

**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, November 19, 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 Pysker, Richard Getz and Kerry Gassler. Also in attendance was Secretary/Treasurer Louise Firestone.

Public Comment

1. Linda Womer from the Pennsylvania Department of Treasury addressed Council. She gave a brief overview of the PA Department of Treasury. She explained the Tuition Account Program (TAP525). It offers nine different ways to invest money into savings for tomorrow's education at today's prices. A representative from the TAP525 would have to explain the program further, but the Department of Treasury is willing to make a presentation to a group or organization. Anyone can deposit into the account, it is the gift of education.

Another program of the Department is the Unclaimed Property Program. The Department has \$600,000,000 that they are trying to give back to the rightful owner. A representative from the Department would be willing to sit at any event that the Borough may have to try to match up unclaimed money/property to the owner. A form can be filled out and mailed in or it can be checked every six months on the internet. By law, Unclaimed Property used to be if a holder held your money for seven years, they had to turn it over to the Department of the Treasury. It could be a deposit put down on a utility, money left in a checking/savings account. They also have tangible property. This could be seized property from the state police or property left with no heir to the estate. State Treasurer, Barbara Hafer, has begun a program on E-Bay. When the property is auctioned off, the proceeds are put in the Commonwealth's General Fund.

A newer program is the Business Outlet. It is a program for businesses to stay in business in the state. It consists of Low DOC business loan up to \$150,000 that has a 36 hour turnover time. Contract information is contained in the small business program. They can help find information for a small business to put in a bid for the state contracts. They assist in a referral service as a way to expand small business.

AgriLink is a program for best management practices for stormwater and manure management practices.

Invest Program is not only for Council, but School Districts (501 Organizations) and is actually investing in the Commonwealth. Linda emphasized that they do not try to compete with the private investing sector.

Linda left pamphlets to be distributed to anyone interested.

2. Vickie Allen, 311 Alpha Avenue, Wind Gap. Vickie asked how many more times will the Borough be picking up the leaves? Kerry replied that the leaves will be collected into the first or second week of December. Vickie asked what project is being done on the lower end of Alpha Road? Kerry replied that they are replacing a sewer line from Alpha to the development, but not across Alpha Road. She asked what to do about an abandoned vehicle near her property. Winton replied that it is a police issue, but the information can be forwarded to the police if she will provide the office with the location and the make of the car. Vickie stated that she works for GAF in Wind Gap, and employees from their corporate office visit Wind Gap. They have commented about the properties in the Borough that are in disrepair. Winton replied that the Borough should have already installed a Building Code, but the Borough works a lot on grant money and that type of grant would require matching funds. This issue is something that Council has been working on and hopes to in place in the future. Vickie's last comment was about the private meetings with Waste Management mentioned in the Morning Call. She asked if Council opposes the landfill expansion. Is the Borough selling its soul to Waste Management? The landfill is in her backyard and is too close for her. Winton replied that a letter of support was sent to Plainfield opposing the landfill expansion.

Mayor Kenneth George arrived at 7:50 p.m.

Winton explained that Waste Management gave nothing to Wind Gap for years. One of the biggest complaints was that Wind Gap was never compensated for the inconvenience of the trucks and the close proximity of the landfill to the Borough. Waste Management sent Council a letter that was distributed to all Council asking for a meeting to discuss what problems Wind Gap was experiencing. As President of Council, Winton appointed a committee to meet with Waste Management representatives. The problems being, truck traffic, helping the situation by policing the trucks. Currently the Borough has to employ Bushkill Township because they have scales when trucks are weighed. The Mayor stated that Council has expressed support to Plainfield regarding a health study. Winton stated that a traffic problem would still exist if the landfill does close down because the County Industrial Park has just completed their first building. There is an Industrial Park in Portland that will create more traffic for Wind Gap. One of the goals would be to get a by-pass and hopefully the road can be extended that is going through the Industrial Park out to Route 33 and get an interchange or an overpass. The Borough also needs a Borough Manager and the Police Department needs to be addressed. Winton stated that they have not heard back from Waste Management yet, but hopefully they will respond shortly.

3. Tom Knitter responded to Vickie in regard to the Borough bowing down to Waste Management. He stated that even when he was on Council years ago, Waste Management never gave the Borough anything. The Borough can not change what is there and it will be there for awhile. It is his personal opinion that we should take what we can get because of the situation they have put us in and it is your turn to pay us. The money will help the Police Department, the ambulance, the fire company, the streets and we should take what they offer. We deserve something. The state has interceded by saying that the landfill has made a problem

for the communities, now help the communities.

Winton stated that he already informed Waste Management that anything they do for us, don't expect an endorsement for the landfill expansion. Richard Getz added that the waste industry is already opposing the ruling set by the state. Richard stated that the problem is that Council does not know what really Mr. Male talked to them about. He stated that he is one Councilman that is in the dark about this issue.

Reports

1. EMS – Tom Knitter reported that in October they had 51 calls. In January they are planning their annual garage sales. He asked that the garage sale be announced in the newsletter. It will be held on Saturday, January 18. There is always someone at the building should anyone wish to donate items. He asked if the furnace at the ambulance building could be cleaned. Lessig installed the system and he believes that it has not been cleaned for four years. The ambulance does purchase their heating fuel from Lessig. John Hannon to take care of this repair. Mitch stated that he asked for Wind Gap Ambulance to be placed on the agenda and since it was not, he will bring his discussion up now. This is the third year that the ambulance has been there and the Borough still does not have a signed lease agreement. According to the agreement, the ambulance is responsible for the furnace repairs. Tom is coming to Council and asking permission to get the furnace cleaned. Mitch stated that the ambulance is an independent business and not part of the Borough and at this point you are not even a tenant. Tom said throw us out. Mitch stated that you should be floating on your own. The ambulance is paid off and still you come to us to forgive your rent. Tom stated that when Council makes the Fire Company pay rent, we'll pay rent. Mitch replied that the Fire Company does pay rent. They pay \$100 a year. Prior to that they paid \$1,548.30 a month for eight years. Tom asked where does the money come from, the Borough, their budget is almost \$50,000 a year, but they don't give anything to the ambulance corps. Mitch said that money came from Bingo. Tom asked why Mitch is throwing stones at the ambulance now. Mitch said what it comes down to is sign the lease. The next closest company will come if Wind Gap Ambulance doesn't respond. The Mayor stated that it is just as much Council's fault that the agreement isn't sign. Mitch stated that he is 100% for Wind Gap EMS, but you should live by your agreement. Jack Hannon asked Kerry if relieving the ambulance from paying rent was to procure a new ambulance or was it to get them on a firm financial setting. Kerry replied that it was the Borough's contribution by having no rent for two years instead of writing a check for the new ambulance. The money that would be used for rent was budgeted for the purchase of the new ambulance. The ambulance was purchased in March. The current unsigned lease agreement outlines rent for the first year \$300, the second \$600, the third \$900, the fourth \$1,200. Jack stated that if the Borough pays the monthly mortgage, they are using over \$620,000. Tom stated that the property is worth a lot more than it was purchased for by the Borough. Jack stated that as a resident, taxpayer, Councilman, we are responsible for the Borough's money so if the agreement has to be revised, then let it be revised so it can be signed. Kerry asked if a committee can be formed to go over this agreement. A trustee board was formed to run the financial part of the business and the ambulance members run the ambulance. They can ask for money from the board, but the board makes the decision. Winton stated that the \$600,000 is not

a true number because the premise from the beginning was to subdivide and sell off the Oaten Building and hopefully get \$150,000 for that building. It has not been done because there was some discussion to use the building for storage by the Borough and no one wanted to throw out Harry Oaten from his building until he retires. Richard suggested that the ambulance people come to Council and state the problem that they have with the lease. Winton appointed Lewis, Mitch and himself to the committee. Kerry will bring this issue up at the next trustee board meeting. Mitch asked why the meetings are closed? Tom replied that you cannot go into a business and sit in on their trustee board meeting. Mitch stated that we spend tax dollars by waiving their rent and yet Council cannot sit in on their board meeting. Lewis said that their Board of Directors is like our Executive Session is a closed session. Tom stated that his personal opinion is you can come to any meeting you want to if you have the time, but you have to talk to the Board of Directors. Mitch stated that he takes it as a personal invitation from Tom and would like this included in the minutes. Winton stated that Tom does not have that authority. Mitch stated that Tom is the President of the Wind Gap Ambulance, but he doesn't have authority. They have a Board meeting and they have a general meeting, but he cannot attend because he is not a member of the corps. Jack asked if Kerry is a member of the Ambulance Board? Kerry replied that he is and Jack can enter the building as Chairman of Buildings and Grounds.

2. Police – Mayor George reported that he distributed the Police Report. They had 13 accidents, 51 citations were written. The Mayor had a request from a resident on Constitution to get the state police involved. The state police were contacted, but they will not set up radar in a municipality because they have so much territory to cover. Citations issued on Upper Broadway totaled 51 for the year. All officers have completed firearms qualification. Officer Dailey will be trained to be a firearms instructor which should help our department. Officer Dailey will be sent to school for truck inspection, but classes have been full in the past. The idea of the truck inspections is to get unsafe trucks off the road. Richard added that sometime drivers are driving without CDL licenses. Bill added that the fireproof safe has been purchased and installed. The contract status is a counterproposal has been made by the Borough on the arbitration. The issues are wages and medical insurance. If this cannot be resolved then the mediator will have to settle the dispute.

3. Streets - Kerry Gassler reported that the leaf vacuum will continue into December. Last week RCN came into the Borough to assist with the Christmas lights and banners. This Thursday, Mitch and Kerry will be marking the curbs for repair so letters can be sent out as soon as possible. Mitch added that PennDOT still has to okay the specs. Repaving, Utica, upper end, Seventh from Broadway to Utica, Lehigh Avenue from Second Street to Third Street, First Street from Cherry to Borough line, Second from Oak to Borough line. Micro-surfacing, Center to West Street, Taft from Sixth to Center, West from Taft to Broadway, Washington from Second to First, and First from Broadway to Washington. Approximately ½ mile of paving and ¾ mile micro-surfacing. Mr. and Mrs. Flood living on Lehigh Avenue asked if potholes can be filled – opposite of the church. The Mayor complimented the Street Department on a job well done completing the street paving projects. Mitch asked if Council would approve proceeding with these streets? The funds are available in the budget and in Liquid Fuels.

Winton asked if anyone has responded to Nick Tylenda about equipment availability for the County records. Kerry and Mitch to take care of this on Thursday.

Jack asked if Mike Goffredo is still allowing the use of his equipment on East West Street? Kerry replied that he is at an impasse with the Sewer Authority. Mr. Goffredo was suppose to have a 6' metering well and he installed a 4'. The Sewer Authority missed putting a lateral to Mr. Brown so put the lateral in and the Authority will let the 4' in, but he refuses to do anything and he is challenging the bond.

4. Finance and Administration - Winton Male reported that he has an appointment with Ralph Menetto this Friday at 1:30 p.m. for a security system. Winton will ask for input and approximate cost from Ralph. Winton asked Ron about the Park restroom and Ron feels that he will have the specifications ready for the first meeting in December and we should be able to put it out to bid in December. Kerry reminded that we have to get approval from the Sewer Authority. Winton stated that Ron confirmed with DCNR that the bid must go out as one contract. PennDOT is scheduled to do the traffic count at Third Street in January 2003. Council must give some consideration to the \$75,000 in the budget. He wrote a letter to Laidlaw bus asking them to try and determine what the increase in traffic would be if their buses would use that intersection if it was safe.

5. Zoning and Planning - Richard Getz reported Zoning did not meet in the month of November because they had no submissions. Planning did not meet in November because of a lack of a quorum. The Planning Commission is down to two members. We have an applicant, but still need two more members for the board. Winton stated that the Joint Planning Commission with Pen Argyl and Plainfield met, but as usual it was just an informational gathering meeting. They asked to review the map and they did not have property marked that was donated on Third Street by the Park and also the stretch along Roosevelt Street.

6. Parks and Recreation - Lewis Paulhamus reported that he did not attend the meeting this month because of the budget meeting. He did know that the Park Board did order a sliding board to replace an old one for safety reasons and they ordered sand and stone.

7. Buildings and Grounds – Jack Hannon reported that he is still awaiting additional bids for flat roof at the Fire Company. Mitch gave Jack two bids for interior painting at the Fire Company, but that will come out of the 2003 budget. Specs were sent out to licensed contractors in the Borough for the roof with a deadline of December 2, 2002.

8. Fire Company Mitchell D. Mogilski, Sr. reported that he has minutes from October meeting. Year to date they have had 109 calls. Four members going to fire essential class, two members to pump school. They purchase five new airpacks at a cost of \$15,000. They are planning for next year's picnic. Jack asked if the Fire Company could provide the Borough with financials. Suggestion to audit the Fire Company along with the Tax Collector. Mitch to follow up to verify that the Borough can make a direct deposit instead of writing an actual check to the Fire Company. Bill stated that he understands that the Fire Company is planning for a new fire truck and how much is in the fire truck fund? Mitch replied that he believes all their funds to be

about \$75,000.

9. Sewer Authority Kerry Gassler reported that Plainfield Corners, a commercial development below Wendy's, is ready to hook up sewer line. The Twins at the Gap have not provided any more information. Walden III has a draft agreement and almost ready to sign off on this agreement. They went into Executive Session on Community Services and the Wind Gap Borough. They asked to comment at the Town Meeting. Winton replied that a comment period at the end of the agenda will be available for them.

10. Insurance – Winton reported that he is meeting with the Insurance Broker on Friday morning at 10:30 a.m.

11. Land Use Committee – Winton had nothing to report at this time.

Mayor's Report. Mayor George reported that there is a Slate Belt Municipalities Meeting tomorrow night at 7:30 p.m. at Washington Township. Contractor license fees \$100 for October or \$1,975, grand total of \$2,500 for the year.

Old Business

1. Waste Management Update. Mitch spoke to Harry Smith from Waste Management about meeting one on one and Mitch declined the offer. If he needs to talk to Council he can come before Council. Mitch received an e-mail that some offers have been made to Wind Gap supposedly talked about at those meetings. Pen Argyll Council knew about this before Wind Gap Council. Mitch stated that four Councilmen did not know about these meetings until after three meetings were held. Waste Management needs to talk to Council as a whole and everyone needs to hear what is being offered and Waste Management needs to know that they will receive nothing in return. Mitch's primary issue is getting the trucks out of town. Harry stated that he will be getting back to the office.

New Business

1. 911. Mitch suggested having representatives from Council, Fire, Ambulance, and Neil Stackhouse to attend 911 meetings with the County. A meeting will be held early next year for Emergency Management. As soon as a meeting date is set, a committee will be formed.

2. Ordinance 431 - Police Pension Plan. **On motion** by Lewis Paulhamus to advertise Ordinance 431 and seconded by Jack Hannon. Roll call vote taken. Motion carried unanimously.

3. Fire House Roof Replacement has already been discussed. Jack asked Mitch if the odor in the Fire Hall has been investigated? Mitch believes it is the natural gas from the stove. Jack to talk to the Fire Chief. Bill suggested that the Buildings and Grounds Chair should have keys to the Borough properties along with the Police Department.

4. Planning Commission Appointment - Sandra Lockard. Kerry asked if a letter was submitted? Winton replied that she came to the office to learn what she would be involved in with the Planning Commission.

On motion by Jack Hannon to appoint Sandra Lockard to the Planning Commission and seconded by Kerry Gassler. Discussion regarding the absence of a letter of interest from Sandra. Bill asked if the Chair should be determining whether they should be recommended? Richard stated that Winton inducted her? It seems that she already has the materials. Winton gave the materials to her so she can become familiar with the plans as soon as possible. Jack withdrew his motion. Richard reminded that a Planning Commission must meet in December. He did speak to Sandra Lockard and she is reputable, he can vouch for that. Jack reinstated his motion. Richard stated that if we do not do this, then the Planning Commission may have to be abolished and Council will have to take it over. The Borough is mandated by law to hold these meetings. Richard spoke to close to fifty people who may be interested in this position and there is no interest. He urges Council to appoint this person. If no meetings are not held, these developments will go through by default. Bob Hahn asked what is the policy of this Council when there is an opening on any board? Winton replied that it is advertised, she responded to an item in the monthly newsletter and she works in the Civil Court of Northampton County. There are four items for the December Planning meeting. Bob asked if there is a requirement to submit a formal letter? Mitch replied that a couple years ago there was a vacancy on Council and the Borough Solicitor did state it did not have to be in writing. Mitch believes that if we have a verbal commitment from Mrs. Lockard we can act on it. Bob Hahn asked for consistency on all issues and he does not see, but Thursday night he will make that quite evident.

Jack Hannon **amended his motion** to appoint Sandra Lockard to the Planning Commission, but she must follow up with a letter of interest for the file and seconded by Kerry Gassler. Roll call vote taken. In favor: K. Gassler, R. Getz, J. Hannon, W. Male, M. Mogilski, B. Pysher. Opposed: L. Paulhamus. Motion carried with a vote of 6-1.

5. Mitch reported that Council will accept sealed bids on office equipment and street equipment. This item to be included in the newsletter. The bids will be accepted until December 31, 2002 and awarded at January meeting.

Executive Session - Council adjourned to Executive Session at 9:11 p.m. to discuss employee review. Council reconvened at 9:18 p.m.

On motion by Kerry Gassler to adjourn the meeting and seconded by Bill Pysher. Council adjourned the meeting of November 19, 2002 at 9:19 p.m.

Louise Firestone, Secretary / Treasurer