will in no way serve to void or lesser any previous financial obligation incurred by that municipality as a member of the Slate Belt COG". Originally there were eleven municipalities and two school districts involved in the COG, but Bushkill dropped out. There is still discussion regarding the commitment to the \$2,000 a year dues.

**On motion** by Bill Pysher to advertise to become members of the COG and seconded by Sandra Lockard. Before the vote was taken, Ron Angle stated that when he got this passed at the County for the County money it was for all ten municipalities to participate. He is not sure if there is still a commitment from County Council if not all municipalities are not involved. Roll call vote taken. In favor: B. Pysher, S. Lockard, W. Male. Opposed: P. Stinson, K. Gassler, M. Mogilski, L. Paulhamus. Motion defeated with a vote of 3-4.

The Mayor reported that a red vehicle is sitting in the municipal parking lot and asked Council for the decision in regard to having the vehicle removed. Kerry clarified by saying that the Borough owns the property, does Council want to call it abandoned and have it removed?

**On motion** by Mitchell D. Mogilski, Sr. that the police do their job and seconded by Lewis Paulhamus. **On motion** by Bill Pysher to have an improperly licensed vehicles parked on our public lot be removed and seconded by Sandra Lockard. Mitch asked if his motion was being ignored? Winton said that nobody seconded it. Lewis stated that he seconded it. Mitch stated that his motion was to have the vehicle impounded. After further discussion, Mitch's motion was voted on. Roll call vote taken. Motion carried unanimously.

## Executive Session

Council adjourned to Executive Session at 8:36 p.m. to discuss the County Bond Money/Slate Belt Industrial Park development, the Third Street Drainage Project/Boro v. Dentith, Wind Gap Municipal Authority Litigation No. 03-3120 and personnel issues with Special Solicitor, Steve Goudsouzian for the Wind Gap Municipal Authority litigation.

Borough Solicitor, Len Zito arrived at 8:45 p.m. He was asked to join the Executive Session at 8:55 p.m.

Borough Engineer, Ron Madison was asked to the Executive Session at 9:00 p.m.

Mayor Kenneth George took his leave from the meeting at 9:00 p.m.

Special Solicitor for Wind Gap Municipal Authority litigation, Steve Goudsouzian, took his leave from Executive Session at 9:00 p.m.

Borough Engineer, Ron Madison, was excused from Executive Session at 9:30 p.m.

Borough Solicitor, Len Zito, was excused from Executive Session at 9:34 p.m.

Council reconvened at 9:55 p.m.

**On motion** by Peter Stinson that Wind Gap Borough Council does not object to the shopping center, but that they recommend, if possible, County Council restrict use of the infrastructure for industrial development only and seconded by Bill Pysher.

Peter explained that whether or not the Wal-Mart goes in or not, Wal-Mart is not tying into the infrastructure. Winton further explained that County Council is looking for Wind Gap and the other two municipalities to determine whether they want to continue to the Bond or object to the shopping center. If the three municipalities object to the shopping center, County Council will pull the Bond. If Council was to object to the shopping center it would do no good at all because Wind Gap desperately needs the road to be put in for the immediate and long term traffic problem in the Borough. He stated that the new concrete operator who is going into the County building there will have roughly 150 trips a day and the water company who run half their trucks through Wind Gap is planning to put a terminal on Route 512. Ron Angle asked for further clarification. Winton stated that Council wants to continue with the Bond Issue, they want the road to be built and they want the remaining property to be industrial development. Council does not object to the shopping center because Council has no way to stop it. Wind Gap is asking County

Council, if it is legally possible, to restrict the infrastructure that the County pays for is for industrial development.

*Secretary/Treasurer Louise Firestone took her leave at 10:10 p.m.*

Roll call vote taken. In favor: K. Gassler, W. Male, B. Pysher, P. Stinson. Opposed: S. Lockard, M. Mogilski, L. Paulhamus. Motion carried with a vote of 4-3.

**On motion** by Kerry Gassler that Mr. Blick gets a fifty-cent an hour increase and seconded by Peter Stinson. Roll call vote taken. Motion carried unanimously.

**On motion** by Kerry Gassler for Woody Fenner to receive a fifty-cent an hour effective as of his anniversary date of July 1<sup>st</sup> and seconded by Mitchell D. Mogilski, Sr. Roll call vote taken. Motion carried unanimously.

**On motion** by Peter Stinson to have another public meeting for continuation of the present meeting on Monday, October 13, 2003 at 7:30 p.m. and seconded by Sandra Lockard. Roll call vote taken. Motion carried unanimously.

Council adjourned the meeting of October 6, 2003 at approximately 10:20 p.m. due to the 10:00 p.m. meeting curfew.

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Louise Firestone  
Borough Secretary