

**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, June 15, 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 Council members: Winton Male, Jr., Karen Skorochod, Mitchell D. Mogilski, Sr., George Hinton, Scott Parsons, Tony Curcio. Also in attendance Mayor Kenneth George and Secretary/Treasurer Louise Firestone.

## **GUEST**

1. Tim Edinger, BASE Engineering, Third Party Building Code Services. BASE Engineering is a full service certified third party agency providing multiple certified inspectors for residential, commercial, industrial and institutional construction. Their building codes department offers experience, diversity and dependability. BASE has been a full service inspection agency since 1996. BASE provides services to municipalities through out the Lehigh Valley and the Poconos. Recently, they were retained by Smithfield Township to establish a building code department. They have also been retained by Palmer Township's building code department. Their inspectors are already certified. The Uniform Construction Code is state driven so all regulations will be consistent. Mitch asked why the inspectors shouldn't have today's tests and not what work a couple years ago in reference to their qualifications? Tim replied that the testing that is done now is put together by BOCA's International out of Chicago. The vast majority of the technical information is the same, but the administration guidelines now being different. Municipalities are setting up their Zoning Officer to go take the examination and become the designated Building Code Official. The Official has to coordinate all the permits for grading, sewerage, driveway and the building permit. Tim provided Council with a comprehensive proposal and BASE Engineering's qualifications and capabilities for review. Mitch asked if an inspector is found to be deficient, who pays for the cost to re-do everything? Tim replied that the way the Act is set up, the municipality has Tort protection, so he advised Borough Council to confer with the Borough Solicitor. Scott asked how many people in the firm are certified and what did the firm have to do? Tim stated that the proposal includes the certified employees of BASE. Labor and Industry still reserve the right to inspect boilers and elevators. BASE provided a list of all certified people/companies in the State. This Code was promulgated by the Federal Government through the National Disaster Partnership Act and this was really started by Hurricane Andrew. Pennsylvania was only one of five states in the United States that had not pass some sort of building code. George stated that \$735 for new residential package and \$50 an hour if the inspector has to come back adds a lot to the cost so the homeowner should be made aware of this additional cost. Tim told Council that BASE will keep their prices uniform for all municipalities so that the contractors have an idea how much the fees will be. There is continuing education for the inspectors to keep their certification. Tim offered to be available for

any further questions. Kerry stated that Council will make a decision and he will be informed of the decision.

2. Nolan Perin – Slate Belt Industrial Road. Mr. Perin introduced himself and his engineer, Dennis Harman, The Pidcock Company. Nolan stated that he is in receipt of the letter from Mr. Madison, Hanover Engineering, dated June 8, 2004 and would like to discuss and clarify some of the points raised by Borough Council.

The points of discussion were as follows: 1. The proposed Industrial Drive centerline alignment should not be shifted northward. The road design should remain located on the land currently owned by the Developer. 2. The proposed Industrial Drive should have curbing on both sides within the Borough. 3. The proposed Industrial Drive should have sidewalk on at least one side within the Borough. 4. The proposed Industrial Drive should have a pavement cross-section equal to that required by PennDOT for state roads. 5. A berm and landscape buffer should be provided along the proposed Industrial Drive to protect residential properties.

**On motion** by Tony Curcio to change the buffer to the evergreens without a berm and seconded by Scott Parsons. Roll call vote taken. Motion carried unanimously.

**On motion** by Scott Parsons to install 4' macadam walking path and seconded by Tony Curcio. Roll call vote taken. In favor: S. Parsons, T. Curcio. Opposed: K. Gassler, G. Hinton, W. Male, M. Mogilski, K. Skorochood. Motion did not pass with a vote of 2-5.

**On motion** by Mitchell D. Mogilski, Sr. to install concrete sidewalks and seconded by Winton Male. Roll call vote taken. Motion carried unanimously.

There may be a storm drain that goes directly under the Cramer building, but they need to get on the GAF property to do a survey. They have to wait for approval from GAF Corporation to do the necessary survey. Mr. Perin is willing to do the pipe, but does not want to hold up the project. Kerry suggested that it be put as a condition on the plan.

**On motion** by George Hinton to grant a few day extension to get the plans through as needed, by Friday, June 18, at noon and as a condition of the plan, the pipe going under the building and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

Winton asked if the road base would be constructed to PennDOT specification for a road that will be carrying that much traffic. Dennis replied that the plans exceed the standards in Wind Gap's SALDO and conform to Plainfield's standards. Winton asked if the plans are exceeding Plainfield's standards? Dennis said that he is not sure if they exceed Plainfield's, but it does exceed Wind Gap's. He added that they are proposing 6" stone, 5" bituminous base course, 2" binder course, 1 ½" wearing course – 8 ½" of blacktop. A typical residential street there would be 3 ½" of blacktop on stone. Interstate road is 15" of blacktop. This exceeds the minimum PennDOT State highway, which is 6" stone, 4" bituminous base course, 2" binder course and 1 ½" wearing course. He will confirm that this the road will accept heavy truck use. Winton is concerned about the Borough having to continually repair this road. Mitch asked Dennis to his knowledge is PennDOT taking over this road? Dennis replied to his knowledge he is not aware of PennDOT taking over this road. George stated that at a recent PennDOT meeting, they want the Borough to take over Third Street.

After discussion and motions the following summarizes Council's decisions:

- The proposed Industrial Drive centerline alignment should not be shifted northward. The road design should remain located on the land currently owned by the Developer. They will resubmit for next Planning Commission meeting – **Okay**
- The proposed Industrial Drive should have curbing on both sides within the Borough – **Keep on both sides**
- The proposed Industrial Drive should have sidewalk on at least one side within the Borough – **Concrete sidewalk on one side.**
- The proposed Industrial Drive should have a pavement cross-section equal to that required by PennDOT for state roads – **Pidcock stated that the design exceeds Wind Gap's standards**
- A berm and landscape buffer should be provided along the proposed Industrial Drive to protect residential properties – **Change buffer to evergreens without a berm.**

## COMMITTEE REPORTS.

1. EMS – Karen Skorochood reported that the Ambulance Corps is still having problems with a tractor-trailer that is being parked next to the Ambulance property. She looked up the regulations and it states that no vehicle should be parked within 20' of a driveway entrance to a building, however if signs are properly posted that can be amended to 75'. She asked how this could be posted? Kerry and George will discuss with Bernie Corbett, PennDOT, regarding erecting a sign for no parking 75' since it is a State road.

2. Police – George Hinton reported that a meeting is set up to go over some questions the Police have asked.

3. Streets – George Hinton reported that he brought up about the curbing on East West Street at the previous meeting. He asked for guidance for the Street Committee to follow up on this project. The curb should extend to the end of the Park property, which is approximately 120' to 150'. The second issue is putting gabion rock on the other side. A depressed curb should be put in so the water will run over it. Right now the water runs to the end of the curb and funnels over the bank and it swirls and it is washing out the under base of the road. The road is starting to break away. If a curb is only installed for 80' the water will go there and wash out past that point.

**On motion** by George Hinton to install curb to the other side of the driveway and have Ron prepare the specs for the curb and seconded by Karen Skorochood. Roll call vote taken. Motion carried unanimously.

**On motion** by George Hinton to put the curbing out to bid and seconded by Scott Parsons. Roll call vote taken. In favor: S. Parsons, K. Skorochood, T. Curcio, K. Gassler, G. Hinton, W. Male. Opposed: M. Mogilski. Motion carried with a vote of 6-1.

**On motion** by George Hinton that the Borough's Street Department picks up the gabion rock and places the gabion rock in the swale on the north side of East West Street and seconded by Mitchell D. Mogilski, Sr. Roll call vote taken. Motion carried unanimously.

Finance – Kerry Gassler reported that he contacted Jim Ertle this morning. They do

know what they are doing with the property at this time. He asked them if the Borough could possibly write a small lease so the Borough could go in and extract the water from the quarry for the Agility Program. Winton stated that if the Borough is not going to Woodward and Lehigh and Third Street this year, he suggested buying that property now. The Borough could realize an approximate income of \$10,000 in trade with PennDOT through the Agility Program. It would also be an attractive addition to the Park for tourist and access to Longcore Road and a walking trail. George stated that he would be concerned about the liability issues of the land around the quarry. He asked Winton to contact the insurance company and come back with numbers to insure the property.

4. Finance – Kerry Gassler reported that Mitch would be in charge of Finance along with Kerry.
5. Administration – Winton asked if the Quarry Condemnation could be discussed. Winton stated that he has received many compliments on the Borough map. Council concurred that many compliments have been received. Louise worked to complete this project for a couple years.
6. Zoning – Tony Curcio reported that a Zoning Hearing Board was held on June 2, 2004. The case was 5-2004 for Robert and Laura Stasak involving 6' fence and minimum yard setback. The hearing board granted the variance.
7. Planning – Scott Parsons reported that there was no planning meeting.
8. Parks & Recreation – Karen Skorochoch reported that there still exists a vacancy on Park board and please continue to advertise. In lieu of a regular July and August meeting, they will combine the meetings on July 27, 2004 at 7:30 p.m. at the Park.
9. Fire Company – Mitchell D. Mogilski, Sr. reported next meeting is Monday. The picnic is July 24, 25, and 26. Ladies Auxiliary purchased a new refrigerator; it was delivered and installed today.
10. Sewer Authority – Russ Deiter distributed his Authority report and asked if Council had any questions. George reported that there have been meetings with the utilities the past two Mondays regarding the bridge down by Wendy's. The utilities are all suppose to move their lines away from the bridge. The Sewer Authority has two lines down there and it may prove to be costly. Some of the lines are original pipes and there is concern that once the heavy equipment comes in and dig they may fracture the pipes. The project is expected to start early spring of 2005.
11. Insurance – Winton Male reported that the renewal medical insurance for employee/spouse is \$11,900/year, or a 31% increase, \$229/month, family is \$15,312/year, or a 21% increase, \$221/month. Winton asked Council to give some thought when discussions regarding hiring new employees come up. Kerry added that this must be considered during the upcoming

contract discussions. Currently the Borough is obligated to 100% coverage of medical insurance and co-pay is something that has to be thought about.

12. Land Use Committee – nothing to report.

13. 911 – Tony Curcio reported he was asked by President Gassler to get some information regarding calls handled for the retail stores on 248. The Chief of Colonial Regional provided the following numbers: January 2003 through May 2004 there were 530 911 calls, Wal-mart from January through October 2003 29 retail thefts calls, all other store incidents 417. Kerry asked Council to keep these numbers in mind when discussions occur with Wal-Mart regarding offsite improvements.

## Mayor's Report

Contractor's license collected in May was \$100 for a total of \$1,625 for the year and \$100 for a transient license for a total of \$1,625 collected year-to-date. The Police responded to 135 calls in May, issued 17 traffic citations and responded to 12 motor vehicle accidents. There is a COG meeting tomorrow starting at 7:30 p.m. and he asked if Council has a consensus that they are interested in being a part of the Appeal Board for the Uniform Construction Code through the COG. The Mayor reported that he completed the recycling performance grant. Discussion about the weeds and the need to enforce the ordinance. People don't cut their weeds, a letter is sent giving them seven days, when they don't cut the weeds the Street workers are sent out to do the cutting. The Borough can charge for the cost plus 20%. Another clause in the ordinance allows for a citation to be issued for violating the ordinance and maybe this should be used for repeat offenders. Council in agreement that the ordinance should be enforced as is since the ordinance was revised in 1997. The Mayor suggested citing the property owners when they do not abide by the ordinance. Karen suggested taking pictures for proof to back up the claims. George to get with Millie, get a case history on some of the properties and see where that leads them.

## APPROVAL OF MINUTES

**On motion** by Karen Skorochood to approve the minutes of May 18, 2004 and seconded by Scott Parsons. Roll call vote taken. Motion carried unanimously. Tony stated that Mr. Matlock actually withdrew his application so no continuance of the Zoning Hearing Board is necessary.

## PUBLIC COMMENT

None

## NEW BUSINESS

1. Tree Removal on Third Street. Mitch stated that the tree is on private property, but was

included in the contract. He asked if the Borough has it removed, a lien should be put against his property. George stated that the center of the tree is in the curb and part of the road. Kerry added that PennDOT wants it removed so the road can be paved. Mitch stated that he does not feel that the Borough should not take of problems with Borough money. The cost to remove the tree, bring the road back up to grade would cost more than \$600. Mitch asked that this be tabled so that everyone has the opportunity to take a look at the tree.

2. County Bond – Approval of Invoices. **On motion** by Tony Curcio to approve Invoice 8 from The Pidcock Company in the amount of \$22,353.50 and seconded by Scott Parsons. Roll call vote taken. In favor: K. Gassler, G. Hinton, W. Male, S. Parsons, K. Skorochood, T. Curcio. Opposed: M. Mogilski. Motion carried with a vote of 6-1.

**On motion** by Tony Curcio to approve Invoice 17894-1R for expenses from 4/1/04 to 4/30/04 in the amount of \$3,506.83 and seconded by Scott Parsons. Roll call vote taken. In favor: G. Hinton, W. Male, S. Parsons, K. Skorochood, T. Curcio, K. Gassler. Opposed: M. Mogilski. Motion carried with a vote of 6-1.

**On motion** by Tony Curcio to approve Keystone Engineering Invoice 74054 in the amount of \$3,762.50 and seconded by Winton Male. Roll call vote taken. In favor: W. Male, S. Parsons, K. Skorochood, T. Curcio, K. Gassler, G. Hinton. Opposed: M. Mogilski. Motion carried with a vote of 6-1. **On motion** by Tony Curcio to approve an invoice previously paid by Plainfield Township to their engineer, Keystone Engineering, in the amount of \$948.50 and seconded by Winton Male. Roll call vote taken. In favor: S. Parsons, K. Skorochood, T. Curcio, K. Gassler, G. Hinton, W. Male. Opposed: M. Mogilski. Motion carried with a vote of 6-1.

## OLD BUSINESS

1. Uniform Construction Code. Kerry reported that Council has to make a decision whether to opt in or to opt out. If Councils opts out they would just need to send a letter to Labor and Industry. If Council opts in Labor and Industry provided a sample ordinance, which needs to be drawn up for the July meeting.

**On motion** by Scott Parsons to opt in to the Uniform Construction Code and seconded by Tony Curcio. Roll call vote taken. In favor: S. Parsons, K. Skorochood, T. Curcio, K. Gassler, G. Hinton, M. Mogilski. Abstained: W. Male. Motion carried with a vote of 6-0-1.

The meeting of June 15, 2004 adjourned at 10:00 p.m.

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Louise Firestone, Secretary / Treasurer