

**BOROUGH OF WIND GAP  
29 MECHANIC STREET  
WIND GAP, PA 18091  
610-863-7288**

The Council meeting of the Borough of Wind Gap on Tuesday, November 15, 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 Council members: Winton S. Male, Jr., Karen Skorochood, Mitchell D. Mogilski, Sr., Scott Parsons, and Tony Curcio. Also in attendance Mayor Kenneth George and Secretary/Treasurer Louise Firestone. Absent was Councilman Kerry Gassler.

## **PUBLIC COMMENT**

1. Chad Marsh, Wind Gap Fire Company, Secretary and new Fire Company Auxiliary President. Chad expressed his concern regarding Election Day, November 8, 2005, at the Firehouse. He said that one of the poll workers, Josephine Pacovich, was making derogatory comments about the Fire Company to residents who showed up to vote. Chad introduced himself and stated that a lot of problems have been taken care of and things are moving forward. She added that the hall floor was filthy. The Fire Company is only minimally compensated for the use of the building and the poll workers use the Fire Company's concessions (coffee, creamers), they have to open the Bingo Office for them. Chad stated that residents who cared enough to vote were subjected to her derogatory comments. George added that the poll workers expected a great deal from the Fire Company. Karen suggested that since Chad was personally affected, he should write down everything he conveyed to Council and send it down to Election Office at the Governor Wolfe Building and carbon copy Jerilyn Emrick. George stated that Chad should draft a letter for review by the Fire Company members prior to sending the letter. Chad added that he did receive information regarding the requirements of the Fire Company related to the election. He didn't have the paper with him, but he did read it and it states the Fire Company has to provide an electrical outlet and bathrooms, but nothing else is required.

2. Karen Krome. Karen stated that on Thursday, October 6, 2005, they were out for the evening and upon returning home found every curtain in the house along the front of the house and down the driveway was down, her shoes were torn, upstairs the same thing. Her husband went to the Police Station and found out that Randy Lipyanic was in the neighborhood knocking on the doors asking for money. A few weeks passed, and the same thing happened again. She filed a report with Officer Pepe. Consequently, the dog reacted to the disturbance that night and can no longer be left home unattended and roaming free. Yesterday, at her place of employment, Randy Lipyanic, came in begging for money. The Plainfield Police responded and informed her boss that he has been going around Wind Gap begging for money. She found out that no ordinance exists in the Borough that addresses panhandling. She asked Council to

please do something. The Mayor stated that he has informed the Chief of Police to do anything to discourage him until the Borough can establish an ordinance. The Police have asked people, who have been approached by Mr. Lipyanic, to file charges, but no one wants to come forth. The Mayor asked Winton to check with the Borough Solicitor regarding how he is progressing with the ordinance.

## COMMITTEE REPORTS.

1. EMS – Karen Skorochood stated that the Ambulance corps did not hold their monthly meeting because everyone was at EVAC class.

2. Police – George Hinton reported that Chief Armitage sent a letter requesting that Officer Flad be taken off probation and make him a full-time officer.

**On motion** by Scott Parsons to accept Chief Armitage's recommendation that Officer Flad be made a full-time officer and seconded by Mitchell D. Mogilski, Sr. Roll call vote taken. Motion carried unanimously.

3. Streets – George Hinton reported that the Street workers are out picking up leaves. Once the leaves are picked up they will be preparing the equipment and the town for the winter. They have been out the last two weeks and will be picking up leaves at least for another week. On Monday, November 21 they will be hanging the Christmas lights around town, but then will resume with the leaves. Carol George offered a suggestion that they do not pick up leaves on Constitution Avenue until after 8:00 a.m. because it is a dangerous situation. They have to continually move forward and back to gather the leaves and the buses use that street along with a lot of traffic in the morning. Mayor George asked if there are any plans to overlay streets next year? George replied he will be meeting with the street committee and discuss this issue along with the preparation of the budget. Potential projects include the bridge on Male Road, the demolition of the Roberti building and restoration of that streambed, West West Street, which has been moved down the list because of other projects for two years. The Borough has to wait for the Army Corps of Engineers, the Fish and Game Commission, the DEP to give the Borough approval for all the stream areas. The Borough Engineer will give an update as soon as he has anything. Mitch suggested that the Roberti property be turned into parking for the Borough. George replied that Winton has mentioned that during discussions. Scott added that the Borough should wait until there is any indication that the Borough will receive the grant to restore the streambed.

4. Finance – Mitchell D. Mogilski, Sr. had nothing to report.

5. Administration – Winton Male reported that the tire removal has been completed. Louise read the final report that is being sent to the DEP. Magnum Industries, Inc. was awarded the contract to remove the tires from the Wind Gap Natural Tire Site at a bid price of \$105 per ton.

They removed 11,163.99 tons or a total of \$1,172,218.95 that was paid out of grant received from the Department of Environmental Protection. George added that Magnum Industries worked as quickly as they got paid. The whole area in the back been cleaned, except for the hole right on Male Road, but that wasn't included in the specs. He stated that he is not sold on the idea that the hole should be capped. The mosquito population has greatly dwindled since the removal of the tires began. He commended the contractor for a job well done. Winton added that the ACT upgrade has arrived and will be installed by Jim Lockard.

6. Zoning – Tony Curcio had nothing to report.

7. Planning – Scott Parsons had nothing to report.

8. Parks – Karen Skorochood reported that the Park Board submitted their 2006 proposed budget. She contacted Attorney Benner who attended a Council meeting recently in reference to the Quarry and advised him to contact the Park Board Chairwoman, Cathie Yob before attending a Park Board meeting. Karen was asked by the Park Board to question their financial report that showed an entry related to the park graffiti. Louise informed that the individuals responsible for the graffiti paid restitution for the costs incurred by the Borough to do the necessary repairs in the Park.

9. Fire Company – Mitchell D. Mogilski, Sr. reported that the meeting is scheduled for Monday, November 21, 2005, which is also the night of the Borough's budget meeting and the Plainfield Township Planning Meeting. Mitch stated that he would be at the Plainfield Planning meeting. Karen added that she has a prior commitment to attend a meeting at school. The budget meeting has already been advertised and the remainder of Council will attend to form a quorum.

10. Sewer Authority – Paul Levits asked if a lien has been placed on the property where the tires were removed? George replied that it is his understanding that the State has already done that.

Paul reported that the Mushlitz, one of the contractors at the CVS project, who installed a new line, then they broke the line, and then yesterday they hit the line again. The Authority has done a lot of televising of lines and found the worse areas to be alleys A, B, and F have excessive roots growing in them. The lines are the originally clay pipes which were installed in 1969. When funds become available they will be changed to new plastic pipes. The Plant may be in need of some repairs because it has been 20 years since the re-build. Some of the capital equipment is beginning to show their wear and the majority of the lines in the Borough are made of clay. Wind Gap pump station has been in limbo for about ten years regarding ownership. The Authority is taking the position that since it is ten years old and because of the change in clean water discharge rules, the system cannot easily expand they have no interest in that pumping station at this time. The homeowner from A Street had his claim settled from the sewer backup. George asked about the connection on the old Roberti property. Paul stated that the Plant Supervisor has someone coming in to finish up the connection; it was cut back to the line

of the property.

11. Insurance – Winton Male reported that he asked Attorney Karl Longenbach to review the Hold Harmless portion of the agreement with County Council. If it needs to be done, Winton will arrange for it to be done. The Bond Agreement states that the contractor awarded the project to build the road would have to provide a hold harmless agreement to the Borough, the County and the property owner.

12. 911 – Tony Curcio reported that the air raid siren continues to sound on Mondays at noon. He will contact the County tomorrow.

## Mayor's Report

Mayor George reported that the Contractor's license collected in October was \$75.00 for a total of \$1,800 and \$300 for amusement licenses for a grand total of \$2,100 collected in 2005. The police responded to 182 calls in the month of October, 3 motor vehicle accidents and 51 traffic citations issued and 2 parking tickets. There will be a COG meeting at Washington Township on November 30, 2005 starting at 7:30 p.m. with an Executive Session beginning at 6:30 p.m. to discuss the Regional Police.

## NEW BUSINESS

1. 1999 Crown Vic Police Car. Discussion regarding the 1999 Crown Vic Police Car. The Borough removed all the equipment that was salvageable because the motor is shot in it. George offered to check with JFR Salvage to find out what it might be worth to scrape.

**On motion** by Mitchell D. Mogilski, Sr. to put the 1999 Crown Vic Police Car out for bid for \$500 or best offer and seconded by Scott Parsons. Roll call vote taken. Motion carried unanimously.

## OLD BUSINESS

1. Release of Joe DePue's Escrow Funds. George reviewed a letter dated November 11, 2005 from Ron Madison, the Borough's Engineer, regarding the DePue Retail Store Land Development Plans. The letter stated that during a site review to confirm that the required improvements were constructed the following were noted: the proposed additional macadam on the west side of the new building has yet to be constructed, the traffic flow arrows shown on the Record Plan have not been painted. In addition, the following were constructed differently than shown on the Record Plan: the storm sewer piping was constructed without cleanouts and was constructed to meet the existing 18" plastic pipe instead of the proposed junction box, which was not constructed, a parking layout pattern different than that shown on the Record Plans was painted that were measured as 9' X 18', smaller than 10' X 20' as shown on the Record Plan and as required by the Borough Zoning Ordinance. Hanover stated that the Borough may wish to deny the Developer's request for security reduction until all improvements are completed or the Borough may wish to accept the improvements as completed and release a portion of the

Developer's improvement security. They do recommend that the Borough collect all outstanding fees and invoices and hold a minimum of 15% (\$750) per the maintenance period. Council discussed the comments submitted by Ron Madison. George stated that the Stormwater pipe was not a major issue with the inspector and now is not the time to plant the grass. Tony added that the plan does not abide by the Borough's zoning ordinance and if Council accepts this as is they will be setting precedence. The Borough Engineer pointed out items that did not agree with the recorded plan and Council should see that they are corrected. He added that the original plan showed the parking spaces according to Section 703.B of the Zoning Ordinance so he won't need a variance and he should have to comply. Mitch stated that he was in agreement because it would be setting precedence; it should be the same as the submitted plan.

2. George explained the situation between Mr. McNamara and Mr. Matlock and the fence issue. Mike had the survey completed as directed by the court. It was the opinion of the court, the Judge, that the fence should be erected. Mr. Matlock approached the zoning department for a permit and the question arose regarding paying another \$300 for a zoning variance application. Bob stated that he already paid a \$300 fee for a variance for a six-foot fence. The six-foot high fence will be 102' long with a four-foot high 16' picket fence. Winton suggested that since this was a court order, but no Judge has the authority to change the Borough's Zoning Ordinance, however, he felt that Borough Council should make a recommendation under the circumstances to give the variance with no additional charge. The ultimate decision must come from the Borough's Zoning Hearing Board not Borough Council. Scott asked if there ever was a hearing? Bob replied that there was a hearing over a year ago, at that hearing Mr. McNamara and his attorney stopped that hearing because there had not been a signed stipulation at that time. Scott added that basically the hearing was put on hold until this was done. Bob stated that the pins are put in, but Mr. McNamara erected a fence out front that the posts are encroaching Bob's property by 2" or 2 1/2" where the new pins are set. The fence will be on the line and the posts will straddle the proposed line. The fence is a double-sided fence and will look the same on both sides.

**On motion** by Winton Male, Jr. that Council make a recommendation to the Zoning Hearing Board that they reconsider under the circumstances because it is a court order and grant the variance for the fence and waive the \$300 fee and seconded by Karen Skorochood. It was suggested that the Borough Secretary send a letter to the Zoning Officer informing her of Council's decision regarding this issue. Roll call vote taken. Motion carried unanimously.

Paul Levits asked if the two current property owners agree to this arrangement, but what will happen if one of the property owners move away and the fence will begin to deteriorate? George replied that according to the agreement Mr. Matlock is responsible for the maintenance of the fence. Winton added that he believes that the six-inch setback cannot be ignored by the Zoning Hearing Board.

Mike stated that this wasn't something that the Judge said, it was something that was agreed to by Mike and Bob. It went before the Judge and the Judge okayed it. It was a Judge's decree even if it wasn't his idea. Scott added that Borough Council cannot overstep their authority and bounds, but is asking for these two neighbors to allow the system to work by going before the Zoning Hearing Board.

Bob informed Council that he was unaware that there was an additional hearing board

fee of \$150 for the meeting that was continued. Mitch stated that because no one showed up for the second meeting the \$150 fee should not be paid. Louise added that the meeting was convened and the Borough had to pay for all fees associated with the continuance.

**On motion** by Scott Parsons to waive the \$150 fee and seconded by Mitchell D. Mogilski, Sr. Winton asked that he be allowed to look into the invoice issue. George called for a roll call vote. Roll call vote taken. Motion carried unanimously.

3. John Hannon suggested that Council discuss an increase for the council members in their upcoming budget discussions. After reviewing the Borough Code, it allows for a Borough with a population of less than 5,000 to compensate council members \$1,875 (they currently receive \$720). It was stated that Council could only vote an increase every two years. Council agreed that now is the time to discuss this topic for future consideration.

4. Mitch stated that he spoke to the Mayor regarding the property on South Broadway now owned by Mr. Santo. There are kids sitting on the porch waiting for the bus. Mitch suggested that because the front porch is being held up by 2 X 4's the Police should be sent to tell the kids to get off private property or have Mr. Santo put up a temporary fence so the kids don't get hurt. George said that Mr. Santo should be contacted to find out what his intentions are since it has been that way for quite a while. Discussion whether he every secured a permit for the improvements. Winton added that the key to the liability insurance is if there is a situation that is in violation of an ordinance that is not being enforced. Mitch asked that the Chief be contacted and asked to stop by the property. George to stop and see the property owner.

5. Patricia Sutter asked if the Borough has an ordinance regarding putting garbage out to the curb too early? Mitch replied that the garbage cannot be put out prior to 7:00 p.m. on Thursday. Pat asked that the Police be told to stop there and inform the property owner to remove the garbage or they will be fined. Scott stated that if it is a commercial property, it has nothing to do with the Borough's residential pick ups and he should have an agreement with someone to pick up his trash. It was suggested that the ordinance be reviewed regarding commercial pickup, since commercial property owners have different contractors picking up their trash on different days of the week not specifically Friday when the Borough's residential pick up occurs.

6. Mitch asked that the two newly elected members of Borough Council begin receiving copies of all incoming correspondence like has been done in the past.

**On motion** by Tony Curcio to adjourn the meeting of November 15, 2005 and seconded by Mitchell D. Mogilski, Sr.

The meeting of November 15, 2005 adjourned at 8:58 p.m.

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Louise Firestone, Secretary / Treasurer