

**BOROUGH OF WIND GAP
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The Council meeting of the Borough of Wind Gap on Tuesday, August 20, 2002, was called to order at 7:30 p.m. by Council President Winton Male, at which time he reminded those present that the meeting was being recorded. In attendance were Councilmen: John Hannon, Mitchell D. Mogilski, Sr., and Richard Getz. Also in attendance was Borough Engineer, Ronald Madison and Secretary/Treasurer Louise Firestone. Absent Councilmen Lewis Paulhamus, William Pysner, Kerry Gassler and Mayor Kenneth George.

Winton Male asked that a moment of silence be observed in remembrance of ex-Councilman Charles "Skip" Sutter who passed away yesterday.

Approval of Minutes –

On motion by Richard Getz to approve the minutes of August 5, 2002 and seconded by John Hannon. Roll call vote taken. Motion carried unanimously.

Public Comment

1. Waste Management, Robert Sochovka, District Manager, Robert Sochovka made a presentation regarding the safety of the garbage trucks that travel through Wind Gap. Mr. Sochovka offered his condolences to the Borough on the passing of a community leader. He apologized for not attending the meeting at the beginning of the year when the free refuse collection was offered, but the contract has been worked out and he hopes the free service will continue for many years. Rob distributed a Policy and Procedure enforced by Waste Management at their Landfill site. It outlines the Types of Violations and the Action taken when the violations occur which ranges from written warning to a two hour wait penalty to permanent ejection. He explained that a third party mechanic does unannounced inspections at Grand Central and if a violation occurs, then they get written up or get detained at the landfill. If a third party company truck leaves the landfill with a vehicle that is not safe, Grand Central will notify the State Police. They have a database which contains trucks and they look at repeat offenders and act accordingly. He stated that he is pleased with his company and the corporate

company in Houston with the steps they have taken to go forward with a waste master log program. He explained that any Waste Management truck coming to the facility has a card which contains a computer chip. Any company who deals with Waste Management has to have their drivers stamped and have a background check performed to make sure that they have a legalized license. The card contains the load destination and the weight that it left the point of origin. This is a pilot study being done on the east coast. He believes that this program will help make sure that qualified drivers are on the road and increase the safety of the surrounding communities.

DEP has passed some new rules and regulations, Act 90 is a safety transportation law

that is going into effect. Rob is required to inform all waste haulers who come or haul trash to landfills, not necessarily just his trucks. When a third party truck enters the landfill scales, it must have a sticker from the State of Pennsylvania. The handout included the following points:

1. Owners of waste transportation vehicles (trucks registered for more than 17,000 pounds and trailers registered for more than 10,000 pounds) that "regularly transport" municipal or residual waste to a processing or disposal facility in Pennsylvania are required to obtain written authorization from DEP by December 27, 2002.
2. Municipal and residual waste processing or disposal facilities are prohibited from accepting waste after December 26, 2002 from vehicles that do not have a valid authorization sticker.
3. Owners of waste transportation vehicles must submit an application on a DEP form for an interim authorization. Forms will be available after August 15, 2002. Once an application is submitted, DEP has 60 days to issue or deny an authorization.
4. Applications must include a copy of the state registration for each vehicle, evidence of current inspection, current certificate of insurance and a fee of \$100 per truck and/or \$50 each truck/trailer combination. Registrations will need to be renewed each year.
5. Any transporter that submits an application after October 27, 2002 runs the risk that it will not receive an authorization by December 27, 2002, when authorizations are required by law to operate a waste transportation vehicle.

Mitch asked why trucks coming from the south do not use Route 191? Rob replied that the transportation compliance plan and the designated truck routes were redone when Rob arrived at Waste Management two and half years ago. The tractor trailers coming off the Route 33 corridor north or south go on 512 to the facility and only local trucks use 191. He has elaborated on this at several different meetings. He is concerned about the people who pass trucks on 191. Four employees have been hit working on 191 and

he is very reluctant to have trucks use 191. He likes the control that PennDOT has in place with stop signs, stop lights and the speed limits. He suggested that this could be something that Waste Management could work on with the Borough and the Police Department. John asked if this was policy before Rob's time, why wasn't this enforced? Rob replied that he reviewed the situation and implemented what he felt to be the safe route for the trucks. Waste Management has donated money to review alternative ways for the trucks to travel through Wind Gap. Winton stated that Waste Management provided the funds to pay for Urban Research to do the Industrial Park which is the first leg of the project. Hopefully, this will be done in the next two and a half years. Rob stated that they are promoting safety and safety awareness. Rob stated that he would be happy to sit and discuss these topics with representatives from the Borough. Waste Management will do what the communities want them to do once the by-pass road is completed. Mitch stated that the traffic problem from the south will still exist if the by-pass is constructed. They have suggested some off ramps from Route 33, but this project has to be put on the PennDOT plan which could take 10 to 12 years. PennDOT informed them at a meeting a couple years ago that this makes all the right sense, and the initial steps have been taken and Waste Management is backing it one hundred percent.

Richard stated that the presentation provided a lot of positive issues. He stated that every road has danger spots and one is at the war memorial on 512. Rob suggested possibly bringing in designated people for enforcement of garbage trucks on Route 512 through Waste Management or the Borough. This could be done with added police personnel or added police vehicles. This might be an option that can be explored. Richard added the people of Wind Gap would feel a lot better if some alternate plan was put into effect like having some trucks going through Wind Gap and some through Plainfield. He feels that the people of Wind Gap are suffering and they've had it and Waste Management has to provide some sort of consideration to give the residents some relief. Richard added that the trucks start early in the morning arriving at the landfill to unload. Rob replied that the landfill will not open before 5:00 a.m. and they are turned back. If they repeat the offense, they could be denied future access. Richard asked what citizens can do to report problems? Rob stated that if the citizens have a name, number, and a truck number, it can be reported and run through the database.

Rob reported that the state is doing a great clean-up job at the Wind Gap Tire Pile. Rob stated that the tire chips are not part of the grant and Waste Management will take these 1,000 tons of tire chips for free. Winton thanked him on behalf of the Borough. Rob commented that he is aware the Borough received a grant for the Park restroom and the only assistance that he can offer is his design engineers to draw up specs. He suggested that he meet with Council every six months or so.

Reports

1. Ron Madison, Borough Engineer reported that the bids were publicly opened for stormwater improvement project #4 on East West Street. The apparent low bidder had a major math error so NAPA Development of Wind Gap provided the lowest corrected bid for the project at \$139,504. He explained that the aggressive project requires that this project be awarded at tonight's meeting. All required easements for this project have been received and executed. The Department of Environmental Protection has yet to issue the joint wetlands encroachment permit. The Department has received acceptance of the bog turtle study by the Pennsylvania Fish & Boat Commission, but has not received confirmation from the U.S. Fish and Wildlife Service. However, the Department stated today that they expect this permit will be issued in the near future. Based upon this information, Ron recommends that the Low Bid Contractor NAPA Development Corporation, be awarded this Contract, contingent upon receiving the wetlands encroachment permit. This project will be funded by the Landfill Postclosure Fund and those funds must be disbursed before December 31, 2002 or the Borough will lose the money. Ron explained that there is a \$1,000 a day liquidated damages clause for any day that the project is past schedule. Winton stated that voting on this issue has been approved by Borough Solicitor Zito at the previous meeting of Council. Bob Matlock inquired if there would be curb installation on this project. Ron replied that curbing will be installed on a portion of East West Street. Bob questioned why curbing will not be on the full length of the street? Winton answered that this project is a stormwater project. Bob stated that Borough is in violation of their own ordinance by not installing curbing on the entire street. Ron stated that the completion of East West Street was bid out last year, but was not awarded because the Borough lacked funds to complete the project and curbing for the entire street was not in the design. Bob insisted that the Borough was in violation of their ordinance. Winton stated that this is a storm drainage project and discussion regarding curbing the entire street is not a topic for discussion at this time. John asked if Winton as Council President could vote tonight in the absence of the Mayor. Winton replied that Mr. Zito made Council aware of the change in the law at the last meeting. Council has not been functioning under the new law. A copy of the new law will be distributed.

On motion by Richard Getz to award storm drainage project #4 to NAPA Development in the sum of \$139,504 and contingent upon receiving the permit and seconded by Winton Male. Roll call vote taken. Motion carried unanimously.

The other project put out to bid was the Inlets at the corner of Mechanic and Water Streets. The Northampton County Grants Administrator does not believe that the low bid contractor properly completed the Federal requirements for Women and Minority business enterprises. If this fact is confirmed by the Harrisburg agency, the Borough would be required to award the lowest qualified bidder which would be Collins and Maxwell Construction Company of Easton with a bid of \$32,180. The remaining funds

available for this project are \$22,582.38. Council would have to get approval from County Council to allow the balance to be paid through the Landfill Postclosure Grant. Based on this information, Ron recommends that the award of this Contract be tabled until the regularly scheduled Council meeting of Tuesday, September 3, 2002.

Hanover explored a third option for the sewer lateral service to the existing and proposed Borough Park facilities. Ron met with Kerry to get direction through the ballfield and relocate manhole 69 to the east side of Lehigh Street and extend it to the maximum of 400 feet. The estimated cost of option three is \$31,825.00 with option one being \$30,160.00 and option two being \$31,700.00. Ron suggested having the Park restroom committee look at the three options and decide which option best fits their needs.

Ron stated that he has received notice from the Lehigh Valley Planning Commission (LVPC) that their twenty year transportation study has been printed in draft form. The study lists PennDOT District 5-0 and LVPC's major construction projects and studies for the next twenty years in the Lehigh Valley. There is just under 2 billion dollars to be spent over that twenty year period. Ron informed Council that the Route 512 and Route 33 interchange project is on the short term project list that will start in 2003. The list is dominated by large projects which will utilize the majority of the 2 billion dollars. The by-pass in Wind Gap located south of Constitution Avenue is not on the list. Ron suggested contacting Mr. Joe Juranko to get this project on the plan to get funds from PennDOT.

Ron Madison left at approximately 8:30 p.m.

Public Comment - No one from the Public wished to comment

1. EMS - Tom Knitter, President Wind Gap Ambulance, reported nothing.
2. Police - Chief Craig Armitage reported that Council has the July police report. They responded to 25 calls, 10 motor vehicles, issued 45 traffic citations. Conducted in conjunction with Bushkill Township a commercial vehicle inspection took place on July 23 which took approximately 7.5 hours. A total of 19 vehicles were stopped, five were cited. Council to decide whether to participate in another inspection in the month of September. Bushkill charges an hourly rate, but Wind Gap receives half of all fine money or \$1,825 for this inspection. \$3,650 was the total fines assessed. Chief Armitage stated that the purpose of these inspections is to promote safety on the roads through Wind Gap not to generate revenue. Richard applauded the Police for doing this. Chief will provide more information on the gun safe. Discussion regarding looking into an alarm system for the Police Station and putting this item in the budget for 2003. The Chief submitted the maintenance books for both police cars as requested by Council at a previous meeting. Chief requested that Council make a decision regarding

maintaining three cars in the police fleet or maintaining two cars. Bob Matlock asked why there is a car sitting out and not under garage? Chief replied that the two cars are fully equipped so the new car is sitting in the lot. Bob asked if the new car came with oil in it or does oil have to be put in it? Winton reminded him that he is out of order to which Bob replied that he has a right to voice his opinion. Winton replied that he had a right to comment during public comment. Winton asked the Chief to remove Mr. Matlock because he is disrupting and preventing Council from completing their agenda. The Chief asked if this is the wish of Council? Mr. Matlock stated that he would remain quiet for the remainder of the meeting.

3. Streets - Mitch reported that Liberty and Park Avenue will be worked on tomorrow. Mitch stated that he had budgeted to stone both Poplar Street and Sixth Street. He received a price quote of 6.65/ton delivered on site and both streets would require a total of 450 tons. Poplar would take 306 at 6" and Sixth Street would take 144 ton. If 4" Poplar is 204 ton and Sixth 96 ton. Richard asked if dirt would be taken out? Mitch replied that 6" of dirt would be taken out and 6" of stone would be put in the street. Richard asked why, the last 90 foot is new on Poplar? Richard asked if another look can be taken at this with the street committee. Winton said this must be discussed and will be put on the agenda for the September 3, business meeting.

4. Finance and Administration - Winton Male reported that the Borough received a \$3,000 grant for the Graphic Interface Software. Millie will be attending class in State College the first week of September.

5. Sanitation and Recycling nothing.

6. Zoning and Planning - Richard Getz reported that Zoning had one issue before them, a variance for the George Stenlake family to construct a handicap ramp in front of their home and this variance was granted by the Zoning Hearing Board. All members were present at the Zoning meeting.

The Planning Commission met with all members on August 15. They reviewed a preliminary plan for the Gassler development. The engineering firm representing the Borough on this issue had quite a lengthy presentation and they had a lot of revisions they recommended. This has been extended by Kerry Gassler to November 15, 2002. The Kuhs Subdivision on Longecore Road was the second issue, the engineer presented the revised plan. Planning made a motion to recommend conditional approval by Council. He believes that some issues still have to be resolved with the Plainfield Township Planning Commission.

The third issue is the Wind Gap Townhomes which has a new name, Twins in the Gap and they are applying for 50 twin units. Ron Madison recommended settling some

issues with the neighbors on Tenth Street and await recommendations of the Lehigh Valley Planning Commission on the stormwater. They plan to return in October.

7. Parks and Recreation - No Park Board members in attendance. Richard did attend the Park Board meeting. A man made a presentation to the Park Board proposing to build an in-line skating rink in the Park and bringing in an adult league. He did not address the issue of financing.

8. Buildings and Grounds - Mitch reported that at the Fire Company meeting, they announced that they need a new ansul system, a fire suppression system. The cost will be \$1,670. Winton asked Mitch if they got cited during an inspection? Mitch replied that they are inspected twice a year. Winton asked for a copy of the written report. Mitch will try to get a copy. Winton asked if Mitch could obtain a copy of the accident report involving the firetruck. The Office has a copy of the police report, but no report was completed by the firetruck driver.

9. Fire Company no report.

10. Sewer Authority - Paul Levits asked why the West End Fair has a sign on the Fire Company's property? He stated that the Fair is run by an independent fair board. Mitch will check into this issue since the Fire Chief would have knowledge of the placement of the sign on the property. Mitch stated that he recalls what the Zoning Officer stated last year was, that as long as they got the okay from the Fire Company is was permissible. Regarding the Sewer Authority, Paul stated that they do not have anything submitted from the Twins at the Gap. Regarding Walden III, Dennis Cassidy has been quite co-operative with the Sewer Authority. The inspection has been completed, and the

preliminary report will be discussed at the Authority's next meeting. There were rooms/apartments in the basement that are additional EDU revenue generators.

Winton stated that he contacted the Borough Auditor in regard to the Feasibility Study of the Authority. The Authority is requesting a letter be written by the auditor describing exactly what the purpose is and exactly what information he will be seeking. Mr. Hahn has his own private practice there in addition to his Authority responsibilities and he wants to know what is being sought and an idea how much time will be necessary to complete the study. Paul stated that the auditor is an outsider. Winton

replied that he is an agent of the Borough and this information is available to the public. Paul said that the Borough already has all the necessary reports. John answered that this is not an audit, but a study of feasibility in combining responsibilities. The next meeting for the Authority is August 28, 2002.

11. Insurance - Winton reported that Health Insurance costs for the Borough employees (Police and full-time Street Leader) is up 28%. He has received a couple quotes, but is still waiting for a quote from the Chamber of Commerce.

12. Land Use Committee - Winton Male reported that the SALDO and joint comprehensive plan upgrades is all funded. The one for Wind Gap was funded by Waste Management at a cost of \$9,600. The Joint Comprehensive Plan with Pen Argyl and Plainfield Township cost the Borough only \$1,330. There are other costs in connection with the upgrades, including the meetings of attorneys, engineers, land use committee meetings. This will be an item for the September 3, 2002 meeting.

Mayor's Report. Mayor George was not in attendance.

NEW BUSINESS

1. Ordinance 430. Reduction of Planning Commission from seven members to five members. Mitch asked what the rush is on this issue. Winton replied that Mr. Zito advertised this Ordinance for enactment at this meeting. If this ordinance is not passed tonight as advertised, it will have to be re-advertised at a cost of over \$100.00. Planning currently has four members, if one member is unable to attend, they will not have a quorum because the current ordinance establishes a seven member board. Mr. Zito approved voting on this issue at this workshop meeting.

On motion by Richard Getz to enact Ordinance 430 reducing the Planning Commission membership from seven to five members. Roll call vote taken. In favor: R. Getz, J. Hannon, W. Male. Opposed: M. Mogilski. Motion carried with a vote of 3-1.

2. Municipal Building paint job. Winton asked all of Council to look at the exterior paint job that was completed last December on the Borough building. Winton stated that Council must make a decision on what they will do if anything. Discussion to contact the painter to fix the paint job.

OLD BUSINESS

1. PennDOT Agility Program Resolution 2002-5. The Agility Program with

PennDOT requires a resolution being passed by Council. Consensus is to place this topic on the September 3, 2002 meeting.

2. Police Cars. This item will be placed on the September 3, 2002 agenda. Does Council wish to keep three cars or two cars? If keeping just two cars, which one will be sold? Chief explained that the third car would afford the police department to create a rotation of a three car fleet and keep the mileage down on all three cars. The Chief recommends keeping three cars. The cost to equip the third car will only cost the Borough \$6,000 for the radio, the siren, the PA system and the light bar. If the Borough only keeps two cars right now it will cost \$6,000, but if Council decides to purchase a third car next year it could cost \$36,000. The Chief has limited the miles on the 1997 Chevy because it is only used during the day shift to keep the mileage to about 800 a month. The Crown Vic gets about 3,000 miles a month. The 1997 Chevy has 109,000 miles, but the hours on the motor is substantially more. The Chief is still waiting for a quote on replacing the engine on the old Crown Vic. The motor may not have to be replaced, but they will not know until they remove the motor, which is a costly item. The insurance for a third car is not a large amount, but the exact amount would have to be verified. Winton stated that the Borough has to put into effect a rotating schedule for purchasing new police cars every couple years. The Chief suggested considering the state lease program because at the end of the lease, the car can be purchased for \$1.00.

4. SPCA and dog pen. The Chief composed a letter regarding the condition of the dog pen. The dogs are held for two or three days waiting for the state to pick them up. If the Borough adopts the policy that the Police Department has to transport the animals, then proper equipment will have to be purchased. If the Department holds the animals the pen has to be repaired or replaced. This issue to be discussed at the September 3, 2002 meeting.

5. West Seventh Street. As requested by Leroy Albanese this topic is on tonight's agenda. Winton asked Council if anyone wishes to discuss this issue. The answer was negative.

6. Mowing Borough Property. Mitch suggested getting in touch with local colleges to put Borough mowing on their job boards. A possible rate for college kids would be \$8.00 an hour. Mitch stated that it should be discussed now for next year. He said that in John's contract, the Borough has to guarantee him 40 hours a week, but it does not specify the work that must be done. The requirements for insurance would require students to be at least 18 years old.

7. John Hannon asked Paul Levits if he was representing the Wind Gap Municipal

Authority this evening? John distributed copies of the Authority's compensation for the first and second quarters of 2002. He stated that at the first meeting in April, Rick Keenhold told Council that the Authority was only holding one meeting a month and they were all getting \$50 a meeting. Paul replied that one general meeting was held a month. John asked why the compensation for Authority members is in excess of \$150 per quarter. Paul replied that when the members are called out for special purposes then they are compensated at a rate of \$25.00 an hour. John asked what special purposes would be? Paul replied that it could be any wide range depending upon an individual's skills and expertise. Ron's expertise could be real estate, himself it could be engineering questions, Mr. Keenhold and Mr. Thompson would be construction. John asked if this is under the Sewer Authority's Act? Paul said yes. These may not be emergencies, but issues where money could be saved using authority member's expertise. John said that since the Authority increased the salary of the Plant Superintendent, he feels that the mechanical problems of the plant should be handled by the Superintendent. Paul replied that no one person has the expertise to handle all issues that may arise at the plant. Russell Dieter has an expertise is electronics. Paul was not sure about Tom Knitter's expertise. He stated that since Tom has lifetime residency in Wind Gap he would be able to meet with a lot of people. John stated that he was of the understanding that compensation above Authority meetings would be on an emergency basis only. Paul stated that emergencies do occur, but these are not all emergencies. Mr. Barto approves the bills that are submitted. John commented that he is now satisfied after Paul explained the extra monetary compensation.

On motion by Mitchell D. Mogilski, Sr. to adjourn the meeting and seconded by Richard Getz. Motion carried unanimously.

Council meeting adjourned the meeting of August 20, 2002 at 9:54 p.m.

Louise M. Firestone, Secretary / Treasurer