

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

The Council meeting of the Borough of Wind Gap on Monday, January 6, 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 Councilmen: Lewis Paulhamus, Sandra Lockard, Mitchell D. Mogilski, Sr., William Pysher, Peter Stinson and Kerry Gassler. Also in attendance were Mayor Kenneth George, Borough Solicitor, Len Zito, Borough Engineer, Ron Madison, and Borough Secretary Louise Firestone.

Approval of Minutes -

On motion by Bill Pysher to approve the minutes of the meeting of December 17, 2002 and seconded by Mitchell D. Mogilski, Sr. Roll call vote taken. Motion carried unanimously. (Correction noted: Sandra Lockard and Peter Stinson should have abstained since they were not appointed until 12/26/02 meeting).

On motion by Lewis Paulhamus to approve the minutes of the meeting of December 26, 2002 and seconded by Kerry Gassler. Roll call vote taken. Motion carried unanimously.

Approval of Expenditures -

On motion by Mitchell D. Mogilski, Sr. to approve the expenses in the amount of \$19,585.34 and seconded by Bill Pysher. Roll call vote taken. Motion carried unanimously.

Public Comment

1. Rick Keenhold asked what rules/guidelines Council would follow this year for voting at mid-month meetings. He asked what the emergency was for the Weeast payment. Winton explained that it is typical to pay all bills before year-end and the Borough has a commitment to pay Weeast according to a legal judgment. He added that Council must agree to vote on issues before the meeting and that was understood for the December mid-month meeting. Rick again asked if Council is voting on issues at the mid-month meeting? Winton replied that Council would not vote as previously set by resolution unless it is an emergency. Rick stated that he is disappointed in Bill Pysher's voting sequence and questions that he had for people who applied for the vacant Council seats. Rick stated that Bill asked Peter if he had been involved in the community and Peter had not been involved in five years, yet he was appointed to Council. Rick stated that he hopes Peter can think for himself and vote for himself. Peter responded by thanking Rick for his words of encouragement.

2. Chris Bruch, 108 A Street, Wind Gap. Chris offered to volunteer for the Borough in assisting John with snow removal. He possesses a Class A license and would use the Borough trucks. He submitted a resume and a copy of his license. It would be on call, as needed by the Borough. Kerry asked if there would be any impact to the Borough? Winton replied that someone should ride with a qualified driver. The Mayor added that during the past storms, the roads in Wind Gap have not been very clear. The Borough as a whole needs to improve in this area. **On motion** by Kerry Gassler to allow Chris Bruch to plow for the Borough on a volunteer basis (after he is approved) and seconded by Lewis Paulhamus. Roll call vote taken. Motion carried unanimously.

3. Mike Gassler. Mike stated that this Borough needs a Borough Manager like we need another tax increase. He asked if we are going to get another tax increase like last year? Winton replied no. Mike stated that Council is elected to make the decisions for the people, but the current Council asks the Solicitor all the time. The Borough is too small, Bath has a Borough Manager, but they have a population of 4,000, Pen Argyl the same way, but they don't have one now, and Bangor has a population of 5,800.
4. Roger Bet reported that The Vogues concert on March 15, 2003 has already sold 175 tickets. The ad book has generated revenue of \$700 in the first three weeks. If anyone would like to purchase tickets, they are available at Instant Replay. Winton asked if Roger has been making an accounting to the Borough Office? Roger replied that all the money that has come in has been turned over. Winton questioned the ad that appeared in the Express Times reporting that some of the money from the concert will help support the Pen Argyl High School Music Program. Roger explained that during the Sock Hop in the back, the music parents will be running a refreshment stand and any money raised from that stand will benefit their music program.
5. Paul Levits stated that under Winton's direction the Borough has established a database to identified all property owners in the Borough. Paul questioned why when the street department marked the curbs in the Borough and a letter was sent, it was sent to Paul's tenant. He asked what good is the database if mailings are being sent to the tenants of properties and not the landlords.

Paul stated that he missed the mid-month meeting in December and did not have the chance to ask a question about Waste Management. He stated that he remembers Mr. Smith saying that the money will be given to the Borough under the current permit. Nobody seems to know. Paul stated that he does not understand why during Mr. Smith's presentation, he would look to Mr. Zito for advice. Winton replied that Mr. Zito reviewed the agreement and it is a legal document.

Paul questioned what the agenda item under New Business regarding Wind Gap Municipal Authority was in regards. Winton replied that it has to do with appointing members. Paul asked if Council requested any input from the Authority? Winton replied no.
6. Lewis Paulhamus asked to discuss two items not on the agenda. The agreement with cellphones and the other is voting on issues at the mid-month meeting. **On motion** by Lewis Paulhamus to dissolve Resolution 2002-1 not allowing Council to vote at workshop meetings and change it to allowing Council to vote at workshop meetings and seconded by Kerry Gassler. Bill explained that the basis for passing the resolution was that Council does not have the Borough Solicitor or Borough Engineer at the mid-month meeting. Some topics that might be voted on during that meeting, Council really needs their opinion before making a final vote. Peter suggested making motions to table anything voted on pending advise from either the solicitor or engineer. He does not believe Council should not be unfairly restricted with a no vote meeting. Winton explained that there was a very good reason because Council had problems with being influenced into voting for things without Council having sufficient background and it got out of hand. Roll vote taken. In favor: K. Gassler, S. Lockard, L. Paulhamus. Opposed: W. Male, M. Mogilski, B. Pysker, P. Stinson. Motion did not pass with a vote of 3-4.
7. Kerry Gassler asked to add under Old Business, Nextel and to open any bids for the used equipment and the Oaten Building for advertising.
8. Mitch asked to discuss the PennDOT Agility Program. Winton stated that he put a note in Mitch's box regarding setting up a meeting with Bernie Corbett. Mitch reported that he spoke to PennDOT today

and everything is finalized. PennDOT thought the Borough already had the agreement, but it will be checked into and if the agreement has not been sent, it will be forwarded either today or tomorrow. Mitch was not sure why they are requesting a meeting because everything has been settled.

Solicitor's Report

1. Len Zito reported he has nothing independent to report that has not already been reported through his correspondence with Council.

Engineer's Report

1. Ron Madison reported that he corresponded to Collins & Maxwell, contractor for the Mechanic Street Inlets regarding paving the section of the street that was dug up. The weather does not look much better for this week, but the black top plants are closing up this Friday. He stated that they will be waiving some of the standard requirements for the temperature to allow them to pave this Thursday. Hanover believes it will be better to get the wearing course down now and not leave it exposed. Bill stated that Council received a complaint from one of the citizens about the equipment being parked in front of their house for quite a long time. Ron made the contractor aware of this and after this Thursday, the equipment will be gone.

Ron reported on the status of the park restroom. The plans were sent out, Labor and Industry gave approval with a few modifications because the specifications from the pre-cast manufacturer did not meet handicap accessible criteria. Ron received verbal approval from the Water Company, DCNR has approved the plans, but they need a copy of the agreement. Ron will go before the Wind Gap Municipal Authority on January 22, 2003 for their approval. Lewis asked when the advertising will be put in the paper. Ron suggested the bids be advertised on Friday, January 10 and Thursday, January 16 and then the day after the Authority's meeting a mandatory pre-bid meeting will be held to go over any questions or any changes that occur from the meeting. The bid opening would be scheduled for Friday, January 30, 2003 and Hanover could make a recommendation in time for the February 3, 2003 Council meeting. Council could award at the February 3 meeting, the agreements could be signed, the bonds could be in place, a notice to proceed could be mailed prior to the February 18 Council meeting and the 90-day construction period would end May 19, 2003. Ideally, the foundation and the utilities could all be prepped while the pre-cast building is being fabricated. The contract will include hydro-seeding of the ballfield to give it the best chance to have the seed take prior to games being played. Winton asked if Ron foresees any problem complying with the Authority's requirements. Ron replied that he spoke to Doug Hunsinger, Authority Engineer, on Friday and Doug indicated he had just received the plans and expected to review them last Friday and would have a letter out Monday or Tuesday. Ron would like to set up a meeting with John Zucal regarding incidental items such as: light switches in each bathroom or in the utility chamber and paper products used in the restrooms prior to putting the bids out. The facility will include three unisex bathrooms and one ADA bathroom. The plans include installing laterals for the existing restroom, the proposed restroom, the two kitchens which also includes two grease traps. The septic system will be undercovered, pumped out, filled with clean stone and abandoned. **On motion** by Bill Pysher to advertise this Friday and next Thursday and seconded by Sandra Lockard. Roll call vote taken. Motion carried unanimously.

Old Business

1. Part-time Police Officers. Mayor George reported that the candidates have been narrowed down to four. The Mayor, Bill Pysher and the Chief will set up interviews and bring back recommendations to

Council. Mayor George asked if Council still wants to hire two part-timers as originally discussed. Discussion regarding how many shifts are available during a week, the cost of hiring part-time officers, the fact that part-timers have full-time jobs elsewhere. The Borough currently has four full-time officers and one part-time officer. Civil service tests are valid for one year from the time of the testing. The last officer hired was hired in August of 2001 so the entire process would be required to hire another full-time officer. Hiring a part-time officer requires only the psychological test and a doctor's physical examination. The Mayor suggested considering requiring a physical obstacle exercise and even have all officers participate and pass a yearly physical test. Winton stated that the Borough is in need of establishing a program with input from other police forces. Peter asked what a timetable would be for these candidates. Bill suggested having this done by the workshop meeting.

On motion by Bill Pysher to recommend that Council be given the opportunity to vote on candidates if they are ready at the workshop meeting and seconded by Peter Stinson. Roll call vote taken. Motion carried unanimously.

Mitch asked what the options are from hiring from current part-time officers? The Mayor replied that they can apply for the job, but they have to take the Civil Service test along with other applicants.

2. Wind Gap Ambulance Lease. Mr. Zito reported that he spoke briefly to John Molnar regarding the ambulance lease. John is reviewing the lease and will respond to Len shortly. Mitch added that John Molnar will be calling Len tomorrow or Wednesday and Joe Dell'alba will have the paperwork finalized by then because Mitch spoke to him this afternoon.

3. Used Equipment Bids. The Borough received one bid for used equipment as advertised for public bidding. The bid received was from Michael Gassler. He bid on five (5) wooden chairs - \$15.00, six (6) plastic chairs - \$6.00, two (2) trash cans - \$1.00, Rollpac roller, 1,500 lbs. - \$555.00, Kera - 10 rubberized asphalt melter applicator walk behind - \$35.00, Airlessco sprayer model 3100 - \$25.00, weed wacker (Stihl) - \$10.00. **On motion** by Bill Pysher to accept Mr. Gassler's bids for the used equipment and seconded by Lewis Paulhamus. Roll call vote taken. In favor: S. Lockard, W. Male, M. Mogilski, L. Paulhamus, B. Pysher, P. Stinson. Abstained: K. Gassler. Motion carried with a vote of 6-0-1.

On motion by Mitchell D. Mogilski, Sr. to trash the remaining equipment. Lewis asked if the equipment could be offered to the fire company or ambulance corps. Mr. Zito stated that since the Borough has solicited bids and under the presumption that it has no nominal value, it can be donated.

4. Nextel and AT&T. Kerry asked Council what their wish is in regard to remain with Nextel or switch to AT&T. Bill confirmed with the Chief that most of the surrounding departments have the Nextel phone. **On motion** by Bill Pysher to stay with Nextel and give Kerry approval to negotiate a monthly plan with three, four or five phones and get rid of the pagers and seconded by Peter Stinson. Roll call vote taken. Motion carried unanimously.

New Business

1. Twins at the Gap. Winton stated that the Wind Gap Borough Planning Commission has recommended that the Subdivision be denied. Jim Preston, Attorney, Ms. Calantoni, and Scott McMacken, Project Engineer, were in attendance to answer any questions Council may have regarding the project. Scott reviewed the proposed plan. The 20 acre parcel property is located on North Broadway and is a wedge shape with 15 acres within the Borough boundaries and 15 acres in Plainfield Township. The project proposes 50 twin units or essentially 25 units together in the residential subdivision. Two roads would access the site. They are proposing a road to intersect with Constitution and a road to

intersect at Roosevelt and Eighth Street. This plan has been in the Borough for approximately one year. The Mayor expressed concern regarding the amount of water runoff from Route 33. Scott replied that stormwater was a major concern of this project from the beginning. The area is fairly steep and they have designed an internal inlet and piping system to run to a detention basin. A second detention basin is located south of the units, which picks up the majority of the units, the proposed roads, and drains the water into the existing system down Broadway which ties into Alpha Road where it will enter an existing cross pipe and drainage swale. The drainage has been reviewed by the Borough Engineer and the Lehigh Valley Planning Commission for Act 167 compliance. The plan does meet all the requirements. Ron stated that it is nearly impossible to investigate how ground water in the area may interfere with the springs, but it cannot be quantified. There is not guarantee that the ground water will have an impact one way or another. Bill asked if money could be put in escrow to see what happens with the spring water because of the development. Ron replied that there is nothing in the Borough regulations to require that, but they will have to enter into a developer's improvements agreement for all the public improvements that includes all the streets, the drainage pipes, and the detention basin. That bond is only released when the project is satisfactorily constructed to Borough regulations. New piping would be installed across Broadway, down Alpha Road to in front of GAF (there is an existing culvert) and that would be replaced. Winton stated that there are two springs that come out of the mountains and are they going to be intercepted. Their system will tie into the Roosevelt Street system. Winton believes that it will dry up one stream if it is diverted and it feeds wetlands. There is a second pipe that is behind the Candle Factory, will this be picked up in the other detention pond across Broadway. The water is a substantial flow and never dries up. He does not see how all the water can be controlled. Scott explained that the design is in accordance with all the requirements and criteria. He cannot give total assurance that it will not dry up completely, but he feels it will not dry up.

Rick Keenhold is an adjoining property owner and asked what the names of the two streams are? Winton replied they are two streams of the headwaters of the Bushkill Stream Watershed. Rick built on that property and there were no streams. He asked why we spent hundreds of thousands of dollars for stormwater management, when these people are willing to spend stormwater management for us at their own cost. He believes that it is a win-win situation. It will help Eighth Street and Roosevelt because some of the water will dry it up. Rick stated that if this project is not feasible how could the road to be built there be feasible.

Bill asked if this construction will be slab or will basements be built? Ms. Calantoni replied that they were hoping to have basements, but she is not sure if that may or may not be feasible. Bill stated that there are a lot of homes on Roosevelt that have water problems that are pumping water. Kerry asked who will be taking care of the detention basins after the storms? Scott replied that there will be a homeowners association. Winton has had previous experiences over the years and they do not hold up very long and before too long, the Borough maintenance people would be taking care of the property. Scott responded by saying that the Borough engineer has addressed that issue and correctly points out that any homeowners agreements or documents will be prepared by the developer's attorney and reviewed by the Borough Solicitor.

On motion by Lewis Paulhamus to extend their deadline from January 7, 2003. Mr. Zito explained that Borough Council is not involved in an extension. It is in the control of the developer and they can make that offer in writing.

Attorney Preston explained that they allowed the time to run in an effort to get the plan before Council. They realize that this is the first opportunity to review the plan. He has prepared an extension to Council and they are willing to grant an extension. Mr. Zito informed Council that Mr. Preston submitted a letter which states he law firm represents Manor Haven Corporation and they agree in writing to extend the Planning time through February 10, 2003. Council would have until February 10 to consider the presentation and deliberate the issues and to vote at a public meeting prior that deadline as to whether

Council will grant the waivers or deny the waivers based on the recommendation of the Planning Commission. Time does not permit any further presentation to the Planning Commission. Mr. Zito stated that this item would have to be voted upon no later than the February 3, 2003 Council meeting.

On motion by Lewis Paulhamus to accept the request for an extension and seconded by Bill Pysher. Roll call vote taken. Motion carried unanimously.

Suggestion made to invite the developer and representatives to the workshop meeting on January 21, 2003. Mr. Preston asked to speak about the zoning issue. Mr. Zito stated that he spoke to Mr. Preston's partner and he had asked Mr. Zito to look at that issue. Borough Council resolved formally to have Mr. Zito render a formal opinion. Mr. Zito added that he has received a letter from Mr. Broughal stating the position regarding the zoning issue.

2. 2003 Resurfacing and Microsurfacing Street Bids. Mitch reported that he distributed the street packages for this year. Mitch and Kerry sat with Bob Boyer and they were sent off to Hanover Engineering, Bob Mack. Bob Mack made suggestions to the bids. Everything is set to go out to bid. Mitch suggested awarding the bid, giving the contractor ten days to get the paperwork in line and the contractor would have 45 days to complete the project. Mitch stated that we will inform the contractor that the Borough will be assisting in removing millings because the Borough wants the millings. Mitch recommended receiving bids up until July 19 at noon and publicly read at a meeting on July 20 with anticipated award date of the Council's July business meeting, Notice to Proceed, ten days after that and the bids must be accompanied with a ten percent security, bidders must be pre-qualified by PennDOT. Question as to the fee for bid specs - \$15.00. Bill asked why do we have to wait until July? Mitch stated that last year the deadline was July 1 for property owners to complete curb work. Kerry stated having the award of the contract be June and they cannot proceed until after July 1. Ron suggested including a standard clause in the bid document that bids must be held for a period of 60 days. He encourages having this clause because if Council awards earlier in the year more bidders will participate and the Borough may receive better prices. It would lock the contractor into a price. Discussion not limiting contractor to 45 days, but a must be completed date to allow for any problems. Ron said to allow for a month of advertising time, pick a bid date, with an award date within 60 days and a Notice to Proceed will occur on July 1, 2003. The advertisement must run two consecutive weeks with the first no more than 45 days before the bid opening and the second cannot be later than 10 days prior to bid opening. Ron stated to put them out to bid in February, accept bids until March business meeting and open them and then award in April or May meeting, but be clear that work will not commence until July 1, 2003. Ron offered to assist with the dates.

3. Microsurfacing Male Road Bridge Area. Winton explained that during the last bridge inspection on Male Road, it was recommended that it should be sealed. There is evidence of rust because there is water going through the surface. If this is not done, the damage will show long after the maintenance agreement with the owners of the shopping center has ended. Kerry to contact Beers again. Winton replied that this is not a damage thing, this is a long-term maintenance project. The Borough would have to pay for the micro-seal. The maintenance agreement includes the owners paying for repairs, but to date no one has submitted a bid for the repairs. Ron asked if Borough has thought about putting it out for bid? Bi-state out of Easton does bridge work almost exclusively. The problem is the repairs that need to be done are small and so varied. They have to do with changing the course of the stream where it goes under the bridge, there is erosion and sediment. Kerry added that the Borough committed to secure the permits required. Winton asked if an estimate of cost could be figured for the bridge. Kerry asked if we are just taking care of the bridge or all of Male Road? Winton replied that the it is difficult to make a

decision without knowing the approximate cost. Kerry and Mitch to do the cost estimate and report back to Council.

4. Winton reported that he does not believe the two new council members have had sufficient time to review the planning board, civil service, park board and municipal authority appointments and is asking to table these items and address them at the mid-month meeting. **On motion** by Bill Pysher to table items D,E,F,G of the agenda and seconded by Sandra Lockard. Roll call vote taken. Motion carried unanimously.

5. Borough Manager Advertising. Winton stated that the reason this is on the agenda is the Borough News requires a month's notice prior to publication. Council did not receive a copy of the ad that was drafted. The ad costs \$135.00 for the Borough News. Kerry asked when Council decided that the Borough needs a Borough Manager. Winton answered that this has been discussed for a long time and if Council decides to have a Borough Manager it will need to be advertised. Kerry asked for details on the scope of responsibilities of a manager and if the feasibility study has been completed on the Municipal Authority and what is the hurry? Winton replied that advertising will have to take place for thirty days and then the applications will have to be reviewed prior to setting up interviews. The intent is put together a detailed scope of work for a Borough Manager. Peter stated that because we don't have any knowledge does not make it come any faster. Winton responded that there would be substantial savings. Lewis stated that because we don't have the money does not mean that we have to go after that right now. Winton said it will take the entire first quarter to get things going. Kerry stated that it does not seem feasible to stick all the money from Waste Management to salaries, but use some to complete projects. Council should set up rules and regulations for this money. Winton told Council that of the Boroughs who have Borough Managers feel that they pay for themselves with the grant money they secure for municipality. Kerry said in his opinion, the manager position could be a part-time position. Mitch stated that the landfill will be closed in 2006 so the job would end right there with a commitment of a salary of \$65,000 for a manager. Winton stated that the Pen Argyl manager was in line for \$50,000 this year. Mitch stated that he was hoping to put \$75,000 toward the hook ladder so the Borough would not have that expense. Mitch asked for the actual paperwork for the \$111,000,000 grant especially the Industrial Park. Winton replied that the application sat on the filing cabinet for months. **On motion** by Bill Pysher to table the discussion for the Borough Manager to the workshop meeting and seconded by Peter Stinson. Roll call vote taken. Motion carried unanimously. Peter requested having more information on the qualifications of a Borough Manager.

6. Police SUV and Scales. Winton reported that the commitment amount of \$35,000 from Waste Management for a SUV and scales appears to be too low to purchase the equipment necessary. Bill stated that he will speak with the Chief if he has any idea. Discussion to keep in mind that a radio, a light bar has to be included in the price. The state contract will have to be checked into and possibly local dealers price. A police officer would have to be trained. The scales would have to be calibrated once a month. Bill suggested that we might get into an agreement with Bushkill or Plainfield. Mitch believes that in 1998, the cost of the scales was \$38,000. Winton thought the cost for the SUV and scales was approximately \$50,000. This item to be researched.

7. Full-time Police Officer Advertising. The Mayor stated that to hire a full-time officer will have to be hired through the Civil Service Commission. Winton asked if this is something to be done now or wait until

later? The Mayor suggested hiring the part-timers and once that happens to consider beginning the process of hiring a full-time officer. Currently serving on the Civil Service Board is Cathie Yob and Dave Saveri. Discussion to look into a possible COPS Grant.

Executive Session. Council adjourned to Executive Session at 9:40 p.m. to discuss CVS Zoning Litigation. Council reconvened at 9:44 p.m.

On motion by Kerry Gassler to have Mr. Zito attend the Zoning Hearing Board meeting to give defend the Zoning Ordinance and seconded by Lewis Paulhamus. Roll call vote taken. Motion carried unanimously.

On motion by Mitchell D. Mogilski, Sr. to adjourn the meeting of January 6, 2003 and seconded by Peter Stinson. Meeting adjourned at 9:45 p.m.

Louise Firestone
Borough Secretary