

**BOROUGH OF WIND GAP  
29 MECHANIC STREET  
WIND GAP, PA 18091  
610-863-7288**

The Council meeting of the Borough of Wind Gap on Tuesday, September 3, 2002 was called to order at 7:30 p.m. by Council President Winton Male, Jr., at which time he reminded those present that the meeting was being recorded. In attendance were Councilmen: Lewis Paulhamus, Jack Hannon, Mitchell D. Mogilski, Sr., William Pysher, Richard Getz and Kerry Gassler. Also in attendance were Mayor Kenneth George, Borough Solicitor, Len Zito, and Borough Secretary Louise Firestone.

### **Approval of Minutes -**

**On motion** by John Hannon to approve the minutes of the special meeting of August 14, 2002 and the meeting of August 20, 2002 and seconded by Richard Getz. Roll call vote taken. In favor: R. Getz, J. Hannon, W. Male, M. Mogilski, L. Paulhamus. Abstained: K. Gassler, B. Pysher. Motion carried with a vote of 5-0-2.

### **Approval of Expenditures -**

**On motion** by Kerry Gassler to approve the August expenditures in the amount of \$31,968.60 and seconded by Lewis Paulhamus. John asked if the amount of salt was what the Borough usually requests? Kerry answered that under the contract from last year the Borough was obligated to take 115 ton or 60% of the allocation. Mitch stated that Council should receive all financial reports by the close of business on Friday prior to the meetings. The Treasurer explained that Friday was the last day of the month, all invoices, all receipts had to be input in the computer, journal entries had to be made to reallocate payroll liabilities and this could not all be done on Friday. Once all the adjustments were made, a copy was distributed to all Councilmen by noon today. Mitch believes that Council cannot approve the bills without having the budget report which shows the budgeted amount versus the actual amount to date. Mitch said that he just became aware that a the line item in streets, Signs and Supplies, is 314/5% over budget. Treasurer explained that this item has been over for three months and that has been reflected on the reports that Council receives every month. Discussion regarding closing the books prior to the end of the month and issuing a draft report for Council's information. John stated that the Aging Summary was received the Friday prior to the meeting. Mitch asked why the month cannot be closed out Friday and have them printed out at that time? John responded that it is not that easy. John stated that he does not see a problem with the current system of closing the books. John asked if Council wants the total expenses and income in the budget report or would they prefer to have a middle of the month report along with the end of the month report. Bill suggested discussing this topic at the mid-month work session. Mitch questioned the Schoor DePalma bill and the fact that Council did not receive any correspondence from them. They are representing the Borough on Kerry Gassler's plan and all their review correspondence has been sent to the Planning Commission. Roll call vote taken. Motion carried unanimously.

### **Public Comment -**

1. Chris Bruch, on behalf of the Park Board, asked if the sidewalk bids were going to be opened and awarded tonight? He asked when the bidding process would begin for the sewer line installation? Winton

replied that the grant monies will not pay for any sewer line installation outside of Park property. If one of those options would be chosen the Borough would have to use their own funds for installation. The committee has to meet again and a decision has to be agreed upon by everyone. Received a quote from pre-cast concrete in the amount of \$60,000 which includes stainless steel fixtures. Chris asked where the new facility will be placed? Winton replied that the consensus is that it will be placed in front of the existing bathroom.

2. Roger Bet. Roger stated that at the last Council meeting only two sewer line options had been discussed. Has Council received a third option? Winton replied that three options have been distributed to Council and all the options were approximately \$30,000. Roger asked if Council had been notified of any grants from the Green Knight Economic Development Corporation? Roger was notified that he received a grant in the amount of \$2,500 for the summer concerts. He completed a grant application on line for the Green Knight Economic Development group and he will provide a copy of the grant application to the Borough office. The Borough was notified of a \$5,000 grant for a walking trail in the Park. Roger reported that the summer concerts are over for the year. He stated that last year's attendance was 1,600 and this year's estimate is 1,850. The main comment from the concertgoers was the restroom facilities, but they were very happy with the music. The committee is planning a March 15, 2003 concert at the Wind Gap Middle School. The music group, The Vogues have been invited to perform. The next meeting of the committee is September 16, 2002 at the Borough hall. The Concert Series received a grant of \$2,000 from the Monroe County Arts Council. Winton stated that he will be having a meeting at Modern Concrete and will let everyone know the day and time. John asked if it was proper to recognize Roger Bet for all the work that he has done for the Concert Series. Roger added that he was in the Labor Day Parade in Pen Argyl. He built a float with the Summer Sounds as the main theme. The Express Times sponsored the advertising for the concert series and the float. Mayor George commended Roger on the job that he does for the Borough with regard to the concerts.

3. Kay Stampone asked if the PennDOT traffic study would be completed now that school is open. Kay offered to go to the school and the bus company to get a letter of support from them to include with the request from the Borough for a traffic study. Winton replied that George Hinton had offered numerous times to contact the school and the bus service to get letters from them. Kay will contact George to find out what the status of the letters is at this time.

4. Paul Levits. Paul commented on the August 5, 2002 minutes where Winton made the statement that Mr. Levits made a decision not to inform Council of the change in the chairmanship of the Wind Gap Municipal Authority. He asked Winton if he felt that Paul made a decision to omit that, Paul stated that Winton is mistaken. It was an oversight on his part. Paul asked if Council received a registered letter stating that change. Richard said that the contents of the letter was not on that subject, but about recommending an attorney from Philadelphia, but the letter was signed by the new chairman. Paul suggested that Council should have received this information from their liaison. The minutes from the Authority were two months behind and Council did not receive the minutes until after they were approved. Paul questioned why the newsletter contained an article regarding the resignation of Rick Keenhold, but did not include an article regarding the resignation of John Hannon from the Planning Commission. He asked if all Council approves this newsletter prior to it being published? Winton stated that he is responsible for the newsletter. Paul stated that Winton felt it editorially important enough to include Richard Keenhold resigning in June, but not important enough to include John Hannon resigning from the Planning Commission. John replied that you cannot compare a position of a member on the Planning Commission to the Chairman of the Municipal Authority. Paul does not consider one more newsworthy

more than the other. Do it for all or do it for none. He suggested to note who authored the articles in the newsletter.

Paul is concerned that once the tire pile is cleaned up on Route 33, the owners of the property will be able to sell that land for a sizeable amount of money because it fronts 33 Winton replied that he understands that Representative Craig Dally is working on legislation that would allow the state to put liens on any properties to recoup some of the expense for tire removal.

Paul asked if he could hold off on his comments regarding the Park restroom until the Borough Engineer arrives. Winton replied that now is the time for public comment. Paul stated that something wasn't right on Ron Madison's estimate for the restroom. Paul said that he should have the right to defend himself because he did a \*/#!\* job for the Borough. Paul stated that he would have to argue with the numbers, either someone needs to be replaced or there was possible persuasion to make numbers not work correctly. He questioned the total amount of yard restoration in Option 1 and Option 3. He did not agree with the dollar amount used for the restoration. Paul stated that either Council can ask him or he will ask the engineer himself. He said that the estimate that Kerry and Terry came up with would include \$15,000 for labor and approximately \$5,000 for materials or a total of \$20,000 and the engineer had a total of \$30,000. The amount is too far off and should be questioned.

5. Roger Bet would like to publicly acknowledge the efforts of the individuals on the Summer Concert Music committee which includes: Ralph and Kay Stampone, Lewis Paulhamus, Russell Roper, Laura Goss, Randy Shoemaker, Pete Freeman, and Mary Dietrich. He thanked Mr. Gassler for supplying hot dogs and rolls for the rock'n roll concert at no cost, Alex Cortez for supplying soda that night at no cost and Mr. Gassler for providing him with a generator for the musician on the float in the parade.

### **Solicitor's Report**

Len Zito stated that he has two items which pertain to ongoing litigation.

**Executive Session.** Council adjourned to Executive Session at this at 8:19 p.m. to discuss Mr. Pepe and a legal matter.

Borough Engineer Ron Madison arrived at 8:25 p.m.

Council returned from Executive Session at 9:04 p.m.

Mr. Zito left the meeting at approximately 9:05 p.m.

Winton stated that it has been determined through a physical and a letter of results that Officer Pepe's heart attack was a result of stress on duty. It is Council's intent to replace all of his vacation and sick time used as a result of his disability.

**On motion** by Kerry Gassler to reinstate all of Sgt. Pepe's vacation and sick time that had been used during his disability and seconded by Lewis Paulhamus. Roll call vote taken. Motion carried unanimously.

### **Engineer's Report**

Ron Madison reported that the apparent low bidder NAPA Development for the Mechanic Street inlet project failed to properly complete their Minority Business Enterprise/Women Business Enterprise paperwork. Ron recommends rejecting them as the low bidder. The lowest qualified bidder is Collins and Maxwell at \$32,180. The status of East West Street permit is that it is in the works, but has not been

mailed to the Borough to date. Ron will be attending the County Council meeting requesting that County Council approve the use of the Landfill Postclosure funds for the difference in the Mechanic Street inlet project and the Community Development Block Grant funds. Also using those funds for the East West Street Stormwater Project and any applicable engineering fees so the full amount of the grant will be disbursed come December 31, 2002.

**On motion** by Bill Pysher to award the Mechanic Street Inlet Stormwater Project to Collins & Maxwell of Easton in the amount of \$32,180 providing that the County approves the funding and seconded by Mitchell D. Mogilski, Sr. Roll call vote taken. Motion carried unanimously.

**On motion** by Richard Getz to amend the previous meeting's motion (*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.*) to include the statement "contingent upon receiving a favorable response from County Council to fund this project under the Landfill Postclosure funds" and seconded by Lewis Paulhamus. Roll call vote taken. In favor: R. Getz, J. Hannon, W. Male, M. Mogilski, L. Paulhamus. Abstained: K. Gassler, B. Pysher. Motion carried with a vote of 5-0-2.

Ron reported that Street Leader John Zucal has requested that a letter be sent out to residents who live along streams in the Borough requesting that they maintain the creek. Ron offered to draft a letter citing the Zoning Ordinance as far as keeping the waterways free and clear of debris. It is not easily enforceable, but would serve as a reminder not to dump lawn waste or clippings in the creek.

**On motion** by Richard Getz to have the Borough Engineer draft a letter to the residents regarding improperly dumping in Borough streams and seconded by John Hannon. Roll call vote taken. Motion carried unanimously.

Kerry asked if Ron would be requesting getting the rest of the money from the County for engineering fees. Council should have an idea by December 2, 2002 on which invoices would be forwarded to the County for reimbursement. Mitch asked Ron if he had a chance to look at Poplar Street. Ron replied that to do anything on Poplar Street this year would be difficult. Mitch mentioned that he is interested in putting piping in for 200 or 300 feet then the road can be widened.

## New Business

1. Ron explained that the Kuhs Lot Line Adjustment plan received final conditional approval at the August Planning Commission meeting and that was articulated in Planning Solicitor Pete Layman's letter dated August 29, 2002. Correspondence was received from Keystone Engineering, the Plainfield Township engineer, stating that the Plainfield Township Board of Supervisors also granted conditional approval of the same plan. The plan exists on Longcore Road and the project is in both Plainfield Township and the Borough of Wind Gap. Based on Attorney Layman's letter, recommending final conditional approval of the plan, conditions being: payment of review fees, payment of recreation fees if applicable, compliance with engineering review letter of June 25, 2002 and execution of unification deed between properties.

**On motion** by Kerry Gassler to approve the Kuhs Subdivision plan and seconded by Lewis Paulhamus. Roll call vote taken. In favor: K. Gassler, R. Getz, J. Hannon, W. Male, L. Paulhamus. Opposed: M. Mogilski. Abstained: B. Pysher. Motion carried with a vote of 5-1-1.

2. PennDOT Agility Program Resolution 2002-5. **On motion** by Mitchell D. Mogilski, Sr. to enact Resolution 2002-5 with PennDOT regarding the Agility Program and seconded by Bill Pysher. Roll call vote taken. Motion carried unanimously.

3. Zoning / Planning funds. Winton stated that the Borough will need funds to continue the updates

of the Comprehensive Plan, the Joint Comprehensive Plan, and the Zoning Ordinance. Meetings are necessary for the Land Use Committee, Zoning Hearing Board to meet with the Planning Solicitor and the Planning Commission to meet with the Zoning Solicitor. He suggested that Council take the reimbursement of Zoning/Planning fees paid by North American Equity and transfer it to the Capital Reserve Account and use that money specifically for this purpose. Money received from Waste Management only covers the expenses of Urban Research for updating the Joint Comprehensive Plan. Kerry asked if this would be for meetings just for Wind Gap or meetings with Plainfield and Pen Argyl? Winton replied that the Borough would be involved with meetings for both. Kerry asked when the Borough is going to have meetings with Urban Research for just Wind Gap? Kerry would like Council to have input into the update process. Winton replied that this could be done in a few weeks.

**On motion** by John Hannon to move the money to Capital Reserve and seconded by Bill Pysher. Roll call vote taken. In favor: R. Getz, J. Hannon, W. Male, B. Pysher. Opposed: K. Gassler, M. Mogilski, L. Paulhamus. Motion carried with a vote of 4-3.

4. Lewis asked if Council would act on the bid received for the installation of the sidewalks at the Borough Park. He stated that the Park Board received a grant of \$5,000 to cover a portion of the cost and the Park Board will like to proceed with this project. The Borough received only one bid to date. Ron stated that if Council followed the bidding process of the Borough Code for projects under \$10,000 then they could open the bids. If the projects is between \$4,000 and \$10,000, then the Borough needs three written bids. Council would like to receive more than one bid for this projects. Kerry suggested extending the deadline for bids.

**On motion** by Mitchell D. Mogilski, Sr. to advertise for sidewalk award at the workshop meeting and award that night 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.

Secretary/Treasurer Louise Firestone left at 9:40 p.m.

5. Police Cars. Winton stated that Chief Armitage has asked Borough Council to keep all three cars for the Police Department. Craig explained to Council that currently the Borough could maintain a fleet of three fully marked, fully equipped police cars. The new police car needs a radio and a light bar at a cost of approximately \$6,000. He stated that in the past, the department has had two cars, but they did not consistently have twenty-four hour coverage seven days a week like they do now. The Police currently have two cars in rotation and those two cars are getting used hard. If the department increases to three cars, they will have a three car rotation and thus would keep the miles down. He believes that the amount of insurance and repair bills for the third car will only be a small amount. The 1997 Chevy is only used for the day shift now to minimize mileage, but the 1999 Ford averages 2,500 - 3,000 miles per month. Bill asked how often more than one police officers is on duty? Chief replied that only on Friday night. Bill asked if the radio and light bar from the 97 Chevy is compatible with the new car? The answer is yes it is compatible. Craig stated that for ever mile that is put on the Chevy, it is one less put on the new car, so it will extend the life of that car. Bill's concern is what will it cost to maintain the third car, such as insurance, maintenance? Richard asked if there has been a need for three cars in the past? He stated that all three cars may need to be replaced at the same time if they are all used equally. Mitch suggested keeping the third car, but surrender the plates and keep as a backup. If the other two cars are in for repair the third car could be used. Craig asked what Mitch meant by surrendering the plates? Mitch replied that the Borough could turn the plates into the State. Craig explained that the police cars have municipal plates and the plates belong to the Borough. Winton stated that ideally the Borough needs to get into a rotation system so a new car is purchased every x number of years. Craig referenced the August edition of the FBI Bulletin where an article appears regarding replacement criteria for a police vehicle. The

average in the United States currently is 70,800 miles. Discussion regarding the current contract arbitration with the police officers and how that will affect the remaining police budget.

**On motion** by Lewis Paulhamus to purchase a light bar and radio for the new car and keep the other car. Motion died for lack of second.

Bill stated that it was his understanding that a decision had already been made to transfer the light bar and radio to the new car at a July meeting.

**On motion** by Mitchell D. Mogilski, Sr. to advertise the 1997 Chevy. Discussion not to advertise until the equipment has been transferred to the new car.

**On motion** by Kerry Gassler to buy a new light bar, have it installed and switch the radio out of the old car to be put in the new car and seconded by Bill Pysher. 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.

Meeting Adjourned at 10:00 p.m. due to the curfew.

---

Louise Firestone  
Borough Secretary