

**BOROUGH OF WIND GAP
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EXECUTIVE SESSION

The Council met from 7:00 p.m. to 7:30 p.m. for Executive Session at Wind Gap Borough Hall.

The Council meeting of the Borough of Wind Gap on Tuesday, June 20, 2006, was called to order at 7:32 p.m. by Kerry Gassler at which time he reminded those present that the meeting was being recorded. In attendance were Councilpersons: Jon Faust, Karen Skorochood, Todd Beil, George Hinton, Scott Parsons, and Tony Curcio. Also in attendance were Mayor Mitchell D. Mogilski, Sr., Borough Solicitor Ronold Karasek, and Borough Administrator Louise Firestone.

Kerry informed those present that Council had met for an Executive Session to discuss the Slate Belt Concerned Citizens litigation regarding the County Bond Money. No action will be taken at this time.

PUBLIC COMMENT

1. John Maher. John reported that a meeting was held with the Borough's Emergency Management Committee. The committee prioritized the work that has to be done and the time schedule. The committee elected John as chairman of the group.

APPROVAL OF MINUTES

On motion by Tony Curcio to approve the minutes of the meeting of May 16, 2006 and seconded by Karen Skorochood. Roll call vote taken. In favor: T. Curcio, J. Faust, K. Gassler, G. Hinton, S. Parsons, K. Skorochood. Abstained: T. Beil. Motion carried with a vote of 6-0-1.

On motion by Scott Parsons to approve the minutes of the meeting of June 5, 2006 and seconded by Tony Curcio. Roll call vote taken. In favor: T. Curcio, J. Faust, K. Gassler, G. Hinton, S. Parsons, K. Skorochood. Abstained: T. Beil. Motion carried with a vote of 6-0-1.

COMMITTEE REPORTS

1. EMS – Karen Skorochood had nothing to report.
2. Police – George Hinton reported that a Police meeting was held. The officers were reminded to lock the Park restrooms and to walk through the Park and make a presence there during scheduled activities. The speed equipment was repaired and returned to the Police Department.

3. Streets – George Hinton reported that the State paved Center Street. The Borough approved and contracted paving Lincoln Street, but the contractor used a little more material than was anticipated so the final cost was \$8,900. George met with PPL regarding the cell tower issue by Cramer's. Jim Milot, Hanover Engineering, will submit a sketch drawing to Dennis Toomey, PennDOT design engineer, and if the drawing is acceptable, the cell tower may not have to be moved. There should be enough setback to continue the road without moving the entire cell tower. The Street workers have the topsoil down in the Park. George stated that he is currently negotiating with Waste Management to hydroseed in that area, but if it is not going to be done in the immediate future, the workers will plant some grass after the Car Show and the Fire Company's Picnic.
4. Zoning – Tony Curcio reported there were no applicants for the July 5, 2006 Zoning Hearing Board Meeting so the meeting has been cancelled.
5. Planning – Todd Beil reported that there was no meeting in June, but the Planning Commission will review the final Posh Plan on July 6, 2006.
6. Parks – Karen Skorochood reported that she was unable to attend the meeting. George added that John Zucal stated that not a lot was discussed at the meeting.
7. Fire Company – Jon Faust reported that the Fire Company pushed their meeting back until next week because of the Fire Company Picnic.
8. Sewer Authority – Scott Parsons reported the Authority opened three bids for three projects. The Authority asked their engineer to look at the bids because of the discrepancy in the amount of the bids. They are still discussing being able to go into businesses to inspect with the Plant Supervisor doing the inspections.
9. 911 – Tony Curcio had nothing to report.

Mayor's Report

Mayor Mogilski reported Contractor license fees for May were \$125 for a total of \$1,375 for the year, transient license \$100 for a grant total for 2006 of \$1,475. He distributed a copy of the Police Report for May. The COG will meet on Wednesday, June 28, 2006 at the Washington Township Municipal Building. He asked that Council attend because the COG will be discussing Police regionalization. He attended the Borough's Memorial Day Celebration. The American Legion, Fire Company, Troop #48 Boy Scouts were all represented at the celebration. He reported that he has been working on the Tree Lighting Ceremony since the beginning of the year. He submitted a grant application to the Green Knights Economic Development Corp, but nothing came back on that grant. Harry Smith, Waste Management asked for a copy of the application that was submitted and the Mayor provided him with a copy. The Ceremony is scheduled for November 26 from 1:00 p.m. – 6:00 p.m. Weed ordinances letter that are addressed to owners in the Borough will be hand delivered by the Police Department to save on postage. Todd asked the Mayor if it is okay to skateboard? The Mayor replied that there is no

skateboarding in town.

NEW BUSINESS

1. Kerry informed Council that July's meeting is scheduled for Monday, July 10. Because the meeting is scheduled for later in the month, Kerry asked Council to consider allowing Louise to pay local contractors along with the utility invoices.

On motion by Tony Curcio to allow Louise to pay the necessary bills for July and seconded by George Hinton. Roll call vote taken. Motion carried unanimously.

OLD BUSINESS

1. Ordinance – Reimbursement for Costs associated with Borough Police Department (Coaldale). The Mayor explained that the Police Department could charge residents for repeat calls. Scott asked according to paragraph 2 in the proposed ordinance from Coaldale, which reads, "Whereas, Borough Council for the Borough desires, to place the burden of costs associated with providing police services on those persons who unnecessarily cause increase responses or costs associated with the Police Department;" who makes that decision? Karen asked Chief Armitage how much of a problem is this in the Borough? The Chief replied that it is not a major problem. The Mayor stated that the Police respond to Jaid's/Scorecard every Saturday night. Scott asked who defines unnecessary? George added that a domestic dispute could be ongoing for a long period of time, so do you show up or don't you show up. Ron Karasek stated that Section 2 has language to control some of those concerns. It states that "Any Requestor who makes a Request for Response which causes a Response and subsequently results in the withdrawing of charges initiated as a result of the Response or any Requestor who unreasonably makes multiple Requests for Response shall be charged the cost of the Response as set forth in Section 3 of this Ordinance". It has to be reviewed on a case-by-case basis to determine what is reasonable and/or unreasonable. The intent of the ordinance is very good, but Council must decide if they want to make this a matter of policy. The Chief explained that the Police might respond to 10 or 15 false business alarms a month. If a location has multiple false alarms the owner will be instructed to contact their alarm company to have the alarm looked at for any malfunctions. Scott stated that he would support the Chief's decision to have an ordinance when and if it is needed. Council agreed that at this point in time, an ordinance that would require reimbursement for unnecessary Police services is not needed in the Borough.

2. Nuisance Ordinance. Kerry suggested that the language against panhandling in the Borough be included in this nuisance ordinance. Ron asked if Council had made a decision about Sections 12, 13, 14, 15 and 16? The draft of the ordinance included these sections, but they are already included in the Borough's Zoning Ordinance. Ron advised that the courts usually look at the Zoning Ordinance with a little more respect than a stand alone Borough Ordinance. Todd asked if the new ordinance would include about times related to noise, odors, fumes? Ron replied that it is already in the Zoning Ordinance as outlined in Section 508, "Outdoor Storage Control", Section 509, "Dust, Dirt, Smoke, Vapors, Gases and Odor Control".

There is not a time on that section, but it does specify that No person shall permit the operation of any device or conduct or permit that to happen. The same applies to Section 510, "Light, Glare and Heat Control" – which cannot be beyond the property line of the lot. Section 515, "Noise Control", states that Residential, Public Space, Open Space or Institutional specifies 7:00 a.m. to 10:00 p.m. 60 dBA, 10:00 p.m. to 7:00 a.m. not more than 50 dBA which includes Sundays and legal holidays – Commercial or Business is a little different and Industrial is "At All Times" not more than 70 dBA. There are sound meters that can be used, but it may be necessary to have a person who is trained to use such a device. The noise is measured at or within the property boundary of the receiving land use. Ron suggested that he include language that all the provisions that are in the Zoning Ordinance continue to be part of this ordinance and incorporated by reference.

The Chief asked if anything could be incorporated into this proposed ordinance that would address homeless persons? Ron replied that it may an ordinance that Council would wish to draft as a stand along ordinance. A person can be homeless and not necessarily a nuisance. The Chief stated that the Borough has refused any assistance, won't go to a shelter, will not accept any help from the Police Department. The Chief stated that unless that person poses a threat to themselves or others there is nothing that can be done. This person has been around all spring, using the Park restroom and just walks around town. Ron replied that this is not an easy problem to resolve. Council will consider the possibility of drafting an ordinance for homeless persons for discussion at a later date.

On motion by Tony Curcio to adjourn the meeting of June 20, 2006 and seconded by Todd Beil. Council agreed unanimously.

The meeting of June 20, 2006 adjourned at 8:09 p.m.

Louise Firestone, Secretary / Treasurer