

**BOROUGH OF WIND GAP  
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WIND GAP, PA 18091  
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The Council meeting of the Borough of Wind Gap on Monday, December 5, 2022, was called to order at 7:00 p.m. by President George Hinton, at which time he reminded those present that the meeting was being recorded. In attendance were Council members Dave Hess, Steve Bender, Dave Manzo, Patrick Webber, Jeff Yob, and Alex Cortezzo. Also, in attendance were Mayor Wesley J. Smith, Borough Solicitor Ronald Karasek, Borough Engineer Brian Pysher, and Borough Manager Louise Firestone.

**PUBLIC COMMENT**

A Wind Gap Borough resident came before Council to inquire about the legal paperwork that was received by residents associated with the Beer Stein property. The current owner, Kerry Gassler, sent out registered mail to 408 property owners indicating that they could be sued.

Attorney Karasek stated that whatever he has to say this evening is his opinion, he is not a representing attorney for any individual property owners, if anything he has to say is wrong or misleading, no one can come back later and say that he told you this. Attorney Karasek indicated that any property owner has been advised to retain their own individual attorney and speak with that attorney about this matter. However, based on what he sees here, this is a Quiet Title action, which is an action that Mr. Gassler is requesting that various streets and alleys around his property which were never opened, never dedicated and never used by the Borough be closed so that his five or six parcels could be unified as one lot. The law is basically that since 400 people or more purchased out of the Doc Keller plan of 1910, all of those people have a right to use and or travel upon all of the streets and alleys that were laid out in that plan. In order for Mr. Gassler to be able to have his parcels all become one unified lot, he has to close and / or vacate the streets and or alleys that are adjacent to or along his property at the Beer Stein. In order to do that he would have to notify all the property owners on the original 1910 Doc Keller subdivision plan because when they bought their property, they were relying on that road to be open and if it is closed or shut down, they would not be able to get to their property. Attorney Karasek stated that the determination is whether or not the streets, alleys or easements areas are going to be averse to any property owner or additionally to the Borough. Attorney Karasek advised that anyone who received the legal paperwork should consult with an attorney to have their specific questions answered.

2. Lehigh Valley Planning Commission Plan Slate Belt Presentation – Dean Severson, Director of Regional Planning and Bambi Griffin Rivera, Community and Regional Planner for Lehigh Valley Planning Commission. The Slate Belt communities have a rich history dated back more than 250 years, but for the first time ever 10 municipalities are partnering to build a bright future. The purpose of the Slate Belt Multi-Municipal Comprehensive Plan is to enable the borough of Bangor, East Bangor, Pen Argyl, Portland, Roseto and Wind Gap along with the Townships of Lower Mount Bethel, Plainfield, Upper Mount Bethel, and Washington to shape their collective vision for the future.

Each municipality has prepared its own comprehensive plan in the past and will keep their autonomy and control but planning as a region enables them to take advantage of geographic similarities and address their common priorities, while better managing an evolving development landscape.

The Plan Draft is the result of three years of work by representatives and stakeholders of each community to create the first Slate Belt Multi-Municipal Plan.

Mr. Severson and Ms. Griffin Rivera took questions and comments from those present. They included a timeline to finish the project in 2023.

## **APPROVAL OF MINUTES**

**On motion** by Dave Manzo to approve the November 22, 2022, minutes and seconded by Patrick Webber. Roll call vote taken. In Favor: S. Bender, G. Hinton, D. Manzo, P. Webber, J. Yob. Abstained: A. Cortezzo, D. Hess. Motion carried: 5 - 0 - 2.

## **APPROVAL OF EXPENSES**

**On motion** by Patrick Webber to approve the expenses in the amount of \$29,193.21 and seconded by Dave Manzo. Roll call vote taken. Motion carried unanimously.

## **SOLICITOR'S REPORT**

See attachment one (1)

## **ENGINEER'S REPORT**

Brian Pyscher gave an update on converting the municipal building and maintenance garage from propane to natural gas. He is in the process of setting up a meeting with a mechanic engineer in order to formulate a design for the most efficient scope of work and do all the required permitting for the conversion.

Brian spoke to Tyler Bartron, PA American Water, Sr. Supervisor of Operations, regarding Constitution Avenue. Tyler has provided As-built drawings. PA American Water has extensive water service on Constitution so Brian will be working in conjunction with PA American Water on the Borough's Street project for next year. Brian anticipates having the cost estimate shortly. Brian said that he will reach out to the Wind Gap Municipal Authority, and also do a PA One Call to locate what is up there.

## **NEW BUSINESS**

1. DRAFT Chicken Ordinance Amendment for Review. Council discussed the Draft ordinance that was provided by the Zoning Officer.

**On motion** by Dave Manzo to table until the work session mid-month meeting so Council can review the draft ordinance and make any corrections and seconded by Jeff Yob. Roll call vote taken. Motion carried unanimously


## OLD BUSINESS

1. 2023 Draft Budget Tax Rate. Council discussed the necessity of holding taxes at 17 mills or possibly increasing the rate by a half of a mill.

**On motion** by Steve Bender to accept the budget with no tax rate increase for 2023 and seconded by Alex Cortezzo. Roll call vote taken. In favor: G. Hinton, D. Manzo, P. Webber, S. Bender, A. Cortezzo. Opposed: D. Hess. Motion carried with a vote of 6-1.

## ADJOURNMENT

**On motion** by Steve Bender to adjourn the meeting of December 5, 2022. Council agreed unanimously. The meeting of December 5, 2022, adjourned at 7:55 p.m.

  
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Louise Firestone, Borough Manager

**SOLICITOR'S REPORT – R. J. KARASEK, ESQUIRE  
WIND GAP BOROUGH  
NORTHAMPTON COUNTY, COMMONWEALTH OF PENNSYLVANIA  
MONTH: November 2022**

**MEETINGS ATTENDED:**

November 7, 2022 – attendance at regular monthly meeting of Borough Council  
November 22, 2022 – attendance at mid-month meeting of Borough Council

**SUBDIVISION MATTERS:** None

**LAND DEVELOPMENT MATTERS:**

Receipt, Review and Administration of e-mails with various Revisions to the Emergency Access Road re JERC LD Plan

Receipt, Review and Administration of e-mails and Prior Easement Agreement with cross-check of County Website to confirm existing access for the Emergency Access Road over Adjoining Properties re JERC LD Plan

Receipt, Review and Administration of emails from Applicant's Planning Professionals (Engineer) and with executed SALDO Waivers (with Appendices) and Traffic Engineer's Attendance at the December 1, 2022 Planning Meeting

ZOOM Meeting with Applicant's Attorney, Verizon Representative, Borough Officials (Borough EIT, Borough Solicitor and Borough Manager) as to need for Subdivision and/or Land Development re Lease of Land for Verizon Cell Tower

**ZONING AND OTHER LAND USE MATTERS:**

Receipt, Preliminary Review and Administration of Application for Site Plan, Site Plan, Supplemental Statement re Verizon Cell Tower Special Exception Use Application

Receipt, Review and Administration of Correspondence from Borough ZO to Property Owners re Drain Installation – 214Broadway

Telephone Conversation with and E-mail to Attorney re to re-Confirm Method and Manner of Service of K. Gassler Quiet Title Action

**DEVELOPMENTS ON OUTSTANDING LITIGATION:** None

**COURT DECISIONS ON BOROUGH CASES:** None

**MISCELLANEOUS:**

Preparation of Borough Planning Commission Meeting Agenda for December 1, 2022  
Preparation of Monthly Solicitor's Report

**OUTSTANDING ITEMS:**

Stop Sign Ordinance  
Dog Park Ordinance