

**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, July 7, 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: Sandra Lockard, Mitchell D. Mogilski, Sr., William Pysher, Peter Stinson and Kerry Gassler. Also in attendance were Mayor Kenneth George, Borough Solicitor Len Zito, James Milot representing Hanover Engineering Associates, and Secretary/Treasurer Louise Firestone. Absent Councilman Lewis Paulhamus.

Approval of Minutes -

On motion by Kerry Gassler to approve the minutes of the June 12, 2003 meeting and seconded by Sandra Lockard. Roll call vote taken. In favor: K. Gassler, S. Lockard, W. Male, M. Mogilski. Abstained: B. Pysher, P. Stinson. Motion carried with a vote of 4-0-2.

On motion by Mitchell D. Mogilski, Sr. to approve the minutes of the June 17, 2003 meeting and seconded by Peter Stinson. Roll call vote taken. In favor: S. Lockard, W. Male, M. Mogilski, P. Stinson, K. Gassler. Abstained: B. Pysher. Motion carried with a vote of 5-0-1.

Approval of Expenditures -

On motion by Bill Pysher to approve the expenses in the amount of \$41,189.43 and seconded by Winton Male. Mitch questioned Hanover Engineering's bill, June 26 Streets, \$690.34, what was this in regards to? Jim replied that he believes that part of the invoice had to do with the stop signs research. It could have to do with compiling historic data from PennDOT related to the traffic studies at South Broadway and Third Street. Kerry questioned the check for Faith Alive Ministries and the fact that the Borough does not charge non-profit organizations to rent the Park. The money was a security deposit for use of the kitchen, which is charged regardless of profit status. Mitch stated that the Park tube slide was never reported to Council. He asked where that expense would come from in the budget. It was explained that it would come out of Capital Equipment. Capital Equipment is \$201.00 over budget for the year. Roll call vote taken. Motion carried unanimously.

Public Comment

1. Patricia Sutter, Borough Tax Collector, informed Council that the Borough currently has an Occupation and Per Capita Tax for every resident. In the past, the School Tax Assessor updated all the records as far as occupation. The School District did away with the occupation tax so they will not be updating the records anymore. Pat suggested Council do away with the occupation tax and keep the per capita tax. In the year 2002, the Borough collected approximately \$5,200 in occupation tax. Council to discuss this matter.

2. John Barto, representing the Wind Gap Municipal Authority. John explained how he got on the Authority. He was appointed to the Authority in 1995. He is a businessperson and property owner since

approximately 1985. Back in 1995 he was approached by a few councilmen who thought Mr. Barto had some expertise in business and could lend a hand to join the Municipal Authority. He was informed that the Authority had some problems like mismanagement, high rates, tractors missing, the call out pay was for four hours no matter how long the job actually took. John Barto replaced Mr. Keenhold on the Authority in 1995 and then re-appointed in January 2000. John keeps up with the Borough by receiving Council minutes by e-mail. He believes that when he was appointed to the Authority, Council was his boss and ultimately had to report and respond back to Council. He believes that the Authority has responded to the call of performance. He distributed a rate sheet that reflected rates from 1994.

Councilman Lewis Paulhamus arrived at 7:42 p.m.

	EDU Charge*	Consumption**	Well User***
1994	\$48.75	\$5.40	\$115.00
1995	\$43.50	\$5.10	\$95.00
1996	\$43.50	\$5.10	\$95.00
1997	\$43.00	\$5.10	\$95.00
1998	\$43.00	\$5.10	\$95.00
1999	\$43.00	\$5.00	\$95.00
2000	\$42.00	\$5.00	\$95.00
2001	\$40.00	\$5.00	\$95.00
2002	\$40.00	\$5.00	\$95.00
2003	\$35.00	\$5.00	\$90.00

* Quarterly charge

** Charge per thousand gallons

*** Quarterly charge

John emphasized that Council and the Municipal Authority have to come out with a win / win situation. Council has to inform the Authority what they need and sit down to have a meeting to discuss the issues. John said that it has been reported that because the cost of administration of the Authority is so high, Council decided to take it over, but he does not think that is true. He asked Council how Council could run the Authority more efficiently? He gave Council a copy of the compensation of the Authority board members and the administrator.

	<u>2001</u>	<u>2002</u>
Russell W. Dieter III, Chairman	935.00	920.00
Paul Levits, Vice-Chairman	1310.00	1160.00
Ronald DeCesare, Treasurer	1140.00	1255.00
John Barto, Jr., Asst. Treasurer	0.00	0.00
Thomas Knitter, Secretary	900.00	825.00
Brian Thompson, Assistant Lines	870.00	825.00
Richard Keenhold, Assistant to Chairman	1415.00	1205.00
Robert D. Hahn, Administrator	<u>29200.00</u>	<u>30134.00</u>
Total Compensation	<u>35770.00</u>	<u>36699.00</u>

He stated that he knows that these numbers are accurate because these numbers are turned over to the board to be voted on every month. He doesn't know where the figures of \$60,000 to administer the Authority came from as reported in the newspapers. He said that he would be pleased to work with Council, as would other members of the Authority if Council could show the members where the Authority is doing a bad job or is a detriment to the community. Council needs to show the Authority what they are doing wrong instead of spending money on attorneys to discuss these issues. John stated that he does

not take any compensation and if he outlives his usefulness he will be happy to go. He does not want to mismanage the system.

John stated that no one from Council wants to sit down and talk. The Authority saved thousands of dollars when they refinanced the note because of the cheaper interest rates and for that reason they are being crucified. The Authority picked a committee of John Barto and Russell Dieter to sit with representatives of Council to discuss these issues. The Authority asked for a meeting with Council in a written request in June of 2003. The response came from Borough's Counsel stating that he would be the one speaking on behalf of Council. The Authority was under the impression that Council was going to pass a resolution to take over the Authority and they hired a consultant in 2002. John distributed a letter dated June 24, 2002 outlining the steps for taking over the Authority, which he stated were not in the resolution that was recently adopted by Council. He stated that it is not as easy as taking the Authority's money and putting it in a Council bank account. John said he knows what is not good for the people of Wind Gap is spending all kinds of money on attorney's fees.

Bill stated that this pre-dates the present Council, but the Authority initiated the lawsuit against the Borough because Council was not paying the \$7,000. John replied that a resolution was passed in 1968 by Council to pay on a note of \$7,000 a year. This only came into play when the Authority decided to refinance the note. John stated that the Authority asked for a meeting when Council voted not to pay on this refinanced note. There has been no meeting to sit down and Council has never responded. John Molnar added that all the information requested has been turned over. There has to be a win / win situation when it comes to other people's money. Bill asked how much is the bond? John replied that there \$2.9 million had to be borrowed from PennVest because no one ever put money in Capital Reserve. John Molnar replied that the 69 bond was the total fees, but the PennVest is the real liability. That information is in the yearly financial report that the Borough receives. It has not been filed this year, but the accountant is working on it. Mitch replied that a couple years ago, three members of Council, Dave Laubach, Robert Weber and Mitch Mogilski did sit down with three members of the Authority. Dave Laubach suggested paying \$5,000 a year, but the Authority slammed the door on that idea because they wanted \$7,000 and they were unwilling to talk about it. Now everyone is eager to talk about it, why? John Molnar stated that he understands that there were discussions and the Authority came back with reducing the number of years. He stated again as he did three months ago, that the litigation needs to end. This semi-annual payment issue needs to be resolved and that has been his recommendation to the Authority. There needs to be a lot of discussion. John Barto stated that if there was a misunderstanding following that meeting, he apologizes. He will be one of the people on a new committee and these discussions will be held honestly and fairly. John stated that he does not like to get involved with politics because he could lose customers because his interest.

Winton stated that since he started on Council in 1998, he has not seen any intent to co-operate or even to be reasonable or decent on the part of the Authority. They have stonewalled ever request and this has been talked to death. Kerry reported that he when he was the liaison; he delivered the monthly report along with the financials and the audits. Winton replied that the Borough has legal representation and Council feels that a take over would eliminate an unnecessary level of government. The savings from the Authority would help in hiring a Borough Manager and run this Borough the way it is suppose to be run. John replied that this has not been proved yet. The only way to solve the problem is to sit down and talk this out for the good of everyone involved. Why is Council afraid to sit down? Because it might go away.

The Mayor stated that this has been going on for over two years. It has never been resolved and now we are beyond that. He agreed with John that Council is the Authority's boss. He gets the impression that the Sewer Authority does not feel that Council is the boss. Council created the Authority and made them an operating authority. Council is still in charge because the people elect them. It is not who is right or who is wrong, but who is an authority and who is going to make the final decision. The Authority is underneath the Council. John stated that Council appoints every year and he does not see

changes to the Authority. If Council does not like members, why are they still there?

Kerry said that everything in business is negotiable. Winton replied that if everyone on the Authority had all these wondrous feelings about the Borough, why don't they just accept this and make it an easy transition. John said he feels that Mr. Male could not do a better job. Winton replied that he has no intention of running the Authority. John stated that he does not see facts at this point that Council could do a better job, because he feels it is bad for the community.

On motion by Kerry Gassler to form a committee to discuss any Authority matters, the takeover, the \$7,000 issue and seconded by Lewis Paulhamus. Roll call vote taken. In favor: L. Paulhamus, P. Stinson, K. Gassler, S. Lockard. Opposed: M. Mogilski, B. Pysher, W. Male. Motion passed with a vote of 4-3.

On motion by Peter Stinson to resolve to appoint Winton Male, Bill Pysher, Mayor George and Borough Solicitor, Len Zito to form a committee and sit with John Barto, Russell Dieter and Municipal Authority Solicitor, John Molnar and seconded by Sandra Lockard. Roll call vote taken. In favor: B. Pysher, P. Stinson, K. Gassler, S. Lockard, W. Male, M. Mogilski. Opposed: L. Paulhamus. Motion carried with a vote of 6-1.

Mr. Zito to co-ordinate the meeting with Mr. Molnar. John Barto stated that Wednesday mornings are tough for him and requested a neutral meeting place.

3. Mike Gassler, 220 Constitution Avenue. Mike stated that in 2001, Council approved a 21% tax increase, what are you going to do this year because budget time is coming up shortly? He said that the unallocated fund is not reflected in the newsletter. The newsletter contains all the Borough funds as listed under General Funds, Capital Reserve and Liquid Fuels. Mike suggested confiscating land in lower end of town and making a second road going out of Wind Gap, which could be Washington Street or Lehigh Avenue.

4. Pat Sutter asked about the speed limit being reduced on Broadway. Mayor George checked with PennDOT and they cannot use the speed limit to control traffic. PennDOT indicated that they are satisfied with the speed limit going through town. It would take an extraordinary condition for them to lower it from 35 to 25.

5. Joann Curcio asked that the Mayor of Bangor be contacted because they reduced the speed limit on 512 to 25 m.p.h. The Mayor replied that it was reduced because of two conditions. One was the hill and the other was at the bottom of the hill either a sharp right or sharp left must be made. She said that the Fire Department and the Police Department worked together to lower the speed limit for the safety of the Borough. The Mayor replied that lowering the speed limit is not the way to go.

6. George Hinton. George thanked Jaid's for donating rolls and Kerry Gassler for helping with the food. The Fire Company had a very successful picnic. He changed the rides to be set up in the parking lot and that seemed to work better without tearing up the fields. He would like response favorable or opposed for setting up the rides in the parking lot for next year. The Fire Company appreciated all the support. The inspector returned for a follow up to last year's inspection. She was pleased that a three bowl sink, stainless steel table and the hood had been cleaned. She had a few minor written infractions. Peter suggested having the fireworks earlier in the evening so the children would still be awake to enjoy them. George left a list of the raffle ticket winners.

7. Robert Buskirk reported that he contacted the State Police to patrol upper Broadway for speeding.

Mr. Buskirk had previously informed the Mayor that the State Police needed permission from the Borough to patrol. The Mayor stated that the Chief did contact the State Police and gave them permission, but the State Police replied that the Borough should not expect them to enforce the speed limit.

Solicitor's Report

Len Zito stated that he has nothing independent to report.

Engineer's Report

Jim Milot referenced the July 3, 2003 correspondence. Council requested Hanover Engineering research the possibility of installing stop signs at the intersection of Center Street and Fairview Avenue, Alpha Road and Alpha Avenue and Seventh and Utica Avenue. The intersection of East Center Street and Fairview Avenue is currently signed in accordance with guidelines established by PennDOT, Chapter 201, Stop Sign Warrants. Unwarranted stop signs can actually increase mid-block speeds and create additional concerns. If Council wants to address that intersection, and traffic calming along East Center Street is the objective, there are several visual and physical alternatives available to achieve reduced roadway speeds. Jim suggested lining the street with marked yellow lines. The perception of the road narrowing down, will decrease the speed of the vehicles. Speed tables, which are elevated for ten to fifteen feet, are commonly used. More posted speed limit signs and higher visibility of enforcement would also help in reducing the speed. These suggestions would not be expensive in implement and may be effective. The Chief provided a memo to Council suggestion changing the stop signs from north / south to east / west. A four-way stop sign would only be warranted by volume. Currently, Jim does not feel that the intersection has the volume. Bill suggestion that through the Agility Program of PennDOT, the flashing speed sign be used.

The intersection of Alpha Road and Alpha Avenue is a three-way "T" intersection of a designated collector street with stop control along the minor street approach of Alpha Avenue. Visual inspection of the roadway indicates the intersection is currently signed in accordance with PennDOT's guidelines. The introduction of a stop sign along Alpha Road would conflict with the intent of a collector roadway and may actually increase risk to the motoring public due to the existing horizontal alignment of Alpha Road. Hanover recommends traffic calming along Alpha Road, roadside grading/removal of vegetation restricting sight distance along Alpha Road (between Fairview and Alpha Avenue); heightened public awareness and enforcement of the 25 m.p.h. speed limit along Alpha Road; possibly make Fairview and Alpha one way only west from Alpha Road (to the first set of driveways). Council has to be cautious while trying to fix one problem and creating a more hazardous condition. Bob Matlock stated that he was a mechanic in the body and fender business for many years and head investigator of an insurance company. He stated that a rear end collision is not as detrimental as a broad side collision. Jim stated that he is not informed of the accident history of that intersection and there are specific criteria in making changes to traffic control based upon a safety history. There needs to be five accidents per year for a three-year period. The Street Committee will address this issue and they will communicate with him. Further discussion will be needed on this issue.

The intersection of Utica Avenue and East Seventh Street is a three-way "T" intersection of local streets. It is Hanover's understanding that Utica Avenue, south of the intersection is an unordained gravel paper street. Stop signs could be posted but the stop may be unwarranted on an unordained street. Council could place signage as appropriate. This should be discussed with the Borough Solicitor. Mitch stated that East Seventh and Utica was ordained several years ago. Kerry corrected and stated that according to Ordinance 391 – it was from Park to where Mike's Transmission and does not go up the whole way.

Jim reported on the information gathered from PennDOT regarding the traffic count at South Broadway and Third Street. The reported volumes were from a 12 hour traffic volume – 6:00 a.m. – 6:00 p.m. Older reports seemed to indicate a higher volume, but were actually done over a 24 hour time period.

Date	NB 512 Broadway	SB 512 Broadway	WB 3 rd Street
5/83	5,519	5,109*	1,229
8/83	5,464	6,275	543
11/85	5,735	5,639	584
4/89	6,354	6,494	347
1/03	6,586	6,656	496

*data missing for a 1 hour interval

A capacity analysis needs to be done because motorists know that they will get their turn at a light. With the exception of data compiled in 1983, it appears traffic growth along Third Street prompted motorists to find alternate access points to S.R. 512/Broadway. The most recent traffic volume count indicates volumes continue to increase on Third Street, and as the alternate access points to S.R. 512/Broadway become congested additional delay and driver frustration may result in increased accidents at all access points to S.R. 512/Broadway. Bill asked what the threshold for a light? Jim replied that over 8 hours, 75 per hour at the side street. The recent count, was averaging 50 cars. When smaller segments are counted, peak hour, the volume is more, but you only have to meet it in one or two hours. Hanover Engineering provided the Borough with a proposal to conduct traffic signal warrant in 2001. Winton suggested having Hanover provide that quotation to do a proper survey. Jim would provide a proposal based on a one-way street study or just doing surrounding street intersection counts. PennDOT requires traffic counts to be performed on Tuesday, Wednesday, or Thursday.

Jim reported that Grace Industries has only a verbal commitment from their supplier, that delivery is in “mid-July”. They have not completed the punch-list. Peter stated that the biggest issue is that the Borough does not have a restroom. He asked if there is anything that Borough could do to put pressure for delivery. Liquidated damages have been discussed being assessed on Grace, but what can be done to the restroom supplier. Len stated that the contractor is in Grace in penalty. The contract has to be read in the default provision and determining whether it can be declared a default and substitute performance by another contractor. Peter stated that he would be in touch with Ron Madison. Jim to call the contractor tomorrow for an update.

New Business

1. West Street – West Nile Virus. Lewis stated that he has received numerous complaints regarding the basin on East West Street and the growing concern of the growing mosquitoes. He asked if Council could request the County to spray this area to get rid of the mosquitoes. The County to be called.

Old Business

1. Air Conditioning Unit in the Council meeting room. Winton reported that background information has been provided to Council. The bids received are strictly air conditioning.

Lessig	
Mitsubishi MS24WN, insulated line set	\$2,760
220 V. wiring, disconnect, unit to be set on blocks	

Renaldo's

All necessary electrical supplies and duct work needed	\$6,025
Necessary carpentry work needed to frame the outside	
Duct work and make unit water tight.	
Vinyl siding will be used on outside framing	
This proposal does not include concrete pad for unit to sit on	

Discussion regarding having a unit that will cool and heat the room. Kerry explained that 24,000 BTU's would not be adequate to cool the room. Bill suggested voting on this at the workshop meeting. Kerry and Lewis to work on this and report back to Council. If the order were placed, installation would be approximately two weeks.

2. Curbs on West Street. WGMA and Pennsylvania American Water have contracts to do work on West Street and Washington Street, which will not be completed until after October 1, 2003. The street committee recommended Lehigh Avenue from West to Fifth, Mechanic Street, first block from 512 to Lehigh Avenue, Sixth Street back at the cul-de-sac. By adding these streets and removing the others, they stayed within 125 yards of the initial proposal. Winton asked what would be done on Male Road this year? Mitch replied that Male Road would be micro-surfaced and striped by Interstate Striping. Interstate quoted a little over \$3,000 to do Male Road, Longcore, Alpha, Lehigh. Kerry to look at Male Road to see if any prep work needs completed prior to micro-surfacing.

3. Zoning Ordinance and Comprehensive Plan. Tom Palmer made recommendations and corrections from the June meeting. Discussion on the Forestry section of the ordinance. Forestry activities, including, but not limited to timber harvesting, shall be a permitted by right use in all zoning districts of Wind Gap. Forestry activities (see definitions of forestry in Article 2) shall be conducted in accordance with the following requirements, conditions and/or approvals. Kerry suggested eliminating the management plan because it becomes too restrictive. The original intention was to preserve the Blue Mountains, which the water company owns. Winton stated that there must be some restriction on clear cutting in the Borough.

On motion by Lewis Paulhamus to remove b & c from the June 17, 2003 correspondence on Forestry and seconded by Kerry Gassler.

Mitch questioned whether under Forestry Management Plan must include "this plan shall be prepared by a qualified forester or forest technician and shall be consistent with the Timber Harvesting Guidelines of the Pennsylvania Forestry Association". Len explained that the PA Forestry Association sets guidelines, but is not a government organization. It is not a regulation, but a suggestion to include. These regulations or conditions should be reviewed for the reason of enforcement of the zoning regulations as to apply common sense to use of property within the Borough and how Council wants it to be developed. Council would be inviting a challenge or appeal of a citizen who may not agree with the forestry management plan. Council would have to provide a hearing or a process to be heard on the outside agency conditions to the issuance of a zoning permit. From an administrative standpoint, every permit issued by the Zoning Officer is subject to appeal. The whole process could conceivably go on for a year. Re-wording forestry would take it out of the land development altogether so as not to burden a homeowner. Lewis withdrew his motion.

On motion by Kerry Gassler to have the Forestry read, "Forestry shall be permitted by right use in

all zoning districts of Wind Gap. Forestry activities (see definition of forestry in Article 2) shall be conducted in accordance with the following requirements, conditions and/or approvals:" and seconded by Peter Stinson. Roll call vote taken. Motion carried unanimously.

Discussion on the consider changing the "4 or more" new parking spaces in the second sentence of draft Section H.3. of the "Other TC District Provisions" relating to Landscaping and Parking Lot Setbacks to "20 or more".

On motion by Peter Stinson to modify Landscaping and Parking Lot Setbacks under the Town Center District Provisions to read "Site where new commercial use or other non-residential uses are proposed shall be adequately landscaped. If an off-street parking area of 4 or more new parking spaces is proposed adjacent to Broadway, it shall be separated from Broadway by a low level planting area with a minimum width of 3 feet. Such planting area shall include a mix of low level plantings and deciduous shade trees, with sufficient clearance vertical between them to allow views into the parking areas for security purposes" and seconded by Bill Pysher. Roll call vote taken. Motion carried unanimously.

Kerry stated that considering allowing a 20,000 square feet minimum lot area in the new SPC District, provided a wetlands study is required with mapping and approval by the US Army Corps of Engineers and any delineated wetlands area shall not count toward the minimum required lot area. Kerry stated that you can only build on upland, but you can still mow grass in the wetland. Winton stated that he was concerned that it could be stretched. Kerry stated that the Army Corp of Engineers will flag the wetlands, the developer's engineer would have to mark the wetlands, then it has to go back to the Army Corp of Engineers for approval.

On motion by Peter Stinson to strike "delineated wetlands areas shall not count toward the minimum required lot area" and seconded by Kerry Gassler. Jim Milot stated that a buildable lot is being defined in the Special Conservation District. Winton stated that the intent of the SPC is to preserve the wetlands and the adjacent property. Kerry argued that if he has a 20,000 sq. ft. lot, with 10,000 in upland and 10,000 in wetlands, he cannot build on his lot. Discussion receiving information on clustering on the edge of the wetland from Tom Palmer. Peter withdrew his motion based on receiving more information from Tom. Jim Milot added that in general clustering is designed not to increase the density that is developed on a parcel, but to maintain larger contiguous areas, wetlands, open space, and green ways. Len Zito stated that Council must receive a clean copy of all the proposed changes prior to advertising.

On motion by Peter Stinson at the next workshop meeting, give Council the ability to vote on advertising the draft Zoning Ordinance and Comprehensive Plan and seconded by Bill Pysher. Roll call vote taken. Motion carried unanimously.

Lewis reported that John Zucal marked the area off Third Street for the potential of constructing a parking lot for the walking trail and a staging area. Kerry spoke to Joe Alfred to find out where his property line is, and instructed John to stay off the line by fifteen feet. The idea is to cut some of the trees in that area. Kerry asked Council to look at the area.

Meeting adjourned due to the 10:00 p.m. curfew.

Louise Firestone
Borough Secretary

