

**BOROUGH OF WIND GAP
29 MECHANIC STREET
WIND GAP, PA 18091
863-7288
FAX 863-1011**

EXECUTIVE SESSION

Council convened prior to the meeting for an Executive Session at 6:30 p.m. They discussed litigation between the Borough and the Municipal Authority, litigation between the Borough and Manor Haven, Richard Keenhold, Jr., Richard Keenhold, Sr., and Danny Keenhold and the Park Drainage situation related to the Dentith litigation. Council took their seats at 7:16 p.m.

The Council meeting of the Borough of Wind Gap on Monday, March 1, 2004, was called to order at 7:16 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, Borough Solicitor Leonard Zito, Borough Engineer Ronald Madison and Secretary/Treasurer Louise Firestone. Absent was Councilman Winton Male.

Mayor Kenneth George arrived at 7:58 p.m.

APPROVAL OF MINUTES

On motion by Mitchell D. Mogilski, Sr. to approve the minutes of the December 29, 2003 meeting and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

On motion by George Hinton to approve the minutes of the January 15, 2004 special meeting and seconded by Karen Skorochood. Roll call vote taken. Motion carried unanimously.

On motion by Tony Curcio to approve the minutes of the February 17, 2004 meeting and seconded by George Hinton. Roll call vote taken. In favor: G. Hinton, S. Parsons, K. Skorochood, T. Curcio, K. Gassler. Abstained: M. Mogilski. 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 \$31,321.89 and seconded by Mitchell D. Mogilski, Sr. Roll call vote taken. Motion carried unanimously.

Public Comment

1. Russ Dieter, Chairman, Wind Gap Municipal Authority, stated that they signed on the agreed upon document and Authority Solicitor, John Molnar will hold onto this document. The Wind Gap Municipal Authority has decided to include one contingency to the agreement by

asking Council to re-appoint Paul Levits and Ron DeCesare to the Municipal Authority board. Mitch asked if the agreement is still valid if the re-appointments do not happen? Russ replied that there are projects that these two men are involved with and they need to be re-appointed to do their job. The signatures on the document are valid, but if they are not re-appointed the document will be destroyed. Russ said personally he does not know why Council would want to replace them. John Barto stated that they came to this meeting with a signed document and they want to expedite this other matter so these issues can be put to sleep. Mitch asked if the re-appointments of these two members are part of the agreement? John replied that these should be handled as two issues. The Authority wants to know where they stand on this so they can move on once this is resolved. He asked that it be made a public matter tonight so that it can be resolved so Mr. DeCesare and Mr. Levits know where they stand. Karen asked if there is any urgency to their request? John replied that by early April they have to notify their Counsel whether to drop the lawsuit or not and he understands that Scott will not be here for the March 16 Council meeting. Russ added that Paul and Ron are scheduled to have a meeting this Wednesday regarding the Jacobsburg Road sewer extension and if they are not going to be re-appointed, they are not going to continue to represent the Authority and put forth their best efforts. Len Zito added that the members of the Authority will continue to serve on a month to month basis until there is a formal appointment or re-appointment and they can continue to serve indefinitely. Russ stated that he understood that, but Council could appoint someone next month and they would be gone. John added that these members do not want to be left hanging for months in regard to their status on the Authority board. Kerry suggested that this topic be brought up later in the meeting so that Council can vote on it.

WHEN IT RAINS, IT DRAINS – HANOVER ENGINEERING PRESENTATION

Borough Engineer, Ron Madison, presented a slide show titled “When It Rains, It Drains – understanding storm water and how it can affect your money, safety, health, and the environment”. The presentation was an overview of our community’s new storm water management program. Ron explained that the Borough has received a DEP permit for MS4 National Pollution Discharge Elimination Permit. There are milestones that must be met, if milestones are not met, there are fines levied and if they are deliberate violations, there is possible jail time. It is a five-year permit, with the first year starting March 1, 2003 and ending March 9, 2004. One action is to appoint a representative to the Bushkill Creek Watershed Advisory Committee, a Lehigh Valley Planning Commission, appointed position from the Borough. That person will represent the Borough at the LVPC meetings when they update the Act 167 Storm water Management Plan. The LVPC is well-funded and they have modeled all the streams in the Lehigh Valley for Act 167 and now they are beginning to update those streams for the new regulations. They will do a bulk update by November so that it can be improved in December. It will satisfy a great deal of work for next year’s permit requirements. Another factor of the permit deals with construction activities and the County Conservation District will be monitoring this on behalf of the Borough.

On motion by Tony Curcio to appoint Scott Parsons to the Bushkill Creek Watershed Advisory Committee and seconded by George Hinton. Roll call vote taken. Motion carried unanimously.

Another action as part of this program is a public education program. The pamphlets that were mailed out and this meeting satisfy those criteria as they relate to MS4 program. Posters will be hung at Borough Hall and other locations in the Borough. Ron explained that as time goes on, the cost for monitoring would escalate over the years. DEP is requiring all municipalities in the urbanized areas as defined by the 2000 Census.

(Presentation attached as part of the minutes).

Mayor Kenneth George arrived at this time.

On motion by Karen Skorochood to adopt the map prepared by Hanover Engineering in accordance with the MS4 permit program and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

On motion by Tony Curcio to approve the Education Plan - Phase II Storm Water Management Program Public Education and Participation Plan and seconded by Scott Parsons. Roll call vote taken. Motion carried unanimously. (Attached as part of the minutes).

On motion by Karen Skorochood to approve the pollution prevention inventory list and seconded by Scott Parsons. Roll call vote taken. Motion carried unanimously. (Attached as part of the minutes).

Solicitor's Report

Len Zito reported that his report is in conjunction with the Uniform Construction Code. The UCC was enacted in 1999, but will become effective on April 8, 2004. Wind Gap is required to provide notification to the Department of Labor and Industry that it is electing not to administer and enforce the UCC. If Council elects to enforce the Construction Code, it will be required to hire and train a Codes Enforcement Officer. If Council elects not to enforce the Code, applicants for residential building permits will be required to obtain the services of a third party agency certified in the appropriate categories to conduct a plan review and inspections under the Code. Mr. Zito included a form to reviewed by Council and asked that Council discuss this topic at their mid-month meeting.

NEW BUSINESS

1. **SALDO Cost Estimate.** Hanover Engineering provided the Borough with a cost estimate at \$8,000 to update the SALDO. Scott stated that this needs to be updated because currently a developer does not have to put up any money and if they decided to walk away, the Borough is stuck with any expenses incurred on behalf of the developer. Kerry suggested that the money to update SALDO come out of the Waste Management money.

On motion by Mitchell D. Mogilski, Sr. to appoint Hanover Engineering to update SALDO and seconded by Scott Parsons. After further discussion about the cost, Mitch amended his motion to include a not-to-exceed figure of \$8,000. Roll call vote taken. Motion carried unanimously.

2. **Uniform Construction Code.** This topic to be discussed at the mid-month meeting to

give Council time to review Mr. Zito's letter and the Zoning Officer, John Blick, will be in attendance at that meeting.

3. Slate Belt Council of Governments Resolution 2004-02. The Mayor explained that the resolution would include Wind Gap on behalf of the COG for a \$25,000 grant application to the PA DCED. **On motion** by Tony Curcio to adopt Resolution 2004-02 and seconded by Karen Skorochood. Roll call vote taken. Motion carried unanimously.

4. Street Department Worker. George reported that he contacted the two street workers, Randy is not interested in coming back, but Woody is willing to return to work. George would like to further investigate the issue regarding the pension, health and welfare. This topic to be discussed at the mid-month meeting.

5. Planning Commission Appointment. Council received two letters of interest, Rebeca Shoemaker and Terry Shoemaker. Scott stated that he has not had a chance to contact the two interested parties since there is not a Planning Commission meeting this week. Terry Shoemaker was in attendance. Mitch asked him if he had any past experience? Terry replied that he sat on an Advisory Committee. On motion by Karen Skorochood to appoint Rebeca Shoemaker to the Planning Commission and seconded by Scott Parsons. Roll call vote taken. Motion carried unanimously.

6. Part time Secretary position. Kerry reported that Millie is leaving. He stated that the advertisements have already been placed in the newspapers and appointed Tony Curcio and Winton Male to review the applications. The position will cover zoning, planning and assist Louise as needed.

7. Mitch asked that the new Council review the Wind Gap Ambulance lease. He asked that Council receive a copy of the lease document. Kerry stated that the Board is looking at signing the lease, but the twenty-five year lease term needs to be discussed.

OLD BUSINESS

1. Waste Management Agreement Committee Updated. Tony stated that the committee has updated the breakdown: Park/AA – 15%, Administration – 3%, Planning Board – 3%. The fourth quarter received from WM was \$27,766.20. Kerry asked the committee to adjust the figures to include money for the approved update of the SALDO by Hanover Engineering.

2. Wind Gap Municipal Authority. The settlement agreement has been reviewed by Council. **On motion** by Scott Parsons to approve the settlement document and seconded by George Hinton. Mitch suggested having the three members named in the lawsuit review the agreement. Roll call vote taken. In favor: K. Skorochood, T. Curcio, K. Gassler, G. Hinton, S. Parsons. Opposed: M. Mogilski. Motion passed with a vote of 5-1. Copies to be provided to Pete Stinson, Sandra Lockard, and Bill Pysher. John Molnar added that if individuals do not

sign, it will not hold up the agreement as agreed upon by the Wind Gap Municipal Authority.

Kerry stated that he received a letter from Russ Dieter on January 20, 2004 requesting the re-appointment of Paul Levits and Ron DeCesare. Mitch suggested considering Paul Levits, Rick Keenhold, Ron DeCesare and two other applicants to fill one seat and the remaining two seats should be filled by one person from Plainfield Township and one person from Bushkill Township. Len Zito reminded Council that the Municipal Authority must be composed of a majority of residents of the Borough of Wind Gap. John Molnar stated that Bushkill has very limited coverage and most connected to the sewer are businesses not individuals. Kerry added that ten years ago, this group took something and made it work and if they want to stay working together, he would agree to that. Scott stated that this agreement was negotiated in good faith and Council should not be forced to move forward with these appointments. Council has the opportunity to change the face of the Authority at this time, if they vote those people will serve for another five years. Council sat on the appointments until this whole thing is cleaned up and now they are forcing Council to make the appointments that they want on the their board. Tony added that the two committees worked together to come up with this document. The Authority has signed the document and Council has signed the document and as far as he is concerned it is clear. As far as the appointments, they are pushing Council to appoint people that they want when there are two other applicants to consider maybe more. Tony asked for the chance to review because Council has to do their job in making the appointments. Russ asked if the other applicants have any experience? The Mayor stated that Council should not be pressured into the appointments. Elected officials have to run every two or four years for the position.

Paul Levits stated that he became involved with the Authority because they had rules and regulations that no one could make sense of and he wanted to help straighten it out. Paul does not want to be drug out with being re-appointed to the Board. He gives a lot of his time, gratus. He does a lot of work during normal business hours while he is running his own business. Some of the issues that are before the Authority are long term issues, he does not want to give up his time, from his business or his family, if he is not going to be re-appointed. Paul stated that if not appointment is made tonight, he will not make his scheduled appointment this Wednesday regarding Authority business.

On motion by George Hinton to re-appoint Paul Levits and seconded by Karen Skorochood. Roll call vote taken. K. Gassler, G. Hinton, S. Parsons, K. Skorochood. Opposed: T. Curcio, M. Mogilski. Motion carried with a vote of 4-2.

On motion by Kerry Gassler to re-appoint Ron DeCesare and seconded by Karen Skorochood. Roll call vote taken. In favor: K. Gassler, G. Hinton, K. Skorochood. Opposed: M. Mogilski, S. Parsons, T. Curcio. The vote was 3-3. The Mayor was asked to break the tie. The Mayor voted no. Motion did not carry with a vote of 3-4.

On motion by Scott Parsons to adjourn the meeting of March 1, 2004 and seconded by George Hinton. Council agreed unanimously.

The meeting of March 1, 2004 adjourned at 9:12 p.m.

Louise Firestone, Secretary / Treasurer