

**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, September 20, 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 Council members: Winton S. Male, Jr., Karen Skorochood, Mitchell D. Mogilski, Sr., George Hinton, Scott Parsons, and Tony Curcio. Also in attendance Mayor Kenneth George and Secretary/Treasurer Louise Firestone.

*Mayor Kenneth George arrived at 7:32 p.m.*

## **PUBLIC COMMENT**

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.

1. Thelma Horn, 459 North Lehigh Avenue, Wind Gap. Thelma asked if Council could do anything regarding the trucks blocking her driveway and her neighbor's driveway while the driver goes into the Deli on Lehigh Avenue. She added that there are yellow lines, but they continually park in front of the driveways. The trucks are there starting at 5:00 a.m. George promised that he would look into the situation.
2. Patricia Sutter, 413 South Broadway. Pat asked Borough Council to take another vote on the County Bond Issue and change their mind on being the host municipality for this money. She said that Industrial Road because it is going to hardly any industry, but should be called Retail Road or Commercial Road. Wind Gap went along with this project because it was suppose to bring in industrial jobs for local people around here. The County Bond is the taxpayers' money and Mr. Perin should be paying for the road himself. She asked Council to think hard about spending tax dollars to build a road for Mr. Perin. She said Council represents the people who voted for them and another vote should be taken.
3. Carol George, Constitution Avenue. Carol stated that first of all she believes that Council is doing what they think is best for the town. She addressed a comment made at the last Council meeting by Mr. Male. She stated that he said that people who did not want this roadway are just selfish. She said that she does not want this roadway. She said that the roadway would impact most likely in dropping the value of their home and the quality of life on Constitution Avenue. She believes that Council is putting the traffic problem from area of the town to another and that does not seem like a solution to her. At the last meeting it was stated that Wind Gap Borough Council could not prevent Wal-Mart from developing that land because they were going

through the proper planning channels and she believes that Council is giving up fighting to keep Wal-mart from being here. There are other options on getting trucks off the roads in Wind Gap. She believes that Council is absolutely wrong in believing that the roadway has to be put in to alleviate the truck traffic in the Borough. There will be a fifty unit townhouse complex on the upper end of town and the Borough can't handle that and it can't handle a Wal-Mart. She asked the Council at least publicly state that they are against the Wal-Mart because there are a lot of people out there who do not want this Wal-Mart. The construction of a Wal-Mart will cause problems at the intersections in town and this town is too small to take it. Keep your minds open because there are people all over the Slate Belt who do not want this Wal-Mart.

4. Evanne Maher, 227 Mechanic Street. She stated that she grew up in Wind Gap and moved to California for thirty years, but they decided to return to the sleepy little town of Wind Gap. There is too much truck traffic through the Borough now. She stated that Wind Gap got free garbage because of Waste Management, but she would rather pay for her garbage. What the trucks have done to this town is a shame. Wal-Mart is going to have the same effect. The Borough can't get rid of the traffic on two lane highways. She suggested that as in the big cities, no trucks are allowed on the main roads from 8:00 a.m. to 6:00 p.m. She suggested that the speed limit be enforced and the trucks be weighed to get them out of town. She does not hate Wal-Mart, but suggested that they build on 33 and have their own exit off Route 33.

5. Val Wilson, 885 Constitution Avenue. Val said she moved here from New York thirty years ago as a single parent with two children to raise. She moved to this particular town because it appeared to be a nice place and it seemed like a good place to raise children. She said that improvements in the town happen so slowly that Council might not be looking at Wind Gap through an outsider's eyes, but it is not a pretty town anymore. She would not be proud to live here anymore. It has to do with Waste Management and all the other developments even out through K-Mart. The tax base might be increasing, but at what price? All the retail development is really bringing down the quality in this area.

6. Gilmore Honey, 321 Reservoir Avenue, Pen Argyl. Mr. Honey has a business at the corner of Robinson and Pennsylvania Avenue. He used to run a men's clothing store in that same location. He stated that Wind Gap Borough, Pen Argyl Borough and Plainfield Township need to get on the same page. At the Planning Commission meeting in Plainfield last evening, the developer stated that Mom and Pop stores would be popular next to the Wal-Mart. Mr. Honey stated that he did not retire two and a half years ago; he went out of business because of the big conglomerates on either side of the mountain. He said all the small businesses are going to hurt. He added that he feels everyone was deceived, because it was not suppose to be retail. He suggested possibly speaking with Nolan Perin and asking him to sell to good industrial or changing the zoning in Plainfield Township. He does not feel that this is a done deal.

7. Dave Valley, 123 Lincoln Street. Dave stated that Wind Gap has always dealt with garbage it was a way of life here and then Perin sold off to Waste Management and everyone

saw what happened. Now it is happening all over again. It is time that people of the Slate Belt put a message out that we are not Perin's cash cow.

8. Mary Ann Miller, 506 George Street, Pen Argyl. She was at the Plainfield Planning meeting last night and circulated a petition for people against the Wal-Mart. She got 103 signatures of which 39 were Wind Gap citizens. She stated that she would say that she is selfish too. She believes that it is selfish for other people to take away the quality of life in the Slate Belt. She moved here because she came from a small town in upstate New York. It reminded her of her hometown and for the small town atmosphere. She is not against the Wal-Mart or the Lowe's but she is against where they are going to put it.

9. Warren Bush, 157 East Third Street, Wind Gap. Warren stated that the old history saying goes if you don't remember the past you are going to make the same mistake in the future. He remembers how the traffic was before Route 33 was built. Wind Gap is now approaching the same situation. The lower half-mile of Wind Gap is now a traffic problem. There are no left turns onto Broadway going south. Plainfield traffic is now coming into Lehigh and Third and that intersection is a dark intersection and a bad one. The problem is here now before anything additional is added.

10. Joe Weaver, 47 East Third Street, Wind Gap. He lives at the corner of Lehigh and East Third and it is a problem now. It is only a matter of time before a car goes into someone's house. He asked for Council to make that a four-way stop intersection no matter the cost, he would pay for it. He asked Council is it worth it. Most of the people he knows have to drive to Allentown or Stroudsburg to have a decent paying job. If people have to drive to work then Wind Gap will lose the vitality of the town.

11. Paul Levits. Paul stated that he was at last night's meeting. He has previously questioned the validity of this project. The Chief of Police in Plainfield Township has already requested a new officer. We can't afford what we have now. The taxpayers will be hammered by paying more for the emergency services. In the original packet submitted by Nolan Perin there was a letter that stated that he would build an attractive industrial park, his words. That was his commitment to Wind Gap, Pen Argyl and Plainfield. Somewhere he changed that and in Paul's eyes he violated his application. It is now Wind Gap's responsibility is to back out of it. If you don't want to back out at least go back to Nolan and tell him that he made a commitment are you going to live up to it and if not, we are going to request that the money be pulled. He stated that he backed George Hinton in the last election because of his views on the road, but now George has changed his views and supports the road. If he supports it for industrial use that's fine, but if he supports it for commercial use then he is disappointed. George replied that he is not for the Wal-Mart, but he is for the industrial sites. Plainfield Planning stated last night that if that road is not granted, that plan would be denied for a retail development without Industrial Drive. They could resubmit.

13. John Hannon, Wind Gap. Borough Council work for the taxpayers, you don't work for the taxpayers. He asked if any Council people have planning experience? No one replied. John

moved here from Philadelphia and the new development constructed and paid for the road. Mr. Perin should pay for the road. If the money allotted is not being used for a first-class industrial park, the money should be given back to the County. In the dealings in this Borough with Mr. Perin, has the Borough's Solicitor recused himself from giving legal advice? He stated that if he is not mistaken, at one time, Mr. Zito was personal Counsel to Mr. Perin and assumes that his firm is also. Is the Borough Solicitor receiving funds from the partnership with funds coming from Mr. Perin or is only the Perin establishment that recognizes Judge Zito as their advocate? He stated that Wind Gap is facing the future. If the area would become a disaster, how many of you Council will still live in Wind Gap if the Wal-Mart project comes through?

14. Vickie Allen, 311 Alpha Avenue, Wind Gap. Vickie stated that Council bought a deal. The deal was industrial sites and jobs for Wind Gap and the well-being of Wind Gap to vitalize the community. What are doing accepting this money and continuing to go forward with this project which is not helping anyone? County Council has asked if the Borough still wants this project? Think with your heart.

George Hinton stated that at the last meeting the Borough Solicitor was asked if there would be any repercussions with regard to the monies? Probably the next meeting this will be discussed. The Solicitor is looking into this issue. Vickie stated that the road and the Wal-Mart were separate issues, but now they are intertwined.

15. Roberta Ruppert, Constitution Avenue. Roberta stated that if the road goes in it will alleviate traffic on 512 proper, but when it comes across onto Broadway, the trucks and cars will still make the left into Wind Gap. Trying to get out of Constitution going south on Broadway is impossible now; the new road will only be a stone's throw from Constitution. If you can, withdraw the bond money. If you can't pull the money, put the money someplace to earn interest.

16. Paul Levits stated that if the Solicitor was directed to look into this and there is a potential conflict with the firm of Zito, Martino and Karasek, then the Solicitor should not be doing the research. You do you want a small town environment or do you want suburbia?

## **COMMITTEE REPORTS.**

1. EMS – Karen Skorochood reported that the inspection would be conducted this Thursday. The inspector from EMS Council is coming. Karen went to the Gracedale Building and obtained the most current hazardous material guidebooks. She distributed two copies to the Ambulance Corps; three to the Fire Company and the Emergency Management Coordinator has one. George asked if anyone has contacted getting the emergency responders together for a meeting. Karen suggested contacting Anthony and setting up a meeting as soon as possible. Winton to meet with Tony Curcio to review the issues. Scott asked why the air raid siren continues to go off on Monday. Karen stated that an official letter was sent to the County, but nothing has been done.

2. Police – George Hinton reported that the new car is in and will be taken for the lettering

to be done. The lights and radio work will be done shortly. The committee will be getting together to discuss the Police contract. The Borough finally received the new Highmark medical insurance rates. A comparison spreadsheet has been done and discussion will begin. Third Street is a State highway. Lines have been painted on Third Street and the Police have been timing vehicles. Bernie Corbett, PennDOT, will be contacted regarding a stop sign at the intersection of Third Street and Lehigh. The trees at that intersection may be in the site triangle and may need to be trimmed or removed.

Warren Bush informed Council that the buses heading north on 512 and making the right hand turn into Third Street usually cross over the stop bar, but they trip the detectors and turns the light on Broadway red. George stated that he would talk to the Borough Engineer to find out if any adjustments can be made.

3. Streets – George Hinton reported that there was vandalism in the Park. It was done in the middle of the night. Three of the four culprits were found. They will be fined and will have to pay for the damages. On the east side of the Park, the workers are cleaning up the area used during the Third Street project. They have been cutting weeds in the gutter lines and sealing the gutter lines. There has been a request to clean up the streambed. George encouraged homeowners to keep the streams clear of debris. George suggested that an ordinance has to be created to outsource the cutting of the weeds. People let their weeds grow, the street workers cut them and then the Borough bills them at the street workers hourly rate. It is a cheap lawn care service. It is time to have an ordinance that includes having an outside firm. Scott asked if an outside firm does the cutting, what if they don't get paid. George replied that these are issues that must be discussed before enacting an ordinance.

4. Finance – Kerry Gassler reported that the expenditures have been compiled from September 2004 through August 2005 and the 2006 budget has been distributed. Kerry stated that everyone should be looking at the budget and deciding whether anything new has to be added.

5. Administration – Winton Male reported that he is looking to upgrade some software. He has contacted the County to get information regarding current programs associated with emergency. He stated that he is aware of software out there that would enable the Borough to notify everyone in town by phone messages. A grant application is being prepared for DCED for the software upgrade and some of the other things necessary for getting more information on properties in the Borough. George asked if on a Saturday when the Zoning Office is open, has it been advertised that it is by appointment only? Winton replied that a resident can take a chance of coming in on a Saturday, but the Zoning Officer is in and out of the office. The other option is to call and make an appointment. George suggested that Winton talk to the Zoning Department, because there have been complaints that residents have come in on a Saturday and told to leave. Winton to take care of this issue and will put something in the next newsletter. George suggested that Council seriously evaluate the Zoning Office as a whole. Scott requested that an Executive Session be held prior to the October 3 meeting to discuss personnel issues. The October 3 meeting will begin at 6:30 p.m. with an Executive Session.

6. Zoning – Tony Curcio reported that the Zoning Hearing Board met on September 7, 2005 at 7:30 p.m. to hear case 5-2005, Ronald and Audrey DeCesare. The case involved the enforcement of the Zoning Code for placing of a structure on a property, they did not have a permit and a permit was required. Submittal of site plan was also required. The Board decided that they had to meet all the requirements at 607 South Broadway. The appeal was denied. Now either side can appeal within thirty days to the County.
7. Planning – Scott Parsons reported that there was no meeting held in September.
8. Parks – Karen Skorochood reported that there was no meeting since the last Borough Council meeting.
9. Fire Company – George Hinton reported that they responded to 19 calls in August, year-to-date is 136 calls. The Fire Company is realigning for training purposes and an overall revamping with the members to make sure that they have the proper training from pump operating, driving, responding to calls, etc.
10. Sewer Authority – Paul Levits distributed his monthly report and highlighted the following information. The flow was .333 million gallons per day. Second round of wet testing is underway. The first round went very well. At 326 South Broadway does not have a proper trap assembly. The building sewer is connected to the sewer next door. The air test for the Giant Food Store addition is complete. They televised some mains in the Borough mostly in the clay pipe areas. A review letter was sent to Nolan Perin for the requirements to complete the two lots to be served by the Wind Gap Municipal Authority. Neil Roberti contacted the Authority regarding a temporary port-a-pottie for his business to be located at 333 South Broadway. He was referred back to the Borough's Sewage Enforcement Officer.

Scott asked Paul if he wanted to discuss the A Street issue. Scott explained that there was an unknown blockage in the line. Paul added the ultimately clogged the line and backed up into his below grade service. The Authority does not guarantee below grade service. He called in a company to clear the line, then it was discovered that it was in the main line so the Authority was called out to take care of it. Because of backup into his garage basement, a clean up firm was called. The homeowner contacted his insurance, they denied coverage, the Authority's insurance denied coverage. Paul stated that everyone should read their homeowner's policy and if necessary purchase a rider so that they are covered. Scott suggested that the Authority would sell a rider on the Authority's insurance policy. The Authority will discuss sending out a letter to all users explaining the insurance issue.
11. Insurance – Winton Male reported that a group dividend in the amount of \$2,300 from Selective Insurance.
12. 911 – Tony Curcio reported that his concern about the air raid siren has been addressed. Karen stated that she was on an ambulance call last week and the Borough did not have police coverage at the time and the State Police were needed. The two State Troopers who responded, stated that there has been confusion at the 911 Center with the Borough not

having coverage for a specific shift. The Mayor stated that he received a call regarding the nightclub and the Borough officer went off duty at 3:00 a.m. but the problem occurred at 4:00 a.m. when there was no coverage by the Borough police.

## Mayor's Report

Mayor George reported that the Contractor's license collected in August was \$50.00 for a total of \$1,675 for 2005. The police responded to 188 calls in the month of August, 9 motor vehicle accidents and 34 traffic citations issued. A COG meeting will be held on September 28, 2005. George will follow up with the regional police survey. A gentleman from the PA Department of Conservation attended a COG meeting regarding getting the communities together related to Parks. More information will be sent out from the COG. The Mayor stated that in the best interest of the Borough, Mr. Karasek should consider recusing himself from the road project.

## NEW BUSINESS

1. Lenni Electric Pay Request - \$5,621.60. Kerry reported that Hanover Engineering Associates recommends payment of the 10% retainage of the project.

**On motion** by Winton Male to pay the bill and seconded by Mitchell D. Mogilski, Sr. Roll call vote taken. Motion carried unanimously.

## OLD BUSINESS

1. Ordinance 425 – Snow Removal Ordinance. Mitch asked if everyone had a chance to review the ordinance. Discussion regarding the amount of snow emergencies in the period of one year? Is it worth the time and money to be spent on something that is not on the main streets of the Borough. A copy would have to be sent to everyone in the Borough explaining how and when the vehicles have to be parked.

**On motion** by George Hinton to leave Ordinance 425 alone and seconded by Scott Parsons. 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.

2. Update to Borough Ordinance 6 – Nuisances. **On motion** by Scott Parsons to receive draft copies of a nuisance ordinance to be reviewed by Council and seconded by George Hinton. Roll call vote taken. Motion carried unanimously. The dates and times of discussion regarding the enactment of this ordinance will be advertised in the newsletter.

3. Park – Parking Lot Paving Project. Scott reported that Rettew sent a letter explaining that the Park Board has requested that the project be reviewed and possibly change items in the bid. They would take out of the bid, the wear course, the final course and the traffic line painting and marking. It reduced the bid from \$53,000 to \$36,395. The Park Board would like to award the bid at that price. The question was can the Borough do this without re-bidding. Kerry suggested that the Borough Solicitor look into how much the bid can be reduced. The budget

will be reviewed by Louise.

4. Stormwater issues – North Broadway. Discussion regarding the Stormwater issues on North Broadway properties and sink holes forming. Because of a project that was done years ago and the settling of the pipes sink holes have been found in several residents' backyards. Scott suggested that Council has to find out if there are easements. Kerry will call former Borough Engineer, Bob Collura, to inquire if there are easements. Kerry to update at the next meeting.

5. George encouraged Council to ride to the Giant Food Expansion project to check the area behind Giant. Currently there is only 18' back there instead of the 28' that was on the plans. There are numerous concerns regarding the project not following the plans. George also questioned the CVS project and the project following their approved plans.

**On motion** by Scott Parsons to contact Rettew regarding the CVS and Hanover Engineering regarding the Giant project and seconded by Karen Skorochood. Roll call vote taken. Motion carried unanimously.

6. George was contacted by an Eagle Scout. He would like to do his project on a Welcome sign coming into the Borough. Council agreed to review a draft of the project before giving final approval.

**On motion** by Tony Curcio to adjourn the meeting of September 20, 2005 and seconded by Scott Parsons.

The meeting of September 20, 2005 adjourned at 9:44 p.m.

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Louise Firestone, Secretary / Treasurer