

**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, August 19, 2003, 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 Council members: Lewis Paulhamus, Sandra Lockard, Mitchell D. Mogilski, Sr., Bill Pysher, Peter Stinson, and Kerry Gassler. Also in attendance were Mayor Kenneth George and Secretary/Treasurer Louise Firestone.

Approval of Minutes

On motion by Bill Pysher to approve the minutes of August 4, 2003 and seconded by Peter Stinson. Lewis Paulhamus asked that the minutes be tabled so they can be read a little better. Mitch asked if a no vote could come back with corrections at the next meeting? Winton suggested that if something is found to be wrong, it could be addressed at the next meeting. Kerry asked why are they being approved, once the minutes are approved, they are done. Roll call vote taken. In favor: K. Gassler, S. Lockard, W. Male, B. Pysher, P. Stinson. Opposed: M. Mogilski, L. Paulhamus. Motion carried with a vote of 5-2.

Mitch stated that when Council was discussing the speed limit on state roads, Chief mentioned that someone has to be going eleven miles an hour over the speed limit before they are cited, and in the July 15 minutes it appears the Pat Sutter made the statement. Mitch stated that he would like to see those minutes changed to reflect exactly what happened.

Public Comment

1. John Barto, representing the Wind Gap Municipal Authority. John confirmed that the next committee meeting would take place at the Council Chambers on August 25, 2003 at 7:30 p.m. John was in on the meeting of the Federal Court Case today, and understood that they presented the four talking points from the last committee meeting. The judge sent the attorneys back to work on those points. John asked if Council would like to see a video camera used during the committee meeting so all of Council can view the tape? The tape would just be for Council and not the general public. Winton stated that taping a meeting would prohibit the participants from speaking freely and he is not in favor of a tape. Bill stated that the four points were pretty much agreed upon, but the issue is about the reorganization and restructuring of the Municipal Authority. Winton added that the committee agreed to take the points back to Council. Bill commented that he does not believe that real dialogue can happen, because everything you say must be weighed because later it might be played and become part of litigation.

On motion by Kerry Gassler to video tape the committee meeting and seconded by Lewis Paulhamus. Roll call vote taken. In favor: K. Gassler, L. Paulhamus. Opposed: S.

Lockard, W. Male, M. Mogilski, B. Pysker, P. Stinson. Motion did not pass with a vote of 2-5.

2. Charlie Klucsarits, 136 South Lincoln, Wind Gap. Charlie asked Council if there is a chance of getting a storm drain at the corner of West and Lincoln? Mitch replied that the road would be milled out so the water will flow to the drain. When the street is paved, the part that is milled out will continue to flow. Charlie informed that there are four or five blocks that flow into one drain and the water from November through May backs up and destroys the street. Mitch added that West Street was to be repaved this year, but due to the projects by the Municipal Authority and the Water Company it will be done next year.

3. Pat Sutter asked if the minutes were approved or not approved? Winton replied that they were approved, but everybody will have a chance to review them and if need be, any additional corrections will be made next meeting. Pat suggested withdrawing that approval and let everyone have a chance to review the minutes. Council again discussed the minutes. Winton stated that a correction could be made. Peter suggested condensing the minutes and not making them verbatim, but state that full tape transcripts are available in the Borough office. Bob Hahn stated that he was informed that the tapes are a tool for the secretary to do the minutes. Secretary was asked for a proposal to make the minutes as accurate as possible. Secretary replied that Council should consider hiring a stenographer to do the minutes. Mitch asked if Council would approve of him looking into a speaker for everyone at the table and one for the audience. He will take a look at the budget and if this year's budget does not permit the purchase, it will be budgeted for next year.

4. Paul Levits. Paul questioned Bill on his comment regarding that no real dialogue will take place if a video camera is present during the Municipal Authority, Council committee meeting? Bill clarified that different dialogue occurs during an open meeting as opposed to a committee meeting. As a taxpayer, Paul stated that his position is to videotape the meeting, turn it over to the attorney for distribution to Council and the Authority. Paul questioned how the Borough Solicitor can serve the Borough and be the key attorney for Waste Management? Winton replied that Mr. Zito explained to Council that if there appears to be a conflict, then he would reclude himself from matters regarding Waste Management. Paul questioned a Hanover Engineering bill that was received by us, and wasn't the only one that included overtime. Invoice dated April 14, 2003, #61808, By-Pass Road Condemnation. This will be checked into for clarification. Paul stated that he has been described as uncooperative regarding replacing his curbing on West Street. He said that approximately ten years ago, when the Borough milled and repaved, the contractor, Bruce George Excavating, made the blacktop level with his depressed curb. At that time, he had no problem with it. Now, the Borough wants him to fix his curbing at his expense and he has a problem with that. He referenced Ordinance 156, ..."whenever such grade or elevation shall be changed by authority of Town Council, and the Town Council requires a change in the elevation of the grade of such sidewalks, curbs and gutters, such change shall be made at the cost and expense of the Borough." (November 3, 1952). Kerry stated that it is a depressed curb and the blacktop is even with the curb. Because the street committee is at an impasse, suggestion to have Ron Madison, the next time he is in the Borough, look at this issue. Paul stated that Council has already spent over \$1,000 on the by-

pass condemnation just for engineering and Council should look into topics and study them before making a decision that is not in the best interest of all the people in town. He asked if Winton had been to a meeting at the Green Knights with Len Zito to ask for money for the bypass? Winton replied that he was at a meeting and that the Borough does have the money, but would rather someone else pay for the condemnation. Paul expressed his disappointment that last meeting Council decided to extend the length of the meeting past the imposed curfew. Paul concluded his comments by saying that Council made a resolution twelve to fifteen months ago not to vote at the workshop meetings except in the case of an emergency and a vote was taken on the installation of the air conditioner which he did not consider an emergency.

5. John Hannon, 172 Alpha Avenue, Wind Gap. He stated that as a taxpayer, a resident, a customer of the Wind Gap Municipal Authority and former Councilman he is appearing before Council. At a meeting in August of 1998 in which Mr. Knitter, Mr. DeCesare and Mr. Keenhold were in attendance, he questioned the 1996 audit. The 1996 audit showed that the Authority had \$345,000 and odd monies more than what their final financial papers showed. At that time, he asked why such a variance? Mr. DeCesare replied that he would have an answer in a week. He had no response. In August 2002, he asked the same question and was assured he would have an answer. He had no response. John once again asked for an answer to this question.

6. John Barto responding to John Hannon's question stated that back in this timeframe, Mrs. Sutter had asked for audits and maybe she could check her files. Bob Hahn will inquire about this issue.

7. Paul Levits, added one more comment, that when Mr. Hannon was on Council, back in the 2001 audit, the system was operating in the black yet a 21% tax increase was passed and Paul asked for an audit at that time and he is still waiting.

Executive Session – Council adjourned to Executive Session at 8:21 p.m. to discuss the Police Chief's Contract. Council reconvened at 8:40 p.m.

Mayor's Report

Mayor George reported Contractor License fees collected for the month of July was \$50, for a total \$1,850 for the year, transient license \$100 for the year for a total of \$1,950. Police report was distributed. They responded to 116 calls, 8 motor vehicle accidents, and 60 traffic citations. The Mayor received a letter from PennDOT regarding the speed limit on Broadway. PennDOT would do a study if Council is willing to sign an agreement with them indicating that the Borough is willing to change all the speed limit signs, which the Borough is responsible for now anyhow, if the study indicates that the speed limit needs to be reduced. On motion by Kerry Gassler to sign an agreement to have PennDOT do a speed study on Broadway to lower the speed limit to 25 m.p.h. and seconded by Mitchell D. Mogilski, Sr. After further discussion, this item was not voted on at this meeting, but will be put on the agenda for the September 2, 2003 meeting. Mayor George asked Council if they are all aware of the proposed Wal-Mart facility going to be put in between Wind Gap and Pen Argyl. The Mayor stated that he is not in favor of

it because it would do harm to the town. The traffic will tie the town up severely. If anything were going to lower taxes in the area it would be industrial development. The purpose of the bond issue was to create a roadway for an Industrial Park not a shopping center. The Mayor and Winton would like to express the concerns of a shopping center on behalf of Council and the residents of Wind Gap. The developer, Nolan Perin, has contacted several members of Council. Mitch stated that the plan is on-line at www.NRDC.com. Waste Management owns a piece of property that would be necessary for the shopping center to happen. Council has already received a letter from Waste Management stating that they understand Council concern and they are not going to sell that property without talking to Council about that issue. They did not say they would not sell it, but they indicated that they would talk first.

Pat Sutter asked if the road is ever built, who will be responsible for taking care of it? Winton replied that the intent is that the road will be built to PennDOT specifications and turned over to the State as a formal 512 by-pass. Mitch believes that Wind Gap will be responsible for their portion and Pen Argyl would be responsible for their portion. Council agreed to allow the Mayor and Council President represent them in opposing a shopping center in a meeting with the County officials. Pat questioned if the money from the County will be received? Winton replied that the County has made the commitment for the money and it has already been drawn down on.

Mayor George took his leave at 8:55 p.m.

Committee Reports

1. EMS – Kerry Gassler reported that nothing has been received from Len Zito regarding the Wind Gap Ambulance Lease.
2. Police – Bill Pysher reported that the Chief's contract is up for renewal for 2004. Discussions will take place with the Chief regarding what Council discussed this evening. A police car was involved in an accident and is being repaired leaving the department with one vehicle. The Chief was notified of 2002 Ford Explorer leftovers at a price of \$24,937, not including all the equipment needed. Part of the agreement with Waste Management is help purchasing an extra police vehicle that can haul portable scales. The Chief reported that only one 2002 vehicle remains on the lot and asked Council for some direction. The vehicle is brand new with no mileage, but a decision has to be made as soon as possible to reserve it. The dealer has the state contract for police vehicles so it does not have to be bid out. Winton has received a commitment to get the scales from Waste Management also. Mitch questioned the Chief if this is an emergency in his opinion? The Chief replied that last week the Borough was without a police car for almost three days and he believes that this is an emergency. **On motion** by Mitchell D. Mogilski, Sr. to put this car in reserve for the Borough at a cost of \$34,000 and seconded by Sandra Lockard. Bob Hahn pointed out that the last police vehicle purchased was ratified at a meeting after the vehicle was delivered. Bob asked if this is the best price for this vehicle and the only way to know is by putting this out for bid. The Chief explained that Warnock has a contract with the State of Pennsylvania to provide police cars at a quoted price. Dealerships go in competition with the states to get the bids. A consumer cannot go to a

dealership and purchase this specific vehicle because it is an emergency vehicle. Sandra withdrew her second. Lewis seconded the motion. Determination that it cannot be voted on unless it is designated an emergency.

On motion by Peter Stinson to declare this an emergency event and Council is able to vote on it and seconded by Bill Pysher. Roll call vote taken. In favor: M. Mogilski, L. Paulhamus, P. Stinson, S. Lockard. Opposed: W. Male, B. Pysher, K. Gassler. Motion carried with a vote of 4-3.

On motion by Mitchell D. Mogilski, Sr. to give the Chief the okay to contact the dealer to reserve this vehicle for Wind Gap for a total price of \$34,000 and seconded by Sandra Lockard. Roll call vote taken. In favor: M. Mogilski, L. Paulhamus, B. Pysher, S. Lockard, W. Male. Opposed: P. Stinson, K. Gassler. Motion carried with a vote of 5-2.

3. Streets – Mitch Mogilski reported that the street committee met and discussed the Borough ordinances regarding weeds, plowing, curbs and sidewalks. They suggested adding a penalty of \$150.00 if the Borough had to resolve any of the problems that would be an addendum to the ordinance. This would need to be discussed with the Borough Solicitor. Increasing the penalty would be a short-term solution, but Council would need to review all the old ordinances for the long term. This topic to be on the September 2 agenda for the Solicitor's comments. Kerry reported that all the streets have been milled, paving will starting after Labor Day tentatively. The crack sealing has been completed; Slurry Seal has until the middle of October to complete the micro sealing. John Hannon stated that his curbing needs replaced and he will not be able to afford to replace it. Lewis added that John Zucal suggesting adding another garage door on the Oaten Building facing Alpha. Winton stated that Council needs to decide if the Oaten Building will be sold or not as originally intended. Kerry informed Council that the new hook loader, bucket truck, utility body has arrived and needs to be kept indoor because of the hydraulics.

4. Finance and Administration – Winton Male reported that the tires should be out of Wind Gap before the end of this month. Mitch questioned a memo distributed to Council that listed places that accept old tires. Winton replied that these places do not come to pick up the tires. The 911 Center has asked the Borough for information regarding a list of residents in Wind Gap who have disabilities. He asked the Fire Company, the Police Department and the Ambulance Corps if they have such a list. He has not received a response from anyone. Peter suggested that this information has to be on a volunteer basis from the residents themselves. Winton has been contacted by Commonwealth Telephone Company regarding the situation at the Park and the water problem. Winton informed the telephone company that the resolution to solve the water problem would be a costly and he will ask for some monetary assistance. Winton reported that the Perin family owns property on East West Street and Alpha Road and may be willing to donate the property. Discussion regarding the actual location of this property and more information will be forthcoming. Winton stated that an Emergency Management Coordinator needs to be discussed. Neil Stackhouse is moving and his backup, Ron Minnich, does not have the time to devote to the position. Fire Chief, Randy George, has submitted a letter of interest. Winton suggested instead of one person having a board or committee. The Chief stated that he was told that it is not recommended that the coordinator be the Fire Chief or the Police Chief

because if an emergency were to take place, those people will be busy with their own people.

5. Zoning and Planning – Sandra Lockard reported that the ordinance was discussed. The research lab and similar experimental testing, they suggested a more detailed description of what they can do and include a specific amount of a setback. (page 14, #42). They also suggested extending the Town Center the full length of Broadway. Planning recommended updating the SALDO, which has not been done since 1978. They have not passed the ordinance yet, but this is planning's recommendations. If major changes are required, the process of the ordinance will have to start at the beginning. Kerry suggesting getting an estimate to update SALDO and budget for those changes.

6. Parks and Recreation – Lewis Paulhamus reported the \$5,000 grant money that was received by the Park would be used toward the trail. Bill asked if this will start the trail or to do a study? Lewis replied that the Park does not need a master plan. Kerry suggested starting the trail instead of waiting for more grants to come. The park received a grant for sidewalks. The grant from the Green Knights will not turn over the grant money until the work for the trail has started. Nicole Weber has resigned from the Park Board because she is moving out of town and the Park Board would like the vacancy advertised. The September meeting will be held at the Borough Hall. Lewis received notification that the bathroom will be delivered the week of August 25. Kerry asked Council if they all had a chance to stop by the Rubenstein property by the Park. Kerry stated that they would like to cut some of the trees down and use some materials from the alleys to backfill and create a staging area for PennDOT in accordance with the Agility Program. The Vogues Concert this spring raised over \$6,000 and they would like to have the money put in three different line items for the budget for next year, \$3,000 for the spring concert in 2004, \$1,000 for the 2004 concert series and \$2,000 for covering the macadam where people sit. Lewis will accept the grant money on August 21, 2003.

7. Fire Company – Mitch Mogilski reported that the Fire Company had a meeting on August 18 and were informed that the truck will cost around \$270,000. They have a new member, currently on probation, Giberto Lugo. Responded to 11 calls in July and 76 year to date. Fire Company grants are available in the amount of \$2,500 to \$15,000 and ambulance corps grant in the amount of \$2,500 to \$10,000 are available through the State.

On motion by Peter Stinson to extend the meeting until 10:30 p.m. and seconded by Bill Pysher. Roll call vote taken. In favor: B. Pysher, P. Stinson. Opposed: K. Gassler, S. Lockard, W. Male, M. Mogilski, S. Lockard. Motion did not pass with a vote of 2-5.

Old Business

1. Hook Loader Financing (balance due \$39,323.85). Kerry stated that Council has \$36,000 set aside for the truck. Instead of financing he suggested because the PLGIT money is not generating much interest, the remainder of the money be taken out of the PLGIT reserve to payoff the truck. Every year at budget time, \$10,000 will be budgeted and in January the

\$10,000 will go back into PLGIT for the next four years. This topic will be on the September 2, 2003 agenda.

The meeting of August 19, 2003 adjourned at 10:00 p.m. due to the curfew.

Louise Firestone, Secretary / Treasurer