
**The Township Building remains closed to the public.
This meeting will be held through a Zoom teleconferencing link.
Information to join the meeting will be provided on our website.**

I. OPENING

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

II. PUBLIC COMMENT – TOWNSHIP RESIDENT ONLY – 3 MINUTE TIME LIMIT – NON-AGENDA ITEMS

III. PRESENTATIONS/HEARINGS

IV. DEVELOPER ITEMS

- A. Steel Club Land Development – 700 Linden Avenue – Preliminary/Final Land Development Approval

V. TOWNSHIP BUSINESS ITEMS

- A. Jason Rodenbach & Brigette Staub – 4195 Country Side Lane – Request Variance for Side Yard Setback for Pole Barn
- B. Review of Quotes for Request for Proposals (RFP) to Hire Firm to Assist with WalkWorks Grant
- C. Authorize Advertisement of Lawn Mowing & Lawn Treatment Bids
- D. Authorization for Final Payment Release to Boyle Construction Inc. for Bathroom Renovations in Seidersville Hall
- E. Ordinance No. 2021-01 – Codification Updates – Authorize Advertisement
- F. Authorization for Final Payment to Watchguard for Police Department Body Worn Cameras

VI. MISCELLANEOUS BUSINESS ITEMS

- A. Approval of December 16, 2020 & January 4, 2021 Council Minutes
- B. Approval of December 2020 Financial Reports

VII. PUBLIC COMMENT ON NON-AGENDA ITEMS – NON-RESIDENTS ONLY

VIII. COUNCIL & STAFF REPORTS

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

IX. ADJOURNMENT

UPCOMING MEETINGS

Saucon Rail Trail Oversight Commission: January 25, 2021 @ 6:00 p.m. @ LST
Zoning Hearing Board: January 25, 2021 @ 7:00 p.m.
Planning Commission: January 28, 2021 @ 7:00 p.m.
Parks & Recreation: February 1, 2021 @ 6:30 p.m.
Township Council: February 3, 2021 @ 6:30 p.m.
Environmental Advisory Council: February 9, 2021 @ 6:30 p.m.
Saucon Valley Partnership: February 10, 2021 @ 6:00 p.m. @ HB

I. OPENING

CALL TO ORDER: The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, January 20, 2021 at 6:32 p.m., via Zoom, with Mrs. Sandra Yerger, presiding.

ROLL CALL: Present: Sandra Yerger, President; Jason Banonis, Vice President; Priscilla deLeon, Kristen Stauffer and Thomas Carocci, Council Members; Leslie Huhn, Township Manager; Cathy Gorman, Director of Finance; Brenda Detweiler, Administrative Assistant; Jim Young, Zoning Officer; Linc Treadwell, Township Solicitor; Thomas Barndt, Chief of Police; Brien Kocher, Township Engineer & Tyler Dickens, Jr. Council Member.

PLEDGE OF ALLEGIANCE

ANNOUNCEMENT OF ANY EXECUTIVE SESSION (IF APPLICABLE) - Mrs. Yerger said Council did not meet in Executive Session this evening.

PUBLIC COMMENT PROCEDURE

II. PUBLIC COMMENT – TOWNSHIP RESIDENTS ONLY – 3 MINUTE TIME LIMIT – NON-

AGENDA ITEMS – Mrs. Yerger said we do welcome input from everybody but we ask that you keep your comments to three minutes per item. If you want to speak, please raise your hand. No one wished to speak.

III. PRESENTATIONS/HEARINGS – None

IV. DEVELOPER ITEMS

A. STEEL CLUB LAND DEVELOPMENT – 700 LINDEN AVENUE – PRELIMINARY/FINAL LAND DEVELOPMENT APPROVAL

Mrs. Yerger said the Steel Club located at 700 Linden Avenue is requesting Preliminary/Final Land Development approval for Phase #2, which includes proposed improvements at the existing country club site, along with the proposed 37-lot townhouse subdivision off of Apple Street, known as Ross Hill Road. Mr. David Spirk, owner; Jim Preston, Attorney; and Scott Mease, Mease Engineering were present. Mrs. deLeon said are you going to put up a plot plan to show everybody where everything is on the site.

Mr. Mease said this is basically the Preliminary Final Plan, which is a combination of taking that original sketch plan, putting that together, and then doing all the engineering to develop it to the point at what you have today. The footprints and the development are very similar to what was proposed with the sketch plan, little tweaks here and there to make things work engineering-wise. The highlights are they have a private road coming off of Apple Street that will serve 37 residential units. They have the golf course land development right in the upper middle of the plan. He pointed out where the country club is at, the main entrance to the country club and that's future development for a parking garage, additional parking, some suites, a two-story driving range, a turf field and then ultimately we have a new driveway entrance that would come down to Durham Street. That's what is being proposed and it's called Phase 2. As you remember from the sketch plan, there's additional housing units that would be built over by the high school and then over on Wassergass Road, so there's three locations of residential units. That hasn't changed. This is Phase 2, which is just for the 37 units coming in off of Apple Street and the land development around the country club itself.

Mrs. deLeon said there's 37, what are the number of units in the other two phases. Mr. Mease said it's a total of 159 and the other two developments are probably split of what is left when we take the 159 and subtract 37. Mrs. deLeon said the suites you were talking about, can you explain that. Mr. Mease said he'll give you the engineering perspective and Dave Spirk is here and he can tell you the thinking behind that. Basically, there's two wings, and the suites would be where rooms could be rented for times when they have weddings or parties and who wants to stay here. It would be a function and things like that. Mrs. deLeon said that's allowed in our regulations? Mr. Mease

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said yes. Mr. Spirk said it's a relatively common thing now. They actually host the wedding ceremony and the banquet itself and people don't want to drink and drive anymore so what they do now is shuttle them to the Holiday Inn off of Cherry Lane. They have a good relationship with them and quite frankly, they are just trying to be competitive and get more of the market share of the restaurant and the event business.

Mrs. deLeon said how many suites are you going to have then. Mr. Mease said there's a total of 50. Mr. Spirk said we really didn't have any weddings in 2020, but wedding are usually about 150 to 200 any wedding event, Chamber event, so it's usually 2 or 3 to a room, so 50 probably is a good number. During the week they would have very little rentals obviously, but they would like to attract some business. Business means trade shows, things like that at the club during the week and use those guest suites for that scenario. Mrs. deLeon said what makes this different from a hotel and with the regulations we have? How is it stated in our regs that permits this? Attorney Treadwell said his recollection is that the Zoning Ordinance allows for guest suites as part of this use that when we adopted the residential golf course use, we allowed as an accessory type use the guest suites in that section. Mrs. deLeon said what determines the number of suites then. Attorney Treadwell said the Zoning Ordinance does not have a number in it, it just allows guest suites as an accessory use. Mrs. deLeon said this is the only area this could happen in, correct. Attorney Treadwell said it's the only area we know of right now in LST that meets all the requirements.

Mrs. deLeon said what about stormwater and traffic. Hellertown sent us a letter, is anybody going to address the stormwater comments they made? Mr. Mease said they submitted the plan and revised it. What you are seeing tonight is a combination of five revisions of the plan and the stormwater part has been reviewed by the Township Engineer and they made quite a few changes to bring the plan into compliance with the Township ordinances. Mrs. deLeon said she is just wondering if you could do something beyond that to consider our downstream neighbors because of the history of the flooding in this area. Mr. Spirk said what they intend to do in conjunction, and hopefully with the blessing and help of LST, and he's already talked to Hellertown Borough about this, what they'd like to do with the Silver Creek as it runs through the property, as shown on the screen. About ten or so years ago, Northampton County and Lehigh County came up with a program to make, that any landowner who wished, would get County, State and Federal help if they made the creeks not so much of a channel with steep banks, something more tapered. He believes and maybe Linc can chime in on this, Saucon Valley Country Club, another golf course with parts in LST. In fact, he wonders if the parts they worked on in Weyhill Golf Course might even be in LST. He's not sure it was completely funded with government help, but they did a stream bed restoration or renovation that allows any volume that comes in a heavy rain to sort of dissipate left and right instead of channeling through the creek bed quickly downstream. They would like to do this at the Steel Club, and he had this conversation with Hellertown Borough. There's two things that he thinks would benefit our downstream neighbors and quite frankly, it looks better. What Saucon Valley Country Club did on their golf course it makes it more attractive.

Mr. Banonis said as he recalls, didn't Saucon Valley receive some national awards for that and specifically from the National Audubon Society or some environmental group for the improvement of the environment and the creation of areas where natural wildlife would thrive.

Mr. Spirk said he knows they have, but he doesn't know if it was just for that streambed restoration project. He thinks it was part of it, for sure. He thinks they put bird boxes up and they did a lot of things that make it much more attractive. Back to the point, it's more attractive and quite frankly, in this case, the golf course. You are more than likely going to be successful at it and people are going to want to be there, and enjoy it. Most importantly, in heavy rains, the amount of water that comes into their land, and they took some videos during the last storm, is amazing. There's very little impervious within hundreds of yards of the creek as it's a couple hundred acre golf course that the creek goes through. The water just shoots through the creek bed as the creek bed is quite frankly just a trough. What they would like to do is change that from a bank that's just almost 90

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degrees to something that is tapered very slightly, has a certain amount of vegetation, that's a better riparian buffer, all those things that make the water cleaner and make the golf course look a little bit better. It does take some time and effort and money, but they are going to do that as long as everybody, all the players, Steel Club, LST, Hellertown, and Northampton and Lehigh County. It's a dual county thing, that's why he throws Lehigh County in. He thinks Lehigh County is the main administrator of the project to the Federal and State government. That's the plan.

Mrs. deLeon said on your subdivision and application before us tonight, there's nothing there that you could go one step beyond what our regs are to help with the stormwater issue. Mr. Mease said they actually do have three stormwater BMP's, we have an infiltration trench and an infiltration basin and a rain garden. The trench would actually be constructed underneath the turf field and then the infiltration basin is located in an area he pointed out on the plans, and the rain garden is located in another area he pointed out of the plans. He said they are rather large stormwater BMP's and control a lot of stormwater.

Attorney Treadwell said is that the stormwater facilities that are designed to control the stormwater from the 37 units? Mr. Mease said the one in particular will be the stormwater basin right in this location, an area he pointed out on the plans, and that will control the stormwater coming from the 37 units. They will collect it in inlets and pipe it down and let it store in that basin and infiltrate into the ground. Attorney Treadwell said the other two facilities that you described are extra. Mr. Mease said they are mainly for the future development. For instance, when the turf field is built, they are putting an infiltration trench beneath that. That will all be extra except for the times of the year when they put a bubble on top then the water will sheer off that and the majority of the year that will all receive stormwater.

Mrs. deLeon said when you come before us for the other two phases, then are you going to be doing any additional stormwater facilities or is this what it is. Mr. Mease said absolutely. Mr. Spirk said the stormwater they are proposing now, that's detailed on the plan now, have nothing to do with the other two, which by the way are really the ones that you could argue would more affect the Silver Creek even though they are hundreds of yards away from Silver Creek. At that point, he thinks that they would be a little further down the road with the creek bed restoration. They are going to ask that they have letters written from Hellertown Borough, from LST Council that say we really want to do this. This is going to be good for not only LST and Hellertown, but everybody downstream. It's a grant type improvement that we are going to be looking for. The creek when it goes one from end to the other, maybe ¼ of a mile, it's a substantial amount of work that they do not have to do, but they believe it's the right thing to do. It's the thing to do for the community and for our neighbors and he thinks that is what they were referring to in their letter – can we do something to the creek so the water doesn't shoot right down. What it hits first is it goes under the pool and then into the park. They lost about 4 or 5 feet of the creek. It was just mud and dirt and Hellertown Public Work were out after the last storm, and he told them they lost 4 or 5 feet of creek bed that the water rushed through their property so quickly and Mr. Yonney said he knows, it's all down on Main Street. Again, they had virtually no impervious, there's some cart paths around, but the water mostly came from upstream of their property and shot through. They have video of it coming under Reservoir Road onto the property. It was amazing the amount of water. Mrs. Yerger said it was classified as a 500 year storm she was told, not a 100 year storm. Mr. Spirk said he would believe that.

Mrs. deLeon said what's the timeline for the next two phases after this one is started? Mr. Spirk said Scott has one day off and then he has to start working on the next phase. Mrs. deLeon said do you hear that Scott? Mr. Mease said he hopes its Christmas. Mr. Spirk said he wants to go as quickly as possible. The club's financial success depends on these townhouses. Mrs. deLeon said she's not suggesting rushing you, she just wanted to know in her mind what the timeline was and if there are any problems with stormwater, maybe they can be corrected in the next two phases then. Mr. Spirk said he doesn't think they are going to see any issues with stormwater. What Scott did, he's the creative guy when it comes to handling the stormwater and Linc was trying to make this

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point as well, they could have made a giant basin, but they did a combination of what they believe to be the best and the latest technology, which is rain garden and infiltration. He doesn't think he would ever do anything again where it's just a giant basin. He doesn't think it's the responsible thing to do, but you could do it. They could get away with a giant basin, and so they did an almost football field size infiltration, which is stone and pipe where you recharge the ground immediately and a rain garden, the same thing. You put vegetation in there that likes to be wet and it recharges the system. Mr. Mease said it has an aesthetic value too and it looks nice when you plant it properly. Mr. Spirk said there's no question about it, it's more expensive for them to do but it's the more responsible thing to do.

Mr. Banonis said he wants to congratulate Mr. Spirk personally and Scott and everyone else on your team. You guys have maintained a successful operation this past year under far less than ideal circumstances and you've put together a very comprehensive and sensible proposal here over an extended period of time. You really have acted responsibly and with great vision. What you are proposing here and have proposed over the course of months and years is really a gem for the Saucon Valley Community. He thinks that will enhance everyone who lives here, so congratulations on that and thank you for doing that for the community. He's going to make a motion.

- MOTION BY:** Mr. Banonis moved to provide a conditional preliminary final subdivision land development plan approval subject to the following conditions: The Applicant shall address the review comments contained in the letter dated November 13, 2020 from Hanover Engineering Associates, Inc. to the satisfaction of the Township Council.
1. The Applicant shall address the stormwater management review comments contained in the Lehigh Valley Planning Commission letter dated December 23, 2020.
 2. The Applicant shall obtain approval from Hellertown Borough for the proposed land development improvements and water and sanitary sewer services and provide copies of the approvals to the Township.
 3. ~~Lower Saucon Township and Hellertown Borough shall enter into any necessary agreements for the proposed water and sanitary sewer services.~~
 4. Any granted waivers, deferrals, and variances, with any conditions, shall be denoted on the Plan in a manner satisfactory to the Township Solicitor.
 5. The Applicant shall provide two (2) Mylars and seven (7) paper prints of the Record Plans with original signatures, notarizations, and seals.
 7. The Applicant shall provide two (2) CDs of all Plans in both a functional AutoCAD format (e.g. .dwg) as well as a static image format (e.g. .jpeg or .pdf).
 8. The Applicant shall pay any outstanding escrow balance due to the Township for review of the Plans and preparation of legal documents.
 9. The Applicant shall satisfy all these conditions within one (1) year of the date of the conditional approval unless an extension is granted by the Township Council.
 - B. The granting of the following Subdivision and Land Development Ordinance (SALDO) and Stormwater Management Ordinance (SMO) waivers:
 1. SALDO Section 145-22
 2. SALDO Sections 145-33.C.(1) and 145-34.C.(3)
 3. SALDO Section 145-33.C.(2)
 4. SALDO Section 145-33.C.(3)
 5. SALDO Sections 145-41.B.(4) and 145-45.B.(9)
 6. SALDO Section 145-43.A.(6)
 7. SALDO Section 145-43.A.(8)
 8. SALDO Section 145-45.B.(10) and Appendix A-2
 9. SALDO Section 145-45.C.5
 10. SALDO Section 145-45.F.(1)
 11. SALDO Section 145-47.B
 12. SALDO Section 145-52.C

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13. SMO Section 137-14.M
 14. SMO Section 137-17.I.(6)
 15. SMO Section 137-18.C
 16. SMO Section 137-18.H
 17. SMO Section 137-18.I
 18. SMO Section 137-18.L
 19. SMO Section 137-18.N
 20. SMO Section 137-18.O
 21. SMO Section 137-19.G.(1)
 22. SMO Section 137-19.G.(12)
 23. SMO Section 137-19.G.9(13)
 24. SMO Section 137-23.M
 25. SMO Sections 137-26.B.(13) and 137-37
- C. The granting of the following Stormwater Management Ordinance (SMO) deferral:
1. SMO Sections 137-11.G and 137-37.C

SECOND BY: Mr. Carocci

Mrs. Stauffer said of all these waivers and the various sections that Jason listed, she wanted to know if there were any of special attention that Mr. Kocher would have concerns over other than what he has written in the letter. Mr. Kocher said no, he classified them as the fact that they are private roads and private stormwater management facilities and we've gone over them pretty extensively with Scott's office, and we've been through five revisions. Scott's office has been very responsive to our comments and we reviewed them extensively with the Planning Commission so they have no issues with any of them.

Mrs. deLeon said can you explain No. 20 under the waivers regarding emergency spillway height. Mr. Kocher said the ordinance section is really written for the old conventional style detention basins that were kind of deep holes at the bottom of developments, which no one really liked, so DEP has revised their standards to make them kind of wider and not quite as deep so they aren't requiring typical emergency spillway that we've seen 20 or 30 years ago as they are not that type of dam, if you will. Mrs. deLeon said what about No. 24 with the waiver to exceed maximum allowable slope of three horizontal. Mr. Kocher said they have that requirement in there for a time when we had these deep basins in residential areas, and we didn't want them too steep so that if somebody got in, it wasn't too hard to get out of. These basins are not really in the residential area, they are not very deep at all and they are privately maintained, so Dave's crew have to maintain them at a very steeper slope, but he has professional landscapers that can do that. Mrs. deLeon said and the equipment. Mr. Kocher said correct.

Attorney Preston said this is a bookkeeping item based on a conversation he had with the Township's Solicitor today, just so we're clear what's before Council regarding the improvements in the Township. We're not seeking approval for anything that may be shown in Hellertown, we understand we have to go to Hellertown to get approval for that, so he just wanted to make that clear. Attorney Treadwell said does that include the driveway that Scott referenced earlier. Mr. Mease said that driveway they will be removing from the plan. Those improvements shown in the Borough of Hellertown will be removed from the plan, and he spoke with Brien earlier today to clean that up. Mr. Banonis said just to be clear when he made his motion, he excluded 3 under A, which was obtaining approval from Hellertown Borough with the understanding that it pertained to the item that has been removed from this plan.

Attorney Treadwell said he would suggest that instead of excluding item 3, change item 3 to "the applicant is removing the improvements located in Hellertown Borough from the plan and will do so prior to the Township signing the plan". Mr. Banonis said he'll gladly add that to his motion.

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MOTION BY: Mr. Banonis moved amend his previous motion and change No. 3 to “the applicant is removing the improvements located in Hellertown Borough from the plan and will do so prior to the Township signing the plan”.

Mrs. deLeon said will it change before it’s recorded? Attorney Treadwell said correct. Mr. Kocher said when you take that driveway off, your traffic distribution was indicated on that driveway as located in its new location, will you give us a redistribution of the existing driveway. Mr. Mease said we can, we didn’t talk about that earlier. Actually when that driveway would be needed would be when we are getting to the max development and have everything else developed, that’s when that would necessitate putting that in, so the amount of traffic would be much less currently until we get to that position, and hopefully that answers your question. Mr. Kocher said yes, as long as you are willing to work with him and Linc to note to that effect. Mr. Mease said absolutely. Mrs. deLeon said are these notes going to be added to the plan. Mr. Mease said yes they will. Mrs. deLeon said Linc you’ll approve that. Attorney Treadwell said yes, they’ll come into the Township and he will look at them with Brien like they do most plans.

Attorney Treadwell said the only other outstanding issue that was in the Hanover review letter was the question of recreation fees. This project has as you can tell a lot of golf course in it that will be restricted open space so it can’t be developed in the future. So that we’re clear going forward, is Council’s okay with them not paying recreation fees or do you want to see recreation fees? Mrs. deLeon said she wants to see recreation fees. Mrs. Stauffer said can we review the numbers of what the fees will be for the record. Mr. Banonis said his position on this is that they are already providing substantial recreation and they are providing substantial preservation of open space that otherwise could be developed into single family homes, eliminating both open space and recreation so his position is to allow a waiver of the recreation fees and he’ll make a motion to that extent.

Mrs. Yerger said hold on, we already have a motion on the floor. She asked Linc if she should do this one first or do we have to go back. Attorney Treadwell said let’s do the recreation fee first because it’s an issue that needs to be decided prior to the plan approval. Mrs. Yerger said she assumed that, but just wanted to clarify that.

Mrs. deLeon said do we know how much these rec fees are. Mrs. Stauffer said yes, she’d like to know. Mrs. deLeon said how much is it per lot. Mr. Kocher said it is about \$3,100 per residential lot and the non-residential component is a little bit more complex as you have to convert the area into one acre single family lots so he doesn’t know that figure. Mrs. deLeon said are we going by the 159 or are we going by the 37 that are before us tonight? Attorney Treadwell said there are only 37 on this plan. Mrs. deLeon said who is good at math. Attorney Treadwell said \$114,700 approximately. Mrs. deLeon said don’t we usually use rec fees to pay for improvements in other parks. That’s the reason we set this fee, so now we are going to be missing out on these fees and the taxpayers are going to have to pay.

Mr. Banonis said we’re not missing out on anything as we never had this fee before. Mrs. deLeon said yes we have, every subdivision. Mr. Banonis said no, from this particular development, so you are trying to create a windfall to the Township to the detriment of the developer here. Mrs. deLeon said a windfall to the taxpayers. Mr. Banonis said they are already taking huge steps to provide recreation within the boundaries of this property. He just thinks it’s bad for us to expect such preservation of open space and provision of recreational facilities, golf, disc golf and everything else that’s being proposed here, swimming.

Mrs. Stauffer said aren’t those only open to residents. It’s a question regarding the activities being listed. Mr. Banonis said he’s not done talking, so let him finish please. He thinks it’s actually a bit insulting to request this when the developer is already providing it. It seems to be overreach on part of the Township. Mrs. Stauffer said for the activities that Jason listed, and that you are developing as part of this plan, are those open to the public, anyone can come on to the property to use those facilities without having to pay? Mrs. deLeon said her understanding is they have to pay a substantial fee to be able to...Mrs. Stauffer said to be able to play disc golf, any of those, is that

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true. Mr. Spirk said his understanding when they were debating whether they should cover these 280 acres in single family homes or preserve it and he would have to say that there were two members on Council at that time, Priscilla deLeon and Sandra Yerger, and they were very convincing to him that it's his decision to keep and create open space.

Mrs. deLeon said we're talking two different animals here. We're talking open space. Mr. Spirk said the reason he was building cluster home townhomes was to preserve a significant amount, in fact, most of the property as open space which would then avail him of, not avail him, the issue of paying for that. You're either creating open space, in which we are doing in perpetuity, or covering the single family homes and paying a Parks & Rec fee. Mrs. deLeon said she thinks we're talking apples ...Mr. Mease said it is open space and recreation, you can dedicate land to open space or if not, that's where you pay the fee. Mrs. deLeon said she's very familiar with that process. We did that with Society Hill, they didn't fulfill their requirement along the Saucon Creek so they had to purchase the land for Southeastern Park, and so we ended up getting that in lieu of the money, but when, David please, when you were before us five years ago, she never said she was waiving any rec fees, we were talking about...Mr. Spirk said he's sure it's in the minutes and he's sure she did not say you were waiving it, believe him, he spoke about it and it's his understanding the ordinance says open space or recreation.

Attorney Treadwell said the recreation land requirement is there's two options that are available to the developer. One you dedicate land. If you are not going to dedicate land, then you can pay the fee. The recreation land requirement states that it must be land open to the residents of the development, not open to every resident of the Township, so if the recreation land they are showing on here is open to the people that live in the development then they've met the recreation land requirements. Mr. Banonis said he thinks Tom is muted and he may want to speak. Attorney Treadwell said is the land here for recreation, you assume if you look at the golf course and everything else on here as recreation, it's open to residents of the development. Mrs. Yerger said right. Attorney Treadwell said then they've met the dedication requirements.

Mr. Spirk said the genesis of the fee is that for every unit and family that moves in, the Township, the municipality, is obliged to have some park space for them, but if they create something that is open space for perpetuity and is available for all those lots that they are creating for those people to use, they have met that requirement.

Mrs. Yerger said Mr. Spirk is referencing open space in perpetuity so is there a deed restriction that does stay in perpetuity, this is where she's a little...Attorney Treadwell said there will be a conservation easement on the land that is now the golf course. Mrs. Yerger said that's what she needed to know. Mrs. deLeon said that's something different. Attorney Treadwell said that's required by the Zoning Ordinance. Mrs. deLeon said that's different than what we are talking about. Attorney Treadwell said yes, open space and recreation land are different, but the section he just read from the SALDO is the recreation land that is required and it says dedicated land must be accessible to the development residents, not to everybody that lives in the Township. The recreation land needs to be accessible to the people that live there and if they can't provide that then the second option is to pay the fee. What he's heard is that this recreation land is accessible to the people who live there so it is what it is.

Mr. Carocci said he would like to point out that they kept their pool open this summer during COVID having to deal with the extra expense and hassle of COVID whereas Hellertown obviously decided to close the pool, which the Hellertown pool also charges LST residents a fee for, but this was open to the public for a fee, that's true, for a fee, but Mr. Spirk took the risk of a possible COVID outbreak at the pool, he took the risk of the government shutting him down for not following all the COVID rules, even though he did follow all the COVID rules and as far as providing recreation, he has and he assumes he will in the future.

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Mr. Spirk said thank you Tom, that's true. They have a lot of Hellertown residents that use their facility and by the way during COVID when the golf course was closed, most of Hellertown and LST residents walked the land. The Club allowed anybody who felt like they wanted to get out of their house and walk around their beautiful 280 acres, they did. They are talking about a substantial amount of money but this was factored in when he made the decision of whether to cover the entire place with single family homes or to take on this scenario of keeping the country club, keeping an area for events, ultimately the golf course. It would have been much easier to cover this in single family homes, believe him.

Mrs. deLeon said Leslie, could you do her a favor and look through those minutes, she'd like to see that reflected in the minutes as she doesn't recall that conversation. Mrs. Yerger said let's circle back as to what Linc said. Mr. Spirk is in compliance with our Park and Rec. ordinance as far as open space in lieu of the Park & Rec fee, is she correct. Attorney Treadwell said it's recreation land the technical term. It's the fee that actually comes in lieu of the land. In this case they have enough land to meet the requirement that's open to the residents of the development.

Mrs. Stauffer said our zoning codes don't say within this golf course zoning that x amount of land has to be dedicated and set aside, there's nothing written that says...Attorney Treadwell said there's an open space requirement in the zoning ordinance as well as where there's the conservation comes in that the golf course area will perpetually remain as open space even if the golf course goes away. Mrs. deLeon said that's what she remembers from those meetings. Mrs. Yerger said yes. Mrs. Stauffer said the several courses that are there already, they would have always stayed no matter what the recreation land was decided. No matter what was decided what was going to be put there, that land would have stayed. Mr. Spirk said no. They could have covered it with single family homes.

Mrs. deLeon said that was their guise to get us to change our zoning to tell us they were going to cover it with houses everywhere and that's what they said they were going to do if they didn't change the zoning. Mr. Spirk said he doesn't know what the implication is but it would have been more profitable, easier and cheaper. This undertaking is certainly more risky and much more expensive and it's taking much more time. As he said before, he talked about the open space in lieu of rec fees as a part of the attractiveness of this course of action, keeping the country club, keeping the golf course, and building cluster development, which are townhouses.

Mrs. Yerger said can you give us at least an estimate of what is the acreage of the open space. Mrs. deLeon said do you mean for the easement. Mrs. Yerger said yes, what's going to remain in open space, just for the record. Mr. Mease said he'd have to check the plans to be sure, but he thinks it's 50% so you are talking about 100 acres. Mrs. Yerger said that's what she thought. We aren't talking 5 acres here, we're not talking about 10 acres here. Mrs. deLeon said is that in writing yet. Mr. Mease said it's a requirement on the plan, he doesn't have that plan sheet in front of him, maybe Brien knows off the top of his head, he doesn't recall, he thought it was 50%. Mrs. deLeon said the plan that's in front of us tonight is in there. Mr. Kocher said it's a comment in their letter so they will need to satisfy that before they record the plan with the appropriate restrictions. Mrs. deLeon said okay. Mrs. Yerger said what is the percentage. Mr. Kocher said he doesn't know off the top of his head let him see if he can find it.

Mr. Banonis said if we can circle back to his motion, his motion is to waive the rec fee. Attorney Treadwell said Jason, you are waiving the rec fee. You'd be saying that the land that they have is acceptable and qualifies. Mrs. Yerger said do we have to do a motion on that Linc. Attorney Treadwell said we should because otherwise six months from now, we'll say what happened. Mr. Banonis said he'll amend his motion that the land that has been set aside qualifies and satisfies the requirements.

MOTION BY: Mr. Banonis moved to amend his previous motion and add that the land that has been set aside qualifies and satisfies the requirements of the recreation ordinance.

SECOND BY: Mr. Carocci

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Mr. Bryan Evans said he wanted to comment as a neighbor to the project, there's always apprehension with change, but he thinks most would agree this is positive development in good use and steward of the property for our community. It's also been pretty widely covered that the property and project has been good community partners typically with some of the emergency services in the Hellertown area and he hopes to see that continue and extend to the LST area where the majority of the property resides, a welcome project for the community and welcome neighbor. Mr. Spirk said thank you Bryan.

Ms. Victoria Opthof said she thinks given the vagueness of the Township's own regulations on this issue it would seem to her that the intent of the Township putting their regulations as either open space or rec fee. At least maybe somebody can look into seeing whether or not there was discussion on what the intent of what that language was to see if it would apply to a private property for rec space as you'd have to be a member of the golf course to be able to use that space. With that being said, she would think the rec fee should be applied given the fact that it's not open to everybody, but she will say...Attorney Treadwell said what's vague about what he said? Ms. Opthof said what you said wasn't vague, what she's saying is the language within the meaning of the ordinance doesn't specify whether it applies to both private and public property. Attorney Treadwell said it says 2,000 square feet per unit that is accessible to the residents of the development. That's not vague to him.

Mr. Banonis said he wants to clarify that you do not need to be a member of the club to access the property. You need to be one of the residents of the 37 units that are being proposed, correct? Mr. Spirk said correct. Attorney Treadwell said the 37 people that live in those units have to be able to access the rec land and its 2,000 square feet per unit so that's 74,000 square feet which is less than two acres. Mr. Mease said yes. Attorney Treadwell said and this has 100 acres. The minimum open space requirement is 50%. So you have to have way more open space than you have to have rec land.

Ms. Opthof said she apologizes, she missed that part of your presentation. She understood it to be it had to be open to everybody in the Township, so she apologizes and the other thing she wanted to say was she does appreciate the golf course and the offerings that are provided and she sees the golf course has offered a lot and she thinks it is a positive addition. Mr. Spirk said thank you.

ROLL CALL: 5-0

Mrs. deLeon said yes, but she's not happy about it. Mrs. Stauffer said yes, but she thinks it would be worth revisiting our zoning because she does think that money could have been recreation money and develop many of our other parks for residents who don't necessarily have to pay to use the land. Mrs. Yerger said she will add that the opportunity to have 100 acres roughly, we haven't gotten the exact number, anywhere in this Township in lieu of recreation fees is quite honestly in her opinion, a bargain as she knows what it would have appraised at or have a good idea what it would have appraised at. Mr. Banonis said he would add to that, not just 100 acres, but 100 acres smack in the middle of Saucon Valley. Mr. Carocci said with opportunities for people to have recreation that live there; and he allows the public like last year with the fireworks display. It's not that it's a closed club, there's plenty of opportunities. Mrs. Yerger said again, 100 acres of open space is 100 acres of open space and we all know what it's been appraising at lately in the Township. Mrs. Stauffer said that's definitely true, the open space is helpful to preserving the character of our Township for many years to come. She also is saying any opportunity the Township can have for investment from developers in other areas of our Township to beautify it and continue that, is also a good thing. Mrs. Yerger said she isn't going to deny that, it was an opportunity in her book.

Attorney Treadwell said he'll refresh everyone's recollection – it was the draft motion with the change to the third condition being that the applicant is going to remove the improvements that you see on this current plan on the Borough of Hellertown prior to the Township signing the plan. Mrs. Yerger asked for a motion as stated by the Township Solicitor.

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MOTION BY: Mr. Banonis moved for approval of the Preliminary/Final Subdivision and Land Development Plan as stated above by the Township Solicitor.
SECOND BY: Mr. Carocci
ROLL CALL: 5-0

V. TOWNSHIP BUSINESS ITEMS

A. JASON RODENBACH & BRIGGETTE STAUB – 4195 COUNTRY SIDE LANE – REQUEST VARIANCE FOR SIDE YARD SETBACK FOR POLE BARN

Mrs. Yerger said the applicant is proposing to construct a 24x40 foot detached garage requiring side yard setback. The required setback is 40'; they are requesting 15'.

Mr. Banonis said as he understands it, the hardship is that you have a new septic field in your back yard and this is the only location you could put this pole barn. Mr. Rodenbach said that is correct. The septic is less than a year old. Mrs. Yerger said what she saw from his description, it runs like pretty much down the middle of his yard. Mr. Rodenbach said it was great, not by design, by any means. Mr. Banonis said how do your neighbors feel about this. Mr. Rodenbach said he talked to them today and the one neighbor close to the barn that would be put up, he's actually anxious and asked why isn't it up yet so he can start moving some of his stuff into Mr. Rodenbach's garage which he thought was very nice and convenient. He didn't know he was going to be the one helping him out, he thought it was for him but guesses he was wrong.

MOTION BY: Mr. Banonis moved to take no position on this request for a variance from Section 180-23 for the side yard setbacks to reduce it to 15' where 40' is required in the ordinance.
SECOND BY: Mrs. deLeon
ROLL CALL: 5-0

B. REVIEW OF QUOTES FOR REQUEST FOR PROPOSALS (RFP) TO HIRE FIRM TO ASSIST WITH WALKWORKS GRANT

Mrs. Huhn said the Township advertised for proposals to hire a firm to assist in the WalkWorks Grant that was awarded to Lower Saucon Township. One proposal was received for consideration from McMahan and Associates. They reviewed it and have done work on this type of project for WalkWorks with other municipalities. They've worked with Eastern Monroe County, Upper Providence Township, Spring Gettysburg and Hatfield Township. We also have with us tonight Natasha Manbeck if you have any questions, she would be our lead person to be working with the Steering Committee. They looked at the proposal and think they are qualified and we would recommend to Council to award the project to them. We can get this project going and they can deliver a product within the 8 months which is our grant timeline as well.

Mr. Banonis said he looked at this as well and was a little bit disappointed to see we only had one applicant, but then when he dug deeper and looked at the credentials, he thinks they are superbly to handle this. They've handled this many other places and since he's the Township Council liaison to this group, he's very comfortable with their credentials and what they are proposing. Mrs. deLeon said she agrees with Jason. She was a little disappointed we only got one, but in reading their proposal it was very impressive. Mrs. Huhn said one good one is all you need.

MOTION BY: Mr. Banonis moved to hire McMahan Associates, Inc. to assist with the WalkWorks Grant in the amount of \$20,000.00
SECOND BY: Mrs. deLeon
ROLL CALL: 5-0

Mrs. Huhn said they will send out an email tomorrow to all of the volunteers on the Committee and get something set up and get ready to go.

C. AUTHORIZE ADVERTISEMENT OF LAWN MOWING & LAWN TREATMENT BIDS

Mrs. Huhn said this is being tabled until the next meeting as we are trying to get some more information and put something together regarding our lawn treatments. This was just to authorize the advertisement, we are still in January and both lawn mowing and treatment would look to start around April so we are good with timing.

D. AUTHORIZATION FOR FINAL PAYMENT RELEASE TO BOYLE CONSTRUCTION INC. FOR BATHROOM RENOVATION IN SEIDERSVILLE HALL

Mrs. Yerger said Boyle Construction has submitted their final payment request in the amount of \$31,565.36 for the bathroom renovations in Seidersville Hall. Staff is requesting authorization to release payment. Mrs. Huhn said we are very pleased with the work and they did a great job. Roger has inspected it and said that everything has done according to our project and plans, so this would be the final installment for them. Cathy Gorman notified her today that we were provided with the performance bond so we have that in hand and can release that money.

MOTION BY: Mrs. deLeon moved to authorize the release of final payment to Boyle Construction, Inc. in the amount of \$31,565.36 for bathroom renovations in Seidersville Hall.

SECOND BY: Mr. Banonis

ROLL CALL: 5-0

E. ORDINANCE NO. 2021-01 – CODIFICATION UPDATES – AUTHORIZE ADVERTISEMENT

Mrs. Yerger said Ordinance No. 2021-01 has been drafted to address some housekeeping issues in the Administrative Code such as titles that have been revised over the years.

Mrs. Huhn said this is some housekeeping issues and cleaning up of our code which hasn't been updated. In the administration portion, you'll see that we reference the Township Accountant which is now the Director of Finance. The District Justice has changed to Magisterial District Judge. We have animal control, which we now have a Dog Control Officer. We have the enactment of an ordinance leading the term five days as our ordinances are effective ten days after being adopted. We have the Deputy Manager, and never had any and the term should be Assistant Manager, which we currently don't have filled, but it would be a position available. We also have the phrase "properties and facilities" changing that to Department of Public Works Properties and Facilities. We are also changing Road Foreman, which has become Roadmaster, and the last one is we are recommending changing the payment of our Controller to a monthly stipend and we took that amount that is budgeted annually instead of per hour and him having to track his hours to come in and sign checks or review budget items and replacing that with \$225 payable monthly.

Mrs. deLeon said that's not effective until the next election. Mrs. Huhn said yes, the next term. Attorney Treadwell said it's not changing his amount. Mrs. Huhn said that's true. Attorney Treadwell said the only thing that would have to wait until the next term is if we changed the amount. Mrs. deLeon said in the past it was an hourly rate, it was never a cap on it or a dollar amount. You never knew from year to year how much money he was going to get paid. Mrs. Huhn said she thinks Cathy looked back and it has been on average the \$2,700 budgeted. Mrs. deLeon said it might be an average but he was paid a certain dollar amount so it has to wait until the next term. Attorney Treadwell said you are saying because at \$7.50 an hour he could have had 10,000 hours. Mrs. deLeon said yes, and the next year earn another amount. Attorney Treadwell said this would cap him at \$225 a month which otherwise he was capped based on your budget, but he could have gone over anyway. He agrees based on that evaluation that it will wait until the next term. Mrs. deLeon thanked Leslie for doing this. She said she's been around here a long time and this was talked about many Manager's before Leslie and it's finally going to get cleaned up. Mrs. Yerger said we appreciate it.

MOTION BY: Mrs. deLeon moved to authorize the advertisement of Ordinance No. 2021-01 for Public Hearing and consideration of adoption.

SECOND BY: Mrs. Yerger

ROLL CALL: 5-0

F. AUTHORIZATION FOR FINAL PAYMENT TO WATCHGUARD FOR POLICE DEPARTMENT BODY WORN CAMERAS

Mrs. Yerger said Council approved the purchase of Body Worn Cameras (BWC) for our police officers. Mrs. Huhn said we did receive the body worn cameras and the officers are currently being trained on them. The total cost of the cameras and the equipment for the training was

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\$44,007. This was offset by a \$22,000 grant from the Department of Justice. We have paid the initial amount of \$13,100. We are now required to pay the remainder of the \$30,907, then once that final payment is made, we will submit for our reimbursement of the \$22,000, which will offset that.

Mr. Banonis said he thinks this is money well spent. Just one frivolous loss to us could help to prevent and that savings alone will offset the outlay that we're making here. He's happy that the police are embracing this and understanding of the importance of having this for their own personal safety but also for their own reputations and the reputations of the community.

MOTION BY: Mr. Carocci moved to authorize the release of final payment to WatchGuard in the amount of \$30,907.00 for body cameras and supporting equipment for the police officers.

SECOND BY: Mrs. Stauffer

ROLL CALL: 5-0

VI. MISCELLANEOUS BUSINESS ITEMS

A. APPROVAL OF DECEMBER 16, 2020 & JANUARY 4, 2021 COUNCIL MINUTES

Mrs. Stauffer said her first name is spelled wrong in two places. Mrs. Huhn said they will correct that.

MOTION BY: Mrs. Stauffer moved for approval of the December 16, 2020 and January 4, 2021 minutes, with the correction of her name.

SECOND BY: Mrs. deLeon

ROLL CALL: 5-0

B. APPROVAL OF DECEMBER 2020 FINANCIAL REPORTS

MOTION BY: Mr. Banonis moved for approval of the December 2020 financial reports.

SECOND BY: Mrs. Yerger

ROLL CALL: 5-0

VII. PUBLIC COMMENT ON NON-AGENDA ITEMS – NON-RESIDENTS ONLY – None

VIII. COUNCIL & STAFF REPORTS

A. MANAGER

➤ Mrs. Huhn said she's going to share her screen, as this was sent to Council late this afternoon. It's a sign that is being recommended in part of the applied nucleation that was done out at Woodland Hills Preserve, and ArcheWild is who did this. If you recall, there were all the plantings out there and the trees and the different things and we had a lot of the plants not survive. They came back to Council and recommended using the applied nucleation. What they are requesting in conjunction with this is putting signage out there so the people using Woodland Hills are able to understand what we're doing. There would be a different sign for each cell. They had worked back with Val Liggett when she was with Boucher and she had worked with ArcheWild and what they presented the first time had even more language with them, so we worked with them to make it not quite so technical so people could take the time to look at it and read it and understand it. We did pass this through the Park & Rec Board and asked for their recommendation. They are recommending the signs be placed. She brought it to Council to see if they will accept them. Mrs. deLeon said she thinks this is very educational and she knows she'll learn something. Mr. Banonis and Mrs. Stauffer both agreed.

MOTION BY: Mrs. Yerger moved for approval to use the applied nucleation at Woodland Hills.

SECOND BY: Mrs. Stauffer

ROLL CALL: 5-0

B. COUNCIL/JR. COUNCIL

Jr. Council – Tyler Dickens said he doesn't have anything this evening.

Mrs. Yerger – No report

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Mrs. deLeon

- She said this week is Hellertown-Lower Saucon Winter Restaurant Week, it started on Sunday and ends on Saturday, it's on the Township's Facebook page or the Chamber's website. On Tuesday, January 26th at Yianni's there will be a grand reopening and ribbon cutting, so let the Chamber know if you are interested in going. It's 5:30 p.m. to 7:30 p.m. with ribbon cutting at 5:45 p.m.

Mr. Carocci

- He said he had a conversation with Priscilla, Leslie and Mike McGuire from PennDOT about the Meadows Road Bridge and he has agreed to come to our next Council meeting, February 3rd and discuss the options and the future of that from PennDOT's perspective. It will be discussed in depth.

Mr. Banonis

- He said we only have one meeting next month so if there's anyone on the call that needs to be on the agenda to contact Leslie and the Township administration.
- He said Saucon Valley Diamond Sports and Hellertown Lower Saucon Little League has opened up registrations for Little League and are intending to have a season in the Spring. He expects that there may be other sports that may be doing that as well so get the word out there that registrations are open and there is a hope to have youth sports in Spring.

Mrs. Stauffer

- She said at the last meeting we did not establish the liaison for the Lutz-Franklin Schoolhouse. Their meetings are indeed the second Wednesday of the month in the evenings so she was thinking we could resolve that and she would be happy to take that on.

MOTION BY: Mrs. deLeon moved to appoint Kristen Stauffer to be liaison on the Historical Society for the Lutz-Franklin Schoolhouse.

SECOND BY: Mr. Carocci

ROLL CALL: 5-0

- She thanked Scott and Ty and the rest of the guys at Lower Saucon Fire Rescue for the tour of the ladder truck yesterday evening in the cold. It was nice to take a walk in their shoes to see what they do to keep us safe, so thank you. Mr. Banonis said he would echo that and it was a great tour they shared with us, and it's really impressive the facilities and equipment that they have and their level of professionalism. He knows they have Open Houses periodically and he would encourage residents to go and see what they have and what they do. Mrs. Yerger said she agrees. Mrs. deLeon said she will be going next Monday. Mrs. Yerger said it was a real treat and Mrs. deLeon will enjoy it, they do a good job. Mrs. deLeon said she remembers when they got their last ladder truck and Lisa Boscola and Mrs. deLeon rode up in the ladder in the bucket. It was in the fall and it was just a gorgeous view of Saucon Valley.

C. **SOLICITOR** – No report

D. **ENGINEER** – No report

IX. ADJOURNMENT

MOTION BY: Mrs. deLeon moved for adjournment. The time was 8:00 p.m.

SECOND BY: Mr. Banonis

ROLL CALL: 5-0

Submitted by:

Leslie Huhn
Township Manager

Sandra B. Yerger
Council President