

**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, October 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., Bill Pysher, Peter Stinson and Kerry Gassler. Also in attendance Secretary/Treasurer Louise Firestone.

Mayor Kenneth George arrived at 7:40 p.m.

### **Approval of Minutes**

**On motion** by Bill Pysher to approve the Special Public Meeting of September 30, 2003 and seconded by Peter Stinson. Lewis stated that the minutes did not include all of the comments and questions made by Paul Levits which took 25-45 minutes of the meeting. Kerry stated that he believes that these minutes are too generic for all that was discussed. He suggested adding an actual copy of the letter read by the Sierra Club as a public document. Decision to include more questions and answers from the meeting. Bill withdrew his motion and Peter withdrew his second.

### **Guests**

Council invited Bill Ruggiero from the Music Scene/MSC Pro Audio and M.J. Law – Law Sound and Lighting to discuss the sound system.

*Mayor George arrives.*

Bill Ruggiero addressed Council regarding the sound system to be installed in Council chambers. Council had concerns regarding the cables being exposed because of the cement floor. Discussion regarding the advantages and disadvantages of a wireless mic system. The cost of a wired mic is \$59 plus cable \$30, or \$90. A wireless mic system would be approximately \$300 or a difference of \$210. The additional cost for five wireless mics would be \$780. A regular cassette was originally proposed, but discussion of a double tape cassette with the ability to tape up to four hours at a time without interruption may better suit the Borough's needs. A double cassette would cost \$75 more than the single cassette. It would plug directly into the sound system and be taping directly from the mic system for better clarity. There would be little feedback problems with the speakers in the ceiling; each individual mic would have a volume control. The system could be moved to other locations if necessary, but wiring would be an issue with regard to the amplifier.

M. J. Law stated that he was not aware of the desire for a wireless system until the other

day. The price would be in the same ballpark. The difference would be the need for frequency agility with the ability to change channels like a television or radio. The dealings that M.J. has had with municipalities who have needed the option of a portable system for community days or other activities outside the Borough hall. Council may want to consider purchasing a cabinet for storage and was not included in the quote. The key to the recording is the placement of the microphones. His bid included a single deck, full-size cassette, but he would be able to bid a dual deck for continuous recording. M. J. specializes in remote situations, sound and lighting for concerts, festivals, etc. A self-powered speaker could be a freestanding speaker and have a PA system. He cautioned that if a mobile system were purchased, a knowledgeable individual would have to know how to connect and re-connect the equipment. The warranty on most of the equipment would be one to five years. Winton suggested that Council would require a formal quote from these gentlemen on the alternatives. Peter to put together the options for re-bidding on the alternatives that Council is looking at for the system.

### **Public Comment**

1. Mike Gassler, 220 Constitution Avenue stated that the Police SUV is here. He asked why if Council had decided not to have it painted why is it painted black and white and who is paying? Council decided to have the vehicle remain white if they could, but the purchase order had already been placed to have the vehicle painted. Waste Management paid for the SUV including the paint job. The Borough purchased the vehicle through the state contract and submitted the bill, which included the paint job, and forwarded the bill to Waste Management for reimbursement. Winton stated that Waste Management committed to pay for it and will pay for it, but they did not pay yet. Mitch stated that the Fire Company is still owed approximately \$18,000 that has not been paid yet. Louise asked if the Fire Company has submitted any pay requests to Waste Management?

### **Executive Session**

Council adjourned to Executive Session at 8:12 p.m. to discuss possible real estate acquisition. Council reconvened at 8:36 p.m.

### **Old Business**

A. Park – Rubenstein Property. Kerry asked Council if it would be permissible to start clearing an area for a parking lot using materials dug out of the streets up at the Park. A curb depression would need to be made for the entrance. Council suggested leaving trees on the front curb line to hide the lot. Kerry said that it might be better to remove the scrub trees and replace them with arborvitae. It would be fifteen feet from each side and back 75' or 100'. There is about 150' on the curb. This will be done by the Street workers during their down time. Kerry will draft a plan drawing after he measures the footage. Discussion regarding obtaining a permit because of the frontage being on a State road.

**On motion** by Kerry Gassler to allow the Street Department to start working on the Rubenstein property with Council setting the parameters and seconded by Lewis Paulhamus.

**On motion** by Bill Pysher to give authorization to put a depressed curb and remove the

scrub trees in the front and seconded by Kerry Gassler. Roll call vote taken. Motion carried unanimously.

B. July 15, 2003 Minutes. Mitch requested that the minutes of July 15, 2003 stated that Craig said a car must be traveling over 10 m.p.h. before it can be cited. He added that the minutes make it sound like Pat Sutter made the statement. Kerry said that he believes that Craig said it must be 11 m.p.h. over for them to pull them over. Winton suggested that conversation between members of the audience not be included in the minutes. Discussion regarding including all comments in the minutes made during a meeting and prior Council's desire to include everything. Winton stated that the minutes are costly to produce, is not required in any ordinance and the Borough has received a legal opinion about this issue.

**On motion** by Mitchell D. Mogilski, Sr. to amend the July 15, 2003 minutes to contain Craig's words, "a vehicle must be traveling over 10 m.p.h. and it can be cited" and seconded by Lewis Paulhamus. Roll call vote taken. In favor: S. Lockard, M. Mogilski, L. Paulhamus, K. Gassler. Opposed: W. Male, B. Pysher, P. Stinson. Motion carried with a vote of 4-3.

Bill suggested that comments from the audience should not be included in the minutes and Council should include only comments during public comment. He added that he does not see how Council can go back and amend something that is not even on the tape and it should have been amended when the minutes were voted on. Kerry said that if Craig made that comment it should be written down in the law somewhere. Kerry asked that he produce that documentation. Council discussed that maybe the only comments to be included in the minutes would be when they are at the podium.

**On motion** by Bill Pysher to include only comments from the audience be recorded only when they are directly addressed at the beginning of the meeting or when they are acknowledged and they come forward address Council formally and seconded by Sandra Lockard. Because this topic is not an emergency, Bill withdrew his motion and Sandra withdrew her second.

## Committee Reports

1. EMS – Kerry Gassler reported at the Trustee Board meeting last month he received an ambulance call and he had to leave the meeting so he had nothing to report at this time.
2. Police – Bill Pysher reported that he along with the Mayor have to meet with the Chief maybe Thursday or Friday this week to discuss his salary and contract. Bill has the preliminary 2004 police budget. Bill confirmed that the police have taken delivery of the new SUV. The Chief has indicated that he would like to get rid of the 1999 car and replace it with a new vehicle. Bill received a legal opinion regarding cost-of-living based on performance.
3. Streets – Mitch Mogilski, Sr. reported that Male Road still needs to be completed, the last 40' up to South Broadway. Kerry stated that the leaf vac is on the truck and they will begin this Thursday picking up leaves. The new aerial truck has been used to change traffic lights and lights in the ambulance parking lot. Winton asked if there has been further discussion on using

the longer lasting halogen lights? Suggestion to have the Police assist with traffic control when the Street Department is using the aerial truck for safety reasons.

The Mayor asked what was the Street Department was doing up at Reto's Paint? Kerry replied that Laurie and Sal, owners of the property, received permission to install a French drain around the front of the property and when the Borough knocked a hole in the inlet, at the suggestion of Bernie Corbett, PennDOT, they did their French drain. When they dug up to where the water was percolating out of the ground, they hit a 12" concrete pipe, which was a storm sewer pipe from the front on the inlet on Broadway in front of the Fire Company. The pipe is a Borough pipe so the Street Department had to find out what the problem was and it needed fixed. The pipe dug up was all old metal pipe. Once the Street Department fixed the problem the water does not bubble out of the ground. The Borough purchased an inlet box and 88' of pipe to take care of the problem. Kerry to draw on their map to show right where the pipe is so the Borough knows. The owners of the property provided Kerry with a letter giving permission to work on their property to finish the inlet and he will provide Council with a copy. Their parking lot will be paved tomorrow. Winton suggested in the future having a Hold Harmless Agreement. Mitch asked if PennDOT should be taking care of this or if the Borough could receive credit under the Agility Agreement? Kerry replied that PennDOT takes care of the road surface only.

Kerry reported that on West West Street where they are putting in the sewer line, they took out a storm culvert. When they took the culvert out, they had to remove the squashed pipe and squeeze it shut because the water from the stream back fed into the inlet and filled the ditch. Kerry and John looked at the stream and determined that because trees have fallen into the stream, it is creating a damming effect. The Street Department cleared out the debris today and will be clearing out concrete tomorrow. They will work further down the stream. Winton reminded that it is wetlands. Kerry explained that they are going down several hundred feet, not pulling out roots, but just clearing off the debris, tires, garbage cans, etc. Kerry spoke to the property owners, Paul Levits, Jim and Barbara Kuzma to explain what the Borough is doing with the stream.

4. Finance and Administration – Winton Male reported that both newspapers had an article regarding County Council's decision regarding the by-pass and that is still a go situation. Anthony Skorochod, who was appointed Emergency Management Coordinator, spoke to the Ambulance Corps regarding a radio. Winton received a price of \$250 from Joe Dell'Alba to purchase their radio and it is already programmed for 911. Winton to speak to Joe and express Council's interest in purchasing the radio. Winton reported that he spoke to Randy George regarding joining the panel to assist Anthony and Randy stated that he would be interested. Mitch reminded Council that the Chief explained that it might not be a good idea to appoint the Fire Chief, the Police Chief or the Ambulance Captain to the committee because they are already committed to their own departments. Suggestion to have a representative representative from the separate departments involved with the committee. Winton to get feedback from the Chief. Winton asked Council if they saw the communication regarding the Waste Management penalty? Senator Boscola and Representative Dally called because they are interested in getting as much of that money as possible to continuing cleaning up the tires. Winton will be speaking with Tom Woy from DEP and Wally from Carbon Services tomorrow. In Wally's opinion there are still a million tires left on sight. The only tires left in Wind Gap are the

ones left in the quarry. A decision has not been made regarding how the tires will be handled in the quarry. Waste Management has agreed to remove the shredded tires, but when Carbon Services calls Waste Management, it is typically late in the day and the landfill has already reached their quota for the day. The office is working on providing individual CD's for each Council member to have for their own use, which includes minutes and ordinances of the Borough.

5. Zoning and Planning – Sandra Lockard reported that Planning discussed the FBJ Subdivision. Upcoming will be Posh to talk about and Calantoni have expired and Posh will expire the end of November. Winton added that he noticed that cars were being parked in front of the car parts store at South Broadway and Third Street. One of their conditions upon approval of their plans was that they were not allowed to park in the front. It is not a police issue because it is not an ordinance. It is a zoning issue. Millie changed a line in the ACT program to read “condition” so any approvals with conditions will show every time the contact is brought up, and the letter will be scanned and attached to that contact.

6. Parks and Recreation – Lewis Paulhamus reported that at the last meeting the Park Board discussed the budget. A copy was provided to Council. Bill asked about the Summer Sound money and if it is done separate? Louise explained that the Borough donates money to the Summer Sounds. Roger Bet has been bringing a lot of donated money from individuals and businesses.

7. Fire Company – Mitch reported that George turned the Fire Company books over to the auditor. The balance in the truck fund is \$71,412 and they are expecting another \$18,000 from Waste Management. They asked where the check was that the Borough approved in the amount of \$2,000. Louise replied that the check was not ready when George stopped by the Borough office and he did not return that afternoon to pick it up. They took another \$5,000 out of their general fund. The truck fund total would be about \$96,400. There were fourteen incidents for the month of October for a total of 117 for the year. The next Fire Company meeting is November 17, 2003. They will be conducting three separate meetings that night to include the truck, the picnic, and the regular monthly meeting starting at 7:00 p.m., 7:30 p.m., and 8:00 p.m. respectively. The Fire Company is hoping for delivery in November or some time after the New Year. George will be talking to KME on that issue.

8. Sewer Authority – Winton Male reported that the Borough has depositions coming up in regard to the lawsuit with the Municipal Authority. Winton stated that the Borough is looking at a great deal of money in the next few weeks and the Authority is also looking at a great deal of money. Len Zito suggested that it might be a good idea if the Borough asked to have everything put on hold until after the election results are in. Winton stated that it would seem like a good idea to him and he tried to contact the Special Solicitor regarding this idea. Winton believes it would be prudent at this point and allow the Borough to have better control over their funds and he asked Council to make that decision. Mitch asked why Len suggested waiting until after the election? Winton replied that depending on the results, it is not inconceivable that the new Council might not just say let's drop the whole thing. Kerry was in favor to let it sit until after the

election. Peter stated that the Borough is not the ones suing, we do not have control over this suit. The Mayor stated that he has to appear and is ready to appear. Mitch added that it is like banking on a what if. Winton said that Council has to understand that it will not be cheap. Peter said there is nothing that Council can make a motion for, their lawyer is being deposed Council. Kerry suggested that Council can ask them to ask their attorney if they want to wait until after the election to do the depositions. It won't go to trial until January some time. Lewis said that this is being paid for by taxpayers money and he agrees that it should be delayed. The Mayor stated that it should be their decision to delay not Council's decision. Kerry said If both attorneys are in agreement to delay, he doesn't see the judge saying no you can't. Paul Levits asked to be recognized. He stated that as an Authority member, but not speaking on behalf of all the members, he thinks that if Council were to make a motion or have a consensus to delay, he thinks that the Authority would have a consensus to go to their attorney. Their attorney is acting on what he has been told prior, and unless Council makes a decision here, he doesn't think a decision can be made here tonight as a body, there can't be a decision on their part to go to their attorney to ask for a delay either. Winton said that he has no problem proceeding, but he wanted everyone to know that it will cost some money and he would just as soon get it do with, but this might be something to consider. Bill stated that he has already put time aside that weekend. Council has not been notified of the depositions yet. Winton to get in touch with the Special Solicitor and get his input tomorrow. Bill stated that the Council committee had been meeting with the Authority and they were waiting for a date and that date has never come. Paul stated that he does not think that Council has ever submitted any request in writing to them. It is his understanding that nothing has ever come from the office or the Attorney about the Borough committee and the Authority committee meeting. The Mayor stated that he was told that the Borough Solicitor talking to John Molnar, that he could not get any specific date from the Authority committee.

9. Buildings – Mitch Mogilski reported that he asked for oil quotes for the November meeting, if not the December meeting for the 2004 budget. He contacted approximately six or seven different people to bid. Winton explained that the reason to have the arrangement early is because the Borough will get a fixed price and the earlier the price is established the lower it will be. Mitch replied that he would wait for the quotes for the year 2004.

10. Insurance – Winton Male reported that the public official and the police insurance comes up in February. He will be looking into the market for quotes.

11. Land Use Committee – Winton Male stated that he feels that the Land Use Committee did a good job. Winton stated that Plainfield Township has a long-term planning committee that is apparently functioning very well. Winton stated that he is not going to disband the Land Use Committee, but suggesting adding Long-term to the Land Use Committee and keep them up and running. He will ask members of the committee if they would be interested in doing that.

## **Mayor's Report**

Contractor License fees collected for the month of October is \$75 for a grand total of

\$1,975 for the year added to the amusement license and transient sales for a total of \$2,525. Council has a copy of the monthly police report. Earlier this month, a luncheon was held at JR Smokehouse by the Slate Belt Kiwanis Club, and the Borough's Fire Chief, Randy George, was honored for his many years of service to the Borough. The Mayor received a letter from the County's Juvenile Probation Department. They are sponsoring an illegal dumping ground clean up day next spring around Easter. They would like to know if the Borough has any illegal dumping ground? Kerry stated that East West Street has a lot of debris. The Mayor suggested Male Road across from the Shopping Center. They would need a municipal employee to assist. The meeting of the COG will be held on November 19, 2003 at Washington Township and everyone is welcome to attend.

## Old Business

1. Wind Gap Athletic Association Insurance, budget contribution. Winton stated that he is frustrated that they do not respond. He is not sure if they have insurance coverage or not. Peter will talk to Tony Borger. Winton offered to attend an Athletic Association meeting to explain the insurance.
2. Ordinance 434 – Sidewalk Snow Removal Ordinance. Len Zito to supply copies of other municipality's ordinances.
3. Pen Argyl Boy's Basketball Booster Association program book. Winton stated that they want an ad. Council has not done that in the past. Winton stated that as long as he has been on Council, they have never bought an ad. Mitch added that he does not believe that Council can, but something may have been donated that did not come directly out of Borough funds. Peter suggested having the Park Board consider advertising for The Vogues in the program.
4. Discussion of the agenda of October 28, 2003 Town Meeting. Winton explained that there would be CDs there to show what is archived. The changes that have taken place from the last meeting in the Spring. He asked that if anyone had something to bring up it would be put on the agenda. The meeting is not intended to be a bitching time, but a time to make positive recommendations. Lewis suggested having the microphones again.
5. 2004 Budget. Council discussed potential dates to set meetings for the 2004 budget. Budget meetings set for Monday, November 10 and Monday, November 24 to begin at 7:00 p.m. instead of 7:30 p.m. The meetings will be advertised as soon as possible.

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

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Louise Firestone, Secretary / Treasurer