

**BOROUGH OF WIND GAP
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The Council meeting of the Borough of Wind Gap on Monday, November 7, 2005, was called to order at 7:30 p.m. by Council Vice President George Hinton, at which time he reminded those present that the meeting was being recorded. In attendance were Councilpersons: Winton Male, Jr., Mitchell D. Mogilski, Sr., Scott Parsons and Tony Curcio. Also in attendance were Mayor Kenneth George, Borough Solicitor, Ronold Karasek, Borough Engineer, Ronald Madison, Special Solicitor, Karl Longenbach and Secretary/Treasurer Louise Firestone. Absent were Councilman Kerry Gassler and Councilwoman Karen Skorochood.

PUBLIC COMMENT

1. Garrett Powell, Troop 48, Wind Gap. Garrett introduced himself to Council and explained that he is working on his Eagle Scout Project, which is the highest award in scouting. The project has to be a community service project with funding coming from fundraisers or grants. Garrett proposed to build a "Welcome to Wind Gap" sign to be placed at one of the three roads entering the Borough. Council was in agreement that this would be a worthwhile project, but decided that a decision regarding the placement of the sign could be decided at a later date.
2. Rettew Associates. Paul Pendzick and Tony Ganguzza were in attendance to provide Council with an update of two projects that they are currently involved with in the Borough. Paul reported that the CVS building is under construction with everything being housed under the roof with the contractor installing the heating this week. Dunkin Donuts has not started yet because there is ongoing discussion regarding the purchase or lease of land. There has been concern expressed regarding the walls on the northern and southern sides of the property. The south wall is 6' to 8' tall and the north wall is 4' to 6' tall. The lower end is being constructed as designed, but the northern wall is higher due to the contour elevation of the land. A fence will be placed on top of the wall on the north side of the property. The contractor will redo the curb and sidewalk, but their driveway had to be reduced down to 20' to meet PennDOT specifications. The traffic signal will have a detector so the emergency vehicles with emitters will be able to control the lights during an emergency. George stated that the sidewalk on the neighbor's property has been destroyed; how far up will it be repaired? Paul replied that they would repair from the front door to the entrance. George expressed his concern with the two entrances within a short distance and the turning radius for trucks entering the property coming from the south and the potential for a wide turn by trucks possibly causing accidents with vehicles trying to sneak by on the inside lane. Paul explained that the second entrance would be right in only from the south and right out only from the parking lot. Ron Madison explained that the Wind Gap Planning Commission expressed concern about the two entrances, but the developer persisted

and submitted the plans to PennDOT. The Planning Commission stated that they would leave it up to PennDOT to make the decision on whether this was an acceptable plan or not. Ron stated that the right turning lane was added as a request from emergency responders so that if an accident does occur at the intersection, there would be plenty of pavement to allow vehicles to go around. George stated that when a recommendation comes before Council regarding a plan, Council needs to take a better look at the plan before approving it. He asked Paul why when the Borough completed a project on Third Street, which is a state road, PennDOT demanded that there be lights, barrels, flagmen, flashing lights and on 512 which is definitely a busier street, there are only a couple of barrels protecting 512 from a two foot drop off into the property? Paul replied that it could just be the difference in PennDOT supervisors who worked on the two different projects; one following all guidelines for a job and the other may not be as stringent.

Paul reported that the Park Master Plan has not had a lot of movement since July. The Park Board's directive was to stop on development until they could secure additional funding. Rettew concentrated their efforts on the Park parking lot paving project. The project was bid, but the price came in higher than expected so the Park Board will look at this project again in the spring. The Master Plan, sketch A & B includes ball fields, a trail through the wetlands (fitness and walking) which will loop back around so that the trail can be as long or as short as the individual desires. The Park Board is looking for more funding sources.

APPROVAL OF EXPENDITURES

On motion by Scott Parsons to approve the expenses for October 2005 in the amount of \$22,683.56 and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

On motion by Winton Male to transfer funds from the Capital Reserve account in the amount of \$3,421.07 for the Park Master Plan and \$5,816.97 for the Third Street Traffic light and seconded by Mitchell D. Mogilski, Sr. Roll call vote taken. Motion carried unanimously.

APPROVAL OF MINUTES

On motion by Scott Parsons to approve the minutes of the August 16, 2005 meeting and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

On motion by Tony Curcio to approve the minutes of the October 3, 2005 meeting and seconded by Scott Parsons. Roll call vote taken. Motion carried unanimously.

On motion by Scott Parsons to approve the minutes of the October 6, 2005 meeting and seconded by Tony Curcio. Roll call vote taken. In favor: S. Parsons, T. Curcio, G. Hinton. Abstained: W. Male, M. Mogilski.

On motion by Mitchell D. Mogilski, Sr. to approve the minutes of the October 13, 2005 meeting and seconded by Tony Curcio. Roll call vote. Motion carried unanimously.

On motion by Winton Male to approve the minutes the minutes of the October 18, 2005 meeting and seconded by Mitchell D. Mogilski, Sr. Roll call vote taken. Motion carried unanimously.

SOLICITOR'S REPORT

Ron Karasek reported on several issues. At a meeting last month, he was directed to prepare an Inter-municipal Agreement for the Police Department regarding truck weighing. The Stormwater drainage problems on North Broadway required him to draft an easement agreement for property owners. He asked Council for direction regarding allowing Hanover Engineering to do the meets and bounds of each property. He re-contacted the property owners of 403 North Lehigh regarding a complaint by the neighbor of a diseased tree overhanging on their property. The Police Arbitration is scheduled if not resolved, but this is a discussion for an Executive Session. He asked Council for dates so that he could prepare the 2006 tax millage ordinance and the 2006 Weeast Resolution. He needs sufficient time to advertise prior to the enactment of the ordinance and resolution. During an Executive Session he would like to discuss the condemnation of property on East West Street and the Grand Central property, and the Manor Haven, Keenhold, and the PPL cell tower issues, which he indicated in previous correspondence he sent to Borough Council. He asked Council's permission to meet one more time with the Borough Engineer to make sure he is confident regarding where properties are located and where the cell tower property is located. He added that he received correspondence regarding the Towns at the Gap project and items that still are outstanding. He asked Ron Madison to inform Council when and if any action needs to be taken regarding this project.

George reported that Council had asked him to check into the purchase of scales to conduct truck inspections and the cost of the scales is \$21,000. Ron Karasek explained that to complete an Intermunicipal Agreement, he would need specific details from the Wind Gap Police Department, including times, dates, and Bushkill Township police names who would be involved in the inspections. He would use the template that was created with Pen Argyl Borough in 1998 or 1999. Once the agreement is drafted a copy would have to be sent to Bushkill Township and voted on before he can be enacted.

Ron reported that the North Broadway Stormwater easements related to the water problems behind several properties appears like a much larger project than originally thought. The agreements should include actual meets and bounds descriptions of the five or six properties. The agreement is prepared, but can't be finalized until that is done. He asked if Council wants to authorize Hanover Engineering to look at the properties and shoot the lines? George stated that the problem was created by the contractor hired by Borough to install the pipe to take care of the water. This project was done in 1986 or around that area. At least three driveways and one patio that are on top of that pipe today. It will not be an easy job. Ron added that the agreement he drafted includes standard language stating that if the Borough disturbs anything in the easement area, they will replace it back to the way that it was.

On motion by Winton Male to request an estimated cost for the entire project including preparation of the easements and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously. Ron stated that the Borough needs the easements prior to doing anything. He added that based on a letter received from the Borough Solicitor, Hanover already pulled all the deeds for obtaining easements and started the survey work. Ron spoke to Bob Collura and Bob informed that no easements were obtained during the prior work.

Ron Karasek reported that property at 403 Lehigh Avenue, Wind Gap owned by Protecto Plastics was sent a letter dated August 8, 2005 which stated that the Borough has received complaints from your neighbors on Lehigh Avenue that there exists a damaged and diseased

tree on your property that poses a danger to the public and is causing an ant infestation problem. Pursuant to the applicable Borough ordinances and the PA Borough Code, the Borough is requesting that the tree be promptly removed and the insect infestation remediated. Ron received a letter from Penguin Industries, Inc. (principle of Protecto Plastics), which stated that they are willing to voluntarily, and amicably resolve this matter. They have contacted nine tree removal companies, and they promised proposals by August 19, 2005. He asked Council if they want to continue to pursue this issue or that it is a neighbor issue that should be resolved between the two parties.

On motion by Winton Male, Jr. that Borough Council considers this tree issue to be a private matter and seconded by Scott Parsons. Roll call vote taken. Motion carried unanimously.

On motion by Scott Parsons to authorize the Borough Solicitor, Ronold Karasek, to sit and discuss the PPL Cell Tower issue with Borough Engineer, Ronald Madison and seconded by Mitchell D. Mogilski, Sr. Roll call vote taken. Motion carried unanimously.

Karl Longenbach, Special Solicitor for County Bond Issue, reported that he is proceeding on the majority will of Borough Council. The last formal action of Borough Council was a motion that was passed at a Council meeting on October 18, 2005 to proceed with the Bond Issue and finish the road as originally proposed. It is his understanding that Northampton County Council has not done anything to remove those funds from the pipeline. He has been in touch with David Backenstoe, Solicitor for Plainfield Township. He is in the process of preparing proposed Improvements Agreements. He requires additional quantity numbers from Pidcock Engineering and once that information is provided then he can provide with a draft Improvements Agreement and go from there.

George asked the status of the Roberti property, they cashed the check? Ron Karasek replied that the building belonged to the Borough when the condemnation was filed. Ron sent a letter to Attorney DeEsch asking what is the status, because Roberti filed a petition for review and that has to be moved forward somehow. Scott asked how long could this go on? Ron stated that the viewers, which include one lawyer, two real estate people, usually the lawyer is the chairperson who tries to get the matter scheduled. Back in February of this year, they had filed the view then, it was agreed that it would be held in abeyance until it was determined if an impasse has been reached. Ron will keep Council informed.

ENGINEER'S REPORT

Ron Madison reported that an environmental specialist has identified the wetlands area around and behind the Roberti's garage along with identifying the waterways of the Commonwealth. That was done at the same time as the Male Road stream and the stream along the West West Street Culvert. The survey crews have gone out and picked up those markings. The plans and permit applications for the DEP will be prepared within the next month to obtain the general permits or special permits needed for the environmental disturbance needed for those three projects. Once the permits have been secured it would be a matter of letting a contract out for the demolition and restoration of the stream bank. Ideally this would be a summer project not a spring project due do the impact to the stream. Winton stated that the Borough has not received a status report of the application submitted for bank restoration behind

the garage. Winton asked if the Mayor could check into the junk cars located behind the used car lot on South Broadway. The Mayor will have the Police check it out.

Ron met with Scott McMackin, Cowan Associates, Towns at the Gap. He reported that there are some loose ends that they need to do on their plans. With regard to the Highway Occupancy Plans, they are having a tough time getting Pidcock Corporation to provide information for Towns at the Gap. The off-sight improvements for both projects should be independent of each other, but coordinated with each other. He expects it to be resolved shortly. Ron will request that Cowan Associates make a formal presentation of the plans prior to Council signing off on the plans. The final review letter will include the plans meeting the stipulation agreement that the Borough entered into with the Calantonis.

Ron had previously sent review letters regarding the Slate Belt Industrial Project and their Highway Occupancy Permit. Hanover has reviewed traffic studies provided by National Realty and provided Council with a copy of their review. Ron sent a memo regarding the Leidys and their desire to have the land above the road.

Ron reported that Hanover finally received the survey plans and the stake out drawings from Giant. They are expected to start up their site work up again on Wednesday. George stated that the doorway does not look like it is getting blocked up in the back of the Giant addition. George asked how the plans were approved and signed by Wind Gap and then get changed and the contractor gets another set of drawings that were never seen by Hanover or Council. Ron explained that he believes that the confusion was the design consultant, J. Michael Brill Associates, was not involved during the construction process. After Giant received their approvals, they asked J. Michael Brill Associates, to make some changes after the plans were recorded to capture some roof drains to put it in the Stormwater system. Those plans were submitted to BASE Engineering as far as the building inspection plans as part of the building permit. They were stamped approved by BASE as far as a building permit application. It had nothing to do with the site work, but specifically the building itself. The general contractor did not schedule the pre-construction meetings, which was clearly labeled on the plan to have the meetings. Hanover found out after the fact when they started the work. Once the work started, Hanover discovered that they were working from plans that were different than what was approved. The project was shut down until all the information that was required was received by Hanover Engineering. George expressed concern regarding the door in the back of the Giant not being covered up at the conclusion of construction. Ron advised that the Borough has the authority to withhold security because the project was not completed in compliance with the approved plans. Council decided that the Zoning Officer should officially be notified that no occupancy permits should be issued on land development plans until all improvements are satisfied and the developer's improvements agreement is satisfied. Council asked Ron Madison to send a letter to the Zoning Officer so everyone understands the procedure.

NEW BUSINESS

1. Discussion on Release of Joe DePue's Escrow Funds. Ron Madison stated that Mr. DePue has a developer's improvements agreement, Hanover was never asked to do a final inspection, but Mr. DePue already has his occupancy permit. Hanover Engineering would not recommend return of the security until the inspection has been completed. Now that Mr. DePue

has requested a final release of his escrow funds, Hanover Engineering will do a final inspection and report to Council on their recommendations.

2. National Realty Corporation. Mitch asked that this should be on the agenda. Mitch expressed his concern regarding correspondence from National Realty that appears to state that they are taking out the traffic light. George stated that the committee has been in touch with Hanover Engineering. Jim Milot, Hanover Engineering, has met with the committee to discuss all the intersections. Mitch stated that it appears that a traffic light has been removed. George replied that the committee would never recommend that. Ron Madison added that it would not be in National Realty's authority to discuss when and where traffic lights need to be installed, it is a PennDOT issue and they will have to make applications to PennDOT. PennDOT is working with Hanover Engineering.

3. Approval County Bond Issue Invoices. Tony reported the that following invoices have been submitted for approval relating to the County Bond funds:

Pidcock – Progress Inv #19	\$69,147.25
Reimbursement of Pidcock expenses	\$1,294.80
Summit Environmental Inv #101	\$3,375.00
Earth Resources Group #5605	\$4,881.10
Earth Resources Group #5742	\$6,826.84
Hanover Engineering #76699	\$764.83
Hanover Engineering #77054	\$3,372.69
Zito, Martino & Karasek	\$593.25

On motion by Tony Curcio to approve payment and submittal to Mr. Kingsley in the amount of \$90,255.76 from the County Bond and seconded by Scott Parsons. In favor: T. Curcio, G. Hinton, W. Male, S. Parsons. Opposed: M. Mogilski. Motion carried with a vote of 4-1.

Mitch stated that the engineering on this project is over-budget and these bills can't be paid. Tony replied that there was a concern regarding being over-budget earlier in the year and a meeting was held with the Borough's committee and Mr. Kingsley, Northampton County. Mr. Kingsley directed the committee to continue to submit the approved invoices and then their office will determine if the invoices are paid. It was agreed at that time that the Borough's responsibility was to review the invoices, approve them and forward them to the County. Tony stated that he believes that Borough Council should continue with the same process and allow the County to make the decision whether these invoices are paid and when.

4. 2006 Budget. Council agreed that a special meeting should be scheduled for the sole purpose of discussing the 2006 Budget. The meeting will be advertised for Monday, November 21, 2005 starting at 7:00 pm.

5. Winton stated that the Borough representative to the COG meetings has been the Mayor. He suggested that Council appoint a representative from Council to attend COG

meetings

On motion by Winton Male, Jr. that in the future the President and/or Vice President of Council to attend the COG meetings as Wind Gap's representative and seconded by Mitchell D. Mogilski, Sr. Roll call vote taken. In favor: W. Male. Opposed: G. Hinton, M. Mogilski, S. Parsons, T. Curcio. Motion did not carry with a vote of 1-4.

6. Emergency Management. Winton suggested that another employee be hired by the Borough to oversee the Emergency Management of the Borough, do routine office matters, and assist the Secretary /Treasurer. He explained that with the tipping fees allocated to administration there is approximately \$6,000 to get this person hired.

On motion by Winton Male, Jr. to hire another employee to do routine office matters, data entry, and emergency management department and seconded by Tony Curcio. Roll call vote taken. In favor: W. Male. Opposed: M. Mogilski, S. Parsons, T. Curcio, G. Hinton. Motion did not pass with a vote of 1-4.

George stated that this issue would be discussed during budget time. George said that he has some ideas, but Council needs to discuss part-time employees versus full-time employees. Winton agreed that he would have more information for the next meeting.

5. Mitch reported that the Borough should look at a copy of the 2003 Property Maintenance Code and discuss how the Borough would like to approach a code in the Borough. Louise will provide a copy to all of Council and a copy of an ordinance that was recently passed by Bangor Borough. Ron Karasek requested a copy also.

OLD BUSINESS

1. Mayor George asked what the status is of the property at Third Street and South Broadway? Ron Karasek replied that Mr. DeCesare has requested time to sell the building. He spoke to the Zoning Officer and asked for time to sell. Council questioned whether a for sale sign would be hung on the building? Ron suggested to the Zoning Officer that Mr. DeCesare sign an affidavit saying that they will not occupy the building while they are in the process of selling it. Ron has not heard back from the Zoning Officer. Ron Karasek to check with the Zoning Officer and report back to Council prior to next week's workshop meeting.

On motion by Tony Curcio to adjourn the meeting of November 7, 2005 and seconded by Scott Parsons. The meeting of November 7, 2005 adjourned at 9:36 p.m.

Louise Firestone, Secretary / Treasurer

