

**BOROUGH OF WIND GAP  
29 MECHANIC STREET  
WIND GAP, PA 18091  
863-7288  
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The Council meeting of the Borough of Wind Gap on Tuesday, September 17, 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 Secretary/Treasurer Louise Firestone. Absent was Mayor Kenneth George.

**Approval of Minutes –**

**On motion** by Bill Pysher to approve the minutes of September 3, 2002 and seconded by Kerry Gassler.

Mitch asked that since he questioned the distribution of budget sheets at the last meeting and it was noted in the minutes he would like to continue the discussion at this meeting under Old Business. Lewis stated that when Council came out of the Executive Session at the last meeting, Winton stated only one topic that was discussed. Winton asked what was missed? Mitch added that the minutes reflected that legal matters was the topic. Winton stated that the minutes were accurate and contained what was actually stated.

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.

**Public Comment**

1. Paul Levits. Paul stated that at the last meeting on September 3, prior to going into Executive Session, the Borough Solicitor stated that he had two topics to discuss in Executive Session. The motion was for one, which dealt with a police officer. When Council came out of Executive Session, Mr. Paulhamus asked Winton if he wanted to discuss the other issue or let it be known what the issue was, and Winton replied no. Winton replied that he believed that the other issue was a legal issue with the Sewer Authority. Paul countered that it was never made public. Winton answered that he did not recall if it was or not. Paul stated that Winton made a decision not to disclose that issue.

Paul asked if there was a quorum of Councilmen at the Park discussing business of the Borough? Winton replied that it was a field trip, a fact finding mission and it would not apply as a quorum issue. John asked Paul if the Sewer Authority discloses what they discuss after they come out of Executive Session? Paul stated that they disclose every topic before they go in, but not in great detail. If no action is taken, then they state that no action to be taken. Mitch stated that it was announced that legal matters was the topic. Paul replied that you cannot just state

legal matters, but you must be more specific and if Council would like, Paul will provide the court case.

Mayor Kenneth George arrived at approximately 7:37 p.m.

## Reports

1. EMS - Tom Knitter, President Wind Gap Ambulance, reported that in July they had 46 calls, August they had 41 calls. Tom asked who is responsible for cutting the grass at the ambulance building? Winton replied that the Borough cuts the grass. Tom requested that someone cut it soon.

2. Police - Winton reported that there is a file in the office regarding information on a safe for the Police Department. Chief Armitage suggested purchasing a safe from a local vendor. Discussion regarding checking prices at Meyer's Gun Shop, Army / Navy Store, Dunkelberger's. Winton asked if Council would consider allowing the Mayor, Bill and Chief Armitage a spending limit of \$1,000 to purchase a safe. Mayor George stated that this issue should be put on the agenda for next Council meeting and a decision will be made at that time.

Bill reported that he has received the proposal from the Police Association and he is in the process of responding to that proposal. Once they have Council's response another meeting will be held to resolve the contract.

3. Streets - Kerry Gassler reported that most of the streets have been paved. Three streets remain to be paved, Burdette, Fairview and Maple. Mitch and Kerry met to discuss next year's projects so that the curbs can be marked and letters can be sent out this year in preparation for paving. There was a complaint about the paving company damaging two vehicles. The information has been passed along to the contractor for his insurance.

4. Finance and Administration - Winton Male reported that Mille completed the Graphic Interface Software training. The Northampton County GIS representative will be at the office to assist in the installation of the software to make sure that our system is compatible with their system. This could happen as soon as tomorrow.

Winton stated that some time ago he had asked for suggestions for the Zoning and SALDO changes. He asked Council to address those issues as soon as possible for input. Kerry asked if this was going to be discussed at a public meeting? Winton spoke to Urban Research and Tom Palmer suggested having a smaller group to begin with before a public meeting is held. He would like to be prepared for a public meeting. A tentative date has been chosen for a meeting with the Land Use Committee. Winton invited all of Council to attend to the meeting on October 24, 2002.

The budget information has been distributed to Council including a booklet provided by the Borough Association. A October 11, 2002 deadline has been set for Council to submit preliminary numbers on the budget.

County Council approved the use of the Landfill Postclosure Fund for the Mechanic Street and East West Street Stormwater projects and reimbursement of some of the engineering

fees. Council will be allowed to expend the entire amount of the grant.

Winton has prepared a spreadsheet showing two programs from Blue Cross and two programs from Blue Shield. He is working on the State Chamber of Commerce program. It is different from Blue Shield, but they use Blue Shield. Several insurance companies had to be eliminated because they require a physical examination and the Borough could not consider having the employees have a physical. The Borough had to renew with Blue Cross at the higher rate, but there was no choice because the employees would be without any coverage if the contract was not renewed. It is on a month to month basis until this is resolved.

Richard reminded Winton that at the GIS seminar they attended, they were instructed that a proprietary ordinance is required. Richard explained that anything in the Borough's system would basically become Borough property. Lewis stated that all information of the Borough is available to the public. Richard replied that this is geographical information, including water mains and power lines that the Borough does not own. If the Borough is using taxpayer money to acquire this information and putting it in a database then they should protect themselves with an ordinance so the Borough then has the privilege of selling that information. If there is not an ordinance someone could come in and download that information free of charge. He stated that Pennsylvania law provides for this.

5. Sanitation and Recycling nothing.

6. Zoning and Planning - Richard Getz reported that Zoning did not have any hearings in September. Planning did not meet. They will be meeting the first Thursday in October. Richard mentioned that there is still an opening on the Planning Commission if any resident is interested they should write a letter to Borough Council.

Winton is working on a joint seminar that was previously discussed. He has not received a response from John Molnar yet.

Mitch stated that it took some time to move the newspaper boxes that were at the Post Office, but now they are back at different locations. There is one at Fourth and Broadway, chained to a street post which is property of the Borough. The box belongs to the Express Times. The other one is on Lehigh Avenue. This issue is for the Police Department not the Zoning Officer. Mitch suggested calling them and giving them three days to remove the box. He was asked to look into the sign at the Fire Company for the West End Fair. He talked to Randy. Randy stated that he does not care what is done with the sign because the Fire Company gets nothing from it, but whatever is done with that sign the same thing should be done with the Kunkletown Fire Company sign. It is believed that the sign is put there every year without permission from anyone. The Mayor suggested contacting someone from the Fair Committee and informing them that the Borough no longer wants the fair sign at the Firehouse. The Borough has to be consistent with how they deal with the signs. Even non-profit organizations should approach Council for approval. The Zoning Ordinance will have to be checked to verify how this situation should be addressed.

7. Parks and Recreation - Lewis Paulhamus reported that someone approached the Park Board asking if the Borough would give some park property for the installation of a rink. John stated that he was at the last Park Board meeting and he recalls that Cathy Yob suggested that

Mr. Corey make a presentation for Council regarding this request. Richard confirmed that Mr. Corey agreed to be here. Lewis stated that he tried to phone Mr. Corey before the meeting, but he believes that he was attending a Plainfield Township openhouse. Richard added that the league would be a sanction league for adults. The rink itself would cost approximately \$150,000. Council just received the information and would like to review it.

Lewis reported that the music committee held a meeting last night. Eight committee members attended. The committee is planning a concert at the school on March 15, 2003. They are planning on having The Vogues. Winton asked if this would involve a commitment on the part of the Borough? Lewis stated that the money raised should cover it, but he doesn't know if they have enough money. They figured that with 750 seats at \$15 a seat the committee would make \$4,000 after all expenses are paid. Mitch asked who would ultimately be putting on this concert? He does not believe that the Borough can charge for this type of event. Council asked for more information on this subject. The music committee meets again on October 10, 2002.

The Mayor stated that he had a call from a concerned resident regarding the new piece of equipment, the rock climbing device, at the Park. She stated that she does not feel that it is safe because it is over seven feet high with no barriers. The Mayor suggested finding out how dangerous this equipment is whether by discussing it with the Park Board or getting more information. Winton replied that he faxed a copy of the equipment specifications to the Borough's insurance broker. The Mayor stated that this equipment is in the toddler area and not in the big kid area. Mitch added that he had received a call of concern also. Richard looked up information on the internet. He found a National Program for Playground Safety and Handbook for Public Playground Safety. He talked to the Director of the Northampton County Parks System to get some insight. The Director offered to do a seminar for the Borough to include Councilmen and members of the Park or any other interested parties to share how they do things. The Borough should have a master plan with regard to the development of the Park. He would share information from Weaverville's master plan that was just instituted. If the Borough had a master plan, things would not happen so spontaneously sometimes. Richard suggested possibly adding this to the budget for next year or soliciting local business for donations. Richard thanked John Zucal for expressing his concern about the new playground equipment at the last Park Board meeting. Richard understands that the state will pay for half of the cost of a master plan. Winton stated that he attended the DCNR pre-application meeting and the Borough could apply for funds for a master plan, but Council has to decide whether to pursue money for a master plan or money for a walking trail. Winton asked for direction because the grant application deadline is October 16, 2002. Winton will check to find if there are other sources of funding. The Park Board has received a commitment from the Green Knights in the amount of \$5,000, but that money will not be disbursed until the trail is completed. The Borough needs an estimate for construction of the trail. In order to do the trail, the Borough has to make sure that the easement on the old map can be used that goes through the Albert property. Winton checked to see if Mr. Turtzo is interested in selling the property that is adjacent, so Wind Gap and Plainfield could possibly go together on a grant to purchase the property to extend the Park property out to Longcore Road. At this point, the Turtzo property would cost too much to purchase. Winton suggested someone going to the County Courthouse to check the deed to make sure that the easement is still reflected on the deed. The easement was applied so that

adjourning property owners would have access to their property and the Borough is one of the property owners. Kerry asked for the deed number to give to Sarah, who works at the Courthouse. A decision has to be made at the next meeting. Bill stated that he supports a master plan because of requests made by different organizations on the Park property. He envisions the trail hooking into Plainfield because a trail goes from Pen Argyl to Stockertown. Lewis stated that he will bring this up to the Park Board, but he feels they will say the walking trail even though he believes that a master plan should be drawn up.

John Hannon stated that at the Park Board meeting of August 12, 2002, Cathy Yob made a motion to have the scoreboard on the soccer field fixed, who will pay? Lewis was not sure. John stated that it was his understanding the scoreboard was the property of the Athletic Association and they should pay for the repairs. Kerry asked if anything is in writing? Tom Knitter stated that the monies from the first Car Show bought the scoreboard and they donated it to the Park. The Car Shows are meant to raise money to bring things into the Park. The scoreboard is used by the Legion, the Babe Ruth, and Pen Argyl High School. Discussion regarding having a liaison to the AA. Bill suggested having a legal opinion regarding the scoreboard since it was a donated item to the Park is it our responsibility to maintain. Winton to check the AA's insurance policy to see if they include the scoreboard under their policy.

Lewis added that people are ripping the yellow tape off the climbing wall. Bill stated that there still is some question whether it is age appropriate for ages 5-12. Bill invited everyone to go and look at the equipment. He does not believe that a 5 or 6 year old could safely use that equipment or even a 10 or 12 year old. The Mayor suggested making it safe if at all possible.

8. Buildings and Grounds - Winton reported that Jack Hannon has assumed that responsibility. Winton will fill in the details regarding the budget. He stated that the air conditioning has to be looked into, the heat in the ladies' room, the roof on the firehouse needs repair.

9. Fire Company Mitchell D. Mogilski, Sr. nothing to report.

10. Sewer Authority Kerry Gassler reported that Terry Faul, Walden III, has been into the Sewer Authority several times and they have a tentative agreement, but Council has not received a letter to date. The Authority did have a walk through inspection. They are putting in a new sewer main from the plant to the gas station side of Broadway. They went into Executive Session about the Borough, but Kerry does not know what they were talking about. Kerry stated that when Council discussed the feasibility letter that was sent, he called Bob Hahn the next day and the letter is in their attorney's hands. Winton stated that their attorney talked to our attorney and Winton understands that their attorney does not have a problem with it, but nothing has happened yet. Discussion regarding how the Authority announces the subject of their Executive Sessions. They announce the subject of all the legal matters.

11. Insurance - Winton Male reported he has already spoke about the health insurance.

12. Land Use Committee - Winton Male reported that a tentative date of October 24, 2002 has been set for the next committee meeting.

Mayor's Report. Mayor George reported the contractor licenses collected in August were \$100 for a total of \$1,825 for the year. Collected \$225 for amusement license for a total of \$525 for the year. Grand total is \$2,350 for year 2002. Police report has already been distributed. 17 motor vehicle accidents investigated and 32 traffic citations were issued. On September 23, 2002 the new police car is going to Tu-way to have the radio installed. Winton asked if another truck inspection was going to take place? Chief to set up another inspection.

## **NEW BUSINESS**

1. Poplar and Sixth Street. Mitch stated that he and Kerry have discussed doing the streets with millings or with stone. Kerry stated that they have a difference of opinion because they had discussed doing some alleys with the millings and let those streets alone for now. Mitch believes that both of those streets need addressed. Richard stated that Poplar Street at this time is in as good of condition as it ever will be and he recommends not excavating and stoning it now. He suggested that if the Street Committee wants to include this in their budget for next year a pipe should be installed to widen the street to the full width of the right-of-way. He suggested that the engineer would have to be involved so the Borough does not encroach on anyone's property. Richard stated that the problem with washout is on Railroad Alley not Poplar Street. When the Municipal Authority installed a new trunk line, they put 2B modified stone on final grade and that stone gets washed out. Mitch stated that they intend to overlay, Utica, Seventh, Lehigh Avenue from Second to Third, First Street from Cherry to Borough line, Second Street from Oak to Borough line next year. Micro-surfacing on Washington Street, Taft to Broadway, West Street, Washington Street from First to Second, First from Broadway to Washington also being discussed for next year's street projects. Kerry stated that they discussed Sixth Street working on the apron and around the corner on the alley. Kerry and Mitch to work on this further. Richard invited them to Poplar Street to explain why he feels that excavating and putting fresh stone is not a practical thing at this time.

2. PennDOT Resolution for signs and banners. Winton sent this resolution to Len Zito for input. Len responded by saying that he does not agree with all the contents. Winton stated that Council should pass a resolution before any banners are hung in the Borough. Council does not want to leave Scott without an answer, so Winton contacted Scott's office to explain to them what is happening. Winton asked Scott Realty to put the Borough on their insurance policy as an additional insured for any injury or property damage that may come out of the erection, existence or taking down of the banner. Len feels that with that addition, we could reasonably allow the banner to be hung. The resolution will be still have to be enacted as soon as possible.

3. Fire Relief Contribution. Mitch asked that this item be put on the agenda for the Business Meeting. Treasurer explained that the Borough has not received the money. The Commonwealth typically releases the funds the last week of September. Mitch stated that the funds have to be turned over thirty days after receipt.

4. Library contribution. Mitch requested that this item be moved to the October 7, 2002 meeting agenda so the contribution funds can be released to the Library at that time.
5. City of Bethlehem Tobacco Retailer Compliance Checks. This agreement has been sent to Borough Solicitor Len Zito for review. Bill asked if the Police are to be involved in these checks. Chief did not know how or why this agreement came to the Borough. Winton explained that it is his understanding that the City of Bethlehem received a State grant with the understanding that they would share it with everybody else. It appears that their legal department wrote a hold harmless agreement that the Borough would hold them harmless of everything. Len advised not getting involved until he has further time to research this issue. It is not even clear if this is voluntary or not.
6. Award of Sidewalk Installation at Park. Received two bids for the sidewalks.
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| John Pinto   | \$6,360.00 |
| Len Ruggiero | \$7,896.00 |
- Contractor will be required to obtain a contractor's license and provide a certificate of insurance.
- On motion** by Kerry Gassler to award the sidewalk installation to John Pinto at a cost of \$6,360.00 and seconded by John Hannon. Roll call vote taken. In favor: K. Gassler, J. Hannon, W. Male, M. Mogilski, L. Paulhamus, B. Pysher. Abstained: R. Getz. Motion carried with a vote of 6-0-1.
7. Dog Pen. Discussion regarding repairing/replacing the existing dog pen that is located behind the Police Station. Concern about the safety of the pen and ability to hold animals that are penned. Chief Armitage suggested having John and Woody fix the holes. Mitch stated that the Borough might already have chain link in the garage or in the shed. John as newly appointed Buildings and Grounds committee will supervise the repair of the pen. The pen needs a cover so that the animals cannot jump out.
8. Kerry asked if the building at Harry Oaten's garage could be emptied for storage of equipment? The recently purchased truck has diesel fuel and must be stored inside so the fuel does not jell up. Kerry would like to store the leaf vac and other small equipment there so the truck could be stored in the Borough Garage for easy access. Winton to speak to Harry Oaten.

## OLD BUSINESS

1. Police Safe. Bill will obtain some bids so that Council can take action at the next meeting.
2. Finance Reports. Mitch feels that the reports are received late by Council. Kerry suggested that Council may change their meeting dates to allow more time to process and receive the financial reports. Council would have meetings on the second Monday and the fourth Tuesday. The Borough's professionals would have to be contacted to check their availability. Mitch wants to review the budget numbers at the end of the month prior to approving the bills. Winton tried to explain that vendors who are accustomed to doing business

with a municipality understand they are going to get paid the first week of the following month. Mitch stated that starting in January the bills will be paid the second week instead. John stated that Borough Council has followed the same schedule for years and no one has had any problem with that schedule. He asked Mitch how often he has been inconvenienced by not having the budget? Mitch replied six times and this is the first time he has received a budget sheet since March. Winton and Lewis stated that everyone gets a budget sheet every month. Kerry added that the bills could be approved at the first meeting and then at the workshop Council could discuss how the budgets are looking. Winton said that a budget report can be printed at any time during the month and can be requested by any Councilman. Mayor George stated that he does not see anything wrong with the way things are being done now. Bills and receipts are entered up until the last Friday of each month. Mitch asked if bills are put on hold and not paid. If a bill appears to be questionable the Treasurer contacts the vendor for clarification prior to entering the bill for approval. Mitch commented that if a bill is received at the end of the month it does not have to be approved for payment because the turn-around is only a couple days, the bill could be held until the following month's meeting for approval. Bill suggested that the month of November be closed on the preceding Tuesday or Wednesday prior to the Monday meeting. Winton feels that the current system is a good one and it should remain the way it is. The Mayor stated that Council should decide and make a motion at the next meeting. Council concluded that the budget versus actual report will be available prior to the workshop meeting for discussion at the workshop meeting.

Mayor George left at approximately 9:25 p.m.

**On motion** by Lewis Paulhamus to adjourn the meeting and seconded by Kerry Gassler. Motion carried unanimously.

Council meeting adjourned the meeting of September 17, 2002 at 9:30 p.m.

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Louise Firestone, Secretary / Treasurer