

**BOROUGH OF WIND GAP  
29 MECHANIC STREET  
WIND GAP, PA 18091  
863-7288  
FAX 863-1011**

**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 Monday, March 6, 2006, 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 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, Borough Engineer Brian Pysher and Borough Administrator Louise Firestone.

Kerry informed those present that Council was in Executive Session to discuss the Industrial Road litigation, litigation regarding PPL Cell tower and Community Services Group litigation. At this time, there is no action to be taken by Council on the Executive Session.

**PUBLIC COMMENT**

1. Jeffrey Ott, Ott Consulting, representing Joe Posh, Posh Properties. This property was once known as the Cortazzo Subdivision and the plans originally prepared by East Penn Engineering. Jeff explained the history of the plan. The previous Borough Engineering, Hanover Engineering, had reviewed the plans as submitted by Mr. Cortazzo and the current Borough Engineer, Robert Collura, has issued his review of the plan. Mr. Posh is developing a 12-acre property on the east side of South Broadway to extend First Street to Broadway and down to Chestnut to create a new intersection. There will be twelve new lots. Jeff explained that he is before Council to get some direction regarding making First Street flow through to Broadway or to make the street end in a cul-de-sac and not connect to Broadway. It is their position that they do not care either way they would just like direction so that it can be designed as the Borough wishes. There are some physical challenges, which they have no control over. In order to install a road, it would have to be graded outside the right-of-way on private property. They cannot do that because they are not authorized by the property owner to do that. Mr. Posh is willing to put in the asphalt bituminous to improve the road, but he would stop at putting curb and sidewalk. He would offer to do the offsite improvements to allow First Street to be improved. There would have to be a condemnation on the corner property. Council discussed that piece of First Street and that it possibly is not ordained. Ron Karasek stated that if the Borough has been maintaining it and snowplowing it, in theory, it is the Borough's to deal with even if it is not on the books as ordained. Scott expressed his concern about using

condemnation on the property. Kerry offered to speak to the property owner to inform him of the Borough's plans. Jeff stated that an engineering design would be done for this road. They will present it to the Borough's Planning Commission and then they may have to come back before Council as a follow-up before receiving a decision from the Planning Commission.

**On motion** by George Hinton to make East First Street a through street and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

2. Eagle Scout Project. Mayor Mogilski explained that his son, Justin, needs to complete a project for his Eagle Scout project. He is asking permission to build a brick wall in front of the Ambulance Corps building. Justin spoke to Mr. Dell'Alba and is asking for approval from the Board of Directors of the Ambulance Corps to build this because it would be a good point of recognition for those serving the EMS field. In the past, he met with the Borough's Zoning Officer, Deborah Roseberry, and is asking for permission to build the sign on the Borough's property and also to have Council waive the sign permitting process and fees. Council was in agreement that it would be a worthwhile project, but they would like to review the sketch drawing first.

3. Annette Snyder. Annette reported on her progress regarding the Borough Beautification Project. She has collected \$1,700 so far. She expects to receive another \$400 to \$500 this week. She submitted a grant application to the Green Knight Economic Development Corporation. She has a meeting this Wednesday with the two Eagle Scouts, Troops 33 and 48 to discuss the "Welcome to Wind Gap" signs. Representative Craig Dally provided information on grant opportunities. Annette, Scott and Louise met with a representative from the Northampton County Department of Economic Development. They reviewed the objectives of the committee and where grant monies might be available. Scott added that there might be funds for the demolition of the Roberti Garage and turning the site into a park/parking lot. Annette has scheduled a meeting with Waste Management to ask for funds for the Beautification Project. Scott will be out of town, so Kerry offered to attend the meeting with Annette. Annette went to Techo Bloc and they indicated that they would donate the pavers. Annette suggested that Justin contact them as well for his project for a possible donation.

## **APPROVAL OF MINUTES**

**On motion** by Karen Skorochood to approve the minutes of the February 6, 2006 meeting and seconded by Jon Faust. Correction to be made to incorrect spelling of a name. Roll call vote taken. Motion carried unanimously.

**On motion** by Tony Curcio to approve the minutes of the February 21, 2006 meeting and seconded by Todd Beil. Roll call vote taken. Motion carried unanimously.

## **APPROVAL OF EXPENSES**

**On motion** by Jon Faust to pay the expenses for the month of February 2006 in the amount of \$17,688.48 and seconded by Scott Parsons. Roll call vote taken. Motion carried unanimously.

## SOLICITOR'S REPORT

Ron Karasek reported that litigation items had already been discussed during the Executive Session. He has completed his research on the 20-year early retirement provision under the Police Pension Contract and sent correspondence to Council. He did research on the compatible office regarding the Zoning Officer and Zoning position. He has sent his opinion regarding the SPCA contract and completed a draft of the nuisance ordinance. He reviewed the RCN ordinance that was sent last month and indicated that unless he saw the actual franchise agreement, he is not sure if that is something that the Borough would be interested in or not. The Manor Haven, Towns at the Gap, Stormwater re-design deadline is April 17, 2006. Louise to contact Cowan and Associates regarding the re-design and anticipated timeframe for delivery of the plans.

## ENGINEER'S REPORT

Brian Pyscher reported that hopefully they would be out next week to do the necessary fieldwork for the Borough's projects. Kerry asked if the Borough would be getting the bid specs soon? Brian replied that it would be done as soon as possible. Todd stated that there has been a problem with receiving the engineering reports for the Planning meetings. He stated that receiving the reports the afternoon of the meeting is not enough time to review them. He requested that the letters be received by the Borough office on Thursday, the week before the meeting so that they can be mailed out and allow the members time to review them.

George and Jon marked the upstairs floor for a proposed floor plan. George asked that members of Council review and suggest any changes.

## NEW BUSINESS

1. Zoning Officer/Administrative Assistant Appointment. Tony reported that the committee met to review the 41 applicants for the position. The committee selected five to interview, but one had already accepted another position. Tony, Kerry, and Louise interviewed the four remaining and the committee selected Jodi Phillips. The committee agreed on a starting rate of \$15.50 per hour. The committee indicated that Jodi does not need any benefits.

**On motion** by Tony Curcio to hire Jodi Phillips as the Administrative Assistant/Zoning Officer position at a rate of \$15.50 per hour for 40 hours a week and seconded by Karen Skorochood. Roll call vote taken. In favor: G. Hinton, K. Skorochood, T. Beil, T. Curcio, J. Faust, K. Gassler. Abstained: S. Parsons. Motion carried with a vote of 6-0-1.

Council decided that there would be no interference from Council regarding the orientation process of the new employee for a period of one month.

2. Kerry requested permission to have the engineer look at an old land development plan of Jaid's Lounge. There is a parking problem issue up there. Kerry stated that the Borough needs to make sure that he complies with all the parking. The existing land development plan allows for downstairs for 100 people and the amount of spaces, the pizza shop has 12 spaces, the post office has 14 spaces, the second floor that was to be a liquor store has 8 spaces for a total of 73 spaces, they have 87. In 2004, there was a permit to remodel upstairs to make it a bar, but he does not have a CO that is known and parking is a problem. The Fire Company gave him a maximum occupancy of upstairs of 148 at least two employees you would probably need an additional 24 more parking spots. He is asking that the Borough engineer make sure that all their permits are in order and that they followed their land development plan. Bob Collura did the original land development, but he did nothing for the ScoreCard upstairs.

**On motion** by Tony Curcio to have the Alternate Engineer review the permitting and Certificate of Occupancy and that all the parking requirements are satisfied and that all the safety aspect of occupying that square footage and seconded by Todd Beil. Roll call vote taken. In favor: S. Parsons, K. Skorochood, T. Beil, T. Curcio, J. Faust, G. Hinton. Abstained: K. Gassler. Motion carried with a vote of 6-0-1.

## OLD BUSINESS

1. Nuisance Ordinance. Jon questioned Section 9 about prohibiting the discharging of leaves in the roadway. The Borough Street Workers should not go on yards to remove/vacuum the leaves. Scott stated the under Section 9 regarding the discharging the water onto the street because that would be impossible to enforce since approximately 60% of the residents have sump pumps. The problem occurs when the water is pumped out and then freezes on the roadway. Kerry stated that PennDOT prohibits the pumping onto State roads. Council agreed that a solution has to be discussed. Ron Karasek suggested that the language could read no pumping during the winter months. This may need to be included in a new Stormwater plan. Suggestion to just delete the reference of no water discharge from Section 9 and clarify the leaf collection does not apply. The Police Chief stated that noise is already covered under the State Crime Code as unreasonable. The Mayor indicated that under Section 8 it would prohibit the placing of trash cans on the sidewalks for pick up. Council decided to continue reviewing the draft nuisance ordinance. Ron asked Council to review Section 12 through 17.

2. SPCA Agreement. Ron Karasek informed Council that the contract does permit the ability of either the Borough or the SPCA to walk away from the agreement with 90 days written notice. The benefit of the contract is that the SPCA has a fully qualified humane officer who can enforce cruelty to animal's laws. That officer has the authority to enforce those laws within the Borough. Ron emphasized that if anyone is willing to transport the animals to the shelf they are no way doing as an agent, employee, designee or representative of the Borough in any fashion whatsoever. It is being done on a voluntary basis.

**On motion** by Scott Parsons to set a limit of \$1,200 on the cost to the Borough and seconded by Karen Skorochood. Roll call vote taken. Motion carried unanimously.

**On motion** by Tony Curcio to adjourn the meeting of March 6, 2006 and seconded by Jon Faust. Council agreed unanimously.

The meeting of March 6, 2006 adjourned at 8:36 p.m.

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Louise Firestone, Secretary / Treasurer