

**BOROUGH OF WIND GAP  
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The Council meeting of the Borough of Wind Gap on Monday, August 1, 2005, was called to order at 7:30 p.m. by Council President Kerry Gassler, at which time he reminded those present that the meeting was being recorded. In attendance were Councilpersons: Winton Male, Jr., Mitchell D. Mogilski, Sr., Scott Parsons and Tony Curcio. Also in attendance were Mayor Kenneth George, Borough Solicitor, Ronold Karasek, Borough Engineer, Ronald Madison and Secretary/Treasurer Louise Firestone. Absent were Councilwoman Karen Skorochood and Councilman George Hinton.

*Mayor Kenneth George arrived at 7:37 p.m.*

## **PRESENTATION**

David Perruso, Mayor of Wilson Borough and Robert C. Edwards Foundation Trustee. Mr. Perruso explained to the audience that the Robert C. Edwards Foundation was created by the Pennsylvania State Association of Boroughs in 1997 to give scholarships to motivated students who live in member boroughs. Applicants were judged on their academic achievement, extracurricular activities and community involvement. The students were selected by a panel of retired school administrators who have no connection with the Foundation. Scholarships are for \$1,000 for the freshman year. Additional scholarships may be given providing the student maintains a satisfactory grade point average and funds are available from interest. This year there was a response of more than 350 applications statewide. Stephen Graf was on hand to receive his scholarship from Mr. Perruso. Stephen will be attending Swarthmore College as a freshman this fall.

## **EXECUTIVE SESSION**

Council preceded the meeting with an Executive Session. Kerry Gassler reported that Council discussed the Roberti Condemnation.

**On motion** by Mitchell D. Mogilski, Sr. to approve that Borough Solicitor, Ron Karasek, continue to follow through with the Council's response at the June 6, 2005 Council meeting and seconded by Tony Curcio. Roll call vote taken. In favor: T. Curcio, K. Gassler, W. Male, M. Mogilski. Abstained: S. Parsons. Motion carried with a vote of 4-0-1.

## **PUBLIC COMMENT**

1. Ron DeCesare, Lot on Third Street and South Broadway. Ron explained to Council that

a car lot existed on his corner lot for several years, but errors were made when there was a change in tenants. He asked Council to use common sense to solve the problem. The new tenant, Tom Nedo, submitted an application to the acting Zoning Officer and received a rejection letter. Ron stated that the temporary trailer was replaced with a shed that was purchased and mounted on blocks. The State mandates that a car lot have an office on the property. He was informed after the shed was there that it was not allowed. He is appealing the decision. Winton stated that when the Zoning Officer, John Blick, issued a permit it was for a temporary business. When the new tenant applied for a permit, Hanover Engineering was acting as Interim Zoning Officer and identified that a site plan was required, which would require going through the Planning process. Hanover checked with BASE Engineering and BASE indicated that the building would be required to hook up to the sewer. The new Zoning Officer was not aware of Hanover's review letter at the time she issued the occupancy permit. Ron Karasek stated that this is not a use issue, but a structure compliance issue. Does the structure comply with the ordinance? Mr. DeCesare basically changed the structure that was approved. This issue is going before the Zoning Hearing Board as an appeal of the Zoning Officer's decision. Ron Karasek suggested that Attorney Molnar recuse himself from Mr. DeCesare's zoning hearing board case. Ron DeCesare stated that if he needs to bring back the old building to afford a legal battle he would do whatever it takes. Scott asked how he got a building there with no sewer or water. Ron replied that he received a waiver for that building. He plans on putting a permanent building on the property in the future, but he has to get sewer lines behind several residences and the water must cross a State highway. It will take time and money and he is only making enough from the rent to pay the taxes. If it will satisfy Council he will put the trailer back. Ron Karasek explained that this is a zoning issue and Council couldn't help even if they wanted to help. The Zoning Officer has made a decision and the appeal will be heard by the Zoning Hearing Board. Ron DeCesare suggested that a committee be formed to meet with the Zoning Officer, because if nothing is resolved he can hold this appeal up for ten years and continue to operate as long as the State issues the dealer's license for the building that is there. Ron stated that he came to ask for cooperation, but obviously he will not get any from this Council.

2. Troy Leidy. Troy opened by stating that he is against the Industrial Road behind his house on Constitution Avenue. Mr. Perin needs land off his property for the turning lanes. He stated that the billboard on his property is a pretty good income generator. Troy is interested in having the billboard remain on his property but understands that it may need to be moved. Ron Karasek stated that it is his understanding that it is a pre-existing non-conforming use, but once the billboard is moved an argument may exist that it no longer is pre-existing. Ultimately, the Zoning Officer will have to make that decision and Borough Council cannot tell the Zoning Officer how to rule on this issue. Ron suggested that Mr. Leidy make an appointment to come in and talk to the Zoning Officer to get an understanding on how she might interrupt the possible movement of the billboard five to ten feet from where it is currently standing. Troy added that Adams Outdoor Advertising is more than willing to co-operate in any way that they can to resolve this situation and maintain the billboard at the current location. Troy stated that he is not happy about any of this and if he is forced to go to the Zoning Hearing Board requesting a waiver he will not pay any fees. Ron Karasek informed that Council does have the power to waive any hearing fee if they so desire. Troy to see the Zoning Office this Saturday if she is

available.

3. Sherry Acevedo, Trails Specialist with the Delaware and Lehigh National Heritage Corridor. Sherry stated that Winton met with her to do a site visit to determine if the stream that does under the Roberti Garage would be eligible for funding under the Pennsylvania Department of Conservation and Natural Resources Lehigh Valley Greenway Initiative. The stream bed would need to be stabilized with gabion baskets or native plants. The deadline for a "Notice of Intent" to submit a grant application for funds is August 15, 2005. Sherry offered to meet and assist with the grant application if the Borough is interested in exploring funding for the stabilization of the stream bed. Discussion regarding the possibility of making part of the property a parking lot. Sherry stated that grant money would not pay for a parking lot even if it the lot would be for access to recreational activities. She suggested that the Borough keep the Notice of Intent simple to score more points in the ranking system. She offered to return to make a full presentation of the Two Rivers Area Greenway Plan, which would take approximately 30 to 40 minutes.

**On motion** by Scott Parsons to fill out an application applying for Greenway funds and seconded by Mitchell D. Mogilski, Sr. Roll call vote taken. Motion carried unanimously.

Council agreed to begin the August 16, 2005 Council meeting at 7:00 so Sherry can present a powerpoint presentation on the Two Rivers Greenway Plan.

## **APPROVAL OF EXPENDITURES**

**On motion** by Scott Parsons to approve the expenses for July 2005 in the amount of \$26,679.02 and seconded by Tony Curcio. Motion carried unanimously.

## **APPROVAL OF MINUTES**

**On motion** by Tony Curcio to approve the minutes of the June 21, 2005 meeting and seconded by Scott Parsons. Roll call vote taken. Motion carried unanimously.

**On motion** by Scott Parsons to approve the minutes of July 19, 2005 meeting and seconded by Mitchell D. Mogilski, Sr. Roll call vote taken. In favor: S. Parsons, K. Gassler, W. Male. Abstained: T. Curcio and M. Mogilski. Motion carried with a vote of 3-0-2.

## **Solicitor's Report**

Ron Karasek reported that since Ron DeCesare sits on the Wind Gap Municipal Authority and the Authority's Solicitor is John Molnar, he suggests that Mr. Molnar recuse himself from the Zoning Hearing regarding Mr. DeCesare. Mr. Karasek will handle. Ron reported that he spoke to George Hinton regarding an ordinance that would set all the electrical timing for the traffic lights in the Borough.

**On motion** by Tony Curcio to approve the draft of an ordinance to establish electrical

timing including specs and engineering for the traffic lights in the Borough and seconded by Winton Male. Roll call vote taken. Motion carried unanimously.

Ron reported that he has not yet seen a quantity or cost estimate for the Improvements Agreement for the Lessig project. He will contact the engineer for Mr. Lessig.

## Engineer's Report

Mike Minervini reported that Hanover Engineering has verified that the maintenance bond is satisfactory for the Park Drainage project. Ron Madison is meeting with Pidcock Engineering to discuss the bidding for the Slate Belt Industrial Drive project.

## NEW BUSINESS

1. R.P.M. Recycling Inc. – Borough Council received correspondence from Planning Solicitor, Peter C. Layman dated July 14, 2005. The letter stated that the Wind Gap Planning Commission at their July 7, 2005 Planning meeting recommends the granting of a waiver to the R.P.M. Land Development Plan to waive the requirement that the Plan receive land development approval from the Borough. The basis for the recommendation of the waiver is that only a very small part of the property (.006 of an acre) is actually located within the Borough of Wind Gap. Storm water runoff and road access will also be from Plainfield Township. The Planning Commission recommends two conditions be placed on the developer:

A note shall be added to the Plan wherein the developer agrees that the shredding operation will meet the noise level requirements of the Plainfield Township Zoning Ordinance at the boundaries of Lot 3.

The developer shall post a \$1,000 escrow for a period of five years with the Borough of Wind Gap, with the escrow to be used for noise testing and/or abatement, if needed. Any amounts unused after five years are to be returned to the developer.

**On motion** by Tony Curcio that based on the Planning Commission's recommendation and Mr. Layman's letter dated July 14, 2005, the Borough will waive the land development and defer to Plainfield Township, but include the two conditions recommended by the Wind Gap Planning Commission and seconded by Scott Parsons. Roll call vote taken. Motion carried unanimously.

Ron Karasek asked if the developer had agreed to the conditions. Kerry stated that he attended the Planning meeting and typically Attorney Layman handwrites the conditions and the developer signs off on the conditions at the meeting prior to the Planning Commission acting on the plans. Scott asked why the Borough has one solicitor for Borough Council and another solicitor for the Planning Commission. The Mayor stated that in the past, one solicitor was unable to cover both positions for the Borough so it was decided to have two different solicitors. Winton added that while two different solicitors are involved Council has the benefit of two separate opinions and viewpoints on the same set of plans. If one solicitor were involved the process from the Planning Commission to Borough Council would be academic because the solicitor would see the plan from the beginning of the process through until approval by Council. Scott questioned the cost to duplicate the efforts of two different solicitors? Ron Karasek added that he does not have much in his files when a plan comes before Borough Council for approval

from the Planning Commission. He stated that if he requires information prior to advising Council he would contact the Planning Secretary.

2. Kerry Gassler reported that George Hinton left him a message that a meeting has been scheduled for August 21, 2005 at 7:00 p.m. possibly to be held at the Fire Hall. After further review, it was decided that since the 21<sup>st</sup> was a Sunday, the meeting was probably Monday, August 22. Congressman Dent, Representative Dally, Senators Boscola and Browne have all been invited along with Harry Smith from Waste Management, Jerry Bermingham from National Realty Corporation.

## OLD BUSINESS

1. Intersection of Fairview and Center Street stop signs. Mitch stated that at a previous meeting a motion was made to switch the stop signs if it was okay the Borough Engineer, Ron Madison. Ron Karasek stated that he would check with Mr. Madison and if it is okay an ordinance would need to be drafted to make the stop sign enforceable.

2. Kerry Gassler reported that the John Kingsley from the County called to inform the Borough that County Council drafted an ordinance to repeal the Bond Money from the Slate Belt Industrial Park project. The meeting is scheduled for Thursday, August 4, 2005 at 6:30 p.m. Kerry, Tony and Winton plan on attending the meeting on behalf of the Borough. Winton stated that there is a Pen Argyl Borough Council meeting on August 2, 2005 at 7:00 p.m. He suggested that Borough Council attend that meeting to ask for support for the by-pass project.

3. Mitch stated that Paul Quear's old property that the weeds are so high in the backyard that the backhoe is covered up. The Mayor stated that he spoke to the new property owner and the owner promises to have it cleaned up. Mitch stated that weed letter has been sent in accordance with the Borough ordinance. The Mayor replied that it is his responsibility to enforce the ordinance and he has already spoken to the property owner and feels that the situation is under control.

**On motion** by Mitchell D. Mogilski, Sr. to hire MSG to cut the grass. Kerry asked for a second to the motion, but the motion died for lack of a second.

4. Winton Male suggested that the Borough of Wind Gap send a letter of support to the Plainfield Township Zoning Hearing Board opposing the proposed placement of two billboards along Route 33 by Adams Outdoor Advertising. Scott stated that the Council is responsible for governing the Borough of Wind Gap and should not get involved in issues related to Plainfield Zoning.

**On motion** by Winton Male to adjourn the meeting of August 1, 2005 and seconded by Tony Curcio. The meeting of August 1, 2005 adjourned at 9:14 p.m.

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Louise Firestone, Secretary / Treasurer

