

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

**EXECUTIVE SESSION**

Wind Gap Borough Council convened at 6:30 p.m. in an Executive Session to discuss the Roberti Condemnation.

The Council meeting of the Borough of Wind Gap on Monday, June 6, 2005, was called to order at 7:40 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: Winton S. Male, Jr., Karen Skorochood, Mitchell D. Mogilski, Sr., George Hinton, Scott Parsons and Tony Curcio. Also in attendance Mayor Kenneth George. Borough Solicitor, Ronold J. Karasek, Borough Engineer, Ronald Madison and Secretary/Treasurer Louise Firestone.

Kerry stated that Borough Council was in Executive Session to discuss the Roberti Condemnation and asked for the following motions to be made:

**On motion** by George Hinton to pay Neil Roberti \$56,000 by the end of the month, with the understanding that he will be moved out by August 31, 2005 and seconded by Mitchell D. Mogilski, Sr. Roll call vote taken. In favor: T. Curcio, K. Gassler, G. Hinton, W. Male, M. Mogilski, K. Skorochood. Abstained: S. Parsons. Motion carried with a vote of 6-0-1.

Hanover Engineering Associates, Inc. to acquire demolition and stream encroachment permits.

**PUBLIC COMMENT**

1. Dorothy Thorpe. Dorothy asked if Kerry attended a Plainfield Township meeting to request that the speed limit on Constitution Avenue be lowered? Kerry replied that he had attended a meeting and Plainfield Township agreed to have their Chief of Police do a study on the road and then they would consider lowering the speed limit from 45 m.p.h. to 35 m.p.h. Dorothy stated that the sign coming down the hill is not visible and should be checked out. She offered to allow the Police to park on her property to monitor speeding. She reported that the motorcycles are speeding on Constitution Avenue and something should be done to slow them down. She stated that the storm drain by 142 Constitution Avenue is collapsing with a hole already forming around it. George will check this out tomorrow. She stated that a dead tree exists between two properties and if it falls it has the potential to knock down the electrical lines. She asked Council if it could be determined who the tree belongs to? Kerry will ask Millie to check into the property issue tomorrow.

## APPROVAL OF EXPENDITURES

**On motion** by Karen Skorochood to approve the May expenses in the amount of \$45,053.30 and seconded by Scott Parsons. George questioned the invoice from Base Engineering. It was explained that these costs are incurred by the developer and monies from escrow accounts for the developers are paying the invoices. George questioned the invoice received from Hanover Engineering related to the South Broadway and Third Street Improvements. Ron Madison explained that the bill was separated to show the costs incurred by the re-bid and the actual bill for work down on the project. George asked how much of the invoice for the Park Drainage was for the inspector? Ron stated that the majority of the bill was for inspections on the project, but some of the fees were written off as a courtesy. It was suggested by Council that this invoice be held until Council has further time to review it.

**Amended motion** by Karen Skorochood was to approve the May expenses while holding the Hanover Engineering Associates invoice in the amount of \$11,368.92 for the Third Street Park Drainage Project and seconded by Scott Parsons. Roll call vote taken. Motion carried unanimously. Louise to provide Council with a copy of the invoice in question.

**On motion** by Mitchell D. Mogilski, Sr. to approve the release of the Fire Company budgeted amount for the fire truck in the amount of \$15,000 and seconded by Karen Skorochood. Roll call vote taken. Motion carried unanimously.

**On motion** by Tony Curcio to approve the release of the Blue Mountain Community Library budgeted donation of \$1,500 and seconded by George Hinton. Roll call vote taken. Motion carried unanimously.

**On motion** by Mitchell D. Mogilski, Sr. to approve the release of the Families First budgeted donation of \$500 and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

## APPROVAL OF MINUTES

**On motion** by George Hinton to approve the minutes of the May 2, 2005 meeting and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

**On motion** by Scott Parsons to approve the minutes of the May 10, 2005 meeting and seconded by Tony Curcio. Roll call vote taken. In favor: T. Curcio, K. Gassler, G. Hinton, W. Male, M. Mogilski, S. Parsons. Abstained: K. Skorochood. Motion carried with a vote of 6-0-1.

## Solicitor's Report

Ronold Karasek reported that he has recorded the CVS/Posh Improvements Agreement with a copy to be mailed to the Borough for the file. He has prepared the Improvements Agreement with Giant and has received the signed document, which he will record. He has prepared the Improvements Agreement with DePue and has received the signed document, which he will record. Mr. DePue has posted the necessary security with the Borough. Ron anticipates that the Letter of Credit for Giant Food will be completed shortly. Mr. Lessig has

asked that his plan be placed on the July 5, 2005 agenda for Council to discuss. Ron informed Council that he received a fax from Engineer Rutt regarding the McDonald's parking lot expansion. He asked Council if they had taken any action based on the Borough's Planning Commission's recommendation to waive the land development in the Borough. This issue to be reviewed.

## Engineer's Report

Ron Madison reported that the project at the intersection of South Broadway and Third Street was award, but the contractor withdrew his bid. Ron asked Council if they intended to re-claim the costs for the re-bid? George replied that the Borough had to pay so those costs should be forwarded to the contractor for reimbursement. Ron Karasek suggested that the costs should be included in a bill to be forwarded to Bill Anskis Company's attorney as a courtesy prior to proceeding with the Bid Bond. The bill should include Hanover Engineering Associates bills, legal bills and any administrative time spent on the re-bid.

In a letter dated June 3, 2005 from Hanover Engineering Associates, Collins and Maxwell is requesting their second and final pay request in the amount of \$5,499.95. Ron reported that a final walk through was conducted and the Maintenance Bond for 18 months has been submitted.

**On motion** by Karen Skorochood to approve payment to Collins and Maxwell in the amount of \$5,499.95 and seconded by George Hinton. Roll call vote taken. Motion carried unanimously.

In a letter dated June 3, 2005 from Hanover Engineering Associates, Bill Anskis Company is requesting their second pay request in the amount of \$40,807.80. Ron reported that a walk through with PennDOT was conducted. PennDOT is satisfied, but not overly enthusiastic with the restoration done on this project. At this point, the project is 92% complete. Mayor George asked if it is okay for PennDOT to complete their project? Ron replied that they planned to do some milling for the paving, but they might have to do more than they anticipated.

**On motion** by Mitchell D. Mogilski, Sr. to approve payment to Bill Anskis Company in the amount of \$40,807.80 and seconded by George Hinton. Roll call vote taken. Motion carried unanimously.

Ron referenced a second correspondence dated June 3, 2005 regarding a meeting with the contractor, Bill Anskis Company, that occurred on May 24, 2005. The letter stated that Hanover anticipates some costs over the base bid amount of the Contract with Pay Request #3. The additional anticipated costs are as follows:

1.	Additional sidewalk ( (112 SF/152 SF) x \$1,400)	=	\$1,032
2.	Additional saw cut for water repair completed	=	\$ 760
3.	Additional concrete curb – per unit price bid	=	\$4,380
4.	Deduction of unused contingency items	=	<u>(\$7,250)</u>

Net Additional and Contingency Items (\$1,078)

Ron stated that there is anticipated costs incurred by the Contractor for the rental of the traffic control reflective barrels until PennDOT begins their Overlay Project.

## NEW BUSINESS

1. Berkheimer Resolution 2005-5. The resolution establishes the Delinquent Tax Collection Fee Schedule for the collection service provided by Berkheimer Associates.

**On motion** by Scott Parsons to adopt Resolution 2005-5 and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

2. Ron DeCesare Property – 607 South Broadway. Ron explained that the property is owned by Ron DeCesare, but Thomas Nedo has filed a Zoning Application on April 22, 2005 for a used car lot and for the placement of a 12' x 16' shed to use as a sales office. The use as an automobile sales lot is permitted in the C-Community Commercial District, it also falls under the category of Zoning Section 313.C.5 Standards and Conditions for Permitted By Right Uses with Additional Requirement. As part of the requirements of this section, a Site Plan submission will be required as provided for in Zoning Section 313.A. Because no site plan was submitted, the Application was rejected in a letter dated May 6, 2005. The applicant and the property owner have requested that the matter be reconsidered. Hanover contacted Base Engineering who indicated that the newly adopted Uniform Construction Code would require the auto sales office to be served with public water and sewage facilities. A temporary building is defined as a structure used for less than 180 days. Mr. DeCesare has requested that the Site Plan requirement be waived by the Zoning Office, since previous temporary permits have been issued in the past. Ron stated that a used car lot must have shelter to conduct business and an occupied space must have facilities. Hanover Engineering, as Zoning Officer, to send a letter to the applicant denying the application.

3. Waste Management Expansion Letter to DEP. Winton Male wrote a draft letter to the DEP dated June 1, 2005. Council discussed the contents of the letter and whether anything should be added or deleted from the letter. Council received a letter from Waste Management dated June 6, 2005, which Kerry read aloud. Tony stated that the committee met with Waste Management on May 26, 2005 to discuss the wish list items submitted by the Borough to Waste Management. Waste Management stated that they could not do anything at this time with the exception of the \$72,000 earmarked for Third Street improvements. Kerry said that a letter must also be directed to Frank Wanko, DEP Program Engineer, relating to the expansion of the landfill. George stated that during their discussions with Waste Management they indicated that "now is not the time to ask", but George said now is the time to ask.

**On motion** by Winton Male to approve his letter and send it to Mr. Tomayko, copying all local political representatives plus anyone else that Council would like to copy while making a few minor changes to the language and seconded by Scott Parsons. Roll call vote. In favor: W. Male, S. Parsons, K. Skorochood, T. Curcio, K. Gassler, G. Hinton. Opposed: M. Mogilski. Motion carried with a vote of 6-1.

The letter has to be mailed by June 15 so that the DEP receives it by June 20, 2005. Kerry stated that the current contract with Waste Management pays Wind Gap \$.40/ton

indefinitely. Council discussed the current status of the land necessary to complete a full interchange at Route 33 and not extending the Industrial Road directly to Route 512 South of Wind Gap. Winton added that the Borough can't expect Waste Management to pay for everything, but their support is necessary because they have the clout and the know-how to get this done. The Wal-Mart/Lowe's could produce substantial dollars for off-site improvements, but Plainfield Township needs to be involved.

Harry Smith, Waste Management, was present and asked to speak to Council. He stated that if the expansion permit is granted then the revenues would look forward to new advances to the agreement. Waste Management supports the interchange and would continue to make a commitment to the Boroughs and Township. Waste Management has assigned Harry to work on this by-pass. Kerry appointed Mitch, Tony and Scott to be the Borough's committee on the by-pass.

## EXECUTIVE SESSION

Council adjourned to Executive Session at 8:55 p.m. to discuss the Zoning Officer position. Council re-convened at 9:08 p.m.

**On motion** by Tony Curcio to hire Deborah Roseberry for three (3) hours per week on a Saturday at a rate of \$20/hour and seconded by Karen Skorochood. Roll call vote taken. In favor: M. Mogilski, S. Parsons, K. Skorochood, T. Curcio, G. Hinton, W. Male. Opposed: K. Gassler. Motion carried with a vote of 6-1.

## OLD BUSINESS

1. Park fence/gates. Scott reported that he took a walk through the Park. The vehicles have created a road through the Park. The Babe Ruth field is ruined and the night he was there, twelve vehicles were parked along the refreshment stand. George stated that four locks have been ordered and only twelve keys will be distributed. The welder should be there this week to hang the gate. If anyone needs to get in the Park they will have to come to the Borough Office and sign a key out. He added that the Park building was painted because of graffiti sprayed over the weekend.

**On motion** by Tony Curcio to adjourn the meeting of June 6, 2005 and seconded by Scott Parsons. The meeting of June 6, 2005 adjourned at 9:17 p.m.

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Louise Firestone, Secretary / Treasurer