

**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, May 18, 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: Karen Skorochood, Mitchell D. Mogilski, Sr., George Hinton, Scott Parsons, Tony Curcio. Also in attendance Mayor Kenneth George and Secretary/Treasurer Louise Firestone. Absent was Councilman Winton S. Male, Jr.

GUEST

William Weber, Morgan Stanley, made a presentation to Council regarding investing funds into Morgan Stanley's Money Market Accounts and Certificates of Deposit. Bill distributed information comparing the current interest the Borough is receiving from PLGIT and how much more the Borough could gain by investing in Morgan Stanley's Money Market and CDs. PLGIT currently pays .76% interest. The Borough would not be required to commit all their funds in the money market or the CDs, but could determine how much money they wish to invest and the investments would be compliant with Act 72. Bill explained that he would advise the Borough in much the same way as the Solicitor and Engineer do now. It would take three days to convert the investments to cash. Kerry asked how much would it take to open an account? Bill replied that it would take \$20,000. Karen asked how much would the firm charge? Bill replied that for a corporate account the charge is \$250 per year, which they would be willing to absorb. The Borough would not be involved in the direct commissionable stocks because they are not Act 72 compliant. Bill will return to Council to answer any follow up questions next month.

COMMITTEE REPORTS.

1. EMS – Tom Knitter distributed a report outlining all the trips made by the Wind Gap Ambulance for the past three years and this year. A portion of their calls are not billable. In the year 2003 they had 409 trips, in the year 2002 they had 449 trips, in the year 2001 they had 477 trips. He also reported that the day crew is cleaning up the front of the ambulance building by power washing it.
2. Police – George Hinton reported that the door to the Police Station is on, but they are waiting for the threshold to come in to finish the project. A Police meeting has been scheduled for tomorrow night and one of the topics will be the Police Pension. The Police have increased their presence in the Park and throughout the community. They are doing the best they can with the amount of coverage that they have.
3. Streets – George Hinton reported that the Third Street water project and the Woodward

and Lehigh project have gone out to bid. There will be a pre-bid meeting on Friday at 1:00 p.m. for any interested contractors to review the plans and visit the sites. The traffic light bid for South Broadway and Third Street should be ready to go out by the end of the month. The Borough obtained a permit for a driveway cut out so a depressed curb could be put in on Third Street on the property owned by the Borough. George contacted a logger in regard to the trees being cut down on the property. George will follow up with Len Zito to find out what procedures must be followed to sell the trees to try and recoup some money for the project. The Borough may be required to go out to bid to remove the trees. The fixtures for the Park potty have been ordered. George requested that Len contact Hanover Engineering regarding the whole fixture problem. George expressed his displeasure with Hanover Engineering regarding them signing off on the restroom delivery with the incorrect fixtures in them. There is only a one-year warranty on the fixtures. George contacted MSG regarding grading the alleys and is waiting to hear back from them.

4. Finance – Kerry Gassler reported that Council could review the information provided to them by Morgan Stanley prior to making a decision.
5. Administration – Kerry Gassler stated that there is nothing to report at this time.
6. Zoning – Tony Curcio reported that a Zoning meeting was held on May 5, 2004, Case 3-2004 for Robert and Virginia Matlock. They asked for another continuance until the property dispute between the neighbors is finalized. The Zoning Hearing Board granted the continuance for Mr. and Mrs. Matlock. Case 5-2004, Robert and Laura Stasak are asking for a variance for a six-foot fence to be installed on their property at 225 Oak Street.

John Blick, Wind Gap Borough Zoning Officer, explained that the Borough must opt in or opt out of the Uniform Construction Code by July 9, 2004. If the Borough decides to opt out then the Department of Labor and Industry would inspect any commercial properties. If the Borough opts in then the Borough would have to do the inspections. John asked Council to keep in mind that if the Borough opts out, the resident would still be required to obtain all the necessary building permits through the Borough and pay for the third party inspection. Mitch asked if John could explain the difference between maintenance items and alterations? John replied that either you would maintain something or you would change something. The Mayor stated that the COG is looking into having several municipalities hire a third party inspector to do two or three municipalities. John added that if the Borough does not opt in originally, they could change their mind and opt in at a later date. The Borough would set their own prices for the inspections if they opt in. Mitch asked if a house were sold, would the inspector become involved? John replied that unless the Borough would pass an existing structure code and mandate it, the Borough would have no involvement in the sale of a house. Tony added that the COG has had conversation regarding having an appeals board for residents to go to if they should have a problem with their inspection. Kerry asked if John would be available to do the inspections for the Borough? John replied that he would not be able to inspect on a day-to-day basis. If John does the inspection it may cost between \$800 and \$900, if a third party inspector does the inspection it may cost over \$2,000.

7. Planning – Scott Parsons reported that a proposal was received from Pidcock Engineering relating to the proposed road. There was not much discussion because it was just received by the engineer. This plan will be discussed at the next Planning Commission meeting to be held on June 3, 2004.

Ray Cortazzo subdivision will be discussed later in the meeting under New Business.

The land currently used for the Putt-O-Rama is now being proposed for an Advanced Auto Parts. They were sent to Zoning because they need a variance.

SALDO plan hopefully will be received prior to the June 3, 2004 meeting so that the Planning Commission can review it.

8. Parks & Recreation – Karen Skorochood reported the Park Board received some phone quotes to brush hog the bottom area of the Park on East West Street.

J. H. Beers quoted \$125 an hour or \$1,000 total

Paul Giroux quoted \$145 an hour

Besecker quoted \$175 an hour

The Park Board suggested that the brush hog expense come out of the funds received by Waste Management.

On motion by Karen Skorochood to hire J. H. Beers at \$125 an hour and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

9. Fire Company – George Hinton reported that the Fire Company responded to 13 incidents in April and 58 year to date for 2004. The Fire Company appointed Jon Faust as their Vice President. The Fire Company's picnic is June 24, 25 and 26, 2004. There will be entertainment all three nights, fireworks on Saturday, June 26. The raffle drawing will be held on Saturday night at approximately 10:40 p.m. They will be starting the picnic at 3:00 p.m. on Saturday.

10. Sewer Authority – Scott Parsons reported off of the report given to Council by the Authority. The Sewer Authority hired a new employee and he is working out well. Scott stated that he has the breakdown of the first quarter compensation for the Authority members and will give the copy to the office for everyone to look at.

11. Insurance – Louise Firestone reported that the Borough's insurance policies renew June 1, 2004. The Public Official insurance and the Police Professional Liability both renewed in February with increases of 105% and 74% respectively. The quote for the June 1 renewal for the Worker's Compensation came in at 7% and the Package Policy increased 3%.

12. Land Use Committee – nothing to report.

13. 911 – nothing to report.

Mayor's Report

Contractor's license collected in April was \$200 for a total of \$1,525 for the year and

collected \$100 for a transient license. The Police responded to 132 calls in April, issued 38 traffic citations and responded to 6 motor vehicle accidents. There is a COG meeting tomorrow starting at 7:30 p.m. The Mayor reported that he is working on the recycling performance grant and should be done shortly. He is working with Larry Gaesting on the Christmas Lighting Ceremony. Because of the tremendous turnout at last year's ceremony, they are looking to have a 20' X 50' tent next to the American Legion. The Mayor met with Dianne Elliott from Lafayette College to answer questions regarding the needs of the community (needs, zoning, apartments). She informed the Mayor that there are students at Lafayette College who could assist with grant applications.

APPROVAL OF MINUTES

On motion by Mitchell D. Mogilski, Sr. to approve the minutes of May 3, 2004 and seconded by George Hinton. Karen asked that a type be corrected on page six. Roll call vote taken. Motion carried unanimously.

PUBLIC COMMENT

1. Roger Bet reported that the first Wind Gap Summer Sounds Concert would be held on Sunday, June 20, 2004. He has two corporate sponsors for the concert series, Merchant's National Bank and Brown Daub. Both sponsors have contributed \$1,000 toward the concerts. He has eight sponsors from Wind Gap as shown on the programs. He stated that anyone could distribute these programs as they had 3,000 printed. He publicly thanked the sponsors: Brown Daub, Merchant's National Bank, Reimer Brothers, Sabatino Insurance, Schmidt Funeral Home, Bob Gardner, SVR Welding, Lafayette Ambassador Bank who all contributed \$100. The Park Board will be sending out thank you letters to each of the sponsors. The music committee will be asking local businesses for donation of \$20 to purchase food to sell during the concerts at the Park.

2. Mike Gassler asked what happened to the idea of putting in a PA system for the meetings? Mitch will look into the acquiring quotes for a wireless PA system.

3. John Zucal, Street Leader, reported that he has had two calls regarding dumping on East West Street. John suggested shutting down both ends of East West Street. George agreed that the road should be shut down temporarily. Mitch suggested filling in the holes. Tony suggested getting a legal opinion.

On motion by George Hinton to temporarily close East West Street due to poor conditions and seconded by Mitchell D. Mogilski, Sr. Roll call vote taken. Motion carried unanimously.

4. Ron Angle, Northampton County Councilman, stated that he is back again to get direction from Wind Gap Borough Council regarding the road. There is a question about a traffic study being done. The plans are in Plainfield Township and the comment was made to have this plan fast tracked. Ron stated that at this point, there are a lot of unanswered questions. He

added that there are no guarantees that there will ever be one industrial site on that property. Ron reported that no votes have been taken, but County Council and the Economic Development Committee are looking at the possibility of yanking some if not all the funds for this project because the complexion of this project has changed so dramatically. He insisted that the better project is on the other side of the road. He asked if Borough Council if they are going to just go along with this project and waste \$2,600,000 of taxpayer's money. Ron asked if you people want to do differently while there is still some time ticking on the money. To this point, no one has answered the traffic problem. He asked the citizens if anyone wants the road and the Wal-Mart? No one is happy with what has happened and Ron does not feel it would take much to yank the remainder of the money from this project. Tony stated that the 40 acres in Wind Gap would be Industrial. Council has this in writing and it is recorded at the Courthouse. Ron suggested stopping the road at the end of Wind Gap since the developer has insisted that they do not need the road to build the Wal-Mart. Scott replied that Council wanted to get the truck traffic off of Lehigh Avenue. If the road is stopped, the truck traffic will still go on Lehigh Avenue. Tony added that he has done truck traffic counts on Lehigh Avenue on Saturdays and if the road is built, these trucks will go up to the new road. Ron stated that eventually the County would take a good part of the money because it is pretty evident that the Borough has not worthwhile purpose to use the money.

The Mayor stated that he was in favor of this to begin with because the money was available. It is not free money, if it is not spent here, it will be spent somewhere else. It will put businesses in the Borough out of business if that road is built. It will be a negative effect on the entire town. He stated that he is not in favor of this anymore, but Council will have to make up their own minds.

On motion by Mitchell D. Mogilski, Sr. to send a letter to the County turning back the balance of the \$2.6 million for the road because it is detrimental to Wind Gap with the increase of traffic and seconded by George Hinton. George asked Mitch if he would amend his motion to include taking County money to the other side of the road. Discussion to include this all in one motion. Mitch stated that Council would write a letter to the County, if they will do that, and we will find out, if they say no they will not do that, we are stuck with the project. At that point, they are paying the money whether we want them to or not. Kerry added that there is no design for the other side.

Amended motion, by Mitchell D. Mogilski, Sr. to send a letter to the County turning back the balance of the \$2.6 million for the road because it is detrimental to Wind Gap with the increase of traffic and switch the money to the west side of Broadway and seconded by George Hinton.

Kerry reiterated that Nolan Perin did sign a letter stating that 40 acres of the 120 acres is guaranteed for Industrial development. Council has this letter. Wind Gap, Pen Argyl and Plainfield Township all have resolutions with an agreement with NAPER and Nolan Perin for this road. The agreement states that any money beyond the bond money for this road, Nolan picks up the rest of the money; nothing will be gone to taxpayers. Once the \$2.6 million is spent, not matter that cost, Nolan will pay the difference. Ron stated that Pen Argyl has said they do not want the project. Kerry replied that Pen Argyl has never sent Wind Gap a letter to rescind their part of the project. They signed the same agreement as Wind Gap. Kerry cautioned that possible litigation could occur if Wind Gap sends the money back.

Scott asked for clarification of the motion. Mitch stated that the Borough would send the balance back to the County and ask for the money to be used for the project on the west side of Broadway. Scott asked what happens if County says that the Borough cannot use the money on the other side of the road, then it will stay where it is? Mitch that we are pretty much stuck with what it is. That was his motion. Mitch added that by doing the other side first, it would alleviate the traffic before it gets there.

Cost estimates seen by Council in 2000 for land acquisition was on the west side of North Broadway was over \$7,000,000. Scott stated that if Council plays around with the money, we could end up losing the money. Ron stated that Wind Gap could end up losing it anyway.

Mitch asked how Borough Council could question bills that come into the Borough? He asked how many bills of the \$100,000 that has been spent so far been looked at? Tony replied that the committee of himself, Scott and George have looked at the bills and withheld \$1,400 from one bill for overtime.

Roll call vote taken. In favor: M. Mogilski, K. Skorochood, G. Hinton. Opposed: S. Parsons, T. Curcio, K. Gassler. The vote was a tie 3-3. The Mayor was asked to vote. He voted in favor. Motion carried with a vote of 4-3.

The Borough Solicitor to write the letter to the County.

NEW BUSINESS

1. Reaffirmation of Municipal Authority Appointments.

On motion by Karen Skorochood to appoint John Barto, Russell Dieter, and Tom Knitter correctly to the expiration of their time 2004 and 2005 and seconded by Mitchell D. Mogilski, Sr. Roll call vote taken. Motion carried unanimously.

2. Raymond Cortazzo Subdivision.

On motion by Mitchell D. Mogilski, Sr. to accept the recommendation of the Planning Commission and reject the Raymond Cortazzo Sub-division for reasons stated in the January 30, 2003 letter and seconded by Scott Parsons. Roll call vote taken. Motion carried unanimously.

3. Borough Wide Yard Sale.

On motion by George Hinton to declare July 9, 10 and 11, 2004 the Town Wide Yard Sale and seconded by Karen Skorochood. Roll call vote taken. Motion carried unanimously.

4. Kerry reported that he has formed a committee to be chaired by Scott Parsons. The committee to re-negotiate the Borough's contract with Waste Management includes: Scott, Ralph Stampone and Jeff Yob. In that contract, possible discussions could occur regarding getting the trucks out of Wind Gap. The meeting will occur in June and then the committee will come back to Council with any recommendations.

On motion by Tony Curcio to adjourn the meeting of May 18, 2004 and seconded by George Hinton. The meeting of May 18, 2004 adjourned at 9:29 p.m.

Louise Firestone, Secretary / Treasurer