

**BOROUGH OF WIND GAP
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WIND GAP, PA 18091
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EXECUTIVE SESSION

Council convened prior to the meeting for an Executive Session at 7:00 p.m.

Mayor Kenneth George arrived at 7:42 p.m. and went directly into Executive Session.

The Council meeting of the Borough of Wind Gap on Monday, April 5, 2004, was called to order at 7:50 p.m. by Council President Kerry Gassler, at which time he reminded those present that the meeting was being recorded. In attendance were Councilpersons: Karen Skorochood, Mitchell D. Mogilski, Sr., George Hinton, Jr., Scott Parsons, and Tony Curcio. Also in attendance were Mayor Kenneth George, Borough Solicitor Leonard Zito, Borough Engineer Ronald Madison and Secretary/Treasurer Louise Firestone. Absent was Councilman Winton S. Male, Jr.

Kerry reported that Council was in Executive Session regarding the Park Drainage, Roberti Motors and Manor Haven Corporation all three pertaining to litigation problems.

Mitch asked that it be noted that he was not invited to the Executive Session.

Kerry asked that it be noted that he asked Louise to put a letter in everyone's box to be notified of the Executive Session in writing. He stated that from now on he will put it in writing and he will call each Councilperson.

APPROVAL OF MINUTES

On motion by George Hinton to approve the minutes of March 18, 2004 and seconded by Tony Curcio. Roll call vote taken. In favor: T. Curcio, K. Gassler, G. Hinton, M. Mogilski, K. Skorochood. Abstained: S. Parsons. Motion carried with a vote of 5-0-1.

APPROVAL OF EXPENDITURES

On motion by Scott Parsons to approve the expenses in the amount of \$23,383.00 and seconded by Karen Skorochood. Mitch had several questions regarding the bills. The first was the bill from Dave's Electric for repairs to the Borough Garage in the amount of \$41.25. George to check what repairs were done. J. H. Beers repair rear tire chain, hydraulic leak and spreader coupling in the amount of \$223.61, Kerry replied that it was the repair to salt box on the International truck. Mitch asked what the battery pack from Wind Gap Electric was for; Kerry

replied that it was the battery for the emergency back-up lights. Scott amended his motion to hold the payment to Dave's Electric until clarification is made. Roll call vote taken. Motion carried unanimously.

Public Comment

1. Roger Bet. Roger reported that The Vogues Concert went over well. The Sock Hop ended at 11:00 a.m. with approximately 150 people still in attendance. Roger asked Council to approve a check for Randy Ehle in the amount of \$2,000 and himself in the amount of \$500. The Vogues and Gene Kaye signed their checks over to these gentlemen in exchange for cash. Kerry requested that Randy and Roger return the checks to the Borough and new checks will be issued.
2. Richard Dentith. Richard asked Council if they would put a rider on the Borough's insurance to cover kids coming onto his property to retrieve balls that go on his property. He contacted his insurance company and they will not cover the kids. Kerry stated that he would look into the insurance issue.
3. Jeff Grefe. Jeff informed Council that he was in violation of the zoning ordinance for failure to get a proper permit and was fined \$2,000 by the District Magistrate. He stated that he has since obtained the proper paperwork and is willing to settle with the Borough. Len Zito stated that Mr. Grefe has the right to an appeal within thirty days. Mr. Grefe is indebted to the Borough so Council is free to take action regarding this issue by either accepting the full amount of the fine or lowering the amount of the fine. The fine was \$2,000 plus \$600 for court costs. Jeff stated that he would have to appeal the decision by April 11, 2004. George asked him how long the fence has been there? Jeff replied that it has been there for two and a half years, but he has been in a property dispute with his neighbor. He is currently in Civil Court regarding the property line dispute. Jeff spoke to the Zoning Officer, John Blick, and was informed that he would have to apply for a variance, but has not done so to date. Kerry asked Council their wishes regarding the fine. Mitch stated that Council should respect the decision that the Magistrate made. Council took no action on this request.
4. Vickie Allen, Alpha Avenue. Vickie reported that George Hinton asked her to take an informal poll of her neighbors on Alpha Avenue regarding making the 300 block of Alpha Road one way. Eight neighbors said no, one said yes, two didn't care. Vickie stated that there is the dip when pulling out onto Route 512 from Alpha Road and asked if this could be looked into. Kerry stated that the street committee would look at this intersection. She added that police should watch people speeding down Alpha Road.
5. Bob Matlock. Bob asked Council to address the speeding on Alpha Road because pulling out of Alpha Avenue you cannot see traffic until you are out in the middle of the intersection. He spoke to the Chief and the Chief stated that when new lines are painted they would start checking the speed. He stated that something has to be done to get people to slow down.

Bob stated that the Police have a two car garage, so when one car is in use, the other two cars should be in the garage. He said that one or two cars sit outside and the Police Chief's car is in the garage. He asked about the insurance coverage for the car being housed in the Borough garage.

On motion by Mitchell D. Mogilski, Sr. to keep personal vehicles out of the Borough garages until hear otherwise to avoid opening the Borough up to liability and seconded by Scott Parsons. Scott asked if this pertains to all the public buildings? Len added that the Ambulance Corps has a lease and therefore has control of the premises and if Council wishes to restrict use of the building it would have to be built into the lease. George asked about the Fire Company and their lease. Roll call vote taken. Motion carried unanimously.

6. Roger Bet reported that there had been vandalism at the Park. He asked for more security from the Police. The vandals broke two park benches and removed nuts that secure the benches in front of the bandshell. Kerry stated that there will be a police representative at the workshop. The Mayor added that they are in the process of instituting the neighborhood watch at the park again.

7. Richard Dentith stated that several years ago the Park Board and Council agreed to ban dogs from the Park. Richard said that when the people were out walking their dogs, the vandalism wasn't going on like it is now. He suggested allowing the people to walk their dogs again in the Park.

8. Ralph Stampone. Ralph reported that the water was turned on in the Park and there are two leaks in the new restroom. He asked if these could be fixed as soon as possible. Also, the lights have been on because there is no switch to turn the lights off in the restrooms. Ron replied that it is still the responsibility of Grace Industries to fix any problems and to finish the punchlist that was dated February 24, 2004. He spoke to Grace and they do intend to finish up the list. Council has the option to fix the problems and then deduct the expense from the five percent retainage. Len Zito suggested giving Grace notice and then if not satisfied, Council could proceed with the fix.

On motion by Mitchell D. Mogilski, Sr. to give Grace Industries until Friday, April 9, 2004 at 3:30 p.m. and if not done by then, deduct the money from the retainage and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

9. **On motion** by George Hinton to transfer funds from Capital Reserve in the amount of \$2,144 for the park refrigerator and seconded by Karen Skorochod. Roll call vote taken. Motion carried unanimously.

Solicitor's Report

Len Zito reported that the Gassler Land Development Plan was reviewed by Planning. Planning recommended granting the waivers. Council can act on this tonight or they can address this at their May meeting. Solicitor asked that this be put on the May meeting's agenda.

Wind Gap Ambulance Lease – committee changes would require an amendment

prohibiting personal vehicles on Borough property.

Resolution 2004-3, the settlement agreement with the Wind Gap Municipal Authority is ready for signature. **On motion** by Scott Parsons to approve Resolution 2004-3 and seconded by George Hinton. Roll call vote taken. Motion carried unanimously.

Council agreed that the two committees for the Wind Gap Ambulance lease should meet again to discuss the amendment for personal vehicles. A copy of the current agreed upon lease will be distributed for review.

Engineer's Report

Ron Madison reported on the traffic light at the intersection of South Broadway and Third Street. PennDOT has given approval for a traffic signal, but now they are waiting for the Borough to submit a permit application, a condition diagram and a financial commitment letter. Ron suggested that all of Council take a look at the intersection to determine if any traffic patterns should be changed, if the turning radius should be increased and if the drainage at the intersection should be improved during the construction and installation of the light. Ron provided Council with designs for the storm drainage project on Third Street. The design is sufficient to proceed with the application for a Highway Occupancy Permit necessary for this project.

On motion by George Hinton to sign the permit application and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

On motion by George Hinton to extend the pipe 40' and discharge it on the Borough property and seconded by Karen Skorochood. Roll call vote taken. Motion carried unanimously. Kerry informed Mr. Alfred that the Borough would not need an easement on the little triangle piece of his property for this project.

Ron reported that he spoke to Bernie Corbett from PennDOT regarding the Third Street paving project. The project has been awarded to Hanson and they are just about to issue a notice to proceed for spring paving. Mr. Corbett is looking for a letter from the Borough or Hanover who is representing the Borough addressed to the District office paving coordinator and copied to Bernie asking them for to hold off on paving that state road so that the Borough's projects could be completed first.

On motion by Scott Parsons to withhold the paving project within the Borough, with wording to hold off until next year and seconded by George Hinton. Roll call vote taken. Motion carried unanimously.

Ron provided Council with a sketch for storm water improvements at the intersection of Woodward and Lehigh. They are proposing two M inlets near intersection where the curb radius are located and run twelve inch pipe westward along the northern curb line, but outside the curb and tie into existing storm box. The problem is the size of the pipe under 512, which is only twelve inches. Bernie Corbett would like to meet with the Borough to discuss the Agility Program in relation to this specific project. George stated that there are two water problems, one in the corner of the intersection and potentially one further down the road. Ron suggested having the curb replaced along the parking lot of Kocher's Deli. He encouraged Council to look at this area to get a better idea how this project should be done.

On motion by Tony Curcio to sign the Highway Occupancy permit application and

seconded by George Hinton. Roll call vote taken. Motion carried unanimously.

NEW BUSINESS

1. Resolution 2004-3 – this topic already discussed.
2. Street Committee Report. George Hinton reported that the blue truck required some repair work. It cost \$600 to have work completed for the truck to pass inspection, but was necessary to fix since the Borough has the part-time workers back and they need something to drive. George reported that two individuals contacted the office regarding streets and alleys. The committee discussed the Borough alleys after looking at the alleys and the best way to repair the alleys. George suggested having MSG come in the Borough to grade the alleys, have them rolled, bringing in dirt or stone if necessary. George contacted MSG and is waiting to find out when they would have an operator available to run the grader. Ron reminded the street committee to coordinate with Wind Gap Municipal Authority because of the manholes in the alley. Mitch asked time wise how long this would take? George replied that he is hoping within the next two weeks. George responded to the residents who called about the streets. Mitch stated that he contacted PennDOT about 512 and West Fifth Street, and was informed that it is up to the Borough or the property owner to fix. George questioned whether that is ordained or not. Ron added that he has looked at the curb and sidewalk ordinance and even though the curb and sidewalk is in the public right-of-way it is the property owner's responsibility to replace, repair or install. Mitch replied that it is in the intersection and suggested a temporary fix. George stated that residents have been told not put cold patch in the curb line. There is an alternative way to get out. Mitch stated that if you are aware of a problem that makes you liable if damage happens. Mr. Zito stated that he did not have enough information to give a legal opinion. Ron added that anything near a PennDOT right-of-way you need a permit even if work is being done behind the curb line because it would be affecting traffic. Kerry stated that the committee would physically look at this situation. Ron DeCesare suggested limiting parking in front of the car lot on Third Street. This will be looked into during the installation of the traffic light.

George reported that the Street Committee was looking into having people on work release clear the streams. He contacted Airport Auto Sales, Inc. and they gave a price to rent a Town and County van at a cost \$40 per day or \$200 per week. Insurance to be looked into by the committee.

OLD BUSINESS

1. PennDOT Third Street Paving Project. This topic was already discussed.
2. Wind Gap Municipal Authority Reappointments. Kerry stated that applications have been received from Ron DeCesare, Linda Nittle, Michael McNamara, Gary Golden, and Terry Shoemaker for a five-year term. The second appointment would be to fill Rick Keenhold's

position which is set to expire in January 2007. Len Zito reminded Council that they need to be guided by the law with respect to the residency requirements. Scott stated that since that last meeting when the Authority put the reappointments of the two members into the agreement and Council shot it down, the Authority has backed down on their demand. Scott feels that the two people that have the most input and the most to say at the Authority meetings are Mr. Levits and Mr. DeCesare. They have put in a lot of work and have done a good job. Currently of the board members, the following are Wind Gap residents: Mr. Dieter, Mr. Knitter and Mr. Thompson. The other four live outside the Borough. The majority of the members must reside in the Borough of Wind Gap. Both solicitors agreed to this at the March 1, 2004 meeting.

On motion by Scott Parsons to re-appoint Ron DeCesare to a five-year term and seconded by

Karen Skorochood. Roll call vote taken. In favor: S. Parsons, K. Skorochood, T. Curcio, K. Gassler, G. Hinton. Opposed: M. Mogilski. Motion carried with a vote of 5-1.

On motion by Karen Skorochood to appoint Linda Nittle for the remainder of Rick Keenhold's term and seconded by Mitchell D. Mogilski. Sr. Roll call vote taken. In favor: K. Skorochood, T. Curcio, M. Mogilski, S. Parsons. Opposed: K. Gassler, G. Hinton. Motion carried with a vote of 4-2. Linda Nittle to be notified by letter. A letter to be sent to Mr. Keenhold notifying him that he has been replaced and thanks him for his service.

Paul Levits asked if she was interviewed? Kerry replied that everyone has a copy of her letter and could contact her if they wished. Paul asked if she has every attended a meeting? Kerry replied that he did not know. Paul stated that he would not hire anyone without an interview. Kerry stated that it is an appointment by the Borough. Ron said that they have a real good operating board and one of the reasons why is that Rick Keenhold is very much a factor. Scott stated that Rick has missed two of the three meetings that Scott has attended and will probably miss more because of his job. Ron replied that Council should not replace what they know, just hold off and let these people attend a meeting. Karen asked since Council is mandated by the residency requirement where does Rick Keenhold live exactly, is he a Wind Gap resident? Len Zito stated that he believes, from his knowledge, he is a resident of Plainfield Township. Kerry explained that at this time Council has the option to appoint a Wind Gap resident, or allow Rick Keenhold to continue to serve on a month-to-month basis.

3. Roberti Motors. **On motion** by George Hinton to make a notice to proceed to vacate the property as of March 1, 2005 and seconded by Tony Curcio. Mitch stated that this topic was discussed in Executive Session, which he was not invited to, so he does not know what was said. The remainder of Council agreed that Mitch was in attendance during the entire Roberti discussion. Roll call vote taken. In favor: T. Curcio, K. Gassler, G. Hinton, K. Skorochood. Abstained: S. Parsons (stated that it is a relation of his). Mitch's vote was a "without vote". Kerry questioned what a without vote is? Len replied that he does not know and has never heard that before. Mitch stated that he did not feel he had all the information. Len informed him that he could either vote no or if he has a conflict he can abstain. Because of Mitch's vote, Len stated he would take that as a no vote. Mitch asked that his vote be recorded as a without vote. Motion carried.

On motion by George Hinton to adjourn the meeting of April 5, 2004 and seconded by Scott

Parsons. Council agreed unanimously. The meeting of April 5, 2004 adjourned at 9:37 p.m.

Louise Firestone, Secretary / Treasurer