

**BOROUGH OF WIND GAP  
29 MECHANIC STREET  
WIND GAP, PA 18091  
863-7288  
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The Council meeting of the Borough of Wind Gap on Tuesday, July 6, 2004, was called to order at 7:30 p.m. by Council President Kerry Gassler, at which time he reminded those present that the meeting was being recorded. In attendance were Councilpersons: Winton Male, Jr., 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.

### **APPROVAL OF MINUTES**

Tabled until July 20, 2004 meeting.

### **APPROVAL OF EXPENDITURES**

**On motion** by Mitchell D. Mogilski, Sr. to approve the expenses in the amount of \$36,222.12 and seconded by Tony Curcio. Motion carried unanimously.

### **Public Comment**

None

### **Solicitor's Report**

Len Zito reported that on July 2, 2004 the Senate confirmed his appointment to the Bench of Northampton County to fill the unexpired term created by the election of Judge Panella to the Superior Court. His term will be for 18 months and expire on January 1, 2006. He stated that he felt honored since no one from the Slate Belt has ever served on the bench. He invited all present to represent Wind Gap at his swearing in ceremony. Len introduced Alyssa Lopiano-Reilly who he has assigned to serve Wind Gap in his absence, but he will still have the ability to supervise the work during his transition. He stated that he plans to return to serve the Borough of Wind Gap at the completion of his duties as a Common Pleas Judge in Northampton County. He reported that Mr. Grefe would pay off his fine in installments.

### **Engineer's Report**

Ron Madison reported on the Third Street Drainage project. In a letter dated July 1, 2004, Ron outlined the following: PennDOT has awarded a paving contract for East Third Street, PennDOT would prefer that all related work be completed prior to this paving project;

new storm sewer, new curb, the encroaching tree removal and the S.R. 512 signalization. Brian Boyer, PennDOT, confirmed to Ron that the Borough could request a modification of the Highway Occupancy Permit to remove the work hour restriction of 9:00 a.m. to 3:00 p.m. Also that the trench restoration could be limited to BCBC base since the road would later be overlaid. These permit modifications would presumably allow the contractors to lower their bid prices. Ron confirmed with Marie Christman that the awarded paving contractor has no problem holding over his contract until next year. Based on this information, Hanover Engineering Associates recommended rejecting all four bids received in accordance with the Contract Specification Section 00200-18a.

**On motion** by George Hinton to reject all bids and seconded by Scott Parsons. Roll call vote taken. Motion carried unanimously.

Mitch asked why the tree removal was included in the contract? Ron replied that this had been discussed at a meeting with the Street Committee. It was decided to have the tree professionally removed. Mitch stated that this tree removal would be done at taxpayer's expense if it is removed during the work by the contractor. Ron acknowledged this, but stated that it was put in the specifications as separate line items so the Borough would have the ability to assess the cost to the property owners at a later date. George informed Council that Victor Zucal has been informed that if the cost is not reimbursed to the Borough a lien would be put on his property. The Mayor and Kerry concurred that Victor was informed. Winton asked if the Borough has an obligation for the tree removal? Kerry said that under the street is the responsibility of the Borough. Len added that there is no difference between the root system under the street as there is of a branch system. If a tree exists on your property with branches that encroach over your neighbor's property you have no right to own, but if you permit them to be there you are responsible for them. If the Borough is responsible for what is underneath the street, it must be removed if is necessary to improve the street. Ron suggested at this point he does not recommend having Victor Zucal remove the tree. Kerry added that it is easier to remove the tree with the root system attached so that when the tree comes down the root system will come out at the same time.

Ron reported on the Lehigh/Woodward Drainage project. Similar to the above, Hanover Engineering Associates recommends rejecting the bids to do this project.

**On motion** by George Hinton to reject the bids and seconded by Karen Skorochood. George modified his motion to include making any modifications to the specs in December so the projects can be put out to bid in January 2005. Roll call vote taken.

**SALDO Update.** Ron reported that the Planning Commission suggested that a meeting should be held with Council and the Planning Commission for the sole purpose of reviewing the draft SALDO prepared by Hanover Engineering Associates. It was decided that Thursday, July 29, 2004 at 7:30 p.m. would be suggested to the Planning Commission as a possible date for the mutual meeting.

**Slate Belt Industrial Park – Traffic Impact Study Issue.** Ron referenced his July 2, 2004 letter regarding the traffic study. There are two specific issues with regard to the traffic impact study. One issue is in regard to including the anticipated Wal-Mart lots in the Traffic Study as Light Industrial, Commercial, or vacant land. The other is off-site improvements to the intersection of SR 512 and SR 115. The Pidcock Company, at the direction of their client, left out lots 4 and 4A, which are rumored to be the Wal-Mart. The problem with ignoring those

numbers is that it artificially decreases the traffic generated by the shopping center. The justification for not including those numbers is because Wal-Mart will do their own traffic count. The developer, Nolan Perin, did not want bond money used for engineering the Wal-Mart traffic study. Ron stated that from an engineering standpoint, you must look at the worse case scenario. There is not a major increase in engineering cost to calculate the numbers for the traffic that would be generated by the Wal-Mart. Even if the count is ignored for lots 4 and 4A, Pidcock should evaluate and provide recommendations to mitigate the depressed levels of service at SR 512 and SR 115. Kerry asked what Plainfield Township is looking at this? Ron stated that he has not received a detailed review of the traffic study. Wind Gap at this point is a step ahead of Plainfield Township. Hanover has copied PennDOT on correspondence because the developer will have to eventually go to PennDOT for approvals also. Ron recommended to Council to request that the worse case scenario be analyzed including lots 4 and 4A. Ron explained that as each lot is developed, that individual developer is required to complete a traffic study.

**On motion** by George Hinton to require the traffic study to include the worse case scenario regarding commercial lot 4 and 4A development and seconded by Tony Curcio. Roll call vote taken. In favor: W. Male, M. Mogilski, K. Skorochood, T. Curcio, G. Hinton. Opposed: S. Parsons, K. Gassler. Motion carried with a vote of 5-2.

Winton expressed his concern regarding the inferiority of the road. Ron stated that the road is being built to Plainfield Township standards, which are superior to Wind Gap's standards. Hanover made a recommendation to add another layer of binder, but there is no criteria requiring them to do so.

Scott stated he wants to make sure that the traffic study that will be done by National Realty Development is not paid for out of this bond money. Ron explained that Council is asking the engineer to change numbers requiring approximately one hour of work because there is no more field work required to come up with the revised numbers.

## EXECUTIVE SESSION

Council adjourned to Executive Session at 8:28 p.m. to discuss Manor Haven Corporation vs. the Borough of Wind Gap and settlement proposal tendered by Grace Industries. Council reconvened at 8:45 p.m.

**On motion** by Scott Parsons to authorize Hanover Engineering Associates to review the Towns at the Gap project specific to their letter dated July 1, 2004 under General Comments require item #2 (off-site improvements), item #3 – A copy of the Homeowners' Associations document must be reviewed by the Borough, prior to Final Plan Approval, under the Zoning Ordinance, #2 Section 308.E.3, under the SALDO, waivers granted for #3 Section 4-3-4.7 and #8 Section 6-4-4.1 and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

## NEW BUSINESS

1. Tracy Achenbach Request for Parcel Combination. **On motion** by Mitchell D. Mogilski, Sr. to allow Tracy Achenbach to combine two parcels of property and seconded by Karen Skorochood. Roll call vote taken. Motion carried unanimously.
  
2. Wind Gap Athletic Association Budgetary Contribution. **On motion** by Karen Skorochood to release the \$1,500 to the WGAA and seconded by Tony Curcio. Mitch stated that in the past, Council paid the WGAA's liability insurance with the money because Council had been notified that the WGAA had not paid their premiums. Mitch requested that Council make sure that the WGAA has paid their premium before releasing the funds.  
**Amended motion** by Karen Skorochood was to release the \$1,500 upon receipt of proof of insurance coverage and seconded by Tony Curcio. Roll call vote taken. In favor: K. Skorochood, T. Curcio, K. Gassler, G. Hinton, S. Parsons. Opposed: W. Male, M. Mogilski. Motion carried with a vote of 5-2.
  
3. County Bond – Approval of Invoice. Tony reported that the committee received a bill from Hanover Engineering Associates, Inc. for service rendered for period May 8, 2004 through May 28, 2004 in the amount of \$213.30. **On motion** by Tony Curcio to approve the invoice in the amount of \$213.30 and seconded by George Hinton. In favor: T. Curcio, K. Gassler, G. Hinton, W. Male, S. Parsons, K. Skorochood. Opposed: M. Mogilski. Motion carried with a vote of 6-1.
  
4. Sound System. Borough Council only received one bid for the microphone system and that was from Music Scene.  
*Music Scene – 8 wireless mic system, 8 batteries, 7 mic stands, 1 floor mic stand, 8 wireless mic holders, 1 PA amplifier with mixer, 3 8" 2-way coaxial ceiling speakers, labor, premium 2660 joule surge suppressor, 1 tape recorder with auxiliary input to record from all 8 mics - \$3,325.00*  
Mitch also contacted – City Entertainment Systems – no reply, Blue Chips Sight and Sound – no reply, Law Sound and Lighting – they gave bid last time, but they do not get involved with wireless systems.  
**On motion** by Mitchell D. Mogilski, Sr. to accept Music Scene's bid of \$3,325 and seconded by Scott Parsons. Roll call vote taken. Motion carried unanimously.
  
5. Grace Industries. **On motion** by Scott Parsons to reject Grace Industries offer to settle the litigation and seconded by Karen Skorochood. Roll call vote taken. Motion carried unanimously.

## OLD BUSINESS

1. Uniform Construction Code Ordinance Enactment. Len Zito reported that there are separate documents ready for signature. The first is Ordinance 440 adopting the Uniform Construction Code. The second is a resolution for the Borough to enter into an agreement with the Slate Belt Council of Governments to provide an appeal process. Mitch asked where Council stands if they decide not to adopt the ordinance? Len replied that effectively Council is

not following through with their decision to opt in and therefore, Council is opting out.

**On motion** by Tony Curcio to adopt Ordinance 440 and seconded by Karen Skorochood. Roll all vote taken. Motion carried unanimously.

**On motion** by Mitchell D. Mogilski, Sr. to adopt a resolution authorizing the Secretary of Borough Council and President of Borough Council to enter into an intermunicipal agreement with the Slate Belt Council of Governments for the enforcement and provide an Appeals Board as required by the Uniform Construction Code and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

2. Renee Schinstine stated that she is attending the Zoning Hearing Board tomorrow night and wanted clarification tonight from Council. She would like to reconsider the offer made by Council for the condemnation. She was not aware that there was a subsequent offer that amounts to half of the original offer. Len concurred that Mrs. Schinstine had obtained an appraisal that was later amended to \$3,150. She did not receive the amended appraisal from her advisors and when she received Council's offer she asked if she could reconsider the amount. Renee asked Council if they would help her with the bridge? Len recommended that Council consider monetary compensation for this condemnation rather than in-kind services. Ron stated that he has no estimate at this time for the materials. He could calculate the cost of the materials based on the bid results from this project. Once Ron has the width of the driveway he will be able to figure the necessary materials and the cost. Kerry asked if the numbers would be available for the mid-month meeting? Ron replied that as soon as he has the width he could provide the estimate.

3. Kerry stated that the Borough needs to put in place a Third Party Inspector and so he appointed Tony Curcio, Chairman, Karen Skorochood and Scott Parsons along with input from Zoning Officer, John Blick to review the applications submitted by several companies. The Borough has to be up and running by August 6, 2004.

4. George reported that the Metcraft fixtures were received for the Park restrooms, but the sinks were push button pneumatic valves. Currently there are faucets in the restrooms. George asked for direction from Council regarding returning the push button and ordering the turn faucets.

**On motion** by George Hinton to return the push button pneumatic valves and order the deck sinks and seconded by Scott Parsons. Roll call vote taken. Motion carried unanimously.

**On motion** by to Tony Curcio adjourn the meeting of July 6, 2004 and seconded by Scott Parsons. The meeting of July 6, 2004 adjourned at 9:19 p.m.

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Louise Firestone, Secretary / Treasurer