

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

The Council meeting of the Borough of Wind Gap on Tuesday, July 16, 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: Lewis Paulhamus, John Hannon, 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 John Hannon to approve the minutes of July 1, 2002 and seconded by Kerry Gassler. Roll call vote taken. In favor: K. Gassler, R. Getz, J. Hannon, W. Male, L. Paulhamus, B. Pysher. Abstained: M. Mogilski (not in attendance for July 1, 2002 meeting). Motion carried 6-0-1.

Public Comment

1. Society for the Prevention of Cruelty to Animals (SPCA). Joanne Hines, Shelter Manager, and Jerry Hummel, Secretary for the Board of Directors, Northampton County SPCA were in attendance. Presentation outlining the need for the Borough to sign a stray animal agreement to pick up and house animals. Jerry distributed a summary of the SPCA. The SPCA is a private, non-profit, charitable organization. It is not a government organization, not State, not County, not any government. They provide food, shelter, loving care and costly medical service to lost, stray, abandoned and cruelly mistreated animals. They promote adoption of pets by seeking and finding loving homes. Reunite lost pets with their owners. Investigate reports of neglect, cruelty and abuse and prosecute abusers when necessary. Provide 24-hour rescue and emergency assistance for sick and injured animals. Provide spaying/neutering programs to prevent the tragedy of animal overpopulation. Conduct educational programs for the community and school children. They support a SPCA website - www.petfinder.org/shelters/PA08.html on which they put pictures and descriptions of every cat and dog and other pets. They are responsible for having to euthanize animals when the capacity of the shelter doesn't permit it, they are vicious or the unadoptable, or injured beyond repair. Their staff includes a humane police officer, duties include examining and evaluating situations where animals are being treated cruelly. In 2000 3,489 animals were admitted and in 2001 3,654 animals were admitted. The burden is increasing - 60% are cats of all types. Many dogs admitted are pure bred. Over 80% of

admitted are adopted or returned to owners, with 10% released to rescue organizations. Their annual budget approaches \$450,000. Jerry explained that they have to raise the majority of their money with fundraisers. They fear that without more contributions there is a possibility that in the next 12 to 18 months the SPCA may close its doors. If the SPCA is no longer around, stray dogs will form packs, stray and abandoned cats will form feral colonies, biting incidents will increase, cruelty cases will increase, disease will spread. They asked for support from the community because the burden will fall on the Borough. They have a fundraiser in November, called Paws for a Cause, in Easton. Every weekend three volunteers sit at tables asking people to adopt a cat. They table at malls asking for donations, they participate at Nazareth Days, Hellertown Days in order to create awareness and ask for help. Bill asked how many Boroughs support the organization? Mr. Heller replied that currently fourteen have existing contracts, with eleven more that have not committed to an agreement. He apologized for not appearing before Council last year when the agreements were mailed out. Joanne added that the only human interaction is through local police departments and state dog wardens that are supported by the Department of Agriculture.

If a resident of Wind Gap tries to drop off an animal, without a contract, that resident would be asked to pay the \$25 fee. The Department of Agriculture pays the SPCA \$10 for every stray dog that is brought in that is adopted or euthanized, but that only amounts to a little less than \$3,000 a year. The municipalities who have contracts generate income of a little more than \$7,000 a year. If Wind Gap would sign that contract, a police officer would be responsible for dropping off the animal. Council has the option of paying a fee per animal or a flat fee based on the number of animals from year 2001. Last year the Borough brought in seven animals, the prior year twenty-one animals were taken to the shelter and in every case a resident dropped off the animal. Currently the state dog wardens pick up dogs, but they will not pick up cats. The Wind Gap police use to pen the animal outside until they could be picked up. Unfortunately, the SPCA does not have the manpower to pick up the animals. They do have a full-time staff of nine and a part-time staff of ten. They have sixty or seventy volunteers who do assist when needed.

2. Mike Gassler, 220 Constitution Avenue, Wind Gap. Mr. Gassler asked why a non-uniformed administrator has to be established? Borough Secretary explained that the Auditor General stated that the Borough is in violation because they do not have a Chief Administrative Officer for the non-uniformed pension plan. A resolution must be passed to establish this position and if a resolution is not established the Auditor General has the ability to withhold funds from the Borough.

Mike stated that Council has until July 28 to negotiate with the police. Bill responded that the police determined that the Borough was not bargaining in good faith and they wanted to go to arbitration. The Association stated that they wanted to be the sole negotiator for the full-time and part-time officers. At the point, the part-timers were not uniformed in saying that they wanted to be part of the negotiations. The Mayor explained that they were meeting weekly as required, the

last meeting that was to include discussions about the part-timers, the police would not talk and informed the Mayor and Bill that this was over and done and it was going to arbitration. The police were the ones to cut off discussions. Bill added that when you are in binding arbitration, you can no longer negotiate. Mike stated that Williams Township, Upper Mount Bethel and Lower Mount Bethel Townships, Glendon, East Allen Township and Allen Township are all protected by the State Police and those people love it. The police budget is absolutely nothing and they love the coverage. He stated that if you can't settle this contract, the Borough may have to go into state police coverage. He believes that he will have a tough road ahead to settle this contract.

3. Vicki Allen, 311 Alpha Avenue, Wind Gap. She appeared before Council on behalf of her mother Gloria Palmisano, 461 Liberty Street. In the process of preparing the street for paving, the equipment damaged the curbing in front of her home. There are chunks of curb are missing. Kerry stated that he will go look at the damage tomorrow. Kerry stated that the contractors will still be here tomorrow and they will accompany him to Liberty Street.

4. Tom Knitter, 34 South Lehigh Avenue, Wind Gap. Tom thanked the Street Department for painting of the line down Lehigh Avenue.

5. George Hinton. George stated that two months ago he approached Council regarding purchasing a safe for the Police Department. Chief Armitage is checking into what would be the most appropriate for the police needs.

6. Paul Levits, 125 West Street, Wind Gap. Paul stated that this is the third time he has inquired about the Borough wide yard sale and the terms and conditions. When will Council address this issue? If they do not discuss tonight and then pass it at the next meeting, is he to assume there are no terms and conditions? The only thing voted on and approved was the date. Winton replied that the terms and conditions have not changed since the first one. It was determined to be for residents of the Borough.

7. George Hinton. George stated that the Fire Department was called to a fire at a tire company and the black smoke was over Stockertown and Tatamy. He acknowledged appreciation of the involvement of Winton Male in the project to remove the tires from Beers property, but asked that everything be done to continue the project. Winton replied that he had a walk through with the DEP last month. The DEP is trying to arrange the continuation of the present contract and not wait until next year for another grant. Hopefully sometime in August an announcement will be made about more money being available. Winton spoke with Senator Boscola's office today and Representative Dally is also working on this issue.

Reports

1. EMS - Tom Knitter, President Wind Gap Ambulance, announced they sold their 1989 ambulance last week for \$4,500. Tom reported the Ambulance Corps will be holding a CPR class for either new students or those who wish to re-certify sometime in the fall. To register either call the ambulance office at 610-863-7623 or stop at the ambulance office at 433 North Broadway. There is a nominal fee of \$10 for administrative costs of the American Red Cross.

2. Police - Bill Pysher reported that his information regarding negotiating is one party goes to arbitration, negotiations stop. Bill said that they had nothing further to negotiate because the Borough was not including the part-time officers in these contract talks. Bill stated that he met with Len Zito, Borough Solicitor, and he will make the professional presentation on behalf of the Borough at the arbitration hearing. Both Bill and Ken George offered their services to Mike Gassler, arbitrator appointed by Borough Council, to sit and discuss the issues with him. This topic to be discussed further during Executive Session.

The Chief is looking into the safe for the storage of the police ammunition and firearms.

Bill stated that the police car had been discussed prior to the process of ordering, but he did acknowledge that Council did not vote to make this purchase.

Chief Armitage stated that Council should keep in mind when deciding on the SPCA contract, that the police department does not have the proper vehicle to transport these animals. Currently they place stray dogs in the pen behind the police station. The police contact the state for pick up. He said that if a police officer is delivering a stray dog to Easton, then the Borough is without an officer during this time. Richard stated that possibly if the state comes to pick up the animal and transport it to the SPCA, then the Borough could still help fund the SPCA.

3. Streets - Kerry Gassler reported that the salt shed should be completed tomorrow. The reclamation project on Liberty Street has been completed. He will be checking on the curb issues that he was just made aware of this evening. E. J. Breneman will return tomorrow to fix a couple of soft spots on Park Avenue. E. J. Breneman is paying Bracalente to do the paving since Bracalente has the contract for the other eight streets in the Borough. Winton asked if the residents can expect the paving project to be done shortly because of the dust? Kerry replied that Bracalente has not committed to a start date for the paving, but should be between now and the end of the month.

Lewis asked if the new truck will have the Borough of Wind Gap decal put on it? Kerry replied that this will be done as soon as possible, but they just have not had a chance this past week.

Kerry reported that John Zucal's contract expires at the end of this year and Council needs to set up a meeting. Winton replied that he will contact Chuck Hellings, Business Agent for John from the Teamsters, to schedule a meeting. The street committee (Winton, Kerry, and Mitch) will sit with the business agent.

Winton added that the representative from the spray patch company stopped by as a follow up to re-iterate that a one year warranty exists on the work performed in the Borough. He

asked if any further spray patch work would be needed in the Borough? Mitch and Kerry will be riding around town looking at the streets to be paved next year and they will make note of potholes.

Kerry wanted to inform Council that E. J. Breneman milled East West Street, rolled it, scraped it, put a crown on the road, rolled it and the next rolled it again Fairview to Longcore. Breneman did not charge the Borough for any of this work on East West Street, but in the process of the work a manhole cover and riser were broken which the Borough will have to replace. Kerry acknowledged John's patience and hard work in digging it out.

4. Finance and Administration - Winton Male reported he contacted Michele Sparich for approval to pay for engineering cost on the Mechanic and Water Street inlets out of the Landfill Postclosure Fund and she gave the okay. Advertising for these projects will be Friday.

The application for the Tax Collector bond has been submitted. The bond would be for \$200,000 which is approximately 1/3 of the dollar amount collected in taxes for the Borough each year. They may require an audit prior to writing a bond. He contacted the Board of Education to find out about their procedure for auditing the tax collector. They informed him they use Palmer and Company from Easton to audit the earned income tax. Winton is asking for a quote from them and already has a quote from the Borough auditor, France, Anderson, Basile and Co. He will inform Council as soon as he receives a response.

Winton asked Kerry if he could find some time to come to the office to review the invoices he was sent for his land development and the charges incurred from Hanover Engineering. Kerry agreed that he would.

Winton reported that he met with Nick Sabatine, Chairman of the County Financial Committee, because the County was concerned about the viability of the Industrial Park. He stated that all is calm. They are satisfied that it is a viable project and they are happy with the progress. Nick is a strong supporter of the industrial park and the by-pass and feels it is something that is needed.

5. Sanitation and Recycling nothing.

6. Zoning and Planning - Richard Getz reported that the Zoning Hearing Board meeting on July 3, 2002 was cancelled because there was no business before them. Planning Commission did convene on July 11, but unfortunately one member resigned and they could not conduct business because of a lack of a quorum. Bill Sisolak, Joan Valley and Sarah Branham reviewed a couple site plans. The East Penn Engineering representative reviewed the Kuhs Subdivision Plan and gave an update of the Cortazzo plan. Richard has been asking residents who may be interested to submit a letter of interest to the office. He stated that he has one person interested, but he would be on vacation for the meeting in August. He added that the perception of the planning commission is that it is a very political body and they do not want to be involved in controversy. Council may have to call a special meeting to appoint a member to the planning

commission or the August meeting may have to be re-scheduled after Council's August 5 meeting. Kerry asked if the planning commission is seven members or five members? Winton replied that in 1996 an ordinance established a seven member board. On January 20, 1998, Council made a motion and passed it to reduce the members to five, but they never amended the ordinance. Mr. Zito has been faxed a letter asking his legal opinion regarding the number of members and the legality of meetings that took place without a full board. Joan Valley was in attendance and stated that the planning commission decided to alternate attending Council workshop meetings.

7. Parks and Recreation - Lewis reported that the music concert in the Park on Sunday, July 14 attracted approximately 150 - 250 people. Lewis asked why a policeman did not walk through the Park? Chief Armitage replied that he was asked if an officer was going to be on duty Sunday evening. He replied that one would be on duty. The officer was instructed to keep an eye on the concert because Roger was not sure what kind of crowd the concert would attract. Winton asked the Chief if he found out anything about the signs posted in the Park indicating that cars should park on the grass? Chief stated that no he had not. The Mayor asked Lewis to relay to the Park Board to put more "No Pet" signs in the Park. Kerry asked if the committee to discuss the new restroom has set a date for a meeting. Winton replied that the committee is made up of himself, John Hannon, Richard Getz, Cathy Yob, Victor Zucal and Chris Bruch will serve as alternate. He stated that he thought a representative from the Park Board would be here tonight. He will set up a meeting and contact everyone as soon as possible.

Richard asked if a police officer was needed in the Park because of disorderly people? Lewis said that he saw someone drinking alcohol at the concert and if a police officer was there he could have taken care of this incident. Lewis did report it to Roger Bet, concert coordinator. Roger replied that he should not worry about it because they were drinking in the large refreshment stand during the firemen's picnic. The Mayor told Lewis he should have contacted that police to report it.

8. Buildings and Grounds - Winton stated that the salt will be ordered next week. Lewis asked if the garage could be connected to the Borough building for extra storage for John's equipment. Kerry replied that for now, the stone part of the Oaten building could be cleaned out for additional storage. Winton suggested that Council should start budgeting for an addition to the building to be done at a later date. Winton reported that both he and Richard have been working on ideas for the new restroom including looking up information on the internet. He confirmed that using an architect would cost approximately 5-10% of the completed cost of the project. A pre-fab company in Bethlehem is working on one right now and they anticipate being done in the next two weeks. Richard and Winton will ride down to take a look at the building. They took a ride to Alpha to see a pre-fab restroom, but unfortunately, none exists in Alpha.

9. Fire Company - George Hinton, Wind Gap Fire Company, thanked Council and the

office for their help with the hanging of the banners. He stated that next year a more efficient plan will be instituted to remove the banners the first business day after the picnic. They were rained out on Thursday night, but had good turnouts on both Friday and Saturday. They sold out of food. George thanked John Zucal for all his help. The Commonwealth of Pennsylvania health inspectors visited the concession stand and wrote the Fire Company up on four areas. George to drop off a copy of the report at the office tomorrow.

1. There is no hood over the grill used for cooking the hamburgers.
2. The paint on the top of counter is chipping off - Kerry suggested covering the counter with stainless steel.
3. The food preparers cannot wash their hands in the same water used for washing dishes.
4. The hood over the sausage cooker was in need of cleaning. George used degreaser and removed 99% of the grease. He stated that the inspector did issue a permit to operate, but expects that these items would be addressed. She stated that the refrigerators need replacing since they are held closed with padlocks. The port-a-potties cost \$970.00. They rented 6 units plus a handicap unit and the cost included the units and cleanings. George apologized because he did not sign on when responding to a vehicle fire last week and the fire whistle blew three times after.

On behalf of the Fire Company, George is asking Council to consider making the budgeted donation to the them for their new truck. They would like the money so that they can invest it along with the funds they already have set aside for a truck.

Mitch added that next year the Firemen's Picnic is set for June 26, 27 and 28, 2003.

10. Sewer Authority - Paul Levits reported that the Authority will be awarding a contract for the large building. Bushkill Township signed an agreement with the Authority. Everything else remains status quo.

11. Insurance - Winton reported that he believes that one of the buildings at the Park may be double insured. He will look into this and report back to Council.

12. Land Use Committee - Winton Male nothing to report.

Mayor's Report

1. Contractor's License fees for the month of June was \$225.00 for a year total of \$1,675.00. Amusement license for the year \$300.00 for a grand total of \$1,975.00.
2. Police report copied for Council. 8 motor vehicle accidents and 38 citations issued this month.

NEW BUSINESS

1. Resolution 2002-3. Upon completion of the audit by the Auditor General, the Borough was found in violation because a resolution does not exist for zero contribution for years 2000,

2001 and 2002. Mitch stated that he believes the police did make contributions during part of 2000. Secretary to check and revise the resolution if necessary. This item to be voted on at August 5, 2002 meeting.

2. Resolution 2002-2. Resolution establishing a Chief Administrative Officer for the Non-uniform pension plan. During the Auditor General's audit they noted that the Borough never appointed a CAO for the street leader's pension plan. The plan is administered by the Teamsters and the Borough actually has no decision to make regarding this plan, but still must appoint someone to the position. The resolution would appoint the Council President position as administrator. This item to be voted on at August 5, 2002 meeting.

3. Used Borough Equipment. Kerry asked if Council would be interested in selling old office equipment and any used street equipment. A committee of Kerry, Mitch and Lewis to investigate what could be sold.

OLD BUSINESS

1. Police Car - ever voted on? Winton reported that the last car that was purchased was voted on by Council. This item cannot be voted on tonight, but could be voted on at a special meeting if one is scheduled for a Planning Commission member as long as it is advertised properly. Kerry asked when it was ordered, what kind is it, because Council has no knowledge about this car. Chief Armitage stated that all the information was provided to Councilman Jeff Yob as the police liaison last year during the budget process. It is a full-size Crown Victoria sedan. The price is through the state contract. Mitch asked for a copy of the information that the Chief has regarding the car. The price of the car is \$24,000 and \$26,000 is in the budget. The radio, the siren, the PA system speaker is being held by Tu-Way and would be approximately \$5,000. The only other expense is the light bar at a cost of \$1,000, but has not been ordered. Chief to call the dealership to find out if there is a deadline for picking up the car. He stated that after the budget process was completed, he was under the impression that the car was approved for purchase. Winton acknowledged that Council must vote on this purchase. Mitch stated that it was in the budget for a copier and that showed up and nobody know about it. He said that he was going to get a copy of the minutes and that was six months ago.

Richard stated that he is concerned that a new car would not be taken care of just like the 1999 Ford Police Car. The 99 has a damaged engine due to running the car without oil. He would like assurance that another vehicle will not be destroyed. He would like to have documentation for preventive maintenance and suggested a dedicated log for maintenance. Richard asked for a monthly report documenting that the necessary fluids are gone over everyday. Chief Armitage stated that he takes the cars to have the oil changed. Each officer that comes on duty has to report on his log sheet that he checked the oil, the tires, etc. Chief to purchase books for each car and Council to be copied on a trial basis.

Paul Levits added that it is most common in the industry to have capital equipment log. It would be redundant to send this report to Council every month, but it would be easier to track to find the irresponsible party or parties. He stated that it would just cause more paperwork for the officers. They could just sign off on a worksheet. Bill added that he hoped that the police officers are aware that overdrive is only needed when driving over 35 m.p.h. Chief asked Council what he should tell the dealership. Winton suggested that he tell them that Council has not approved this purchase because of a technicality and it has not yet been resolved. Craig replied that the dealership may just put the car on the lot for sale if it is not picked up. This item will be put on agenda for August unless a special meeting is necessary prior to August 5.

2. John Hannon stated that the Planning Commission meeting of March 7, 2002 the meeting was called to order with three out of five members. Winton replied that it was in error and this is being looked into by the Borough Solicitor.

3. Center Street property. Winton stated that it seems Council is reluctant to do anything with this property. He will contact the County to ask if the Borough can get paid to maintain it. Bill stated that the adjoining property owners should be contacted to find out if they are interested first.

4. Urban Research and Development. Kerry asked Winton to follow up to see when they will attend the stated five (5) workshop meetings and two (2) public meetings. Winton spoke with Tom Palmer last week and he should have something for Council shortly. Kerry does want this to happen at the last minute.

EXECUTIVE SESSION. Council adjourned at 9:45 p.m. to discuss the police contract.

Council meeting adjourned due to the 10:00 p.m. curfew.

Louise M. Firestone, Secretary / Treasurer