

**I. OPENING**

- A. Call to Order
- B. Roll Call
- C. Pledge of Allegiance
- D. Announcement of Executive Session (if applicable)

**II. PUBLIC COMMENT PROCEDURE**

**III. PRESENTATIONS/HEARINGS**

**IV. DEVELOPER ITEMS**

**V. TOWNSHIP BUSINESS ITEMS**

- A. Approval of Resolution #30-2011 – PSAB MRT Joinder Agreement
- B. Meadows Road Speed Limit Study
- C. Request to Hold Soccer Tournament at Polk Valley Park
- D. Approval of 2011 Animal Services Agreement with Center for Animal Health & Welfare
- E. Ratification of 2010 and 2011 Snow Emergency Declarations
- F. Ordinance No. 2011-02 – Amendment to Impervious Coverage – Authorize Advertisement
- G. Approval to Purchase Above-Ground Fuel Storage/Dispensing System
- H. Resolution #31-2011 – Appointing TCC Delegates

**VI. MISCELLANEOUS BUSINESS ITEMS**

- A. Approval of January 3, 2011 Minutes
- B. Approval of December 2010 Financial Reports

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

**VIII. COUNCIL & STAFF REPORTS**

- A. Township Manager
- B. Council/Jr. Council Member
- C. Solicitor
- D. Engineer
- E. Planner

**IX. ADJOURNMENT**

Next EAC Meeting: February 8, 2011  
Next Zoning Hearing Board Meeting: February 21, 2011  
Next Council Meeting: February 2, 2011  
Next Planning Commission Meeting: January 20, 2011  
Next Park & Rec Meeting: February 7, 2011

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**I. OPENING**

**CALL TO ORDER:** The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, January 19, 2011 at 7:00 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Mr. Glenn Kern, President, presiding.

**ROLL CALL:** Present – Glenn Kern, President; Tom Maxfield, Vice President; Priscilla deLeon, Sandra Yerger, and Ron Horiszny, Council members; Jack Cahalan, Township Manager; Leslie Huhn, Assistant Township Manager; Brien Kocher, Township Engineer; Linc Treadwell, Township Solicitor; Karen Mallo, Township Planner and Jr. Council Member, Eubin Hahn.

**PLEDGE OF ALLEGIANCE**

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

**Mr. Kern said Council did not meet in Executive Session  
between our last meeting and this meeting.**

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

Mr. Kern said if you are on the agenda, you have Council and Staff's undivided attention and we can discuss the agenda items with you thoroughly. At the conclusion of the discussion, they do open it up to the public for public comment for each individual agenda item. If you do speak, we ask that you use one of the microphones and state your name clearly for the record. We transcribe the minutes verbatim, accurately and fully. If you go on our website, you can see that. We want to make sure we get everyone's name in there and what you've said accurately. If you do want to receive future agendas, there's a sign-up sheet in the back where if you put your email address, we'll email them or mail them to you if you don't have an email address.

**III. PRESENTATION/HEARINGS –None**

**IV. DEVELOPER ITEMS – None**

**V. TOWNSHIP BUSINESS ITEMS**

**A. APPROVAL OF RESOLUTION #30-2011 – PSAB MRT JOINDER AGREEMENT**

Mr. Kern said the IRS requires tax exempt employers with IRC Section 403(b) pension plans to adopt a written plan document for their plans by a deadline of January 21, 2011. The Written Plan contains information about the general terms and technical provisions of the plan. To meet this requirement the Township via Resolution #30-2011, proposes to link the Township pension ordinances to the Master Plan document that was created by the Pennsylvania Association of Boroughs (PSAB) Municipal Retirement Trust (MRT), which meets all of the requirements of the IRS for this document.

**A RESOLUTION OF THE COUNCIL OF LOWER SAUCON TOWNSHIP RELATIVE TO THE AMENDMENT AND MAINTENANCE OF THE POLICE AND NON-UNIFORMED EMPLOYEE PENSION PLAN, PROVIDING FOR CERTAIN AMENDMENTS TO THE PENSION PLAN OR PROGRAM APPLICABLE TO THE POLICE AND NON-UNIFORMED EMPLOYEES OF LOWER SAUCON TOWNSHIP IN ACCORDANCE WITH THE REQUIREMENTS OF THE INTERNAL REVENUE SERVICE; AND**

**AUTHORIZING THE EXECUTION OF THE MUNICIPAL RETIREMENT TRUST  
JOINDER AGREEMENTS FOR CHAPTERS II AND III OF THE MUNICIPAL  
RETIREMENT TRUST MASTER PLAN AND TRUST**

**WHEREAS**, the Township of Lower Saucon (the “Township”) has previously enacted an Ordinance #79-7 dated June 20, 1979 and Ordinance #79-8 dated August 1, 1979, establishing the Lower Saucon Township Retirement Plan (the “Plan”), as amended; and

**WHEREAS**, On August 17, 2005, the Township adopted Resolution #39-2005, authorizing the participation in the Pennsylvania State Association of Boroughs Municipal Retirement Trust; and

**WHEREAS**, the Township has reserved the right to amend the Plan pursuant to the provisions of said Ordinances and Resolution; and

**WHEREAS**, the Township now desires to amend the Plan to adopt certain amendments to the Plan and Municipal Retirement Trust Master Plan and Trust, and to authorize the execution of the Joinder Agreements for Chapters II and III of the Master Plan and Trust.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of Lower Saucon Township, Northampton County and **IT IS HEREBY RESOLVED AND ADOPTED** by the authority of the same as follows:

1. Effective as of the date of adoption of this Resolution, the Township hereby adopts the amendments to Chapters II and III of the Pennsylvania State Association of Boroughs Municipal Retirement Trust Master Plan and Trust as set forth in the summary of Amendments attached hereto and incorporated herein by reference as Exhibit “A”. Further, the Township hereby authorizes the execution of the Joinder Agreements for Chapters II and III of the Master Plan and Trust, which Joinder Agreements are attached hereto and incorporated herein by reference as Exhibits “B” and “C”. The Township hereby agrees that it shall accept the administrative and trust provisions contained in Chapter I - IV of the PSAB Master Retirement Trust in the form attached hereto and incorporated herein by reference as Exhibit “D”.
2. The proper officers of the Township are hereby authorized to take any and all steps necessary to execute and submit the Joinder Agreements for Chapters II and III of the PSAB Master Retirement Trust Master Plan and Trust.
3. In the event that any terms of the Master Plan and Trust documents or Joinder Agreements conflict with the provisions of the Township Pension Ordinances, the provisions of the Township Pension Ordinances shall be controlling.

**FURTHER RESOLVED**, that the amended provisions of the Master Plan and Trust shall be deemed to be a successor to and a continuation of the prior Plan.

Mr. Cahalan said we are required by the IRS to have plan documents in place by January 21<sup>st</sup> of this year for both of our employee pension plans, the uniform and non-uniform plans. When we originally started looking into this requirement, we talked to several of our Solicitors and were told that to craft an original document would cost several thousand dollars. Rather than paying to create a whole new document, what we’re doing is joining our pension ordinances with the PSAB master plan. We didn’t have to change anything in the pension ordinances to do that, so it’s basically linking the two together. We shared that with the two employee unions and they had no problem with it. It was reviewed by the Pension Advisory Committee and they recommended that Council give their approval to this resolution.

**MOTION BY:** Mr. Maxfield moved for approval of Resolution #30-2011.

**SECOND BY:** Mr. Horiszny

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

**ROLL CALL:** 5-0

**B. MEADOWS ROAD SPEED LIMIT STUDY**

Mr. Kern said as requested, the Township Engineer has completed the Speed Study looking at the PennDOT requirements for the speed limit on Meadows Road.

Mr. Kocher said we've been through this several times. In order to change the speed limit on a road, it should meet PennDOT's criteria to allow the change. We evaluated it and determined the safe running speed was 38 MPH. You can only establish a speed limit 5 MPH less than that, so 35 MPH is the PennDOT appropriate speed limit for that road because it didn't qualify for the three exemptions that their regulations do allow for. It is properly posted at 35 MPH in accordance with PennDOT's regulations.

Mr. Kern asked if there was any comment from Council or anyone in the audience? No one raised their hand. Council took no action.

**C. REQUEST TO HOLD SOCCER TOURNAMENT AT POLK VALLEY PARK**

Mr. Kern said the Lehigh Valley Old Timers Soccer Club, who have been using one of the multi-purpose fields at Polk Valley Park for practices/games for the past several years, have requested approval to utilize the three (3) multi-purpose fields at Polk Valley Park on the weekend of May 21-22, 2011 to host an event, the Canadian-American Friendship Tournament, an adult soccer tournament.

Mr. Cahalan said we had this organization fill out a draft application for a special event. We included that in the packet. It covers all the items which are in the policy. We hope to adopt that sometime this year. We shared that with staff, the police, Public Works, Zoning and the Parks & Recreation Board and they have all approved it. In addition, we shared it with the soccer and lacrosse organizations who also use the fields at Polk Valley Park and they okayed the full usage of the three fields for this weekend. The soccer club has complied with all the requirements of the special events policy. They have to submit certification of insurance and the last thing as far as a recommendation is on fees. There has been no policy that has been adopted, so it's on a case-by-case basis at this point. He did a review of special event fees that are charged by other municipalities and he recommends that if you approve this request, it be subject to them paying a \$25.00 application fee which is about normal, and a \$250.00 special event fee, that we would hold and refund to them after the event as long as there are no additional costs incurred by the Township, such as trash removal, port-a-johns, or damages.

**MOTION BY:** Mr. Horiszny moved for approval of soccer tournament at Polk Valley Park.  
**SECOND BY:** Mr. Maxfield  
Mr. Kern asked if anyone had any questions or comments? No one raised their hand.  
**ROLL CALL:** 5-0

**D. APPROVAL OF 2011 ANIMAL SERVICES AGREEMENT WITH CENTER FOR ANIMAL HEALTH & WELFARE**

Mr. Kern said the Township Manager will review the proposed 2011 agreement with the Center for Animal Health and Safety for animal services for stray, abused, injured dogs.

Mr. Cahalan said we normally have been renewing this agreement with the Center for Animal Health & Welfare on an annual basis. We delayed it a little bit this year as we were investigating the services that appeared to be offered by another organization that's on the western side of Lehigh County in Haafsville, who, according to a newspaper article, had contracted with thirteen different municipalities. We wanted to see what their services and costs were. After the newspaper article came out, it was determined that they didn't have all of their certifications, so we dropped that idea. We have the center's agreement. It has increased to \$100.00 for each dog that's

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picked up or dropped off at the center, which is an increase of \$25.00 over what we were paying last year. They also added an additional charge if a Pit Bull or Pit Bull mix is dropped off in excess of ten of them for the calendar year, the fee would be \$200.00. That is not an issue with us. We have not even come close to that number. We have been operating under this agreement just for dogs. We eliminated stray cats as we do a trap, neuter, return program which has been very successful. People call us who have a cat problem and we refer them to the center and they work with those services. We have been averaging about 28 dogs per year that are only dropped off by the Police Officers or picked up by the center. We do not allow any residents to drop off any dogs at the center and that also contributes to keeping the cost down. With this agreement, if you approve it, it will only result in a \$700.00 a year increase in what we paid in 2010.

Mrs. deLeon said there are no other options, this is pretty much it? Mr. Cahalan said yes, for now.

- MOTION BY:** Mrs. deLeon moved for approval of the 2011 Animal Services Agreement with the Center for Animal Health & Welfare.
- SECOND BY:** Mrs. Yerger
- Mr. Kern asked if anyone had any questions or comments? No one raised their hand.
- ROLL CALL:** 5-0

**E. RATIFICATION OF 2010 AND 2011 SNOW EMERGENCY DECLARATIONS**

Mr. Kern said due to snow events which occurred on December 26, 2010 and January 11, 2011, the Township Manager declared snow emergencies. Per Council Resolution #24-2004, these actions must be ratified at the next regularly scheduled Council meeting.

Mr. Cahalan said he wanted to provide Council with some information about what is a snow emergency in Lower Saucon Township. There's an article which was in the Morning Call this morning and the title of it is "Is a Snow Emergency Really an Emergency?" He gave everyone a copy of that. The background on this is that back in 2004, Council adopted a resolution and that delegated authority to the Township Manager to declare a disaster or emergency in Lower Saucon Township in accordance with the PA Emergency Services Act. That required that the action be ratified at the next Council meeting. The reason that we did request this authorization was that the Director of Public Works was requesting a relief from the commercial motor vehicle limitation on hours of driving which is eleven hours. This emergency would suspend that requirement. The emergencies that Roger has been requesting have basically been called a commercial motor vehicle emergency. What it does is it provides relief from that driving restriction of eleven hours in order to protect public health and safety. We've been handling them as a snow emergency. We've been calling them into WFMZ-TV and they've been listed as emergencies along with the other municipalities. It's not actually the same as some of the other snow emergencies that have been declared in other boroughs when there is a snow event. Those are usually restrictions on parking and travel on snow emergency routes. As far as parking is concerned, Council just recently adopted Ordinance 2011-11 which restricts parking in our cul-de-sacs and dead end streets during snow removal. That information has been put out and that would be enforced if someone is blocking Public Works from removing snow from the cul-de-sacs. We can work with residents to get their cooperation. That does not require a snow emergency to be declared to be effective. It's effective when there is snow in the cul-de-sac or dead end street that has to be removed. We don't have any snow emergency routes. The Director of Public Works feels that because of the rural nature of our roads, there really isn't any need to have emergency routes. They clear all the roads equally. They don't concentrate just on main routes, so he feels there's no need to restrict parking or driving on roads when there is a snowfall. There is a requirement for residents to clear snow and ice on sidewalks within a certain period of time. That's in the Township code. They have thirty-six hours to do that, and it states that if the fall of snow exceeds six inches, or a natural accumulation of ice exceeds one inch, the Township Manager, may by public announcement set a longer period as appropriate for the clearing of said snow. There also is no requirement that residents must clear snow in front of fire hydrants. If residents do push snow onto the roadway and

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it's determined by the Township Police that it constitutes unsafe obstruction, the police can issue them a citation under the Motor Vehicle Code. He discussed this with the Township Solicitor and it's their opinion that the Township does not need an additional snow emergency ordinance. With the resolution that is in effect, he provided you with copies of what we would declare. It would be a declaration of a CMV only emergency. It says on there that pursuant to the authority delegated by the Council to me or my designee, I declare an emergency which currently exists or will exist in this Township requiring the Township's drivers of commercial motor vehicles to exceed the normal daily driving time limits imposed on such vehicles in order to protect public health and safety. We put the reason down and there would be a date given when the emergency was declared. They want this posted over at the Public Works garage. This would be brought to the next Council meeting and he'd ask for ratification of that declaration. He has two of these declarations. One is for the snowfall on December 26<sup>th</sup> and the other one for the snowfall on January 11<sup>th</sup>.

- MOTION BY:** Mr. Horiszny moved to ratify the two snow events per Resolution #24-2004.  
**SECOND BY:** Mr. Maxfield  
Mr. Kern asked if anyone had any questions or comments? No one raised their hand.  
**ROLL CALL:** 5-0

**F. ORDINANCE NO. 2011-02 – AMENDMENT TO IMPERVIOUS COVERAGE – AUTHORIZE ADVERTISEMENT**

Mr. Kern said Ordinance No. 2011-02 has been prepared to amend Chapter 180 (Zoning) to provide revisions and reductions to the percentage of impervious cover allowable for lots and parcels located in various zoning districts.

Ms. Mallo said this has been before Council before. There was a special meeting held in July that did discuss the inclusions of this amendment. Basically the two things this amendment will do is it will create maximum site impervious for the entire developable site as well as an on-lot impervious coverage. The reason in doing that is there will be a particular percentage that will be left over for the homeowner. The reason behind all this was there was an increase in the number of applications before the Zoning Hearing Board for residents who needed variances for impervious coverage's to build patios and decks and things along those lines. What this will do is allow a certain percentage to be left over especially for the homeowner that the builder cannot touch. Those will be for the future improvements that the homeowner might want to do. There are various ones for different zoning districts. The proposal is to keep the maximum site impervious coverage that was there and now make that the maximum on lot. The only one that has a major difference is the R40 district which went from 25 to 20. Mr. Kern said what was the reasoning for that? Ms. Mallo said the reasoning was that that was the district that had the greatest inconsistency in what was being built as to what the intention of that zoning district was to have and those houses were getting too large. This is now a percentage of building coverage, so where there was for the single detached is now going to be a percentage of that impervious coverage can only be for buildings. That's also another line item in that chart. Section 9 of the amendment that you have has two different charts. What's on the screen is a diagram that is going to explain the changes. The old one on the left explains that the house is what's existing in the current ordinance. The lot area is 12,000 square feet and the impervious surface permitted is 3,600 square feet. The one on the right which is the proposed shows that the house, although the same square footage, now allows a reserve of 360 square feet for the homeowner. It's just a smaller amount of impervious surface; however, it's creating that reserve for the homeowner. There are some changes to the amendment based on some of the other sections of the Zoning Ordinance which will have to be changed. Mr. Kern said on this example the house is exactly the same square footage? Ms. Mallo said yes, they are showing that. What typically would happen in the old and current ordinance, the house is usually bigger because there was no limit to the size of the house. That's just the footprint of the house. You might have a huge deck and patio outside in the back yard which might have a great big foyer and a landscaping feature in the front or the house might take up that. Basically, the developer would use up the majority of that 3,600 square feet in not only building footprint, but driveway, garage and other

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improvements. What the example is demonstrating is you can still have that same size house and have a very nice sized patio but you are still going to have that reserve for the homeowner. It also shows again that that's only the square footage of the footprint. You can double that assuming it's a two-story house and there's an attached garage on to that. The attached garage would be a two car garage, maybe 400 or 500 square feet off of that. It still allows for a sizeable standard house with improvements. There's another example for R20, and it's very similar. Mrs. deLeon said this only applies to residential properties? Ms. Mallo said to single family detached and single family detached cluster. It doesn't apply to any commercial or industrial. Mrs. deLeon said once this is voted on and passed for advertising, it is going to be protected under the pending ordinance rule, so anybody that submits anything in after tonight would have to meet this ordinance? Attorney Treadwell said correct, if we don't make any changes later on down the road and during this approval process. Mrs. deLeon said she thinks this is fair to the homeowner because right now they buy a house for the first, second or third time and people don't know the rules like we know what's going on in the municipality. Then they come here and say nobody told them, but did they or didn't they? Everybody wants to personalize their property for their own likes and this gives them an opportunity and does not cause any problems. Ms. Mallo said what she really likes about this amendment is it makes it very clear on the plans, not only for the enforcement of your staff, it's also clear to the homeowner as to what they are allowed to build. It's not just a clear cut, we show an example for 3% for future use. If the builder builds a smaller home or doesn't put all the improvements on, the homeowner actually gets a greater percentage of that, but that will be demonstrated on the plans. The homeowner will get that as part of their documentation. Mr. Kern said it's a good step forward, not only to the homeowner, but as guidance to the builder. Now the builder has a very clear idea that this is the maximum. Ms. Mallo said they will have to fit together how much square footage as they will take the square footage of the entire site and that will be their guidance and they will have to figure out how much square footage or lots they are going to allow to fit within their lot improvements with that number as well. Mrs. Yerger said she thinks it will be very clear for the builder and the homeowner, as there were surprises, which was not fair to the homeowner. Mrs. deLeon said when do you think we'll get our first application for a residential subdivision in this economy? Right now we have to wait a long time to see this implemented. Mrs. Yerger said it will also be on a single lot. Mr. Maxfield said if there is an unbuilt lot right now in an approved subdivision, this will apply to it? Ms. Mallo said yes. They will have to meet that maximum on lot impervious coverage, so they will have to meet the on-lot, as it's not considered a whole new site. They'll have to meet the on-lot impervious coverage for that zoning district. Mrs. deLeon said when the subdivision was approved, none of this would be recorded on the plans. It would just be on the building application. Attorney Treadwell said this information was typically used by your Zoning Officer when he gets a building permit, not necessarily on the initial recorded plan. Mr. Maxfield said the houses shown on the recorded plan are often suggestions anyway. Mr. Horiszny said did the EAC get a chance to see this and weigh in on it? Mrs. Yerger said way back. Mr. Maxfield asked what were the changes that were recommended? Ms. Mallo said the major changes are adding the maximum on lot impervious surface coverage requirement.; and also adding the maximum building coverage and then the maximum on lot impervious coverage that is going to be allowed by the builder. What basically is going to happen is there is an overall on lot they are allowed. For example, in the R40 they are allowed 15% on lot. The builder can only build 12% and that allows the remainder to be for the homeowner. In the R40, the only difference in that is that we reduce the overall maximum on lot. Originally it was 25%, but that's now being suggested as a 20%. Mrs. deLeon said if you bought a lot in a subdivision where the builder builds your house, he still has to come and get all the approvals? Ms. Mallo said yes. Attorney Treadwell said what Mr. Maxfield was asking was what were the new changes and he has them. One was to just tweak the definition of impervious surface ratio and the second was to take out one section in the zoning ordinance where we already had a maximum impervious surface column, just remove that and to refer to the chart instead. They are really editorial changes. If you approve this for advertising, please approve it with those two changes. They will make the changes and then advertise it.

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Mr. Kern asked if there was anyone in the audience who had any comment? No one raised their hand.

**MOTION BY:** Mr. Maxfield moved for approval to advertise Ordinance No. 2011-02 for allowable impervious coverage with the changes stated above.

**SECOND BY:** Mr. Horiszny

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

**ROLL CALL:** 5-0

**G. APPROVAL TO PURCHASE ABOVE-GROUND FUELS STORAGE/DISPENSING SYSTEM**

Mr. Kern said Township administration is requesting Council's approval to purchase an above ground fuel storage and dispensing system utilizing a combination of grant and capital funds that were awarded/budgeted for this purpose. The new system would replace the existing underground system, which historically has been subject to spill and clean-up issues with DEP.

Mr. Cahalan said he provided Council with some documentation. One was a memo from the Finance Director that described the long history we've had with our underground storage tanks and with spills. We had a leak from the fuel dispenser at Public Works back in 1993. We were verbally told by DEP that it was approved. It turned out, and we didn't find out until sometime later, that DEP rejected the lab reports from the lab which we had selected from their approved list. We had another leak from the fuel dispenser in 2007, which was reported to DEP. We applied for reimbursement from the underground storage tank indemnification fund which we thought we'd been paying for which would pay for the remediation work, and we discovered at that point that our fuel suppliers had never paid the state fees they were responsible for submitting on the fuel deliveries. This whole thing then involved the Township hiring a firm, GeoServices, who has been working on site characterization work and we are hopeful, as they are telling us that they are very close to closing out the 1993 and 2007 leaks with DEP. On top of that, we also hired Chot Elliot to work on the settlement with the state on the underground storage tank indemnification fund monies and we reached a settlement on that which Council approved. Recently, DEP came up with another new requirement and told us we had to prove to them that the piping that runs to and from this dispenser to the underground tank was protected from corrosion. We checked back with the contractor who installed that system and they advised the only way we could comply with this requirement was to excavate the site. They didn't have any documentation that we could send to DEP. Mrs. deLeon said how would you have protected the pipe, what would they have had to do? Mr. Cahalan said some sort of protection, he's not sure what it was, but in order to do it, we'd have to dig it up. We had provided Council with information previously, that we had been awarded the grant for \$42,720.00 from the State to install a new fuel dispensing system. Council budgeted \$30,000.00 in the Capital Fund for fuel tanks. We're recommending that we go to an above ground storage and dispensing system which will totally eliminate any chance of underground contamination to the water supply in the future. It will be a safe system. We'll also be able to track the usage a lot better. It's a paper slip system now. This will be based on a pin pad entry. People using it will be entering their 4-digit pin number. The fire companies will be able to do that and we'll be able to track who is using it and also be able to track the mileage on the vehicles. We're proposing a system that would be two 1,000 gallon tanks for both diesel and gasoline. Then this new fuel dispensing system which should take care of and prevent any types of spillage in the future like we've been experiencing. The money is in the grant and Capital Fund. He gave you a breakdown of what the cost of the installation would be. It's a turnkey type of installation. We would pick a contractor from the list supplied by DEP. As long as we work with that contractor, all the permits will be taken care of and we gave you the price from the Core Vault System and also the turnkey services. That amount comes to a total of \$71,063.00. We had budgeted \$72,720.00 for this purpose in the 2011 Township Budget. Mrs. deLeon said this is a specific line item in the budget that we approved? Mr. Cahalan said the grant award is in there in the Capital Fund. It's not in Contingency; it was budgeted in the Capital for fuel tanks. Mr. Maxfield said does that include

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de-installation and removal of the old tank? Mr. Cahalan said yes. Mr. Horiszny said does it have to go in the same place? Mr. Cahalan said in looking at all the sizes, dimensions and clearances that would be needed, that probably would be the best place to put it because of the maneuverability of the fire trucks and the other equipment. Mr. Horiszny said will we have a roof over it? Mr. Cahalan said he believes so. Mr. Horiszny said do we have an idea of what volume of fill will be needed once the old tanks are removed? The reason he asks is because if the Township wants Se-Wy-Co's sand mound, you can have all you want. Mr. Cahalan said okay. Mr. Horiszny said DEP approved it as clean fill. Mr. Cahalan said Roger always says he has more than enough fill in the back, but he'll pass that information along. Mrs. deLeon said when you dig it up, could you let us know if it was protected from corrosion? Mr. Cahalan said yes.

**MOTION BY:** Mr. Maxfield moved for approval of the use of the grant award money and the Capital Fund monies for the purpose of purchasing the above-ground storage dispensing system.

**SECOND BY:** Mr. Horiszny  
Mr. Kern asked if anyone had any questions or comments? Ms. Brown asked what kind of tank it was? Mr. Cahalan said it's above-ground concrete vault, one single thousand gallon tank inside a tank. Ms. Brown said what kind of safety precautions with such a unit? Mr. Cahalan said normal safety for gasoline storage. Are you talking about the storage, the dispensing? Ms. Brown said just in general. What's the worst case scenario? Could anything happen to it? It sounds pretty safe. Mr. Cahalan said the literature that we've been provided says that they've been approved in over 27,000 global sites including all 50 states in the United States and provinces in Canada without a single system failure. Mr. Cahalan said it has leak monitoring equipment, spill containment, spill protection, all the safety precautions. Ms. Brown said she just spent her life around gasoline, so she's always curious about it as it's always new and improved. When her father was in the business, they had a lot of problems and a lot of monitoring systems and there were some wells that were contaminated and she's just wondering about that. That pretty much sounds like it eliminates those things. Mr. Cahalan said yes, it does. Mr. Horiszny said he thinks they put a pan under it and if it leaks, it stays in the pan. You can see the picture where they have the big bollards around it from being hit by vehicles, and it looks like a heavy duty tank. Ms. Brown said that was her concern as we do have some vehicles that do fuel up there and things happens sometimes and things do get hit and people don't put things in park, and things like that happen. She was just curious.

**ROLL CALL:** 5-0

**H. RESOLUTION #31-2011 – APPOINTING TCC DELEGATES**

Mr. Kern said Resolution #31-2011 has been prepared in accordance with Act 32 of 2008 to reform the current Earned Income Tax collection system, which designates the voting delegate and two alternate delegates.

**A RESOLUTION RE-APPOINTING ONE VOTING DELEGATE AND TWO ALTERNATES TO SERVE AS LOWER SAUCON TOWNSHIP'S REPRESENTATIVES TO THE NORTHAMPTON COUNTY TAX COLLECTION COMMITTEE (TCC)**

WHEREAS, the Commonwealth of Pennsylvania Act 32 of 2008 was established to reform the current Earned Income Tax (EIT) collection system by consolidating 560 EIT collectors into 69 Tax Collection Districts (TCD), formed mainly along county boundaries; and

WHEREAS, the Tax Collection Districts will be governed by a Tax Collection Committee (TCC) comprised of representatives of each of the municipalities and school districts within the TCD; and

WHEREAS, Act 32 § 505(b) requires the governing bodies of school districts, townships, boroughs, and cities that impose an Earned Income Tax to appoint one voting delegate and one or more alternate delegates to be their Tax Collection Committee (TCC) representatives, and Lower Saucon Township desires to appoint the required delegates to represent its interests; and

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WHEREAS, Lower Saucon Township, the Borough of Hellertown and the Saucon Valley School District, working through the Saucon Valley Partnership Council of Government (SVP COG), have determined that their individual and mutual interests are best served by selecting delegates in common, and have determined that the individuals they have chosen have consented to their appointment to the TCC to represent their interests.

NOW, THEREFORE, BE IT RESOLVED by the Council of Lower Saucon Township, Northampton County, Pennsylvania, that the following individuals are appointed as TCC delegates for Lower Saucon Township for 2010 and will exercise their duties on the Township's behalf in the following manner:

1. Primary voting delegate: Edward Inghrim
2. First alternate voting delegate: David Bonenberger
3. Second alternate voting delegate: Gina Dinino
4. If the primary voting delegate cannot be present for a TCC meeting, the first alternate voting delegate shall be the Township's representative at the TCC meeting. If both the primary voting delegate and the first alternate voting delegate cannot be present for a TCC meeting, the second alternate voting delegate shall be the Township's representative at the TCC meeting.
5. These appointments are effective immediately and shall continue until successors are appointed by Resolution of the Council of Lower Saucon Township. All delegates shall serve at the pleasure of the Council of Lower Saucon Township and may be removed at any time.

Mr. Cahalan said this is to reappoint the delegates that represent us to the TCC and that is the primary voting delegate is Ed Inghrim who is a member of the SV School District Board. The first alternate voting delegate is David Bonenberger, who is the Business Manager of the SV School District. Gina Dinino is the second alternate voting delegate and she's also with the SV School District Business Office.

**MOTION BY:** Mrs. Yerger moved for approval of Resolution #31-2011.  
**SECOND BY:** Mrs. deLeon  
**ROLL CALL:** 5-0

**VI. MISCELLANEOUS BUSINESS ITEMS**

**A. APPROVAL OF JANUARY 3, 2011 MINUTES**

Mr. Kern said the minutes of the January 3, 2011 Council meeting have been prepared and are ready for Council's review and approval.

Mr. Horiszny said page 1, line 23, "Vice President" should be changed to "President". Page 13, line 12 and 13, there's no mention of Roger Rasich's \$2,000.00 for information technology wage and he wondered if it should be. Ms. Huhn said they revised the resolution and put that amount in there. Page 14, line 50, they are not the same amounts as in the agenda, the pay scale for the non-uniformed members. Mr. Cahalan said the maximum rate for 2011 should be \$21.31 for the road master, laborer \$15.71; Clerk/Typist \$17.83; Admin. Clerk/Crewmember \$20.02; Laborer (part-time) \$11.96; and Receptionist \$12.36. Mr. Horiszny said that is what we voted on. Mr. Cahalan said we'll make those corrections.

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Mrs. deLeon said this has nothing to do with the minutes, but the Hugh Moore Parkway Commission, do they still meet? Mr. Cahalan said Joe Colosi is the liaison and they meet periodically. He has been attending the meetings. Mrs. deLeon said it's been awhile since they received minutes. Mr. Cahalan said he will ask Mr. Colosi.

**MOTION BY:** Mrs. Yerger moved for approval of the January 3, 2011, with corrections.  
**SECOND BY:** Mr. Maxfield  
**ROLL CALL:** 4-1 (Mr. Horiszny – No)

**B. APPROVAL OF DECEMBER 2010 FINANCIAL REPORTS**

Mr. Kern said the December 2010 Financial Reports have been prepared and are ready for Council's review and approval.

**MOTION BY:** Mrs. deLeon moved for approval of the December 2010 financial reports.  
**SECOND BY:** Mrs. Yerger  
Mr. Kern asked if anyone had any questions or comments? No one raised their hand.  
**ROLL CALL:** 5-0

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

➤ Ms. Stephanie Brown said she'd like to go back to an agenda item. Why was the most recent speed limit study done on Meadows Road? Mr. Cahalan said he thinks because she asked for it. It had to do with the opening of the rail trail, the trail crossing at the bottom of Meadows Road and they made some recommendations on stop signs and there were some concerns about the speed of the cars coming down Meadows Road as they approached the future rail trail crossing. Ms. Brown said she had pointed this out to the Township and Mr. Kern thought it was a good idea as opposed to the stop signs at the railroad tracks. That's why she's confused as the Engineer said 35 MPH is fine for Meadows Road, but not all of Meadows Road is 35 MPH. Mr. Kocher said the sections that are 25 MPH, the study suggests that they stay 25 MPH. They only studied the 35 MPH area. Ms. Brown said you didn't look at that transition between the two and where it's safest for it to happen. That was her concern. Mr. Kocher said as it's posted now, it meets PennDOT's compliance. Ms. Brown said you are putting a rail trail in and she can only go by years of walking on Meadows Road and it's not safe where it starts at 25 MPH. People don't slow down. She's afraid of what's going to happen with someone crossing there. That's the reason she asked for it and why she was confused. Mr. Maxfield said it's based on line of sight? Mr. Kocher said yes. Ms. Brown said that's what she was wondering about. After spending many years walking on the road, you don't have a lot of right-of-way on there and it gets kind of narrow in there once you start to cross the railroad tracks. She knows the stop signs were approved, are they up? Mr. Cahalan said no. That will be something that will be phased in as they get closer to opening the rail trail. They will give advance notice to people about the placement of those. They will probably place some lights and some road markings. Ms. Brown asked are you just going to come upon stop signs for Meadows Road at the rail trail or are there going to be warning signs as that could be scary? Mr. Cahalan said there will be. Mrs. deLeon said do you have a start date for the rail trail opening? Mr. Cahalan said they haven't announced anything yet, but hopefully in the Spring. The fencing has been completed. We are waiting to get the gates and bollards put up. The last thing will be the surface material. The biggest issue has been with Hellertown and the Water Street crossing with the flashing lights. They are still trying to work that out with PennDOT and it was a very expensive price to move that flashing light by the Water Street park entrance further east towards Front Street. That has to be resolved, otherwise, we will have a limited trail opening if we can't get across Water Street. We're trying to work with them on that. Mrs. deLeon said usually the three historic organizations usually hold an annual History Day and they usually have it the fourth Saturday of April, but that's Easter weekend, so they moved it to May 7<sup>th</sup>. The three groups will be holding the History Day at that time. Mr. Cahalan said they will talk to Council about an appropriate date. Upper Saucon is finishing their section, so when we can get everything in place, we can talk about the opening date. Mrs. deLeon said will you share this speed study report with

the Rail Trail Committee? Mr. Cahalan said yes. Ms. Brown said when the study was done, the fact that the rail trail wasn't existing yet, but was coming, was that taken into consideration in terms of the speed limit study or is that something you can based on PennDOT standards? Mr. Kocher said those stop signs were really their own study and the speed limit doesn't affect that study.

## **VIII. COUNCIL AND STAFF REPORTS**

### **A. TOWNSHIP MANAGER**

- Mr. Cahalan said he wants to update you on the Herman House at 2088 Polk Valley Road. Stewart Herman has allowed the Township to demolish the house that's located there. He said he would pay for the environmental inspection and the preparation of the house history report. That report has been finished and we distributed it to you. It's called the Kauffman-Herman House. It's an interesting report and you got some good data and history in there about the house. Regarding the environmental inspection, the firm that was hired to do that took several samples in the house and had them analyzed at the lab. They only have to remove asbestos from two areas. One is the basement forced air duct wrap and from the second floor bathroom sheet flooring. They will be going in shortly to remove and abate this material and dispose of it properly and they will file the paperwork with DEP. In the house history report, Bob Wise indicated several significant architectural features that he's suggested that the Township may want to remove and preserve before demolishing the house and he mentioned the four panel doors, the late 19 century brown swirl porcelain door knobs, historic hinges on the doors, late 19<sup>th</sup> century door molding, wide plank flooring in the attic and the slate shingles on the roof. He asked Mr. Herman if he's interested in keeping these items and he said no, but he would like the Township to salvage them instead of sending them to the landfill. He had Roger go out and take a look at this and he feels the Public Works crew can remove the doors, hinges and molding pretty quickly and we can store them here at the Township. The more labor intensive end of it would be the attic flooring and the slate shingles. He's not sure how you want to proceed on that. Suggestions made would be to get a salvage firm to come in and remove those items. Mr. Kern asked how the condition of the slate was? Mr. Cahalan said pretty good. You can see it on the photographs. It's not cracked and if they are removed properly, they could be re-used. Mrs. deLeon asked if they were the same shape as the Heller Homestead? Mr. Cahalan said he doesn't really know. He can come back on that and contact some salvage firms to see if they are interested in doing it. Mr. Maxfield said for the slate, you may be interested in trying to contact just plain slate firms too as now that the claim is the old slate is in better condition and better quality than the new slate so a lot of guys are using the old slate. Instead of paying extra for a salvage company, maybe a normal roofer would do it. Mrs. deLeon said when are you expecting to demolish this building? Mr. Cahalan said we have to get all of this completed before it can be done. As soon as they get the clearance on the environmental. Mrs. deLeon said do you think a portion of the slate roof could go on the root cellar? It has to be replaced anyway and she'd rather see a slate roof on their rather than an asbestos roof. It would also be a free slate roof. Mr. Cahalan said he can come back with a couple of different options on that. They are hoping they can get this done sometime in spring before we get into the summer paving season. Public Works can take the material right to the landfill. Mr. Maxfield said don't we have to clear it with PHMC to change what is on the root cellar right now? Mr. Cahalan said they did send something to the PHMC about replacing the roof and they are waiting to hear back from them with some guidance. Mrs. deLeon said they would prefer slate. Mr. Maxfield said we need to think about this. We have a site that was approved by the Commission as a historic site. We have certain conditions on that site. If we change anything on there, including upgrading to a slate roof, and that's an improvement, he's not sure that our job as a Township is to be doing improvements on the Heller Homestead, whether the slates are free or not doesn't really matter. It's not the cost of the replacing of them. There are regular asphalt shingles on there now and that's how it was approved. If

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we change those, that's an upgrade and he doesn't think we should be doing that. He wouldn't consider that maintenance for the house. Mrs. deLeon said we should wait and see what PHMC says as there is a covenant on the property and any changes have to be according to the Secretary of Interior's standards and they have the last say. Mr. Maxfield said he thinks she just said it when she said "changes". We do have a covenant with PHMC, but we still have a policy as to what we do here at the Township. The policy is to maintain the building which means maintaining it as it is, not maintaining it as we would like it to be sometime in the future. Our policy needs to be considered, as well as PHMC's recommendation. He understands that they may prefer a slate roof, but who is going to be responsible for that slate roof? Mrs. deLeon said the legal document takes precedent over a Township policy. Mr. Maxfield said they can't tell us what to do. Mrs. deLeon said have you ever read that covenant document? Mr. Maxfield said they can't tell us what to do with our properties. They can't tell us how to maintain one of our buildings. That is Council's prerogative. Mrs. deLeon said we'll have this conversation after you read the covenant agreement. Mr. Maxfield said he knows what a covenant is and he knows what the PHMC recommends and that isn't it. Mr. Cahalan will come back with the information on the salvage.

- Mr. Cahalan said Bob Wise advised him that he had given a quote for his house history report of \$2,023.00 and this is something that Mr. Herman had agreed to pay for and for the environmental removal. Bob indicated he had to spend additional time and he went over his cost estimate by an additional \$869.50 and he asked Mr. Herman if he was willing to cover that and Mr. Herman said he was not interested in paying that. He's asking the Council if that's something they think the Township should contribute towards this. If not, Bob Wise said he would accept the agreed-upon price of \$2,023.00. Mr. Kern said what was the reason for going over? Mr. Cahalan said he had to spend some additional time at the Courthouse in doing some documentation in preparing the report he did. Mr. Kern said how does Council feel about this? Mrs. Yerger said that's not a couple of hours. Mr. Cahalan said he spent about 8 or so hours. Mr. Maxfield said we should have been notified partway through the process. Mrs. Yerger said he should have given us advance notice. Mr. Cahalan said he gave him the report and at that time indicated it took additional time to prepare it. Mr. Herman agreed to pay for the \$2,023.00.

**MOTION BY:** Mr. Horiszny moved that the Township reimburse Mr. Wise for \$500.00.

**SECOND BY:** Mr. Maxfield

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

**ROLL CALL:** 5-0

- Mr. Cahalan said Ella's Garden, the maintenance cost – we had a discussion at the Decembers 1<sup>st</sup> meeting about that cost. The first three years of the plantings that will go into Ella's Garden at Kingston Park and at that time we had come up with an estimate at the annual cost of \$3,500.00. Council agreed to proceed with the planting of the garden in the Spring, conditioned that the funding for this cost, at least the first years amount, would be available through fundraising efforts. Dr. Rick Kingston and the Lower Saucon Township Historical Society have discussed this and they agreed they would look into raising these funds. Mr. Kingston contacted Mr. Cahalan recently and said he had a discussion with Sue Horiszny at the Historical Society and each of them has agreed to pay one-third of this cost which would amount to \$2,334.00. They are asking if the Township would consider picking up the other one-third of the cost which is \$1,167.00. Mr. Kern said this would be every year for three years? Mr. Cahalan said yes. Sue Horiszny said the Lower Saucon Township Historical Society Board of Directors agreed to donate \$1,200.00 yearly for three years. He believes that is a similar position by Dr. Kingston. Mr. Kern said how does Council feel about that? Mr. Maxfield said he doesn't have a problem with the three-way split, he thinks that's a pretty good compromise. Mrs. deLeon said at the last meeting, they were supposed to pay for all of it? We had discussed this? Mr. Maxfield

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said we had asked them to pay for all of it. As tough as money is for non-profits to make these days, and it is a Township park.

**MOTION BY:** Mr. Maxfield moved for approval that the Township pay for \$1,167.00 for three years for the cost of maintaining Ella's garden.

**SECOND BY:** Mr. Horiszny

**ROLL CALL:** 5-0

- Mr. Cahalan said regarding the Leithsville Volunteer Fire Company partnership with the Se-Wy-Co Fire Company, Mr. Kern and Mrs. deLeon are members of the Fire Services Committee. The four volunteer fire companies in the Township and Dewey Fire Company in Hellertown have been in discussions over the past year. They are exploring a merger consolidation for the five companies into one which will be called the Saucon Valley Fire Company. We anticipate that a report detailing this plan will be presented to the two Council's by the end of the year for your consideration. Within the last few months, it became apparent to the leadership of Leithsville Fire Company that their numbers had dwindled such that they could still respond and fight fires, but they could not handle the administrative duties that were necessary to run the business side of the fire company operation. They approached Se-Wy-Co Fire Company the end of last year and began discussions with them about having Se-Wy-Co take over the responsibility for their administrative functions. They recently advised him that effective February 1, 2011, they will enter into a partnership whereby the officers of Se-Wy-Co will assume Leithsville's administrative duties. Leithsville will still be operating out of their fire station in Leithsville and will be keeping their fire trucks. Their name will not change so basically nothing will be apparent to the public. The President, Sal Ghazi and Chief of Se-Wy-Co, Tom Barndt, have asked to attend your meeting on February 2, 2011 to brief you on this partnership. One request he has is since Leithsville will continue to operate as a separate station, they will still have their firehouse and apparatus to maintain. He is recommending that Council continue to allocate the \$50,000.00 contribution for Leithsville Fire Company in 2011 and that would go in care of Se-Wy-Co Fire Company who would be paying the bills for them. If that's okay, he'd like a motion to that effect.

**MOTION BY:** Mr. Horiszny moved that Council continue to allocate the \$50,000.00 allocation contribution to Leithsville Fire Company in 2011.

**SECOND BY:** Mrs. Yerger

Mrs. deLeon said if they are going to be doing their administrative duties, then all their insurances stills stays, so they would need money to pay for their separate insurance and bills. Mr. Cahalan said they may save a few dollars, on a joint policy but will still have to insure the building and equipment. Mrs. deLeon said she has to commend them for hanging in there and doing the best they can for all these years and this is a sign of the times and people need to take note and donate to your local fire companies and volunteer.

**ROLL CALL:** 5-0

- Mr. Cahalan said Mr. Kocher will give you a brief report on the Polk Valley Road issues. He has a report on the Springtown Hill Road issues. There was a Mr. Montford Kressler, who was here at the December Council meeting and he said he was experiencing stormwater problems on his property that were caused by the construction of driveways that were cut into the side of the hill opposite of his property. Mr. Kocher took a look at this with both Roger Rasich and Chris Garges. They went out on the site and evaluated the berm. Mr. Kressler had mentioned that Public Works had put a berm in that was installed a while back along Springtown Hill Road and it's on the south side of the road that's uphill from Mr. Kressler's home. They both found that to be an adequate attempt to divert water down Springtown Hill Road. They looked at the plans and ordinances for the parcel that was constructed around 2006 that was directly north across Springtown Hill Road from Mr. Kressler's property. The owner of this property did not pave his driveway the entire

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length and according to the slope of the driveway and the hill that's on it, there is erosion of the stone during major rain events that washes across Springtown Hill Road. The Zoning Ordinance only requires property owners to pave their driveway 20' past the right-of-way, which this property owner has done. Chris, also looked at the second driveway, which is a newer construction, that's to the northwest and adjacent to the recent construction. That developer has obtained a grading permit to construct a single family dwelling and has commenced construction of the temporary entrance and tree clearing. The Zoning Officer spoke to the property owner and asked them to install the required silt fence and they also opened up a gutter which was requested by Roger Rasich. In conclusion, after looking at this, Mr. Kocher, Roger Rasich and Chris Garges feel that everything that can be done, has been done out there on Springtown Hill Road and there are going to be events when gravel will wash down from that driveway and it is just going to have to be cleaned up. Opening the gutter and the berm is the best we can do to carry that stormwater past Mr. Kressler's house. We'll talk to Mr. Kressler also.

- Mr. Cahalan said our contracts with the non-uniform employees and the police will be expiring this year. The non-uniform contract expires on May 31, 2011 and we'll have to set up negotiation session with them sometime in the Spring. The police contract expires at the end of the year. They've already contacted him requesting some dates. One of the things we neglected to ask Council at the reorganization meeting was to appoint liaisons to these negotiations, so he's putting that out there if anyone is interested, please let him know. Mr. Kern and Mr. Maxfield volunteered to do it again.
- Mr. Cahalan said he received notice of the Lehigh Valley Watershed Conference to be held on March 11<sup>th</sup> at Lehigh University. He checked back on this and Council did approve a sponsorship in 2009, but we didn't do one in 2010. Mrs. Yerger said the Watershed Conference is every 18 months. Council budgeted \$600.00 this year for these types of expenses, and in the program they sent out, there's a Spring sponsorship for \$250.00 which includes one conference registration. Registration for Council or EAC members is \$40.00 and we would pay for that. If you'd like to recommend a sponsorship, it will be \$250.00.

**MOTION BY:** Mrs. Yerger moved for approval for a Spring sponsorship to the Lehigh Valley Watershed Conference of \$250.00.

**SECOND BY:** Mr. Maxfield

**ROLL CALL:** 5-0

- Mr. Cahalan said we have a surveillance system in the Township that is monitored at the Police Station. It's been here since the building has been constructed and it's old technology. The main control box for that system has failed. They had Altronics respond to inspect and repair it, but due to the age, the company no longer supports it or makes parts, which would facilitate the repair; therefore, a replacement is needed and they quoted us a cost of \$2,217.00 and that includes all the necessary parts and products as well as the installation. There are cameras in different places – one in the lobby, the exterior, the police station, police station in the back. The quote is for One Ever Focus, 16 channel digital recorder with built in burner, 16 loop through camera inputs, full screen up to 16 multi screen displays. It's got MPG 4 compression intelligent motion detection, real time recording, ISDN and or land module, one audio input and output, synchronized audio and video system, auto recovery if the power fails. The one thing it doesn't say is how many cameras. Mrs. deLeon said you need to make sure we don't have sound as you said audio. Mr. Maxfield said that's 16 cameras, we don't need anything like that nor sound. Let's ask them for a less classy model. Mr. Kern said it's not a bad price for all of that. Mr. Maxfield said what would we do with all of that? Mr. Cahalan said you do have to install it and it's pretty tough if there is a unit that is maxed out. Mrs. deLeon said should there be a camera in here? Mr. Cahalan said there could be one. The real time monitoring goes on in the daytime. If there was a camera in here, it would not be monitored during meetings. Mr. Kern said you don't have to decide this right now. Let's take a look at the specs and

decide at the next meeting. Mr. Maxfield said that is just the recording device and if we wanted extra cameras that would be additional. Mr. Kern said he'll take a look at it.

- Mr. Cahalan said he wants to talk about the Old Mill Estates development. Last evening there was a request that was relayed to him to have the roads in that development plowed for safety reasons. The Township has not accepted the dedication of these roads; therefore, the responsibility for the snow plowing falls on the developer, in this case, Mr. Lew Ronca. Mr. Ronca has been working to complete the punch list of items that are needed to be corrected before staff can recommend dedication of the improvements in this development. He provided you with information detailing these improvements since the subdivision was approved in 1999. Previous request we have received from residents in this development have been referred to Mr. Ronca including one that was sent to him yesterday. As a result of the request from last night, Public Works crew was advised to plow these two roads when they were next called out which occurred at 2:30 AM this morning. The PW crew stated when they traveled to the subdivision at 3:00 AM to plow Hawthorne and Springwood Drives, they had already been plowed. While they were there, they did spread some sodium chloride and anti-skid cinders on the roads. He has a bill for these services for \$337.65 which we intend to forward to Mr. Ronca for payment. Mr. Kern asked who already plowed the roads? Mr. Cahalan said he has no idea, but he's assuming the developer did. If there continues to be a delay on getting this to you for dedication and we have more snow events or ice, he's asking for direction from Council how you would like to handle any further requests from residents for snow plowing. Mrs. deLeon said years ago in O'Brien's Subdivision, there was a delay in the developer finalizing the last things. Mr. Cahalan said it was Ashley. Mrs. deLeon said she was so annoyed as the residents are suffering. They think it's us. She thinks we should send a letter to the developer telling him it's not fair to the residents. These are old developments that are hanging in there. Mr. Cahalan said there are several other developments where developers have not turned over the roads to the Township and they continue to do the snow plowing. There was a complaint recently from a resident who lives in the Cottages development who spoke to the Zoning Officer and the Zoning Officer advised the resident it's the developer's responsibility and talk to them about the snow plowing and he never heard anything back after that. Mr. Horiszny said won't the escrow pay for that? Mr. Cahalan said last year there was an incident where we did send a plow out because the police were called as a doctor said he had to get to St. Luke's Hospital. We sent that invoice to Mr. Ronca and he paid it promptly. Mr. Kern said someone plowed it. Attorney Treadwell said if he had to guess who plowed it, he would say the developer plowed it, so in that sense, the developer lived up to the obligation, now, he's sure if any of the residents were here, they would say he didn't plow it soon enough? That becomes a question, a subjective way to look at it, when is soon enough. If the Township determines that for public safety reasons or whatever that we want to plow the roads in this development, what needs to be considered? The third is that if we keep plowing them, that takes away the developer's incentive to do the things we want him to do so we can get the road dedicated. We're kind of in a Catch 22 to a certain extent. When he looks at the punch list of items that are left for the developer to complete, the majority of them are not roadway construction issues. They are as built plans, easement descriptions, things of that nature that we obviously would want to get but necessarily doesn't have anything to do with the physical condition of the road. One option would be to actually take dedication of the road with those non-construction issues remaining outstanding for the developer to complete them during the maintenance period. One of the big issues is we don't have a maintenance bond, so you clearly can't take dedication of the roads until we have a maintenance bond. Some of those other issues we could try and clear up during the maintenance period in order to accept the dedication earlier so that we can go out and plow the roads. Mrs. deLeon said could that happen within the next two weeks? Attorney Treadwell said he's been asking the developer and the developer's engineer for a maintenance bond for over a month, and we don't have it yet, so he can only guess as to why we don't have it yet. They may be having trouble procuring it from a bank. Mr. Kern said what happens if they fail to pay the maintenance

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bond? Attorney Treadwell said what we would normally do is say they are your roads and we are not taking dedication. Mrs. deLeon said some of these residents have lived there for a long time. It started in 1999. Do we have any money held in escrow? Attorney Treadwell said we have money for construction security. Mrs. deLeon said that money does not pay for these other things? Attorney Treadwell said the way we would normally work it is once we get the maintenance bond, then we would bring you a release to approve to release the construction money because at that point, the construction is done. Mrs. deLeon said they are calling for another snowstorm on Friday morning. Mr. Kern said the only leverage is tell them you still have the roads. Attorney Treadwell said no one wants to own the roads as they are liable and responsible for them. It appears they plowed them within 24 hours of the snowfall. Mrs. deLeon said that's unacceptable. Mr. Maxfield said the Township policy for sidewalks is 36 hours. What's the difference, you're either walking or driving? Mrs. deLeon said there's a big difference. Mr. Maxfield said here's his problem, and we have to realize what we are doing. What we are being asked here is to spend public money to maintain private property. We are not obligated to take dedication of any of these roads. We are acting like it's our problem, but it is not our problem unless we adopt it as a problem. He believes exactly what Attorney Treadwell said is it's not encouraging this guy to not do what he has to do. We need to encourage what he needs to do. He's against setting a precedent for this development because there is supposedly a doctor in this development. How do we know how many people there are in all of the unfinished developments over the Township? Are we going to plow every unfinished development because somebody didn't get out there within the first two hours? That's ridiculous. This is a responsibility that we're adopting that we should not be adopting at all. For instance, if somebody dies because that doctor can't get to that hospital, they aren't going to sue us. They are going to sue the developer. Do we want to insert ourselves in the middle of a private situation that is realistically between the developer and the homeowner. We are not involved in this unless we decide to stick our nose into it. If there's a safety issue, it's the developer's problem to correct the safety issue. If it's because the road isn't plowed, he needs to get out there and plow it. If they want to sue the developer because he's not plowing it, that's fine. He doesn't want to stick the Township in the middle of this mess and he doesn't want to spend public money to maintain private property. Why don't you come over and plow his road or Sandy's private road, or anybody's private road. It's private property. Mr. Kern said the only difference is it's going to be public property. Mr. Maxfield said that's only if we accept it for dedication. Mr. Kern said it's not a private road in perpetuity. Mr. Maxfield said if we don't accept it for dedication, it is a private road in perpetuity. That's a decision we enter into. He is not against taking it for dedication once it's got to the point where it's a reasonable situation, but he's definitely against sticking our noses in it now. There is a line and that line is called dedication and it's either pre-dedication or post-dedication and we are not involved until post-dedication. Attorney Treadwell said his suggestion that maybe we leave some of those non-construction issues out there for the time being and try to get the maintenance bond and liquid fuels money and try to take dedication as soon as possible. There are other issues. Technically, we're driving our trucks on someone's private property without their permission. If we go onto that property and do something to the road, then we're liable for it. We don't have to be there, but we have chosen to go there and if anything happens if we are there, it's our problem. You could also get into a situation where the developer will say okay, if they are going to plow it, then I'm not doing anything. Mr. Kern said why don't you try to get this bond in place? Attorney Treadwell said he will do what he can as quickly as he can. Mrs. Yerger said can we provide the residents with the developer's phone number? Mr. Cahalan said if it takes another month to get any word from the developer, we could have three snowstorms. He was just asking Council what they want him to do with the Public Works Department if he gets a phone call or email from a resident? Mr. Maxfield said he doesn't want our PW to do it. Send a letter to the developer and tell him we don't intend to do this. You need to do it. That's as far as we should stick our nose into it. There's got to be a line drawn. We're talking about an 18

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unit development where there are only two properties that aren't developed yet, so you are talking about 16 residents. A developer who has done many, many developers and the area of the Township where these houses are located, these people probably aren't hurting. Some sort of situation to get their roads plowed can be developed instead of expecting us to just go in and save the day. He doesn't think we should. That's people's money for private property. Ms. Brown said the Toll Bros. with snow last year and the roads still weren't dedicated and they had a contractor come in and plow the roads, but what happened is that development has public sidewalks. The contractors plowed in the handicapped access ramps to the public sidewalks. What do you do then? With that development, there's a unique situation where the roads of the development were private, but her father's property and the property next door where the sidewalks were, were responsible for a public sidewalk. Luckily they didn't pile anything on her side, but the neighbors did. She took time to call the Township so they could call Toll Bros and tell them to come back and get rid of that snow. Mr. Horiszny said send a letter to the developer. Mrs. deLeon said tell him this is unacceptable and you shouldn't be doing this to our residents and you need to plow in a timely manner and it needs to be copied to the residents. Then in the next two weeks, we try to do what Attorney Treadwell said and get a short version of what we normally get just to get the ball rolling. Fortunately those other subdivisions aren't having issues as their developer is responsible, but this developer isn't being responsible.

**MOTION BY:** Mr. Horiszny moved that we send a letter to the developer and copy the residents and tell him we will not be responsible for the roads until they are dedicated to us with an explanation of what all that means so the residents understand.

Mr. Maxfield said if we take the short-cut method you were talking about, what does that do for our liability? Attorney Treadwell said it's not a short-cut way. There will be outstanding items during the maintenance period where in a perfect world we'd like to have cleared up before we go into the maintenance period, but we can track them and when he's talking about as-built plans and easement descriptions, to keep it clean, we'd like to have it all done before we accept dedication. Because this appears to be an issue, he doesn't have a problem as long as we have the maintenance bond and the liquid funds money with allowing them to get us some of those documents and cleanup items during the maintenance period. We will take official dedication then. Mrs. deLeon said Attorney Treadwell wasn't here in 1999. We had a different solicitor and you learn through trial and error, so we only improved the way we handle these agreements. It's a learning experience.

**SECOND BY:** Mrs. deLeon  
**ROLL CALL:** 5-0

**B. COUNCIL/JR. COUNCIL MEMBER**

**Eubin Hahn** – No report

**Mr. Maxfield**

- He said this happened to him once this year and once last year, so he imagines it is happening to other people. His understanding with the PennDOT salt spreaders, they were supposed to turn them off, and he got hit on Flint Hill last year and he followed the guy and the guy said you can tell whoever you want to, he didn't care. This year he got hit on Applebutter Road. He thinks the law is they are supposed to turn the spreaders off. Mr. Cahalan said he will check into it and pass it to PennDOT.
- He said in reviewing our things from reorganization night, we forgot to appoint Heritage Conservancy as our Open Space Consultants. Do we do that now? He would make that as motion.

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- MOTION BY:** Mr. Maxfield moved to appoint Heritage Conservancy as our Open Space Consultants to the Township.  
Mr. Kern asked if there was any public comment? No one raised their hand.
- SECOND BY:** Mr. Horiszny
- ROLL CALL:** 4-0 (Mrs. Yerger – Abstained due to employment with Heritage Conservancy)

Mrs. Yerger – No report

Mr. Horiszny

- He said the LSA met last night and they got a letter from Cobble Creek asking the Authority to put trees around the pump station that he thinks the developer said they would do many years ago. The LSA does not have the money to do that, and he wondered if we had money for trees or a bond or escrow from Ashley that could put some arborvitae around the pump station? Mr. Cahalan said they do, but they still have to come to you and get final approval for the planting. The resident said he's representing all 18 residents. It's up to them to come to Council with the revisions to the planting plan. They have no escrow. Mrs. deLeon said were those trees on the recorded plan that they have to have trees there? Mr. Cahalan said there was the recorded plan, then the developer had several things to complete, one of which was the landscaping requirements. Before they came for the final approval, they came to us with this revision regarding 35 trees. There was another plan that Plantique came up with and we had discussion with the residents about their plan. It's up to Ashley to come to the Council and put this all in front of you and ask for a revision of the recorded plan. That has not been done. Mrs. deLeon said whose responsibility is it to pay for those trees – ours or the developer? Mr. Cahalan said the developer. Mrs. deLeon said if we take some of our trees, we could be putting them someplace else. Do we want to do that and then buy other trees to put in our parks? Mr. Horiszny said it might not be appropriate for that particular spot anyway. Mrs. deLeon said she's a little concerned about that. Again, we're not plowing roads because it's not our responsibility, so why should we be putting trees and using our trees. Mr. Horiszny said from the way the Cobble Creek letter read, they would probably be happy with a fence around it. Again, that's the responsibility of the developer. Mrs. deLeon said she would have a problem using our Township donated trees.
- He said the Historical Society apologizes for the Abitibi spreading of papers when they picked up and as soon as it gets a little drier, some of the Historical Society people will be out to pick up the paper.

Mr. Kern

- He said he and Mrs. deLeon attended the last SVP meeting. The highlight was the discussion of the traffic light at Polk Valley Road. The owner of McDonald's and the owner of the auto body place are the only two objectors to the light. McDonald's objects to it as they feel a light at that place will cause a backup at the McDonald's driveway and Jim said a two car backup will negatively influence his business. The auto body gentlemen is concerned about the reconfiguration of the arc that it would cut off some of his property where he now parks cars. Mrs. deLeon said we can work with the auto body as the fence can get moved over a little bit, so Jim Milot is supposed to reflect that in the plans. We really couldn't come up with a good fix for the McDonalds. Mr. Kern said it's going to be a decision about public safety versus that. Mr. Maxfield said using Lucky's parking lot, it is very tight there. It's kind of L shaped and hard to get from one light to the other. He can understand his concern. Mr. Kern said an interesting note, after that meeting, on a Friday night, after school hours, he was trying to make a left at 4:00 PM and there's a LST Police car in front of him, and he put the stop watch on and they were there six minutes and the LST Police gave up in frustration, made a right, and went into McDonalds, around McDonalds, and made a right.

**Mrs. deLeon**

- She said Majestic is on the Planning Commission meeting tomorrow night. She didn't want to wait until it got before us, but at our last meeting when they were here, Jim Preston stated Lower Saucon would be receiving taxes. Her question to him was were they going to go to Bethlehem or to Lower Saucon? She would just like to make sure that it's written somewhere that we are going to get a prorated percentage of taxes. A lot of times developers will say they are going to do this or that, and if it's not followed up in writing, it doesn't happen. Attorney Treadwell said the way the tax assessment procedure is set up is based on the square footage of the building. If you divide the value of the building by the square footage, we would get whatever that percentage is that is in Lower Saucon versus the square footage that is in the City of Bethlehem. Mrs. deLeon said it doesn't work that way if you own a property and your house straddles both municipalities. Attorney Treadwell said there are different rules for commercial versus if you have a residence. With the residence, there's no real need to split the tax as it gets too confusing. With a commercial tax, of this size and the potential tax revenue, they do it based on square footage. Before anything happens, we will have that all ironed out so we know what that percentage is and what the square footage is. Mrs. deLeon said it doesn't matter if it's different parcels? Attorney Treadwell said it's the value of the construction that is in LST and the City and it gets cut up that way. There has been some talk about changing the lot line which makes it even more important to have it documented as if LST doesn't have a tax map parcel number to assign to that portion of the project, it is not out of the realm that it could get lost somewhere down the line at the County. Mrs. deLeon said we lost too many. Attorney Treadwell said he understands that and will make sure it is documented.
- She said with lighting, we don't want to go through the same thing with the lady on Easton Road.
- She said can somebody explain the sewage about the LSA? She read somewhere they are going to be getting the connection fees for that. Mr. Cahalan said he understands it's all City. Mrs. deLeon said she read that it was going to be Bethlehem sewer but the LSA was going to get the connection. Maybe she read it wrong.
- She said there was an incident with IESI as the Police were called there because there was an odor issue. There's been all kinds of paperwork back and forth. There's a monthly meeting tomorrow at the landfill and she's anxious to find out what happened. Their quarterly meeting is in February. Mr. Horiszny said does Bethlehem Fire Department the first responders? Mrs. deLeon said they are supposed to be, but that's always messed up. If somebody called and complained, technically the Township gets called. If they were on site standing on landfill property, it would be the City of Bethlehem. Mr. Horiszny said he thinks they had a truck roll on Applebutter Road today. He didn't hear anything more about it.
- She said the Gaming Commission Authority meets Monday at 5:30 PM. She did check with Alicia after the last SVP meeting, and the second check, the balance of the money of the grant due to the Township and Borough should be received by the applicants before the end of the first week in February.
- She said she does have a request and if she could have the answer by Monday, the Township has a grant in for Polk Valley and 412, and when Jim Milot was at the SVP meeting, he went over the status of the permit and at the Gaming Authority meeting, they were questioned whether or not PennDOT issued a warrant. She's not familiar with all the terminology of the process and she wasn't sure. PennDOT keeps asking them questions and then asks us to make revisions and we're doing all that, so to her, that's the appearance of a green light, but we really don't have the warrant yet. If you could, in a few sentences, email her the status of that, so she has the right language in case that question comes up at the meeting. Mr. Cahalan said they are waiting for the permit. That's what they applied for. Mr. Nolan is the one who asked about the warrants. Mr. Kocher said PennDOT in their review has not said we need the warrant. The intersection warrants the signal, but they have to approve the layout and design. Mr. Cahalan said the first thing we would get is the approval of the permit. What comes first? Mr. Kocher said if they had done a typical

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traffic study, they might approve the traffic study first and then the permit, but something like this, they do it by procedure. Our study indicates it meets the warrants. They have not disputed that. Mrs. deLeon said it's not on the priority list, it's in the second tier of grants for the uncommitted funds, and if that's the case, technically it's too soon to submit that as a grant as it might not be approved by PennDOT.

- She said on February 7<sup>th</sup>, from 7 PM to 9 PM they are having an artist reception for a Leithsville resident, Donna Santiago at the Heller Homestead.

**D. SOLICITOR** – No report

**E. ENGINEER**

- Mr. Kocher said on Polk Valley Road, due to Dave Harte's concern, he did go out and look at it with Roger and the problem appears to be the flat area of the road down at the bottom is pretty wide spread and the water lies in the shoulder. The pavement doesn't seem to be a problem except in front of the new inlet. What he's suggesting is out of the inlet box we run an under drain in each direction through those low points to drain those shoulders, and then a long term solution is when that road is repaved, shoot more detailed grades, build the road up and it will give us more elevation to control flow into the inlet. He hasn't shared that with Roger yet because of the snow events that have been occurring. They will dig trenches in both directions from the inlet box in the shoulder, put a perforated pipe in it, fill it with stone and then the water will drain. It seems to be a problem with water laying there after the storm. It's not spring related. It's just water that accumulates from the runoff. He will speak to Dave Harte. The timeframe on the repair is as soon as PW can get to it and the weather permits.

**F. PLANNER** – No report

**IX. ADJOURNMENT**

**MOTION BY:** Mrs. deLeon moved for adjournment. The time was 8:58 PM.

**SECOND BY:** Mr. Maxfield

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

**ROLL CALL:** 5-0

Submitted by:

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Jack Cahalan  
Township Manager

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Glenn Kern  
President of Council