

**BOROUGH OF WIND GAP
29 MECHANIC STREET
WIND GAP, PA 18091
863-7288
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EXECUTIVE SESSION

The Council met from 6:30 p.m. to 7:30 p.m. for Executive Session at Wind Gap Borough Hall.

The Council meeting of the Borough of Wind Gap on Monday, December 5, 2005, was called to order at 7:32 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, 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.

Council President Kerry Gassler informed those present that Council met to discuss the Schinstine litigation, possible condemnation on a section of land on East West Street, PPL Right-of-Way Agreement, the Police contract, the Chief's contract and the Street workers' contracts and a possible new job position.

PUBLIC COMMENT

1. Annette Snyder, Jefferson Street, Wind Gap. Annette stated that she truly loves the small town atmosphere of Wind Gap. She stated that she would like to see the Borough adopt some type of beautification program if at all possible. She explained her ideas to Council. She would like to go to businesses in the Borough to ask for contributions to get this program started. Her first idea included installing planters in front of the businesses. Volunteers would plant the flowers and then have the store owners would take care of them by watering them regularly. She stated that she has investigated numerous ideas related to grants for beautification for the Borough by contacting Representative Dally's office and Rick Santorum's office. Bath Borough had a revitalization program that was funded by the local cement company. She was informed that any grant applications have to come from the Borough. Annette offered to assist with the program in any possible. She requested \$1,000 to get the program started. Scott stated that during Executive Session this Council is looking to rearrange the office personnel because Council realizes that there are grant opportunities that are being missed out on by the Borough. There are Keystone Grants, PennDOT grants, Main Street grants are available, grants through the representatives, but the applications have to come from the Borough. It was suggested that Annette put her ideas in writing, including a budget to be presented to Council for their review. Winton explained that certain grants require the local municipality to commit matching funds up to 50%. Ron Madison suggested that the Borough Manager, Judy Danko, would be a wealth of information after the beginning of the new year. He believes that the local match for their grant applications was provided by Keystone Cement

Company. Winton stated that historical grants have been looked at, but Wind Gap does not have enough historical places. Council agreed that it is an idea that has to be looked into further. Annette will provide information as soon as possible to the Borough.

2. Mary Kay Reichard, Washington Street, Wind Gap. Mary explained that in the summer she wrote a letter to the Wind Gap Fire Company regarding the siren going off all the time, but has not received a response. She asked if an ordinance could be passed that unless there is a Borough wide emergency that the siren would not be set off between the hours of 9:00 p.m. and 8:00 a.m. Tony Curcio stated that he spoke to Todd Weaver at the County 911 Center. As far as the Monday siren at noontime, it is on a cycle for emergency management for the whistle. Once Borough Council directed their Emergency Management Coordinator to write a letter to test the emergency management siren the County included Wind Gap in their test every Monday. Wind Gap cannot pick and choose when the siren is to go off. If Wind Gap does not want to be included, then they can do their own test by going down to the basement of the Bank to run the test. They need a letter directing them to take Wind Gap off the cycle. Council decided that the Emergency Management Coordinator should contact the County and ask to be removed from the cycle testing. George explained that the reason that the siren is a tool for emergencies because the firemen use pagers, but if there is a problem with the pager there is no way to notify the firemen about the emergency except with the siren. If the emergency involves a loved one, everyone wants the emergency personnel there as fast as possible so it is important that the siren be utilized. The other night when the siren went off for an extended period of time, County was notified, but they had to locate a person with a key to enter the Bank to deactivate the siren. The Fire Company is investigating running another line to the outside so the siren can be turned off from outside the building. The mechanism has to stay inside the building because it must be in a climate-controlled area.

3. Patricia Sutter. She stated that she wanted to address new positions that are being thought about by Borough Council. She heard about one position for Emergency Management Coordinator and heard that someone on Council wanted that position. Any new positions should be advertised in the newspaper and not just handed out to who ever. Kerry replied that if a new position were created it would be advertised.

4. Justin Davis, a member of Boy Scout Troop #48. He is observing Borough Council for citizenship in the community merit badge.

APPROVAL OF EXPENDITURES

On motion by Karen Skorochood to approve the expenses for November 2005 in the amount of \$26,209.01 and seconded by Mitchell D. Mogilski, Sr. Roll call vote taken. Motion carried unanimously.

APPROVAL OF MINUTES

On motion by Mitchell D. Mogilski, Sr. to approve the minutes of the November 7, 2005

meeting and seconded by George Hinton. Roll call vote taken. In favor: G. Hinton, W. Male, M. Mogilski, S. Parsons, T. Curcio. Abstained: K. Gassler, K. Skorochoch. Motion carried with a vote of 5-0-2.

On motion by George Hinton to approve the minutes of the November 15, 2005 meeting and seconded by Tony Curcio. Roll call vote taken. In favor: G. Hinton, W. Male, M. Mogilski, S. Parsons, K. Skorochoch, T. Curcio. Abstained: K. Gassler. Motion carried with a vote of 6-0-1.

On motion by Scott Parsons to approve the minutes of the November 21, 2005 meeting and seconded by Tony Curcio. Roll call vote taken. In favor: W. Male, M. Mogilski, S. Parsons, T. Curcio, K. Gassler, G. Hinton. Abstained: K. Skorochoch. Motion carried with a vote of 6-0-1.

SOLICITOR'S REPORT

Ron Karasek reported that he has prepared the resolution to the Weeast matter and the ordinance for the real estate tax millage. He asked Council to advise him when these items could be advertised. At the request of Council, he has reviewed the rental ordinance sample received from Bangor Borough.

ENGINEER'S REPORT

Ron Madison reported that last week there was a Planning Commission meeting. There was a sketch plan submission on the redevelopment of the Putt Putt for a car wash. Since it was just a sketch plan, there were just general comments on the plan. They are going for the Zoning Hearing Board for some variances. He will try to set up a meeting with George and the Street Committee to go over the projects for next year. Hanover did some preliminary surveys for each of the projects. It will be necessary to obtain permits and easements for those projects.

NEW BUSINESS

1. COG Cable Franchise Agreement. Ron Karasek explained that the Township Manager for Upper Mount Bethel wants to have the franchise agreements reviewed to find out if the municipalities can gain further revenue from the cable companies. There is a meeting tomorrow at Upper Mount Bethel. The meeting is to see if it would be worthwhile to have the COG get involved to hire an outside firm to do a review of the agreements.

On motion by Scott Parsons to have Louise attend the meeting related to the Cable Franchise Agreement and seconded by Mitchell D. Mogilski, Sr. Roll call vote taken. Motion carried unanimously.

2. Approval County Bond Invoices. Tony reviewed the invoices for payment Council President Kerry Gassler informed those present that Council met to discuss the Manor Haven project, Schinstine lawsuit, the Police and Street contracts. Council will be making motions on these items later.

On motion by Tony Curcio to forward the bills to the County as follows:

NAPER Development – Earth Research Group \$3,876.00

Zito, Martino and Karasek – 10/3-10/24/05 \$813.75

Hanover Engineering – 10/1-10/28/05 \$1,036.46

For a total of \$5,726.21 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.

3. **On motion** by Mitchell D. Mogilski, Sr. to advertise Borough Council's reorganization meeting on Tuesday, January 3, 2006 at 7:30 p.m. and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

4. Mechanic Street, upstairs renovations. Kerry Gassler explained that Council had previously discussed renovating the upstairs once the County moved out. The building would have to comply with all requirements of a commercial building. George explained that Waste Management had committed funds in the amount of \$72,000 for upgrades to the Third Street intersection that will not be completed because of the cost. He would like to ask Waste Management to mail the Borough a check to be put toward the renovations.

On motion by George Hinton to write a letter to Waste Management requesting that the funds be changed from the street project to the municipal building renovations project and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

5. Emergency Management. Mitch asked that this item be put on the agenda. He composed a letter to property owners and/or landlords to be included in the yearly mailing of the landlord letters. He would like to get an accountability system in place. Council was not copied on this letter and asked that it be read. Kerry read the letter "Kindly enclose any information regarding total number of adults / children residing in the apartment as this will help with the emergency management plan for accountability. You can bring the information into the Borough office or drop it off in the mail slot on the office door". Mitch stated that he hopes to include it in the mailing that goes out in December.

On motion by Scott Parsons to include emergency management letter in landlord mailing and seconded by Karen Skorochood. Roll call vote taken. Motion carried unanimously.

6. Oath of Office. Mitch stated that Judge Zito would swear him in on January 1, 2006 at 12:00 p.m. at the Borough Hall. Mitch invited everyone to attend.

OLD BUSINESS

1. International Property and Maintenance Code. Mitch asked if everyone has had a chance to read it? Kerry stated that it was discussed in February and a committee was formed that included, Winton, Karen and Scott. They were supposed to meet and come up with a softer version of the ordinance. Karen added that when this topic was discussed it was decided that the code was too restrictive. This topic will be tabled; a new committee will be formed and

discussed after reorganization in 2006. Discussion regarding the trash cans on South Broadway sitting out all week. Scott offered to check into this issue and report back to Council by the workshop meeting.

2. Sample Rental Ordinance. Mitch stated that he feels that this ordinance is excellent and it just needs to be changed from Bangor to Wind Gap. Kerry stated that every time a tenant moves out, an inspection has to be done on the property. The Borough would need a person full-time to keep up with the inspections. Bangor uses their Zoning Officer. Ron Karasek added that the sample ordinance received from Bangor Borough is quite comprehensive and may require a Council committee to review. The ordinance has to be good and workable for the Borough of Wind Gap. The sample ordinance includes the formation of a separate appeals board for any disturbances and another appeals board for the other portions of the ordinance. Bangor has already adopted a property maintenance code and Wind Gap does not yet have a property maintenance code to go along with a rental ordinance. If someone does not like what it hears from the appeals board it can then be appealed to the Court of Common Pleas of Northampton County so there are various jurisdictional items also. Ron suggested that all of Council reviews this ordinance thoroughly and make sure that everyone is on the same page prior to adopting this ordinance. Ron intended to contact Attorney Ceraul who wrote the ordinance for Bangor to find out how he came up with the language used in Bangor's ordinance. Winton stated that the Borough really needs first is a landlord maintenance code because there are more people in town that need that as opposed to the property maintenance code. He has spoken with residents over the years that are living in deplorable conditions. The Mayor added that are some serious properties that need to be addressed. Winton added that there are properties less than a block from the Borough building that have mold, filth, and rodent infested. Ron cautioned that Council cannot selectively enforce this ordinance and that a Borough employee would have their hands full enforcing this ordinance. It has to be a well thought out system for enactment. A property maintenance code and the licensing of a rental unit code or ordinance might need to be enacted at the same time.

3. Nuisance Ordinance. Kerry stated that Council would discuss the sample nuisance ordinance in January. Karen suggested that ordinances be obtained from towns roughly the same size as Wind Gap.

Winton asked the Mayor if the cars located on the Roberti property were looked into? The Mayor replied that according to the junk ordinance, those vehicles are just parked there. He just has them parked there and is not doing anything with them. The Mayor will ask the Chief to check on the vehicle parked adjacent to Eric Koke's house on South Broadway. The car has weeds growing up through it.

4. 2006 Budget. Kerry explained that the income and expenses for the 2006 budget are as follows: Income: \$1,218,883 and Expenses: \$1,288,793 which constitutes a shortfall of \$69,910. Council discussed the Park budget, which included money in capital projects in the amount of \$28,400. Kerry suggested transferring the remaining balance in the 2005 budget line item capital equipment. If this money was removed and those projects funded by 10% of the

tipping fee allocation it would bring the difference down to \$42,520. With that reduction in the 2006 budget, Kerry suggested that a .75 millage increase would cover the difference. Scott questioned if the Blue Shield medical premium figures are the proposed numbers? The numbers used in the budget are the new numbers. Scott asked if the police overtime numbers are accurate or are they too high? The Borough still does not have full 24-hour coverage. The overtime number includes coverage for all the vacation, sick and personal days and then taking the average time and a half rate of the Chief, Sergeant, and Patrolman and multiplying the hours by the rate. Scott suggested hiring part-time officers to cover the shifts and not full-time officers. George stated that if Council adjusts the number down, but come next year if there is no money left in the overtime budget it has to come from somewhere to have coverage. He feels that the numbers are close, one may be a little high or one may be a little low, but to adjust to try and save a few dollars in the budget does not make much sense. Mitch asked if there were scales in the budget for doing truck inspections? Kerry stated that was not put into the budget. Mitch suggested including scales raising the taxes to 1 mill. Kerry said that Ron Karasek is working on the agreement with Bushkill Township. If Wind Gap does their own stops, they would need more officers, more equipment because it would tie up the entire force for one day, plus the scales, training and any other costs associated with the truck inspections.

On motion by George Hinton to advertise a tentative 2006 budget with a .75 mills increase to 8.50 mills and seconded by Mitchell D. Mogilski, Sr. Roll call vote taken. Motion carried unanimously. After advertising the 2006 budget can be enacted at the December 20, 2006 Council workshop meeting.

5. George asked about the correspondence in the Council members mailboxes questioning the committee meeting with Mr. Toomey, National Realty and the project. George reported that the committee has had a couple meeting with PennDOT because PennDOT had made the comment that if and when a developer would go in between Wind Gap and Pen Argyl, they would want recommendations from the adjoining municipalities along with a traffic study. PennDOT informed National Realty that when anything was to be done they would have to go before Wind Gap for discussion. He addressed rumors that have been floating about. The committee has never wavered about eliminating parking throughout the Borough; the committee has never wavered once about eliminating the stoplights throughout the Borough. The committee wants to make sure that turning radiuses at certain intersections, road widening at certain spots, traffic signalizations to be coordinated throughout the Borough to keep traffic flow as smooth as possible. That is what the meetings were for, they were not private meetings as have been suggested, and they were done in the Borough chambers during the day. He asked if anyone has any questions? Mitch asked if the documents were sent to Amar Bhajandas, District Engineer, PennDOT, as he requested? Mitch said that Amar has not seen any paperwork on this project. George replied that he does not know that gentleman. George got to meet with Mr. Toomey through a meeting that was attended by the Mayor, Kerry Gassler on the Industrial Road. George added that Mitch is taking it upon himself to write, fax or e-mail people without coming back to the committee. Mitch stated that the committee does not give reports on Industrial Drive. George stated that Mitch just approved minutes that included information about the traffic light. Mitch insisted that nothing has been reported and discussed about Industrial Drive. George asked Mitch when this Council appoints a committee they are suppose to do their

thing with the topic at hand? Mitch said yes. George added that a committee meets to discuss ideas and bring their conclusion back to Council. Mitch referenced a fax from National Realty about making the traffic light improvements at their entrance to Industrial Drive at the time they become warranted. George replied that it is not in the Borough's jurisdiction. The only traffic light is the one behind Cramer's and that isn't National Realty. Scott asked Mitch to reread the fax. Mitch read, "we will make the traffic light improvements at our entrance from Industrial Drive at the time they become warranted." Scott said that National Realty's entrance to Industrial Drive would be in the back and in Plainfield Township. National Realty's entrance to Industrial Drive is not on Route 512, National Realty has an entrance to their development off of 512. Plainfield asked National Realty to put that in and it has nothing to do with Wind Gap and the committee. Mitch stated then that they are still taking the light off the plan. Kerry explained that the original plan was to put a light on 512 by the landfill and a light on North Broadway. National Realty put a plan in to Plainfield Township and Plainfield Township asked them to put a light on Industrial Drive at their entrance so you are talking a total of three stoplights. Jim Milot, Hanover Engineering, had a meeting to discuss all the improvements at one meeting. A meeting was set up with Mr. Toomey, but George was the only one available for meeting. The meeting was only on the improvements to the Wind Gap intersections. Wind Gap cannot tell Plainfield Township what to do with the plan before them. Winton stated that the committee has not approved any of the off-street parking. PennDOT made a recommendation to take some of the parking, but once the committee including Jim Milot, started working with them, a lot of that isn't going to happen. Scott added that when the time comes to make their formal recommendation the committee would make a formal report. Scott suggested that instead of jumping to conclusions, maybe he should talk to a committee member one on one. He added that the e-mails were out of line because they were sent to the head of the department at PennDOT. He has employees working for him and they have not given him a report. Winton stated that PennDOT had three representatives at the original meeting in 1999 regarding this project. Ron Madison added that Mr. Bhajandas has not asked for any paperwork related to this project. Dennis Toomey works for Mr. Bhajandas and when he needs to report to him he will. Mr. Bhajandas, District Administrator, is more concerned about 222 by-pass and 33 extension, much larger projects than this Industrial Drive. The reason that Mr. Toomey is meeting with Wind Gap because there are certain projects that occur outside the Borough that will have traffic impact on the Borough. PennDOT has made it policy to work with municipalities on possible solution instead of making decisions without the consideration of the local municipalities. PennDOT's focus is to move the traffic through, but they have found that is not always the focus of the municipalities. That is the process that is working here and that is a good thing. Mitch suggested that Wind Gap sit down with PennDOT, Pen Argyl, Plainfield Township, with the Planning Commissions like Plainfield requested. Mitch stated that he believes that PennDOT just blew that letter off. George stated that it is his understanding that PennDOT will go to a meeting that is under their jurisdiction, which concerns them as far as traffic flows, lights, etc. They are not concerned about a group of people who oppose this project.

Ron added that the Slate Belt project does not have any standing at the Planning Commission level anymore. It has already been recommended to Council and Council has granted Conditional Approval. The Slate Belt project is working to meet those conditions so they can enter into an Improvements Agreement and record the plan. The National Realty plan does

not even border onto Wind Gap Borough. It is up to Plainfield Township and it is their prerogative as far as planning issues to see if it would have any impact with Wind Gap. Ron believes that other than traffic there are no issues with the exception of one site. R.P.M. Recycling that is in Plainfield Township has some traffic and Stormwater impact and Plainfield was looking for comments from Wind Gap. Other than traffic, there is not impact from the National Realty project on Wind Gap. The sewer goes different directions, the storm water goes a different direction, and it is traffic related. The appropriate venue is the committee meetings with PennDOT. The committee is working on gathering information to present to Council. It was suggested that if any specific concerns arise, they should be directed to a member of the committee

On motion by Tony Curcio to adjourn the meeting of December 5, 2005 and seconded by Scott Parsons. The meeting of December 5, 2005 adjourned at 9:12 p.m.

Louise Firestone, Secretary / Treasurer