

**BOROUGH OF WIND GAP
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The Council meeting of the Borough of Wind Gap on Monday, April 4, 2005, was called to order at 7:30 p.m. by Council Vice President George Hinton, Jr., 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., Scott Parsons and Tony Curcio. Also in attendance were Mayor Kenneth George, Borough Solicitor, Ronold Karasek, Borough Engineer, Ronald Madison and Secretary/Treasurer Louise Firestone. Absent was Councilman Kerry Gassler.

Mayor Kenneth George arrived at 7:45 p.m.

PUBLIC COMMENT

1. Roger Bet, Fairview Avenue, Wind Gap. Roger asked Council to consider sending a letter to the Pennsylvania Utilities Commission (PUC) on behalf of the residents of Wind Gap. Roger complained that when Pennsylvania American Water began sending monthly instead of quarterly bills, they included a monthly service charge of over \$10 costing the residents an additional \$20 a quarter. He asked Council to be cautious when considering the PA Water Company purchasing the Wind Gap Municipal Authority because the same could happen with the sewer bills.
2. Bob Matlock. Bob asked Council if he should do anything with the latest correspondence received from Pierce and Dally? Scott answered that it only should be a concern if your property borders the property being purchased. Bob also questioned why the light outside of the municipal building illuminates a wipe your feet sign and the sign that announces the meeting dates and times remains in the dark?
3. Nolan Perin, N.A.P.E.R. Development. Nolan distributed a memo dated April 4, 2005 and gave Council a chance to review the memo before explaining the points outlined in the memo.
 - Bond Issue Monies, NAPER would like to have Wind Gap, as the Grantee, consider having the Bond Issue pay directly, and without any Escrow Account, for the improvements to both Wind Gap and Pen Argyl Sewage System improvements (presumably through the Wind Gap Municipal Authority (WGMA) and Pen Argyl Municipal Authority (PAMA), and for the actual Industrial Drive improvements within Wind Gap Borough.
 - Easement over Borough Land. On the west side of Alpha Road, the Stormwater

channel that will then take Stormwater that now flows under the Cramer's Home Center property, will distribute its water over Borough lands. NAPER needs to have an Easement granted to it that allows and permits that Stormwater outfall.

- Other Easements. NAPER has contacted Cramer's Home Center, GAF Corp., and now, has some contact with the Paolini household over which NAPER needs to obtain Easements. Cramer's and GAF are for the same Stormwater flow for #2 above and, Paolini is for an Easement for WGMA to allow for ownership and maintenance of the piping system for sewage that will be installed on this property. The balance of the WGMA Easement is through lands that are now owned by NAPER, some of which will be owned by the Borough when Industrial Drive is dedicated and some of which will be on lands still owned by NAPER but available for sale for industrial uses.
- Council is encouraged to contact Nicholas Sabatine, Esq., since he is the Finance Committee Chairman for Northampton County Council. At a prior County Council meeting, it was represented by more than one person that Wind Gap Borough no longer wanted this project. Nolan encouraged either Council President and/or several members of Council to attend the County Council meeting scheduled for Thursday, April 7, 2005.

Ron Madison commented that the developer would still be responsible for a Developer's Improvement Agreement and an escrow for inspecting fees. Scott suggested that the committee, who met a couple weeks ago, including Counsel for all parties, would once again need to sit down to review these issues. Nolan informed Council that he would need an easement on the Ambulance property. Ron replied that the Borough would need a meets and bounds survey to include in the easement agreement. Ron Karasek is in receipt of a copy sent to him by the developer's engineer. Nolan stated that he is trying to obtain the other easements necessary for this project without the help of the Borough. He will keep the Borough informed if he encounters problems. George asked individual members of Council their opinion regarding the grant. Mitch stated that Nolan as the developer should put the road in with his money and then turn it over to the Borough. Karen stated that she agreed with Mitch, but understands that the project must move forward. Winton said that this road is critical or the Borough will be wallowing in cars. Tony agreed with Winton. Scott also agreed and added that the project has come this far it needs to move forward. Winton asked Nolan for a copy of the traffic count. Nolan will provide a copy. Ron Karasek to follow up with the easements.

On motion by Tony Curcio to send a letter from Wind Gap Borough Council to Nick Sabatine with a copy to County Council with regards to Borough Council's position on this grant and seconded by Winton Male. Roll call vote taken. In favor: T. Curcio, G. Hinton, W. Male, S. Parsons, K. Skorochood. Opposed: M. Mogilski. Motion carried with a vote of 5-1.

APPROVAL OF EXPENDITURES

On motion by Mitchell D. Mogilski, Sr. to approve the March expenses in the amount of \$35,691.54 and seconded by Tony Curcio . Roll call vote taken. Motion carried unanimously.

APPROVAL OF MINUTES

On motion by Karen Skorochood to approve the minutes of the March 7, 2005 meeting and seconded by Scott Parsons. Roll call vote taken. In favor: M. Mogilski, S. Parsons, K. Skorochood, T. Curcio, G. Hinton. Abstained: W. Male. Motion carried with a vote of 5-0-1.

On motion by Karen Skorochood to approve the minutes of the March 15, 2005 meeting and seconded by Tony Curcio. Roll call vote taken. In favor: K. Skorochood, T. Curcio, G. Hinton, W. Male. Abstained: M. Mogilski, S. Parsons. Motion carried with a vote of 4-0-2.

Solicitor's Report

Ronold Karasek reported the lawsuit with Mr. Keenhold has been resolved. The Zoning Ordinance Amendment, Ordinance 446, has been duly advertised for Council's enactment at the April 19, 2005 workshop meeting. The outstanding balance of the judgment against Jeffrey Grefe has been paid in full. Ron will file the proper paperwork to satisfy the judgment. An oral deposition is scheduled for next week for Ron Madison regarding the Renee Schinstine condemnation matter. The Deed of Dedication has been received regarding the Brian Perin Subdivision. Giant Food has returned the Improvements Agreement with some revisions. Ron will review the proposed changes and report back to Council. Ron has contacted the Pennsylvania State Association of Boroughs in regards to the Borough opting out of the UCC. He was advised that the Department of Labor and Industry must be notified 180 days in advance and then Borough Council must enact or revise the existing ordinance. He reported that he received correspondence from Millie Del Negro relative to the CVS/Dunkin Donuts plan, but he has not had a chance to speak with John Blick. Ron met with Ron Madison regarding the Perin property on East West Street. There was condemnation in 1997 or 1998 regarding this sliver of land. Pidcock forwarded copies of easement descriptions relative to the Slate Belt Industrial Road. Ron Madison will review them and if they are in order, an agreement will be drawn up. Ron stated that the legal issue with Mr. Dentith is not being pursued at this point in time.

Engineer's Report

Ron Madison reported that a pre-bid meeting was held for the Third Street/South Broadway Improvements Project. The scheduled bid opening is April 14, 2005, with Hanover anticipating having the results to Borough Council so they can take action, if they chose, at the April 19, 2005 Council meeting. The project at Woodward and Lehigh was to begin today, but unfortunately the contractor's property, Collins and Maxwell, was flooded from the weekend rains. They plan to be onsite tomorrow to begin saw cutting. Bernie Corbett, PennDOT, has delivered the materials to the site to be used for this project. The Park Drainage Project did not start smoothly because the contractor did not have the proper traffic control on-site. There are two change orders related to this project. The first reduces the contract by \$9,800 because work to be done on the Rubenstein property will be done by the Borough's street crew. The second change order adds the installation of type "C" inlet 1A and 68 linear feet of 15" HDPE connecting into proposed inlet 1. Hanover Engineering did not include a mark up sheet when they ran copies of the second set of bid specs, so this item was not included in the bid proposals. Hanover used the same unit prices from the successful bidder, Bill Anskis Co., Inc., to add to the

contract total. Hanover will not charge the Borough for any time associated with this change order because they were responsible for the error that caused the extra work and paperwork.

On motion by Scott Parsons to accept Change Order #1 and #2 and seconded by Mitchell D. Mogilski, Sr. Roll call vote taken. Motion carried unanimously.

The potential bidders for the Third Street and South Broadway Improvements Projects are: Collins and Maxwell, Bill Anskis Co., Inc., Numerous Corporation and Harry DePue Contracting.

NEW BUSINESS

1. Approval of DePue Land Development Plan. Ron Madison reviewed the plan for Borough Council since no representative was in attendance for Mr. DePue. Mr. DePue has proposed a 45' X 75' addition to south side of his building on East First Street. Ron stated that one of the conditions is testing of the proposed drywell site to determine the suitability of the ground to accept recharge. If the ground is determined to be unsuitable, the Borough Engineer must approve storm water conveyance to the Bushkill Creek.

On motion by Scott Parsons to grant a waiver to Section 402.C.4 of the SALDO to waive the requirement that existing features within 200 feet of the site (specifically, those areas downstream of storm water flows) be shown in detail and seconded by Mitchell D. Mogilski, Sr. Roll call vote taken. Motion carried unanimously.

On motion by Scott Parsons to grant a waiver of Section 510.B so as not to require construction of sidewalks on First Street adjacent to the developer's property and seconded by Mitchell D. Mogilski, Sr. Roll call vote taken. Motion carried unanimously.

On motion by Tony Curcio to approve the DePue Land Development Plan based on the conditions outlined in Attorney Pete Layman's March 11, 2005 correspondence and seconded by Karen Skorochood. Roll call vote taken. Motion carried unanimously.

2. **On motion** by Tony Curcio to approve the following bills related to the County Bond Issue for the Slate Belt Industrial Road, Pidcock Engineering, \$13,549.75 and 2,276.84, Plainfield Township escrow account \$7,584.32, Pen Argyl Municipal Authority escrow account \$4,468.94 and Hanover Engineering Associates, Inc. \$94.19 for a total of \$27,974.04 and seconded by Scott Parsons. Roll call vote taken. Motion carried unanimously.

3. Police Officer New Hire Update. George reported that the Civil Service would be meeting this Thursday to tally the scores for the applicants. They will provide the committee with the finals scores possibly as early as Friday. George suggested that in order to speed up the process, Council give approval for the hiring committee (Mayor George, George and Chief Armitage) to begin their oral interviews as early as next Monday or Tuesday.

On motion by Karen Skorochood to allow the committee to interview after the results are received from the Civil Service Commission and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

4. Ordinance 197 Revision – House numbering. Winton reported that he included information in the Borough newsletter this month that requires numbering of all residences,

commercial and industrial buildings fronting on public streets within the Borough. The numbers shall be a minimum of 4" high and a minimum of ½" wide.

Winton stated that the emergency room set up at the Fire House that houses the generator, has special phone lines in case of emergency is in a state of disrepair. Winton suggested that it might be more feasible to house the emergency center in the Borough building. The County Solicitor contacted the Borough Solicitor regarding the lease for the 911 Center in the Borough building. George added that the Fire Company is actively working on cleaning up and upgrading the emergency control center in the Fire House. There is not a computer in the room currently, but there are a lot of changes occurring within the Fire Department. George suggested that the Emergency Committee that includes: Anthony Skorochood, the Police Chief, the Fire Chief and EMS personnel need to sit down and make recommendations to make the Borough's emergency control center include all the necessary equipment. He added that the Fire House was designated as the center because it is equipped with a kitchen and has room for cots or bedding in case of an emergency. The Mayor asked for an update regarding the issues with the 911 Center? Tony replied that there are major problems with the map. Tony has received a copy of the 911 Center CAD map and the committee will be reviewing it this month and making any necessary changes. Ron Madison to provide a street map and a digital copy of the map to Tony. The Mayor reported that the Manager of the trailer court has not provided street names or house numbers as of yet. When the Mayor receives the information, he will provide it to Tony.

Karen reported that the County tested the Air Raid Siren to see if it still works. She added that criteria must be developed for its use.

Winton added the Ordinance 197 clearly is the adopted law of the Borough and it must be enforced. He suggested that the maintenance code is incorporated into the ordinance.

5. George reported that there is a major water problem on Constitution Avenue. The fire truck suction pump did not help alleviate the water problem. The heavy rains over the weekend have caused water to run off the mountain and flood Constitution Avenue. George stated that there was a suggestion that a catch basin under a building on the street was restricted to limit the flow of water under the building. It was agreed that Ron Madison would meet with George to review the situation as soon as possible. The Mayor stated that there was not a water problem during last year's storm related to Hurricane Ivan.

OLD BUSINESS

1. Posh Improvements Agreement. At a previous meeting, Borough Council questioned the Agreement not containing a certified Letter of Credit from the developer. Borough Solicitor, Ron Karasek, informed Council that it is his recommendation that the agreement should be signed and the original be returned to him for recording.

2. Male Road Bridge. Winton reported that he provided information to Kerry. Kerry scheduled a meeting with Nolan Perin to discuss the repairs needed to the Male Road Bridge. This topic will be tabled until the Workshop meeting.

3. Mayor George stated that Council should act tonight on the resignation letter received

from the Zoning Officer, John Blick. Mr. Blick's letter indicated that his resignation is effective May 1, 2005. Scott stated that after reading the letter, he is not sure if the issue is money or not. Winton requested that an Executive Session be held tonight.

4. Mitch reported that he checked into a comparison between the Borough's Nextel contract and a quote for Cingular. He stated that the Borough would save over \$55 a month if they changed to Cingular, but most officers in the surrounding municipalities use Nextel. The Mayor added that he did not mention this at a COG meeting after discussing the issue with Council President Kerry Gassler. Kerry stated that Mitch agreed to look into it, but Council must approve a change. Mitch added that the Borough would save \$11 per line, but everyone surrounding would have to agree to make the switch to Cingular.

5. Council received a letter from Joan Kresge regarding the EMS tax and the quarterly deadline date for submitting payment for the tax. Louise explained that unlike the payroll tax, which is due the month following the end of the quarter, the EMS tax is withheld from an employee and is due prior to the end of the quarter. The EMS tax is a flat rate of \$52 and not based on income, so an employer does not have to wait until the quarter has ended to calculate the tax. Scott volunteered to contact Joan to explain the tax.

EXECUTIVE SESSION

Council adjourned to Executive Session at 8:59 p.m. to discuss the letter of resignation from John Blick. Council reconvened at 9:15 p.m.

On motion by Tony Curcio to have Winton Male contact John Blick tomorrow and seconded by Winton Male. Roll call vote taken. Motion carried unanimously.

On motion by Tony Curcio to adjourn the meeting of April 4, 2005 and seconded by Scott Parsons. The meeting of April 4, 2005 adjourned at 9:16 p.m.

Louise Firestone, Secretary / Treasurer