

**BOROUGH OF WIND GAP
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The Council meeting of the Borough of Wind Gap on Monday, March 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: 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. Absent was Councilman Winton Male, Jr.

Mayor Kenneth George arrived at 7:44 p.m.

Council President Kerry Gassler informed those in attendance that a Public Meeting was being conducted regarding a Zoning Ordinance Amendment, specifically to Section 402 of the Zoning Ordinance.

402 – Principal Buildings

A. Street Frontage Required – Every principal building shall be built upon a lot with frontage upon a public or private street improved to meet Borough standards and specifications or for which such improvements have been insured by the posting of a performance guarantee pursuant to the Subdivision and Land Development Ordinance.

1. The provisions of Section 407 NONCONFORMITIES (and the subsections thereunder) shall not supersede the requirements of this Section 402 – Street Frontage Required.
2. If said public or private street is not so improved, it shall be the responsibility and obligation of the lot owner to incur the costs and expenses of improving said public or private street to Borough standards and specifications.

1. Robert Matlock asked if a lot is purchased on East West Street, would the buyer be able to build a house along that street? Ron Madison replied that a house could not be built because East West Street is not improved to Borough standards. If the Zoning Officer does not believe that the road is improved to Borough standards it could go before Council to ask them if they are willing to accept the existing condition as improved to Borough standards.

On motion by George Hinton to approve making the change to Section 402 in the Zoning Ordinance and seconded by Karen Skorochood. Roll call vote taken. Motion carried unanimously.

PUBLIC COMMENT

No one appeared before Council at this time.

APPROVAL OF EXPENDITURES

On motion by Tony Curcio to approve the February expenses in the amount of \$27,627.51 and seconded by Scott Parsons. Mitch stated that the Borough might be able to get a better price than the Borough is currently getting with Nextel. Kerry stated that all emergency organizations within the Borough use Nextel to communicate. Council agreed to allow Mitch to check into other plans. Roll call vote taken. Motion carried unanimously.

APPROVAL OF MINUTES

On motion by Tony Curcio to approve the minutes of the February 7, 2005 meeting and seconded by Karen Skorochood. Correction to be made on page 2. Roll call vote taken. Motion carried unanimously.

On motion by George Hinton to approve the minutes of the February 15, 2005 meeting and seconded by Mitchell D. Mogilski, Sr. Correction to be made on page 1 and page 2. Roll call vote taken. Motion carried unanimously.

Solicitor's Report

Ronold Karasek reported that he did advise Mr. Grefe that Council is willing to accept payments on the judgment starting April 1, 2005 and his wife did sign for the letter.

Ron has reviewed the paperwork for the Park Entrance Drainage project and the Woodward/ Lehigh Stormwater project. Stipulation Against Liens have been secured, he has received certificates from the Department of Insurance stating that the bonding companies are duly approved and certified in Pennsylvania.

He has not been able to secure the procedure for the Borough to opt out of the UCC because the Statute only discusses the ways to opt in to the UCC. He will continue to research.

Mr. Perin sent Ron documentation over the weekend regarding the NAPER Development project that will be passed along to Borough Council once Ron has a chance to meet with Ron Madison. It deals with the easements needed for the roadway. The individuals who might need to give easements for the road to the Borough may be resistant. He is requesting that the Borough use their condemnation powers to get those easements. Ron is not sure who is responsible to get the easements. Kerry stated that he believes that the Borough would be required to get the easements. Ron Madison added that the developer must make a good faith effort to acquire them himself. If he were unable to acquire them, then the Borough would use their condemnation powers. Ron Karasek would like to review the original agreement and meet with the Borough Engineer before commenting on how these issue needs to proceed. Kerry stated that Council received correspondence from the County suggesting that the Borough enter into an Indemnification Agreement with the developer to make any commitment of private funds is legally binding. December 1, 2000 a letter was sent by Nolan Perin committing private funds

to develop the site. Kerry asked if that is a binding contract. Mr. Karasek to review this topic also.

The two Stipulations Against Lien will be filed at the courthouse this week. Ordinance 445 is ready to go assuming that no major changes are necessary. Ordinance 444 is ready to go including the small changes that had been discussed at an earlier meeting.

Ron Madison stated that the Slate Belt Industrial project is a combination of a developers project and a public works project. Once this project is ready to go out to bid, the Borough will have to tally up how much of the grant funds are remaining for the total project over and above the grant funds, the developer will have to enter into a Developer's Improvements Agreement with the two municipalities and the two Municipal Authorities. He will have to provide security and enter into those agreements for costs over and above the grant funds.

Engineer's Report

Ron Madison reported that the Third Street South Broadway traffic light is in full operation. Jim Milot from Hanover was in attendance when the light was turned on. Lenni Electric has submitted a pay request including Change Order #1, less retainage. Hanover is recommending payment of this invoice.

On motion by George Hinton to approve payment to Lenni Electric in the amount of \$67,442.40 and seconded by Scott Parsons. Roll call vote taken. Motion carried unanimously.

Ron met with Collins and Maxwell to discuss the Woodward and Lehigh Avenue Stormwater project. They have scheduled work to begin March 21, 2005. Woodward will be closed during the construction between Lehigh and Woodward.

Ron met with Bill Anskis regarding the Park Drainage. They are looking to start March 15, 2005. They are going to coordinate with the logger. The contractor will be closed and they will use Cherry Street as a staging area. George reported that the logger trimmed more trees and they will pile the debris in the center of property so a control burn can take place. George will check with the busing coordinator at Pen Argyl to find out if they use Woodward and inform them that it will be closed.

Ron reported that a Highway Occupancy was submitted to PennDOT for drainage and curb improvements and the HOP permit has been received already. Ron will meet with George to further discuss the improvements portion of this project.

NEW BUSINESS

1. Ordinance 445 – Traffic patterns. Kerry stated he was not aware that Council approved advertising this Ordinance. Ron Karasek replied that he was told that the light was going to be in operation and he got an ordinance in place, since the light was put in operation today. Council discussed the streets not mentioned with regard to "No Left Turns". The changes should include West side First, Second, Fourth and Fifth, East side, First, Second, Fourth and Fifth

On motion by George Hinton to change Ordinance 445 to include no left turn additions for West Fourth and Fifth and East First Street and seconded by Karen Skorochoch. Roll call

vote taken. Motion carried unanimously.

Ron asked for future if Council is need of an ordinance, should a special meeting be called? Kerry replied that a special meeting would need to be called to approve advertising the ordinance.

2. Approval Ordinance 444 – Stormwater Quality Addendum to Ordinance 373.

On motion by Tony Curcio to approve Ordinance 444 and seconded by Scott Parsons. Roll call vote taken. Motion carried unanimously.

3. 911 Issues. Tony Curcio and Karen Skorochood met with the County 911 Director, Richard Teasdale. Karen wrote a letter expressing concerns related to calls dispatched in the Wind Gap area with wrong street names.

Karen outlined the meeting.

- Concerns about 911 service addressed and specific scenarios were discussed.
- Police, Fire and EMS need to be present at the monthly regular meetings at the 911 Center to keep our borough and organizations within it updated. This is mandatory!
- 911 staff will come up and do an update type of meeting for us because Wind Gap has been out of the loop for so long. Need to schedule this.
- We need to address our street maps and make everything as accurate as possible. For example, there are paper alleys in the CAD system that should be removed, as they are not accessible and would confuse someone giving directions.
- We need to inform our citizens to number their houses and give proper addresses to the 911 Center – i.e. use the North and South designations for Lehigh Avenue and Broadway. Through the uniform construction code, it states that we can mandate house numbering.
- If the CAD gives out bad directions to fire, police, or EMS we need to let them, now so they can change it.
- The borough needs to update county continually, as far as addresses and staff. Millie is our contact person for this.
- We are to document any incidence of unprofessional demeanor on the radio, including dates and times, and forward to 911 QA.
- Continuing education is available at the 911 Center for public safety personnel.

A concern is the trailer court because they do not have street names or house numbers. It was suggested to be included in the monthly newsletter is when residents call from Lehigh and Broadway they should use North and South. Tony added that the County has a \$360,000 grant for Fire Companies for change over in frequency when it does occur, but because the emergency organizations have not been attending the County meetings, the Borough would not be included in the grant to change over all the radios to the new frequency. If there are dues for participation in the meetings, Kerry suggested that the Borough cover the costs. Council agreed to cover the costs.

Tony will chair the committee, which includes, Karen and George. This will continue to be research to make the system the best that it can be.

4. Community Yard Sale.

On motion by Scott Parsons to set July 9 and July 10, 2005 as the Community Wide Yard Sale and seconded by Mitchell D. Mogilski, Sr. Roll call vote taken. Motion carried unanimously.

5. Committee Police, Chief and Teamsters. Kerry appointed George, Tony and Scott to negotiate with the Police and the Chief. Kerry appointed George, Karen and Mitch to negotiate with the Teamsters.

6. Resolution for Participation in PA Cooperative Purchasing Program – Resolution 2005-3. It allows the Borough to participate in the State contract to purchase salt and any other materials at State prices.

On motion by Mitchell D. Mogilski, Sr. to approve participation in the PA Cooperative Purchasing Program and seconded by George Hinton. Roll call vote taken. Motion carried unanimously.

7. Approval County Bond Issue Invoice.

On motion by Scott Parsons to approve the Hanover Engineering Associates, Inc. invoice related to the County Bond Issue in the amount of \$72.17 and seconded by George Hinton. Roll call vote taken. Motion carried unanimously.

Scott announced that a County Bond meeting would be held tomorrow night at the firehouse.

OLD BUSINESS

1. Police Computer Upgrade – DCED Grant. George reported that the importance of purchasing and installing the new police computer upgrade needs to be done as soon as possible. A grant was received from the Department of Community and Economic Development in the amount of \$11,450 with money set aside in Capital Reserve. The quote received for equipment and installation is \$13,100. George stated that he would like Council to allow to advertise and award the contract at a special meeting. If this is not in place by April 1, the Borough will not be able to collect fines according to State direction. Ron Karasek suggested that it might not have to go out to bid if this is considered a professional service. George stated that the hardware is being purchased under a State contract. Ron Karasek read from the Borough Code, "Those where particular types, models or pieces of new equipment, articles, apparatus, appliances, vehicles or parts thereof, are desired by Council which are patented and manufactured or copyrighted products". Ron stated that he would be comfortable without advertising, although he feels that it is always best to advertise. George added that the professional service end of it \$2,760 and the rest is under the State contract for components. Ron's final opinion based on the definition from the Borough Code and the service dollar amount is that it is not necessary to advertise.

On motion by George Hinton to purchase the computer system from Integra One at a cost of \$13,181 and seconded by Karen Skorochood. Roll call vote taken. In favor: S. Parsons, K. Skorochood, T. Curcio, K. Gassler, G. Hinton. Opposed: M. Mogilski. Motion carried 5-1.

2. The Mayor reported that a letter was sent to Richard Miller, property owner, Eighth Street, but he has not responded to the letter. The problems are not being fixed on the property. The cellar door is broken, the garage is falling down, and the back stairway is not safe. Kerry suggested that the Chief shut it down because it is unsafe. Ron Madison stated that Hanover Engineering has a structural engineer who does house inspection.

3. Kerry asked if the tax parcel owned by Nolan and Ron Perin has ever been straightened out. Ron asked if it is the right-of-way on East West near Alpha? It is. Ron Karasek stated that he would discuss this with Ron Madison during their meeting.

4. Mitch asked Ron regarding Arlington Enterprises and the Quiet Title Action. Ron stated that the complaint is basically stating that Arlington Enterprises wants to close or have abandoned all paper streets and alleys on this piece of property so that it can be developed. The Borough would not have responsibility then, but if the Borough would want to say that by adverse possession it would want to keep the streets and alleys open. The Borough was named in the suit because of ownership of the Firehouse. Ron Madison informed that the public street improvements along the frontage and none of the previous developers wanted to improve the street. He suggested that if Council is concerned about the development of the streets then Ron Karasek might need to take a look at this. Kerry explained that if the developer makes it one big blank lot, they could satisfy the setbacks for developing lots.

On motion by Mitchell D. Mogilski to have Ron Karasek and Ron Madison look into the matter and seconded by Scott Parsons. Roll call vote taken. In favor: M. Mogilski. Opposed: K. Skorochood, T. Curcio, K. Gassler, G. Hinton, S. Parsons. Motion did not pass with a vote of 1-5.

5. Mitch reported that he met with Mark Hunter from Met-Ed regarding adding four poles in the Borough. Two would be in the Vito development, but the poles and transformers would need to be installed at the Borough's costs and then they would be hooked up. The third pole would be on Male Road by Beers' property by the entrance, but a transformer would need to be installed at a cost of \$2,000 in wire. The fourth pole would be at East First Street near the white garage. This property is adjacent to the proposed CVS subdivision plan. Council decided because of the cost involved, no new poles would be installed at this time.

6. George suggested that the utility companies (telephone, RCN, Service Electric) be contacted regarding moving the wires up at the intersection of Third Street and South Broadway at the new light. Tom Walters, PennDOT, is not overly concerned, but recommended that they be moved. Ron Madison to contact the companies.

On motion by Scott Parsons to adjourn the meeting of March 7, 2005 and seconded by Tony Curcio. The meeting of March 7, 2005 adjourned at 9:08 p.m.

Louise Firestone, Secretary / Treasurer