

**BOROUGH OF WIND GAP
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The Council meeting of the Borough of Wind Gap on Tuesday, February 17, 2004, 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., Karen Skorochod, George Hinton, Scott Parsons, and Anthony Curcio. Also in attendance were Mayor Kenneth George, Borough Engineer, Ronald Madison and Secretary/Treasurer Louise Firestone. Absent was Councilman Mitchell D. Mogilski, Sr.

Committee Reports

1. EMS – Tom Knitter, President Wind Gap Ambulance, submitted items needed by the Ambulance Corps for the “wish list”. These include: head immobilizers - 6 @ \$100, baxstrap spineboard - 6 @ \$174, stryker cot – 2 @ \$3,630. Karen has a list of the new officers elected and appointed. Tom provided a summary of trips made by the Ambulance Corps for the years 2002 and 2003. 2002 – 449 trips, of which 339 were billable (70%) and 48% paid. 2003 – 409 trips, of which 329 were billable (81%) and 48%-52% might be paid.
2. Police – George Hinton had nothing to report.
3. Streets – George Hinton reported that the street committee has been looking into the icing problems due to water being pumped out onto the streets and freezing over. One of the biggest problem areas is Lincoln and West Street. The committee would like a stormwater project done this year with the installation of catch basins here. Other areas, 17 Lehigh Avenue and 24 and 34 South Lehigh are also problem areas. The projects for this year include West West Street drainage, the Park issue, and Woodward. George informed Council that he is working on the part time/full time employee for the street department. He will gather more information and inform Council because Council needs to make a decision regarding this matter. George informed Council that John is going on vacation in March and he asked Council’s permission to pre-alert MSG should it snow. John has been filling potholes. John and George asked the County to fix a broken window in the 911 Center two weeks ago and it was not done. John and George fixed the window and the County will be billed for time and materials.
4. Finance – Kerry Gassler reported that the re-financing is being looked into for the Ambulance building.
5. Administration – Winton Male reported that the envelopes have been filled for the mailing.

6. Zoning – Tony Curcio reported that the Zoning Hearing Board would meet on Wednesday, March 3, 2004 and they will hear two cases.
7. Planning – Scott Parsons reported that two people have applied for the open seat on the Planning Board.
8. Parks and Recreation – Karen Skorochoch reported that Ralph Stampone is the designated representative from the Park Board. Ralph thanked John for getting the sign up at Third Street announcing The Vogues Concert. Summer Sounds has a couple corporate sponsors and that will really help with the funding. The Park Board decided that the Borough should proceed with getting the fields ready for the kids to play on. He suggested using the liquidated damage money from Grace Industries to make the repairs. Discussion regarding getting a price to purchase a new backstop for the girls' field as opposed to moving the existing backstop because moving the backstop is labor intensive. The Park Board is checking out this possibility. Ron informed Council that Grace Industries did fulfill their contractual obligations in November. Unfortunately, they did not catch the fall growing season. Normally if the grass does not grow, under the maintenance bond, they can be called in to re-seed and clean things up. There should not be any problem with the Athletic Association or the Park Board doing what they normally do to get the fields ready for play in regard to the potential litigation. Grace Industries is still owed the five percent retainage that the Borough is holding. They have threatened litigation, but to date, they have not filed a suit.

Karen added that Gary Golden turned in his resignation, which was unanimously accepted by the Park Board. He resigned due to extensive family and work responsibilities. Karen asked that the vacancy be put in the newsletter.
9. Fire Company – George Hinton reported that the Fire Company appointed a committee to look into the possibility of sending bills to the insurance companies for reimbursement for Fire Company expenses. George will contact Len Zito in regard to this issue. He stated that surrounding municipalities do bill for their services to re-coup some of the cost incurred by traffic accident, etc.
10. Sewer Authority – Scott Parsons reported that in accordance with the agreement between the Municipal Authority and Council, Tom Knitter, Secretary, Wind Gap Municipal Authority, would be the liaison. Tom submitted a copy of a report that the Authority will be providing to Council on a monthly basis. The report includes the average flow for the time period indicated on the report. It also lists the projects that are coming up including a joint meeting with Authority representatives and Bushkill Township on the Jacobsburg Road sewer extension. Both Plainfield and Bushkill were reminded to address the Act 537 Plan with Wind Gap Borough Council. Tom reported that the Authority has not raised the rate. One of the Municipal Authority employees has resigned and they are currently accepting applications to fill this position. The Authority has not received any information regarding the Jacobsburg Road sewer extension. George asked for input from the Authority on their recommendations for specific projects. Scott reported that the two committees met in regard to the release letters and asked that this be discussed during an Executive Session. Len will be provided with a copy of the agreement.

11. Insurance – Winton Male reported that he is still concerned regarding the renewal premiums.
12. Land Use Committee – Winton Male reported that the committee has not had any meetings.

Mayor's Report

Contractor's Licenses collected for January 2004 was \$1,100. The Police responded to 129 calls in January, 12 motor vehicle accidents and 29 traffic citations. The Mayor gave Council a copy of the Wind Gap Annual Tree Lighting Ceremony report. Pastor Gaestiger is asking for the continued support from Borough Council. The Mayor stated that the ordinance related to moving permits, which was adopted in 1971, is outdated. Ordinance 374 deals with landlords and their requirement to report to Borough Council within ten days regarding changes of their tenants. He suggested incorporating both ordinances together so that everyone is aware of any changes in residents. Kerry appointed Winton, Mitch and Karen to a committee to review this idea and come back to Council with their suggestions.

APPROVAL OF MINUTES

On motion by Winton Male to approve the minutes of January 20, 2004 and seconded by George Hinton. Typo correction on page one to be made. Roll call vote taken. In favor: T. Curcio, K. Gassler, G. Hinton, W. Male, S. Parsons. Abstained: K. Skorochood. Motion carried with a 5-0-1 vote.

On motion by Scott Parsons to approve the minutes of February 2, 2004 and seconded by Karen Skorochood. Roll call vote taken. Motion carried unanimously.

GUESTS

1. Urban Research and Development Corporation – Tom Palmer and Bob Kriebel. Bob gave an overview of the participants in drafting the Pen Argyl, Plainfield Township and Wind Gap Comprehensive Plan. Bob stated that tonight they hope to open the line of communication so that all concerns can be addressed. Background studies were completed to identify all areas of the Borough. Tom Palmer stated that they are trying to make this consistent with the requirements of the Pennsylvania Municipalities Code. The plan should be consistent with the Lehigh Valley Planning Commission in regard to the growth areas and the urban areas. They tried to match existing patterns with current needs and land uses adjacent to the township. Tom asked for direction from this Council regarding the Town Center, which is designed to encourage a more attractive street scape improvement and allow for a variety of commercial uses, smaller scale type development. There has been discussion in the past regarding extending the Town Center up North Broadway to Alpha Avenue. The other concern had to do with the area just east of Roosevelt Street. Roosevelt Street is basically single-family detached housing yet it is an R-8 district, which is a multi-family housing district. Urban Research feels pretty confident

that the regional plan provides housing opportunities and will withstand a court challenge because it provides for more than double the needed dwelling units for year 2020. Tom stated the overall goals and objectives are important because as elected officials, these should be reviewed before making a decision so that the plans are consistent. Regional cooperation among the municipalities and the School District is important. Tom is looking to have this adopted by June 30, 2004. Once the feedback has been received from the three participants, the necessary changes will be made and the plan submitted to the Planning Commissions for the necessary reviews. The Planning Commissions are responsible for holding a public meeting, which Urban Research would be involved in, and then they would pass along their recommendation to Council. The School District and the Lehigh Valley Planning Commission would have to review the plan also.

Winton stated that he is concerned that Wind Gap has a high percentage of rental units and there is the potential for more multi-family rental units on the Borough's borders. Tom replied that in the high-density areas for growth, there is a need for public water and sewerage, plus building close to schools and parks. The area identified in Plainfield Township for growth is close to the schools, park, public water and sewer. The plan provides for this growth as required by the Municipal Code. The idea is to maintain the percentage of rental units as they currently exist, but there is encouragement of increasing homeownership. Council to review the Comprehensive Plan and give their comments to Kerry. Kerry promised to contact Tom within the next week or so.

Mike Gassler stated that he does not believe that Center should be changed to R10, it should stay R8. He would like to have the old Comprehensive Plan stay the same; we do not need all these changes.

2. Nolan Perin, Developer, Jerry Bermingham, National Realty Development, Dennis Harmon, Pidcock Company (engineers for the subdivision and land development). At Council's request, Nolan is attending tonight's meeting to answer questions. Jerry introduced himself as the Managing Director of National Realty Development (NRD). NRD is a privately owned family company out of West Chester County, New York. They have been in business over forty years and have developed over eighty shopping centers. They primarily develop in the Northeast United States. They develop approximately one to two shopping centers and build them from the ground up. The shopping centers are built, managed, held, and leased by NRD. NRD understands the needs of the national retailers and the needs of the communities where the centers will be built. Typically, when developing a site, the project would have already been developed, but because of the unique issues that have arisen related to this project it has taken longer. NRD has a site that they have confidence in building a shopping center, they have retailers who are willing to work with NRD to move forward with this project. They cannot make a guaranteed commitment to their interested retailers at this time because of zoning reasons, political reasons and for engineering reasons. Preliminary engineering has been done and they have made a commitment to start a process that will cost their company over \$1,000,000. NRD is aware of the road being built adjacent to the property, but because it typically takes so long to complete and is a time consuming process they are not using this road as a selling point to potential retailers. As a developer, they are comfortable moving forward with this project without the road and they are not depending on the road to develop this land. Winton asked Jerry about

offsite improvements to help with the Borough's traffic problem. Jerry replied that in most of the projects, they do complete offsite improvements. They look at cost and what the benefit will be, either specific to the community or specific to the project even if it is offsite. It is typically dictated by the project once the plan is understood and the most common offsite improvement is road improvement. The Mayor stated that the originally intent of the project was to be Industrial development. If the land is developed as commercial there will be no control on the amount of traffic or when it will be traveling through the Borough. Jerry stated that the preliminary indication is that the traffic that travels to shop in Wind Gap for retail will not travel through Wind Gap from Pen Argyl, Bangor and east; they will travel to the new shopping center and not through Wind Gap. He feels that some of the traffic will be alleviated because the shopping center would draw from a radius of five to seven miles. Some of these retailers that would occupy this shopping center already have other locations in this market place within a fifteen-mile area. The Mayor is concerned that the Police Department will not be able to handle the increase in traffic and another officer may need to be put on to handle the traffic. He again suggested that the bond money be used for a road west of Broadway to complete a by-pass around Wind Gap. Scott asked how many acres would be taken up by the shopping center? Jerry replied there is not definite plan as of yet, but the area would be approximately 42 acres. Kerry asked how the process was slowed down? Jerry stated that they are not slowing the process down because it is not in their interest to slow down. Essentially, Waste Management (WM) is the property seller and they are concerned about the road and Wind Gap Borough. WM did not want NRD to proceed with the development until they reached a certain comfort level. Winton added that the Borough has a commitment letter from Waste Management for their property. Tony asked what the time line is for engineering and development? Jerry replied that he would like to see the approval process complete before the freeze of 2004; this is optimistic, but possible. He would like to start the construction in Spring 2005. The shopping center would be a twelve-month build. This project will front Route 512 because that is the point of interest for the potential retailers in the shopping center. Kerry asked if the road goes in from Broadway to 512, if there is an expansion going to Route 33, would there be any possibility of contribution to make that happen. Jerry said sure there is that possibility, but he does not know how much. Ron Angle stated that if this shopping center comes, the \$2.6 million needs to be used to move the road to the other side of Broadway.

Dennis Harmon showed an updated plan with the proposed shopping center indicated. The tract has been divided into ten parcels. There are two lots located in the Borough of Wind Gap with the remainder being located in Plainfield Township. The project will be served by sewer, with lots one, two and three flowing by gravity to one of the connections in Wind Gap. The rest of the tract would have to be pumped either to Wind Gap or to Pen Argyl. Pidcock conducted a traffic study, counting cars at the intersections to determine what the intersections would have to look like for industrial development. They have conducted studies on storm drainage on Constitution Avenue. They will need to provide for drainage for the road and for the development of the land. Pidcock has had discussion with Plainfield Township regarding the width of the road and they are similar to the requirements of Wind Gap. Currently the road would forty feet wide; the bulk of the roadway would not require curbing. They are considering two twelve-foot lands with a turning lane or two twelve foot lanes with larger shoulders and it will

be determined what will be most advantageous. Winton stated that it was the intent that the road would be constructed to PennDOT standards so if in the future it could be turned over to the State. Dennis stated that it is his understanding that PennDOT doesn't take over any roads these days. Karen asked what would be favored in regard to the turning lanes? Dennis replied that turning lanes would be advantageous if you have a lot of vehicles making a left hand turn and therefore, holding up traffic behind them. If there will not be a lot of turning, the larger shoulders would be adequate. George asked why there would not be curbing put in? Dennis replied that curbing adds a lot of cost to a roadway and because these are public funds they are trying to keep cost down. George stated that he did his own traffic study and will provide those numbers to Dennis. Scott asked how the many lots are in Wind Gap? Dennis replied that there are four lots and a small portion of two others, which totals 9.3 acres in Wind Gap. Nolan stated that there is interest in one lot to build a shop and office complex and another lot to be industrial that will create ten jobs. It is difficult to get any real activity because he has no finish product to sell at this point. Tony asked if the road is necessary for development of property in Wind Gap? Nolan replied that he could do some development along 512, but he would need the road because with the road comes water and sewerage. Ron Angle pointed out that it was always stated that the road would be built to PennDOT specs and it would never be the Borough's problem, what was four sites is now two sites. He stated that the solution would be taking the bond money and doing something that would benefit the Borough and not the developer. Scott asked if Ron could guarantee that Wind Gap would still receive the money if the project were changed? Ron informed Council that they could count on his vote at County Council. Nick Sabatine, Northampton County Council, stated that three municipalities would have to give direction to those at the County level. If a road were to be constructed on the west side of North Broadway for a by-pass it would cost more than the \$2.6 million that the three municipalities are to receive from the bond issue. The cost would probably exceed \$12 million. Nolan explained that it would not be easy to change the project to the other side because there are fifteen property owners, quarries, Route 33 and wetlands that all must be taken into consideration to construct another road. This project was stopped in September 2003 because of the concerns of the three municipalities involved in the approval process of bills and work did not resume until December 2003. Kerry asked how close is the engineering to the planning stage? Dennis replied that they hope to submit in April. Scott asked because the lot sizes have changed since the plan was submitted to County as part of the application for the bond money would this change the amount of jobs and the tax revenue that would be received? Nick Sabatine stated that none of the projections contained in any of these projects contained requirements in respect to job creation. This is not the only project that has changed and there is nothing that the County can do to yank the project off the board. He added that all the projects probably would have been yanked because they are not as originally submitted. The only way that it will be changed, is if the three municipalities asked for it to be changed. Nolan stated that the bond issue was not well thought out and because there was no clear direction from the County it was delayed at the beginning for five and a half months. It took almost fourteen months to get the project going.

Kerry stated that he would like to poll Council regarding whether they want to have this project approved. If they are in agreement, the project is right on track. If they are not in

agreement, then Council would need to retain an attorney to represent the Borough. He asked Council if they are in agreement with the road. The bond issue is from Broadway to Route 512.

G. Hinton – no, W. Male – yes, S. Parsons – yes, K. Skorochood – no, T. Curcio – yes, K. Gassler – yes. Council approved to allow this project to move forward.

PUBLIC COMMENT

1. Ralph Stampone stated that Wind Gap would get hardly a dime, it will all go to Plainfield Township. Kerry stated that it has to go through all the planning processes and there will be time for public comment.

Meeting of February 17, 2004 adjourned at 10:00 p.m.

Louise Firestone, Secretary / Treasurer