

**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, September 2, 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., Peter Stinson and Kerry Gassler. Also in attendance were Mayor Kenneth George, Borough Solicitor Len Zito, Ronald Madison, Borough Engineer, and Secretary/Treasurer Louise Firestone. Councilman Bill Pysher was absent.

Approval of Minutes -

Mitch suggested correcting minutes from the August 4, 2003 meeting. Len Zito informed Council that previously approved minutes must be amended by motion.

On motion by Lewis Paulhamus to revise the minutes from August 4, 2003, page 7, Alan McFall Subdivision, because the roll call vote included Sandra Lockard voting twice and omission of Peter Stinson's vote and seconded by Peter Stinson. Roll call vote taken. Motion carried unanimously.

On motion by Lewis Paulhamus to hold the approval of the minutes from the August 19, 2003 meeting and seconded by Kerry Gassler. Roll call vote taken. Motion carried unanimously.

Approval of Expenditures -

On motion by Mitchell D. Mogilski, Sr. to approve August 2003 expenses in the amount of \$29,545.68 and seconded by Sandra Lockard. Roll call vote taken. Motion carried unanimously.

Public Comment

1. John Barto, Wind Gap Municipal Authority stated that the Authority was suppose to receive a letter from Borough Council stating that they could conduct business. Mr. Zito confirmed that it was discussed and agreed upon, but stated that he had assumed that the letter would come from the Borough office. Mr. Zito will compose the letter tomorrow.

Solicitor's Report

Len Zito reported that he distributed a letter dated September 2, 2003 regarding legal comments from the review of the Lehigh Valley Planning Commission on the proposed zoning changes. He asked Council to review the letter. He expects a review from Tom Palmer since the comments from LVPC are issues Tom must address. Winton added that he has discussed the large amount of multi-family units in the Borough and the LVPC has not been able to come up with a definite number or percentage of rental units.

Engineer's Report

Ron Madison reported that last month a proposal dated July 31, 2003 was submitted to Council regarding a traffic signalization study for South Broadway and Third Street.

On motion by Mitchell D. Mogilski, Sr. to accept the proposal submitted by Hanover Engineering Associates to proceed with the traffic study at South Broadway and Third Street and seconded by Sandra Lockard. Roll call vote taken. Motion carried unanimously. Ron will coordinate the study with the School District and have the results of the study available so Council can prepare for next year's budget.

Ron reported that the restroom is ready for shipment tomorrow, Wednesday, September 3, 2003, and should arrive on Friday so that it can be set on Monday. He hopes to have a completed project by next month's meeting. He explained that once the project is complete, there is an 18-month maintenance period.

Ron reported on the Grefe and Nicholas zoning issue. He recommended the following actions:

1. Per the last zoning correspondence, a Zoning Enforcement Notice should be issued to Mr. Grefe for the construction of the concrete patio and six-foot (6') high fence without zoning permits. As with any enforcement, Mr. Grefe may make applications for appeal to the Zoning Hearing Board.
2. Any future permit application by either property owner should be required to include a signed and sealed property survey.
3. Recommend that any municipality should avoid interfering beyond required duties in individual property dispute. Please consult with the Borough Solicitor in regard to this matter.
4. To resolve the past disputes, we recommend to Mr. Nichols and to Mr. Grefe that both hire a Professional Land Surveyor to conduct a complete property survey of each individual property or jointly of both properties. Mr. Nichols and Mr. Grefe may wish to courteously resolve their dispute themselves or obtain their own legal counsel.

Ron added that this is a long file, but it really flared up this past year because of the concrete patio and the fence with no permit. Ron concluded his report on this matter. Discussion by Council on how to proceed with this issue. Len suggested that since it appears the Borough Zoning Officer has no conflict of interest that matter be turned back to him for enforcement with Ron following up. **On motion** by Peter Stinson to return this matter to the Borough Zoning Officer for enforcement and seconded by Winton Male. Roll call vote taken. In favor: P. Stinson, K. Gassler, S. Lockard, W. Male, M. Mogilski. Opposed: L. Paulhamus. Motion carried with a vote of 5-1.

Walden III Release of Escrow Money. **On motion** by Kerry Gassler to release the security upon receipt of recorded plans and seconded by Sandra Lockard. Roll call vote taken. Motion carried unanimously.

New Business

1. Park – transfer of funds from Spring Concert to Capital Reserve. The Park Board is requesting that the \$6,167 from the spring Vogue's concert be put into the reserve fund allocated as follows:

On motion by Kerry Gassler to transfer the following amounts as requested:

\$3,000 to be set aside for another similar concert in the spring.

\$1,000 to be set aside for the concert series for 2004, they will be adding 1 concert to the series.

\$2,000 to be set aside for the permanent covering planned for the future over the seating in front of the bandshell and seconded by Lewis Paulhamus. Mitch stated that the net profit indicated was \$6,167 and suggested adding the \$167 difference to the \$1,000 so all monies are accounted for. Kerry amended his motion to include the \$167 for the 2004 concert series. Roll call vote taken. Motion carried unanimously.

2. **On motion** by Kerry Gassler to approve payment in the amount of \$39,323.85 to come out of the PLGIT money for the GMC Utility Truck and seconded by Mitchell D. Mogilski, Sr. It will be returned each year by \$10,000 out of Capital Reserve out of the budget. Roll call vote taken. Motion carried unanimously.

3. Emergency Management Coordinator. Karen Skorochoch submitted a letter of interest for the Coordinator position from Anthony Skorochoch. Council had previously received a letter of interest from Fire Chief Randy George. Winton spoke to the 911 Center and there are some positive things for a committee rather than one individual. Winton suggested that since the two interested individuals have EMS and fire backgrounds, an individual with a police background would be beneficial. Discussion that one person be in charge with the support of a committee for regular coordination activities. Peter asked Karen for Anthony's qualifications. Karen informed Council that Anthony is a paramedic supervisor as his full-time position and he has additional training in hazardous material and incident command specifically.

On motion by Mitchell D. Mogilski, Sr. to appoint Anthony Skorochood as the Wind Gap Borough Emergency Management Coordinator and seconded by Lewis Paulhamus. Roll call vote taken. Motion carried unanimously.

Winton stated that if no one objects, he would ask Randy George to serve on the committee.

4. **Weed/Snow Removal/Curb Ordinances.** Mitch explained that it is often cheaper for residents to have the Borough cut or clean up snow on resident's property. He suggested have a fine established of \$150.00. Len replied that he looked at the ordinances pertaining to the weed ordinance (Ordinance 402, dated August 4, 1997). The charge is the cost of removal plus 20% penalty; in addition the Police Department of Wind Gap may issue a citation and institute summary proceedings against any person who shall violate any provisions of the ordinance. He stated that there are no fines without going through the judicial process. Len requested a copy of the Snow Removal Ordinance to review. The curb ordinance as previously discussed needs to be thoroughly rewritten and the street committee will review.

5. **FCC Wireless Telecommunications Transfer of Control.** Winton reported that he was asked by 911 to sign the renewal license forms, which has been routine in the past. Included in the packet of agreements was a form to transfer ownership from the Borough to the County. Len Zito explained that when Mr. Sutter was involved an agreement was negotiated with the County. Mr. Landis, an expert from Tu-Way Communication, recommended that the Borough never relinquish ownership of the licenses by the FCC. A license agreement exists which permits the County to use the licenses, but they are always owned by the Borough. The County has to maintain a monetary deposit with the Borough to defray any expenses connected to the use of the Borough's licenses including legal or expert review. Len will write the County a letter to proceed and take the appropriate procedures to pay the fees to the FCC of the renewal of the licenses, but ownership will remain with the Borough.

As a note, the County will replace the tiles in the Borough Hall that was caused by a leak several years ago.

6. **Bids for Park Sidewalk.**

Len Ruggiero

416 LF of sidewalk 4 foot wide by 5 inches thick

Concrete will be 3500 psi

Borough to be responsible for all excavation and stone \$6,982.00

Pinto Concrete Construction

Lehigh Avenue 416 LF to East West Street

4' X 5" thick 3000 psi concrete

Wind Gap Borough employees will complete excavation

Stone 1,000 – 60 ton provided by Wind Gap Borough \$6,240.00

Northeast Concrete

Labor for approximately 416 LF of 5" thick

3000 psi concrete sidewalk

All stone, layout and excavation by Borough \$6,500.00

On motion by Lewis Paulhamus to award the bid to Pinto Concrete Construction for a bid of \$6,240.00 and seconded by Kerry Gassler. Award is subject to purchase of contractor's license and insurance verification. Roll call vote taken. Motion carried unanimously.

7. **Fire Company Audit.** Winton reported that a quote was received from the Borough Auditor, France, Anderson, Basile and Company in the amount of \$1,200 to audit the Wind Gap Fire Company in accordance with audit standards. Peter asked if this expense would come out of 402, which is already over budget? He asked why this is over budget? The Treasurer replied that the Borough audit is budgeted for \$2,500, but the Borough also audited the Borough Tax Collector without budgeting the amount this year. He asked why this is so urgent? Council had decided to do the audits because the Borough had been negligent in completing audits

on the Tax Collector and the Fire Company.

On motion by Kerry Gassler to approve the audit of the Fire Company by France, Anderson, Basile and Company in the amount of \$1,200 and seconded by Mitchell D. Mogilski, Sr. Roll call vote taken. Motion carried unanimously.

8. Sound System. Mitch reported that he met with Bill from Music Scene. Bill set up the equipment tonight to give Council an idea of a system that could be used. They discussed eight microphones or twelve microphones system, an amplifier, the mixer, with a back-up battery. The tape recorder could be plugged into the system so the microphones could pick up all the comments. Flat boundary microphones would be \$400 each. An eight microphone system would be \$1,950 and a twelve microphone system would be \$2,350. A balance of \$1,860 still exists in the building's budget. Peter suggested looking into a solution and probably need some different ideas to consider. Mitch to look at prices from an eight mic system, a twelve-channel mixer to have the capability to expand if necessary.

Old Business

1. PennDOT Agreement for Speed Reduction on Broadway. **On motion** by Kerry Gassler to send a letter to PennDOT to do a speed study and seconded Sandra Lockard. Roll call vote taken. Motion carried unanimously.

2. Police 2002 Ford Explorer (State Contract). Discussion regarding keeping the 2002 Ford Explorer one color and not paint it black and white to save \$750. The vehicle was already ordered, so if the paint job can be stopped that would be Council's wish. **On motion** by Kerry Gassler to not paint the 2002 Ford Explorer black and white and seconded by Mitchell D. Mogilski, Sr. Roll call vote taken. Motion carried unanimously.

3. Wind Gap Ambulance Lease. Len reported that he spoke to John Molnar, Solicitor of the Wind Gap Ambulance Corps regarding the changes in the lease. Len has not heard back from Mr. Molnar. Terms of five years are being considered as part of the changes.

4. Kerry asked Council for some input on the parking lot at the Park regarding the Rubenstein property. He would like to move forward with clearing part of the property to begin as a staging area for PennDOT and eventually as a parking lot for a walking trail in the Park. Kerry stated that the property does not need to be surveyed right now if they stay fifteen feet off the property line.

5. Harry Oaten Rent. Winton stated that the Borough took away approximately one-third of Harry Oaten's space and did not adjust his monthly rent. Winton asked for input from Council regarding reducing the rent by one-third because Harry no longer has use of that portion of the property.

On motion by Kerry Gassler to reduce his monthly rent to \$200 a month starting the month of September and seconded by Lewis Paulhamus. Mitch suggested having time to review the lease agreement to look into the square footage. Lewis withdrew his second. Motion died for lack of a second.

On motion by Mitchell D. Mogilski, Sr. to have the ability to vote on this issue at the workshop meeting and seconded by Winton Male. Roll call vote taken. In favor: S. Lockard, W. Male, M. Mogilski. Opposed: L. Paulhamus, P. Stinson, K. Gassler. Vote tied at 3-3. Mayor George asked to cast the deciding vote. Mayor George voted no. Motion did not pass with a vote of 3-4.

6. Slate Belt Industrial Center – proposed Wal-Mart Shopping Center. Winton reported that at the last meeting, Council had given a consensus to the Mayor and Winton the authority to pursue approaching County Council to voice objection to a Shopping Center development. Lewis asked what the Borough of Wind Gap has to worry about a shopping center in Plainfield Township? Winton replied that he understands that there will be parking spaces for 1,521 cars and that would create impossible traffic congestion in the Borough. The bond money was intended to encourage Industrial Development not a shopping center. A meeting is scheduled to

meet with the County officials on Wednesday, September 10, 2003.

On motion by Peter Stinson to authorize the Mayor and Winton Male to state Council's objection to the development of NAPA's parcel into a shopping center and seconded by Sandra Lockard. Roll call vote taken. In favor: W. Male, M. Mogilski, P. Stinson, S. Lockard. Opposed: L. Paulhamus, K. Gassler. Motion carried with a vote of 4-2.

7. Correspondence received from Paul Levits. Winton stated that Paul Levits sent correspondence to Borough Council requesting that Council appoint the backup engineer to look into the issue surrounding his curbing. Paul informed Council that approximately ten years ago, Bruce George Excavating did the street work on West Street and created the problem. He does not feel that he should be responsible for repairing his curb, but that the Borough should fix the problem they created. It was decided that Mitch and Kerry would look into this issue again.

Borough Engineer, Ron Madison, took his leave at 9:10 p.m.

Executive Session

Council adjourned to Executive Session at 9:08 p.m. to discuss Municipal Authority Litigation and a real estate matter.

Bill Pysher participated in the Executive Session via telephone.

Council did not reconvene to conduct any further business due to the 10:00 meeting curfew.

Secretary/Treasurer Louise Firestone took her leave at 10:15 p.m.

Council adjourned the meeting of September 2, 2003 at approximately 10:30 p.m.

Louise Firestone
Borough Secretary