

**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, June 18, 2002, was called to order at 7:00 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., Richard Getz and Kerry Gassler. Also in attendance were Mayor Kenneth George, Borough Engineer Ronald Madison and Secretary/Treasurer Louise Firestone. Absent was Councilman William Pysler.

Continuation of Meeting Agenda of June 3, 2002. Winton informed the audience that public comment had already concluded for these agenda items.

OLD BUSINESS

1. Park Restroom Feasibility Study. Hanover Engineering provided Council with information regarding the hookup to the sewer line. Hanover Engineering's survey crew used a radius area from each sanitary manhole and this indicated that the proposed restroom facility could be placed just about anywhere between the parking lot and the ballfields. Ron suggested forming a plan, speaking to other municipalities and seeking an architectural firm because they would know the Department of Labor and Industry's rules and regulations and they would be current with the Americans with Disabilities Act. An architect firm would walk the Borough through the bidding process from start to finish. The Borough could parallel the trench where the telephone company installed fiber optics last year. Ron stated that there are no engineering constraints on the location. Discussion regarding using an 8" line versus a 6" sewer line. An 8" line would allow the line to reach further. Winton confirmed that if the new restroom is put down from the existing restroom closer to the walkway and a 8" pipe is used, then a manhole would be required. Ron said not to worry so much how to get there, but decide what facility would best serve the Borough's needs. Richard has look into manufactured pre-cast buildings from Modern Concrete. Ron confirmed that an entire building that is pre-cast concrete can be purchased and may be cost effective. He reiterated that the Borough should consult an architect for guidance. Kerry suggested contacting a local resident who is an architect – Jeff Bartleson 863-1130. He added that he spoke to representatives from Schoor DePalma and they put a pre-fab building in New Jersey. Winton concluded by saying that Council has to do the research and gather ideas from the Park Board.

2. **Incomplete Curb Repair.** Kerry reported that the job on Liberty Street is going to be completed by Lenny Ruggerio. The only one not completed is on Washington Street. The curb needs repaired in the cul-de-sac. The resident is Rebeca Vassiliades at 424 South Washington Street. Council needs to take some action on this minor curb repair. Discussion to have street workers complete this curb. Could possibly take street workers half a day. The lien has to be attached to the property, not just one of the owners.

On motion by Kerry Gassler to contact Len Zito to look at the deed for ownership and once property is identify, John and Woody will make the necessary repairs and seconded by Mitchell D. Mogilski, Sr. Roll call vote taken. Motion carried unanimously.

3. **Walden III Time Extension.** Attorney Terry Faul representing Dennis Cassidy, Walden III explained the necessity for a time extension for their project. Mr. Faul is requesting that Borough Council waive the requirement to have the Wind Gap Municipal Authority approve the amended plan. Ron Madison has stated that he does not believe that Council should set a precedent by waiving the Authority's approval. Walden III does not intend to go ahead with their submitted plan and the Planning Commission has said that is fine, but the Authority has to signed off on the plan. The Municipal Authority wants to resolve other issues before moving on this plan. Winton stated that both the Borough Solicitor and the Planning Solicitor have advised Council not to make an exception in this instance. Mr. Faul stated that he cannot get a response from the Authority and if necessary he will have to file legal action that would involve the Borough further. He explained that the issues involve a prior plan completed by Walden III and not this amended plan. They are requesting information regarding calculations of EDUs and clarification of maps submitted to the Authority. He is waiting a response from the Municipal Authority's solicitor. Ron Madison explained that the original plan included two phases. This plan is the plan of record at the courthouse. Mr. Cassidy entered into an Improvements Agreement, with the improvements primarily associated with the second phase of the plan and posted security for that plan. Before executing the second phase, Mr. Cassidy decided he did not want to proceed with the second phase. He then submitted an amended plan which eliminated the second phase. The amended plan received final conditional approval recommendation from the Planning Commission. The list of conditions included approval from the Wind Gap Municipal Authority. To date, that approval has not been given by the Authority. Hanover Engineering advised not releasing the security until the conditions have been met. Ron suggested Council make two motions, one granting or denying a waiver for Authority approval and a second granting a time extension for completion of these conditions.

On motion by John Hannon that this issue reverts back to the Sewer Authority and deny relief of condition by not granting an exception and seconded by Kerry Gassler. Roll call vote taken. Motion carried unanimously.

On motion by Kerry Gassler to grant extension to December 31, 2002 and seconded by Lewis Paulhamus. After some discussion Kerry **amended his motion** to grant extension until September 30, 2002 and seconded by Lewis Paulhamus. Ron added that once all the conditions

have been met by Mr. Cassidy, then Hanover will recommend that the plan be signed and recorded at the courthouse and should be completed in a short amount of time. Roll call vote taken. Motion carried unanimously.

4. **BOG Turtle Survey Update.** Ron Madison reported that no Bog turtles were found in the Park. The consultant is done with the field work and hopefully the report will be completed prior to the July 1 meeting. This same report will be submitted to DEP, the Army Corp of Engineers, and the Pennsylvania Fish and Game Commission. Hanover provided an aggressive project schedule to complete project no. 4, the stormwater project on East West Street. Landfill Postclosure Fund is to be spent by December 31, 2002 or the Borough risks losing those funds. There will be some minor changes to the plan from last year. The DEP has guidelines that for every portion of wetlands disturbed, twice the amount would have to be replaced. Hanover is trying to revise the plan instead of having the swale go along the access road, to just daylight as soon as possible to minimize the wetlands disturbance. Ron is trying to set up a meeting with the DEP the first week of July and try to get a permit prior to awarding the contract. Ron stated that last year the project was bid at \$127,000. Ron has to secure an easement from Pennsylvania American Water for this project. Council must decide what other project may be done with the remaining funds.

On motion by Richard Getz to proceed with East West Street stormwater project and seconded by Winton Male. Discussion included Kerry asking Ron about the sewer line being a private lateral and whether the line can just be crossed. Ron stated that it will be designed over the top of the line. Ron stated that it would be a legal question, but he stated that the liability would probably only be for the small area where the sewer line is crossed. He added that Council could consult with Len regarding this issue. Roll call vote taken. In favor: R. Getz, J. Hannon, W. Male, M. Mogilski. Opposed: K. Gassler, L. Paulhamus. Motion carried 4-2.

5. **CDBG Fund Balance** has \$22,582 remaining and the County expects these monies to be expended by December 31, 2002. Council must decide how to spend this balance. Ron made several suggestions, but some of the projects would exceed the \$22,000 remaining. Winton suggested installing an inlet on the east side of the intersection of Mechanic and Water. The money can only be spent in the blocks where the income levels qualified for these grants. Council must make a decision soon because the project would have to be designed and then put out to bid. Ron suggested a deadline for making a decision be July or at the latest early August.

On motion by Kerry Gassler to have Hanover Engineering get an estimate of cost for the Water and Mechanic intersection and seconded by Richard Getz. Roll call vote taken. Motion carried unanimously. Ron asked Council to talk to the people on the street to get an idea if it is more desirable to have the stream cleaned out or have an inlet installed at the intersection.

6. **Wind Gap Townhomes.** The developer provided for an extension to July 23, 2002, but Ron has received word from both their solicitor and their engineer that they will be submitting

revised plans for the July 11, 2002 meeting. Ron suggested to Council to deny the plan on the condition that an offer of a time extension will not be granted by the developer before July 23, 2002. Council should make a conditional rejection of the plan based on Hanover's prior review letter. There were a great deal of issues, but no waivers requested by the developer. The Planning Commission has not taken any action on recommending any waivers. Originally 87 townhouses were on the plan and Ron believes that the revised submission will be called Twins at the Gap with a proposal of 50 twin condos. There was some difficulty with meeting the lot requirements for four units and they may have decided to only have two units on the lot.

On motion by Kerry Gassler to reject the Wind Gap Townhomes current plan based on the last Hanover Engineering review letter conditioned upon them not issuing a time extension before July 23, 2002 and seconded by Lewis Paulhamus. Roll call vote taken. Motion carried unanimously.

Ron Madison left at 8:15 p.m.

7. Committee Spending Limit. Winton explained that this requires more study.

8. Park Grass Cutting. Kerry stated that John has offered to give up the grass cutting because of the amount of work to be done on the streets. Winton suggested that since the Borough population is under 3,000, the Borough Code allows for a councilman to work for the Borough cutting the grass in the Park. Richard Getz offered to cut on a as needed basis. After further discussion, Richard withdrew his name as a possible employee. Mitch stated that Council should get in contact with the lowest bid received and Council will tell them when the grass needs cut and not use a set day of the week to have it cut. Kerry replied that having a contractor cut grass was not put in the budget for this year. Mitch said that the original budget included John Case's rate and there is money left for grass cutting. Richard suggested putting it in the newsletter again. Mitch will contact John Case tomorrow to find out if he is still interested in cutting the grass at the Park at the same rate the part-time street worker is currently making. Council will continue to search for other interested parties.

Kerry asked that the agenda be revised for the workshop meeting to include under New Business, a truck - Old Business, Albanese and Urban Research.

MEETING AGENDA - June 18, 2002 - began at approximately at 8:25 p.m.

Approval of Minutes –

On motion by Kerry Gassler to approve the minutes of June 3, 2002 and seconded by Richard Getz. Addition to item #4, page 2 and typo correction to item #3, page 7. Roll call vote taken. Motion carried unanimously.

Public Comment

1. Alan France, France, Anderson, Basile, and Company. Mr. France is the Borough's Auditor. Alan stated that they performed the audit in accordance with generally accepted auditing standards and the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States. He discussed the Balance Sheet of the Borough. He stated that there is an opinion that due to the small size of the Borough of Wind Gap's accounting staff there is not proper segregation of duties. However, it is impractical to have an accounting staff large enough to provide proper segregation of duties. Last year the Borough did well exceeding projected income and ending with a positive balance. Winton asked if the Borough's accounting procedures are satisfactory and accurate? Alan replied that with the limited capabilities of a small staff, they did a fantastic job.

2. Paul Levits, 125 West Street, Wind Gap. Paul asked about the prior meeting when discussion was held regarding the Borough wide yard sale. Paul stated that the motion passed that the yard sale was to be the weekend of August 31 and that the details were to be worked out later. He asked who writes the newsletter? Winton answered that the Secretary writes it with input from others. Paul questioned why the newsletter includes that the yard sale is intended for residents to sell their wares. It is not intended for commercial enterprises. Paul wanted to know why these details were included in the newsletter when Council never worked out the details. Paul asked Lewis to read the minutes from June 3 concerning this issue. The Secretary responded that she included this in the newsletter and if it was wrong, then she made a mistake for which she apologized.

He stated that since the Borough auditor said the Borough had a positive cash flow, why did Council impose a 21% tax increase? Winton replied that the budget was prepared before the end of the year and the year end numbers were not know at that time. He added that this year investment income will not meet the budgeted numbers along with other a few other line items. Winton added that the Borough is fortunate to come out that way for the year.

3. Mike Gassler stated that there is \$360,000 left in the bank not identified for a specific purpose. Winton explained that the money is used to run the Borough. He added that the newsletter contains the income and expenses for the month, at Mr. Gassler's recommendation, and thanked him for his suggestion.

Paul added that he hopes to see no increase or a decrease in taxes and hopes that government does not increase spending because they have some extra revenue.

As a taxpayer, Paul is upset that Council spent up to \$800 on the survey at the Park for the feasibility study done by Hanover. He does not agree with installing a line across the blacktop even if it a shorter distance. He suggested that this will shorten the life of the blacktop if it has to

be dug up and then replaced. He asked Council to look at the true cost up front and what are the true potential costs? He said that he hopes that the clean outs are underground cast iron caps. Winton replied that all this will be considered.

4. Cathie Yob, Wind Gap Park Board. She stated that since the grant has been approved, the Park Board is requesting that the feasibility study costs be taken out of the grant money and not the Park budget. Winton replied that it will probably not be a problem, but he would like to clarify this with the grant people. Cathie added that the current restrooms were pumped out more than was planned. Cathie asked about the topsoil and the discussion at the previous meeting why the Park Board did not use this topsoil instead of purchasing topsoil. The Park Board did ask John to look at the dirt stored at MSG and John determined that topsoil needed purchased. Cathie commented that the Park Board feels it is being scrutinized for even minor decisions they make. Mitch will further investigate if the topsoil is at MSG and if not, why not. Cathie asked since no Bog turtles exist can they proceed with the brush hog? Winton replied that Ron has to met with the DEP and the Borough wants to do everything to obtain the permits for the stormwater project as soon as possible. He does not believe that it would be in the best interest of the Borough to disturb anything in the wetlands at this time. She insisted that brush hogging would not disturb the roots and could be done. Cathie asked for Winton to respond to her once he has received an answer from the Borough engineer. Cathie asked what is the next step in the restroom planning stage and how does Council envision having the Park Board and Council work together on this project? She stated that Council sees the restroom as their project and the Park Board sees the restroom as their project, when in reality it is a community project. She added that she believes that the board has a lot of good ideas. She insisted that Council set a date for a joint meeting. Winton stated that at the next meeting of Council a meeting will be set. Mitch stated that the only thing Council had was a hand drawn sketch of the restroom that the Park Board gave Council. Rick Keenhold said he brought the information in and then Council squashed the idea of volunteers constructing the restroom. Kerry believes Council needs input from everyone. Cathie stated that the new park equipment needs to be installed and John does not have the time. Hopefully volunteers can erect on a Saturday if John digs the holes. Cathie announced that the Park Board will not meet in July unless an emergency arises.

5. Bob Matlock, 346 Alpha Avenue, Wind Gap. Bob asked Council to again consider not allowing tractors and/or tractor/trailers in a residential neighborhood. He does not believe this is fair since the next couple streets over do not allow tractor trailers. He begged Council to address this issue. He said that he is tired of the noise and tired of the smell.

6. Rick Keenhold suggested getting in touch with the county because they have a program set up for community work. Mitch replied that this was looked into last year, but the guy ran away. The Borough did not have a good experience with community workers, but Winton said it will be looked into for grass cutting. Rick stated that Pen Argyl used this program.

Rick's other issue was in regard to the residential garbage collection and the free service being provided by Waste Management. He said that property owners who have three units or more are penalized because they have to provide a dumpster for their residents and they are charged for the garbage service. Rick said that providing free service to some residents and not others is discrimination. He suggested having Council look into it and setting up a meeting with Waste Management where he could be present. If Council does not do anything, Rick will have to file a class action suit. Winton replied that Council did not change anything, but accept Waste Management's offer of free collection of garbage. He added that this issue has been discussed and that nothing could be resolved tonight. The Borough Solicitor has been involved in revising the contract. Rick questioned whether Council is willing to bring in Waste Management to discuss this issue? He said he believes that in Texas it has already been proven that you can't give some free garbage and not give to others. The Mayor suggested that Council could ask. Winton replied that they have already told him that they have no interest in extending this to commercial entities. Winton will contact Waste Management.

7. Chris Bruch. Chris submitted a map of the alley off of Chestnut Street to Council. He included a petition signed by Herbert Hahn and Tracy Achenbach. He believes that these two residents own three properties which would be 51% of the properties. The property owner stated that the properties are deeded separately. The two other property owners are Laurie Klump and Victor Zucal. Chris stated that Laurie Klump may have her petition in by the next Council meeting. Winton stated that the Borough Solicitor will have to be consulted.

Reports

1. EMS - Ton Knitter reported Wind Gap Ambulance had 40 calls in May, not all billable. Ambulance did stand by for the 5K run on May 4th and the Car Show on May 19. They have two paid EMTs on day shift during the week and one EMT on Saturdays with a volunteer driver. The Ambulance Board of Directors sat down and figured that it was feasible to hire two employees during the day. The Ambulance Corp is sponsoring a spaghetti dinner on Friday, August 23 from 5:00 p.m. - 8:00 p.m. at the Blue Valley Farm Show. June 19 is the board meeting. Tom publicly thanked Joe Dell'alba for all the work he has done for the Borough of Wind Gap and the ambulance. He stated that without Joe's efforts the Borough would not have an ambulance.

2. Police - Chief Craig Armitage reported that the car has not been delivered yet. Chief asked that the fuse box at the tennis courts in the Park be fixed because the lights cannot be turned off and the Borough is paying for the electric to be on all the time. He warned Council that someone is going to get electrocuted if this is not fixed. Mitch asked if the Police have a key and could they be provided with a key as soon as possible. Lewis to contact Dave Albanese tomorrow and asked for a recommendation on how this can be fixed.

3. Streets - Kerry Gassler reported that a meeting is scheduled this Friday with Bracalente at 9:00 a.m. Paving is scheduled to begin in July. Tom Knitter asked if Lehigh Avenue from the monument to the Park can be striped because cars go on the wrong side of the road. Discussion about the potholes needing filled on Lehigh and the alley. Kerry stated that this will be addressed.
4. Finance and Administration - Winton Male reported that North American Equity paid \$15,162.50 owed to the Borough.
5. Sanitation and Recycling nothing.
6. Zoning and Planning - Richard Getz reported that the Zoning Hearing Board met on June 5, 2002 and all members were present. A variance for a fence was granted to Aaron Laurito of Delaware Avenue. The Planning Commission met on June 6, 2002 and they were reviewing the Cortazzo sketch plan. The recommendation at that time was to contact the property owners that are abutting First Street and Chestnut Street. A choice will have to be made as to which street will have to be opened. The board briefly discussed Walden III update and that was strictly informational for the new members of planning.
7. Parks and Recreation - Lewis Paulhamus stated that all topics have been discussed.
8. Buildings and Grounds - Kerry reported that the salt shed has been emptied and when Lenny Ruggerio has completed the curb work he will contact Kerry. Kerry will direct John to start digging as soon as possible.
9. Fire Company - Kerry Gassler reported 17 incidents in May for a total of 51 for the year. George Hinton discussed borrowing money from PEMA at 2% for \$100,000 for the new fire truck. Still trying to get prices from KME. The hoagie sale made \$153.83. The picnic is next week, June 27, 28, 29. Kerry asked if the banners can be put up. Winton stated that PennDOT had called regarding the dimensions of the banner. Kerry stated that they are 20 feet long.
10. Insurance - Winton Male asked what is going on with the ambulance? Kerry replied that the Fire Company voted last night to return the ambulance back to the Ambulance Corp. The Chief made the comment that if the ambulance was made into a light rescue vehicle he would never take it out to a scene.
11. Sewer Authority - Paul Levits thanked Council on behalf of the Sewer Authority members for taking the appropriate action with regard to Walden III. Sewer Authority has moved their regular meeting from Wednesday to Monday, June 24. He had discussions with Terry Miklas who stated that he was insulted by Council's decision to have Hanover do the survey in the Park

after Terry spent his own time reviewing the hook up in the park. Terry felt it was a slap in the face of his professionalism and his ability to determine where the lines could go on a simple installation. Winton asked Paul about a letter that Borough was copied on regarding soapy water discharging on Third Street. Paul will check into this issue.

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

Mayor's Report

1. Contractor's License fees for the month of May \$150.00 for a year total of \$1,450.00.
2. Mayor received confirmation that the state did receive the Borough's applicatoin for Recycling Performance Grant.
3. Police report copied for Council. 15 motor vehicle accidents and 37 citations issued this month.

John Hannon stated that he had a complaint about the site triangle at East West Street and Route 512 because of a parked vehicle. Chief Armitage to check.

NEW BUSINESS

1. Police Schedule. Mitch stated that he would like to review the police schedule for the entire year to determine if some of the overlapping shifts could be reduced. Mayor George explained that Friday and Saturday evenings two officers should be out to police the Borough. Mitch is concerned that two guys should not be on at the same time. Chief Armitage explained that the overlap is in the morning so that he can find out what happened overnight. He overlaps in the afternoon to communicate with the officer coming on duty what has happened during the day shift. Only eight hours a week are not scheduled to be covered and that is not the same day every week. Mitch asked why the Borough is not covered 24 hours 7 days a week? Richard asked if it is possible to cover the Borough with part-time police officers? Craig replied that it depends on the part-time officer's full-time schedule. Craig cannot tell a part-time officer to work, but he has to work around when they are available. Richard asked if overtime can be mandated? Craig responded that the Borough Solicitor would have to be contacted. Craig explained that the police schedule will not copied, but he would sit with Mitch to discuss.

2. Police Truck Inspections. Mayor George stated that the money set aside in the police budget for truck inspections, may have to go for the purchase of the new police car because not enough money was budgeted for the new car. The Borough has worked in conjunction with Bushkill Township for truck inspections in the past. Richard stated that basically the Borough needs money to finance the inspection because it will be cost effective and the Borough should have return on any money put into the inspections as demonstrated in the past. The objective is getting unsafe vehicles off the road. Craig to discuss with Bushkill Township the possibility of

setting up an inspection.

3. Lewis stated that he had a call from a concerned citizen regarding the tire pile and the removal of the tires. Winton informed Council that he had a walk through of the tire site with the contractor and the DEP last week. The DEP is trying to get more money so that the contract can be extended and continue taking tires from that location. It may be possible to start up again as early as August 1.

4. Kerry found a 1986 Chevrolet dump truck with a snow plow, stainless steel spreader on the back in front of the Upper Mount Bethel municipal building for sale. Kerry explained that the Borough can purchase it without it going out to bid. Kerry feels that Council can purchase it for \$8,000. He asked Council to take a look at it and think about making an offer. Suggestion to take John over to test drive it. Winton asked if the Borough needs two large dump trucks to plow snow? Kerry stated that they have a history of repairs on file and would be a good purchase for the Borough.

5. Kerry asked if Council needs to do anything regarding the Albanese lot merger. Council meeting adjourned due to the 10:00 p.m. curfew.

Louise M. Firestone, Secretary / Treasurer