

**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, March 18, 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., William Pysher, and Kerry Gassler. Also in attendance Solicitor John Molnar and Secretary/Treasurer Louise Firestone. Absent Mayor Kenneth George and Councilman Peter Stinson.

### **Approval of Minutes**

**On motion** by Kerry Gassler to approve the minutes of March 3, 2003 and seconded by Sandra Lockard. Mitch requested that page 3, under Wind Gap Ambulance Lease include when John Molnar called Mitch he stated that Joe Dell'alba had the original lease, where he was saying that he didn't have that information because John said he received the lease from Joe. Roll call vote taken. Motion carried unanimously.

**On motion** by Bill Pysher to approve the minutes of the special meeting minutes of March 11, 2003 and seconded by Winton Male. Kerry asked for clarification under public comment when Paul Levits asked about the special Executive Session held at Mr. Zito's office regarding a lawsuit with the Sewer Authority and a motion made at a public meeting. The meeting tape will be reviewed for clarification. Roll call vote taken. In favor: K. Gassler, S. Lockard, W. Male, M. Mogilski, B. Pysher. Opposed: L. Paulhamus. Motion carried with a vote of 5-1.

### **Public Comment**

Rick Keenhold stated that he has quite a few questions for Tom Palmer regarding the zoning amendments and the comprehensive plan. Winton stated that Council invited Tom Palmer from Urban Research to attend the meeting tonight to answer any questions Council may have regarding the amendment and the public can ask any questions or make any comments prior to Council taking a vote. Rick stated that Council had all seven members at the meeting and that is a violation of the Sunshine Law. Winton replied that this was discussed at a previous meeting. Patricia Sutter asked how any of this is going to make the lives of the residents of Wind Gap better? This all has to do with pushing through the road for Waste Management. Winton replied that this project was started in 1999 and no road was even considered back then and this should have been done a long time ago. Winton stated that everyone should listen to the proposal and then ask questions.

Discussion regarding the increase in taxes because of reassessment to properties. Land above the railroad bed would be changed to commercial in the zoning ordinance amendment.

Paul Levits asked who would fund the new road. Winton replied that the Green Knights

came up with \$10,000 for the feasibility study. A Tax Increment Financing expert is doing the study and once that study is done it will be decided if further money should be invested. The first leg is from Broadway to Route 512. The second is from Broadway to Route 33, going through Plainfield and Bushkill coming out at Route 512 at the light. Paul asked if this is part of the mini-bond? Winton replied that it is not tied into that bond. This form of funding is innovative. After a feasibility study is done, they determine what the potential tax income is from development resulting from the by-pass. Once the potential tax income is determined, they float a bond and the difference between the taxes coming in now and the taxes that will come in as a result of the development, that money will go to paying off the bond. It does not come out of the pockets of the municipalities involved. Paul asked if Council has any documentation and who underwrites the bond? Additional tax income from the development goes to pay the bond. People in the municipalities involved do not get an increase in their taxes as a result of this development. The municipality will not receive the tax money until the bond is paid off.

Winton stated that Council is not voting on the road tonight.

Rick Keenhold asked Bill Pyscher if he has seen the plans for the road. Winton stated that public comment should have to do with what is on the agenda. John Molnar stated he does not know the practice of Council under public comment, but comments can be made on topics other than what is on the agenda under the Sunshine Law. John suggested that Council consider taking the road comments and the other agenda items after that. Winton stated that maybe Council should hold another meeting specifically regarding the road. Bill stated that the proposed road would go across north of Eighth Street, go through and eventually come down to the property by the old Lanco building. Winton stated that a map is on the wall outlining the road. Bill stated that going across Route 33 would be around the railroad bed. The developers have agreed to give this land to go through. Rick said that the bridge over top of 22 certainly would not hold a truck and both Bushkill and Plainfield have refused to take the bridge. The State says that it is not theirs. He said the Bushkill has not even talked about it and Plainfield doesn't have anything on it, but Wind Gap is taking people's property and spending money on a road to go nowhere. He added that after Council takes some of his property, they want to make the other side of the street commercial industrial. The other side, which is now RM, would become R8, single family. He would be required to seek a variance every time he would want to make improvements. Bill replied that they voted to approve the plan to go forward and have a public meeting. Bill added that he is not so sure that he is in favor of that being industrial commercial, but maybe remain residential. Rick stated that the Green Knight Economic Development is part of Grand Central, who is funding this project. The \$3,000,000 received from a grant to put the road was received from the County. Glenn Reibman got lots of campaign money from Grand Central so now Grand Central is getting \$3,000,000 to put this road in for their development. He said that he wants people to know. Rick asked Sandy if all the property zoned industrial is filled in the Borough? Sandy replied not to her knowledge. Bigger properties are needed for bigger facilities because through town only has small properties.

Sheldon stated that Council shoot down Twins at the Gap, why? Sandra replied that they requested waivers be granted for their project and the Planning Commission recommended to Council that they not grant the waivers.

Winton stated that Council is trying to increase the number of single-family homes in the Borough. The percentage of rental units in the Borough is in excessive of 45%. Winton stated

that Council will hold a public meeting and explain the tax incremental financing.

Vickie Allen stated that she respects what Council is trying to do with removing the truck traffic from Wind Gap, but not how it is being done. She stated that the whole reason these things are being done in Wind Gap is for Waste Management. Comment regarding the length of time left on Waste Management's permit. She asked about the agreement made with Waste Management regarding receiving money and if it is contingent on the expansion being approved. Winton answered that there are no strings attached to that money. Waste Management has been picking up the Borough's garbage free with no strings attached. The money will be disbursed on a quarterly basis. Vickie asked what will happen to the relationship with Waste Management if the road does not go through? Winton replied that the Borough has to think to the future and not how long Waste Management is going to survive. If the road does not go through, the Borough will become a more transient place which includes more crime.

George Hinton added that the vacant homes on 512 are there by choice of the property owners, because they do not want to sell them. The Green Knight Development Corporation built that shell building on 512 and it is still sitting vacant not generating tax dollars. He does not think that big industry is beating down the door to be located here. Winton answered that the economy is not booming right now, but once the economy comes around there should not be a problem filling the building.

Paul Levits stated that he remembers months ago that one of Waste Management's comments was that they would give the money as long as their current permit exists. Once that permit expires in 2005 or 2006 does that mean they will stop giving money to Wind Gap? Winton stated that he is wrong. It is based on tonnage, not based on time or their current permit. If they are closed down, then obviously they will not give Wind Gap any money. All of this information is in the contract and is public information. Mitch stated that he understands the agreement to say after the year 2006, there is no commitment from Waste Management. Winton corrected and stated that the agreement goes from 15 cents a ton in 2003 to 20 cents a ton in 2004 to 30 cents a ton in 2005 and to 40 cents a ton in 2006 and thereafter it stays at 40 cents a ton. It clearly states in the contract that it is based on tonnage.

Tom Palmer from Urban Research is in attendance to answer any questions regarding the Comprehensive Plan and Zoning Amendments so Winton stated due to time restraints he will close Public Comment at this time and if time permits at the end of the meeting more discussion will be held.

## **Committee Reports**

1. EMS – Kerry Gassler had nothing to report.
2. Police – Bill Pysher reported that the two part-time police officers recommended by Council have gone through their psychological test and physical and should be on board shortly. The Police contract is in the hands of the neutral arbitrator. The 1997 Chevy Lumina was sold and picked up today by the high bidder. Lewis asked when the contract might be settled. Bill replied that he faxed information to the neutral arbitrator at the end of February and was hoping for a decision the first week of March. He understands that the police officers have contacted

their representative to get this matter concluded.

3. Streets – Kerry Gassler reported that the street bids were opened this afternoon. Six contractors submitted bids for the street paving and three contractors submitted bids for the micro surfacing. Council received a tabulation sheet of the bids. The bids will be discussed and awarded at the April 7, 2003 meeting. Kerry has received several calls regarding the leaves that were not picked up last fall. He asked that residents who still have leaves blow them out to the curb and John will be around to pick them up. The streets to be micro-sealed are Washington Street from Center to West, Taft Street from Sixth to Center, West Street from Taft to Broadway, Washington Street from Second Street to First Street, First Street from Broadway to Washington Street and Male Road, entire road to the borough line at a cost of approximately \$32,000.

4. Finance and Administration – Winton Male reported that distribution of the Borough newsletter in February was up around 800.

5. Zoning and Planning – Sandra Lockard had nothing to report.

6. Parks and Recreation – Ralph Stampone reported that the Park Board approved two new front tires for the tractor. The Park Board discussed the need for port-a-potties in the park until the new restrooms are completed. There are two 5K runs scheduled in the park, one in April and one in May. Kerry asked if there is money in the park budget? He stated that because of the nice weather there is quite a bit of activity in the park. Winton stated that the price of rentals would be checked out. Lewis reported that the March 15, 2003 concert featuring The Vogues went very well. The committee may choose a different type of group for a fall concert and the same type of group for a similar concert in the spring of 2004.

7. Buildings and Grounds – George Hinton asked Council how they were approaching the comments made by a health inspector during last year's firemen's picnic and are they on the list to be done. Winton replied that the extra sink to wash hands has been discussed. George reported that the picnic this year is scheduled for June 26, 27, and 28.

8. Fire Company – George Hinton, Treasurer Wind Gap Fire Company, reported to Council that the committee looking into the purchase of a new fire truck received six (6) quotes. The committee has decided to go with KME, which is located outside of Jim Thorpe. The Fire Company is asking Borough Council if they can depend on the continue support of Council with regard to the yearly budget donation of \$15,000 for their truck fund? George added that with the Borough's donation, their picnic and their bingo they could afford the payment even without the Waste Management contribution if that should go away. They are currently looking at a ten-year loan with the possibility of paying it off sooner. The balance in their truck fund is \$38,740.61. The cost of the new fire truck is \$263,147. Toby Lawson, Assistant Fire Chief, outlined the specs for Council. He left a copy of the specs to be distributed to Council. The truck will be a 2003 KME, six man cab, roll up style doors, 1,000 gallon tank, equipped with hose, nozzles, supply line, ladders, flashlights and the price includes all the equipment. Bill asked when could

they expect delivery? Toby replied that once the commitment is signed it would arrive anywhere from six months to the beginning of next year. George stated that the Fire Company was not going to sign the paper until Council has approved the monetary commitment. Kerry stated that Council must make that decision for \$15,000 a year and not cut this budget item in the next ten years.

9. Insurance – Winton Male reported that he will advise Council when he has received quotes for the Public Official and Police Liability policies because it has become increasingly difficult to acquire.

10. Land Use Committee – Winton Male had nothing to report.

11. Sewer Authority – Rick Keenhold stated that he understood that Attorney Karl Kline was hired by the Borough, when was he hired and what purpose was he here at the special meeting? Lewis stated that Council did not vote to hire him. Winton added that he came to the meeting to discuss the Sewer Authority and no vote was taken to hire him. Linda Perin asked if he has been paid or will he be paid? Winton replied that he has not been paid and to his knowledge there will be no bill, but he may submit a bill.

12. Mayor's Report – Mayor George was not in attendance.

## **Old Business**

1. Comprehensive Plan and Zoning Amendments. Tom Palmer, Urban Research and Development Corporation. Tom talked about the Comprehensive Plan Amendments. He reviewed the Potential Industrial Road Extension/Route 512 Relief Route. Currently in the design state, the NAPER planned industrial/office park development includes a central roadway that will extend from Rt. 512 (to the east) in Plainfield Township to North Broadway (to the west). There is interest, expressed by some local municipal officials, the Northampton County Department of Community and Economic Development and others, in continuing the NAPER road to the west and into a new Route 33 interchange. The new road and interchange would provide a direction connection to Route 33, and help relieve traffic on Broadway.

Several studies have identified the potential for this road extension. The recently completed (July 2002) Benesch Route 512 Truck Study states: "the county alignment proposes access from S.R. 33 to an abandoned railroad crossing. The feasibility of providing access from this location should be investigated to determine if an interchange at this location and the use of the former railroad bed for the new alignment is a viable option. Other alternatives such as providing a crossing of S.R. 33 for better access to the economic development area west of S.R. 33 should also be further investigated for benefits to the surrounding transportation network." The plan is saying that there needs to be a feasibility study of the road and interchange. The study was commissioned by the Slate Belt Chamber of Commerce and funded in part by the County. In the initial meeting with the Wind Gap Land Use Committee, Urban Development explained that this was a potential road in other studies. Tax Increment Financing Study has been commissioned by the Green Knights to determine the feasibility of how that district may be

configured. Approval must be received from County, local school district and the local municipalities. This is all consistent with the regional planning group. The potential for this road extension and interchange should be fully explored. A comprehensive transportation needs analysis and feasibility study should be undertaken as soon as possible. Also, the Borough should prepare an "Official Map" pursuant to the provisions of the Pennsylvania Municipalities Planning Code, to identify and reserve the corridor for this road and potential interchange.

They were asked to explore ways to increase more home ownership, possibly ways to minimize R8 areas and the proposed amendments are more than just the maps. It includes the definitions in the zoning ordinances. The zoning amendment includes stronger regulations on adult uses, provisions for forestry, minimum size of dwelling units, wheelchair ramps, setbacks, wildlife sanctuary, drive through services and other changes to be reviewed by Council. Clarifications have been made to special exceptions procedures and provision for fences in front yards. They have tried to incorporate changes made by the committee to the zoning map. Blue Mountain Conservation Zoning District has been created in accordance with the adjourning Plainfield Township zoning district. Forestry activities, including, but not limited to timber harvesting, shall be a permitted by right use in all zoning districts of Wind Gap. They looked at Lehigh Avenue to see if it would make sense to expand the Community Commercial area, but there are only two or three commercial uses. Urban Research did not recommend changing the uses. At the end of Lehigh Avenue it seemed to make sense to rezone it from R8 to Industrial Commercial. The Wind Gap Ambulance Corps building would make sense to be included in the Industrial Commercial zone as opposed to residential zone. If the road would go through, Eighth Street would be changed to R8. R8 and RM both allow multi-family and much the same in density. The Community Commercial district is being suggested for the town center starting from Male Road up to the American Legion. It is much the same as is currently zoned with the inclusion of the area for the proposed CVS. This would be an area that would promote businesses along this corridor. Tom confirmed that currently 44% of all total dwelling units are rental units in Wind Gap. Wind Gap has a high average in comparison to other municipalities in Northampton County.

Discussion regarding the wet soil in the area north of Center Street and east of Roosevelt Street and the potential development. In consultation with the Borough Engineer, he feels that single family can be developed in that area. Tom stated that it is good to get insight from the residents and this is not even at the public hearing stage yet. Tom tried to explain why the proposed zoning amendments were recommended at this point. The park would be included in the Special Conservation district.

George Hinton asked that the area on Washington Street that should be IC be properly shown on the map according to a change that was made years ago. Tom explained that the committee took into consideration the adjacent zoning in Plainfield Township. They are trying to create a remote area that is still appropriate for adult uses instead of having them in shopping centers. If regional planning is done, the region would have to provide for certain usages, but each individual municipality would not have to provide for each. John Molnar stated that all legitimate uses must be provided for because the Pennsylvania Supreme Court has determined that if it is not included in the ordinance then the ordinance would be unconstitutional.

Tom announced that a regional comprehensive plan is being worked on also. Tom invited all to attend a public information meeting for the regional plan on Monday, March 24,

2003 at the Plainfield Township Volunteer Fire Hall. The regional plan would be Plainfield Township, Pen Argyl and Wind Gap.

Rick Keenhold asked if Bushkill is involved in the regional plan. Tom replied that Bushkill is involved in another regional plan. There has been talked about a full access interchange and eliminating the upper interchange because of the grade. Rick is concerned that it has not been designed and yet Council is spending money on buying property. The State has to be involved because of the bridge and this project is not on their twelve-year plan. Rick is concerned that his residents would be right next door to the industrial park. The Industrial Commercial district would be about 200 feet on Eighth Street and yet the adjacent district in Plainfield is residential. The County officials are interested in the feasibility and the economic impact of the proposed road.

Linda Perin is concerned that her property is zoned R-8 is being proposed to be changed to R-10. She had preliminary approval to build 99 units and that could not possibly happen on 3 or 4 of usable property.

Rick asked where the plan came from for the road? Tom replied that the Al Benesch report shows the road, but he is not sure if NAPA Development drew up the plan for the road.

Winton explained that the Land Use Committee consists of the Borough Solicitor, the Planning Solicitor, the Zoning Hearing Board Solicitor, the Borough Engineer, the Zoning Officer, two representatives from Planning and one representative from Zoning, a representative from the Sewer Authority and three Council representatives.

Mitch asked if Tom had sat down at any meetings in Plainfield or Bushkill? Tom replied that he has not, but there is a need to do the feasibility study. Mitch stated that if the townships are not in favor then it would not happen. Tom suggested that this road could be done in stages. Tom stated that as part of the regional planning this can be discussed. Mitch suggested having a lot more input on this issue.

Winton explained that industrial development is key and the road will assist in the economic development of this area.

John Molnar suggested that because of the amount of discussion on numerous topics, Council may wish to consider having more public meetings to cover all the topics. This has to be sent to the local Planning Commission and the Lehigh Valley Commission. John stated that citizen input is important and Tom can gather information from more meetings.

Kerry pointed out there is a welding shop on Center Street. Tom explained that they tried to interpret the ordinances and all the amendments and an official zoning map does not currently exist in the Borough. Tom questioned property on West Street being zoned Community Commercial. Paul Levits stated that it is his property and it was his understanding that his whole property was rezoned. There was discussion on Male Road being changed from Industrial Commercial to Industrial Shopping Center. Winton stated that he will be setting up possibly two more meetings. John advised that when a public meeting occurs, the Borough Solicitor generally advertises those meetings notifying the Planning Commission and the Lehigh Valley Planning Commission.

Council concluded that there is a definite need for further meetings to gather information from Borough residents. They will be scheduled as soon as possible.

## **New Business**

No New Business was on the agenda.

**Executive Session.** Council adjourned to Executive Session at 9:58 p.m. to discuss personnel issues.

Meeting of March 18, 2003 adjourned due to the 10:00 p.m. curfew.

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Louise Firestone, Secretary / Treasurer