

**BOROUGH OF WIND GAP
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EXECUTIVE SESSION

The Council met from 6:30 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, February 16th, 2010, was called to order at 7:35 p.m. by Council President, Scott Parsons, at which time he reminded those present that the meeting was being recorded. In attendance were Council persons: Kerry Gassler, Dave Hess, George Hinton, Joe Weaver, John Maher, and Tony Curcio. Also in attendance were Mayor James M. Shoemaker, and Borough Assistant Administrator Darlene Plank-Turlington.

Council President Scott Parsons informed those present that Council met in Executive Session to discuss personnel matters.

PUBLIC COMMENT

COMMITTEE APPOINTMENTS

1. EMS – Kerry Gassler reported 66 Ambulance trips for the month of January. Their budget is down because call volume and trips have been down for the year. The Ambulance Corps is requesting another year of free rent from the Borough due to the low call volume. The Ambulance rental fee is \$244.50 a month. Scott commented that the Borough will need a copy of the audit from the EMS due to some of the funding that we do with them. **On a Motion by George Hinton, and Seconded by Tony Curcio the Borough Council granted the Ambulance Corp's request for an additional year of free rent. Vote 6-0 in favor. Kerry Gassler abstained from the vote.**
2. Fire Company – Dave Hess commented that they have had 6 calls for the month of January which is a total of 6 for the year. Voted in 2 new members in last night. Have Darlene or Louise call the water company about putting snow flags on the hydrants or check prices of flags for the hydrants. The fire company spent 8 man hours Saturday looking for and digging out hydrants. Scott Parsons requested a copy of the fire company's audit report when they get one.
3. Zoning – Tony Curcio reported that no new applications were submitted for the March Zoning Hearing Board Meeting, therefore, there is not meeting in March. The February Zoning Hearing Board meeting resulted in 5 variance approvals and 1 variance denial for the Muschlitz Land Development/Subdivision plan.
4. Planning – Scott Parsons had William Hontz request the last SALDO storm water waiver for the Gassler Subdivision plan. The Planning Commission recommended the waiver because on the proposed building the surface area is too small to require a plan, and the existing

building had an on-site inspection performed by the planning members which showed that there is no need to plan for storm water as it is properly managed at this time. **On a motion by George Hinton, and Seconded by Tony Curcio the Borough Council granted the SALDO storm water for the Gassler Subdivision. Vote 6-0. Kerry Gassler abstained.**

5. Municipal Authority – John Maher reported that he attended his first meeting on the 27th of January and introduced himself and stated that he would be attending the future meetings. A tour of the site was offered to him. According to Brian Pysher, Borough Engineer, the Municipal Authority has put a sewer replacement project out to bid which involves replacing several thousand feet of lines.
6. Streets – George Hinton that he was unhappy with the conditions of the streets after the snow storm. He had a meeting with the street dep't workers and told them to stay out until the streets and intersections were cleaned up and free of snow – they are to continue working until it is done.
7. Police – Mayor Shoemaker stated that the Chief completed his training. The other police officers, and the Chief have mandatory training in March. Regarding the suspension of the Chief, and his return to duty a motion was made and carried with the following 5 conditions:
(1) The police chief's suspension is vacated and/or lifted and he is to return to active duty beginning Wednesday, February 17, 2010 at 7:00 a.m., (2) That the work schedule for both the chief and the patrolmen is to be set by the mayor. This is pursuant to the Borough Code – 53 P.S. Section 46121 – and the Borough Ordinance No. 300, Section 3 that both recite:
The police force and department shall be under the charge and control of the mayor who shall direct the time during which, the place where and the manner in which said force or department shall perform their duties.
(3) That the chief shall undergo continuing legal education for the minimum of 15 hours per year in the area of leadership and management. This education shall be in addition to any other mandatory training. Since we are only in February of 2010, the 15 minimum shall apply for the 2010 calendar year. (4) The chief will undergo performance evaluations on a quarterly basis. These evaluations shall be conducted by the Mayor and/or Council with the chief and other individuals who can provide information providing the chief's job performance. (5) The status of the police chief's employment is that of an employee at-will. He is not a member of civil service and does not have civil service protection. The contract entered into by and between the Borough and the chief dated 11/20/07 is not to be seen as a statement of any permanent employment of any type; and, to the extent that the contract lists a term of employment i.e. 1/1/08 to 12/31/10 that provision is considered void. The balance of the contract as to the police chief's benefits of employment including wages, salary, medical insurance, life insurance, sick leave, funeral leave, personal days, vacation time, uniforms and the like shall continue to apply. (The above list is merely illustrative and not exhaustive.)
On a motion by George Hinton, and Seconded by John Maher, the Borough Council approved re-instatement of the police chief with the 5 conditions listed. On a vote 4 in favor (Parsons, Hinton, Curcio and Maher), 2 against (Hess and Weaver), and 1 abstention (Gassler).
8. Park –
9. 911 –
10. Buildings and Properties –

11. Tipping Fees –

MAYOR’S REPORT

NEW BUSINESS

OLD BUSINESS

On motion by George Hinton recommending that Borough Council deny the Guardian Angel’s request to rent the upstairs, and seconded by Jon Faust. Roll call vote taken. Motion carried unanimously.

Personnel Matter on Benefits (sick days/personal days) discussed during the executive session.

On motion by Tony Curcio recommending effective January 1st, 2009, the office personnel receive 5 additional personal days each year. These additional days shall not be accumulative nor carried over from year to year. The motion was seconded by Jon Faust. Roll call vote taken. In favor: T. Beil, T. Curcio, J. Faust, K. Gassler, G. Hinton, J. Weaver. Opposed: S. Parsons.

On motion by Tony Curcio to adjourn the meeting of February 16, 2010. Council agreed unanimously. The meeting of February 16th, 2010 adjourned at 8:20 p.m.

Darlene Plank-Turlington, Asst. Administrator