

**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, January 21, 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., William Pysher, Peter Stinson, and Kerry Gassler. Also in attendance, Mayor Kenneth George and Secretary/Treasurer Louise Firestone.

Approval of Minutes

On motion by Peter Stinson to approve the minutes of January 6, 2003 and seconded by Kerry Gassler. Lewis questioned if Peter and Sandra could vote on the December 17, 2002 minutes because they were not appointed until December 26, 2002. Mitch stated that on page 3 under Old Business, the Mayor stated that Council had already voted on hiring a full-time officer and in fact Council had never formally voted on this issue. Mitch requested that this sentence be struck from the minutes. Roll call vote taken. Motion carried unanimously.

Public Comment

1. Roger Bet asked if the Borough received the Certificate of Insurance for The Vogues concert on March 15, 2003? Winton confirmed that the request was made to the insurance company, but he would follow up tomorrow. Roger submitted a letter of interest from a resident who would like to be appointed to the Park Board.
2. Tom Knitter, 34 South Lehigh Avenue. Tom asked if something was being done with the light at the intersection of South Broadway and Male Road. The northbound turning light is green and the northbound light is green, but once the turning arrow turns red the traffic heading north on Broadway also has a red light when it should not and it backs up traffic past the pharmacy. Winton replied that a repairman had been called and he informed the office that it appeared as if the timing of the light had been changed. The Borough office placed a call to the company to repair the timing.
Tom thanked Kerry and the Street Department for salting the ice patch on Lehigh Avenue. He stated that the water is being pumped out at the corner of Center and Lehigh and freezing up on the road making a hazardous condition. Tom explained that when the issue had arose in the past, Mr. Zito said it is the responsibility of the homeowner who is doing the pumping. Tom suggested pumping the water into the alley. He asked that this area be looked at that next time stormwater projects are being considered.
3. Sheldon Johnson, 157 West Eighth Street. Sheldon said that a sump pump puts water on the street at the corner of Eighth Street and it freezes. He asked if the snow plow drivers

know where the curbs are because they always plow four feet away from the curbs. He said years ago the entire street was plowed, but now there are only sections of the street that are plowed. Kerry stated that he will mention this to John Zucal. Kerry suggested compiling a list of property owners who are pumping water.

4. Roger Bet, 20 Fairview Avenue. Roger asked if the new property owners on Park Avenue and 512 could be informed not to plow the snow forward to Route 512. They plow their own snow and have been plowing it and creating a hazardous condition around that corner. Chief Armitage to stop and talk to them.

Committee Reports

1. EMS – Tom Knitter reported the Ambulance Corps had 53 calls in December. Their yard sale scheduled for Saturday, January 18, 2003 was cancelled due to the cold weather. They intend to reschedule in the middle of March and will inform the office of the new date. They are still accepting goods for the sale. Thanked the Borough for keeping the Ambulance parking lot clean of the snow

2. Police – Bill reported that the Mayor, the Chief and himself will be interviewing four applicants for the two part-time police officers positions on Tuesday, January 28, 2003. They hope to be able to make a recommendation to Council at the February 3, 2003 Council meeting. Bill has not received any correspondence from the neutral arbitrator regarding the police contract. The last correspondence was right before Christmas. When the contract is settled the police officers will be paid retro back to January 1, 2002. The money was put in escrow out of the 2002 budget

3. Streets – Mitch reported that he spoke to Ron Madison and Bob Mack regarding the advertisement of street paving bids. Mitch recommended to Council having the bids due on February 14, 2003 at 1:00 p.m., publicly read at 2:00 p.m. with an anticipated award date of February 18, 2003. The bid package will cost \$15.00 per set and Mitch suggested advertising on January 23 and January 31, 2003. Mitch stated that he would make this in the form of a motion. Winton advised Council that the office received updated information from the Borough Association in the mail today and it would appear that Council cannot vote on any issues at a workshop meeting. There is a court case that is referenced in the book and making it not acceptable to vote on issues at workshop meetings. Mr. Zito has been contacted and until he is heard from, Winton feels that Council should not vote tonight, but set a date for a special meeting. The meeting was set for Saturday, January 25, 2003 at 1:00 p.m. Winton asked if a decision had been made on the bridge on Male Road? Mitch replied that the Borough would

micro-surface from the traffic light back to the Borough line. Kerry will be receiving an estimate from J. H. Beers and Bi-State in Easton for the repair work to the bridge. The Borough will be responsible for securing any permit necessary. Discussion about not having a contract with the State to purchase salt or anti-skid and the need to purchase more because of the number of snow falls. Kerry reported that SMF suggested bidding the hook loader truck out before the end of March or the Borough may not be able to order one this year. PennDOT would have use for a bucket truck through the recently signed Agility Program with the Borough. Kerry suggested building a basin in the wetlands at the Park off the service road with a pump so there is no sediment. When a municipality or PennDOT has a paving project they are in need of water and the wetlands may be a source of water for them. Winton suggested that the Borough could contact Mike Goffredo and ask his permission to pump water out of the quarry at MSG. Selling water may be considered a commercial enterprise so this would have to be looked into prior to further discussion. Kerry offered to contact the Army Corp of Engineers regarding pumping water out of wetlands.

Tom Knitter asked if it would be feasible to send a letter to the property owners who are pumping water onto the streets to notify them that the person pumping water onto the street is responsible. Winton replied that the Borough could send letters to all who are identified. Chief Armitage to provide a list to the office. Roger Bet suggested putting a notice in the newsletter.

4. Finance and Administration – Winton reported that the Archive software program would be upgraded on Tuesday. The Borough Auditor will be in to do the audit tomorrow and Thursday.

Winton stated that Kerry had requested to be relieved from his duties as liaison to the Sewer Authority. Winton asked Lewis to accept the position. Lewis declined this appointment. Winton to appoint another member.

5. Zoning and Planning – Sandra had nothing to report.

6. Parks and Recreation – Lewis reported that the Park Board is receiving proposals for the installation of two steel doors for the kitchen. They ordered topsoil, spent from last year's budget. The Board order spring toys scheduled to be delivered on February 6, 2003. Lewis stated that these would come out of last year's budget. Treasurer informed that with the exception of the topsoil which was purchased last year and the invoice was received and processed last year. The spring toys will be coming out of this year's budget. The Park's capital equipment budget line item was over budget last year. These items were ordered this year, with the bill receiving during the year 2003 so the funds would come out of this year's budget. Lewis questioned if the doors would come out of last year's budget? The same is true for the doors, they were ordered this year and will be charged to this year's budget.

Roger questioned why when the state inspectors came during the Firemen's picnic last year and cited deficiencies in the kitchen, Council is not addressing these issues. The park budget was cut back from what the Park Board proposed. Winton replied that it was the understanding of Council that regular improvements were being made that would satisfy the inspector. The Borough is installing the grease trap and sewer line this year. Kerry stated that these were not part of the inspection report. Mitch added that a new sink would be installed this

year. The hood should be installed as soon as possible because of the safety factor. Roger asked about budget items of \$8,000 and the \$5,000 given by Commonwealth Telephone Company for improvements. Winton replied that the \$5,000 was not a gift to the park, the park belongs to the Borough and they used Borough property to install their line so the money goes to the Borough not specifically the park. Roger stated that it is ridiculous to spend \$125,000 to put in four toilets in the park. Winton replied that the bids are not in yet.

7. Buildings and Grounds – nothing to report.

8. Fire Company – Mitch reported the Fire Company had 155 alarms during the year 2002. They have a new member, Kyle Riener who is attending fire school. The purchase price of the new fire truck will be \$252,000 to \$300,000. The Ladies' Auxiliary is holding a hoagie sale on February 28, 2003 anyone interested can contact Mitch to place their order. The Fire Company will be having their annual Chinese Auction in April. Bill asked how much money is in the Fire Company's truck account? Mitch replied that George Hinton, Treasurer, was not at last night's meeting.

9. Sewer Authority – nothing to report.

10. Insurance – Winton will check endorsement for concert.

11. Land Use Committee – Winton reported the committee will be meeting on Wednesday, January 29, 2003 at 7:00 p.m. He invited all Council to attend.

12. Mayor's Report – Mayor George reported the Contractor License income for December 2002 was \$25.00 for a total of \$2,100. Amusement license income was \$525 for the year, making a total income of \$2,625.00. Everyone received a copy of the Police Report. The Mayor summarized the report by reporting the police responded to 135 calls, 15 motor vehicle accidents and wrote 19 traffic citations. Council received a list of totals for the year. Slate Belt Municipalities Re-organization Meeting was held. The next meeting is scheduled for February 19, 2003 at 7:30 p.m. at Washington Township when they will discuss the COG. Bill asked if all members of SBMA are in favor of the COG? The Mayor replied that they are in support of it, but necessarily don't want to put money into it. They hope to have the COG functioning in the next few months.

Old Business

1. Twins at the Gap. Jim Preston, attorney for Manor Haven Corporation the developer and

Scott McMackin, the project engineer were in attendance. They recapped the plan again for Council. The project is 50 unit twin residential units located on a 20 acre parcel from Broadway to Eighth Street, 15 acres in Wind Gap and 5 in Plainfield. All the units will be built in Wind Gap. Scott reviewed the road development to include tying into a four legged intersection at North Broadway and Constitution Avenue and another intersection at Roosevelt and Eighth Street.

Sheldon Johnson asked where the water from Route 33 would go? Are the retention ponds designed to handle that water or only the water from the new development? Scott replied that the retention ponds are designed to handle some upstream off site area. Sheldon stated that by clearing the land the woodland will not absorb the water and this will be disturbed and directed into the retention basins. Scott stated that the basins are designed according to all of the Federal, State and local requirements. Stormwater management has to include off site areas.

Tom Knitter asked the size of the cul-de-sac? Scott replied that the cul-de-sac has a radius of 40 feet so it has diameter of 80 feet. Karen Skorochood stated that it is a similar design as the elderly apartments, and if a structure fire would occur the area would not be able to handle the emergency vehicles. Scott stated that there would be private driveways into each of the units.

Rick Keenhold asked if they were going to eliminate one of the retention ponds. Scott replied that the one pond will be enlarged during construction based on the calculations for the temporary erosion control.

Leroy Albanese asked if these units are rental units? Scott replied that they will be sold and a homeowner's association will be formed for the maintenance of the retention basins.

Sheldon asked if approval has been granted for the realignment of Constitution Avenue running out to Roosevelt. Scott said they have submitted to PennDOT and a preliminary review has taken place, but the PennDOT engineers are reviewing for technical details.

The Wind Gap Planning Commission has not recommended this plan for approval. There are several deficiencies with regard to outside agency approvals that have not been received to date. The Commission did recommend waiving two issues.

Peter asked if they would have all approvals prior to the February 3, 2003 Council meeting? Scott replied that all approvals would probably not be received by that date.

Chief Armitage asked if PennDOT suggests installing a traffic signal at North Broadway and Constitution? The potential traffic does not warrant a light.

Discussion regarding the amount of vehicles at each unit and the potential for traffic congestion.

The unit will have a garage and driveway able to handle two vehicles.

Jim Preston reminded Council of the issue relative to the zoning ordinance. The twins will have a lot line running through the unit. A tentative ruling has been issued, that the zoning ordinance requires a setback for property lines. The Zoning Officer is interpreting that literally, which means the twins which are permitted in this district, could not be built anywhere because it would have to be setback twelve (12) feet from the property line and the units would have to be separated. Mr. Preston is hoping to resolve this issue prior to the February meeting.

2. Wind Gap Industrial Park Intermunicipal Agreement. Winton stated that Mr. Zito advised that there would be no problem voting on this issue tonight because it is only clarification in the

language of the agreement that has already been approved by both Plainfield Township and Pen Argyl. Council decided that this issue would be voted on at the special meeting on Saturday.

3. Planning Board Appointment – to be voted on at the special meeting on Saturday.
4. Civil Service Appointment – to be voted on at the special meeting on Saturday.
5. Borough Manager. Lewis asked if this topic could be put on hold. Winton would like to appoint a committee to work on this to discuss the factual information. Winton to put a committee together.

Roger asked if the Park Board appointment would occur. Winton stated that it has been put off temporarily. There has been a suggestion to reduce the Park Board to five members. Roger stated that we went through this last year. Peter stated that prior to this meeting Council had only six volunteers there was no seventh volunteer. Let's get some letters in. Rick stated that his name was on there, but he was removed and that's why we are in court fighting over it and technically I am still on there. Roger stated that he would work with seven people rather than five because if one is absent you are down to four.

6. Advertisement for Sale of Police Car – to be voted on at the special meeting on Saturday.
7. Wind Gap Ambulance Lease – Mitch asked the status of the lease? Winton replied that the revised lease was received and distributed to Council. Kerry stated that the Ambulance Corps Board of Directors did not meet yet. Mitch stated that everyone should have received a copy of the minutes where it states that the figures proposed and agreed upon by Council is the current figures used in the lease. Kerry explained that those figures were used during the presentation as an example, but Council never voted on this issue. The Ambulance Trustee Board meets tomorrow night.

8. West Seventh Street. Kerry stated that in 1952 part of West Seventh Street was ordained. In 1982, Ordinance 319 ordained the rest of West Seventh Street. Kerry had a map drawn Gordon Wilson, Survey for the Borough, showing what the road is suppose to look like. Kerry said Len Zito gave Council the option at one meeting that it was not ordained right. Ordinance 319 was signed by Ralph Wagner, Secretary, Tom Bavaria as President, George Andrew as Mayor and Kerry does know what is wrong with it. Mr. Albanese wants Council to accept it. Winton stated that it was his understanding that it was never properly approved and registered at the County. Leroy asked why it is believed that this was not registered properly? Winton replied that Mr. Zito stated that. Leroy replied that it not what Mr. Zito said. He said the property owners were not notified in writing. Leroy was the owner, and Valerie Fashion, which has not been around for a long time were the only owners. Leroy stated that the Borough collects fuel taxes. Winton replied that the money from fuel taxes will not be enough to pay to put a road in there. Leroy stated that he is not asking for a road to be put in, just ordain it. Winton asked why ordain it? Leroy says it is ordained and he just wants it dedeed. Leroy stated the West Seventh Street has a business that brings in more money than anybody as an

individual, but it is not even serviced, it is not plowed, it is not corrected, it is not repaired. Bill suggested putting this on the February 3, 2003 agenda. Sheldon asked if it would be a conflict of interest because Winton's property is on the south side of the street. Winton replied that the street would not go to his property. Bob Hahn asked if Winton could call Len tomorrow? Winton to call Len and have him prepare this topic for discussion at the February meeting.

New Business

1. Borough Auditor Appointment – to be voted on at the special meeting on Saturday.
2. Resolution 2003-1 - Inclusion in Lehigh Valley Co-op – to be voted on at the special meeting on Saturday.
3. Curb Replacement - Fees Waived – to be voted on at the special meeting on Saturday.
4. Oaten Building Renovation Specs. Winton asked what the intention is for the Oaten Building. Kerry replied that it was discussed to improve the appearance of the building. The bids should be itemized so Council can choose what repairs are to be done. Kerry asked that a copy of the sketch of the proposed repairs be distributed to Council. Kerry to ask Mr. Hontz if his bid is itemized for each particular repair, per window, per door, etc.

Bob Hahn questioned if the auditor can do the work prior to appointment. Winton asked if he is alleging that the auditor is coming illegally. This is a continuation of a professional service and they do not have to be re-appointed. Winton will confirm with Mr. Zito tomorrow.

On motion by Kerry Gassler to adjourn the meeting of January 21, 2003 and seconded by Sandra Lockard. Roll call vote taken. Motion carried unanimously.

Meeting of January 21, 2003 adjourned at 9:15 p.m.

Louise Firestone, Secretary / Treasurer