

**BOROUGH OF WIND GAP  
29 MECHANIC STREET  
WIND GAP, PA 18091  
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## **EXECUTIVE SESSION**

The Council met from 6:30 p.m. to 7:45 p.m. for Executive Session at Wind Gap Borough Hall. Present during the Executive Session, Council President Kerry Gassler, Tony Curcio, George Hinton, Winton Male, Jr., Mitchell D. Mogilski, Sr., Scott Parsons, Karen Skorochood, Mayor Kenneth George, and Borough Solicitor Ronold Karasek.

The regularly scheduled Council meeting was moved from Borough Hall to Wind Gap Firehouse because of the number of residents who appeared.

The Council meeting of the Borough of Wind Gap on Monday, October 3, 2005, was called to order at 8:00 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, Scott Parsons and Tony Curcio. Also in attendance were Mayor Kenneth George, Borough Solicitor, Ronold Karasek, representing Hanover Engineering the Borough's Engineer, Jim Milot and Secretary/Treasurer Louise Firestone. Absent was Councilman Winton Male, Jr.

*Mayor Kenneth George took his leave at 8:55 p.m.  
Mitchell D. Mogilski, Sr. took his leave at 10:00 p.m.*

Kerry informed the public that the Executive Session topics were litigation involving Ms. Schinstine regarding a problem with a swale on her property, Bill Anskis, contractor on the Third Street Drainage project, a potential conflict with Ronold Karasek of Zito, Martino and Karasek the Borough law firm and NAPER Development, personnel issue, contract discussions with the Chief of Police, the Police Department and the Street Department workers.

Kerry Gassler stated that because of the large audience, all interested residents who wish to address Council should keep their comments to five minutes or less and are allowed only one opportunity to speak.

## **PUBLIC COMMENT**

1. Rick Snyder, 149 Jefferson Street, Wind Gap. Rick stated that he recently moved to Wind Gap because it was a small town, with so-so traffic, and fair taxes. He asked Council to explain their position on the Bond Issue/Industrial Drive. Kerry Gassler stated that Wind Gap, Pen Argyl and Plainfield Township all went together to

submit an application for bond money that was made available by Northampton County. There is a legal document signed by all three municipalities. The proposed industrial sites have since changed to commercial. The Bond money is being used to build a road not build a Wal-Mart. Kerry stated that it is being discussed to finish the road to Route 33 and that the Borough has already acquired 2/3 of the land to get to Route 33. Borough Council decided before to move the money to the other side of Broadway, but when he approached County Council, Council asked if Wind Gap had all the land necessary, had all the engineering done and the answers were no, so the money stayed where it was, building the Industrial Drive. The Wal-Mart decision depends on Plainfield Township because the Wal-Mart would be in the township not the Borough.

Karen Skorochoch stated that she does not support taking the County Bond money to build a road that would facilitate a Wal-Mart. She is completely against a Wal-Mart and encouraged residents not to shop there. She will do anything in her power to stop it.

Tony Curcio said that he is against the Wal-Mart, but he supports completing the project as originally agreed upon with the County Bond money based on the same reasons as Mr. Gassler.

Scott Parsons stated that he is favor of the road, not in favor of the Wal-Mart. This whole road project has to be done to the trucks out of the Borough and on to Route 33. The trucks could go straight to the landfill, Techno-Bloc and including the water trucks. Techno Bloc plans to double in size. Borough Council is trying to eliminate truck traffic in the Borough.

Mitchell D. Mogilski, Sr. stated that he has been opposed to this project since day one. The Borough already has traffic that is bumper to bumper, why do we want more?

George Hinton stated that the whole ordeal, the Bond money, the congestion in Wind Gap. He has listened to the complaints about the garbage trucks, the smell, and the jakes brakes all before he even got on Council. The infrastructure of Route 512 cannot handle more traffic bumper to bumper. He encouraged anyone to come up with a better idea to the traffic problem. There is traffic coming from Saylorsburg, Mountain Road, and Kunkletown through Wind Gap everyday. He recently sat at the intersections in the Borough with the Borough's traffic engineer. When the State really gets working on the bridge project at the lower end of the Borough there will only be one way in and out of the Borough. He said that he is not for the Wal-Mart and he can't stress that enough, but a by-pass off of Route 33 would enable everyone a shot to go around Wind Gap to Pen Argyl. He had previously asked the Borough Solicitor if Wind turns back the Bond money what would the repercussions be? Would there be a lawsuit filed by the developer because he has a signed agreement with the three municipalities. He is still waiting for the answer.

Mayor Kenneth George stated that he agrees with George that there will be a traffic problem, but there has to be a better solution. The original plan was for 1200 jobs, but now Nolan Perin does not have much interest in industrial development where the retail will be. There will be a big impact on Wind Gap. An interchange on Route 33 has been discussed, but the Borough doesn't have the money, the State does not have the money. The traffic will tie up the hill. When the garment industry was big in the Slate Belt years ago, there were just as many trucks, because Waste Management didn't exist at that time. It should be the developer's responsibility to put the road in and not the taxpayers

2. Carol George, 110 Constitution Avenue. Carol informed Council that this project is way over-budget, actually double at this point. She stated that she does not want this in her backyard. This Borough cannot take the traffic. The bond was for \$2,600,000 and the allotment for engineering was \$500,000 and at this point the County has stop paying for project costs. Where is the money coming from to continue to pay? Kerry stated that this Council did vote to put the project out to bid and at this point we are waiting for a Developer's Agreement. Carol asked if anyone on Council has contacted the developer to let him know that this project is way over-budget? Kerry stated that it is being worked on by the Borough's solicitor.
3. Lucy Eron. Lucy asked Council if a new solicitor has been appointed for this project. George replied that during the Executive Session Council President Kerry Gassler that our Borough Solicitor has made the recommendation to replace himself with another solicitor. Lucy added that the Borough needs an unbiased solicitor for this project. She added that Nolan Perin's good word is not worth much. She asked who would be responsible to maintain this road? Kerry replied that each municipality would take care of their own section of the road and the Borough would be responsible for less than ¼ of a mile. After the road is built the Borough would receive fuel tax money for maintenance. She suggested that Council ask all the voters who vote if the money should be spent on this road.
4. Val Wilson. Val stated that the Borough would get all the traffic off of 33.
5. Rich Custer, 323 North Lehigh, lives across from the Episcopal Church. He asked if everyone in attendance was from Wind Gap. He then stated that Bangor and Pen Argyl made changes to get the trucks from going through their towns. Something has to be done about the traffic through the Borough. On a good hot summer day between 2 and 4 he can't sit on his front porch because of the smell from the garbage trucks. No one is concerned about where he lives. He asked the Mayor if he has a better idea regarding the traffic problem then get it out in the open and he would be the first to help. The Mayor stated that once the new entrance for the landfill opened then all the garbage trucks starting going through our Borough. He will get the police to get scales and hire somebody to get the trucks that are overweight.
6. Patricia Sutter. Pat added that Pen Argyl got rid of the trucks by weighing them; Wind Gap should do the same.
7. Bill Kelscher. Bill stated that he drives school bus for Pen Argyl (Laidlaw). Everyday he drops off kids on Constitution Avenue and then tries to make a left onto North Broadway off of Constitution. Making a left is almost impossible because there is no light or police there. He is scared for the safety of the kids he lets off along 512. He asked Council to think about the children and their safety.
8. Joe Taylor, Colonial Spring Townhouses. Joe stated that Bangor made it illegal for the trucks in their Borough. There are laws already on the books so instead of trying to create new solutions, enforce the ones that already exist. The police need to enforce by weighing and controlling the smoke pollution.

9. Vickie Allen. Vickie stated that it is sad that four council people are bent on this road. This road is not a solution to our problem. She is glad that it has been discussed that Council is looking into appointing an objective solicitor for this project.
10. Ron Donahue. Ron stated that the Borough has the power to make the lives of the truck drivers miserable so that they look at another way to get to the landfill.
11. Archie Albanese, Wind Gap resident. Archie stated that he has been a Wind Gap resident for 76 years. Most of the time Council has represented the ideas of this town, but he does not feel that Council is qualified to make this decision. It is not Council's responsibility because this is too hard. He asked that this be put on a referendum and let the people decide.
12. Roberta Ruppert. She asked if Wind Gap will be responsible for ¼ mile of the road would Plainfield Township be responsible for the remainder of the road and what about the agreement? Kerry replied that Plainfield and Pen Argyl are involved in the bond issue along with Wind Gap. An agreement has to be signed by the developer and the municipalities. If the agreement is not signed and no money or bond is put up then the road won't get built. Mitch added that a letter dated December 1, 2000 states that this is to be an attractive industrial site.
13. Ralph Stampone. Ralph stated that originally the project was for 33 industrial sites, now three sites. He attended meetings and National Realty stated that they did not care if the road is built, but now National Realty has changed and if the road is not built, they have to go back and start from the day one. Wind Gap is the host community and they should stop this road.
14. Lorraine Rusher. Lorraine asked Council what could be done with the overweight trucks? Mitch replied that in the past the Borough rented officers and scales from Bushkill Township. George added that the chain of command to get this done is through the Mayor.
15. Ron Angle. Ron stated that he has attended the Wind Gap meetings regularly. The Borough applied to the County for some of the \$111 million dollar mega bond issue. Borough Council believed that this project would create economic development with good jobs. There is nothing in writing from the developer telling the Borough that this will eliminate traffic in Wind Gap. The traffic problem will only get bigger. There is no money to build the interchange. His offered his solution and that is to move the money to the other side of the road. He added that National Realty still has not sign to purchase the property because they want the approvals and they want the road. Nolan Perin will not put in his money until National Realty and National Realty won't until they get the approvals. It is his belief that this project is impractical and unfeasible and County Council will withdraw this money from the Borough. Come Thursday night, County Council will act on the bond issue regarding this project.
16. Paul Levits. Paul stated that it is important for the citizens here to go to the County

Council meeting on Thursday. The contract is with the Borough of Wind Gap signed by the County's Economic Development Committee. The County has the right to pull the money.

Paul announced that the Pen Argyl Area Concerned Citizens have invited candidates for the upcoming election to the Plainfield Township firehouse on Wednesday, October 5 at 7:30 p. m. Fifteen to twenty candidates have confirmed their attendance. He encouraged everyone to attend and ask hard questions. There are no challengers for Wind Gap Borough Council, but Mr. Mogilski and Mr. Yob are running for the Office of Mayor.

17. Warren Bush, Third Street. Warren stated that County Council made a motion to rescind the money, but it was tabled because they did not have enough information. Has County Council contacted the Borough to ask all their questions? Kerry replied that no one from County Council has contacted Borough Council. Ron Angle stated that he came to the meeting and he believes that County Council would be willing to transfer the money from one side of the road to the other. Mitch stated that Borough Council voted on that in May of 2004. Ron stated that the majority of County Council would allow the money to be moved, but four of the council members here are holding up three municipalities.

18. Joe Kessler stated that Joe Posh jumped through hoops to get his development. The traffic count through the signal at K-Mart 18,000 to 21,000 a day. He said that the County should pull the money from the Borough.

Scott stated that this was discussed a month ago and Borough Council asked the Solicitor to check into the possibility of legal action if the Borough does anything with the bond money. Ron Angle added that this project is unfeasible and impractical and there is not liability at your request.

**On motion** by Mitchell D. Mogilski, Sr. to move the balance of the County Bond money from the east side of North Broadway to the west side to be used to build a road to connect to Route 33, but knowing that the Borough will not lose the money under any circumstances, if the County is unwilling to move the money, the money will remain for future industrial development as originally intended and seconded by Karen Skorochood. Roll call vote taken. Opposed: T. Curcio, K. Gassler, S. Parsons. In favor: G. Hinton, M. Mogilski, Sr., Karen Skorochood. The vote of the motion was a 3 to 3 tie. The Mayor will be asked to cast the deciding vote.

Borough Solicitor Ronold Karasek explained to Council that in the event of tie split vote it will be tabled. The Mayor is to be notified not less than five days and not more than ten days from this meeting to hold a special meeting for him to break the tie.

## **APPROVAL OF EXPENDITURES**

**On motion** by Mitchell D. Mogilski, Sr. to approve the September expenses in the amount of \$13,929.98 and seconded by Scott Parsons. Roll call vote taken. Motion carried unanimously.

## **APPROVAL OF MINUTES**

**On motion** by Tony Curcio to approve the meeting minutes of September 6, 2005 and seconded by Karen Skorochood. Roll call vote taken. Motion carried unanimously.

**On motion** by Mitchell D. Mogilski, Sr. to approve the meeting minutes of September 20, 2005 and seconded by George Hinton. Roll call vote taken. Motion carried unanimously.

### **Solicitor's Report**

Ron Karasek reported that two issues are still outstanding from the September meeting. He met with the Borough engineer regarding the PPL Tower and on September 2, 2005 Mrs. Schinstine appealed. He will keep Council informed. He informed Council on his opinion regarding the Park paving project. He will draft the year-end tax resolution. During the Executive Session he made his recommendation to Council to appoint a special solicitor. He stated that he does not believe that a conflict exists, but he does not want to hinder the project either pro or con. Council discussed the Anskis litigation in Executive Session.

**On motion** by Tony Curcio to adjourn the meeting of October 3, 2005 and seconded by Scott Parsons. The meeting of October 3, 2005 adjourned at 10:03 p.m.

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Louise Firestone, Secretary / Treasurer