

UPPER MOUNT BETHEL TOWNSHIP BOARD OF SUPERVISORS
PUBLIC HEARING MEETING MINUTES - LERTA
MONDAY, OCTOBER 30, 2017 @ 6:00 p.m.

1. CALL TO ORDER- Chairman Bermingham called the meeting to order at 6:00 p.m. Present in addition to Chairman Bermingham were Supervisor De Franco, Supervisor Geake, Supervisor Due, Solicitor Ronold Karasek, Attorney Lushis, TJ Lonergan & Joe Hagan consultants. Supervisor Hallett was absent. The Pledge of Allegiance was recited.

2. APPROVE AGENDA – **MOTION** by Supervisor Geake, seconded by Supervisor Due to approve the agenda. Vote: 4-0.

3. Chairman Bermingham read an opening statement – The notice of public hearing was published in the Express Times on October 12th & 19th 2017. Chairman Bermingham explained LERTA stands for Local Economic Revitalization Tax Assistance Act. LERTA is aimed not only at improving deteriorated areas of a community, but also economically depressed areas as defined in the Neighborhood Assistance Act of 1967 as amended. The Township when considering a LERTA plan, will phase in the increased assessment of a property in accordance with the following schedule: Year 1 – 100% exemption, Year 2 – 90%, Year 3 – 80%, Year 4 – 70%, Year 5 – 60%, Year 6 – 50%, Year 7 – 40%, Year 8 – 30%, Year 9 – 20% and Year 10 – 10%. IT is important to note that the present assessed value of a property included in a LERTA is not affected by this phase in. The Township has requested the Bangor Area School District and County of Northampton to participate. The Township is proposing to include two areas presently zoned industrial. The smaller area is located along Route 611 and the larger area is in the Eastern Industrial are of the township. Together these two areas comprise about 4.1% of the total land area of the Township. Township Manager Fisher reviewed the LERTA overlay map and pointed out the recommended areas for LERTA I-1 – intersection of Allegheny road approximately 4-5 acres, I-2 – Pine tree Lane and Potomac street extend onto Demi Road and River Road southwest side and I-3 – River Road, Delaware River and New Jersey. The floor was opened up for public comment.

4. Public Comment: John Kalinas – if the company gets a tax break and then decided to bail out, do they have to pay the money back? Is there a commitment in writing? Mr. Hagan stated they get a regular tax bill and are committed in that respect. Supervisor Geake rephrased the question – do they receive a penalty if they bail? Mr. Hagan said they are required to pay their taxes. Mr. Hagan noted this is the last economic tool for Economic Development. Judith Henckel – it's a gamble, you don't know what you're going to get. Ron Angle – mentioned Brownfields east of railroad track being undesirable areas. Mr. Hagan spoke about the Urban Re-development law. The Township must meet criteria for the Neighborhood Assistance Act, which we do; unemployment rate, per capita income and 4 to 5% poverty rate, less college graduates. Ron Angle said LERTA is not going to the correct sites. Supervisor Geake said he hopes the program brings us what we hope and desire.

MOTION by Supervisor Geake, seconded by Supervisor De Franco to move forward with the LERTA program. Ron Angle – you have no control over what business come to the Township as long as they meet zoning, this is the pitfall of the program. Attorney Lushis said that's an incorrect statement.

Judy Henckel stated she is the minority, a tree hugger and apparently against development, but you don't know what would come in. Judy mentioned Brownfield, that's been looked at being developed for years, but could be used for other things. Mr. Hagan said we are not limited to Brownfields and zoning and the land development ordinance still needs to be followed. Solicitor Karasek reviewed the statute. Judy said we need to proceed with caution. Solicitor Karasek said he hasn't done much with this, Attorney Lushis is handling for the Township. Attorney Lushis referred to the 25th street building up in Easton and Hamilton Crossings, both of those were done through NIZ. Solicitor Karasek asked Mr. Hagan if it's possible to put in the ordinance that if they no longer pay taxes, they are out of the program. Supervisor De Franco thought if they do bail then the next owner would continue the program, it runs with the land. Attorney Lushis said yes it runs with the land, not as an individual user of land and the land owner is still responsible for the taxes. Ron Angle asked about the large orange area; VCR why that's not included. Public Comment by Charlie Cole – commercial areas don't bring in much in taxes, industrial brings more and better paying jobs. Manager Fisher noted Gen-on and NRG are in bankruptcy. Attorney Lushis commented on Lehigh Valley Industrial Park, they are subject to restrictions separate and apart from what zoning ordinance provides for. LERTA is the first step to revitalization. Ron Angel – LERTA is a good program to pass, but who and what are going to take advantage of the LERTA program are unknown. Mr. Angle said keep in mind the Township has no infrastructure, no water or sewer. Judy Henckel suggested starting just with I-1 and then expand later. John Kalinas asked about imposing restrictions after LERTA is already created. Attorney Lushis asked the motion should be detailed to include approving boundaries of the LERTA district.

MOTION amended by Supervisor Geake, second amended by Supervisor De Franco to include the boundaries of the LERTA district that will be attached to the map and attached to the ordinance. Ron Angle asked how this will affect his property, something obnoxious could go in there and if you give them the tax break, they will come.

No further comments.

The Solicitor asked this be put on the BOS meeting agenda 11/13/17 to advertise the ordinance.

5. Adjourn – **MOTION** by Supervisor Geake, seconded by Supervisor De Franco to adjourn the Special Public Meeting at 6:57 p.m. Vote: 4-0.

Respectfully Submitted - Melissa Mastrogiovanni Recording Secretary
Upper Mount Bethel Township