

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

- A. Resolution #30-2010 – Recognizing Nicholas Cawley for Receiving Eagle Scout Award

IV. DEVELOPER ITEMS

- A. Orchard View – Rt. 412 – Extension Request to Complete Improvements & Security Reduction
- B. Old Mill Estates – Old Mill Rd. – Extension Request to Complete Improvements
- C. Hills at Polk Valley – Polk Valley Road – Request Extension to Complete Conditions of Approval

V. TOWNSHIP BUSINESS ITEMS

- A. Resolution #31-2010 – Re-appoint Act 32 (TCC) Delegates
- B. Authorize Execution of Contract with Spotts, Stevens & McCoy for Consultant Services to Review Water Quality Issues Associated with the IESI Bethlehem Landfill
- C. Lower Saucon Road Speed Limit Study & Authorization to Advertise Ordinance Amendment

VI. MISCELLANEOUS BUSINESS ITEMS

- A. Approval of January 4, 2010 Minutes
- B. Approval of December 2009 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 Planning Commission Meeting: January 21, 2010
Next Park & Rec Meeting: February 1, 2010
Next Council Meeting: February 3, 2010
Next EAC Meeting: February 9, 2010
Next Zoning Hearing Board Meeting: February 15, 2010

I. OPENING

CALL TO ORDER: The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, January 20, 2010 at 7:00 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Mr. Glenn Kern, Council President, presiding.

ROLL CALL: Present – Glenn Kern, President; Tom Maxfield, Vice President; Priscilla deLeon, Sandra Yerger, Ron Horiszny, Council members; Jack Cahalan, Township Manager; Leslie Huhn, Assistant Township Manager; Brien Kocher, Township Engineer; Linc Treadwell, Township Solicitor; and Kevin Kochanski, Township Planner. Kimberly Kelly, Jr. Council member.

PLEDGE OF ALLEGIANCE

ANNOUNCEMENT OF ANY EXECUTIVE SESSION (IF APPLICABLE)

<p>Mr. Kern said Council met in Executive Session to discuss the Vanscavish, Bilous, Petrie, Murray and Timko land acquisition subjects. Attorney Treadwell requested Council state a motion regarding the Petrie property appraisal and a motion to instruct him to prepare letters regarding the Vanscavish and Bilous properties.</p>

MOTION BY: Mr. Maxfield moved to order an appraisal on the Petrie property.

SECOND BY: Mr. Horiszny

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

ROLL CALL: 5-0

Mrs. deLeon said in the past we have set a not to exceed amount when ordering appraisals. Attorney Treadwell said you have done that. She asked what the number normally was. He said it had been around \$3,000.00. She asked if that could be set for this appraisal. Attorney Treadwell said staff will instruct the appraiser not to exceed \$3,000.00.

MOTION BY: Mr. Horiszny moved to instruct the Solicitor to send letters to both Mr. Vanscavish and Mr. Bilous stating that the Township does not wish to pursue conservation easements on their property and to thank them for their interest in the program.

SECOND BY: Mr. Maxfield

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

ROLL CALL: 5-0

II. PUBLIC COMMENT/CITIZEN AGENDA ITEMS

Mr. Kern said for citizen agenda items – Council operates under Robert’s Rules. What that means is during agenda items, Council will talk amongst themselves and amongst staff and the interested parties. At the conclusion of that, we open it up to the public for public comment. There is an opportunity for non-agenda items at the end of the meeting to discuss whatever your business might be. We do have a microphone and there are microphones up at the table. 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. For those who want to receive emailed agendas, please give your email address to Leslie or Jack or call the Township office. Please state your name and address. If you can’t hear, please let us know. You can check the minutes on the website, which is lowersaucontownship.org.

III. PRESENTATIONS/HEARINGS

A. RESOLUTION #30-2010 – RECOGNIZING NICHOLAS CAWLEY FOR RECEIVING EAGLE SCOUT AWARD

Mr. Kern said Resolution #30-2010 has been prepared to recognize Nicholas Cawley for receiving the Eagle Scout Award, the highest honor in Boy Scouting.

**A RESOLUTION RECOGNIZING NICHOLAS CAWLEY
FOR RECEIVING THE EAGLE SCOUT AWARD**

WHEREAS, Nicholas Cawley been a member of Boy Scout Troop #319 since 1997 where he has served as a Life Scout and Patrol Leader; and

WHEREAS, Nicholas has earned 21 merit badges and awards during his service with the Boy Scouts; and

WHEREAS, Nicholas is also involved with the community as a venture scout, a volunteer firefighter and a member of Skills USA; and

WHEREAS, Nicholas's project for the Eagle Scout Award was the reconstruction of the utility shed for the Ebenezer New Reformed Church; and

WHEREAS, for his efforts Nicholas has earned the Eagle Scout Award, the highest honor in Boy Scouting.

NOW, THEREFORE, BE IT RESOLVED, that the Council of Lower Saucon Township, Glenn Kern, President; Thomas Maxfield, Vice President; Priscilla deLeon, Council Member; Sandra Yerger, Council Member; and Ronald Horiszny, Council Member; wishes to recognize and commend Nicholas for receiving his Eagle Scout Award.

MOTION BY: Mr. Maxfield moved for approval of Resolution #30-2010.

SECOND BY: Mrs. deLeon

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

ROLL CALL: 5-0

Mr. Kern said it's a pleasure to issue this award as he knows the Cawley family personally. Nick has helped out on his Little League team in years past. He coached his little brother and his dad also helped out. It's a great family and a pleasure recognizing Nicholas.

IV. DEVELOPER ITEMS

A. ORCHARD VIEW – ROUTE 412 – EXTENSION TO COMPLETE IMPROVEMENTS

Mr. Kern said the developer has requested a one-year extension of time to complete improvements and is requesting security reduction. Hanover Engineering has done an inspection and is recommending a reduction in the amount of \$2,868.00.

ORCHARD VIEW EXTENSION

The Lower Saucon Township staff recommends that Township Council approve an extension until February 18, 2011 for completion of improvements at this development. This approval is subject to the following conditions:

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1. The owner/developer shall enter into an Extension Agreement with the Township satisfactory to the Township Solicitor and Township Council.
2. The Improvements Security shall be extended to at least March 18, 2011, to the satisfaction of the Township Solicitor.
3. The owner shall pay any outstanding plans and appeals account invoices owed to the Township.
4. The Township Engineer is hereby directed to inspect the erosion and sedimentation controls for the project and notify the developer of any deficiencies. The developer must correct any deficiencies noted by the Township Engineer within 60 days of receipt of his report.

MOTION BY: Mrs. Yerger moved for approval to grant the one year extension of time.

SECOND BY: Mr. Maxfield

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

ROLL CALL: 5-0

MOTION BY: Mrs. Yerger moved for approval based on Hanover Engineering's recommendation a reduction in the amount of \$2,868.00.

SECOND BY: Mr. Maxfield

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

ROLL CALL: 5-0

B. OLD MILL ESTATES – OLD MILL ROAD – EXTENSION REQUEST TO COMPLETE IMPROVEMENTS

Mr. Kern said the developer has requested a one-year extension of time to complete improvements.

OLD MILL ESTATES EXTENSION

The Lower Saucon Township staff recommends that Township Council approve an extension until January 28, 2011 for completion of improvements at the Old Mill Estates Subdivision. This approval is subject to the following conditions:

1. The owner/developer shall enter into an Extension Agreement with the Township satisfactory to the Township Solicitor and Township Council.
2. The Improvements Security shall remain in full force and effect until project completion, to the satisfaction of the Township Solicitor.
3. The owner shall pay any outstanding plans and appeals account invoices owed to the Township.
4. The Township Engineer is hereby directed to inspect the erosion and sedimentation controls for the project and notify the developer of any deficiencies. The developer must correct any deficiencies noted by the Township Engineer within 60 days of receipt of his report.

MOTION BY: Mr. Maxfield moved for approval of Old Mill Estates – Old Mill Road – Extension to request a one year extension to complete improvements.

SECOND BY: Mr. Horiszny

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

ROLL CALL: 5-0

C. HILLS AT POLK VALLEY – POLK VALLEY ROAD – REQUEST EXTENSION TO COMPLETE CONDITIONS OF APPROVAL

Mr. Kern said the developer is requesting a one-year extension of time to complete conditions of approval.

HILLS AT POLK VALLEY

The Lower Saucon Township Staff recommends that Township Council approve the request for an extension of time to January 21, 2011 to complete the conditions of approval for the above-referenced subdivision.

This approval is also conditioned upon the Developer paying any outstanding escrow account invoices.

Attorney Treadwell said the previous two were extensions to complete the improvements. This one has approval and has some conditions that have to be met before the plans can get recorded and they can start, that's why it's so short.

MOTION BY: Mrs. Yerger moved for approval of Hills at Polk Valley –Polk Valley Road – request a one year extension to complete conditions of approval.

SECOND BY: Mr. Horiszny

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

ROLL CALL: 5-0

V. TOWNSHIP BUSINESS ITEMS

A. RESOLUTION #31-2010 – REAPPOINT ACT 32 (TCC) DELEGATES

Mr. Kern said Resolution #31-2010 has been prepared to reappoint the voting and two alternate delegates to serve as Lower Saucon Township's representatives to the Northampton County Tax Collection Committee (TCC) as established by Act 32.

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

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.

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NOW, THEREFORE, BE IT RESOLVED by the Council of Lower Saucon Township, Northampton County, Pennsylvania, that the following individuals are re-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. Delegates shall be appointed each year in November or December or as soon thereafter as possible. All delegates shall serve at the pleasure of the Council of Lower Saucon Township and may be removed at any time.

Mr. Cahalan said we had done this appointment initially last year. These are the representatives. We are unique in Northampton County. We are the only one that has representatives from the Borough, the Township and the school District. It follows Saucon Valley Partnership composition. We appointed our delegates to this tax collection committee last year. This resolution will reappoint them for the year 2010. The primary voting delegate is Ed Inghrim, who is a member of the school board. The Partnership, the first alternate is Dave Bonenberger from the school district who is the Business Manager, and the second alternate is Gina Dinino also from the school district from the Finance Department. Mr. Maxfield said that's a great slate.

MOTION BY: Mr. Maxfield moved for approval of Resolution #31-2010.
SECOND BY: Mr. Horiszny
Mr. Kern asked if anyone had any questions? No one raised their hand.
ROLL CALL: 5-0

B. AUTHORIZE EXECUTION OF CONTRACT WITH SPOTTS, STEVENS & MCCOY FOR CONSULTANT SERVICES TO REVIEW WATER QUALITY ISSUES ASSOCIATED WITH THE ISEI BETHLEHEM LANDFILL

Mr. Kern said Council should authorize execution of the contract with Spotts, Stevens & McCoy for consultant services, as needed, to review water quality issues associated with the IESI Bethlehem Landfill.

Mr. Cahalan said Council reappointed Rich Sichler from Spotts, Stevens & McCoy. He's the hydro geologist that works with the landfill. The Township received a contract from him and approval is needed for the Council President to execute that. Mr. Sichler's hourly rate is \$105.00 an hour.

MOTION BY: Mrs. deLeon moved for approval to authorize execution of contract with Spotts, Stevens & McCoy for consultant services to review water quality issues associated with the IESI Bethlehem Landfill.
SECOND BY: Mrs. Yerger
Mr. Kern asked if anyone had any questions? No one raised their hand.
ROLL CALL: 5-0

C. LOWER SAUCON ROAD SPEED LIMIT STUDY & AUTHORIZATION TO ADVERTISE ORDINANCE AMENDMENT

Mr. Kern said at Council's direction the police department has conducted a speed study for a portion of Lower Saucon Road. In addition, at the request of a Township resident, PennDOT has also reviewed a speed reduction request for a portion of Lower Saucon Road that is within their jurisdiction. As a result of these studies, the recommendation is for a reduction in speed to 30 mph on Lower Saucon Road between Wassergass Rd. and Polk Valley Road (Springfield Township Line) and PennDOT Segment 80 between Valley View Rd, and Buttermilk Rd.

Mr. Kocher said the only thing he has to add is, if you remember back in October when we got the letter from PennDOT responding to one of the residents on the road, they said it was for Lower Saucon Road Segment 80. He looked up to see what Segment 80 was and it goes from Valley View Road to Redington. It goes beyond Buttermilk. The signage plan which they gave you isn't at all clear on that, but Segment 80 does go between those two roads. The ordinance should read from Valley View Road to Redington Road. Mr. Maxfield said he's glad it includes that intersection. That intersection is bad.

Attorney Treadwell said if you make a motion to amend Buttermilk to Redington and then authorize advertisement, you'll be okay.

MOTION BY: Mr. Horiszny moved to amend the ordinance from Buttermilk Road to Reddington.

SECOND BY: Mrs. Yerger

Mr. Kern asked if anyone had any questions? Mrs. deLeon said it's unfortunate that they don't routinely put that in the letter. We just ran into that with the PennDOT letter for Friedensville Road. They didn't really say on Friedensville where they reviewed it. Mr. Kocher said you have to look in a very confusing tone which they publish their straight line diagram, which is not at all easy to follow. That's what he did to determine this. Mr. Horiszny said he will change his motion.

ROLL CALL:

MOTION BY: Mr. Horiszny amended his motion to change the name of Buttermilk to Redington and authorize advertisement.

SECOND BY: Mrs. Yerger amended her second

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

ROLL CALL: 5-0

VI. MISCELLANEOUS BUSINESS ITEMS

A. APPROVAL OF MINUTES – JANUARY 4, 2010 COUNCIL MEETING

Mr. Kern said the minutes of the January 4, 2010 Council meeting have been prepared and are ready for Council's review and approval.

MOTION BY: Mr. Maxfield moved for approval of the January 4, 2010 council meeting minutes, as amended taking out the page from Chris Garges.

SECOND BY: Mrs. deLeon

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

ROLL CALL: 4-1 (Mr. Horiszny – No)

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B. APPROVAL OF DECEMBER 2009 FINANCIAL REPORTS

Mr. Kern said the December 2009 Financial Reports have been prepared and are ready for Council's review and approval.

MOTION BY: Mr. Horiszny moved for approval of the December 2009 financial reports.

SECOND BY: Mrs. Yerger

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

ROLL CALL: 5-0

VII. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS

- Stephanie Brown, Meadows Road, said she has a question regarding some heavy trucks that have been going up and down Meadows Road that are either too wide for the road and turfing and destroying the right-of-way of several lawns and intersections of Skibo Road. She hasn't seen the vehicles, but there is a lot of damage from them. She noticed it yesterday. It's rather damaged and muddy. Is there something that can be done to fix that? She sees there is something going on with the development, and behind her trucks coming in and out. Mr. Kern said is the damage in the right-of-way? Ms. Brown said yes. Mr. Maxfield said are you sure it wasn't from plows? Ms. Brown said no, it just happened in the past couple of days. Mr. Cahalan said they will take a look at. Ms. Brown said before when she had right-of-way issues, the Township refused to do anything about them. She doesn't have any idea where this has come from, but the intersection is very bad. She thinks she saw what she thinks may have been one of the trucks today, but since she wasn't up at that end of the road, she doesn't know if that was the truck. She knows a neighbor had a rather large dumpster brought in and that might have been one of the trucks that did damage in the right-of-way. She's not sure, as it was done awhile ago. There's definitely damage being done.
- Ms. Brown, Meadows Road, said it's now 2010 and she's wondering where we are with getting the signage up for the Meadows Bridge Historic Marker? Attorney Treadwell said he had a discussion with the property owner today and they are working on it; and hopefully, it will be resolved by the next meeting. Ms. Brown said she doesn't understand why it is taking so long. Attorney Treadwell said we need to get permission from the property owner to put the sign on the property. Ms. Brown said she's aware of that, but this is taking too long and it's not fair. All the other historic markers are up. She was down inspecting the bridge the other day and in the bank on the Meadows side of the road, she noticed a significant amount of damage that had been done by the flooding back in October. A lot of the bank was washed away. It's in the area where the sign was originally going to be put. She's glad she spoke up and said something about it, but the fact that this is just being drawn out for so long now is very disheartening to her, along with the fact that she was down under the bridge the other day, and there appears to be graffiti. She asked the Township to check it out, but apparently it was just an FYI that was given to the Police Department. Mr. Cahalan said they are looking into that. When he has more information, he will check it out with the County.
- Ms. Brown said she's very upset with a letter dated December 17, 2009 which she received from the Township Manager. She has contacted the PA ACLU regarding it. She has many unanswered questions that still remain that she feels the Township has not treated her fairly and answered her questions. She sits at meeting after meeting after meeting, and she follows the rules in the Township. She does what the Township tells her to do regarding complaints. Just like when she was told to write a letter regarding the deer crossing signs that she wanted added to Meadows Road, she did that, even though she shouldn't have had to because she came to Council previously before that policy was put into place. She has seen several other people come to Council and not have had to write letters to get signs put up in their areas where they live. She's not very happy about that. If the Township Manager does not want to respond to emails and get emails from residents of the Township, then he shouldn't have a public email address. Mr. Cahalan said that's not what the letter said. He said he will respond to emails. Please correct your statement. It did not say he wouldn't respond to emails. It said he would not respond to phone calls. Ms. Brown

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said she hasn't made a phone call since the last time they were through this issue. Mr. Cahalan said then you shouldn't have a problem. Ms. Brown said yes she does because she sends in things and waits for months and months and gets no responses. Mr. Cahalan said just because you don't get a response, doesn't mean we aren't working on it. When we have a response, he will give it to her. Ms. Brown said she understands that to a point, but she thinks any resident who has a concern, a question, it's proper for that question response to be acknowledged that the Township is aware that you've sent the question or you have the problem. It's almost like customer service. If she says she has a problem, all she needs is okay, they'll look into it. It may take us two months or it may take us a year. An acknowledgement is all she's looking for so she knows her email didn't get lost somewhere out on the Internet. What really bothers her is time after time after time, she comes to public meetings and she follows the rules, and she waits to see if what she brought up will be discussed by the Manager under Council and Staff reports, and a lot of times it's not. Any resident who comes to a Township meeting should have the right to know if the Township has come to a conclusion or an answer, she has the right to know that at a Township meeting. She sits here and wonders a lot of times what's going on and when she asks, she gets in trouble, and that's not right at all. Sometimes she's a little pushy, but she found out, sometimes you have to be that way in life.

➤ Ms. Brown said she'd like to request something be done regarding the intersection of Meadows Road and Skibo Road. She's been out walking for months and that intersection she's almost been hit so many times by people flying through the stop sign at Meadows coming from Friedensville Road. She's had way too many close calls. Something needs to be done. She has asked that the Stop Except Right Turn sign be eliminated, as the Township has recently eliminated one of those stop signs on Springtown Hill Road, it's time to eliminate it at the intersection of Meadows and Skibo as that intersection is too dangerous. She was driving the other day and she was almost hit from someone who didn't stop for the stop sign. She's made numerous complaints to the Police about the intersection and when she went to the SVP meeting and heard there was no interest in the problems regarding Skibo Road, that really disheartened her because she walks that road every day. One of the biggest problems is the traffic coming from the school around 10:30 AM to 11:00 AM. The Vo Tech kids just come speeding up that road and go right through the stop sign. She was told a while ago that intersection was supposed to be improved, but it has something to do with the Heritage Building Group as they are in a lawsuit; therefore, there would be no improvements made to that intersection. What she's a little confused about is she knows it's coming up on five years regarding the Toll Bros. subdivision and where they are in terms of where their improvements are, but she doesn't think the improvements go up that far on Meadows Road, but she doesn't know, which is a question. Mr. Kern said the improvements for the Heritage Group would go up that far. Mr. Cahalan said you answered your question. Ms. Brown said she's not sure where we are in terms with the SV Meadows coming up on five years since it started its construction. It's dangerous and heavily traveled because of the school district campus. It's not very safe. She wants to know if the Township is going to do anything about it. Mr. Kern said what can the Township do about people who are speeding except have a Police Officer see it happen and cite them for speeding. If they are going through a stop sign, the same thing. Ms. Brown said she's concerned that no one is stopping for them. Mr. Kern said that's a police issue. Mr. Maxfield said you are asking us to deal with what we absolutely have no control over. Ms. Brown said she's asking you to fix that intersection that has problems. She's asked for many years. She just recently sat through a meeting where another Township resident had problems with an intersection near her home and fixes were made. Mr. Kern said that was a completely different situation. Ms. Brown said a dangerous intersection is a dangerous intersection. Mr. Kern said that was something that had to be addressed that wasn't addressed from a previous subdivision approval and it was finally rectified. Ms. Brown said it's a subdivision issue at this intersection also, she was told. The fact that if that subdivision is being held up in court or not going to be approved, then the Township needs to do something about that intersection. Mrs. deLeon said why can't we just have the Police Department look into it and see what the incident rate there is and make them aware we received a complaint from a resident. You don't want to tell them they aren't doing a good job but bring their attention to something that was brought up at our meeting. Ms. Brown said she spoke with Sgt.

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Barndt a couple of months ago and he said he's aware of it. The problems on Victor don't help with people speeding through there. They are coming out even faster on Skibo down further. You can't see that well at that intersection. She would like something done about it. Mrs. Yerger said look at how many incidences have occurred there. Ms. Brown said people don't generally call in about that intersection because people mostly races through it. It just wasn't worth it to call the Police the few times she almost got hit because she was out on a walk and didn't have a cell phone. She made plenty of complaints to the Police that have been dismissed. She's done with that. She will not have that happen anymore.

- Ms. Brown said it's sad that we sanction accolades for an organization that discriminates, that is a private organization that discriminates against the segment of our population like the Boy Scouts does.

VI. COUNCIL AND STAFF REPORTS

A. TOWNSHIP MANAGER

- Mr. Cahalan said we failed to list the Heritage Conservancy on the list for appointments at the reorganization meeting on January 4, 2010. Council had originally appointed Heritage as consultants to the EAC back in July 2007 for open space and land preservation matters. That was at an annual cost not to exceed \$10,000.00. That money is budgeted in the Open Space Preservation fund. There is a fee schedule we obtained from Heritage for the services of Jeff Marshall and Laura Baird. Laura's fee is \$80 an hour and Jeff's fee is \$130 an hour. We would ask for Council's approval to appoint Heritage Conservancy as the Open Space Consultants to be used on an as needed basis for the EAC during 2010 and at a cost not to exceed \$10,000.00.

MOTION BY: Mrs. deLeon moved for approval as stated above by Mr. Cahalan.

SECOND BY: Mr. Maxfield

ROLL CALL: 4-0 (Mrs. Yerger abstained due to employment with Heritage Conservancy.)

- Mr. Cahalan said in your packet is a recommendation for you to consider a policy requirement for the volunteer fire company funding. Each year the State Fire Commissioner's office has a grant and amount of money that is put out for grants for volunteer fire companies. The application can be done on line. It's specifically the Volunteer Fire Company and Volunteer Service Grant Act. They put out an announcement on the Fire Commissioner's website. There's an electronic application that the fire companies can submit. It takes about ten minutes to do that on line and in turn they all receive about \$10,000.00 a year in grant funding from the State. Unfortunately, we've had one and now two of the volunteer fire companies who haven't taken advantage of this free assistance from the State. We are contributing \$50,000.00 a year to them. He's asking Council to implement a policy that says the volunteer fire companies would have to produce proof to us that they've applied for this grant and if they do, they would be eligible for the annual \$50,000.00 funding. If they can't produce proof they filed for it, then the amount of \$10,000.00 would be reduced from their allotment for that year. Mrs. deLeon said have they been providing their budgets like they were supposed to? Mr. Cahalan said yes, they have been doing that regularly. That was a policy that Council previously adopted. They've been sending rosters, budgets and annual reports. Mr. Horiszny said is it appropriate to do that right now? Mr. Cahalan said it would be appropriate to do that later this year, the grant cycle would be in the fall and then we would probably be considering funding for 2011. Mr. Horiszny said it needs to be done and no excuse for not applying for State money that is there. Mrs. deLeon said she also thinks that they should be mandatory one grant, but others would be nice too. Mr. Cahalan said we can encourage them. We will do that. Mrs. deLeon said there could be grants between now and October.

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MOTION BY: Mr. Horiszny moved that the fire companies need to apply for grants of state money and also encourage them to look for other grants. If they don't apply for the \$10,000.00 grant, the \$10,000.00 gets taken off of their annual \$50,000.00 funding from the Township.

SECOND BY: Mrs. deLeon

ROLL CALL: 5-0

- Mr. Cahalan said they've had requests from EAC members to attend the NRI Workshop that is going to be held at the Township on February 10, 2010. It's a \$15.00 registration fee. He'll need approval from Council to pay those expenses for EAC members.

MOTION BY: Mrs. Yerger moved for approval for the Township to pay the expense of the NRI Workshop for EAC members.

SECOND BY: Mr. Horiszny

ROLL CALL: 5-0

Mrs. deLeon said she would like to be signed up for the NRI Workshop.

- Mr. Cahalan said they've put something together for you about Council workshop sessions. It's something to think about. There have been some topics that we thought would be good for a workshop session. The staff and consultants have worked on some recommendations such as impervious surface coverage, the solar energy regulations, the wind energy regulations, the geothermal regulations and some other topics that would be pertinent at a workshop session. Mr. Horiszny said cable franchises? Mr. Cahalan said yes, that could be a topic. The workshops would be held when deemed appropriate or necessary by Council. The purpose of the workshop would be so Council members could review and discuss items on which an action will be taken at an actual meeting. It could be held prior to a regular business meeting. It would be properly advertised. There would be open discussion by Council and a presentation by consultants and staff. No binding votes would be taken. The minutes would be recorded and published. The public can attend, but will not participate in discussions unless they are invited to do so by Council. That's the basic framework of a workshop session would be. If Council thinks that would be helpful, we can set something like that up. It again is subject to whenever you are available. Mrs. deLeon asked if other municipalities are doing this? She was always under the impression and this is her sixth term, and she's been going to those workshops at PSATS for newly elected and refresher courses, and there's really no such thing as a workshop. A public meeting is a public meeting and to not have public discussion, she cannot support this. The Sunshine Law, there's no such thing as workshops. Attorney Treadwell said he thinks what has happened over the year is some municipalities, and it has not been done here in Lower Saucon, have found that it is easier for topics that look like they will take a longer period than you would maybe want to take at a regularly scheduled public meeting where you have specific agenda items to vote on and discuss, you would do it at a different meeting with a different format. Clearly, the meeting would have to meet the Sunshine Act regulations, but there is no prohibition against having this type of meeting in the Second Class Code. It's a Council preference. Mrs. deLeon said she likes the meetings the way they are. She loves the public input and she would not support this. Mr. Cahalan said public input is optional. If you want to have the workshop and have the public provide input, that's up to the Township. Mrs. deLeon said when she took that oath, public input is very important. She feels she likes the way it is. Mr. Maxfield said if we had a meeting like this we'd have to follow a strict protocol. If there would be a place for that public participation, he would think a workshop would be a little bit freer of a situation; we still wouldn't want people yelling out in the audience and would want to keep it orderly. His problem with what is written her, he would be comfortable if it would say absolutely no votes at all. If we wanted to have the public participate, we could have limited public

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participation. That could be simply meaning someone can't stand up and talk for twenty minutes. Mrs. deLeon said in the past when we had open burning and different topics, we would say to the people there's a crowd here, please limit your input to a few minutes and not be repetitive. The meetings went very well. Mr. Maxfield said they'll be a limit, not a formal limit, as to nobody monopolizing the floor. Mrs. deLeon said we have that opportunity now. Mr. Kern said we don't have any time limit policy. Mrs. deLeon said we were broad enough in the policy. Attorney Treadwell said there is a public comment policy that you have in affect now. Mr. Maxfield said he doesn't think there is a time limit. Mrs. deLeon said she thinks we left it open so we could set the rules. If we had this room filled and had a full agenda, there's nothing wrong with saying to the public to try to keep your comments to a few minutes. Attorney Treadwell said maybe the idea of the workshop would be that you limit public comment to that topic that is being discussed and you don't have a wide open public comment period. Mr. Kern said what did you envision as a workshop topic? Mr. Cahalan said the impervious surface coverage, you asked Kevin to work on that topic. Rather than putting that into a final type of version, ordinance or resolution, bring it to Council where you'd be voting on adopting it at that point. This would take that pressure off it so there would be more freer discussion on it. A give and take between you and the consultants, ask questions, get some answers on certain things you may have come up with in the material. That would be the type of framework where there wouldn't be an ordinance out there on the agenda that the public thinks you are possibly going to adopt and they may not be happy with that. If they came to one of these workshops, they'd give you the same opinion, and you could factor that into your deliberations. Mrs. deLeon said she respects that and government has been around awhile and she doesn't think we are going to reinvent the wheel. Before you were here, we had issues and it was open for discussion if we wanted to implement some new policy or change in the ordinance and we would have our consultants report. The best guidance is what the people want. We'd have to ask them to come back again and it seems so redundant. Mr. Maxfield said the do you think the people would want an opportunity to speak well in advance of Council taking a vote? Mrs. Yerger said some of these issues Mr. Cahalan used as an example as the EAC is wrestling with them, what we've seen, the more we go into these ordinances for geothermal, we want to be fair, but we want some control over them in terms of the environment. We are trying to do the best of all worlds. The more we do this, the more we explore, the more complicated and in depth they are. She would almost look at the workshop in terms of being able to absorb all of this material. We have just gotten reams and reams of material for reading. The give and take the EAC has, it's a public meeting and people are welcome to attend and give their input, is the dialogue that goes back and forth. It's a little freer atmosphere. She could see this, perhaps, no vote should be taken. This would be a learning process on both sides from the public and from our consultants and for the board to get this whole big broad picture of a more complicated issue like all of the environmentally sensitive and newer means of energy efficiency and things that are out there. It's complicated in geothermal, and none of us are experts. Mr. Maxfield said he sees two major differences between the regular meetings we have. One is this is focused as well as what we discuss would be limited as well as the audience participation would be limited to this topic. There would be a promise that we would not be speaking about other subjects and that we wouldn't vote. Mrs. deLeon said isn't that an agenda? Mrs. Yerger said there are times we have a clock with our regular meeting. Mrs. deLeon said you hold a special meeting like we did with open burning, cell towers. Mrs. Yerger said you call it a meeting, a workshop. Mrs. deLeon said that's what she is saying, the Sunshine Law is the Sunshine Law. Mr. Maxfield said all it is, is terminology. It's still the same thing we've been doing. Mrs. deLeon said why are we spending all this time talking about something we are already doing then? Mr. Maxfield said there are often times, anybody could bring up a motion to vote on any subject at any public meeting, now we wouldn't do that. Mr. Horiszny said why would

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minutes be necessary for a workshop or an educational workshop? Mrs. deLeon said she thinks you need to read the Sunshine Law. It's very clearly in there. Mr. Maxfield said you'd still want a record of what you were talking about. Mr. Horiszny said would be do abbreviated minutes? Mrs. deLeon said if we are getting our consultants at one of these meetings and paying them, she would want to go back to the record and look at the minutes. Mr. Maxfield said the way he envisioned it, a resident could come, listen, contribute, and not worry about it resulting in a vote. You could freely say what you want to say, and we would consider it. If we were going to vote on it at a regular meeting, there would be that opportunity for a resident to speak about it again. Mr. Kern said the biggest differentiation between a workshop and a regular meeting would there would be no vote. Mrs. Yerger said she agrees, there shouldn't be a vote. Mr. Kern said he agrees with Mrs. deLeon, a meeting is a meeting. We're not going to limit public discussion, but the difference he sees is no vote would be taken and that would be important. Mr. Maxfield said if this is going to be a successful meeting, it must be focused. Mrs. deLeon said a focused meeting still has to have public comment. You have to read the Sunshine Law. Mrs. Yerger said everyone is saying public comment is part of it. Mr. Maxfield said no one had an argument on public comment at all, just that it be on the topic. Mr. Horiszny said if you called it an educational session instead of a workshop, would that work? Mrs. deLeon said the Sunshine Law says a resident can come to any public meeting and talk about whatever they want to during public comment. You can't say public comment is just specific to this meeting? Attorney Treadwell said there is a way to do it. You explain to the residents that you have two meetings a month where we take public comment on any item you want to discuss. If we are going to have twenty-five meetings a month, we don't need to take public comment on every single item you want to discuss, but that's his opinion. Mr. Kern said it's kind of moot because Mrs. deLeon also said that rather than reinvent the wheel, if it's stated in the front what the purpose of the meeting is, no one is going to be talking about anything other than what's at the meeting anyway. Mr. Maxfield said we've had that problem at Planning Commission where we had an item on the agenda we're discussing and we ask for public comment and we get some that are pertinent and some that are someplace else. Mr. Kern said if the meeting is advertised specifically that it's an educational session regarding this topic, it will be open to the public, but it will be advertised this is what is going to be talked about at the meeting. At the beginning, we say we would like the discussion to focus on this subject only, if possible, and then it's self filtering. No one is going to show up at the meeting to talk about something else. Mrs. deLeon said they have a right to if they want to. Mr. Kern said correct. Mr. Maxfield normally what we have is a general business meeting, but this wouldn't be a general business meeting as there is no business, it's all discussion and consideration. Mrs. deLeon said that's why we advertise these meetings in the beginning of the year which is subject to change for a special meeting. That would be the special meeting. Mr. Maxfield said he wouldn't want to hold these unless it is stipulated they be focused. If Mr. Kern wanted to make a statement in the beginning of the meeting, to that extent, that would make sense. We got to keep it useful. Mrs. deLeon asked Mr. Cahalan to pull out our policy on public comment for meetings and email it to them. Mr. Cahalan said he will look for it. Mr. Horiszny said this format would be a policy for workshops. Mr. Cahalan said he just laid that out as a general framework as to what the meeting would cover. Mr. Horiszny said would we need a policy if we adopted something like this? Mr. Cahalan said you could. Mrs. Yerger said it would be the right thing to do. Mr. Maxfield said we should have a policy if this type of meeting was going to happen that there would be no vote and no motions. Mrs. deLeon said we don't have a legal opinion on this? Attorney Treadwell said no, you don't. He can bring back a legal opinion as to what you can and cannot specifically do. Mrs. deLeon said if you read the Sunshine Law, it's very clear, you don't have to pay an attorney to tell you. Mr. Maxfield said there are all sorts of public participation. You even witnessed that in our surrounding communities what we would

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consider not fair public participation and somehow that qualifies under the Sunshine Law. No one is saying we don't want public participation. He doesn't know what we would be violating. Mr. Kern said we don't need to have Linc weigh in. It's self evident. If we do a special meeting like a workshop on geothermal systems, how many people are going to show up. If we say no votes are going to be taken, information only, it's a no brainer. We don't even need to discuss it, it's going to be fine. Mr. Maxfield said lets think about it some more.

- Mr. Cahalan said he hopes you enjoyed the historic photographs in the Council room. Leslie and Diane worked on that project with the help of the Historic Society and came up with photographs and the map of Lower Saucon. Council said the photographs were very nice.
- Stephanie Brown, Meadows Road, said going back to your workshop, you're not saying it's going to be something that is done every month, or it would be done on an as needed basis. Mr. Cahalan said that's for Council to decide. Mrs. Yerger said it would be a special topic, as needed. Ms. Brown said based on what Mrs. Yerger said, if you call it a community forum, there are some people who just love to speak. She understands the frustrations where she's been at several EAC meetings and listened to the very complicated discussion, but you don't see many people there as they don't follow along with most of that stuff unless they use the Township website. You could see how much more interest you draw. Her experience going to the Rail Trail meeting, meetings at 5:00 PM didn't draw anyone, but meetings at 7:00 PM did. There's the interest, she just thinks people don't know a lot of times. You have scheduling issues also. It might be worth a shot. Her experience going to Northampton County Council meetings, they are set up a little bit differently and their public comment is at the beginning of the meeting and one of the things that irritates her at Township meetings, she has to sit here, and developers get to go before she does. If you are going to follow through with these workshops, have a public comment session in the beginning and maybe again at the end. It's difficult to have a discussion when you don't have public input and that's kind of what Mr. Cahalan said when he first said this. To have to sit and wait some time to address a certain comment can be very frustrating to a resident. Mr. Cahalan said let him correct that so Stephanie doesn't go away with the wrong impression. He read off the framework. He said the public can attend, but will not participate in discussion unless invited to do so by Council. We've heard tonight that Council wants to invite the public. That's the recommendation. Mr. Kern said correct.
- Mr. Johnson said he's a member of the LST EAC. They've discussed some of these issues you are talking about like solar energy, wind energy and geothermal heat pump systems. We found there's a lot of complications about these subjects, not only technically, but legally that we were never aware of before. By having a meeting like this where the public is invited to discuss these items, people will realize there is more to creating an ordinance that guides these subjects than just energy saying aspects which is what most people only think of when you talk about these subjects. He thinks having a meeting like this, you can call it what you want, where the public is invited to learn about these issues. Someone from the Township should present some of the information we already learned to show how complicated these issues are to the people who come to the meeting so they can be aware of these complications and then have a discussion about it and then maybe have a follow up meeting. Have the people go home and read some articles on their own, do some research and educate themselves about, and have another meeting where they give their opinions to Council about how these things affect the Township. Mrs. deLeon said that's what they have done in the past with cell towers, timbering, open burning. We've done that in the past. Just because we have a public meeting scheduled for a certain topic, doesn't mean we have to conclude that evening. Mrs. Yerger said one of the advantages is that because you put the no vote around it, it actually would encourage participation. This will be much more open and hopefully resident friendly in those terms. There's no push to

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make a decision. Mr. Johnson said the first meeting might be a learning session for the resident and the second meeting might be a feedback to the Council. Mrs. Yerger said right, and that's fine. This is a door opener, a learning session and that would be an appropriate way to use this. Mr. Johnson said it's a good idea to have these kinds of meetings. Mrs. deLeon said we do already. Mr. Johnson said you should have these kinds of meetings on these particular subjects. The exact way the meeting is held is up to the Township to decide. It's a good idea to have meetings on these subjects with the public involved.

B. COUNCIL/JR. COUNCIL

Kimberly Kelly – No report

Mr. Maxfield

- He said he's noticed a couple of months ago they finally took the wires off the pole at Polk Valley Park, but the pole is still there. Mr. Cahalan said Public Works will probably have to take it down. Mr. Maxfield said the new pole they put up has wires coming off of it currently and he couldn't identify looking at them if it was a cable wire. It didn't look high enough for it to be electrical lines, but there is a line hanging down in between the pole and the creek. If about a foot off the ground. Mr. Cahalan said they will find out.
- He said the workshop that Mr. Cahalan was talking about, he does have information on it. It's the Natural Resources Inventory Workshop. It's being presented by Ann Rhoades and Tim Black, her assistant, who did our NRI. The Township will pay for our participation and it is \$15. It is supposed to be a really good day, and he'd encourage everyone to come. It's going to be slanted towards public officials, but we know the County will be showing up for this and the County differs a little bit than us on their respect for the natural resource inventories and how they should be done within the County. We're probably one of the only ones in the County that has one. They need to see a good turnout and that municipalities are interested in this. Your presence would really be appreciated. It is here at the Township.
- He said there's another workshop here at the Township on the 24th for the Impacts on Migratory Birds resulting from climate change. It's at 7:00 PM at night. It is free and there will be a couple of speakers here and it will be very interesting.

Mrs. Yerger – No report

Mr. Horiszny

- He said he attended the Lower Saucon Authority meeting last night. They will be doing a walk about with Hellertown people tomorrow for the creek bed for the Leithsville extension of the sewer line. There will be a presentation to the Hellertown Board probably on February 1 to keep it going. All of this is to help us, as the Township, to take charge of our Act 537 obligations. Stephanie's comments about having to wait until the end for public comment, on the LSA's agenda, they have the second item as Public Comments, where people have said they are here and want to talk about a certain subject. It has to be an agenda item, and then later on they'll have a public comment session where there are non-agenda items like we do now. That would be a possibility if we want to get our citizens in and out. Mrs. deLeon said she doesn't know if Ron was on Council, but years ago, they did try that. When the Sunshine Law got changed as you didn't have to have public comment, then they put it in the law that you had to. We always did, but we put it two places, in the beginning of the meeting and then also at the end. We do allow people to comment on both agenda items, and some places don't, which is not good, but then people took long on discussion and it made the meeting longer, then we were getting complaints from both sides, the developers and people were paying their consultants to wait. We got

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to the point where we eliminated the first part and just made it all combined. We can try it again, but we did do it already.

Mr. Kern

➤ He said the item Mrs. deLeon was talking about before, PennDOT, was that regarding the detention pond? Mr. Cahalan said no, they requested reduction a study to reduce the speed limit on Friedensville Road leading into Hellertown. Mr. Kern said he'd like to bring up the detention pond issue in Saddle Ridge. What's going on with that and what is the next step? Mr. Cahalan said that was in response to a letter that he and Mr. Kocher drafted. It went to PennDOT and was a concern that there had been some flooding events on 412 and the Leithsville area. There was some antidotal information that had been passed on by PennDOT workers that it was the detention basin that caused the problem. We wrote the letter and reminded them about the study that had been done and about our beatings with them about improvements that were needed in the conveyance system down at 412. We got that letter back in response. Apparently, they are still convinced it's the detention basin that's the route of the problem. Mr. Kern said what are we going to do about that? Mr. Kocher said we have probably exhausted our local ability to do anything. If you want to continue to get PennDOT to do anything, your representatives are going to have to get involved. Mr. Kern said is it a PennDOT issue as far as repairing that? Mr. Cahalan said in the discussion back in 2005 or 2006, we did have a discussion with PennDOT about improvements down Flint Hill Road and also with the pipes and the other system were overwhelmed whenever it rained. The only thing we got out of that meeting was they said they would do a maintenance periodically to clean them out. They've been okay with that. Mr. Kern said from what he read from the memo, the issue is that the detention pond isn't detaining. The water is just coming out to the road and it's not operating as a detention pond to slow it down. Mr. Kocher said the amount of times PennDOT actually looks at that is pretty small compared to the times the pond worked. They've heard differently from the owner of the property there. What PennDOT is not accepting is that the watershed area that drains to the area in question is very large. The amount of area draining to the detention basin is very small as compared to the very large area. Even if the detention pond is not working correctly, it doesn't matter if the pond is there or not. Those facilities along 412 are undersized and have been undersized for a long time prior to Saddle Ridge and everything else. It's easy for them to say there's a lot of water coming out of the detention pond. Those facilities are not sized. It's not unusual. They may not even have been sized when they were constructed. Someone said 50 or 60 years ago, this is how big we should make it. Mr. Maxfield said he has been up there in Saddle Ridge when it was pouring and he also saw it was detaining absolutely nothing. He thinks that the ponds either not designed right or it's been altered to not work right. The owner wouldn't have a soccer field for his kid set up in the detention pond if it was detaining any water. It can't even be soggy. He has seen that water pour out on to the road and the gutter it's made out on Flint Hill Road. We do need to do something about it however we have to attack it next. The pond is a major part of it. Antidotal stories about the pond shooting stuff out to the road and actually crossing the road, those are nothing new to the Township. They have been told to us for years and we need to pay attention to them. As far as to what the owner says about the pond, he has interest in the pond, so maybe we ought to listen to the residents in that area and talk to our residents. Mr. Kern said if the pond is not functioning properly, whose responsibility is to fix it? Attorney Treadwell said it's on private property? Mr. Cahalan said correct. Attorney Treadwell said there are two questions, was it designed correctly and then somehow altered by the property owner or was it not working correctly from the beginning? He thinks ultimately if it's discharging water on to a public road, then we would have to attempt the property owner to rectify it. It's that property owners detention pond that is supposed to function as a detention pond for whatever portion that development drains into it. Mrs. deLeon said at time of approval, it

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met all the requirements. Attorney Treadwell said that's what he is saying. He doesn't know if the property somehow altered it after it was built and inspected. Mr. Kocher said within the last three months they checked the outlet structures and they are per the plan. Whether someone changed the configuration of the earth, they couldn't tell that. Mr. Kern said the next question is, is it doing what the PennDOT report said it's doing? Is it creating flooding downstream? If it is, something needs to be done. We have to figure out who that someone is. Attorney Treadwell said that's the question. Because it appears that PennDOT's opinion is there's not a problem except for the detention pond. What our consultants' opinion is, yes, there's a problem, maybe the detention pond contributes to it, maybe not, but there's still a problem that PennDOT needs to fix. Mr. Kern said we need an answer to that question. How much is the detention pond contributing to the flooding downstream in Leithsville? Mr. Kocher said he thinks the report that is on file from Jim Birdsall from years ago, already says that the original design of the detention basin is such that the designer showed to the satisfaction of the Township, LVPC and PennDOT that the rate of water going out to Flint Hill Road is no more in post development than it was in pre development. That's the extent of the responsibility that the industry had at that time. That doesn't mean that it didn't flood before Saddle Ridge. It just meant that after Saddle Ridge, the conditions of water to Flint Hill are no greater than they were in pre development. Jim's report to PennDOT says that and shows the overall draining to the facilities in question down at the intersection of 412. PennDOT's already got all the information to show the facilities along 412 are undersized and contribute to the flooding down there. Mr. Maxfield said the condition right outside the pond on Flint Hill has been a problem when it sheet flows. If that's not the source of the main part of the problem, it's got to at least contribute to it pretty well. It's got more problems than just dumping water. It's for some reason too close to the road, angled wrong, not enough buffering as it comes out of the pond, but when it rains heavily, it's hitting it at a good rate and it's jumping the gutter and going across the road. Mr. Kern said the contention is from Jim's earlier report that there is no more water than there was before and that it's the conveyance at the bottom of the hill, the old conveyance system that's causing the problem. Mr. Kocher said it's the runoff that's causing the problem. The issue is how do we keep the runoff moving and that's these conveyance systems. The conveyance system down along 412 is old and probably was never looked at by an engineering study or anything like that. The watershed contributing to those facilities is very large, much larger than the detention basins in Saddle Ridge. There's a lot more water coming to the area of flooding than just the pond. Mr. Maxfield said there's the possibility that is spread out more because when you are at the detention pond when it's happening, it's concentrated at that pond. Mr. Kocher said that's one of the inherent issues with detention ponds. That's why we moved away from that now. That's a prime example of why they are not the best form of storm water management, but they were then. Mr. Maxfield said when you are there you don't notice the water coming down the hill above it. Mr. Kocher said right. A lot of it is coming over land. When you get as far down as the intersection, you can see the water coming down from the detention basin. That's why everybody notices that. If it were just the water from the detention basin, those facilities would probably handle it. It's such a small watershed in comparison to the overall watershed. Mrs. deLeon said that's around the same time we stopped assuming the liability and the maintenance for detention ponds. Before it was the Township. You look at our budget and when it says we own property and the detention basins, we are responsible for them. Mr. Maxfield said eventually we still can be. Mrs. deLeon said it's a domino effect backwards, but that's why we started to deed them to the property owner. When she first got on Council, she wondered why we were doing that. Mr. Kocher said he did talk to some local people in the area, who say way before Saddle Ridge, that area flooded. You could ride canoes down 412. Mrs. deLeon said we were at meetings till the wee hours of the morning because of storm water before Saddle Ridge. Mr. Kern said if that detention basin didn't behave in the ways it's flooding

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or output of water it's doing now, would it alleviate problems down in Leithsville? When it rains and it's concentrated, it's gushing out on Flint Hill Road. If it wasn't gushing out on Flint Hill Road, would that have any effect on the flooding that's occurring in Leithsville? Mr. Kocher said from what he heard, if we completely shut off the flow from that pond, it would still be flooding down there. He hasn't studied that, but from all the accounts he got, it's easy to see that water come out of that pipe. Mr. Maxfield said you can see water coming down the hill on 412 to the intersection. We've heard there's another pond further up that empties into the same area Mr. Kocher said it's on the other side of 412. Mr. Maxfield said from what the residents say, that has overflowed at times. Mr. Cahalan said when they had the issue with Riverside Drive, they did have a meeting with PennDOT, the District 5 Executive, Bob Freeman, and Karen Beyer. That's what Brien is eluding to that maybe we need to move it up to that level and have a discussion with them about everybody's responsibility. Mrs. Yerger said Bob just reintroduced that new legislation on storm water, so she's sure he'll be more than willing to come to the meeting. Mr. Maxfield said can we get access to that pond enough to really get in there and examine it and see if it has been altered or witness how it works, do we have the right to do that? Mr. Kocher said the one in Saddle Ridge, in order to confirm, they would have to survey it. They looked at the outlet structures and it looks like it has not been altered. Mr. Cahalan said would you like us to move this issue to that level and request a meeting? Mr. Kern said absolutely.

- Mr. Kern said he has a request that the entrance sign in the front of the building have a little light on it so people can see the entrance to the park. He's been coming here for so many years, and he still misses the entrance plus it's nice to just light up that park sign for everyone who is coming in. Mr. Cahalan said okay, he will get it checked out.

Mrs. deLeon

- She asked if Mr. Cahalan reported on the recent PennDOT letter about Friedensville Road? Mr. Cahalan said it was distributed to everyone. Mrs. deLeon said the Partnership asked that we contact PennDOT. Mr. Cahalan said he sent the questions from the SVP off to Joe Rauscher that you asked. Mrs. deLeon said that's good, we'll wait for Mr. Rauscher's response.
- She said Hellertown-Lower Saucon Chamber met last night and they are holding a breakfast on Wednesday, January 27, 2010 at 7:15 AM at the Meadows. The topic will be energy saving tips combat high electricity and fuel prices. It's open to the public.
- She said if you recall Fall History Day in October, it rained, so the Historical Society we were going to move History Day to the Spring. We're hoping for dryer weather and the date will be April 24.
- She said the SV Conservancy is going to hold a "Meet the Artist" night on February 8, 2010 from 7 PM to 9 PM for Stephanie Faleski.
- She said we all got an email from Jack about PHMC wanting more information for the Heller Homestead. Mr. Cahalan said he sent you an email that they asked you some questions of Seth Henshaw and he sent the answers back.
- She said the date for the committee meeting in Harrisburg is April 6, 2010. Mr. Cahalan said he doesn't know the location. He thought they traveled around. Mrs. deLeon asked that Mr. Cahalan make reservations for a van like we did for the other one and see how many it seats and how many people from the Township are going to want to go. Mr. Cahalan said they can get a sixteen passenger van. Mrs. deLeon said there are several people from the Conservancy that helped accomplish this and provide information to Wise Preservation and she would like them to go, especially Isabelle Bauder, whose father was Mr. Yeager. Mr. Cahalan said he'd be happy to get a van if Mrs. deLeon could get a driver to drive the van. She said they will work on a driver. Mr. Maxfield said we rented that? Mr. Cahalan said we did that for the Historical Society when they went out to the meeting. Ron Horiszny drove it last time.

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- She said the Landfill Committee met yesterday for the quarterly meeting. They had a very productive meeting. They changed their meeting dates to be the next month because the quarters we were getting information from the landfill consultants, we were getting them the week of the meeting, so the consultants didn't get a chance to look at them in a timely fashion. They were always looking at them the next quarter. The staff is working on a list of general issues. She would like the landfill be put on the agenda for next meeting. The Landfill Committee is going to be requesting Council to send a letter to DEP and they are working on issues we have with the Gabion down drain test. There was a January 5 deadline that we don't know if they responded to. There's something with the quality assurance, quality control plan. It was probably updated and we don't have a current copy. There was a change in the construction of the liner system. We have these issues and need to get in touch with DEP. The consultant will be giving Mr. Cahalan the information for the Council packet.
- She said Tom Dittmar from Northampton County Environmental Services was at our SVP meeting and is interested in setting up a Solid Waste Advisory Committee again. It's been inactive and he'd like to re-activate it. There are state criteria for this committee. The County hasn't had it and it's a good idea to reactivate it and have the County take a more active role in regulating municipal waste. That means the plan and capacity agreements have to be looked at. They expired in 2002 and the updated 2005 draft was never approved by DEP. There is a lot of work that has to be done there. They are looking for a member. Unfortunately, she can't do it. Mr. Maxfield said he would be interested in doing it. Mr. Maxfield said he asked Mr. Cahalan to bring it up at the next COG meeting as he was an alternate and see if that was okay, and if he even could be considered for it. Mrs. deLeon said you would be representing the COG because you are a Councilman just like the other people on the committee with Ed Inghrim. They are not on the COG but are alternates. Tom Dittmar is interested what is going on at the IESI Landfill so does anyone have a problem with emailing him with the group email when Diane sends us quarterly reports and different landfill information and documents from DEP. Does anyone have a problem with that? Mr. Cahalan said the whole distribution of everything to the County? Mrs. deLeon said just a pdf. What do you mean by all? Mr. Cahalan said we have the log of documents that come in. Mrs. deLeon said no, the inspection reports. Should we come up with a list and give it to you? Mr. Cahalan said yes. Mrs. Yerger said your History Day has been set for the date that the recycling event is taking place. Mrs. deLeon said our date for History Day has been set and we have been doing this for five years. The date in April is our ongoing date. Mrs. Yerger said that's fine, as long as you are aware of it. We are subject to the availability of our hauler. It's fine with her.
- She said they also went to the City meeting about the enterprise zone. Mr. Cahalan said he reported to the SVP.
- She said the Gaming Committee Authority is meeting on Monday, January 25. The Act requires 1.2% of the gross terminal revenue to be distributed as follows: 20% to the host city which would be the City of Bethlehem; 30% to the host County; and 50% to the host County for purposes of making municipal grants within the County with priority given to the municipalities contiguous to the host city. That would be Bethlehem Township, Freemansburg, Hanover, Hellertown, Lower Saucon, the County of Northampton and the City of Bethlehem. Any other municipality not contiguous would have to partner with Northampton County to get a portion of their money. Northampton County would have to agree with that. As soon as we have their meeting and come up with drafts for distribution, she will forward them to Council. You'll get the by-laws, grant criteria and the other information. Mr. Maxfield said does any of those funds, are they the ones that are split with Allentown? Mrs. deLeon said not the part going to the County. That has already been given to them. We're not talking about the table games, this is still the slots. Mr. Maxfield said at what point does that come off the top for Allentown? Mrs. deLeon said we don't

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have control of that money. The State gives it to them. Mr. Maxfield said it comes before out 1.2%? Mrs. deLeon said correct.

D. SOLICITOR – No report

E. ENGINEER – No report

F. PLANNER – No report

VII. ADJOURNMENT

MOTION BY: Mrs. deLeon moved for adjournment. The time was 8:45 PM.

SECOND BY: Mr. Maxfield

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

ROLL CALL: 5-0

Submitted by:

Jack Cahalan
Township Manager

Glenn Kern
President of Council