

**BOROUGH OF WIND GAP  
29 MECHANIC STREET  
WIND GAP, PA 18091  
863-7288  
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## **EXECUTIVE SESSION**

Council convened prior to the meeting for an Executive Session at 6:30 p.m.

The Council meeting of the Borough of Wind Gap on Tuesday, April 20, 2004, was called to order at 7:33 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, Scott Parsons and Anthony Curcio. Also in attendance were Borough Solicitor, Len Zito, Borough Engineer, Ronald Madison and Secretary/Treasurer Louise Firestone. Absent were Mayor Kenneth George and Councilman Winton Male, Jr.

Kerry informed that Council discussed the Manor Haven litigation and there is nothing to act on at this time.

## **GUEST**

Charlie Tomko from Cowan Associates, Inc. addressed Council regarding the Uniform Construction Code. Cowan Associates, Inc. is an approved third party agency. The Code goes into effect on April 9, 2004 to pass an ordinance adopting the UCC. This election period ends on July 8, 2004. Municipalities will then have thirty days from July 8, 2004 to notify the Department of their decision to either opt into the system, effectively accepting responsibility to enforce the UCC, or to opt out of the system. If the Borough opts out, then inspections on commercial property would be done by the State and residential inspections would be done by third party agencies. Mitch asked for clarification between maintenance and alterations. Charlie replied that the Code spells everything out specifically and he could provide that information if requested. Kerry asked since Cowan Associates is based in Quakertown, could they service this area? Charlie replied that he is from the Bethlehem area so they would lump together any inspections needed on a weekly basis. He cautioned that if the Borough opts out it could be 180 days before they could get in the program. He has heard discussion regarding municipalities opting in to maintain some control and as a way to help and service the residents of the communities. Kerry asked for a rate schedule. Charlie to provide a fee schedule to the Borough office.

## **REPORTS**

1. EMS – Tom Knitter reported that Joe Dell’Alba broke his leg and has been out of circulation so Tom has no numbers to report on tonight, but will provide those figures at the next

meeting. He asked that a parked tractor-trailer adjacent to the Ambulance driveway be moved back so that there is a clear site when the ambulances have to pull out onto Broadway. Kerry will talk to the owner of the truck.

2. Police – George Hinton reported that the Chief was out around the neighborhood tonight talking to residents for the Park watch. The Police have been running speed traps around town. George stated that at the last Council meeting, Council made a decision regarding parking personal vehicles in Borough garages for Ambulance, Fire Company, Police and Street worker. George contacted the Borough insurance company and there is no problem with it. He stated that he felt Council acted in haste and that the motion should be rescinded. Mitch replied that he understood the problem to be there are personal vehicles in the garages while Borough vehicles are sitting out. Chief Armitage stated that two officers have had their personal cars vandalized while on duty and there has never been a police car vandalized.

**On motion** by George Hinton to rescind the motion of last meeting and seconded by Scott Parsons. Roll call vote taken. In favor: T. Curcio, K Gassler, G. Hinton, S. Parsons, K. Skorochood. Opposed: M. Mogilski. Motion carried with a vote of 5-1.

3. Streets – George Hinton reported that the street sweeping has been scheduled for the week of May 3, 2004 and will continue all week. They received a quote from Elegant Lawn Care for \$75.00 per hour. In the past, Forks Township has provided the service, but they are unable to this year.

**On motion** by Mitchell D. Mogilski, Sr. to hire Elegant Lawn Care and seconded by George Hinton. Roll call vote taken. Motion carried unanimously.

George reported that he hopes to have the alleys in the Borough graded and rolled beginning the week of May 17, 2004. He asked that this the street sweeping and the grading of the alleys be announced in the May newsletter.

George would like to move ahead with the traffic light on Third Street. Ron reported that he meet with the Street Committee and suggested that on the southeast corner of the intersection the turning radius be improved for northbound traffic turning onto East Third Street especially the turning school buses. George stated that he spoke to a few of the neighbors on Third Street that would be directly affected. He suggested making Third Street one way up with parking on both sides, no parking on the north west side of Third Street and west west side of Washington Street on the corners and making Second Street a two-way street with right turn only and First Street two-way with right turn only. Anyone making a left turn would have to use Third Street. On the east side of Broadway, First and Second Streets would be right turn only and force the traffic to the light to make a left onto Broadway. Ron asked Council to make any physical improvements so that a rough layout can be made and a budget set for the light. Kerry said that the original intent was to take the funds out of the general account for a light only. Ron asked that this be placed on the agenda for May 3, 2004. Ron DeCesare owns the lot of the corner of Third and Broadway and he is willing to talk to create a win-win situation as long as it does not hurt the car lot.

4. Finance – Kerry Gassler reported nothing at this time.

5. Administration – Winton Male was absent.
6. Zoning – Kerry Gassler reported that Mr. Matlock asked for a continuance of his hearing. Maraman Associates to put a rental building up on their property and they needed a special exception variance and a variance for a fence which the neighbors requested and they received that variance. Their next stop is land development. The property is located on Alpha Road and Alpha Avenue across from Mr. Matlock. Mr. Matlock will return to Zoning next month.
7. Planning – Scott Parsons reported that Kerry Gassler's plan moved through the Planning phase and is on Council's May agenda for conditional approval.
8. Parks and Recreation – Karen Skorochood reported the water has been turned in the Park and she thanked John Zucal. The girls' backstop has been moved. She thanked George Hinton for attending the Park Board meeting to address some of concerns the board was having. She stated that a vacancy still exists on the Park Board. George informed Council that the infield mix has been delivered for the softball field. MSG would like to do this project on Saturday. They will be donating their equipment and their labor, but they need help from approximately five to six adults. Ralph Stampone to contact Tony Borger and Cathie Yob to inform them. George asked that the fence on the right baseline be looked at because it is rolled on the bottom and could be a potential problem.
9. Fire Company – Mitch Mogilski reported that the Fire Company responded to 19 alarms in March for a total of 45 for the year. George and Jeff are working with some areas businesses for the picnic. They have two new members: Mike Brubaker and Sean Marsh. They held elections and elected Randy George as Fire Chief and Jeff Thomas as First Assistant. They have no Second Assistant at this time.

**On motion** by Mitchell D. Mogilski, Sr. to approve the Officers and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.
10. Sewer Authority – Scott Parsons reported that Saturday, March 27, 2004, Council was invited to the Sewer Plant. He thanked Mr. Levits and Terry Miklas for the tour, as it was very informative. Ron DeCesare gave Scott a copy of the annual completed Municipal Waste Load Management Report; it includes a map of every line and every manhole. He distributed the monthly Wind Gap Municipal Authority report for the period February 25, 2004 to March 24, 2004. They received a letter from PennDOT stating that they are going through with the improvements at the Route 512 and Route 33 Interchange. They hired a new employee. The Jacobsburg Road Sewer Extension has been discussed at a meeting, but they have heard nothing since. Ron stated that at some point someone will be up to see the Authority and Council about extending the territory, the Act 537 Plan. Ron asked is they could be informed regarding the project east of Wind Gap related to the possible expansion of the plant. Scott informed Ron that if the Municipal Authority needs anything published in the newsletter to let Millie know. Ron Madison added that he had a meeting today with Kevin Harwick, Engineer from Keystone Engineering, who represents Plainfield Township. Plainfield Township did receive a full submission to their Planning Commission, but the issue was tabled until next

meeting because they Commission did not have sufficient time to review the Engineer's letter. The Borough should receive their full set of plans tomorrow for the May's Planning Commission meeting.

11. Insurance – Winton Male was absent.

12. Land Use Committee – nothing to report.

13. 911 – Tony Curcio reported that he met with Dick Teasdale, Director 911, and had a complete intensive tour of the 911 Facility. Tony received a copy of the current frequency certificates for file in the Borough office. They are anticipating moving out of upstairs by the end of June. They will try to salvage some of the equipment.

## **Mayor's Report**

In the Mayor's absence, Kerry reported that the Police responded to 122 calls in March, including 17 motor vehicle accidents and they issued 41 traffic citations and four parking tickets. Contractor's licenses collected in March were \$125 for a year to date total of \$1,325. There were 18 requests for police reports.

## **APPROVAL OF MINUTES**

**On motion** by Karen Skorochood to approve the minutes of April 5, 2004 and seconded by Mitchell D. Mogilski, Sr. Roll call vote taken. Motion carried unanimously.

## **PUBLIC COMMENT**

1. Pat Sutter asked why nothing gets in the paper that happens in Wind Gap. The Chief replied that there was an article regarding vandalism on Alpha. Pat stated that everything should be in the paper, so people can protect their property and they know what is happening in their neighborhood.

2. Paul Levits asked in relation to the Uniform Construction Code, if one of the floodlights goes out in the Park, and it is more than the bulb. Would something like that have to be inspected? Ron replied that he would guess that it would be a maintenance item. The Code is a thick document and there are firms who specialize in this area. The Commonwealth of Pennsylvania is mandating the Code and it will take some time to find out where the loopholes and the problems are in the ordinance. Paul questioned if government is going to be exempt for a lot of these requirements? Ron replied that currently municipalities are exempt from their Zoning Ordinance and SALDO. Municipalities in a good faith effort do subject themselves to the same ordinance the residents are required to follow.

3. Kay Stampone stated that in the last newsletter that came out there was information about Dean's List for Penn State, how does it come about being in the newsletter? Kerry stated

that the information has to come to Millie and he will ask who gave her the information. Mitch stated the information regarding Penn State came from him and was taken from the Pocono Record.

4. Tom Knitter asked if the Uniform Construction Code is just for new construction? Kerry replied that it includes almost any construction. Tom stated that there are a few houses that are real eyesores in the Borough; can anything be done about them? Kerry replied that this would come under a maintenance code. Mr. Zito added that if it is a nuisance issue for the Borough, then the Borough could take action under nuisance provisions under the Borough Code. Kay asked how to go about getting people to clean up their yards, which are full of old, cars, boats, and trailers. Kerry replied that it is a zoning issue and would have to be addressed by the Zoning Officer.

5. Bob Matlock stated that he did not understand why Council would rescind the original motion regarding the parking of personal vehicles in the garage. He stated to have the Chief's car in there so it is free it from vandalism, snow or rain is ridiculous. He added that the Chief is an employee of the Borough and Council is letting him run the town and it just isn't right. Bob brought this up specifically in regard to the Police, not the Ambulance or the Fire Company. George asked Mr. Matlock if he is truly concerned about the police cars or is he just having a problem with the Chief or the Police Officers. Bob replied that he helps to pay for the police cars and help to pay for his wages. Kerry stated that the decision is the consensus of Council. The motion was for Borough buildings not just the Police Department.

## NEW BUSINESS

1. County Bond – Approval of Invoices. NAPER Developer, Inc. submitted a bill for the following: Lehigh Valley Planning Commission, SALDO and Stormwater Review, \$2,060, Plainfield Township Basic Application \$250, Review Escrow \$2,650, Borough of Wind Gap Preliminary Plan Review \$500, Wind Gap Municipal Authority Sewer Escrow \$2,500, Borough of Pen Argyl \$5,000.

**On motion** by Tony Curcio to approve the invoice from NAPER Development for permit and review fees in the amount of \$12,960 and seconded by Scott Parsons. 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.

Council discussed the engineering bill received from NAPER engineer, Pidcock. Ron explained that in the grant application there was an original cost estimate that had certain funds designated. The original estimate for permitting was \$25,000, with the approval of the bill tonight the monies spent are \$15,000, the Feasibility was budgeted at \$8,000 and \$8,000 has been spent. The budget for engineering was \$110,000 and the bill submitted for approval tonight would bring that to \$127,200. Ron stated that he is not sure whether Council can approve this bill. He suggested the possibility of approving the engineering bill up to the \$110,000 and the developer would be responsible for the remaining portion of the bill. During the review process

Wind Gap, Plainfield Township, Wind Gap Municipal Authority, and Pen Argyl Sewer Authority will all incur engineering review fees and the cost was to be covered by the grant funds. Ron suggested having this developer set up an escrow account with the Borough. Kerry stated that the Borough's SALDO does not require an escrow account. Len stated that it might be prudent to have an escrow account. George asked that this issue be tabled. Kerry appointed a committee: Chair - Tony, George and Scott to follow the project and to meet with John Kingsley of Northampton County. Ron suggested including Plainfield Township in the meeting since they are currently in the process of reviewing the plan. This item to be put on the May 3, 2004 meeting.

2. Families First Donation – **On motion** by Mitchell D. Mogilski, Sr. to approve releasing the budgeted \$500 donation to Families First and seconded by Karen Skorochood. Roll call vote taken. Motion carried unanimously.

3. LVPC Act 167 Questionnaire. Hanover Engineering completed the questionnaire on behalf of the Borough. Ron asked for any further input from Council. **On motion** by Scott Parsons to approve the Lehigh Valley Planning Commission Act 167 Questionnaire and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

## OLD BUSINESS

1. PennDOT Third Street Paving Project. Ron reported that Hanover Engineering submitted two Highway Occupancy Permit applications – one for Third Street project and the other for the Woodward and Lehigh intersection. Ron contacted Marie Christman regarding the paving of Third Street and asked to hold off on the paving until the Borough has their project completed. She informed him that if it cannot be completed this year, it would be put on hold until next year. Once Ron receives the HOP from PennDOT, then Hanover can move forward on the plans and make any modifications. He can then proceed with formulating a bid package once he hears back from Bernie and what PennDOT is willing to offer in the way of material and/or labor. Hopefully the project can be awarded mid June.

2. Park Restroom. Ron reported that Council gave Grace Industries an ultimatum at the last Council meeting to complete the repairs to the restrooms by April 9. They were granted an extension until Monday, April 12, 2004 so their plumber could look at the problem with the urinal and the one toilet. Ron stated that they are still not working properly and suggested that at this point, Council hire their own plumber and withholds any expense from the retainage being held by the Borough. Grace Industries is suing their supplier (A to Z) for failure to meet their contractual agreement; A to Z is suing Grace Industries for failure to pay for the restroom. Ron suggested keeping all the parts so that they could be returned to Grace once the restrooms are fixed. George asked if any time spent by Borough employees related to the repairs could be deducted? Ron replied it depends on how well it can be documented. Len added that damages arising out of the consequences could be assessed. Kerry asked John to keep track of his time in the Park related to the repair of the new Park restroom.

**On motion** by George Hinton to hire a plumber, James Trach Plumbing, and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

3. Mitch stated that since Council rescinded the motion regarding parking personal vehicles in the garages, could the Wind Gap Ambulance Corps be signed the lease. Kerry replied that the Board meets this Thursday and will be reviewing the lease.

Kerry encouraged all Councilpersons to try and attend the Concern Citizens meeting at the Wind Gap Fire Hall on Wednesday, April 21 at 7:30 p.m.

**On motion** by George Hinton to adjourn the meeting of April 20, 2004 and seconded by Tony Curcio.

The meeting of April 20, 2004 adjourned at 9:15 p.m.

1. \_\_\_\_\_  
Louise Firestone, Secretary / Treasurer