

**BOROUGH OF WIND GAP
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The Council meeting of the Borough of Wind Gap on Monday, February 7, 2005, 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 Councilpersons: Winton Male, Jr., Karen Skorochood, Mitchell D. Mogilski, Sr., George Hinton, Jr., 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.

Mayor Kenneth George arrived at 7:40 p.m.

PUBLIC COMMENT

1. Nolan Perin, developer, Slate Belt Industrial Center/Bypass Project. Nolan provided Council with a handout that outlines seven issues that are still outstanding. They are as follows:
 - Plainfield Township Final Subdivision and Land Development Plan Approval (4 minor issues – 2 of which he believes are solved)
 - PA DEP Wetlands Approval
 - PA DEP Planning Module Approval (Sanitary Sewer)
 - PA DEP NEPDES Approval
 - Northampton County Conservation District Approval
 - PA DOT – Highway Occupancy Approval
 - PPL – Pole Line Plans

Nolan explained that PPL has a right-of-way at the top of the property. PPL is going to abandon

that pole line and come up with individual pole plots. The township cannot accept that piece of property until there is a written resolution with PPL as to their commitment to abandon that line. Nolan is waiting for PPL to get this done and come up with the new easements.

There are a small section of wetlands on the Wind Gap portion of this road. The Army Corps of Engineers discovered the wetlands. There has been an application submitted for the mitigation of those wetlands. The solution could either be a relocation of the wetlands or a contribution to the wetlands bank, which is money that the DEP uses in larger wetland project by the developer. He hopes that he has an answer in the next month or so.

Nolan stated that there needs to be an easement from Victor and Josephine Paolini and according to the agreement with the Borough of Wind Gap, if there are easements or small pieces of property that need to be obtained, it is the responsibility of the Borough. Nolan provided the description and drawing of the property. Ron Madison stated that Hanover could

review it on behalf of the Borough and Ron Karasek can review the agreement to determine how the condemnation will be paid for either by the Borough, the developer or funds from the County Bond Issue. Nolan is not sure if the plans have the approval from Wind Gap Municipal Authority. Scott will discuss this with the Wind Gap Municipal Authority as soon as possible.

They are almost completed with the Northampton County Conservation District Approval on this project. Then the application goes to the Pennsylvania Department of Environmental Protection NEPDES approval. There is confusion with the PA DEP regulations because they are not written in specific manner.

PA DOT – Highway Occupancy Approval. The application has been filed with PA DOT and it came back with comments, which were answered by the developer. Nolan does not have a signed off copy of the traffic information stating that it is sufficient at this point.

Nolan feels that the item that will hold the project up the most is the PA DEP NEPDES approval.

Kerry explained that Council invited Nolan to this meeting to get an update because the County is questioning the delay on this project and Council needs to be aware of the status of this project.

Nolan stated that he received a copy of a memo addressed to Glenn Reibman, John Kingsley, and Drew Lewis stating that County Council passed a resolution asking for all the items listed to be addressed. Council was sending monthly updates to County Council, but he was not sure if they were being sent.

- The original dollar amount of the project
- The amount of funding expended to date
- The date when ground will be broken for the project
- The anticipated completion date for the project
- A description of the original scope of the project
- A description of the current scope of the project
- A recommended date on which the project can be declared impracticable or unfeasible

Noland stated that he concerned with number seven because at this point, he is waiting for approvals from all the different agencies involved in this project.

Scott will schedule a meeting with all interested parties to discuss that status of this project.

2. Patricia Sutter. Patricia stated that the information that Council had received regarding compensation of the tax collector was not correct. She stated that her earnings in 2004 were only \$191 more than in 2003. She asked Council to consider that Berkheimer does some of their work out of the country. She stated that she maintains her own office, has her own medical insurance, she owns a copier and a fax machine that the Borough did not pay for, she deals with appeals to assessments, she helps fill out forms, she goes to homes to collect the tax, she stated that 40% of the residents pay their taxes in person, and she helped pass the landlord ordinance to keep up-to-date with the per capita for the Borough. Kerry stated that her projected

earnings from 2004 to 2005 would be from \$19,419 to \$23,143. Karen asked if Pat knew where Berkheimer outsources their work? Pat did not know, but she stated that they are taking jobs away from this area.

EXECUTIVE SESSION

Council adjourned to Executive Session to discuss the tax collector's compensation at 8:15 p.m. They reconvened at 9:18 p.m.

On motion by Tony Curcio to make a resolution for the next tax collector to be paid on a commission rate for Earned Income Tax (EIT) of 2% not 4.5% and a commission for Emergency Municipal Services Tax of .5% not 4% and seconded by Winton Male, Jr. Roll call vote taken. In favor: T. Curcio, K. Gassler, W. Male, S. Parsons, K. Skorochood. Opposed: G. Hinton, M. Mogilski. Motion carried with a vote of 5-2.

Patricia stated that would be a pay cut to \$14,000. Kerry replied that this resolution would be starting in the year 2006 not this year, but because this is an election year, anyone running for the position should be aware of what the commission is for the position set by Council. Patricia replied that in 2006 what if the tax collector says that they would not collect the Earned Income Tax for that amount of money? Ron Karasek stated that the current Borough ordinance states that the Tax Collector collects the Earned Income tax

APPROVAL OF EXPENDITURES

On motion by Mitchell D. Mogilski, Sr. to approve the January expenses in the amount of \$36,147.69 and seconded by Tony Curcio. Mitch asked if the Borough is paying for Officer Dailey's cellphone? Troy is paying for his phone through payroll deduction. Winton stated that in last month's bills there was an invoice from J. H. Beers regarding a fine imposed on them related to the brush hog clearing at the Park. Why did the Borough pay for this? George explained that when J. H. Beers was contracted to do the work, there was a complaint about the wetlands. The DEP came to review the complaint and discovered that there had been a hydraulic leak in the wetlands from the equipment being used. The Borough could have received fines in excess of \$4,000, but instead the fine was \$250. Winton replied that the Borough should not be responsible for equipment used by Beers that leaked hydraulic fluid. George stated that it was the only fine imposed and it could have been far higher. Roll call vote taken. Motion carried unanimously.

APPROVAL OF MINUTES

On motion by Tony Curcio to approve the minutes of January 3, 2005 and seconded by Karen Skorochood. Roll call vote taken. In favor: G. Hinton, M. Mogilski, S. Parsons, K. Skorochood, T. Curcio, K. Gassler. Abstained: W. Male. Motion carried with a vote of 6-0-1.

On motion by Scott Parsons to approve the minutes of January 18, 2005 and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

Solicitor's Report

Ronold Karasek reported that the Keenhold litigation has formally been resolved and a motion was needed to conclude this issue. Ron asked Council for a motion to collect the fine imposed by the Magistrate on Mr. and Mrs. Grefe in monthly installments. BASE Engineering agreement will be discussed under Old Business.

On motion by Karen Skorochood to pay Rick Keenhold \$1,500 to settle litigation and seconded by Tony Curcio. Winton stated that there is no justification to pay him anything. Kerry stated that the legal fees to continue to fight in court would be more than the \$1,500 settlement. Roll call vote taken. In favor: S. Parsons, K. Skorochood, T. Curcio, K. Gassler, G. Hinton. Opposed: W. Male, M. Mogilski. Motion carried with a vote of 5-2.

Ron explained that a judgment was filed against the Grefes in the amount of \$2,419.95. They have offered to make payments in the amount of \$268.88 a month. Ron said that this should have been paid last year and since it has not, does Council want to impose interest from last March on the total amount. The interest would total \$129.67.

On motion by Tony Curcio to accept installments over nine months for a total amount of \$2,419.95 and seconded by Winton Male. Roll call vote taken. Motion carried unanimously.

On motion by Mitchell D. Mogilski, Sr. to not charge interest and collect the total amount of \$2,419.95 and seconded by Winton Male. Roll call vote taken. Motion carried unanimously.

On motion by Tony Curcio to charge the \$27.50 filing fee and seconded by Scott Parsons. Roll call vote taken. Motion carried unanimously. Ron Karasek to contact Mr. and Mrs. Grefe.

Engineer's Report

Ron Madison reported the MS4 Act 167 Ordinance has to be updated. The Bushkill draft has not been completed. Hanover will use the Little Lehigh Creek as a model draft ordinance. He will provide Council and Ron Karasek with a draft prior to the February 15 workshop meeting.

Hanover sent Council an updated valuation in regard to the traffic lights in the Borough for insurance purposes.

NEW BUSINESS

1. Resolution 2005-02 – Income Exemption for Payment of Emergency Municipal Services Tax. Ron Karasek explained that he drafted the resolution with an exemption for anyone not earning \$6,500 or more from work within the Borough of Wind Gap from all sources.

On motion by Scott Parsons to adopt Resolution 2005-02 and seconded by Mitchell D. Mogilski, Sr. Roll call vote taken. Motion carried unanimously.

2. Approval County Bond Issue Invoices. Tony reviewed the invoices received and pointed out to Council that he is not recommending paying overtime premium charge from

Pidcock in the amount of \$1,468.25.

On motion by Scott Parsons to approve payment from the County Bond funds to pay Pidcock for Invoice 14 in the amount of \$26,417.25 and expenses in the amount of \$909.94 and to pay NAPA in the amount of \$3,612.50 for total disbursement of \$30,939.69 and seconded by George Hinton. Roll call vote taken. Motion carried unanimously.

3. Third Street and South Broadway Traffic Signal. Ron referenced his letter dated February 1, 2005 regarding Change Order #1. The project is complete with the exception of the line striping and final testing. Due to the weather, temperatures and road salt the contractor believes the required thermoplastic pavement marking may not properly bond. The contractor is proposing to have the pavement markings painted to allow the traffic signal to be tested and put into service. The thermoplastic marking would be applied in the spring. The proposed cost of this proposal is an additional \$2,340 to the contract price. This proposed course of action is acceptable to PennDOT.

On motion by Mitchell D. Mogilski, Sr. to approve Change Order #1 and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

Ron referenced his letter dated February 3, 2005 regarding curb and drainage replacement improvements previously contemplated at Third and South Broadway. The improvements were not part of the contract with Lenni Electric, but subsequent discussions with George have included the optional improvements to the intersection.

- The improvements would include:
- New wider curb radius Southeast corner
- New curb replacement for depressed curb along Broadway
- New curb each side of East Third Street to the first alley
- New type C inlets at East Third Street and 15" RCP pipe across East Third Street and Broadway, with discharge at curb
- Removal of existing inlets and pipe, and flowable fill abandonment of existing pipe crossing Broadway
- New curb along each side of West Third Street to beyond existing pipe discharges
- Pavement restoration
- Traffic control.

Hanover anticipates that an Engineering Budget to obtain the Highway Occupancy Permit from PennDOT of \$3,500 to \$5,000 and the additional engineering cost to negotiate the change order and provide construction observation is budgeted as \$3,000 to \$4,000. Hanover supplied Council with a construction estimate to complete the above improvements at \$47,916. Winton asked if Waste Management was still offering to pay for all of these improvements? During discussion with Waste Management they indicated that they are willing to make these necessary improvements to the intersection. Ron is hoping to negotiate the change order with the contractor who is awarded the Park Drainage project.

On motion by George Hinton to accept the numbers provided by Hanover Engineering for this project and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously. Ron will proceed with obtaining the necessary Highway Occupancy Permit tomorrow.

OLD BUSINESS

1. Park Entrance Storm Drainage Project.

On motion by George Hinton to award the project to Bill Anskis Company in the amount of \$148,349 and seconded by Karen Skorochood. Roll call vote taken. Motion carried unanimously.

Scott asked if Ron had anything dealings with this company? Ron replied that they did work in Hellertown Borough and the Borough Manager gave positive feedback.

2. Woodward and Lehigh Avenue Storm Drainage Project.

On motion by George Hinton to award the project to Collins and Maxwell in the amount of \$55,303 and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

3. BASE Engineering Third Party Inspection Agreement. Kerry explained that the Borough has the opportunity to opt out of the Uniform Construction Code. Ron Karasek stated that he believes that the Borough could opt out after 180 days, but he will look into this to confirm the amount of time.

On motion by Karen Skorochood to opt out and allow Labor and Industry to do the commercial inspection work and seconded by Mitchell D. Mogilski, Sr. Roll call vote taken. Motion carried unanimously.

It is still necessary to have a third party inspector available to residents who are unable to wait for the Borough's inspector to do the inspections.

On motion by Tony Curcio to accept BASE Engineering as the Third Party Inspectors for residential and seconded by Scott Parsons. Roll call vote taken. Motion carried unanimously.

4. Kerry announced that an Executive Session would be held on Wednesday, February 9, 2005 at 7:00 p.m. to discuss the Roberti condemnation.

5. Park Restroom. Grace Industries will be contacted regarding the toilets that were incorrectly delivered for the Park restroom. The toilets were paid for by Grace and should be returned to them.

6. Waste Management Tipping Fee Allocation for Approval. Tony distributed a breakdown of the committee to allocate the tipping fees for 2005.

On motion by Tony Curcio to approve the breakdown as proposed and submitted to Council and seconded by Mitchell D. Mogilski, Sr. Roll call vote taken. Motion carried unanimously.

On motion by to adjourn the meeting of February 7, 2005 and seconded by. The meeting of February 7, 2005 adjourned at 10:10 p.m.

Louise Firestone, Secretary / Treasurer