

**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, August 16, 2005, was called to order at 7:00 p.m. by Council President Kerry Gassler, at which time he reminded those present that the meeting was being recorded. In attendance were Council members: Winton S. Male, Jr., Karen Skorochood, Mitchell D. Mogilski, Sr., George Hinton, Tony Curcio, and Scott Parsons. Also in attendance Mayor Kenneth George and Secretary/Treasurer Louise Firestone.

Councilman George Hinton arrived at 7:05 p.m.

Mayor Kenneth George arrived at 7:18 p.m. – he took his leave at 8:55 p.m.

PRESENTATION

Sherry Acevedo from the Delaware and Lehigh National Heritage Corridor introduced herself and thanked Council for allowing her to make this presentation. She introduced Brian Wagner, Secretary of the Bushkill Conservancy. Brian explained that they had worked on the Two Rivers Greenway Plan with Urban Research and Development Corporation for about a year and a half. The Plan covers the entire Bushkill Watershed and Williams Township and is very comprehensive covering a lot of trails and parks that they are trying to preserve. He explained that this is a Lehigh Valley Greenway Initiative, which is a DCNR program. DCNR is putting money toward this Two Rivers Greenway Plan and that is part of the Lehigh Valley Greenway Initiative. Sherry told Council that Lehigh Valley Greenway Initiative is a regional approach which is something new being initiated by DCNR. At this point they are providing funding to the Delaware and Lehigh National Heritage Corridor to help implement this Plan. Because of the great efforts from local groups it is focused within Northampton County and the Lehigh Valley area. A Block Grant of \$200,000 has been awarded to the Delaware and Lehigh National Heritage Corridor to provide implementation towards projects that are directly related to this plan. That includes conservation greenways, trails, and acquisition of open space, key natural features and land. Steve Szigethy (URDC) presented the actual specifics of the Two Rivers Greenway Plan. URDC did the writing of the plan and the maps. The State is encouraging local groups such as the Bushkill Conservancy to do greenways plan with a goal of having a State wide greenways plan. To complete the Plan, URDC in conjunction with the Bushkill Conservancy had input from professionals along with the public. A greenway is a corridor of open space, “greenways differ in their location and function, but overall a greenway will protect natural, cultural and scenic resources, provide recreational benefits in some cases, enhance the natural beauty and quality of life in neighborhoods and communities and in some cases it even stimulates economic development”. The study includes seventeen municipalities from the Blue Mountain down to Bucks County, 109 square miles, 130,000 people live in this area. There are headwaters that begin in this area and flow down toward Easton. Bushkill Creek is a State

designated high quality cold-water fishery. Wind Gap has a floodplain, significant wetlands, and existing woodlands, steep slopes on the Blue Mountain that are being looked at to be protected in the greenways as part of this plan. There is a quality of life appeal with greenways because people and businesses move to areas with recreational areas. Property values are higher because people are willing to pay a higher rate for homes because of the protected areas. There is an opportunity to connect the Appalachian Trail down to the Delaware and Lehigh Corridor in the south. There are utility corridors that can connect to the trails. Some of the goals are protecting riparian woodlands for water quality and wildlife habitat. They are investigating potential for recreational greenways or trails. This plan supports looking into trails and potential areas for trails and promoting redevelopment on Brownfield sites. Steve reviewed concept maps including greenway plans to connect existing greenways with proposed greenways. The plan looks at conservation of properties that need protecting, environmental protection.

Dr. Segatti stated that there is a great deal of talk about development, but have they considered the landowners? Steve replied that any idea involving landowners, the idea must first be discussed with the landowner prior to any project moving forward through their property. This is just a plan, a book of ideas. Any changes of zoning would be put under public review and that would be the opportunity for property owners to voice their opinions.

Sherry Acevedo explained that a crushed stone surface trail, multi-use, which is basically what, would be used in this area. The estimate would be \$50,000 per mile, which includes draining, sub-base and surfacing (top layer) rolling is included. Pennsylvania is leading the nation with the most amounts of rail trails and that is basically abandoned railroad lines. These trails are non-motorized; multi-use is hiker, joggers, strollers and including a side of horseback riding. They identify three trail routes, but once the feasibility study is done it may force them to look at alternative routes. The key with the Appalachian Trail is that it is a hiking trail only and the Pennsylvania portion is known to have the rockiest portions of the trail. The idea is to get people who are riding and walking on the Borough streets to safe pathways so they are off the streets. Nolan Perin stated that based on his experience he does see how you can put down a gravel surface on a rail bed without digging up all the cinders and moving them out of there. The DEP is requiring a voluntary cleanup as a condition on the development, which means that he has to scrape up all the cinders and move them to a part of the property that can be deed restrictive so that it does not come in contact with the ordinary citizen. Sherry replied that in trail construction, that would stay in place serving as a major sub-base. If there were no sub-base, a sub-base would have to be installed. Sherry thanked Nolan for bringing this to her attention. There must be something specific that they found on his property. Sherry stated that she would return to Council asking for their further support. The Borough's Notice of Intent was received today at their project meeting and was very favorable. She thanked the Borough for their application.

PUBLIC COMMENT

1. Bob Holland, 30 South Alpha Road, Wind Gap, which is the corner of Alpha Road and West Street. Bob is currently discussing purchasing the railroad right-of-way, which runs across the front of his property, but that sale is contingent or hampered by a piece of property that the

Borough owns or does not own. Nolan Perin stated that he and his brother would like to dispose this property, but about half of this property should go to the Borough because it is West Street. The Engineer was going to do some checking to find out if the Perins really owned it, he has been paying the taxes on it. The Perins do not want the burden of doing a subdivision plan. The best solution may be to have the Borough do the subdivision and take the piece that is West Street. The balance of the property, the Perin family would make a deal with Mr. Holland and bring this to a close. Kerry stated that he has spoken to Ron Karasek and Ron Madison regarding this. Nolan asked that he and Mr. Holland be kept informed of what is transpiring on this property.

2. Neil Roberti, Jr. Neil asked Council if the use of the Oaten garage is out of the question anymore or is there something he has to do to get that started? Kerry replied that Council previously explained to Neil that he needed to submit a land development plan to be reviewed by the Borough Engineer. Neil stated that he never knew that he had to submit a full plan, but he did submit a sketch plan. He never received an answer whether his plan was feasible. Kerry stated that during an Executive Session he was made aware of the procedure that was necessary to move forward with a plan. The Borough Engineer gave comments regarding the plan not being impossible, but he would have had to build above the 100 year flood plain and Neil's engineer would have to do further calculations. It was then up to Neil to decide if he wanted to proceed with the plan and have his engineer do the necessary work. He contended that he never received a definite answer. Kerry said that the deadline was June and then it was August 31, 2005. George added that he felt that the discussions were pretty cut and dry that once the Borough received the permits, Neil had to be out of the building. This process has been going on for over a year that Council has tried to work with Neil to conclude this process. Neil stated that the last letter he received from Council it was the first correspondence that had a definite answer. Scott stated that is not true. During the Executive Session the sketch plan was discussed, but there would be a lot of permits and at that time Neil stated that it was not feasible for him because of the possible costs. Winton asked who was going to pay for the demolition? Neil offered if he could get it demolished quicker and cheaper, but Council did not agree with the suggestion. Kerry stated that when the Borough took eminent domain of that building, the Borough owned the property even if the Borough did not pay for it at that point. The Borough has paid Neil for the building. Neil was to do a land development plan to see if he could put a building on there, acquire permits, but to do a land development plan is almost a two year process and upon him submitting a plan the Borough was willing to possibly help him out by offering the Oaten building or putting a shed on the other property. As time went on, nothing happened. Borough Council did not agree with the stipulations offered by Neil in his letter. Council felt that it would not be good for Neil to take down the building now that the Borough owns the property. The Borough has already applied for a grant for this property. Neil stated that the situation keeps changing and evolving since Council discussed this during the Executive Session. Neil asked if it is possibility to rent just the office until the building is torn down with no other use of the building? Kerry replied that it would have to be checked out with the Borough Solicitor. The reason the Borough condemned the property was because it was not safe. Neil stated that Council said it was okay to put up the shed and then he received a letter indicating that he would be fined \$500 a day. Kerry stated that the discussion regarding the temporary

shed was if he was proceeding with the land development plan as instructed by Borough Council. Kerry will contact Ron Karasek and ask him to contact Mr. DeEsch regarding the rent offer.

3. Patricia Sutter asked Council if anyone received a mailing regarding stopping Industrial Road? Mitch asked Pat to provide Council with a copy since no one was familiar with it. It says, "Wind Gap is pushing the agenda of the developer by using tax dollars to mislead the public that Phase II will help our traffic problem. Phase II of the by-pass is not on PennDOT's twelve year plan". Pat stated that she believes that Winton has been saying that it is on PennDOT's twelve-year plan. Winton and Council members replied that no one on Council ever stated that it was on the plan at this present time. She continued reading from the mailing, "and will not get built until Wind Gap raises twelve to fourteen million dollars in taxes". Is there any truth to that? George stated that none of that information came from Wind Gap Borough Council. It is important to know where this information came from because if it did not come from this office or this Council then it is false. It is not true information. Pat asked if it is true that Wind Gap will have to pay a large amount of money to get this road built from the west side to the by-pass, is that going to come out of Wind Gap money, who pays? George replied no. First of all the road and the Wal-Mart have been tied together, they are not. That road was for an industrial site; Wind Gap who is the host of the Bond Issue had no bearing on what Plainfield did, or what Pen Argyl did. Wind Gap has industrial sites on Industrial Drive. Residents of Wind Gap who voiced their complaints about truck traffic, why did the trucks not go on Route 191, they stink, and they use jake brakes. This Council's intention is to back the by-pass. Ron Angle has even suggested to this Council that they should take and put the bond money over to the other side of Broadway to get an access off Route 33. This Council has put a committee together to go out and find funding to spearhead discussions and find interested people to fund this by-pass to get rid of water trucks, Tech-Bloc trucks, and any other industry trucks and try to get all the truck traffic out of the Borough and even some of the car traffic. George added that if he were a Pen Argyl resident he would support this by-pass because it would eliminate going through Wind Gap and all the traffic and the traffic lights to get to Pen Argyl. George stated that Council is not in favor of Wal-Mart, but this Council has no say in that. Pat stated that the by-pass is a far fetch dream.

4. Carol George stated that she didn't realize that the garbage trucks will go on the new road and the smell will be on her side of the mountain. The property owners will have a road on the front of their house and the back of the house. What will happen to those people, will they lose part of their property? Kerry replied that the Borough has not taken eminent domain and that Nolan has acquired the easements. There will be a buffer zone consisting of trees. She stated that she is nervous about this road. Has anyone thought of the impact that this entire town is going to turn into, it is turning into a nightmare. Are there going to be any high paying jobs coming out of this, do we have any names? Kerry replied that he does not have any names at this time. Techo-Bloc moved in and a lot of people thought that were a good thing and now they are expanding. The Mayor added that from day one, Wind Gap was on the losing end of this deal. This whole town is depending on one developer.

5. Nolan Perin. Nolan stated that he had a few items to cover, but he asked Council if they wanted to discuss these since the solicitor and engineer are not in attendance tonight. Some of the issues need the engineer's input. Kerry suggested that Council wait until the next meeting, but Nolan stated that doesn't work well because the application has to be given to PennDOT. There was a meeting with property owners on Monday at the properties. Kerry asked Nolan to review the topics and Council will decide what can be done tonight, if anything. Nolan provided Council with a drawing that shows the improved intersection setup of Alpha Road and Route 512. Where there are left turn lanes, PennDOT is going to require no parking on 512 and part way up and down Alpha Road after the engineers discuss the distances. This is not a new subject. Nolan stated that this is up to the Borough. He does not have an issue building it if PennDOT says build it and the Borough says build it, he will build it. PennDOT is going to want to hear from Wind Gap rather than from him. Kerry stated that Ron Madison he would like to see the traffic numbers so that he can review it and give the Borough a recommendation whether it is feasible and good for the Borough. Kerry believes that Ron already has the numbers, but he is waiting for an escrow account before reviewing. This intersection is part of Industrial Drive and he is working on it according to PennDOT along with the intersection at the Turkey Hill. Scott recommended taking these two intersections out of the Industrial Drive project and makes them the Wal-Mart developer's problem why should the bond money be used for this? PennDOT informed Nolan that they combined his traffic numbers with the shopping center's survey numbers and came up with these four intersections as a minimum that is what he has been told. If the Borough wants to tell PennDOT to have the developer do both ends of Industrial Drive that is all that is required at this point, but the Borough has to tell PennDOT what they want. Kerry stated that the Borough still needs the Borough Solicitor and the Borough Engineer to discuss and advise Council regarding this issue.

There was a meeting with Cramer's regarding their parking issues. Cramer's would be losing ten or twelve parking spots for their employees on the backside off their property because of the road. They still need to have access at least three times a week to the backside of their building to move kitchen cabinets in and out with the fork truck. Discussion regarding allowing Cramer employees from parking at the Oaten Building since the Borough owns the property and technically it is public property. As long as the site triangle coming up Alpha Road is not blocked the engineer does not have a problem with this arrangement. Cars could not block any access to the Ambulance Building. If sometime down the road the property is sold then arrangements will have to be made with Cramer's.

On motion by Scott Parsons to allow Cramer's employees to park on the Borough's property and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

Mayor George took his leave at this time – 8:55 p.m..

Nolan explained that Mr. Leidy still has a question about the outdoor billboard on his property. Adams Outdoor Advertising has offered to move and upgrade the billboard, if necessary. Nolan's suggestion is if Adams is fine with doing the work. If it has to be part of the road project and the bond money is being used, there is only one post in the way of where the

sidewalk is to be. If Nolan must move the billboard he is only willing to move the one post. Kerry stated that he spoke to the Borough's Zoning Officer and she stated that if the sign were being moved, it would have to come to standards. He spoke to Ron Madison and informed him that the sign has been there for at least fifty years and it is a non-conforming sign. What difference does it make if add ½ a sign to it and tear ½ a sign off, you are allowed to alter up to 50% of a non-conforming structure? She stated that if Ron Madison and Council agree and move the sign one post, she would sign the permit, even though she views it a little differently. Nolan added that he is fine with either decision, part of the road project or Adams doing the work. The sign is 3' higher than the highest allowable vehicle in Pennsylvania.

On motion by Tony Curcio to move the billboard one post back according to the Borough Engineer, Ron Madison, and seconded by Mitchell D. Mogilski, Sr. Roll call vote taken. Motion carried unanimously.

Nolan reported that all he believes that all other issues within the Borough are resolved. It may be three or four months before PennDOT issues permits. That is the last thing to do on the project. The first thing starts erosion sedimentation, putting in all the underground utilities, and then to build the road. If PennDOT does not issue permits until March of 06 it will not slow down the project at all. He's suggestion is to get this bid package on the street the sooner the better. He believes that Ron Madison gave Pidcock the coversheet that he would be on the Borough's ordinary job that it would bid out. It has to be advertised for bid. Winton asked Nolan if he would advise County Council if the status. Nolan replied that he would advise. He is waiting for a couple of permits: NPDES permits will be issued this week, water discharge, but also the railroad cinders issue. Their concern is that once digging begins the cinders are disturbed and more are exposed to more rainwater and that may create more problems than they solve. There is a wetlands permit that is to be issued by the end of the month. As far as he knows, the Wind Gap Municipal Authority agreement needs to be signed or has to be completed. All the engineering has been done on the sewer lines, the system design is approved. The only thing not done is the developer's agreement. Mitch asked if all the issues including Wind Gap Planning and Zoning and Plainfield Planning and Zoning are done? Nolan replied that they are all done. It is a subdivision and land development issue. Kerry stated that the Borough Engineer has bid package to review. Nolan will contact him to review any questions.

On motion by Scott Parsons that after receiving approval from the Borough Solicitor and the Borough Engineer, this project is put out to bid and seconded by Tony Curcio. Roll call vote taken. In favor: G. Hinton, W. Male, S. Parsons, K. Skorochood, T. Curcio, K. Gassler. Opposed: M. Mogilski. Motion carried with a vote of 6-1.

Kerry will contact Ron Karasek and Ron Madison tomorrow.

6. Paul Levits asked Council how many traffic lights would be added in Wind Gap? Kerry stated that no traffic lights would be added, but improvements Alpha Road and in front of his place. Paul said that once the light is installed it becomes the Borough's to maintain, how long is a life expectancy? Kerry replied that traffic lights are usually replaced because traffic accidents. Is the Borough putting away money to replace each traffic light? This project is adding a burden to this Borough for replacement of capital, which is depreciating. Has anyone done a study on a

realistic projection of the revenue that is going to be created by the industrial lots in Wind Gap? No. Has the Borough done a realistic cost estimate on the increase burden of the emergency services going to cost the taxpayers? Tony replied that members of Council did look at a study and figures associated with a shopping center, specifically the one on 248. Plainfield would be called first since the shopping center is in Plainfield Township.

7. Bob Lesser the property owner of the property located next to Roberti's Garage was in attendance. Kerry explained that the Borough has stopped them on their work because they have extended their work past the building, but that is a zoning issue. They were digging a footer for their addition they broke the sewer pipe. The Rules and Regulations of the Municipal Authority states that if you are working outside you have to replace the line and have to be tested. Joe started Saturday to see where the line would come out. Now they need a non-fee permit to replace the line. They are not putting a new home like a tapping fee. They did not call PA One Call until Monday morning. The gas line is on the other side. They cannot dig until Thursday morning. Kerry stated that his opinion is that this is a non-issue with the Borough because it is not related to the work being done on the house. Paul reported there is an open trench on the property and also a sewer line that is damaged that is not being used with the potential of sewer gases. Paul stated that he does not know why the Borough is even involved in this sewer issue. Russ and Paul are ready to issue the permit to the property owner. They have received an enforcement notice to comply with the zoning ordinance from the Zoning Officer. They will contact Bob Hahn tomorrow to get the non-fee permit. They will contact the Borough's Zoning Officer to get the necessary building permits.

COMMITTEE REPORTS

1. EMS – Karen Skorochood reported that the Ambulance First Lieutenant has stepped down due to a health issue. The Ambulance Corps appointed Wendell Kulp as First Lieutenant and Ron Minnich as Second Lieutenant. They have completed all paperwork for their certification and it has been approved now they have to wait for the physical inspection to be done next month.

2. Police – George Hinton reported that a police meeting was held last night. The Police expressed their concern with the "No Parking" signs on Lehigh Avenue along the Park. There is not adequate parking for all the activities in the Park so the Police do not ticket the cars parking where it is designated no parking. Scott suggested taking the signs down, but enforcing the 15 m.p.h. posted speed limit. Kerry advised that Council should get the Park Board's input. George stated that he would mention this to Cathie Yob tomorrow. The Police would like to have stripes painted on Third Street to enforce the speed limit. They recently stopped a vehicle traveling 64 m.p.h. in a 35 m.p.h. along the Park.

3. Streets – George Hinton asked if Council approved the third payment to Anskis for the Park drainage project? Kerry will contact Ron Karasek tomorrow to find out if there is a penalty or terms for the Borough paying the contractor. Mitch asked George to look at Alpha Road because the temporary cold patch that was applied should be replaced with hot patch.

Mitch reported that he has been working on an alternate side street-parking plan for snow removal during snowstorms. He suggested some changes on page 7 and 8(a&b). Kerry asked Mitch to provide Council with a copy of his proposed changes to the ordinance.

4. Finance – Kerry Gassler stated that there was nothing to report at this time.

5. Administration – Winton Male reported that Louise would be attending a grant seminar on Thursday. He asked Council if they would be interested in getting together with Plainfield Township to submit a grant application for Safe Routes to School and possibly install sidewalks on Third Street back to Wind Gap Middle School. Council agreed that Plainfield Board of Supervisors should be consulted regarding a joint application. Winton will contact Plainfield Township regarding their interest in participating in a grant submission. Discussion regarding the Waste Management tipping fee allocation spreadsheet, which specifies that money in the building budget, would assist in a walking trail. Tony will make the correction to the spreadsheet.

6. Zoning – Tony Curcio reported that the Zoning Hearing Board will hear case 5-2005, Ronald and Audrey DeCesare and their appeal of the decision regarding a shed located at 607 South Broadway.

Zoning Hearing Board Solicitor, John Molnar, has recused himself from this case and mentioned in correspondence that Attorney Mike Minotti has served the Borough in the past as alternate Zoning Solicitor. Zoning Officer, Deborah Roseberry, has asked that Borough Solicitor attend this hearing representing the Borough.

On motion by Tony Curcio to request that Borough Solicitor, Ron Karasek, attend the Zoning Hearing Board on September 7, 2005 to represent the interest of the Borough of Wind Gap and seconded by Scott Parsons. Roll call vote taken. Motion carried unanimously.

7. Planning – Scott Parsons reported that there was no meeting held in August.

8. Parks – Karen Skorochood reported that the Park Board has re-scheduled their August meeting for 7:30 p.m. Tuesday, August 30, 2005 at the Park. Karen stated that she will not be able attend this meeting. George and Scott will attend.

9. Fire Company – Mitchell D. Mogilski, Sr. reported that the Fire Company has one new active member, Brian Bernard. They responded to 15 calls in July for a total of 113 year-to-date. The Fire Company has scheduled a Merchandise Bingo for November 19, 2005. The cost will be \$15.00 with the option of purchasing extra boards if needed. George added that there was discussion regarding purchasing additional headsets and radios for drivers, but this would come out of the Fire Company's budget. Mitch stated that he could possibly come out of auxiliary money.

10. Sewer Authority – Paul Levits distributed his monthly report and highlighted the following items: Terry Miklas reported that Aqua Aerobics presented the Outstanding Plant Performance Plaque to the Wind Gap Wastewater Treatment Plant on July 1, 2005. The WET testing for the Authority's NPDES permit for the month of June revealed a No Observable Effect Concentration. The relocated sewer mains for the CVS Pharmacy project have been constructed and pressure testing and vacuum testing of the manholes have been completed. The pipes have to settle for 30 days before final testing. PennDOT has announced that bidding for the Route 512 and 33 Interchange Improvement Project at the lower end of town has commenced and a contractor is to be selected by August. PennDOT will be paying 90% of the cost of relocating the sewer lines for this project. The Slate Belt Industrial Center easements, escrows, tapping fees and agreements must be completed before any construction can take place. Paperwork has to be signed. A motion was made and passed regarding the tapping fee. Nothing was heard back from Nolan, but he must have agreed because nothing else has been said.

11. Insurance – Winton Male had nothing to report.

12. 911 – Tony Curcio reported that Northampton County has given 90-day notice to terminate the lease for the top floor of the borough building. Council discussed the terms of the agreement and the procedure to follow to terminate. Council believes that a certified letter must be received at the Borough office, not the Solicitor's office. Kerry to contact Mr. Karasek tomorrow.

Mayor's Report

George Hinton reported that the Contractor's license collected in July was \$100 for a total of \$1,625 for 2005. The police report includes 95 calls and 164 responses in the month of July.

NEW BUSINESS

1. Update of Borough Ordinance 6 – Nuisances. A copy of Ordinance 6 dated August 16, 1893 will be provided. Discussion of this ordinance to be on the workshop agenda in September.

OLD BUSINESS

1. Hanover Letter dated August 9, 2005 regarding stop signs at the intersection of Fairview and Center. The original motion was to do what was necessary to have the change approved. Scott stated that if a study would be necessary, what would it cost? George to contact Hanover for explanation.

2. County Bond Invoices. Tony asked if Borough Council was going to approve the five invoices received related to the County Bond Issue? Kerry stated that the Borough was informed that the County is not paying any invoices until County Council determines what, if any

action will be taken with the Bond.

3. Scott Parsons reported that Waste Management and the Green Knight Economic Development Corporation are funding the study of the by-pass by Traffic Planning and Design. They have asked to be kept informed of all issues regarding the by-pass.

On motion by Tony Curcio to adjourn the meeting of August 16, 2005 and seconded by Scott Parsons.

The meeting of August 16, 2005 adjourned at 10:00 p.m.

Louise Firestone, Secretary / Treasurer