

**I. OPENING**

**CALL TO ORDER:** The General Business & Developer meeting of Lower Saucon Township Council was called to order on Tuesday, January 3, 2006, 7:00 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Mrs. Priscilla deLeon, Council President, presiding. Mrs. deLeon said the swearing in ceremony that was supposed to happen this evening, could not happen because Diane could not be here, so both our newly elected people, Glenn Kern and Ron Horiszny, who were elected this past November are starting their new term. She'd like to welcome them aboard. Glenn is in his second term, 5<sup>th</sup> year, and Ron was appointed this past summer to fill in for Wil Morrison, which ended today, and then he was elected for his first elected term.

**ROLL CALL:** Present – Priscilla deLeon, President; Glenn Kern, Vice President; Thomas Maxfield, Sandra Yerger and Ron Horiszny, Council Members; Jack Cahalan, Township Manager; Jim Birdsall, Township Engineer; Jaclyn Rasich, Jr. Council person. Absent - Township Solicitor, Linc Treadwell

**PLEDGE OF ALLEGIANCE**

**ANNOUNCEMENT OF ANY EXECUTIVE SESSION (IF APPLICABLE)**

None
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**II. PUBLIC COMMENT/CITIZEN AGENDA ITEMS**

Mrs. deLeon said for citizen agenda items - After discussion by Council, the administration and the appropriate individuals, we will open the floor for comments and/or questions for each agenda item. For Non-Agenda items, you will have an opportunity for public comment near the end of the agenda under PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS. There is a sign-in sheet in the back of the room. Please print your name and address and email address. It is very helpful in transcribing the minutes. To speak to Council, please come up and use the microphone. For those who want to receive emailed agendas, please give your email address to Diane, Leslie, or Jack or call the Township office. Please state your name and address. If you can't hear, please let us know. Mrs. deLeon asked if anything was taken off the agenda this evening? Mr. Cahalan said no.

**III. INITIAL REORGANIZATION**

**A. ELECTION OF PRESIDENT OF COUNCIL**

Mrs. deLeon said this is a yearly position. At this time, she said it has been an honor and privilege for her to serve in this capacity as President over the past years, but at this time, she'd like to nominate Glenn Kern for President. She'd like to thank the other members of Council for their confidence in her appointments. Mrs. deLeon moved to nominate Glenn Kern for President. She asked if there were any other nominations? No one raised their hand.

**MOTION BY:** Mr. Maxfield moved to close the nominations.

**SECOND BY:** Mr. Horiszny

Mrs. deLeon asked if anyone in the audience had any questions or comments? No one raised their hand.

**ROLL CALL:** 5-0

**MOTION BY:** Mrs. deLeon moved to nominate Glenn Kern for President.

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**SECOND BY:** Mr. Maxfield  
Mrs. deLeon asked if anyone in the audience had any questions or comments? No one raised their hand.

**ROLL CALL:** 5-0

Mr. Kern said the way Mrs. deLeon handled the protocol of that is what he admires about her and has always admired about her. He said he can guarantee that he is not going to be as good as her at that, but you're only like two seats away. He thanked her for her years of service. There is no one he knows of in the township who is as dedicated as Priscilla is and as knowledgeable about everything, and her dedication and commitment to the township. She is definitely the watchdog. It's great to have her on Council and it's great that the Township has her.

**B. ELECTION OF VICE PRESIDENT OF COUNCIL**

Mr. Horiszny said he'd like to nominate Mrs. deLeon for Vice President. Mr. Kern asked if there were any other nominations? No one raised their hand.

**MOTION BY:** Mr. Horiszny moved to close nominations.

**SECOND BY:** Mrs. Yerger  
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.

**ROLL CALL:** 5-0

**MOTION BY:** Mr. Horiszny moved to nominate Mrs. deLeon for Vice President.

**SECOND BY:** Mrs. Yerger  
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.

**ROLL CALL:** 5-0

**C. DESIGNATION OF COUNCIL MEETING TIME, PLACE AND DATE FOR 2006**

**MOTION BY:** Mr. Maxfield moved to keep the day as the 1<sup>st</sup> and 3<sup>rd</sup> Wednesday of the month, 7:00 PM, at Town Hall.

**SECOND BY:** Mr. Horiszny  
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.

**ROLL CALL:** 5-0

**D. RESOLUTION #01-2006 – DEPOSITORY OF FUNDS (YEARLY)**

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**RESOLUTION #01-2006**

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**DESIGNATING FINANCIAL INSTITUTIONS AS DEPOSITORIES FOR THE YEAR 2006**

**WHEREAS**, the Council of Lower Saucon Township, Northampton County, in the Commonwealth of Pennsylvania, recognizes the need to benefit from the best interest rates available when investing Township monies; and,  
**WHEREAS**, the Council of Lower Saucon Township also recognizes the need to transfer monies in a timely manner without further approval, do appoint and designate the following financial institutions as depositories for the year 2006:

**LAFAYETTE AMBASSADOR BANK  
FULTON FINANCIAL ADVISORS  
PA LOCAL GOVERNMENT INVESTMENT**

**NOW, THEREFORE, BE IT RESOLVED**, and it is hereby resolved by the Council of Lower Saucon Township, that the above listed financial institutions be designated as depositories established for the year 2006, retroactive to January 1, 2006.

**RESOLVED AND ENACTED** this 3<sup>rd</sup> day of January, 2006.

- MOTION BY:** Mr. Horiszny moved that we continue with Lafayette Ambassador Bank, PLGIT and Fulton Financial Advisors – Resolution 01-2006 (yearly)
- SECOND BY:** Mr. Maxfield  
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.
- ROLL CALL:** 5-0

**E. RESOLUTION #02-2006 – SECONDARY SIGNATURES FOR DISBURSEMENTS (YEARLY)**

Mrs. deLeon said it has always been protocol that the President of Council is the primary, and the secondary is any other Council person, and she'd like to offer for this year to have a substitute position in case Glenn or herself can't make it.

**Resolution #02-2006**

**AUTHORIZING THE SIGNATURE OF CHECKS FOR THE YEAR 2006**

**WHEREAS**, the disbursement of Township Funds requires two authorized signatures on any draft for such payment; and

**WHEREAS**, the Township intends and desires to authorize primary individuals to sign such drafts; and

**WHEREAS**, the Township intends and desires to authorize alternate individuals to sign such drafts in the absence of any of the primary individuals,

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Lower Saucon, Northampton County, Pennsylvania as follows:

1. A draft to disburse Township Funds shall be valid if signed by two (2) of the following primary individuals,

<u>NAME</u>	<u>TITLE</u>
Martin P. Wallach	Township Controller
John F. Cahalan	Township Manager

2. In the absence of any of the above primary individuals, any of the following secondary individuals are authorized to sign a draft in order to satisfy the requirement that two (2) authorized signatures appear thereon:

<u>NAME</u>	<u>TITLE</u>
Glenn Kern	President of Council

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In the absence of the President of Council, another available Council person shall be:

Priscilla deLeon

Vice President

3. In the absence of more than three of any of the above named individuals, the following alternate individual is authorized to sign a draft in order to satisfy the requirement of two (2) authorized signatures:

Ronald Horiszny

Council Member

4. Any other ordinance, resolution, or motion, or any part thereof inconsistent with the provisions of this resolution, or any parts hereof, is expressly repealed hereby.

**MOTION BY:** Mrs. deLeon moved to appoint Glenn Kern, President of Council, as the primary signatory.

**SECOND BY:** Mrs. Yerger

Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.

**ROLL CALL:** 5-0

**MOTION BY:** Mrs. Yerger moved to appoint Priscilla deLeon, Vice President of Council, as the secondary person for signatures for disbursements.

**SECOND BY:** Mr. Horiszny

Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.

**ROLL CALL:** 5-0

**MOTION BY:** Mrs. deLeon moved to appoint Ron Horiszny, as the substitute, and the draft will have to be amended.

**SECOND BY:** Mrs. Yerger

Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.

**ROLL CALL:** 5-0

Mrs. deLeon said if we ever amend the administrative code, the Mayor has to be changed to President.

**IV. APPOINTMENTS BY COUNCIL**

**A. TOWNSHIP SECRETARY – RESOLUTION 03-2006**

Mr. Kern said this resolution is prepared appointing the Township Manager as Township Secretary.

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**RESOLUTION #03-2006**

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**DESIGNATING TOWNSHIP SECRETARY**

**WHEREAS**, the Council of Lower Saucon Township appoints the Township Manager as the Township Secretary for the year 2006; and

**NOW, THEREFORE, BE IT RESOLVED**, and it is hereby resolved by the Council of Lower Saucon Township, that Jack Cahalan be appointed as Township Secretary and is instructed to carry out the duties associated with this position for the year 2006, retroactive to January 1, 2006.

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**RESOLVED AND ENACTED** this 3<sup>rd</sup> day of January, 2006.

**MOTION BY:** Mr. Horiszny moved to appoint, Jack Cahalan, as Township Secretary, Resolution 03-2006, yearly..  
**SECOND BY:** Mr. Maxfield  
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.  
**ROLL CALL:** 5-0

**B. TOWNSHIP PLANNING/ZONING ADMINISTRATOR – RESOLUTION 04-2006**

Mr. Kern said this is prepared for appointment Township Manager as planning, zoning administrator.

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**RESOLUTION #04-2006**

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**DESIGNATING PLANNING/ZONING ADMINISTRATOR**

**WHEREAS**, the Council of Lower Saucon Township appoints the Township Manager as the Township's Planning/Zoning Administrator for the year 2006; and

**NOW, THEREFORE, BE IT RESOLVED**, and it is hereby resolved by the Council of Lower Saucon Township, that Jack Cahalan be appointed as Planning/Zoning Administrator and is instructed to carry out the duties associated with this position for the year 2006, retroactive to January 1, 2006.

**RESOLVED AND ENACTED** this 3<sup>rd</sup> day of January, 2006.

**MOTION BY:** Mr. Horiszny moved to appoint Jack Cahalan as Township Planning/Zoning Administrator, Resolution 04-2006, yearly/  
**SECOND BY:** Mr. Maxfield  
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.  
**ROLL CALL:** 5-0

**C. TOWNSHIP SOLICITORS (YEARLY)**

**1. GENERAL/CIVIL – RESOLUTION 05-2006**

Mr. Kern said this reappoints Linc Treadwell as Township General Solicitor at a rate of \$150/hour, and sets various fees for agreement preparation as stated in the resolution.

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**RESOLUTION #05-2006**

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**TOWNSHIP'S GENERAL/CIVIL SOLICITOR  
FEE SCHEDULE FOR 2006**

**WHEREAS**, the Council of Lower Saucon Township appoints B. Lincoln Treadwell as the Township's General/Civil Solicitor, for the year 2006; and

**WHEREAS**, the fee schedule to reimburse the services of B. Lincoln Treadwell are as follows:

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Hourly Rate & Attendance at Council Meetings (Hourly)	\$ 150.00
Preparation of:	
Easements & Deeds of Dedication	\$175.00
Subdivision/Development & Financial Security Agreements (Flat fee each)	\$900.00
Subdivision/Development Maintenance Agreements	\$500.00
Stormwater Management Maintenance Agreements	\$500.00
Holding Tank Agreements	\$150.00
Hold Harmless Agreements	\$250.00
Extension Agreements	\$125.00
Operation Spray Irrigation Agreements	\$400.00
Sewer Service Agreement	\$400.00
Limited Construction & Improvements Agreement	\$275.00
Operation & Maintenance Agreement	\$450.00

**NOW, THEREFORE, BE IT RESOLVED**, and it is hereby resolved by the Council of Lower Saucon Township, that the above listed fee schedule is hereby established for the year 2006, retroactive to January 1, 2006.

**RESOLVED AND ENACTED** this 3<sup>rd</sup> day of January, 2006.

- MOTION BY:** Mr. Maxfield moved to appoint Linc Treadwell as General/Civil Solicitor, at a rate of \$150/hour, Resolution 05-2006, yearly.
- SECOND BY:** Mr. Horiszny  
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.
- ROLL CALL:** 5-0

**2. LABOR – RESOLUTION 06-2006**

Mr. Kern said this is a yearly, appointing Stephens and Lee, at the rate of \$235/hour.

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**RESOLUTION #06-2006**

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**TOWNSHIP’S LABOR SOLICITOR  
FEE SCHEDULE FOR 2006**

**WHEREAS**, the Council of Lower Saucon Township appoints the law firm of Stevens & Lee as the Township’s Labor Solicitors, for the year 2006; and

**WHEREAS**, the fee schedule to reimburse the services of Stevens & Lee is \$235 per hour and paralegals would be at the rate of \$100 per hour.

**NOW, THEREFORE, BE IT RESOLVED**, and it is hereby resolved by the Council of Lower Saucon Township, that the above listed fee schedule is hereby established for the year 2006, retroactive to January 1, 2006.

**RESOLVED AND ENACTED** this 3<sup>rd</sup> day of January, 2006.

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- MOTION BY:** Mrs. Yerger moved to appoint Stephens and Lee as Labor Attorney's at a rate of \$235/hour, Resolution 06-2006, yearly.
- SECOND BY:** Mr. Horiszny  
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.
- ROLL CALL:** 4-1 (Mr. Maxfield – No)

Mrs. deLeon said \$235/hour is a lot of money. They have a history with the township as far as the labor relationship and she wouldn't want to lose that history. Mr. Maxfield said at any time that we find someone or decide we would like to change, we can change. Mrs. deLeon said in the past, we have called in and renegotiated ASAP. Mrs. deLeon asked that the Manager discuss the rate with the firm.

**3. PLANNING COMMISSION – RESOLUTION 07-2006**

Mr. Kern said this is at a rate of \$100/hour.

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**RESOLUTION #07-2006**

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**TOWNSHIP'S PLANNING COMMISSION SOLICITOR  
FEE SCHEDULE FOR 2006**

**WHEREAS,** the Council of Lower Saucon Township appoints David Shafkowitz as the Township's Planning Commission Solicitor, for the year 2006; and

**WHEREAS,** the fee schedule to reimburse the services of David Shafkowitz are as follows:

Hourly Rate & Attendance at Planning Commission meetings     \$100/hr.

**NOW, THEREFORE, BE IT RESOLVED,** and it is hereby resolved by the Council of Lower Saucon Township, that the above listed fee schedule is hereby established for the year 2006, retroactive to January 1, 2006.

**RESOLVED AND ENACTED** this 3<sup>rd</sup> day of January, 2006.

- MOTION BY:** Mr. Horiszny moved to appoint David Shafkowitz at a rate of \$100/hour, on a yearly basis, Resolution 07-2006.
- SECOND BY:** Mr. Maxfield  
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.
- ROLL CALL:** 5-0

**4. ZONING HEARING BOARD – RESOLUTION 08-2006**

Mr. Kern said this is a yearly position for George Heitzman at the rate of \$110/hour.

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**RESOLUTION #08-2006**

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**TOWNSHIP'S ZONING HEARING BOARD SOLICITOR  
FEE SCHEDULE FOR 2006**

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**WHEREAS**, the Council of Lower Saucon Township appoints George Heitzman as the Township’s Zoning Hearing Board Solicitor, for the year 2006; and

**WHEREAS**, the fee schedule to reimburse the services of George Heitzman are as follows:

Hourly Rate & Attendance at Zoning Hearing Board meetings \$110.00

**NOW, THEREFORE, BE IT RESOLVED**, and it is hereby resolved by the Council of Lower Saucon Township, that the above listed fee schedule is hereby established for the year 2006, retroactive to January 1, 2006.

**RESOLVED AND ENACTED** this 3<sup>rd</sup> day of January, 2006.

- MOTION BY:** Mrs. deLeon moved to appoint George Heitzman at a rate of \$100/hour on a yearly basis, Resolution 08-2006.  
**SECOND BY:** Mr. Horiszny  
 Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.  
**ROLL CALL:** 5-0

**D. TOWNSHIP ENGINEER (YEARLY) – RESOLUTION 09-2006**

Mr. Kern said this is to reappoint Hanover Engineering (HEA) as the Township Engineer.

**RESOLUTION #09-2006**

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**TOWNSHIP ENGINEER’S FEE SCHEDULE FOR 2006**

**WHEREAS**, the Council of Lower Saucon Township appoints Jim Birdsall and Hanover Engineering as the Township’s Engineers, for the year 2006; and

**WHEREAS**, the fee schedule to reimburse the services of Jim Birdsall and Hanover Engineering are as follows:

<u>DESCRIPTION</u>	<u>HOURLY RATE</u>
<u>Engineer</u>	
Registered	\$81.10
Graduate (non-registered)	64.80
<u>PLANNER</u> – Certified	81.80
<u>GEOLOGIST</u> – Registered	76.30
<u>SURVEYOR</u> – Registered	70.35
<b><u>DESIGN, DRAFTING &amp; TECHNICAL WORK</u></b>	
Senior – Designer/Technician	64.80
Design/Calculations/Technician	55.90
Draftsman 1 (CAD Drafting)	48.05
Draftsman 2/Technician 2	45.50
Draftsman 3/Technician 3	39.70
Draftsman 4/Technician 4	30.30

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**SURVEYOR CREW**

Two-Man Crew (w/equip. & truck)	105.65
Three-Man Crew (w/equip. & truck)	135.85

**INSPECTION**

Highway, Heavy or Commercial Construction	57.30
Certified Sewage Enforcement Officer	57.30
Residential Construction	57.30
On-Lot Sewer Percolation Test (Pass or Fail)	(lump sum) 350.00

1. Travel to and from the job site is chargeable time.
2. Overtime is charged at 1.5 times base rate.
3. Job function controls over individual position – that is, if a Graduate Engineer is doing Sewage Enforcement work, the client would be charged the lower rate.
4. All ordinary overhead expenses, such as local mileage and normal secretarial work, are included in the above rates. (Project document typing - \$28.80 per hour).
5. Extraordinary expenses required specifically for a particular project will be billed at direct cost plus 5%. Examples of these expenses include soil borings costs or testing laboratory charges. All such additional expenses are to be specifically approved by the client, prior to their use.
6. A special rate of \$94.15 per hour is established for formal hearings and court appearances as an expert witness for a Professional Engineer, Geologist or Surveyor.
7. Cost for copies of plans is \$0.50 per square foot.

**NOW, THEREFORE, BE IT RESOLVED**, and it is hereby resolved by the Council of Lower Saucon Township, that the above listed fee schedule is hereby established for the year 2006, retroactive to January 1, 2006.

**RESOLVED AND ENACTED** this 3<sup>rd</sup> day of January, 2006.

**MOTION BY:** Mrs. Yerger moved to appoint HEA as Township Engineer, yearly, Resolution 09-2006.

**SECOND BY:** Mrs. deLeon

Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.

**ROLL CALL:** 5-0

**E. TOWNSHIP ENVIRONMENTAL ENGINEER (YEARLY) – RESOLUTION 10-2006**

Mr. Kern said this is to appoint Laressa McNemar, Try-C Corporation at a rate of \$100/hr.

**RESOLUTION #10-2006**

**TOWNSHIP’S ENVIRONMENTAL ENGINEER  
FEE SCHEDULE FOR 2006**

**WHEREAS**, the Council of Lower Saucon Township appoints Laressa McNemar, Tri-C Corporation as the Township’s Environmental Engineer, for the year 2006; and

**WHEREAS**, the fee schedule to reimburse the services of Laressa McNemar are as follows:

Hourly Rate    \$100.00

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**NOW, THEREFORE, BE IT RESOLVED**, and it is hereby resolved by the Council of Lower Saucon Township, that the above listed fee schedule is hereby established for the year 2006, retroactive to January 1, 2006.

**MOTION BY:** Mr. Horiszny moved to appoint Tri-C Corporation at a rate of \$100/hour.  
**SECOND BY:** Mrs. deLeon  
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.  
**ROLL CALL:** 5-0

**F. SEWAGE ENFORCEMENT OFFICERS (YEARLY)**

Mr. Kern said this is a request from HEA that the following individuals be appointed as the 2006 Sewage Enforcement Officers. They are Scott Brown, James Roethke, Jeffrey Huff, Christopher Taylor, Janice Buskirk, and Jason Peters.

**MOTION BY:** Mrs. deLeon moved for approval of the SEO Enforcement Officers as stated above.  
**SECOND BY:** Mrs. Yerger  
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.  
**ROLL CALL:** 5-0

**G. TOWNSHIP AUDITOR (YEARLY) – RESOLUTION 11-2006**

Mr. Kern said the staff recommends continuing the services of Hutchinson, Gorman and Freeh, per their December 1, 2005 letter. The base rate for the 2005 audit will not exceed \$14,000. Additional services will be payable at a rate of \$75/hour.

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**RESOLUTION #11-2006**

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**TOWNSHIP AUDITOR**

**WHEREAS**, the Council of Lower Saucon Township appoints Hutchinson, Gorman & Freeh as the Township's Auditor, for the year 2006; and

**WHEREAS**, the reimbursement for the 2005 audit will be subject to the December 1, 2005 letter with the following rates:

Base Fee		\$14,000.00
Single Audit (if required)		2,200.00
Hourly Rate for Additional Services		75.00

**NOW, THEREFORE, BE IT RESOLVED**, and it is hereby resolved by the Council of Lower Saucon Township, that the above listed fee schedule is hereby established for the year 2006, retroactive to January 1, 2006.

**RESOLVED AND ENACTED** this 3<sup>rd</sup> day of January, 2006, retro to the 1<sup>st</sup> day of January, 2006.

**MOTION BY:** Mr. Horiszny moved for appointment of Hutchinson, Gorman, and Freeh, not to exceed \$14,000 and additional services at \$75/hour, yearly, Resolution 11-2006.  
**SECOND BY:** Mrs. Yerger

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Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.

**ROLL CALL:** 5-0

**H. TOWNSHIP PLANNER – (YEARLY) RESOLUTION 12-2006**

Mr. Kern said the staff recommends continuing with the services of Boucher & James, which is Judy Stern-Goldstein and Karen Mallo.

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**RESOLUTION #12-2006**

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**TOWNSHIP’S PLANNING CONSULTANT  
FEE SCHEDULE FOR 2006**

**WHEREAS**, the Council of Lower Saucon Township appoints Boucher & James as the Township’s Planning Consultant, for the year 2006; and

**WHEREAS**, the fee schedule to reimburse the services of Boucher & James are as follows:

Planner/Landscape Architect I	\$92.00/hour
Planner/Landscape Architect II	\$80.00/hour
Planner/Designer	\$70.00/hour
Admin. Asst./Secretary	\$43.00/hour

**NOW, THEREFORE, BE IT RESOLVED**, and it is hereby resolved by the Council of Lower Saucon Township, that the above listed fee schedule is hereby established for the year 2006, retroactive to January 1, 2006.

**RESOLVED AND ENACTED** this 3<sup>rd</sup> day of January, 2006.

**MOTION BY:** Mr. Maxfield moved to appoint Boucher & James as the Township Planner. Yearly, Resolution 12-2006..

**SECOND BY:** Mrs. Yerger  
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.

**ROLL CALL:** 5-0

**I. COUNCIL APPOINTMENTS TO THE LOWER SAUCON AUTHORITY (1 APPOINTMENT, 5 YEAR TERMS)**

Mr. Kern said this is for 1 appointment for a five year term. Mr. Cahalan said we have a vacancy on the LSA. We had several residents who responded to advertisements for the vacancy and the administrator, Gar Davidson, interviewed them, and he’s recommended that David Green be appointed to the LSA for a five year term that will run until December 31, 2010.

**MOTION BY:** Mr. Maxfield moved for appointment of David Green to the LSA for a five year term that will run until December 31, 2010.

**SECOND BY:** Mr. Horiszny  
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.

**ROLL CALL:** 5-0

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**J. COUNCIL LIAISON TO THE PARK AND RECREATION BOARD (YEARLY)**

Mr. Kern said Jack Cahalan will continue to serve as the liaison to the Park and Rec board.

**MOTION BY:** Mr. Horiszny moved to appoint Jack Cahalan as Council Liaison to the Park and Rec. Board (yearly).

**SECOND BY:** Mrs. deLeon  
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.

**ROLL CALL:** 5-0

**K. COUNCIL LIAISON TO SAUCON VALLEY CONSERVANCY (YEARLY)**

Mr. Kern said Priscilla deLeon has expressed her interest in reappointment to this conservancy.

**MOTION BY:** Mr. Horiszny moved for appointment of Priscilla deLeon as Council Liaison to the Saucon Valley Conservancy (yearly).

**SECOND BY:** Mr. Kern  
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.

**ROLL CALL:** 5-0

**L. COUNCIL LIAISON TO THE LOWER SAUCON AUTHORITY (YEARLY)**

Mr. Kern said Ron Horiszny will continue to act as Liaison.

**MOTION BY:** Mr. Maxfield moved for appointment of Ron Horiszny as Council Liaison to the LSA (Yearly).

**SECOND BY:** Mrs. Yerger  
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.

**ROLL CALL:** 5-0

**M. COUNCIL MEMBERS TO SERVE ON THE SAUCON VALLEY PARTNERSHIP (2 MEMBERS – YEARLY)**

Mr. Kern said Priscilla deLeon and Glenn Kern have expressed interest in serving on the Partnership. Tom Maxfield has been acting as an alternate and should also be appointed as such.

**MOTION BY:** Mr. Horiszny moved to appoint Priscilla deLeon and Glenn Kern as members to serve on the SV Partnership, and Tom Maxfield as an alternate (yearly).

**SECOND BY:** Mrs. Yerger  
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.

**ROLL CALL:** 5-0

**N. COUNCIL LIAISON TO THE LANDFILL (YEARLY)**

Mr. Kern said Priscilla deLeon has expressed an interest on serving on the committee.

**MOTION BY:** Mr. Horiszny moved to appoint Priscilla deLeon as the Liaison to the Landfill (yearly).

**SECOND BY:** Mr. Kern  
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.

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**ROLL CALL:** 5-0

**O. COUNCIL LIAISON TO THE ROUTE 412 CORRIDOR STUDY (YEARLY)**

Mr. Kern said no one has expressed interest. Mr. Cahalan said it's still an existing committee at the LVPC. They haven't met in a while. Mrs. deLeon said she would serve on the committee.

**MOTION BY:** Mr. Horiszny moved to appoint Priscilla deLeon as Council Liaison to the Route 412 Corridor Study (yearly).

**SECOND BY:** Mrs. Yerger  
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.

**ROLL CALL:** 5-0

**P. COUNCIL LIAISON TO THE LUTZ-FRANKLIN SCHOOLHOUSE (YEARLY)**

Mr. Kern said he has expressed an interest to continue serving on the committee.

**MOTION BY:** Mrs. Yerger moved to appoint Glenn Kern as Council Liaison to the Lutz-Franklin Schoolhouse (yearly).

**SECOND BY:** Mrs. deLeon  
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.

**ROLL CALL:** 5-0

**Q. COUNCIL LIAISON TO THE ENVIRONMENTAL ADAVISORY COUNCIL (YEARLY)**

Mr. Kern said Tom Maxfield has been the Council Liaison to the EAC and would like to continue.

**MOTION BY:** Mr. Horiszny moved to appoint Tom Maxfield as Council Liaison to the EAC (yearly).

**SECOND BY:** Mrs. Yerger  
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.

**ROLL CALL:** 5-0

**R. COUNCIL LIAISON TO THE PENSION BOARD (YEARLY)**

Mr. Kern said Priscilla deLeon has expressed her interest in being Council Liaison to the Pension Advisory Committee.

**MOTION BY:** Mr. Horiszny moved for appointment of Priscilla deLeon as Council Liaison to the Pension Advisory Committee (yearly).

**SECOND BY:** Mrs. Yerger  
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.

**ROLL CALL:** 5-0

**S. COUNCIL LIAISON TO THE FIRE COMPANIES (YEARLY)**

Mr. Kern said Priscilla deLeon and Glenn Kern have expressed interest in continuing to serve on the committee.

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**MOTION BY:** Mr. Horiszny moved for appointment of Glenn Kern and Priscilla as Council Liaison's to the fire companies (yearly).  
**SECOND BY:** Mr. Maxfield  
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.  
**ROLL CALL:** 5-0

Mrs. deLeon said Jack and Leslie have to tell Glenn about the changes in some of these names of these committees.

**T. COUNCIL LIAISON TO THE WATERSHED ADVISORY COMMITTEE (YEARLY)**

Mr. Kern said a representative from HEA in addition to a Council member have previously been the liaison's. These meetings are usually held during the day. Mr. Cahalan said this is the LVPC and HEA, Ron Madison, has been attending these meetings. Mr. Birdsall said he'd like to attend the meetings. Mr. Horiszny said he'd like to have Sandy attend also. She said fine.

**MOTION BY:** Mrs. deLeon moved to appoint Jim Birdsall from HEA and Sandy Yerger as Council liaison to the Watershed Advisory Committee (yearly).  
**SECOND BY:** Mr. Horiszny  
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.  
**ROLL CALL:** 5-0

**U. COUNCIL LIAISON TO THE SAUCON CREEK WATERSHED COMMITTEE (YEARLY)**

Mr. Kern said Tom Maxfield has been the liaison to this committee and would like to continue.

**MOTION BY:** Mr. Kern moved that Tom Maxfield continue to be Council Liaison to the Saucon Creek Watershed Committee (yearly).  
**SECOND BY:** Mr. Horiszny  
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.  
**ROLL CALL:** 5-0

**V. COUNCIL LIAISON TO THE COOK'S CREEK WATERSHED COMMITTEE AND AD HOC COMMITTEE (YEARLY)**

Mr. Kern said Sandy Yerger has been serving as the liaison and would like to continue.

**MOTION BY:** Mr. Maxfield moved that Sandy Yerger continue to be the Council Liaison to the Cook's Creek Watershed Committee and Ad Hoc Committee (yearly).  
**SECOND BY:** Mr. Horiszny  
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.  
**ROLL CALL:** 5-0

**W. COUNCIL LIAISON TO THE HIGHLANDS GREENWAY COMMITTEE (YEARLY)**

Mr. Cahalan said this is the LVPC Greenways Planning Committee. Mrs. Sandra Yerger will continue to be Liaison to this committee. Mr. Maxfield said he's alternate and he doesn't know if

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he wants to be the alternate. He can't make the meetings. Mr. Horiszny volunteered to be the alternate.

- MOTION BY:** Mr. Kern moved for Sandra Yerger to continue as Council Liaison for the LVPC Greenways Planning Committee (yearly).  
**SECOND BY:** Mr. Horiszny  
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.  
**ROLL CALL:** 5-0

**X. COUNCIL LIAISON TO THE LEHIGH VALLEY GREENWAYS EDUCATION AND OUTREACH TEAM**

Mr. Cahalan said this is one from the PA Greenways organization. Sandy is currently serving on the education and outreach team and would like to continue to be a representative. They are also asking for a second representative to be on the Steering Committee which is going to start addressing the Highlands issue of the Delaware and Lehigh Corridor. Mr. Maxfield said he'd volunteer for the second representative. He'd like to serve on the Steering Committee also. Mrs. deLeon said if you can't make it to the meeting, then anyone of us could call another Council member and see if they could make the meeting.

- MOTION BY:** Mr. Horiszny moved to appoint Sandy Yerger as the primary representative to the Lehigh Valley Greenways Education and Outreach Team (yearly) and Tom Maxfield as Second Representative (yearly)  
**SECOND BY:** Mrs. deLeon  
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.  
**ROLL CALL:** 5-0
- MOTION BY:** Mr. Horiszny moved for Tom Maxfield to be representative to the Greenways Steering Committee (yearly).  
**SECOND BY:** Mrs. Yerger  
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.  
**ROLL CALL:** 5-0

Mr. Horiszny said everyone deserves a lot of gratitude for everyone doing these secondary jobs.

**V. REORGANIZATION RESOLUTIONS AND FEE SCHEDULES**

**A. RESOLUTION 13-2006 – MANAGER SALARY**

Mr. Kern said this sets the Manager's salary at \$72,800 with no longevity pay.

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**RESOLUTION #13-2006**

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**MANAGER'S SALARY FOR 2006**

**WHEREAS,** the Council of Lower Saucon Township has approved that the Manager's Salary shall not exceed the 2006 budgetary amount of \$72,800.

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**NOW, THEREFORE, BE IT RESOLVED**, and it is hereby resolved by the Council of Lower Saucon Township, that the Manager's Salary as set forth in the 2006 budget, is hereby established for the year 2006, retroactive to January 1, 2006 and implement same.

**RESOLVED AND ENACTED** this 3<sup>rd</sup> day of January, 2006

**MOTION BY:** Mr. Horiszny moved for approval of Resolution 13-2006.

**SECOND BY:** Mrs. Yerger

Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.

**ROLL CALL:** 5-0

Mrs. Yerger said we are very, very happy to have Jack with us and are very pleased with him.

**B. RESOLUTION 14-2006 – ASSISTANT MANAGER SALARY**

Mr. Kern said this sets the Assistant Manager's salary at \$51,986 and caps longevity at \$350.

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**RESOLUTION #14-2006**

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**ASSISTANT MANAGER'S SALARY FOR 2006**

**WHEREAS**, the Council of Lower Saucon Township has approved the Assistant Manager's Salary at \$51,986 which includes \$350 longevity pay.

**NOW, THEREFORE, BE IT RESOLVED**, and it is hereby resolved by the Council of Lower Saucon Township, that the Assistant Manager's Salary as set forth above, is hereby established for the year 2006, retroactive to January 1, 2006 and implement same.

**RESOLVED AND ENACTED** this 3<sup>rd</sup> day of January, 2006.

**MOTION BY:** Mr. Horiszny moved for approval of resolution 14-2006.

**SECOND BY:** Mrs. deLeon

Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.

**ROLL CALL:** 5-0

Council said they are lucky to have Ms. Huhn.

**C. RESOLUTION 15-2006 – CHIEF OF POLICE SALARY**

Mr. Kern said this sets the Chief of Police salary at \$72,396 with \$1,746 longevity pay.

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**RESOLUTION #15-2006**

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**CHIEF OF POLICE SALARY FOR 2006**

**WHEREAS**, the Council of Lower Saucon Township has approved the Chief of Police's salary at \$72,396, which includes \$1,746 longevity pay.

**NOW, THEREFORE, BE IT RESOLVED**, and it is hereby resolved by the Council of Lower Saucon Township, that the Chief of Police's salary as set forth above is hereby established for the year 2006, retroactive to January 1, 2006 and implement same.

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**RESOLVED AND ENACTED** this 3<sup>rd</sup> day of January, 2006.

**MOTION BY:** Mr. Horiszny moved for approval of resolution 15-2006.

**SECOND BY:** Mrs. Yerger

Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.

**ROLL CALL:** 5-0

**D. RESOLUTION 16-2006 – DIRECTOR OF FINANCE SALARY**

Mr. Kern said resolution 16-2006 sets the Director of Finance salary at \$52,160 and caps longevity at \$750.

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**RESOLUTION #16-2006**

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**DIRECTOR OF FINANCE’S SALARY FOR 2006**

**WHEREAS**, the Council of Lower Saucon Township has approved the Director of Finance’s salary at \$52,160 which includes \$750 longevity pay.

**NOW, THEREFORE, BE IT RESOLVED**, and it is hereby resolved by the Council of Lower Saucon Township, that the Director of Finance’s salary as set forth above is hereby established for the year 2006, retroactive to January 1, 2006 and implement same.

**RESOLVED AND ENACTED** this 3<sup>rd</sup> day of January, 2006.

**MOTION BY:** Mr. Horiszny moved for approval of resolution 16-2006.

**SECOND BY:** Mr. Maxfield

Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.

**ROLL CALL:** 5-0

**E. RESOLUTION 17-2006 – DIRECTOR OF PUBLIC WORKS SALARY**

Mr. Kern said this sets the Director of Public Works salary at \$53,000 with \$750 longevity pay.

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**RESOLUTION #17-2006**

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**DIRECTOR OF PUBLIC WORKS’ SALARY FOR 2006**

**WHEREAS**, the Council of Lower Saucon Township has approved the Director of Public Works’ salary at \$53,000 which includes \$750 longevity pay.

**NOW, THEREFORE, BE IT RESOLVED**, and it is hereby resolved by the Council of Lower Saucon Township, that the Director of Public Works’ salary as set forth above is hereby established for the year 2006, retroactive to January 1, 2006 and implement same.

**RESOLVED AND ENACTED** this 3<sup>rd</sup> day of January, 2006.

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**MOTION BY:** Mr. Maxfield moved for resolution 17-2006.  
**SECOND BY:** Mr. Horiszny  
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.  
**ROLL CALL:** 5-0

**F. RESOLUTION 18-2006 – ZONING OFFICER SALARY**

Mr. Kern said this sets the Zoning Officers salary at \$56,650 with no longevity pay.

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**RESOLUTION #18-2006**

**ZONING OFFICER'S  
SALARY FOR 2006**

**WHEREAS**, the Council of Lower Saucon Township has approved that the Zoning Officer's salary at \$56,650.

**NOW, THEREFORE, BE IT RESOLVED**, and it is hereby resolved by the Council of Lower Saucon Township, that the Zoning Officer's salary as set forth above is hereby established for the year 2006, retroactive to January 1, 2006 and implement same.

**RESOLVED AND ENACTED** this 3<sup>rd</sup> day of January, 2006.

**MOTION BY:** Mr. Horiszny moved for approval of resolution 18-2006.  
**SECOND BY:** Mr. Maxfield  
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.  
**ROLL CALL:** 5-0

**G. RESOLUTION 19-2006 – ADOPTING PAY SCALE FOR NON-UNIFORMED EMPLOYEES**

Mr. Kern said this adopts the pay scale for non-uniformed employees per their union contract.

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**RESOLUTION #19-2006**

**A RESOLUTION ADOPTING A PAY SCALE FOR THE YEAR 2006 FOR TOWNSHIP  
NON-UNIFORM EMPLOYEES**

**WHEREAS**, the Council of Lower Saucon Township adopted the amended Chapter Two of Personnel Rules entitled "Job Classification and Pay Plan" on October 15, 1980, (Resolution No. 21-80); for the year 2006; and

**WHEREAS**, the Council of Lower Saucon Township has entered into a Collective Bargaining Agreement, which was approved on December 18, 2002 by the Council of Lower Saucon Township, for the year 2006 with the United Automobile, Aerospace and Agricultural Implement Workers of America, UAW Local 677 Amalgamated Union; and

**WHEREAS**, the Council of Lower Saucon Township wishes to maintain equity between full-time, part-time and non-union hourly employees of the Township in regard to wages; and

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**NOW, THEREFORE, BE IT RESOLVED**, and it is hereby resolved by the Council of Lower Saucon Township that the following pay scale is hereby established for the year 2006 for Township employees, and that the Township Manager is hereby directed to implement same:

**PAY SCALE**

<b><u>PAY GRADE</u></b>	<b><u>MINIMUM RATE</u></b>	<b><u>MAXIMUM RATE</u></b>
1	\$13.60	\$14.30
3	15.34	16.24
4	16.40	18.24
PT2 (laborer)		10.89
PT1 (receptionist)		11.26

**RESOLVED AND ENACTED** this 3<sup>rd</sup> day of January, 2006.

**MOTION BY:** Mrs. Yerger moved for approval of resolution 19-2006.

**SECOND BY:** Mr. Horiszny

Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.

**ROLL CALL:** 5-0

**H. RESOLUTION 20-2006 – ADOPTING PAY SCALE FOR UNIFORMED EMPLOYEEES**

Mr. Kern said this adopts a new uniform pay schedule for the police department for their union contract.

**RESOLUTION #20-2006**

**A RESOLUTION ADOPTING A PAY SCALE FOR THE YEAR 2006 FOR TOWNSHIP UNIFORMED EMPLOYEES**

**WHEREAS**, the Council of Lower Saucon Township adopted the amended Chapter Two of Personnel Rules entitled “Job Classification and Pay Plan” on October 15, 1980, (Resolution No. 21-80); for the year 2006; and

**WHEREAS**, the Council of Lower Saucon Township has entered into a Collective Bargaining Agreement, for the year 2006 with the full time non-supervisory Police Officers of the Township which was approved April 7, 2006; and

**WHEREAS**, the Council of Lower Saucon Township wishes to maintain equity between full-time and part-time Police employees of the Township in regard to wages, by granting a pay increase to the latter in 2006; and

**NOW, THEREFORE, BE IT RESOLVED**, and it is hereby resolved by the Council of Lower Saucon Township that the following pay scale is hereby established for the year 2006 for Full-Time and Part-Time Township uniformed employees, and that the Township Manager is hereby directed to implement same, retroactive to January 1, 2006:

**PAY SCALE FULL-TIME**

<b><u>MINIMUM</u></b>	<b><u>MAXIMUM</u></b>
\$20.60	\$26.24

**PAY SCALE PART-TIME**

<u>MINIMUM</u>	<u>MAXIMUM</u>
\$15.64	\$16.57

**RESOLVED AND ENACTED** this 3<sup>rd</sup> day of January, 2006.

**MOTION BY:** Mrs. Yerger moved for approval of resolution 20-2006.  
**SECOND BY:** Mr. Horiszny  
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.  
**ROLL CALL:** 5-0

**I. RESOLUTION 22-2006 – ADOPTING FEE SCHEDULE**

Mr. Kern said this sets various fee schedules for various township fees, and this is a public document which is available for public viewing.

**MOTION BY:** Mrs. Yerger moved for approval of resolution 22-2006.  
**SECOND BY:** Mrs. deLeon  
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.  
**ROLL CALL:** 5-0

**VI. MANAGER’S APPOINTMENTS WITH COUNCIL CONSENT**

**A. FIRE MARSHAL/1 YEAR TERM: (1) APPOINTMENT**

Mr. Cahalan said he’s recommending the reappointment of Ken Luybli as the fire marshal.

**MOTION BY:** Mrs. Yerger moved for reappointment of Ken Luybli as the fire marshal for a 1 year term.  
**SECOND BY:** Mr. Maxfield  
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.  
**ROLL CALL:** 5-0

**B. PARKS AND RECREATION BOARD/1 YEAR TERM: (7) APPOINTMENTS**

Mr. Cahalan said he’s recommending Bill Ross, David Spirk, Tom Butera, Michaelann Berger, Bernadette Fong, Steve Sakarakis be reappointed. He’s also recommending that Scott Schantzenbach be appointed to an open seat.

**MOTION BY:** Mr. Horiszny moved for the seven appointments above as stated by the Manager for a one year term.  
**SECOND BY:** Mr. Maxfield  
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.  
**ROLL CALL:** 5-0

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**C. LOWER SAUCON TOWNSHIP LIBRARY REPRESENTATIVE /1 YEAR TERM: (1) APPOINTMENT**

Mr. Cahalan said he's recommending that Lynn Koehler be reappointed to continue to serve as the Bethlehem Area public library.

- MOTION BY:** Mr. Kern moved for reappointment of Lynn Koehler as LST library representative for a one year term.  
**SECOND BY:** Mrs. Yerger  
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.  
**ROLL CALL:** 5-0

**D. LOWER SAUCON TOWNSHIP LIBRARY COMMITTEE/1 YEAR TERM: (4) APPOINTMENTS**

Mr. Cahalan said he's recommending Michael Karabin, Sherry Herman, Sophia White, be appointed in addition to Lynn Koehler. He's also recommending that new member, Helen Johnson, be appointed to the Library board.

- MOTION BY:** Mr. Kern moved for approval as stated above by the Manager for a one year term.  
**SECOND BY:** Mr. Horiszny  
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.  
**ROLL CALL:** 5-0

**E. HUGH MOORE PARKWAY COMMISSION/1 YEAR TERM: (1) APPOINTMENT**

Mr. Cahalan said he's recommending Joe Colosi who has been attending meetings regularly and is interested in continuing to serve.

- MOTION BY:** Mr. Kern moved for reappointment of Joe Colosi to Hugh Moore Parkway Commission for a one year term.  
**SECOND BY:** Mr. Horiszny  
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.  
**ROLL CALL:** 5-0

Mrs. deLeon said she'd like to get minutes of these meetings. Mr. Cahalan will contact them and ask them for the minutes.

**Solicitor, Attorney Linc Treadwell arrived. The time was 7:54 PM.**

**F. EMERGENCY MANAGEMENT COORDINATOR/1 YEAR TERM) (1) APPOINTMENT**

Mr. Cahalan said he's recommending that Bill Csaszar be reappointed to serve as the Township Management Coordinator.

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**MOTION BY:** Mr. Horiszny moved for approval of Bill Cszasz as Emergency Management Coordinator for a one year term.  
**SECOND BY:** Mrs. Yerger  
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.  
**ROLL CALL:** 5-0

**G. ZONING HEARING BOARD/5 YEAR TERM: (1) APPOINTMENT**

Mr. Cahalan said he's recommending Lach Peeke who is interested in serving for a five year term that will expire at the end of 2010.

**MOTION BY:** Mr. Maxfield moved for reappointment of Lach Peeke for the Zoning Hearing Board for a five year term.  
**SECOND BY:** Mr. Kern  
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.  
**ROLL CALL:** 5-0

**H. SAUCON VALLEY CONSERVANCY ADVISORY COMMITTEE/1 YEAR TERM: (1) APPOINTMENT**

Mr. Cahalan said they have received no letters of interest from residents. Mrs. deLeon said when the SV Conservancy was co-founded back in 1993, shortly thereafter, they formed an advisory committee similar to the SV Historic Partnership that we were trying to do. They met a couple of times and then it kind of faded away. There was a proposal put together by the conservancy and it kind asked to have a Parks and Rec board member be on the committee, and try to get a feel of a partnership type of thing for the different entities for the historic preservation aspect down there. It's been inactive. We probably should think next year of taking it off. Mr. Cahalan said Council sometime back moved the structures, particularly the Heller Homestead, the Lutz Franklin and Seidersville Hall from the Parks and Rec committee. They are not responsible for anymore. Council took this on to themselves. Mrs. deLeon said she thinks there was a misunderstanding because of the Heller Homestead Park. Mr. Cahalan said he meant the building. Mrs. deLeon said the 2.2 acre track that the home sits on is still part of our park system which is overseen by the Parks and Rec board. Even though they might not be part of the building activities, if they need to use our parking lots, it's a team type thing. Mr. Horiszny said he could sit on that spot until the Parks and Rec board would come up with a rep. Mrs. deLeon said it would be great, but it doesn't meet. It doesn't exist anymore.

**I. LOWER SAUCON TOWNSHIP HISTORIAN/1 YEAR TERM: (1) APPOINTMENT**

Mr. Cahalan said he's recommending that Sandy Yerger continue to serve for another year.

**MOTION BY:** Mr. Kern moved for reappointment of Sandy Yerger to serve for another year as LST Historian for a one year term.  
**SECOND BY:** Mr. Horiszny  
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.  
**ROLL CALL:** 5-0

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**J. LOWER SAUCON TOWNSHIP HISTORICAL COMMITTEE/1 YEAR TERM: (4) APPOINTMENTS**

Mr. Cahalan said this is a five person committee and they only have four. Barbara Ryan is no longer a resident. The names are Sandra Yerger, Karen Samuels, Jody Hijazi, and Jim Stern. We haven't received a resignation from Barb Ryan. Mrs. Yerger said she will talk to Barb Ryan.

**MOTION BY:** Mr. Horiszny moved for appointments for the LST Historical Committee as stated above for a one year term.

**SECOND BY:** Mr. Maxfield  
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.

**ROLL CALL:** 5-0

**K. ENVIRONMENTAL ADVISORY COUNCIL:2 YEAR TERM (3) APPOINTMENTS**

Mr. Cahalan said he's recommending Tom Maxfield, Sandra Yerger, Allan Johnson as voting members and Glenn Clouser as a non-voting member until December 31, 2008.

**MOTION BY:** Mr. Horiszny moved for appointment of Sandra Yerger, Allan Johnson and Tom Maxfield as voting members and Glenn Clouser as a non-voting member until December 31, 2008.

**SECOND BY:** Mrs. deLeon  
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.

**ROLL CALL:** 5-0

**L. PLANNING COMMISSION/4 YEAR TERM: (1) APPOINTMENTS**

Mr. Cahalan said he's recommending Craig Kologie be reappointed to December 31, 2009.

**MOTION BY:** Mr. Maxfield moved for reappointment of Craig Kologie for a four year term until December 31, 2009.

**SECOND BY:** Mr. Horiszny  
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.

**ROLL CALL:** 5-0

**M. LANDFILL COMMITTEE/1 YEAR TERM: (2) APPOINTMENTS**

Mr. Cahalan said he's recommending Lori Car and Ron Horiszny be reappointed to the Landfill Committee for a one year term which expires December 31, 2006.

**MOTION BY:** Mr. Kern moved for reappointment of Lori Car and Ron Horiszny for a one year term to the Landfill Committee.

**SECOND BY:** Mrs. deLeon  
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.

**ROLL CALL:** 5-0

Mrs. deLeon thanked Leslie for keeping track of all these appointments. She asked if they could send letters to all of those who have served and wish not to be not reappointed thanking them for their service to the Township. Following up, if you read the minutes from one of the times when the Historian Committee was created, we were asked whether nor not a motion can create a

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committee, and you said yes. You're absolutely right, but having it in resolution form, it's in the resolution book and we don't have to go through years and years of minutes to try to track down when this committee was crated. We need to create a resolution establishing the committee. That way it's in the book and easier to track.

**MOTION BY:** Mrs. deLeon moved for approval as stated above.

**SECOND BY:** Mrs. Yerger

Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.

**ROLL CALL:** 5-0

Mrs. deLeon said she knows this is tracking of appointments that are on an annual basis, she'd like to mention two other committees and to reaffirm them. That would be the Task Force for the Narrows. Tom Maxfield and herself are on that committee, and the Steel City Fire Company Emergency Management Coordinator, Police Chief. She's the representative for the township on the Lehigh Chamber Board and their calendar year is from May to June so if we can put in the minutes that she's the representative.

**IX. ADJOURNMENT OF REORGANIZATION MEETING**

**MOTION BY:** Mrs. Yerger moved for adjournment. The time was 8:02 PM.

**SECOND BY:** Mrs. deLeon

**ROLL CALL:** 5-0

**Council went into Executive Session.  
The purpose is the discussion of potential acquisition of real estate.  
The time was 8:02 PM. Council reconvened. The time was 8:45 PM.**

**GENERAL BUSINESS MEETING**

**I. TOWNSHIP BUSINESS ITEMS**

**A. ZONING HEARING BOARD VARIANCES**

**1. PATRICK & SANDRA ROONEY – 2247 POLK VALLEY ROAD – VARIANCE REQUEST FROM SIDE YARD SETBACKS TO CONSTRUCT ADDITION TO EXISTING RESIDENCE**

Mr. Kern said the applicant is proposing to construct an addition to the existing farmhouse. The proposal will encroach in the front yard approximately 30', leaving 10' at the closest point.

Emil Kantra, Attorney and Benjamin Walbert, Engineer were present. Mr. Kantra said last time they were here, there was a question about the right-of-way, and Mr. Birdsall requested more detailed drawings from our surveyor, particularly with regard to the right-of-way because as it is laid out along Polk Valley Road, it's actually a 60' wide right-of-way, 30' on each side. When that additional right-of-way was dedicated, there was actually a cut out that skirts the existing house. The surveyor on the project went out and actually in the field located the right-of-way in relationship to the existing residence. As you are looking at the property from Polk Valley Road looking to the north, the proposed addition is on the left hand side which is to the west. After the field work was done to locate the actual right-of-way in the field, they determined there was an area of a couple of

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feet of the southwest corner of the proposed addition which would have bumped into the right-of-way. It was redrawn so it was out of the right-of-way. That was the main issue why they did the additional field work and submitted new drawings to the township. Mrs. deLeon said there were three issues remaining from November 16 which is the right-of-way, the lot size, and the septic system with adding an additional bedroom.

Mr. Kantra said with the lot size, in 1980 there were two subdivisions. There was the one that created the Rooney property and then there was one called Crescent Knoll which surrounds the Rooney property to the north. There is a note on the plan for the Rooney Subdivision that 1A and 1B are to be considered one lot. The Rooney's own the lot that the house is on, on the north side of Polk Valley Road. They own another lot which is a couple acres on the south side of Polk Valley Road. There's a note on the subdivision plan that they are to be considered as one lot. They can't be conveyed separately, they have to be conveyed together. Mrs. deLeon said when you say one lot, are you talking one or two houses? Mr. Kantra said one house. Mrs. deLeon said you can't build another house on that other lot across the street? Mr. Kantra said not without resubdividing it, if your ordinance says you can't have two principal uses on the same lot. Attorney Treadwell said correct. Mrs. deLeon said we need to be real clear with this. Can someone check the application and see that the application properly portrays what you just said. Mr. Kantra said it's a matter of record already. Mrs. deLeon said you might say it here, but she wants the ZHB to know exactly what's going on. She wants to make sure when he goes to the ZHB, you're talking about all of the acreage. Mr. Kantra said he's been doing this for 27 years and when he comes in front of a board like this, and he says he's going to go to the ZHB and tell them that, he's not going to lie to you folks. Mrs. deLeon said she's saying your application needs to be changed. Mr. Kantra said he'll send a letter to the Zoning Officer saying it's one lot, it's already a matter of record. Mr. Maxfield said the application needs to be consistent with what you are telling the ZHB. It says 2.5 plus acres is the size of property. To be considered as one chunk of property, it has to be accurate. Mr. Kantra said he'll be happy to send that letter to the Zoning Officer. Mrs. deLeon said we need an amended application. She's not happy with just a letter to the ZHB. Letters get lost. Mr. Kantra said he'll send them an amended application and letter.

Mr. Maxfield said the present owner of the property is the Rooney family and have owned it for 11 years. He noticed on the application their address is Florida. They were told the addition was needed because Mr. Rooney has children that come to visit and they need an additional bedroom. At the same time, he drove past the property, and saw a "For Sale" sign on the property. Is this variance connected to the sale of the property? Mr. Kantra said it is not. If they don't build the addition, they are going to sell the house. In terms of the additional bedroom, the Rooney's have 8 children. They have at this point about 16 grandchildren. The Rooney's live in the house from June 15 to November 1. They have kids all over the United States. It only has three bedrooms and gets very crowded. Mr. Maxfield said if he called the realtor today, he could get a price that the house is listed for. Mr. Kantra said yes, they will give you promotional information. Their preference is they would like to stay there. They are pleased with the house and the community. However, if they are not able to expand, they would put the house on the market.

Mr. Kern said what are the outstanding issues at this point? Attorney Treadwell said he thinks the biggest issue was if they could develop on the other side of the road, and he thinks Attorney Kantra said no. The right-of-way has been taken care of by revised plans. Mrs. Yerger said we come back to the septic system. Mr. Birdsall said if they build an additional bedroom, they would need to prove that they have the space for the additional drain field. If they get the zoning approval, then they will design that. Mrs. deLeon said that needs to be a condition of the ZHB. If we support his application, then we need to

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make sure that we mention at least two things, the ZHB application is received and accurately depicts the property, and the septic system. Attorney Treadwell said the wording for the septic system would be that the addition could not be built until approval for an alternate septic site was approved or they might have to alter the primary. Mrs. deLeon said the current lot is how big? Mr. Kantra said 2 ½ on one side and 19 ¼ on the other. Mrs. deLeon said what if the 19 ¼ acres were developed. Mr. Kantra said that 19 is separate. They have two lots on the other side. There is 1A and 1B which are the two that are together and then they bought a larger lot which is beyond 1B behind, that's the 19. Mrs. deLeon said what's across the street? Mr. Maxfield said the 19 acres is isolated and there's no road frontage on it? Mr. Kantra said he thinks that's correct. He doesn't think there is any frontage on Polk Valley. Whether or not there is anything on the other side, he does not know. Mrs. deLeon said what would no. 11 be on the ZHB application? Attorney Treadwell said it would be 1A plus 1B, he's assuming 1A is the 2.5 acres. Mr. Kantra said on the old subdivision map from 1980, it's a net (exclusive of the roadway of Polk Valley) of 5.281 acres. Mrs. deLeon asked what the zoning was out there? It's 2-acre lots. Mr. Birdsall said he believes it's a 2-acre zone, but that doesn't mean that if you subdivide it, you could have 2 acres now because of lot density calculations. She said she's just doing a "what if" if they decide to develop across the street. Are we doing anything that's going to affect the lot across the street or vice versa? Mr. Maxfield said Lot 1B is the lot that has road frontage and the other one doesn't, so at this point, with an easement through a piece of property they could be limited to one house on 19 acres if it was to be developed. Mrs. deLeon asked if the merger came in to play because of owning a property for so long? Attorney Treadwell said he doesn't believe so with that big of a lot. If it's 19 acres, it still meets our zoning, so the 19 wouldn't merge. He doesn't know if it could be developed.

Mr. Kern said the only outstanding items are the current lot size which has been addressed or will be addressed and the agreement that the addition of the bedroom will create an impact on the septic system which would have to be resolved by the Rooney's. Attorney Treadwell said you should make a suggestion for conditions being that the applicant agree that 1A and 1B would not be subdivided. Mr. Kantra said there is a lot now, but he doesn't know what they could do or what they couldn't do in the future. You can't do anything with 1B unless you would subdivide. Attorney Treadwell said he thinks we'd be okay with that as one lot now and that they need to address the sewer system with the SEO. Mrs. deLeon said there are two suggested conditions – the amended ZHB application and the septic system. Mr. Maxfield said if you are going to amend the application, you might as well amend the data on the plan also. The plan needs to include 1A and 1B and right now it only includes 1A.

Mr. Kern said how's that best transmitted to the ZHB? Mr. Maxfield said include it with the application information. Mrs. Yerger asked if we needed to send someone to express that? Attorney Treadwell said we could do a letter or you could send someone. Mr. Kern said a letter would do it. Mr. Maxfield agreed. Mr. Birdsall said those were the issues he was concerned about also. The one thing the new plan shows is the edge of the foundation of the new house will be substantially behind the old wall against the road which is another thing he was concerned about. It looks like there is pretty good setback away from the wall. Most of his concerns are addressed. He would say not to overly complicate this, but there will be a grading plan also that is necessary, so we'd want to be able to make sure that is submitted and approved as a lot grading plan somewhere along the way.

Mrs. deLeon said what Sandy said about sending a letter or send someone in person, sometimes we send someone, sometimes we don't. She doesn't want the ZHB to get mixed signals that this isn't important, this is important because to us it's all important.

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We were concerned about this and we had questions. Mr. Maxfield said if we're worried about it, then let's ask Linc to represent that point of view at the ZHB on January 16, 2006. Our position would be one of no position except that we would recommend the conditions and we're sending Linc. We would not oppose it if the conditions were met.

**MOTION BY:** Mr. Maxfield moved that we would hope the ZHB would apply the following conditions if they grant the variance: submission of a grading plan, the treatment of 1A and 1B as a single piece of property, that the data be changed on the application and the submitted map and that the septic situation be straightened out. He would also like to move that we send Attorney Treadwell to represent these points to the ZHB.

**SECOND BY:** Mrs. Yerger

Mr. Kern asked if anyone had any questions or comments? No one raised their hand.

**ROLL CALL:** 5-0

2. **FRANCIS, SHAWN & THERESA SEFRANEK – 4109 LOWER SAUCON ROAD – VARIANCE REQUEST FROM FRONT YARD SETBACK TO CONSTRUCT GARAGE ADDITION**

Mr. Kern said the applicant is proposing to construct a 12' x 16' addition to an existing garage that is located in the required front yard setback.

Shawn Safranek was present. He said he's looking to add a 12' x 16' addition on to an existing garage. There was a variance for the garage granted in 1999 for a 24' x 30' garage and that was granted and this is just a small addition on to the back of it to allow another vehicle to park in there, a lawn tractor and miscellaneous tools.

Council decided to take no action.

3. **ALEX PATULLO – CORNER OF HELMS AND APPLEBUTTER ROAD (TMP P8-1-11) – VARIANCE REQUEST OF MAXIMUM DISTURBANCE OF ENVIRONMENTALLY SENSITIVE WOODLANDS TO CONSTRUCT A SINGLE FAMILY DWELLING**

Mr. Kern said the applicant is proposing to construct a single family dwelling with attached garage and driveway on a lot that was created as part of the Woodland Hills Section II subdivision. The property contains multiple natural resources including woodlands and various levels of steep slopes.

Alex Patullo was present and Chris Knoll, Project Engineer from Keystone. Mr. Knoll said this subdivision was approved back in 1990, shortly after the steep slope zoning. The original plan was looking for one acre lots which was permitted in that area. You adopted ordinances looking at some of the steep slope areas understanding the sensitive and the subsidence and problems that can arise when you're developing these. In this subdivision, it fell under those new requirements. Based on that, the lot size was 4 acres and we were allowed to disturb 30% of the lot area based on the ordinance at the time of subdivision. We're basically looking at an existing lot of record approved under the current ordinances in 1990. The house location that is indicated on there is consistent with the subdivision plan that we submitted at that time with the grading utility plan. The only real difference was the driveway location. The original driveway was coming perpendicular to Helms Road, straight down the hill at a 10% maximum slope. They are now trying to make the slope as gentle as possible, so they did relocate the driveway (he showed them on the map where the driveway was). What happens is when they lay that out doing the incidental grading, we're disturbing a total of 22.9%. Up until the recent ordinance passage, we

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wouldn't be here. We're minimizing what we are disturbing as much as possible to try and make this grading work back in a little bit better. They are proposing just two retaining walls to try to minimize the area. What he does have in support of development of this lot, he has photos of at least 6 other homes that Alex previously developed out there. They will try to disturb as little as possible. They are consistent with the neighborhood. The hardship really hasn't been created by the applicant because it's the application of the new ordinance, administering the new ordinance on this lot that creates the hardship with the sensitive woodland areas that reduces it to 15% disturbance. We're not going to the 30% which we could have years ago, but we're minimizing it as much as possible taking advantage of the aesthetics. The gentlemen to the left is a collector of sorts, so they are trying to maintain somewhat of a buffer from that property line. The selection of the home – we talked a little about it. Alex will put a home that fits in and work with the land and the slopes.

Mrs. deLeon asked if we were here because of the five year rule? Attorney Treadwell said he thinks the real issue is the original proposal created less of a disturbance than this one does and he doesn't know why they changed. Mrs. deLeon said bullet no. 3 says "the original proposal in the recorded subdivision proposed minimal disturbance to the lot by constructing a dwelling in the least sloped portion of the lot as close to Helms Road as permitted. The proposal also showed a basement garage dwelling in which the basement was located under the primary living area of the dwelling. This minimized the disturbance significantly. The current proposal shows an attached garage which is located in an area of slope which is greater than 25". She said why did you change it? Mr. Knoll said this is actually a lower level garage. Mr. Patullo said there are only two bedrooms upstairs. Attorney Treadwell said the zoning officer's position is that the original proposal that was on the subdivision plan would be less intrusive than what this new proposal is. Mr. Knoll said in 1990, the homes that were being constructed, 2500 sq foot was a pretty nice large home. Today what's going in, the homes people are purchasing, they are very nice, \$600,000 to \$700,000 homes. The driveway on the original subdivision went straight down the hill right into Helms Road. It was very steep, 10% slope. Mrs. deLeon said isn't it 15% maximum driveway? Mr. Knoll said right, we're holding that. We were holding and maintaining 10% for that same issue, steepness plus getting in and out, plowing, whatever. That's why the driveway comes out better from a safety standpoint, less slope, more gradual. The house is pretty much where it was, it's just larger. The house is only about 3200 sq. feet. Mrs. deLeon said to me, that's a financial hardship which is not recognized by the ZHB if they were true to the variance. When we are sitting up here and looking for the minimal disturbance possible, and we hear that you think you are doing that, but you're trying to accommodate a larger house, that kind of sends the wrong message to us. Mr. Knoll said isn't one of the criteria also to be consistent with the neighborhood and we're trying to be consistent with the neighborhood. Mrs. deLeon said the features of those lots weren't like this lot. Attorney Treadwell said did you talk to the Zoning Officer and try to work it with him? Mr. Knoll said we can. Mrs. deLeon said we don't want to send an opposition to the ZHB and you have to start all over again. Mr. Patullo said we started this process six months ago and were told we had to come to the ZHB. The area we are going to build the house on is nothing but scrub brushes. This is the most sensible for us to go to. On the original drawing, the house is right where it was now. All they did was change the driveway. Mrs. Yerger said you have to understand. We enacted the new zoning ordinances for a reason. They are very reluctant to grant a variance or recommend granting a variance. It has to be a true hardship, and honestly, she doesn't see it in your application. Mr. Maxfield said sellable or not sellable is not really a point for us to look at. He has a hard time buying the minimal disturbance argument when he sees a 200' long driveway and he did the elevations on the retaining wall and we're talking about 9' drop on one side and an 8' drop on the other side. That is substantial grading and slope

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you're cutting into. A 200' driveway to get there, that's substantial grading and disturbance. You guys can do better than that. That is not a creative solution to this piece of property. You need to come up with a better idea than this. He cannot support this and he would gladly make the motion to oppose this at Zoning if it goes that far. Mr. Patullo said what you are saying is if we move it, it's okay to take down more trees. Mr. Maxfield said come up with a better solution. There's something else that is going to work on that piece of property and work it out with the Zoning Officer and staff. That's the best route you can go right now and withdraw yourself from the ZHB hearing. If you leave yourself on, he will make a motion to oppose it. This is not a good plan. Mrs. deLeon said we would oppose it unless you withdrew from the meeting and gave them an extension. Mr. Patullo said they will talk to the Zoning Officer. Mrs. Yerger said we have really talented staff.

- MOTION BY:** Mr. Maxfield moved to oppose unless the applicant decides to withdraw from the ZHB or grant an extension.
- SECOND BY:** Mr. Yerger  
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.
- ROLL CALL:** 5-0

**4. LOWER SAUCON AUTHORITY – 1583 CHAPEL LANE (TMP R7-22-2A) – REQUEST VARIANCE HEIGHT AND SETBACK FROM REAR LOT**

Mr. Kern said the applicant is in the process of purchasing property for future use for a water storage tank. The applicant is requesting a variance from the maximum allowable building height of 35 feet. They are also requesting a waiver of general yard and area restrictions as detailed in Section 180-123C.

Attorney Lawrence Center and Gar Davidson, LSA, were present. Mr. Davidson said when we appeared here last, we had a discussion on the potential height of the tank as being an issue. Originally it was going as high as 120'. We went back and looked at it and the area we were trying to serve with it, and figured the tank height would actually be in the 85' to 90' range, just under 90'. The need is to get the water level in the tank at about 80' off the ground.

Mr. Horiszny asked them to review again the need for a tank on that side of the town. Attorney Center said the board has looked at a number of options over a period of time to best serve the residents. One of the problems they have is there is no storage for water capacity in the southern area of our service. Best practice is to be able to replicate as much of our system as we can and provide water storage for emergency use, for fire use, for application of water pressure. In the past, we had water pressure areas and this portion of the township is served from the City of Bethlehem low reservoir which is on South Mountain, but it's much lower than the star reservoir which is up by the Bethlehem Star. Because of that, there are some issues with regard to water pressure. One of the best ways to do that is to put a water tower in. The laws of physics dictate that the water column has to be of a certain height in order to be able to supply certain elevation in the township. As we mentioned before, the lot we came upon, is an area we had looked at before. What they are doing is looking to the future. There's no immediate need for a water tower to be placed on that site today. If we lose the opportunity to purchase the site, then if we have to put up a water tower to increase pressure for emergency use. If we can only find a site that is in elevation 150' lower than this site, it means our water tower has to be another 150' higher in the air to be able to compensate for the loss of the water pressure. The site engineering wise and opportunity wise is an ideal site. The board at our last meeting was

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concerned of future use and future development of the site. We're not about to put up a water tower in the very near future. The price of something like this would border on \$800,00 to \$900,000 to \$1 million. The LSA would have to float a bond issue in order to do that or take out a significant loan and we're not about to do that at this point. There's no necessity for it, but good planning predicts that there may well be a necessity in five or ten years in the future, and then the loss of the lot becomes critical because of its height. Perhaps, if the township is concerned about future development being fostered by water source at that area, the possibility is that the township buy the lot. Certainly the township's resources are better than ours are to physically put out the dollars involved with the purchase of a lot at this time. Our board made the decision to do it only because of the feel that the future is important. If the township feels the same way for other reasons and to be able to control the site, the township may well want to buy the lot and we're certainly willing to let the township do it and let them come to us at some date in the future we really need additional water pressure because we have a need wherever. Attorney Treadwell asked what the timing issue was? Attorney Center said he got an extension letter of agreement of sale. Originally, the settlement was by mid-January which cannot happen. He's got an extension to the end of February which will probably be the final extension. To take it by condemnation in the future, it becomes expensive.

Mr. Maxfield said if the township were considering that kind of condition, would the LSA be amiable to sit down and work out a series of conditions between the two entities that everybody could agree to? Attorney Center said currently there's a memo of understanding between the LSA and the LST that indicates the LSA isn't going to do anything to be proactive in putting in water lines to encourage development without the township's blessing. We stood by that and intend to stand by that. We can't afford to put out a significant amount of money. We need to know if we are going to buy it and yes we can put a tower on it. Mr. Maxfield said if the township were to purchase the property with the understanding that the LSA would want to use that property in the future and we could sit down and work out details of everyone's concerns and then everyone was happy about the final condition. Attorney Center said he didn't see why not. It's almost a wild idea and truly has some significance, it's important that the LSA have some backup system and some water storage capacity for the system because they rely entirely upon the City of Bethlehem. We don't have any backup system. It's important that we have some reserve somewhere and the only way we can get a reserve is to put up a tank.

Mr. Maxfield said if we were to enter into an agreement like that, we would probably want to stipulate some type of timeline that would come up with those circumstances that would make everybody happy. We'd want something solid sooner than later and we'd want to pursue something like that immediately. Mr. Horiszny said he thinks Tom is referring to tank height, capacity, need, etc. Mr. Maxfield said they would like something very solid, like 85' to 90', if you say 90', that's more solid. Attorney Center said without doing a lot of engineering, which we aren't prepared to pay for at this point because we're not building the tank, we can't honestly tell you it'll be 83.7' or 91.2'. Best guess at this point is about 90'. Mr. Maxfield said if the first circumstance was to be 95' or less, you could live with something like that. Attorney Center said probably. Mr. Maxfield said that's probably the kind of thing we would be looking for – ultimate height, ultimate disturbance on the property, and those sort of things. Attorney Center said the tank itself would not take up a considerable amount of space. The biggest amount of space probably would be a fence to put around it and an existing roadway.

Mrs. deLeon said these same conditions could be part of a ZHB approval if you proceed with the ZHB, and you would still own the property, but you would be agreeable to those terms. She's looking at it as part of these conditions could be part of the ZHB and if you're

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agreeable, that would satisfy her concerns and you would have the procedure and we wouldn't be spending township dollars buying a property to benefit the LSA in later years. Mr. Maxfield said we don't know what those circumstances are yet. We'd have to work on that. Mr. Kern said you can't give us answers that we want answered. There's a whole slew of information that he needs to know before he can make a decision which he doesn't have now. The actual need, service area, who are you serving, who could potentially be served, etc. Attorney Center said right now, there probably is no actual need for it. We're potentially looking at system failures in the area and we don't know what that's going to be. If we put it in today, and were able to serve some other residents in the area by doing that, we'd probably provide them with better pressure than we have now. Is there a pressing need for it? Probably not, but we're looking at future need.

Gar Davidson said a system isn't going to be able to fight a fire down there, but if there were a tank, it would kind of allow it to back feed into the system and you still could do what you needed to do. From a fire flow standpoint and sort of a system redundancy standpoint, normally with a valley like this, you would be likely to put tanks at either end of it, but we had originally proposed was a 500,000 gallon tank which would be designed to give you that kind of backup. It's not the kind of thing you'd put in to try to go 20 miles to Exton or something like that. The intent was not to build something enormous, but to build something if you had a major main break, catastrophic loss in the middle of the system, that you'd still be able to fight a fire at the other end. Eventually, you are going to need it. If we add Leithsville, you've got an existing area that's got very, very small lots. Over the next fifteen years, he'd like to see water and sewer get to Leithsville. He's not trying to get any further than that and change the zoning, he's assuming the zoning is staying the same. With the existing zoning you have, there's going to be problems in achieving that, so they felt when or if we go ahead with this, this is near the ideal site. The other sites are lower elevation and would require a bigger tank. This tank would sit up peaking above the trees a little bit. The only other high elevation land in the sort of southern portion of the township would be off into the agricultural areas and everyone is trying to avoid them. Our strategic plan and your comprehensive plan pretty well ducktail and in case they ever got any other ideas to the contrary, the agreement we signed that we referred to from 1998, pretty well will keep them from doing that or their successor. From where he's sitting, eventually we're all going to come to the recognition that we probably need to do something at this end. Since it came up and it's an ideal parcel, it's a shame to let it go. It would be great if we could find some way to feel comfortable with allowing them to proceed.

Mr. Horiszny said there are two options - going to the ZHB or the Township buying the property instead of the LSA. Attorney Center said it's up to you. Obviously, if the township buys the lot, you have complete control over it for your benefit. For our benefit, it frees up some other capital for us to work with. That's just a practical consideration. Other than that, once we know that the lot is at least held for this purpose, then when the need arises, we can come back to the township if they were to buy it and say okay, here's the need, this is what we propose. If the township, at that point, says well, we don't think there's a need there, okay, fine. Mr. Maxfield said we have the ultimate control? Attorney Center said yes, you have the ultimate control. If you own it, yes. Mr. Kern said that's only based on the existing Council. Attorney Center said that goes without saying. If you so chose and you purchased the lot, you could obviously restrict its use by putting a restrictive covenant on the lot itself. Mrs. deLeon said couldn't we do that with the ZHB approval too as a condition? Attorney Center said no, he doesn't think the ZHB can place that kind of restriction legally on a lot. Mrs. deLeon said the ZHB can't legally, but two entities could agree outside the ZHB. Attorney Treadwell said he still thinks the LSA would have the option five years, ten years from now of going back to the ZHB and asking

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for a new variance. Mrs. deLeon said you can say that with either option because of not binding our board or their board. Attorney Treadwell said you can't lock it up entirely unless you put two or three other parties in there and that would make it too difficult. That still isn't going to do it completely. Mr. Horiszny said does the option the LSA has on the property have the ability to be transferred to us? Attorney Center said it's an agreement of sale and we can assign it to the Township. Attorney Treadwell said if we did go that route and the township agreed to purchase it, then you wouldn't see any need for the ZHB application, correct? Attorney Center said correct. Mrs. deLeon said the ZHB meets in January and then it meets in February. Attorney Center said the problem with putting it off further, into February, the ZHB meeting does not go beyond our extension date; however, the 30 day appeal period could go beyond that as anybody can file an appeal. That would run beyond our agreement, and at that point, we would be forced to exercise our option to back out of the agreement entirely.

Mrs. deLeon said she knows that when the township purchases property, they have to do an appraisal which was already done, so that would be met, but if the township, in the future, say we did purchase this property and we would go to sell it, we have to sell it to the highest bidder. So, if the LSA wanted to purchase this property in the future, what happens if you weren't the highest bidder? Attorney Treadwell said he thinks, but doesn't have the second class code in front of him, there are exemptions and selling it to another non profit public entity for municipal use is okay without bidding it, or the other option is you could lease it.

Mrs. deLeon said she just thinks the LSA is supposed to do their own thing, and we're supposed to do our thing, and she thinks that we're crossing over and the LSA should still do their thing and we should be here and looking at the zoning application and doing our thing that way.

Mrs. Yerger asked Attorney Treadwell what would tax consequences be for the township? Attorney Treadwell asked if there was anything on it now? Attorney Center said there's no house on it now and he doesn't know how it is assessed. If we bought it, we would apply for exemption for a municipal use. Attorney Treadwell said you get into the question that we got into on the other properties we bought, as to whether we're actually using it or it's just sitting there. Mrs. deLeon said we didn't win on that. We had to pay tax.

Mr. Kern said if the township were to purchase this land, it would buy time to answer these nagging questions that he has and the uncomfortable feeling he has with a water tower in that location – who would provide the answers to these questions, and when? Attorney Center said it would depend on what your questions are and what's involved in answering the questions. If the township would buy it and reserve the land, at that point, there's no rush on anybody's part to construct something, so we have time to answer the questions. Mr. Kern said the main question would be the impact to the water system on potential future development. Attorney Center said he would think your Planning Commission would be best to answer that question, not the Authority. Mrs. deLeon said again, that goes back to the memorandum, back to our comprehensive plan and our zoning ordinance, and it has nothing to do with the LSA. That's why they are a separate entity. They deal with the water and sewer issues, and we do our thing. Mr. Kern said this is intertwined. Mrs. deLeon said it's intertwined, but like he just said, we're in control of the density, and they can't extend lines unless we let them. Again, it goes in a vicious circle. Mr. Maxfield said that's why it would be a good idea if we did own it and on that note, he'd like to make a motion.

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- MOTION BY:** Mr. Maxfield moved to set the process in motion and have the Attorney start looking into purchase of the property, and what it would entail for us.
- SECOND BY:** Mr. Horiszny  
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.
- ROLL CALL:** 4-1 (Mrs. deLeon – No)
- MOTION BY:** Mr. Maxfield moved to oppose the zoning application at the zoning level if it is not withdrawn.
- SECOND BY:** Mr. Kern  
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.
- ROLL CALL:** 4-1 (Mrs. deLeon – No)

Attorney Center said you asked what the assessment was on the property, it's \$33,900 which makes him think it was never reduced after the house was reduced which is a high assessment. It had included a dwelling and it's probably never been appealed.

**B. AUTHORIZE SIGNING OF ENGAGEMENT LETTER WITH HUTCHINSON, GORMAN AND FREEH**

Mr. Kern said Council received an engagement letter for the 2005 annual audit to be conducted by Hutchinson, Gorman and Freeh. The base rate to do the audit is \$14,000. Mr. Cahalan said this sets out what the auditors will be doing for us in the coming year in performing the annual audit. This is something that was not done with the previous auditor we had. The rate was already approved for \$14,000 for 2006.

- MOTION BY:** Mrs. deLeon moved to authorize the execution of this agreement provided that Council is copied with any recommendation letters.
- SECOND BY:** Mr. Horiszny  
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.
- ROLL CALL:** 5-0

**C. AUTHORIZE ATTENDANCE AT PSATS CONVENTION**

Mr. Kern said Council should authorize the voting delegate and attendees for the PSATS convention to be held in April.

Mrs. deLeon said she wants to go. Ron Horiszny is going to try to do the one that's coming up at the end of the month. Mrs. deLeon said this Hershey conference is very worthwhile to go to. You can go for as many nights you want to. The second class code authorizes us to do it. If you say you are going and can't make it, you can back out. Leslie does have to know within the next week as it's done by lottery so we should get the reservations in as soon as possible. Mr. Kern would like to go. Mrs. deLeon said normally the President is the delegate. On Wednesday is their business meeting and you get to vote on the resolutions. We're all delegates and one township gets one voting delegate. Mr. Kern asked Mrs. deLeon if she would be the voting delegate, and she agreed.

- MOTION BY:** Mr. Maxfield moved to authorize attendance at the PSATS conference with condition that Priscilla deLeon be a voting member.
- SECOND BY:** Mrs. Yerger  
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.

**Reorganization and General Business Meeting  
January 3, 2006**

**ROLL CALL:** 5-0

**D. APPROVAL OF MINUTES – DECEMBER 21, 2005**

Mr. Kern said the minutes of December 21, 2005 have been prepared and are ready for Council's review and approval.

Mrs. deLeon said on page 1, changed Pheasant III to II and "development until December 10, 2005". Add "development that was the responsibility of the developer until December 10, 2005". The resolution for Wil Morrison is not included in the minutes and should be added. On page 11, under her report, it starts out with "They", change it to "Jack, Jim and I attended".

Mr. Horiszny said on the bottom of page 7, he asked a question about the lighted fields and that was not in the minutes. Put in the minutes, "Ron asked a question about the lighted basketball courts and Council decided that the courts weren't really part of the Town Hall Park, at this location". On Page 12, fifteen lines up from the bottom, the sentence that starts out "They'll be a meeting". Change "They'll to There will"

**MOTION BY:** Mr. Horiszny moved to approve the minutes, with corrections.

**SECOND BY:** Mrs. Yerger

Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.

**ROLL CALL:** 5-0

**E. APPROVAL OF NOVEMBER 2005 FINANCIAL REPORT**

Mr. Kern said the November 2005 financial reports have been prepared and are ready for Council's review and approval.

Mr. Horiszny said why can't they do it quarterly instead of monthly to save paper and time. All the budget comments, he can't think in twelfth, but he can think in quarters sometimes. Maybe having the check reports come is not bad on a monthly basis, but the rest gets very lengthy. Mr. Cahalan said it's a good suggestion. One of the things we're trying to split out was the check register so maybe you could look at that on a monthly basis and one of the things, which is a product of the financial system that we have, we can talk to them to see if we can come up with a condensed quarterly report. We don't want to give you a quarterly report which is three months thick, so we have to work on it to be able to come up with something like that. Mr. Horiszny said on page 2 of the checks, the Vet bill is \$283.26. That seemed high for a one time visit. Mr. Cahalan said he goes periodically and gets his booster shots. Sandy said shots are very expensive with a full exam, fecal, blood work, etc.

**MOTION BY:** Mr. Horiszny moved for approval of the November 2005 financial report.

**SECOND BY:** Mrs. Yerger

Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.

**ROLL CALL:** 5-0

**II. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS**

None

**III. COUNCIL AND STAFF REPORTS**

**A. COUNCIL/JR. COUNCIL**

**Mrs. Yerger**

- There was a watershed conference that is going to be held out at Penn State the last weekend of February and she'd like to go. The fee is \$30. It deals with legislative issues dealing with watersheds, water quality, upgrading the water from high quality to EV status, which is something we disused with the Saucon Creek. They'll be access issues, legalities, things like that. It's February 25 and 26, 2006. Council agreed for Sandy to attend.
- She'd like to ask Jack – she spoke with Judy and she's not sure who is all aware of this, but we have had the opportunity to acquire 50 trees for our park system, Sycamores and Yellow Willows. Judy and Jack have been working out how to get them because they are being donated to us from the Springtown Tree Farm through the Heritage Conservancy. They were technically donated to the Heritage Conservancy, who in turn, are donating them to the Township for riparian corridor, restoration projects of which Judy is looking at and helping us. We will be storing a majority of them in the Polk Valley Park. Are we all good to go with this? Mr. Cahalan said we just have to work out a date when we can get the people down there to pick them up and take them to the park. She publicly thanked Chris Cummings of the Springtown Tree Farm for his donation to the Conservancy and the Conservancy for their willingness to donate it back to the Township. Mrs. deLeon said he also donates a Christmas tree to the SV Conservancy's Christmas party. Mrs. Yerger said he was very happy as he had to get rid of these trees and have them go to some worthwhile area. Mr. Maxfield said once the details are worked out, can we at the very next meeting, prepare a resolution that thanks the parties involved, especially Springtown Tree Farm and Heritage. That is a considerable amount of trees and a lot of value. They are nice sized trees and they are native and great for riparian corridor restoration. They'll do some real benefit to the stream banks.

**Mr. Maxfield**

- He asked if we could get a definitive statement from DEP about what MFS is doing presently because they have not been in operation in the last few days. He doesn't know if it's because of the holiday, but it was very pleasing to go outside and be able to breathe.
- After doing a major cleanout over the holidays, he'd really like to make it a goal of this Council to become digital for this year. If we could start to do what we need to do to receive our packets on disk, it would really save a lot of trees. Mr. Kern said we could use laptops at the meeting. Mrs. deLeon said doesn't the school district have some lap tops we could have to just sit here. If we got a disk and put it in our computers at home and edit, and then put our little notes in there and bring the disk, then you wouldn't have to carry a briefcase or a lap top. Mrs. Yerger said the issue as you brought up, if you don't have your own lap top to plug it and you made edits to it, how would you pull it up? Mrs. deLeon said you do it on the disk and then the lap tops would be here. Mr. Maxfield said maybe we can get a grant also for the township trying to be digital. Karen Samuels said there should be lap tops at the school district as they become obsolete and then they aren't being used. Mrs. deLeon said the partnership meeting is next Wednesday, and that should be brought up.

**MOTION BY:** Mr. Maxfield moved to make it a goal for the Township to become digital this year and get our packets on disk.

**SECOND BY:** Mrs. Yerger  
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.

**ROLL CALL:** 5-0

**Reorganization and General Business Meeting  
January 3, 2006**

**Mr. Horiszny**

- He said he wishes everyone a Happy, Healthy New Year to all.

**Mr. Kern**

- Nothing

**Mrs. deLeon**

- She said one thing she'd like to ask and Ron touched on the PSATS training, the dates are January 28 and February 4, she can make the January 28 one, but she's not sure about the other one, so please sign her up. Ron asked to be signed up for both of them. We should ask for attendance, for protocol, at a public meeting since it's taxpayers dollars.
- Last meeting we talked landfill issues with the odor complaint, she wants to remind Council that our internal landfill committee will have our quarterly landfill meeting on January 17, so if anyone has any issues, let Ron, Lori or Priscilla know. Mr. Maxfield said this morning it was bad again.

**Ms. Rasich**

- Nothing

**B. TOWNSHIP MANAGER**

- Nothing

**C. SOLICITOR**

- Nothing

**D. ENGINEER**

- He thanked Council for reappointment.

**IV. ADJOURNMENT**

**MOTION BY:** Mr. Horiszny moved for adjournment. The time was 10:28 PM.

**SECOND BY:** Mr. Maxfield

**ROLL CALL:** 5-0

Submitted by:

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Mr. Jack Cahalan  
Township Manager

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Glenn Kern  
President of Council