

**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 7:30 p.m. for Executive Session at Wind Gap Borough Hall.

The Council meeting of the Borough of Wind Gap on Tuesday, January 17, 2006, was called to order at 7:30 p.m. by Kerry Gassler at which time he reminded those present that the meeting was being recorded. In attendance were Councilpersons: Jon Faust, Karen Skorochood, Todd Beil, George Hinton, Scott Parsons, and Tony Curcio. Also in attendance were Mayor Mitchell D. Mogilski, Sr., Borough Solicitor Ronold Karasek, and Secretary/Treasurer Louise Firestone.

Kerry informed those present that Council was in Executive Session to discuss Towns at the Gap and personnel.

1. Kerry reported that a Council committee was formed including: George Hinton, Tony Curcio and Kerry Gassler, Attorney Ron Karasek, Engineer Ron Madison all met with Mrs. Calantoni, her son, her engineer, and her attorney to discuss the possibility of changing their land development plan on storm water.

On motion by George Hinton to take action by the Borough Council on December 20, 2005, wherein a conditional final plan approval was granted with an additional storm water re-design condition for the Manor Haven Corporation Major Subdivision, Towns at the Gap Project is rescinded and, two, that the Borough and Applicant through the engineers, lawyers and other representatives have ninety (90) days until April 17, 2006 to attempt to resolve this matter based upon the various options that were discussed at the settlement conference that was held January 6, 2006, and, three, if the issue regarding the storm water re-design cannot be amicably and mutually resolved by a written agreement, on or by midnight of April 17, 2006, the Major Subdivision Plan will go forward as that plan was designed and existed at the time of the stipulation of the settlement and order of the Court approving same day dated July 22, 2004 as per the Borough Engineer review letter of September 30, 2005 and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

The Borough Engineer needs to be involved because of the ninety-day time limit.

2. Personnel. Borough Council decided to change the job description of the Secretary/Treasurer to be Borough Administrator/Secretary/Treasurer. Kerry read the new job description. The duties and hours and general job description for this position are subject to as that discretion of Council. This will be an at will employment, will have 80 hours of all purpose time off, holidays off in accordance with the street contract, \$37,000, \$50,000 life insurance, subject to change is the café or pension, this needs to be talked about further.

On motion by Karen Skorochood to change Louise Firestone's job description to Borough Administrator/Secretary/Treasurer as described and seconded by Scott Parsons. Roll call vote taken. Motion carried unanimously.

3. Zoning Officer/Administrator Assistant. Kerry reported that the Borough's Zoning Officer has resigned. The duties and job description are subject to change at the discretion of Council. Kerry read the job description of this new position. The job was budgeted for \$30,000, at will employment, still to be discussed is pension, café plan, same as Administrator.

On motion by Tony Curcio to advertise for this new position and seconded by Todd Beil. Roll call vote taken. Motion carried unanimously.

PUBLIC COMMENT

1. Richard Rutt. Mr. Rutt presented Council with a copy of the McDonald's Plan. The project is primarily in Plainfield Township. The State has condemned the frontage and caused McDonald's to lose some of their parking. They have purchased property behind the bank property for additional parking. Hanover Engineering has reviewed the plan. Once the Plainfield Township gives approval they will return to Wind Gap for signatures on the plans.

On motion by George Hinton to approve the plan as presented to go to Plainfield Township to meet their conditions and seconded by Karen Skorochood. Roll call vote taken. Motion carried unanimously.

2. Rick Snyder, 149 Jefferson Street, Wind Gap. Rick presented Council with pictures of signage that is at the intersection of 512 heading west at the traffic light at Turkey Hill. He stated that he is torn between the beautification and the desire to have his sign posted at that intersection. Kerry replied that he owns that piece of property and the Lions Club sign has been there for the 29 years that he has owned the property. Jones Flooring approached him regarding erecting a sign and he directed them to the Borough's Zoning Department to get any necessary permits. The Wind Gap Indoor Flea Market never asked him for permission, they just stuck their sign in the ground. He stated that people put signs on the pole and the State comes around and removes the signs. Rick stated that it does not add to the beauty of Wind Gap. If there were no permit required then someone would only have to ask Kerry's permission to put a sign on that corner. Is this true on personal property in the Borough you only have to have permission to put up a sign? Ron Karasek added that the Borough Zoning Ordinance has an entire section dealing with signs. You have to speak with the Zoning Officer to get an interpretation of the ordinance.

3. Vickie Allen. Vickie asked Council if they had received a copy of a letter sent by Pen Argyl Borough's Robin Zmoda to Jerry Bermingham regarding the Wal-Mart development and the traffic concerns in their Borough. She asked if Wind Gap is sharing the Borough's concerns to Wal-Mart also? George Hinton replied that the committee has met with Hanover Engineering and Hanover will be sending a letter to National Realty. The letter states that the committee does not agree with eliminating parking in the Borough and the letter expresses those concerns. George promised to follow-up to find out when this letter will be sent.

4. Annette Snyder commended the Council in regards to having an abandoned car removed from Sixth Street. She also showed Council pictures of the garbage that still remains on the sidewalk in front of the Pet Zone. Kerry has spoken to the owner of the building and the garbage belongs to the tenant of the apartment on the upper floor. Louise to contact Donna at Keenhold Associates regarding this matter.

NEW BUSINESS

1. Council Committee Re-appointments. Kerry appointed the following members:
 EMS – Karen Skorochood
 Police – George Hinton
 Streets – George Hinton (chair), Jon Faust, Kerry Gassler
 Zoning – Tony Curcio
 Planning – Todd Beil
 Parks and Recreation – Karen Skorochood
 Fire Company – Jon Faust
 Sewer Authority – Scott Parsons
 911 – Tony Curcio

2. Emergency Management Coordination – (NIMS Awareness Course Meeting).
 Correspondence was received from the County's Emergency Management Coordinator regarding mandatory classes for all local municipal officials and staff. The options in completing this requirement include already scheduled classes (Feb 7 or March 11, 2006), hosting a class with a minimum requirement of 15 participants, or enrolling on-line to complete the course. Jon Faust stated that the Wind Gap Fire Company is in the process of selecting a date to hold a class probably within the next month. He will report back to Council once the date is confirmed.

3. Ordinance 443 – EMST Clarification & Refunds. According to Ordinance 443, anyone who earns less than \$6,500 is entitled to a refund of the \$52.00 Emergency Municipal Services Tax. Patricia Sutter questioned how the Borough would handle these requests since she does not have the funds to refund residents. Once she turns the funds over to the Borough at the end of each month she does maintain enough funds to cover the refunds. George Hinton suggested that Pat provide the Borough with a list of residents due a refund by the tax deadline of April 15, 2006. The Borough will cut a check to Pat and she will be responsible for refunding to each individual. George stated that if the Borough were to refund the monies, it might make for confusion regarding where to pay the taxes because the check would come from the Borough and not the Tax Collector. It was suggested that this procedure be done a monthly basis.

4. Appointment of Legal Firms
On motion by Jon Faust to appoint the Law Firm of Zito, Martino and Karasek as the Borough's Solicitor at a rate of \$75 per hour and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.
On motion by Scott Parsons to appoint the Law Firm of Zito, Martino and Karasek as the

Borough's Planning Solicitor and seconded by Todd Beil. Roll call vote taken. Motion carried unanimously.

The Zoning Hearing Board appoints their own Solicitor.

A letter will be sent to Pete Layman for the time that he has served as the Borough's Planning Solicitor.

5. Appointment of Engineering Firm

The Borough received proposals from Hanover Engineering, Keller Engineering, Rettew and Robert Collura. The registered engineer for the above firms: Hanover Engineering - \$78.80 per hour, Keller - \$80.00 per hour, Rettew - \$88.00 per hour and Robert Collura - \$67.00 per hour.

Hanover Engineering has been the Borough's engineer since 1997. Bob Collura previously held the position of Borough Engineer prior to Hanover and Scott asked if anyone knew why they had been replaced? Winton Male stated that the change was because the experience was not good. Karen stated that she contacted Bushkill Township and they stated that they were pleased with Mr. Collura.

On motion by Karen Skorochood to appoint Robert Collura and his firm at a rate of \$67.00 per hour as the Borough's Engineer and seconded by Todd Beil. Roll call vote taken. Motion carried unanimously.

Discussion regarding what projects would be finished by Hanover Engineering. George stated that Hanover has been involved with the Towns at the Gap, West West Street, Roberti, Posh – First Street, Posh CVS, Giant. Kerry appointed a committee to meet with the two different engineers to make the transition and discuss the pending projects. Scott will chair the committee; George and Tony will also be on that committee.

On motion by George Hinton to appoint Hanover Engineering Associates as the Borough's Alternate Engineer at a rate of \$78.80 per hour and seconded by Tony Curcio. Roll call vote taken. In favor: T. Beil, T. Curcio, J. Faust, G. Hinton, S. Parsons, K. Skorochood. Opposed: K. Gassler. Motion carried with a vote of 6-1.

Karen asked that if Council is not pleased with the appointments made tonight could they be changed? Ron Karasek stated that the professionals serve at the will of Council and can be replaced at anytime.

6. Appointment of Sewage Enforcement Officer.

On motion by Scott Parsons to appoint Hanover Engineering as Sewage Enforcement Officer. After further discussion, Scott rescinded his motion until Bob Collura can be contacted regarding his ability to serve the Borough as the Sewage Enforcement Officer.

7. Appointment of Borough Auditor

On motion by Jon Faust to appoint France, Anderson, Basile and Company, P.C. at cost of a not-to-exceed \$2,820 and seconded by Scott Parsons. Roll call vote taken. Motion carried unanimously.

8. Park Board

On motion by Karen Skorochood to re-appoint Janet Mishkin to the Park Board for

another term and seconded by Jon Faust. Roll call vote taken. Motion carried unanimously.

Karen stated that there still exists a vacancy on the Park Board if anyone is interested.

9. Wind Gap Municipal Authority.

On motion by Scott Parsons to re-appoint Russell Dieter to the Wind Gap Municipal Authority and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

10. Planning Commission

On motion by Scott Parsons to re-appoint Joan Valley to the Planning Commission and seconded by Todd Beil. Roll call vote taken. Motion carried unanimously.

Todd stated that one member received a letter because she has not attended a meeting in a year so there might be another vacancy. Ron Karasek will further investigate the possible vacancy at the next Planning meeting.

11. Vacancy Board

On motion by Jon Faust to appoint John Maher as Vacancy Board Chairman and seconded by Karen Skorochood. Roll call vote taken. In favor: K. Skorochood, T. Beil, J. Faust, K. Gassler, G. Hinton. Opposed: S. Parsons, T. Curcio. Motion carried with a vote of 5-2.

12. Zoning Hearing Board

On motion by Karen Skorochood to re-appoint Mark Sharp to the Zoning Hearing Board and seconded by Todd Beil. Roll call vote taken. In favor: K. Skorochood, T. Beil, T. Curcio, J. Faust, K. Gassler, S. Parsons. Opposed: G. Hinton. Motion carried with a vote of 6-1.

13. Zoning Hearing Board

On motion by Tony Curcio to appoint Deborah Roseberry as the Alternate on the Zoning Hearing Board and seconded by Todd Beil. Roll call vote taken. Motion carried unanimously

14. Mayor's Report.

The Mayor reminded the residents regarding the snow removal on the sidewalks does this pertain to the garbage on the sidewalks. He will be talking to the Police on Thursday and plans to discuss this with the Officers.

The contractor's license for the year of 2005 is \$1,875, the amusement machine license for the year of 2005 was \$300 for a total of fees collected \$2,175.

The Mayor advised Council that if there are any questions on the police report please direct them to him. The Chief asked if he is required to attend Council meetings? The Mayor reported that not at this time, but if he is required he will be informed.

He reported that shortly after the election, John Zucal approached the Mayor and stated that cutting the weeds was cutting into their personal time and he didn't want to do it. Randy stated that whatever is decided would be fine with him. George stated that it has been brought up numerous times at Council because it is a slap on the wrist to allow the Borough to cut the

weeds and only have to pay for them to be cut. Kerry stated that during previous discussions there was legal concern regarding the Borough sending a private contractor onto someone's property. Ron Karasek will be provided with a copy of the current weed ordinance and look at the possibility of updating this ordinance.

The Mayor reported that Council received a memo from an unsigned resident and he questioned whether it should even be copied and addressed by Council. He would like to have a person to address in regard to their concerns.

Mayor reported that in previous discussions regarding Emergency Management Coordination. He has been in touch with several people and suggested that a committee be formed. He has already contacted Winton Male, John Maher, Russ Roper (he approached the Mayor), Henry Moore (Pennsylvania Regional Community Policing Group – they sponsor Emergency Planning). The meeting will be between 7:00 p.m. and 7:30 p.m. He would also like to include George Kessler. Kerry added that Winton has been working on this for quite some time. He has been in touch with Nick Tylenda at the County level. The grant received by the Borough would be used on the upgrade of the database, laptops for the Police, Fire and EMS. Kerry suggested that Anthony Skorochood as the Borough's Emergency Management Coordinator and his wife, Karen Skorochood, both need to be involved. Tony Curcio will be the back-up. Winton added that Jim Lockard has a copy of the map of the Borough to review the plans and identify the hot spots in the Borough. It is imperative to have a listing of the volatiles in businesses throughout the Borough. The County already has information that the Borough would need to incorporate into their database.

15. SPCA Agreement. Karen stated that the Borough has a nuisance problem. Unfortunately because the Borough does not have an agreement in place with the SPCA, there is a charge to the residents should they take an animal to the shelter. She questioned the legality. George added that if the Police Officers do pick up a stray dog they have to transport the animal to the shelter. The thought at that point was the Borough did not want a Police Officer out of the Borough. Louise advised that the Police Department applied for a kennel license. The State Game Warden inspected the kennel today and passed the kennel with several stipulations. There is grant money available for the upgrades, but the specifics would have to be looked into further. It was suggested that this topic be discussed at the Police meeting scheduled for Thursday night.

16. County Bond Issue. Ron Karasek advised Council that he contacted several attorneys regarding serving Wind Gap as a Special Solicitor for the Bond Issue.

On motion by Scott Parsons to appoint Dwight Danser at the rate of \$90 per hour as the Special Solicitor for the County Bond Issue and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously. Ron Karasek to coordinate the transition from Karl Longenbach to Dwight Danser.

17. George Hinton reported that there continues to be a problem with residents pumping water onto the Borough streets. Lehigh is a major problem. The residents pump the water out during the winter and then the water freezes causing a hazardous situation. Ron Karasek suggested that this issue could be included in the nuisance ordinance. He reminded Council

that the ordinance must be enforced to be effective.

18. George Hinton reported that Fire House roof is shot. The flat rubber roof needs to be replaced. He suggested that an A frame roof be constructed. Jon Faust will look into the options and report back to Council.

19. George Hinton reported that a letter was sent to a resident of the Borough regarding removing a structure that is in the Borough's right-of-way. The letter was sent over thirty days and the structure still remains. Mike McNamara has a split rail fence around the street sign and asked the Borough to move the street sign. Council stated that when the fence is up the split rail fence has to come down.

20. Jon Faust reported that the Fire Company would be looking into replacing the floor in the social hall. The floor is buckling and people are tripping over it. There is flake board under the tiles and dirt under the board. Mayor believes that the floor was fixed five or six years ago and the contractor was Fire Deck out of Allentown. Kerry asked if the Fire Company would be handling replacing the switch for the siren. A new timer, a switch and a reset switch would be located outside of the bank. Jon to get estimates for the project.

OLD BUSINESS

1. Borough Beautification. Annette Snyder presented Council with a request of an initial cost for the planters of \$1,245. The committee will provide the planters and ask the business owners to maintain the planters by watering the plants.

On motion by Scott Parsons to allow an initial start up amount committed by the Borough for the Beautification Program to be \$1,250 and seconded by Karen Skorochoch. Roll call vote taken. Motion carried unanimously.

Scott to represent Council on the committee. A letter of introduction will be drafted to be presented by the committee when they approach the business owners.

On motion by Tony Curcio to adjourn the meeting of January 17, 2006 and seconded by Jon Faust. Council agreed unanimously.

The meeting of January 17, 2006 adjourned at 9:25 p.m.

Louise Firestone, Secretary / Treasurer