

**BOROUGH OF WIND GAP  
29 MECHANIC STREET  
WIND GAP, PA 18091  
863-7288  
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The Council meeting of the Borough of Wind Gap on Monday, May 2, 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, George Hinton, 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.

*Mayor Kenneth George arrived at 7:37 p.m.*

**PUBLIC COMMENT**

No one appeared before Council at this time.

**APPROVAL OF EXPENDITURES**

**On motion** by Tony Curcio to approve the April expenses in the amount of \$38,720.44 and seconded by Karen Skorochood. Winton questioned the invoice from Rettew regarding doing a wetlands survey on the Turtzo property which is in Plainfield Township. Kerry stated that he would look into what was surveyed since the area would now be flagged because of the survey. He suggested that Rettew might have just copied Mr. Turtzo's map that was done in the 80's. Winton suggested that if the Borough is interested in the Turtzo property it should get together with Plainfield Township and make it a joint effort. He added that this would be a ridiculous idea to ask Waste Management for money for a project in Plainfield Township. Winton asked Attorney Karasek if there would be any legal issues regarding transferring land in Plainfield Township to ownership by Wind Gap Borough? Ron replied that it would be like any other property transfer. Roll call vote taken. Motion carried unanimously.

**On motion** by Mitchell D. Mogilski, Sr. to approve payment to PennDOT for their inspection of the Third Street traffic light in the amount of \$813.16 and seconded by Scott Parsons. Roll call vote taken. Motion carried unanimously.

**On motion** by George Hinton to approve payment to Bill Anskis Company for pipe purchased from them for the Third Street Drainage Project at \$1,663.27 less the sales tax of \$78.47 and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

**On motion** by George Hinton to approve payment to Bill Anskis Company in the amount of \$76,891.50 for the Third Street Drainage Project and seconded by Mitchell D. Mogilski, Sr. Roll call vote taken. Motion carried unanimously.

**On motion** by Mitchell D. Mogilski, Sr. to approve payment to Woodward/Lehigh Avenue

Drainage Project in the amount of \$49,499.50 and seconded by Karen Skorochood. It will be paved and 10% retainage is still being held until this is completed. Roll call vote taken. Motion carried unanimously.

## **APPROVAL OF MINUTES**

**On motion** by Karen Skorochood to approve the minutes of the April 4, 2005 meeting and seconded by Tony Curcio. Mitch asked that a correction be made to the comments regarding the Nextel comparison. Roll call vote taken. In favor: T. Curcio, G. Hinton, W. Male, M. Mogilski, S. Parsons, K. Skorochood. Abstained: K. Gassler. Motion carried with a vote of 6-0-1.

**On motion** by Scott Parsons to approve the minutes of the April 19, 2005 meeting and seconded by Mitchell D. Mogilski, Sr. Roll call vote taken. Motion carried unanimously.

## **Solicitor's Report**

Ronold Karasek reported that he is in receipt of the easement description regarding the Slate Belt Industrial Project for the four or five properties in question and he has forwarded a copy to Borough Engineer, Ron Madison for his review and to get his approval. Last month he attended the oral deposition of the Schinstine condemnation with Ron Madison. That matter is proceeding through the system. Last month he prepared the DePue Land Development Agreement. Mr. DePue gave Ron a check for \$5,750 which he said is what his Engineer has estimated the improvement costs to be which breaks down as \$5,000 + \$10% + 5%. He dropped the check off at the Borough office. He still needs a Quantity and Cost Estimate, which matches the specific check. The Zoning Ordinance Amendment has been sent to the LVPC per the Municipalities Planning Code. He reminded Council that if it wishes to discuss the Transient and Yard Sale Ordinance now would be the time if any questions have arisen. Ron asked Council for an Executive Session to discuss the withdrawal of the Anskis bid and the reason for the request would be under the Sunshine Law to consult with Council regarding information or strategy in connection with litigation or with issues on which identifiable complaints are expected to be filed. He informed Council that he has been contacted by an attorney for Anskis. Ron informed Council that once he took the position of Solicitor for the Borough of Wind Gap he did not take any criminal cases involving the Wind Gap Police. There still exists one hangover case that does involve and the arrest of his client by the Borough Police, which should go to trial next week. He clarified stating that the Borough would not be involved in the case at all. Ron does not believe that any claim would be brought against the Borough. Council has no problem with Mr. Karasek representing his current client in this case.

The Mayor said as a follow up to the Ordinance regarding selling vehicles from a person's property. Ron added that the Ordinance for the transient sales does not include yard or garage sales. The Ordinance states that the sales are for the person's own purpose and only two sales are permitted a year.

## **Engineer's Report**

Ron Madison stated that he has nothing to report at this time.

## NEW BUSINESS

1. Approval County Bond Issue Invoices. **On motion** by Tony Curcio to pay \$1,092.22 from the County Bond Issue to Hanover Engineering Associates for professional services from February 26 through March 25, 2005 and seconded by Scott Parsons. Roll call vote taken. Motion carried unanimously.
2. Approval Park Parking Lot Paving Project. Kerry explained that Rettew has provided a specification for the Park parking lot that the Park Board is asking to be put out to bid. They will pave as much as possible at the lower lot, which should include 50+ parking spots, plus the necessary handicapped spots. Kerry asked if the Park Board has the funds available in their budget to do this project? Karen replied that the Park Board is holding their regular meeting next week, but they indicated that they do have the funding for this project, but Karen would double check with them. Scott asked what permission was given to Rettew to do what? Kerry replied that they were given directive to put a specification together for the parking lot.  
**On motion** by Karen Skorochood to approve this project go out to bid and seconded by George Hinton. After further discussion Karen amended her **motion** to be "that if the Park Board has the money in their budget they can put the project out to bid after notifying Borough Council that they have money in their budget" and seconded by George Hinton. Roll call vote taken. In favor: K. Gassler, G. Hinton, W. Male, S. Parsons, K. Skorochood, T. Curcio. Opposed: M. Mogilski. Motion carried with a vote of 6-1.

## EXECUTIVE SESSION

At the request of the Borough Solicitor, Ron Karasek asked Council to adjourn to Executive Session at 8:00 p.m. to discuss the withdrawal and re-bid of Third Street and South Broadway Project, which was listed on the agenda as New Business Item 3. Council re-convened at 8:20 p.m.

**On motion** by George Hinton to accept the withdrawal of Bill Anskis Company bid on the condition that under the controlling statute he is to pay all the costs including advertising for the re-bid and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

**On motion** by George Hinton to reject all bids for the same project received on April 14, 2005 and seconded by Mitchell D. Mogilski, Sr. Roll call vote taken. Motion carried unanimously.

**On motion** by Tony Curcio to re-bid the project and seconded by Karen Skorochood. Roll call vote taken. Motion carried unanimously.

**On motion** by Scott Parsons to advertise a special meeting scheduled for May 10, 2005 at 7:30 p.m. to include regular mid-month agenda items and eliminate the scheduled May 17, 2005 Council meeting and seconded by Mitchell D. Mogilski, Sr. Roll call vote taken. Motion carried unanimously.

4. Appointment of Hanover Engineering as Interim Zoning Officer. Kerry stated that Tony and Winton are reviewing the applications received for the position of Borough Zoning Officer. It was decided that minor issues could be handled in-house, but Hanover Engineering Associates, specifically, Mike Minervini, would act as Interim Zoning Officer. Scott asked what rate would be charged? Ron Madison replied that Mike would bill at a Young P.E. rate of \$60.40 per hour. Mike would not be available on Saturdays, but would probably meet with the Zoning Secretary on Tuesdays to review files and take any necessary site visits of projects in the Borough. Ron stated that Hanover would try to limit the actual legwork and fax as much of the paperwork as possible. Hanover will be attending the Zoning Hearing Board meetings as the Zoning Officer. Ron Karasek pointed out that there is a requirement to be a Borough resident according to the Zoning Ordinance.

**On motion** by Winton Male to waive the residency requirement according to Section 803-A-1 of the Borough Zoning Ordinance and appoint Hanover Engineering Associates as Interim Zoning Officer and seconded by Tony Curcio. Roll call vote taken. In favor: K. Skorochood, T. Curcio, K. Gassler, G. Hinton, W. Male, S. Parsons. Opposed: M. Mogilski.

5. Karen asked to discuss the situation with the fence at the Park. Kerry stated that this should come up the workshop meeting.

## OLD BUSINESS

1. Full-time Police Officer Position. George reported that the Chief is still processing the paperwork so this topic will be on the Workshop Meeting Agenda.

2. Fire Company Fire System. George reported that he has received two quotes to upgrade the kitchen fire system. Be-Safe quoted \$1,650 and A Fire Protection quoted \$1,800. George stated that he has tried, but has been unsuccessful in obtaining more than these two bids.

**On motion** by George Hinton to contract with Be-Safe at a cost of \$1,650 to install a fire extinguisher system and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

Mitch asked where the funds for this would come from? The money will be taken from the Buildings and Grounds budget because the Borough's insurance carrier is requiring that this be updated and the Borough owns the building.

3. Building Electrical Wiring. George reported that during the installation of the new Police computer system the crawl space was accessed to install more electrical wiring. The crawl space contains exposed wires that need to be updated. The wiring is old knob and tube, which could cause a fire. Council directed George to contact Dave Albanese to obtain a quote to upgrade the wiring.

**On motion** by Tony Curcio to adjourn the meeting of May 2, 2005 and seconded by Mitchell D. Mogilski, Sr. The meeting of May 2, 2005 adjourned at 8:37 p.m.

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Louise Firestone, Secretary / Treasurer