

**BOROUGH OF WIND GAP
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The Council meeting of the Borough of Wind Gap on Tuesday, April 16, 2002, was called to order at 7:34 p.m. by Council President Winton Male, at which time he reminded those present that the meeting was being recorded. In attendance were Councilmen: Lewis Paulhamus, Mitchell D. Mogilski, Sr., William Pysher, Richard Getz and Kerry Gassler. Also in attendance were Mayor Kenneth George and Secretary/Treasurer Louise Firestone.

Approval of Minutes –

On motion by Bill Pysher to approve the minutes of April 1, 2002 and seconded by Richard Getz. Roll call vote taken. Motion carried unanimously.

Public Comment

1. George Hinton, 630 Washington Street, Wind Gap. George expressed his concern about the Police Department not having a gun safe to store their weapons or ammunition. He gave Council a page from a mail order catalog for a fireproof safe with prices starting at \$1,299.99. He encouraged Council to make a motion to purchase a safe because as a citizen and volunteer fireman he would not want a fire to occur with ammunition exposed to the heat. He was pleased to hear that they solved the burglary at the state store, but where do they store their evidence?
2. Chris Bruch, representing the Park Board. Chris reported that construction of the sidewalks on Third Street will be starting and if necessary, topsoil will be taken from Lehigh and West Street area as fill. If they come under budget for the Third Street sidewalks, they will be going down to West and Lehigh area for that sidewalk installation. Bill asked is the Borough Street Department is working on this project? Chris replied that the Street crew would comprise about 10% of the work done while 90% will be volunteers, but this is only a rough estimate. Sidewalks continuing back on West Street will not be installed because the street is still under dispute regarding the sewer line.

Old Business

1. Resolution 2002-1 Workshop Meetings. Mr. Male reported that the resolution has been drafted to designate the mid-month to be a work session and no votes will take place. Council

will function tonight under the resolution, and thus no vote to pass this resolution will be taken tonight, but will be put on the agenda for the May 6 Council meeting. Council discussed having the Committee Reports presented at the work session and not the Business meeting. Committee Reports will occur at the May 6 meeting and then the committees will be notified their reports will be offered at the monthly work session. Mr. Male stated that hopefully after the adoption of Resolution 2002-1 at the May 6 meeting, these Committee Reports would then be scheduled for the June work session, June 18, 2002.

2. Committee Spending Limits. Mitch reported that he distributed a copy of the breakdown of spending that includes the average monthly expense, the yearly expenses and the suggested expense without pre-approval from Council. Kerry asked what was not pre-approved for Streets last year since Streets has the highest expenses. He asked for further explanation of the numbers because it is difficult to understand the figures without the breakdown. Mr. Male stated that he thinks Council should consider the limitations for expenditures by the nature of the line item such as Capital Improvement or Capital Investment line items and that Council should have input on improvements. Mitch stated that because of the purchase of the copier that Council did not know about, something must be done to avoid overspending in the future. Mayor George cautioned that Council cannot hinder the operation of the Borough. He said that if the expenses are budgeted for then purchases should be allowed to occur. Mitch stated that if proper planning would happen, Council would be aware of the expenses. Kerry agreed that the liaison to the individual committees should monitor expenses and notify Council should it become a problem. Bill suggested that Council make a carte blanche limit for all departments instead of setting different limits for each department. All were in agreement that emergency situations need to be addressed immediately without Council giving prior approval. Mr. Male suggested that this be put on the agenda and Council come back with more feedback. Mayor George cautioned that having Council approve all expenses, would cause delays in projects. He said that Council has already approved the budget and the departments should have the ability to spend within their budget. Kerry said that he and Richard approved to have a street saw converted to water and diamond to cut into the streets and under this suggested spending limit, the street department would have to wait for Council to approve the purchase of a \$750.00 piece of equipment that is already in their budget. Kerry agrees that control has to be maintained and if a department is spending their budget too quickly Council has to be aware of it. Mitch's main concern stems from the purchase of the office copier and the purchase not being approved by Council, to which Kerry responded that Streets was overbudget by \$26,000 last year. Richard asked the Committee to continue to research this topic. Discussion about expanding the salt shed to store the salt that has to be purchased because of the commitment under the State Purchasing Agreement. If this expense becomes an issue a special meeting will have to be called. This topic to be discussed at the May 6 meeting.

3. Maintenance Code. Mr. Male reported that the Zoning Officer is qualified to enforce a

maintenance code if he only responds to complaints such as the chimney that is leaning off a house and the house fire on Eighth Street. Having a Maintenance Code would enable the Borough to respond to these issues. Anything that is existing in a building cannot be revised by this code because it would be grandfathered. Kerry stated that he understood the code to read if a kitchen does not meet the square footage, it would have to be enlarged. Richard would like to recommend Council adopt this Code. He stated that a landlord may not be interested in the upkeep of the property and then the tenants are left defenseless. People need some sort of protection. The Commonwealth is in the process of imposing BOCA to the entire state. The Maintenance Code is based on BOCA, but this code is specific to maintenance only. Kerry questioned if the Borough would have to set their own fee schedule for the maintenance code. Suggestion to schedule John Blick for a work session meeting to explain this code further.

4. Zoning Fee Schedule. Mitch stated that the Committee is still working on the fee schedule. They will discuss a few issues with the Zoning Officer, John Blick, and then they will write up their suggestions and distribute them to Council. The Zoning Fee Schedule Ordinance 427 is still on hold. Richard asked for copies of their latest fees to review.

5. Council Appointment. Mr. Male announced that a Special Council Meeting will occur on Thursday, April 25, 2002 at 7:30 p.m. for the express purpose of appointing someone to Council. Currently Council has received three (3) applications. Council should be aware that the current Vacancy Chairman is John Hannon and he is one of the applicants. If Council cannot make a decision and the vacancy Chairman must come into play then Council will need to appoint a backup Vacancy Board Chairman.

Mr. Male announced that Mitch is now the liaison to the Fire Department.

6. Street Bids. Council must formally vote on providing permits for curb repairs at no fee at the May 6 meeting. Kerry added that Council has to vote on putting the street specs out for advertisement. Kerry said that the curb letters stated that the curb replacements must be done by June 1. Kerry added that on Thursday, he and John will review the curbs needing replacement. He has had favorable response from residents regarding the curbs. Mr. Male stated that a resident complained that the contractors have not been responsive in a timely manner. Mitch said that he has received a complaint from a homeowner on Third and Washington who had replaced his curbing last summer. He complained that since he replaced the curb, trucks have been hitting the curb and breaking them apart. Mitch asked Council to take time to look at the curbs. George Hinton stated that most trucks going to NAPA go down First Street with the exception of an occasional lost truck, but this house is located on the right side of the street and that the trucks should not be causing a problem. This resident also expressed concern to George about the snow plow.

7. Park Grass Cutting. Two bids have been received for grass cutting. This is to be put on

the agenda for May 6 meeting. Mr. Male stated that he will provide numbers if the Street Department cuts the grass. Mitch stated that historically it has cost the Borough \$500 per cutting (3 days of John Zucal's time and 2 days of part-time worker – cutting, trimming, doing the entire Park). This is based on hourly rate and does not include benefits.

8. Bog Turtle Study. Council received a letter from Hanover Engineering recommending awarding Andrea Teti the contract for the study in the amount of \$4,470. Kerry asked why the lowest bid was not taken? Mr. Male explained that according to Hanover's correspondence, Ron explained that the extras including reproduction costs could easily exceed the difference between the two lowest bidders. Kerry stated that the bid of \$4,300 was lower and they should have been given consideration. Mr. Male replied that he is under the impression that they would not give Hanover a complete price including the additional costs. Mr. Male explained that Council has already given approval for the go ahead on this study so this topic does not have to be on the May 6, agenda.

9. \$10,000 Research - NA Equity. Kerry offered to have former Councilman Jeff Yob take time to research the files so that the secretaries do not have to do the work. Mr. Male stated that all information is public information, but it may not save any time for the secretaries since they would have to assist in the location of the files either in the office or in storage. Kerry was concerned that this issue does not get forgotten. Mr. Male assured him that whatever information is in the Borough Office it will be looked into as soon as possible.

10. Traffic Study on Third Street. Kerry asked how Council is proceeding on this issue? Mr. Male reported that Chief Armitage submitted a letter stating that no accidents have occurred at that intersection since January 1, 2002. Mr. Male referenced a letter from Hanover Engineering outlining the requirements from PennDOT. The cost for Hanover to provide the required information to PennDOT in the form of mylars and AutoCAD would be \$1,200. Kerry reiterated that all the money to be spent on this traffic light would come out of reserve and no engineering costs would not come out of the Street budget. Council has to approve the \$1,200 expense at the May 6 meeting. George Hinton asked who the Superintendent should address the letter regarding the reason the school buses do not use the Third and Broadway intersection. George will have the Superintendent address it to PennDOT and forward the letter to the Borough so it can be attached to the traffic light application.

11. Urban Research and Development Corporation. Kerry suggested Council start reviewing and discussing the comprehensive zoning changes. Council should keep current with the most recent changes Urban Research is suggesting. Kerry would like to see this on the next work session agenda. Tom Palmer informed Mr. Male that they are working on a map that has been updated and Tom has suggested presenting this to Council. This document is open to the public, but Council should make sure that the zoning is comprehensive to be specific to Wind Gap.

Kerry referenced that the proposed zoning ordinance includes a restriction on recreation vehicles being parked in residential areas. Kerry asked to Council to take the time to read this zoning ordinance.

New Business

1. **Street Sweeping.** Mitch said that he has contacted companies, but he is waiting for return calls. Forks Township asks for 48 hour notice to do the job and they have submitted the lowest bid of \$60 an hour. Kerry stated that Council will be notified when the street sweeping will occur. Mitch stated that Forks does not charge extra for cleaning the storm sewers. Council was made aware that typically the street sweeping has been advertised in the Express Times and the Borough Newsletter. This street sweeping expense is in the budget. Kerry stated that the streets to be paved do not have to be swept. Kerry suggested calling Forks Township and making arrangements tomorrow. Mitch to call the other companies for a price and then the Street Committee will set up the days with the lowest bidder.
2. **Rental of Bucket Truck.** Currently the cable company offers the use of their bucket truck when they are available. Pen Argyl gave a fair price to the Borough for rental of their bucket truck and two of their employees. The Borough uses a bucket truck to hang banners, Christmas lights, street banners, traffic lights. Kerry expressed his hope that in the future the Borough can purchase a used bucket truck.
3. **Park Board Appointment.** Mr. Male stated that Kathleen McFall submitted a resume for consideration for appointment to the Wind Gap Park Board. Mr. Male suggested that all applicants for any Borough position submit a resume because Council has an obligation to review the applicants before making appointments. Discussion about advertising for vacancies in the Borough that include Park, Planning and Civil Service. These positions have been advertised in the past Borough Newsletter.
4. **Part-time Police Officer - COPS Grant.** A three year grant is available, but the deadline is May 24. Mr. Male stated that he feels that this is something that the Borough needs to do. Mayor said that part-time officers do not have to go through Civil Service, but the position still needs to be advertised. This topic to be on the May 6 agenda.
5. **New Street Truck.** Kerry expressed concern about the condition of the blue F350 pickup truck. Kerry is looking at a $\frac{3}{4}$ ton utility truck with a snow plow just to plow the parking lots. The idea is to keep the blue truck just for winter maintenance, light duty. Kerry got a price from Brown-Daub. He stopped at Reinhart Ford and he will stop at a Dodge dealer. Mitch still suggests looking for something that is capable of doing all types of work including plowing. He added that if the blue truck breaks down and then something happens to the big truck, the

Borough would have to contract out for two trucks. Kerry said that the big truck is not used that hard and just requires general maintenance. It does not make sense to have a 4 ton truck to use everyday to pick up garbage, run for parts, it will just be wear and tear on a big truck. Mitch suggested using the blue truck as a secondary truck and using it as an everyday truck. Richard stated that the blue truck was not practical when it was purchased because it is too light to do the heavy plowing and it is too heavy to do light duty work and climbing, loading or unloading equipment in the bed is difficult because of the height. These trucks are available under the State Purchasing Contract. Kerry to do more research on the pricing for a truck.

6. Office Furniture. Mr. Male stated that it has become increasingly more difficult for the secretaries to work because of the separation and the constant interruption. He is suggesting that Millie be moved into the office area and he and the Mayor work out in Council chambers. He will look into a floor plan and pricing for furniture for the office. This will be put on the May work session meeting agenda.

7. PSAB CDL Drug & Alcohol Testing Program. The fee has already been paid for this year. A resolution must be passed by Council and submitted to Pennsylvania State Association of Boroughs acknowledging inclusion in the program. John is subject to random testing. Mr. Male reported that John was just tested and passed.

8. NorthAmerican Equity Receivable. Mr. Male stated that NorthAmerican Equity owes the Borough over \$15,000. Statements have been sent along with all the itemized bills and the Borough has not received any response regarding the bill. An itemized bill was sent along with the invoice. Mr. Male is asking Council to authorize the collection of this invoice by the Borough Solicitor. This will be put on the agenda for May 6 meeting.

9. Park Sidewalks. Mr. Male stated that he feels that the sidewalks should be run by Council and the Borough Engineer. Richard stated that it is wonderful to have volunteers do the work but Council has to be cautious because the volunteers may not be qualified to install sidewalks accidents could occur. He is concerned for safety, if the sidewalks do not have the proper pitch and do not drain properly. Mr. Male referenced Ordinance 173, Section 7, the Wind Gap Park Board constituted herein shall from time to time make detailed plans for the development of Wind Gap Park in conformity with the general plan for the development of the park prepared by the Borough Engineer and on file with the Borough Secretary. Such detailed plans shall be made with the counsel and advice of the Borough Engineer and shall be submitted for the approval of Borough Council. Upon approval by Borough Council, the plans shall be signed by the President of Council attested to by the Secretary showing the time and date of approval. Lewis stated that the sidewalk installation was part of the Park budget. Mitch stated that is correct, but it was submitted as a contracted service for \$5,000. Kerry replied that if it can be done in-house to save money then it should be done. Richard cautioned that if there is a volunteer doing the work, it

should be someone who has an expertise with concrete. The Borough would be responsible if an accident occurs on Borough property.

Discussion regarding the grant application submitted by the Park Board without prior knowledge of Council. Again, Mr. Male read from Ordinance 173, Section 10. Funds may be solicited for park purposes from, for, or on behalf of any individual, person, group, or organization, upon certification from the Wind Gap Park Board and approval by Borough Council. The Mayor asked if the Borough Engineer must be involved with the installation of sidewalk. Mr. Male stated that according to the Ordinance the Engineer should be involved. The Mayor suggested that this must be communicated with the Park Board. If this project cannot continue on then they must be notified. Lewis suggested putting a line item in the Park budget and the Street budget for John's time.

10. Vandalism at the Park. Lewis submitted pictures of damage done to the new Park benches located in front of the bandshell.

11. Smoking in the Police Department. Council received a letter from Chief Armitage expressing concern about the smoking in the Police Department Office and the police cars. He is asking Council to address this issue. Richard suggested that the Mayor and the Police Committee set up a policy to be adhered to by the Police. The Mayor stated that he feels no smoking should occur in the building. Currently only one officer smokes and he should not subject the other six officers to second hand smoke. Bill said that it should be a policy just as the Borough Office has no smoking. Council authorized the Mayor to enforce this policy.

12. Mr. Male informed Council that 900 mailings were sent of the newsletter to Borough residents and the postage and envelope cost was \$166.50.

13. Mr. Male reported that he had anticipated the Borough's insurance rates increasing 25%. He had conversation with Brown and Brown and they informed him that the insurance market is getting very, very tight and if the Borough gets away with a 40% increase it will be lucky. The insurance budget will be over because of this increase.

14. The tire pile has been reduced by 1060 tons of tires. This represents approximately 25% of the tires to be removed under this grant. Bill asked if that would take care of the surface tires along Route 33. Mr. Male talked to the contractor and he was not sure if it would or not. It would appear that all the whole tires will be out of Wind Gap with the exception of the tires in the quarry and the shredded tires. Wind Gap is assuming the responsibility for all the tires.

15. Kerry asked permission to look into a plan for the Nextel phones. Currently the Borough does not have a plan and therefore each call is a charged call. Kerry will report back to Council when he has information on a plan.

There being no further business, the following motion was made to adjourn: on motion by Bill Pysner and seconded by Mitchell D. Mogilski, Sr. to adjourn the meeting of April 16, 2002 at 9:56 p.m., motion carried.

Louise M. Firestone, Secretary / Treasurer