

I. OPENING

CALL TO ORDER: The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, January 21, 2009 at 7:07 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 Judy Stern Goldstein, Township Planner.

PLEDGE OF ALLEGIANCE

ANNOUNCEMENT OF ANY EXECUTIVE SESSION (IF APPLICABLE)

Attorney Treadwell said Council met in Executive Session to discuss the purchase of a couple of parcels to conserve as open space and also litigation with the Heritage Building Group, litigation regarding the Stover Road Gate and a Zoning Hearing Board appeal for the Scenic View Apartments that were filed by Mr. & Mrs. Hill and if the Township wants to intervene in that Zoning Hearing Board action, he would need a motion.

MOTION BY: Mr. Maxfield moved for the Solicitor to intervene in the Zoning Hearing Board appeal of Scenic View.

SECOND BY: Mr. Horiszny
Mr. Kern asked if anyone had any questions? 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 lowsaucontownship.org. Mr. Kern asked if anything was taken off the agenda this evening? Mr. Cahalan said no.

III. PRESENTATIONS/HEARINGS

A. SWEARING-IN OF JR. COUNCIL MEMBERS – STEPHEN PRAGER & JESSICA NULL

Mr. Kern said Stephen Prager has been appointed as the Junior Council member to attend Council meetings during the 2009 school year and Jessica Null has been appointed as the Junior Council member to attend EAC meeting during the school year. They are both here tonight to be sworn in to their positions.

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Mr. Kern said he recently saw Stephen on TV participating in Scholastic Scrimmage. He has been appointed as Jr. Council member. Jessica Null has been appointed as the Jr. Council member to the EAC. Carol Schneider swore Stephen Prager and Jessica Null in.

Mrs. Yerger said Jessica attended their EAC meeting last week and she has been the most active member they have had so far. They are looking for a great year with her.

Mrs. deLeon said this program is five years old. Tony Branco, from Hellertown Borough Council, approached her and they initiated the program. It's a great program. She ran into Norman Kauffman who was the first Jr. Council member, and he thought it was a great program.

B. SWEARING-IN OF POLICE OFFICER –ERIC MARTH

Mr. Kern said Eric Marth has been hired as a Police Officer with the Lower Saucon Police Department and is here tonight to be sworn in. Carol Schneider swore in Office Eric Marth.

Chief Lesser said Eric has been a resident of the Lehigh Valley and a graduate of Central Catholic High School. He attended DeSales University all four years and he was on the Dean's list. He was a scholarship recipient and a criminal justice leadership award recipient. He served as VP of DeSales University Criminal Justice Association and the subsequent year served as President of that association. We welcome Eric and he passed all of our background checks and has been training with their department and they look forward to him serving as an officer. Chief Lesser presented Eric with his Police Badge.

C. RESOLUTION 29-2009 – PROCLAMATION HONORING GERALD YOUNG UPON HIS RETIREMENT

Mr. Kern said Resolution #29-2009 has been prepared to honor Gerry Young upon his retirement from the Lower Saucon Township Police Department.

**RESOLUTION #29-2009
PROCLAMATION HONORING GERALD J. YOUNG UPON HIS RETIREMENT**

WHEREAS, Gerald (Jerry) Young began his career in Lower Saucon Township when he was hired as a part-time police officer in May, 1974; and

WHEREAS, Jerry became a full-time patrolman in September 1974, was promoted to Corporal in 1991, and rose to the rank of Sergeant in 1994; and

WHEREAS, as a supervisor in the Police Department, in addition to his regular patrol duties, Sergeant Young was responsible for numerous tasks such as the review, monitoring, and follow-up on all incident and crash reports, the supervision and evaluation of patrol officers, and the maintenance of the Property and Evidence Room; and

WHEREAS, during his career as a police officer, Sergeant Young completed approximately 4,037 arrests and citations; issued about 1,343 parking tickets and Faulty Equipment/Warning Notices, and logged roughly 417,624 miles patrolling the Township; and

WHEREAS, during Sergeant Young's 35 years of employment with the township, he received the Exceptional Service Award for Distinguished Achievement in 1978 and several commendations for his performance and service and always carried out his duties and responsibilities with sound judgment and dedication which reflected on the integrity of Lower Saucon Township Police Department.

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NOW, THEREFORE, the Council of Lower Saucon Township, Glenn Kern, President; Tom Maxfield, Vice President; Priscilla deLeon; Sandy Yerger; and Ron Horiszny hereby honors Gerry Young for his dedication and service to the Township and its residents.

MOTION BY: Mrs. deLeon moved for approval of Resolution #29-2009.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone had any questions? No one raised their hand.
ROLL CALL: 5-0

Chief Lesser said Sgt. Young had a conflict this evening and could not attend. He relayed his appreciation to Council for taking the time to honor him.

D. RESOLUTION #30-2009 – PROCLAMATION HONORING RONALD JACOBY UPON HIS RETIREMENT

Mr. Kern said Resolution #30-2009 has been prepared honoring Ron Jacoby upon his retirement from the Lower Saucon Police Department.

**RESOLUTION #30-2009
PROCLAMATION HONORING RONALD A. JACOBY UPON HIS RETIREMENT**

WHEREAS, Ronald (Ron) Jacoby began his career in Lower Saucon Township when he was hired as a part-time police officer in September 1985; and

WHEREAS, Officer Jacoby was promoted to full-time patrolman in February 1987; and

WHEREAS, during his career as a police officer, Officer Jacoby served the Department as its first Defensive Tactics Instructor from 1991-2005, acted as the Protection from Abuse Officer since 2001, and the Criminal Identification Officer since 2002; and

WHEREAS, during Officer Jacoby's employment with the township, he was the recipient of Departmental Enforcement Awards for the years 2003, 2004, 2005, and 2007, and was the Department's Officer of the Year in 1989; and

WHEREAS, Officer Jacoby retired from the police force on October 30, 2008 after more than 23 years of service to the citizens of Lower Saucon Township.

NOW, THEREFORE, the Council of Lower Saucon Township, Glenn Kern, President; Tom Maxfield, Vice President; Priscilla deLeon; Sandy Yerger; and Ron Horiszny hereby honors Ron Jacoby for his dedication and service to the Township and its residents.

MOTION BY: Mrs. deLeon moved approval of Resolution #30-2009.
SECOND BY: Mr. Horiszny
Mr. Kern asked if anyone had any questions? No one raised their hand.
ROLL CALL: 5-0

Ron said it he had a great time working for Lower Saucon and time really flew. He is currently working with Springfield Township police department and he's trying to work with their Chief to standardize procedures and get the things there the way they were here. Council thanked him for his service.

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E. RESOLUTION #31-2009 – HONORING JIM STURM FOR HIS COMMUNITY SERVICE

Mr. Kern said Resolution #31-2009 has been prepared honoring Jim Sturm for his years of community service. He is being honored for this service at the Hellertown-Lower Saucon Chamber of Commerce annual banquet on January 24, 2009.

RESOLUTION #31-2009

A RESOLUTION RECOGNIZING THE COMMUNITY SERVICE OF JAMES E. STURM

WHEREAS, James E. (Jim) Sturm has unselfishly served the residents of the Saucon Valley in various capacities for over fifty (50) years; and

WHEREAS, Jim graduated from St. John's University in Minnesota and did graduate work at Notre Dame, and in 1956 joined the faculty at Lehigh University where he taught until 1995.; and

WHEREAS, Jim has been married to his wife Margaret since 1955 and together they raised seven (7) children in the former schoolhouse in the Wassergass section of the Township; and

WHEREAS, Jim began serving on the Board of the Saucon Valley Community Center in 1983 where he has volunteered his services to childcare programs, senior activities and many community sponsored events; and

WHEREAS, Jim served on the Lower Saucon Bicentennial Committee and has been active member of the Saucon Valley Conservancy and Lower Saucon Township Historical Society and the Township Historical Committee; and

WHEREAS, In addition to his countless volunteer activities, Jim is a fan of the late Ogden Nash and enjoys giving talks on Nash's life and career; and

WHEREAS, Lower Saucon Township is proud that Jim Sturm will be recognized for his outstanding service at the Annual Banquet of the Hellertown-Lower Saucon Chamber of Commerce on January 24, 2009.

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 commend Jim Sturm for his community service and dedication to the Saucon Valley.

MOTION BY: Mrs. Yerger moved for approval of Resolution #31-2009.

SECOND BY: Mr. Horiszny

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

ROLL CALL: 5-0

Mrs. deLeon said she was very pleased when Jim Sturm was chosen to be honored this year along with the Hellertown Library. He's been around for a long time. He's always the first to raise his hand to help do whatever. He's a very special person and deserves the award. Mrs. deLeon and Mr. Cahalan will be attending the Banquet on Saturday evening. Mr. Kern recited a poem by Ogden Nash.

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F. RESOLUTION #32-2009 – HONORING HELLERTOWN LIBRARY FOR SERVICE TO THE COMMUNITY

Mr. Kern said Resolution #32-2009 has been prepared honoring the Hellertown Area Library for its service to the community. The Library will be recognized at the Hellertown-Lower Saucon Chamber of Commerce annual banquet on January 24, 2009.

**RESOLUTION #32-2009
A RESOLUTION RECOGNIZING THE HELLERTOWN AREA LIBRARY**

WHEREAS, the Hellertown Area Library Association has been providing quality library services to Hellertown Borough, and to area residents through the Access Pennsylvania Program, for over twenty (20) years; and

WHEREAS, the Library was originated by a group of volunteers in 1989 in a storefront located on Main Street in Hellertown; and

WHEREAS, following a successful 3-year fundraising campaign, the Library moved to its current location on Constitution Avenue in 1993; and

WHEREAS, the Library is now in the midst of a Capital Campaign to raise funds for an addition to its building which will provide more space for its collection, meetings, and for children's programs; and

WHEREAS, Phase one of the addition will be the installation of an elevator to be completed shortly which will allow patrons and visitors to access space on the upper and lower levels of the library building; and

WHEREAS, this expansion of library space and accessibility will increase and enhance the availability of library services to residents of the Saucon Valley; and

WHEREAS, the Hellertown Area Library will be recognized at the Annual Banquet of the Hellertown-Lower Saucon Chamber of Commerce on January 24, 2009.

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 the Hellertown Area Library for their 20 years of community service to the Saucon Valley.

MOTION BY: Mr. Maxfield moved for approval of Resolution #32-2009.

SECOND BY: Mrs. deLeon

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

ROLL CALL: 5-0

IV. DEVELOPER ITEMS

A. COBBLE CREEK – SKIBO ROAD – MAJOR SUBDIVISION SECURITY REDUCTION

Mr. Kern said the developer has requested a security reduction for improvements done to date. Hanover Engineering has done an inspection and is recommending a reduction in the amount of \$40,604.72.

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Mr. Cahalan said there aren't any issues. Mrs. deLeon said there was a review letter with maximum impervious coverage, inlet boxes, postal sheds, landscaping. Mr. Kocher said the reduction they are talking about is just for landscaping they had done on the site. Mrs. deLeon said whenever she approves something, she always likes to know what else is going on with any other outstanding issues. Mr. Kocher said there aren't many outstanding issues left on this that you are holding security to. Mrs. deLeon said you have a point, but are you aware with the other issues? Mr. Cahalan said yes, but they are just dealing with the security reduction. Mr. Maxfield said the other issues came up at a Council meeting previously.

Ms. Stern Goldstein said they still have additional work to do on the site already in addition to the punch list that Brien Kocher has. Mr. Kocher said the amount of work they have done equates to the \$40,000.00 that was talked about. He had suggested maybe you don't want to give that much back so we retain enough maintenance security, but he didn't know how Attorney Treadwell felt about it. Attorney Treadwell said that's fine. He talked to someone from Ashley today and they were okay if you just release \$38,353.26 which will leave a remaining amount of \$44,815.64, which will be the amount of the maintenance security when they get to that point. Mrs. deLeon said the other issues are being addressed? Mr. Kern said the impervious issue? Mr. Kocher said Chris is working on the impervious issue through the Zoning office. The other punch list items they have to do before we give them a final release, but the other issues are relatively small.

MOTION BY: Mr. Maxfield moved for release of \$38,353.26.
SECOND BY: Mr. Horiszny
Mr. Kern asked if anyone had any questions? No one raised their hand.
ROLL CALL: 5-0

B. REDINGTON ESTATES – REDINGTON ROAD – PRELIMINARY PLAN APPROVAL

Mr. Kern said the applicant is proposing a five lot residential subdivision which includes a community septic system.

John Hacker, Counsel for the developer was present, Tony Diminche, who works for the developer, and Larry Turoscy, the engineer. Attorney Hacker said there is a recommendation from the staff for preliminary approval. There are still a few items that need to be tended to. The overriding issue on this project, all along, has been the community sewage system. The Township had made a proposal to them to take it public and he doesn't know if they are finding that financially feasible to do. In essence, the useful life is 25 years and the replacement cost is estimated at \$100,000. Essentially the developer would have to pay for this twice. They need to provide for its replacement down the road. He did understand the Lower Saucon Authority was requesting \$150,000 from them and the township is requesting \$75,000, which is \$15,000 a lot and they don't think they can recoup the money.

Attorney Treadwell said there are two ways to handle the community sewer system. It's an on lot sand mound. It can either go into a homeowners' association (HOA) with those five lots that the HOA will be responsible for and will maintain and replace it. The other way to do it is dedicate it, per the staff, to the township. The Township would own it, we would maintain it and pay for electricity and phone charges on an annual basis for the equipment that's out there. What we had requested from the developer in order for the Township to obtain and own it, would be \$75,000, which would be put into a separate account dedicated to the replacement of that sand mound when, and if, it fails, along with an actual pump. That's what Attorney Hacker is saying, it's not financially feasible for his client. The alternate proposal that they had received from the applicant, Attorney Hacker said it was like \$500 a year from each homeowner, and it's the staff recommendation that it gets too difficult over that period of years trying to keep collecting that. To make it as simple as possible, the two options would be dedicate it to the township with that money to put in reserve for the replacement or put it in a HOA and let them maintain and replace it, when

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necessary. He would suggest proper language in the HOA document and the deeds that go to the developer from those homeowners say specifically what those responsibilities are and that they are financially liable for that if it happens.

Mr. Kern said the sticking point, at this time, is the \$75,000. Attorney Treadwell said yes. The \$75,000 comes from the approximate \$100,000 replacement cost. \$75,000 goes in an account to be maintained for that specific purpose along with a yearly user fee of \$408 a year fee for people that are connected to public sewer. \$408 x five equals about \$2,000 a year. If you take the \$2,000 a year and it's projected over the life of the system, add that to the \$75,000, it gets you to the replacement cost of the sand mound. Mr. Kern said that sounds pretty reasonable to him.

Mrs. deLeon said she disagrees. First of all, this \$408 that all the other sewer people pay, you are saying these five people should pay that, but you are comparing a township owned system. When you are hooking it up and its going to the Bethlehem sewage plant, that's a different story. You're not comparing apples to apples. The systems are different. She's having trouble asking all of the taxpayers to pay for these other costs. The township maintenance of the system – we don't know what that's going to be. Now the taxpayers have to foot that bill in addition to telephone and electric.

Attorney Treadwell said if the Township agrees to own the system, and if the Township's part of the shouldering of the financial burden is to charge those homeowners \$408 a year like everybody else, that \$408 would cover the costs of the phone and electric on a yearly basis, as well as leaving some left over for maintenance if there is any left over from the sand mound. You take the difference and put it in the account with the other \$75,000, which eventually gets you to the \$100,000 to eventually replace it. Mrs. deLeon said she doesn't see it that way. Attorney Treadwell said it's the developer's option – they can put it in a HOA. We don't have an ordinance that says you have to do it one way or another. They have to provide some type of sewer. We don't have an ordinance that says A or B. If you want to dedicate it to the Township and give those responsibilities to the Township, this is what the Township would require. If you want to put it in a HOA, then put it in a HOA, but it has to be clearly documented what those responsibilities are and that those financial costs will be borne by those five families.

Mrs. deLeon said one of the five lots is going to have the community system on it. Attorney Treadwell said correct. Mrs. deLeon said when she went over this, we have five lots, what if we sell four and nobody wants to buy the fifth lot with the community system on it, now what are the four other lot owners going to do when they've already purchased those lots? Attorney Hacker said there are easement rights. Lot 5 will be subject to easements. Mrs. deLeon said will the other four people know about Lot 5? In her mind, financial status, you don't buy that many homes. A young homeowner is going to go and look at this subdivision and they are going to fall in love with the lot, buy it, and nobody tells them about Lot 5 having to be sold. Mr. Kern said in the deed you sign, at the time of buying it, all the details would be specified about the lot. Attorney Treadwell said if that's the way it ends up going, into a HOA, there are HOA documents that get recorded, the deed refers to them. He's suggesting it will need to be clearly pointed out...understanding that you will have somebody along the line, who doesn't understand it. Mrs. deLeon said what if the Township owns it? Attorney Treadwell said if the Township owns it, that puts the homeowner in the same situation as if they were connected from a financial standpoint as if they were connected to the public sewer system. They pay that \$408 like everyone else pays, and they don't have to worry about it because when and if it needs to be replaced, it's the township's responsibility. If a sewer main breaks, it's the Townships responsibility to fix it.

Mr. Kocher said we'll require security of the developer to guarantee that the system is installed properly to begin with. The cost associated with maintaining this and essentially replacing this are no different than if its an HOA or the Township except that the Township could do it a little more efficiently as you've already got employees. The issue is, is the five lot HOA competent to make

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sure they pay that and if they don't, what happens? No system maintenance, that's what happens. Attorney Hacker said these are not going to be inexpensive homes. This is an economic question of how much you pay upfront or how much you accumulate in reserves of an HOA and what the Township has proposed or suggested doesn't work from an economic perspective. If that's the offer that is made, then we have to go private and we'll work it out with the HOA. They are going to pay for it one way or another. Mrs. deLeon said when we had other HOA, didn't the Township review them? Attorney Treadwell said absolutely, the documents. Attorney Hacker said the documents have been provided already. Attorney Treadwell said he has the documents, he doesn't remember whether the sewer was in them or not. Mr. Kern said last time you folks were here, our Engineer had made it fairly clear the hazards of having the HOA do this is that likely they will not maintain the system. If they don't maintain the system, then it becomes the Township's system at a deteriorated level where we would then have to take over a failed system and pay the cost of the failed system. Attorney Treadwell said that is a possibility and he would say it's probably a bigger possibility with the HOA. It basically has only five members of the HOA, so one or two of them decide they aren't going to pay this year, and then DEP comes in and says someone has to fix it, so it's up to you. Mrs. deLeon said that could happen with the Township that they aren't paying their quarterly bills. Attorney Treadwell said it could, but their quarterly \$100 bill is not as big financially, as they absolutely don't pay it to the HOA and stop paying it. Those are the options. We will try and make sure, best as we can, if it goes to the HOA and the HOA needs to maintain it or replace it in the future, we have every right to go and file liens against each and every one of those five homes to pay for the costs.

Mr. Maxfield said if the HOA does have ownership and maintenance of the sand mound, what is the process for inspections to make sure it is operating and not becoming a hazard, it's not polluting? How does that happen? Mr. Kocher said he doesn't know if we want to put provisions in there that the SEO inspects it once a year. From a practical standpoint, it'll be that somebody sees discharge out of the sand mound or the electricity has been turned off and it's coming out of the pump tank. Somebody generally going down there will observe a surface malfunction that is usually how it would happen. Mrs. deLeon said does it have to be pumped like a regular system? Mr. Kocher said no, what they are suggesting is every single home having its own septic tank so the pumping responsibility is on the homeowner. In theory, when the effluent leaves the septic tank and goes down to the pump tank, that generally is clear enough that it doesn't have to be pumped on a regular basis. Mrs. deLeon said eventually it would have to be pumped? Mr. Kocher said maybe in ten or fifteen years. What gets down there should be clear and pass the pumps. Mrs. deLeon said hopefully people buying these homes are familiar with septic systems and know how to treat them. Attorney Hacker said the HOA will have to hire a service for this. Mrs. deLeon said they will still have to take care of the system.

Mr. Maxfield said you mentioned one pump tank associated with the system, so everyone has a septic system that runs into that pump tank. Whose land is that pump tank on? Mr. Kocher said it's on Lot 5. Mrs. deLeon said there will be a misconception that they think they are hooked up to public sewer and it's not. Right? Attorney Treadwell said it's not public sewer unless you agree to take ownership of it. Mrs. deLeon said she's thinking of the homeowner, she's not thinking on your level. She's trying to put herself down at a homeowner's level who isn't an engineer, doesn't have any of this planning, this is a sand mound technically. She's just concerned about the failure of it. Mr. Kern said we all are. Mrs. deLeon said she's trying to think of all the different ways and angles it's addressed. Mr. Maxfield said are you saying you think the residents would treat it as a public system, and abuse it? Mrs. deLeon said she does a lot of traveling in rural areas and there are signs "this is not public sewer, be careful what you flush". People don't know. She's very uncomfortable with this whole thing. Mr. Maxfield said he doesn't know if it's any different than somebody buying a sand mound home with a sand mound on their lot. You could not be the owner who erected the sand mound and abuse it also. Mrs. deLeon said she hears you, you are an individual person and not affecting four other people. Mr. Maxfield said if the sand mound isn't working correctly, it will pollute your neighbor's grass.

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Mr. Kern said we had mentioned a figure of \$75,000, did you ever say what number you would be comfortable with? Attorney Hacker said he said he'd put \$50,000 down and the charge would be an additional \$500 which would get you to where you want to be in a ten year period with a twenty-five year use of life. Mr. Kocher said you could take what you want upfront and adjust the annual user fee appropriately. They tried to back that fee into what all the other sewer customers were paying. You could take \$100 up front and charge \$9,000 a year. Mrs. deLeon said this is an ongoing thing. You are setting aside \$75,000 and you are anticipating it's going to last twenty-five years. What happens after that money is spent, who will built up the next \$75,000? Mr. Kern said that's where the \$50,000 comes in plus the user fees. Mr. Kocher said you can adjust the user fees as you go along. It's no different than if Bethlehem has to replace their plant. Everyone has to act as the sewer's user fees go up. Mr. Kern said those fees can be adjusted up. Mrs. deLeon said she just thinks this fee is too low.

Mrs. Yerger said there's hook up fees when you do a public sewer. Mr. Kocher said because the Authority has figured that out. If this becomes a Township system, we need to go through the entire analysis that the Authority for their system did years ago, you may or may not have a tap in fee depending on the upfront cost. We have to calculate the user fee. You, the Township have to go through that system and will have a sewer count and will have to go through that each year. Mrs. Yerger said it is feasible to do a hookup fee? Mr. Kocher said sure. Mrs. deLeon said who is reimbursing our Engineers for looking at this? Mrs. Yerger said you can back it into the fees.

Mr. Turoscy said for years, he and his wife paid a septic system, and they expanded the sewer, and they pay \$75 a month, which is \$900 a year. Nobody squawked at all about it. \$900 is not a big number to charge. If you want to go with lower than \$75,000 and have the people pay the \$408 plus probably \$600 to go to a thousand, that's not outrageous.

Attorney Treadwell said Mr. Kocher was correct when he said agree to whatever number you are comfortable with upfront and we can calculate what your yearly fee will be. Our initial proposal was to try and keep everybody's number the same. Mr. Kern said when we set a user fee high, that's going to impact the sales of the homes. Attorney Hacker said we'd be doing the same thing. We'd have to provide a reserve that will be there when the time comes. Attorney Treadwell said to simplify it, whoever buys those five units will pay for the maintenance and for the eventual replacement of that sewer system in some form – more upfront to buy the lot and house, they are going to pay more for the number of years they live there, or however it works.

Attorney Hacker said under the Plan Community Act, like the Condo Act under which we are going to disclose the HOA, we have to disclose all of this by law, which it will be explained to them.

Mr. Horiszny asked what their proposal was? Attorney Hacker said the developer would pay \$50,000 into this account that Mr. Treadwell discussed, and in addition to the \$400 that was discussed, \$1,000 for the estimated electricity and \$1,000 for the account, we would suggest another \$500 per home/per year, which would get you the other \$25,000.

Mrs. deLeon said she can't see why you just can't raise the price of the house. Attorney Hacker said because they have to sell them. Mrs. deLeon said that's not her problem. Attorney Hacker said it is their problem and that's a big problem today.

Mr. Kern said if we do the \$75,000, they are not joining the Authority and they are just going to do their own private systems, and eventually, we'll be getting the systems anyway. Attorney Hacker said this is not a complicated system. He doesn't know why the assumption would be that we're going to have a problem after a couple of years. He's not sure that's a fair presumption to start a discussion with. Mr. Kern said we're worried about 25 years. Mr. Maxfield said it sounds like the money would be there to maintain or correct the system whichever those ways we decide to go.

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Your point about possibly if an HOA system has it, we may get a degraded system down the line somewhere, that's a pretty important point. We've been warned that no matter what happens, they will be all community systems. As long as there is a formula for the money to be there when it's needed, then he'd be okay with the reduced rate of \$50,000. Mrs. Yerger said as long as there is full disclosure to the homeowners and they know what they are doing and why they are paying what they are paying. If they don't understand it, she doesn't know if there is anything they can do to make them understand it. We've also had people come in and say they've never read their deeds. Mr. Turoscy said our five homeowners will be much happier to have their people, even though it may cost them a little more, that the Township would be there with their forces and they can realize they have peace of mind. He thinks it's a better deal all around if an arrangement can be worked out for the township to have it.

Mr. Maxfield said he thinks most homeowners can understand septic tank where they can't understand a complicated system, even though this is a relatively simple system. Mr. Horiszny said Mrs. deLeon's concern is if the fifth lot is sold last, and we say at the bottom of the agreement that the fifth lot owner has to mow it, who is going to mow it while you want to sell that house? Mr. Turoscy said the owner will own that and he owns Lot 5 and if he doesn't sell Lot 5, it's his responsibility to do the Lot 5 maintenance.

Mr. Maxfield said did the developer mention that it was his intention to live on Lot 5? Mr. Turoscy said yes. Mr. Kern said he hears the Council is leaning toward Option No. 1 – Township Ownership. Attorney Treadwell said it's Option 1 as laid out on the Hanover letter, and then the question you are considering, is the \$50,000 and \$908 a year for a user fee (\$408 + \$500 a year). We'll have to run the numbers again. Mr. Turoscy said we're only at preliminary plans. Attorney Treadwell said it's easier to get it out of the way, upfront, so we're not back here in two months having another discussion. Attorney Hacker said we don't have to finalize it tonight, but he'd like to know the way you are going. Attorney Treadwell said if Council agrees that \$50,000 is the upfront number for Township ownership, then we'll work out whatever needs to be worked out for the user fee issue.

Mr. Kocher said there are other details that have to go into the agreements and you have to have an on lot management district set up and there are a bunch of things we need to do with the final plan. There are things in the ordinance where the developer actually pays the user fees of the inbuilt lots in the meantime.

Mr. Maxfield said when we take the system, our long term responsibility of the system, what does that mean to the Township as far as to the Authority for training, etc.? Mr. Kocher said if it remains a septic system for five, you'll probably hire someone like All State Septic that you are going to hire to do everything. If through conservation by design, you end up with more community systems, we can think about that down the line.

Mr. Horiszny said at this point, Mr. Kocher and Attorney Treadwell, are you comfortable with preliminary approval of \$50,000 down and the extra fee on the homeowner. Attorney Treadwell said yes, there are details that we'll work out. The sticking point before tonight was the \$75,000 versus \$50,000. If Council is okay with \$50,000, we'll work it out with \$50,000. Mr. Horiszny said you have to remember that \$408 can change when the Authority has to raise their prices. Attorney Treadwell said these five homeowners will pay more than \$408, but the flat \$408 fee for everyone could go up at anytime. Mr. Kocher asked if they had a problem with including the pump in there? Mr. Turoscy said no.

Mr. Kocher said there are some waivers we ought to talk about that are part of the motion. Everything else in their letter are standard housekeeping items and the developer is aware of them. The waivers they are asking for are 1) no further improvements to Redington Road other than what's shown on the plans, other than roadside swales. 2) to allow the proposed lots to be irregular

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in shape, and 3) to allow the proposed roadside swale to not match the township cross section but rather a cross section that we went back and forth with and felt it was best in the location and configuration that was shown. The township cross section swale is a 6" deep swale directly adjacent to the pavement. It made more sense to put the swales further back on the lots so we wouldn't disturb that much on the road as it better fits that site.

Mr. Maxfield said were you able to acquire access offsite to service that? Mr. Turoscy said yes they have a signed lease. Mr. Horiszny said he thought he saw there were going to be no garbage disposals allowed, and he doesn't see that now? Mr. Kocher said we're going to eventually develop some sort of rules and regulations like the Authority has as it's going to be your system and that type of regulation will be in it. Mrs. deLeon said she never heard of anything like that. Mr. Kocher said that creates a lot of solid waste in the septic tank which theoretically means you have to pump the tank longer at more frequent intervals if that waste went into a garbage can instead. Mrs. deLeon said the homeowner is going to know they aren't allowed to have a garbage disposal in there? Mr. Kocher said it's no different than anyone else who has an on lot septic system, you shouldn't have a garbage disposal. Mrs. deLeon said does everyone know that – no. Mrs. Yerger said the EAC will be doing a compost workshop. Mrs. deLeon said it's something we can put into our newsletter – people who have septic systems should not have garbage disposals.

Council was okay with the three waivers. Ms. Stern Goldstein said the motion should include the reference to Brien Kocher's letter which includes the amount of fee in lieu of recreation that's covered in there also and with the granting of the waiver that takes care of our other comment we had.

MOTION BY: Mr. Maxfield moved for approval of the staff recommendation - on page 2 of the HEA letter, dated January 16, 2009, that the Township ownership Option 1 is the option that will be utilized and along with that it will be a \$50,000 payment upfront and we will work out the yearly user fee from there which will all be done prior to final plan approval.

SECOND BY: Mr. Kern
Mr. Kern asked if anyone had any questions? Margie Segaline said she thinks it would be in everyone's best interest, especially in knowing there are a lot of people that aren't familiar with living in the country as they were one of them, that prior to any kind of agreement on this matter, that the Council has the opportunity to review all proposed disclosure statements, sales agreements, lease agreements, with the understanding that some of them are going to be more detailed to the actual sale, but at least so that Council has the opportunity to review the wording because she remembers over the past few years hearing families come in here saying we didn't know. That's pretty sad, and she thinks that at the very least, they should be able to supply a few pieces of paper that could change someone's life. Mr. Maxfield said Attorney Treadwell said a lot of information was supplied already back in the beginning of the process Attorney Treadwell said he will go back and pull that out as relates to the sewer. He and Attorney Hacker can look at it and work it out. If Council wants to see the actual documents, then they can read the documents. Normally, he looks at them on behalf of the township and work them out with the applicant's attorney. With the provision that it doesn't matter necessarily what he asks the document to look like or what the developer puts into the development, if the people buying the house don't read it, then it doesn't work. It's all there and well and good for the Township and the applicant to say it was a recorded document, it was there, you should have read it before you bought the house.

ROLL CALL: 4-1 (Mrs. deLeon – No)

C. HILLS AT POLK VALLEY – POLK VALLEY ROAD – CONDITIONAL PRELIMINARY/FINAL APPROVAL

Mr. Kern said the applicant is proposing a three lot residential subdivision.

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Scott Mease, Mease Engineering and Dick Woodring, Owner, were present. Mr. Mease said this property consists of two tax parcels, approximately 25 acres in sizes, on the west side of Polk Valley Road. What is proposed is to take these two tax parcels and reconfigure the lot lines and change it from two lots to three lots and the three lots are in the RA zoning district which requires a minimum two acres. Lot 1 will be 7-1/2 acres; Lot 2 will be 7-1/2 acres and Lot 3 will be 10-1/4 acres. They are very large lots.

Ms. Stern Goldstein said the plans have addressed all of their comments except buffer yards and landscaping, which they are asking for a waiver. They have a fairly wooded vegetated lot and the buffer requirements would require a berm and planting. To put the berm in, they would be disturbing more vegetation and it didn't make sense. What they did do was create a screen along a curve in their proposed driveway so the headlights wouldn't go directly into the house across the street from them. If they have a plan, they can show you that. They did work with us to work to put something effective in that area. They are maintaining the existing vegetation throughout the lot, and the other part they are asking relief on is locating and identifying all of the trees on the site. In this case, they've done what they need to in the areas of disturbance and they've shown and demonstrated clearly the plans that they do meet the ordinance requirements and the site is environmentally sensitive, and at this point, they are respecting it.

Mr. Kocher said the items in their letter are all legal items, checklist items for Attorney Treadwell. They are asking for a few waivers. No. 1 is to allow the plan to be combined preliminary final due to the small number of lots. No. 2 is not require any more existing features than currently shown – that has to do with everything within 500 feet. They've shown what the Planning Commission feels is reasonable. No. 3 no further improvements to Polk Valley Road frontage so that they don't disturb the natural resources. No. 4 is they would like not be required to give County Conservation District approval prior to recording the plan because they want to do it individually for each lot so when the individual lot owner picks a lot and the driveway, it's a little more efficient to get the approval at that time. There are no public improvements that require the approval. No. 5, as Judy mentioned, to not require the berm and planting screen. No. 6 not require the plan to show all trees with diameters of 8" or greater. The waiver they are asking from the storm water ordinance is to not require the township standard along Polk Valley Road. All have been reviewed by the Planning Commission and recommended favorably. Mr. Kern asked if they concur with them? Mr. Kocher said yes. Mr. Kern asked what is the desire of Council at this point?

MOTION BY: Mr. Maxfield moved for approval for the Hills at Polk Valley for preliminary final.

SECOND BY: Mrs. deLeon

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

ROLL CALL: 5-0

V. TOWNSHIP BUSINESS ITEMS

A. TOWNSHIP RESPONSE TO THE REVIEW OF THE BETHLEHEM ACT 537

Mr. Bradley Youst was present. Mr. Youst said he thanks you for the opportunity to be here. The City of Bethlehem has commissioned a revision to the update of their Act 537 Sewage Facilities Management Plan. Essentially bringing it back to the table after having presented a plan, had it reviewed by the contributing municipalities in 2004, 2005, and submitting it to DEP in 2006, and ultimately following DEP's formal review withdrawing the plan because of the nature and number of comments that came from the DEP review. They have revisited and re-evaluated the plan. A number of the options they present, they correctly identified the position of the many contributing municipalities such as Lower Saucon, with regard to legal agreements for sewage conveyance and treatment and have addressed in a more prorated basis the allocation of cost associated with doing the work that is being proposed. We have reviewed it, and Hanover Engineering has reviewed it as engineer for Lower Saucon Authority and for full disclosure for the Borough of Fountain Hill as

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their engineer as well. We don't have an executive summary with the document we've put together, but he'd like to verbalize what he can to summarize their review. They looked at it from the standpoint of the position of agreements and the relative priorities that were specified for the different improvements studied in the report. The report studies three different things. 1. The conveyance and transportation systems, basically the pipelines, that take the waste water from the tributary waters from the treatment plant. 2. It also looks at the condition of the existing treatment plant and its ability to meet its current demand and its current obligations to the City and the eleven outside municipalities with regard to their current allocations for treatment capacity, and with regard to the DEP restrictions that are imposed on the City's operating permit that allows them to discharge the treated effluent to the Lehigh River. 3. Looking at the needs that three of the municipalities have, it's including expansion of the plant for additional treatment capacity. That is being looked at separate from the ability of the plant to continue doing the job that's required to do under the current obligation. The City does recommend making some improvements and repairs to collector pipes and to make certain improvements and enhancements, expansions to treatment plant capacity and we've summarized what we feel are important bullet points that need to be incorporated into a municipal response to that plan. The City has requested a response be provided within 60 days of their submitting it to the municipalities. That 60 day deadline is coming Sunday. The book is quite a cumbersome task to review. One of the things we feel is very important for the municipalities to call to the City and DEP's attention because any comment that is made has to be incorporated in the final version of the book and DEP will have to read it verbatim, so we're recommending these comments be made by the two municipalities that we represent. With regard to the piping system, the piping system was evaluated for its current demands as well as a twenty year future design point of twenty years from now to determine if they need to make improvements or replacements to pipes. There are a certain number of pipes that require a high priority attention because they don't meet the current demands, and there's risk of overflows and surcharges. We certainly recommend that those be done promptly. There aren't any of those in the first priority that directly affect Lower Saucon. There are some that affect Fountain Hill. We specifically recommend that the City and DEP dialogue about the possibility of DEP permitting the review and approval of the proposal to repair the pipelines separate from, and basically ahead of the more arduous process of reviewing the treatment plant programs and all of the proposed intermunicipal agreement changes that the City's consultant feels need to be done to enact the full plan, as proposed. The pipelines are not nearly as connected to the complexities of the treatment plant and the allocation agreements and other proposed changes, so we think they could tackle the issues associated with the collection systems and if they do it in a timely fashion and not have that get bogged down in the 537 process associated with the other details, have a much better change of qualifying for a grant support under the H2O program through the commonwealth financing authority, the \$800 million worth of storm water, sanitary sewer improvements funding that is available since November of this past year. We recommend in the first bullet point that they pursue the repairs that are needed on the high priority pipelines and they attempt to pass the normal 537 process and separately look at the pipeline system so that those more simple projects, and they are not simple, but by comparison to the plan, they are and can be given a higher priority and be able to get on consideration with CFA for grant funding. Additionally, for the entire plan, they recommend that the City make a high priority of investigating grant funding so that the cost to all the users is reduced. They do identify multiple means of reducing the cost, which is approximately \$73 million as of today's estimate. They do identify the grants might possibly be reduced. At this phase, it's premature to identify grants that are likely to be, and to try to expect a certain portion of the cost to be covered by grants, but it's just a note of encouragement to recommend they pursue grant funding, where it's possible to retain it and help reduce the cost. The third bullet point is that due to the significant cost and the complication to try to establish a real functional timeline of construction is premature at this point in time as the plan has to be reviewed and approved by resolution by all of eleven tributary municipalities, go to DEP and fit into their 180 day minimum time frame for reviewing and having approval of the plan, construction, financing and details are likely to change between the publishing of the initial book and when they can really get their teeth into it and start thinking about real projects and financing the projects and developing schedules to

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do the projects. They have a rough timeline for recommending the improvements at the treatment plant because they haven't thought far enough in advance. This improvement has to be done before that one, they have a rough timeline for that. They don't try to specifically define how much they expect to spend and when they are going to spend it because that impacts the end users, the outlying municipalities where in some fashion are going to have to anti up their share of the costs. We recommend that as soon as the city is able, that they require to specifically develop a projected timeline and to notify the tributary municipalities of the cost and how they anticipate incurring the cost and when and how the tributary municipalities will be expected to pay their shares. A significant item from the standpoint of the agreements that relate to transporting is flow to the City for the City's treatment. The consultants for the City have identified a desire and a recommendation that the City impose strength of sewage limits on each of the tributary municipalities. In other words, in addition to having a specified flow allocation, so many thousand or million gallons per day from each municipality, they are also proposing some form of regulation and potential restriction and potential cost for exceeding certain limits of strength of the sewage. It's very difficult to monitor and track the actual strength of the sewage and it's done at the treatment plant for purposes of monitoring their permit with DEP, but it takes a lot of time and energy to do that on a routine basis. They have one pipe that they discharge to the river where they can do that and incorporate that in their cost. To do that for each of the tributary municipalities, because there are many points of connection in many cases, there are cross flows where some flow doesn't go through a master meter point, but drains because of gravity, the watersheds don't reflect municipal boundaries. There are multiple points of connection that it's virtually impossible to have them all and it's also prohibitively expensive to attempt to monitor and track and record the actual strength of the sewage on an ongoing continuous basis as it is easy to do with flow. Their recommendation is they not attempt to amend the agreements to limit or to surcharge for sewage strength unless for a cost effective, completely uniformed and consistently accurate means of measuring strength can be applied to all of the tributary municipalities including the City. That's a big bullet item. Mr. Maxfield said is there an estimated cost to those improvements? Mr. Youst said they have not tried to identified how they would monitor the strength or what they would do if at all to surcharge, but reading in the book, it leads him to believe there is a thought that there is a potential for surcharging if limits are exceeded. Typically, what is done for permit monitoring is not billing, it's just making sure there are some random checks. A sampling crew will go out to a manhole in front of an industrial user, open the lid, put a sampler in, either for a grab or an eight hour composite sample from that and go back and that is the presumptive for the strength of the sewer, the prior quarter. That may or may not be truly representative for a municipalities flow over the course of 90 days or a year - doing it more often and continuously than that, as the strength of the sewage will change just as the flow does, is virtually impossible with today's technology.

Mrs. deLeon said her mind is going to the landfill because when they are discharging into their sewer pipe, counting on the leachate being diluted by the abatement system, and now the pollution is lessening up there and she doesn't know how much more water they are pumping to dilute it. Basically, we went through that when we redid the agreement and what is it going to cost the City of Bethlehem. Indirectly, it's going to affect everybody else because it costs more to treat that and cost us all more. That point was not well taken. She's sure it's going to be relooked at. The landfill would be charged? She was there and nobody was listening to her again. Mr. Youst said with regard to the municipalities as major customers to the treatment plant, they feel the plan has not identified an appropriate way to police, monitor and fairly assess uniformly across the board all the municipalities the strength of sewage condition. Mrs. deLeon said that would depend on the industry. Mr. Youst said there's industry versus private properties. Even restaurants can have an impact on the strength of your sewage as well as significant industrials. The one thing that is identified and this plan, in fairness, does address and identify more accurately than the plan from three years ago. It takes a section and identifies the conditions and terms in general form of each of the eleven intermunicipal agreements and makes recommendations for changes to those to come to somewhat of a more uniform approach and to deal with the current conditions associated with the cities operation of the treatment plant. While we understand there is a need to do that, we feel it's

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very important to indicate that until the City presents a specific proposal for modifying those individual agreements, like the one between the City, the Township and the Authority, for the flow, the municipality reserves the right to comment and/or reject any proposed changes to the agreement regarding the capacity allocation or the means of computing the charges of the allocation or charges for the capital cost. There is really nothing in the plan drafting a pro forma agreement or even a model that they would propose to get close to for municipalities. They identify there would be a need to redefine the allocation and a need to accommodate and establish a maximum sewage strength for the agreement with Lower Saucon Townships. That doesn't tell him enough about what they propose to impose upon Lower Saucon Township and the Authority, so we feel what they have is not resolution ready. There's a lot of discussion that still has to happen to address what their consultant is proposing in general terms with regard to the agreement. We would feel it's important to put them on notice that it is still subject to significant review by the Township so it's not overlooked in the rest of the process and that's just considered a minor comment, that's a major type of comment that we would have. Typically, Act 537 is a municipal planning responsibility. In the report, they specifically cite the fact that some of the municipalities operate their own sewer system and some utilize Authorities to do that for them, as operational or as financing Authorities, and they don't differentiate, they are just looking for input from the municipalities, in general. The Authority has endorsed the bullet points that HEA has prepared. The Authority felt we should at least present it to Council, for Council to determine so that it carried the full weight of the municipal government as opposed to a presentation on behalf of the Authority. The last one was done in letter form by Jim Birdsall, acting on and expressing the desires of the Township to respond with the comments that he presented.

Mr. Kern said once these comments are received, what's the process? How do they pay attention to some of the points you made? Mr. Youst said each and every comment that is received from every municipality has to be incorporated into an amendment to the book, and their consultant is obliged to respond to every comment or if there are similar comments from multiple municipalities to at least address that comment or comments similar in nature with responses on how they propose to deal with it. With regard to the agreements, there has to be additional negotiation. With regard to the other items, there may or may not be any active discussion on their part or any modification of the book other than their response to say yes, we will pursue grant funding when the time is appropriate for us to put that on the table. There may not be much more they need to do with regard to those type of comments. They have to respond to them and put their responses in the book. That then increases the size of the book for DEP to read and it's one of the many reasons DEP has 180 days to do that.

Mrs. deLeon said our comments have to be in for Sunday. Mr. Youst said correct. He said unfortunately, the timing of the delivery the day before Thanksgiving gave them multiple holidays followed by multiple days off after the holiday and they've made an effort to get this together by the time of the public meeting of the Authority, the neighboring Borough of Fountain Hill and this body, so it could be discussed at public meetings. Certainly, the December meetings were far too early to attempt to offer any preliminary comment. Mrs. deLeon said would this be on township letterhead? Mr. Youst said it could be. If Jack wants to take the bullet points and work with them or if the Council would rather have HEA express at the meeting tonight that Council directed HEA to respond on the Township's behalf with the following comments. Mrs. deLeon said from looking at all the letterheads, it should be from the municipality, then they know it's the Township's comments. Mr. Maxfield said he likes that idea, but there might be a shorter way to get there...if HEA compiles a letter on our behalf and we attach a letter from Council saying this is a position we support. Mrs. deLeon said then it looks like engineering is giving it rather than us giving them comments. Mr. Maxfield said has Fountain Hill signed on? Mr. Youst, said yes, he had a committee level meeting with them today and with full Council tonight and their intent is to endorse the bullet points that we identified and direct us in some fashion to be prepared to deal with the response tomorrow.

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- MOTION BY:** Mr. Maxfield moved to have HEA represent us with the views that were discussed tonight and forward the comments to the City of Bethlehem on their Act 537, on our behalf.
- SECOND BY:** Mrs. deLeon
Mr. Kern asked if anyone had any questions? No one raised their hand.
- ROLL CALL:** 5-0

B. ADOPTION OF ROAD MAINTENANCE POLICY

Mr. Kern said the draft Road Maintenance Policy has been revised to incorporate revision requested by Council and the EAC and is ready for final adoption.

Mr. Cahalan said we had brought this to Council previously and there were several comments and recommendations from the EAC for additions, and there was a revision requested by Council dealing with the direction of the department. Those changes have been made and it's ready for your approval, unless there are any other new items that come up tonight. Mrs. deLeon said all our other comments previously discussed when it was first introduced were met. Mr. Cahalan said yes, those are the darkened areas in the draft. Mr. Maxfield said on page 12, under gutters and swales, it references vegetated gutters and swales and when you get down further, it talks about vegetation and then it quickly changes it to grass. It talks about grass may not be able to hold back the flows. He thinks that we should open it for the possibility of different types of vegetation, which might work better in some of those places with better root systems. Mr. Cahalan said can he just say vegetation? Mr. Maxfield said yes, anything that opens it up to the point that we use some kind of plant material rather than paving it. Mr. Cahalan said that will keep it consistent. Mrs. Yerger said you could if you put in the term "native vegetation" because turf grass isn't native. It would incorporate any other vegetation that is natural to the area. Ms. Stern Goldstein said some of the swales in Polk Valley Park are grasses but they are not your standard turf grasses, so vegetation would work for everything. She would leave it "vegetation". Mr. Maxfield said his concern is paving should be the last resort.

Mr. Horiszny page 5, under item B, "all fines and money so recovered shall be paid to the Township Treasurer", shouldn't it say Treasury? Mr. Cahalan said he believes that is taken word for word out of the second class township code, so that reflects what is written in there. We are quoting verbatim from the code.

Mrs. deLeon said what about Supervisors? Mr. Cahalan said that's what they have in the second class township code book also. Mrs. deLeon said maybe in the introductory paragraph, you should say when you see the word "Supervisor" it would mean "Council". That would clear it up.

- MOTION BY:** Mr. Maxfield moved for approval of the Road Maintenance policy with changes.
- SECOND BY:** Mr. Horiszny
Mr. Kern asked if anyone had any questions? No one raised their hand.
- ROLL CALL:** 5-0

C. CABLE FRANCHISE AGREEMENT OPTIONS

Mr. Kern said as directed, the Solicitor has prepared a memorandum requesting direction from Council on future cable franchise negotiations.

Attorney Treadwell said he gave Council a memo, January 15, 2009, that has seven different things to discuss. He thought maybe we could spend a short period of time discussing them so you can let him know, do we want to go ahead and start this cable franchise issue all over again, which would probably entail the adoption of an ordinance and then an agreement with both cable companies. The seven items he has are a starting point.

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Mrs. deLeon said every time she goes to conferences, she comes back and says how can we better serve our residents by strengthening what we already have. She appreciates the list and we do need to include the schools, the fire companies, and the historical structures. That would be good as it's done other places, so it wouldn't be unusual. No. 4, the way you had it worded wasn't really right. She did copy her bill and the franchise fees, it is 3%. It used to say it, but Service Electric doesn't show it anymore. When you said it passes it along to the customers, the customers pay it. Attorney Treadwell said he said the cable companies will probably pass this fee to all customers. Mrs. deLeon said not "probably", it does already. Attorney Treadwell said what he meant is it's 3% now and to go up to 5%, they are probably going to pay the 5% too. He doesn't know that, because they may not pass the additional 2% on. Mrs. deLeon said if the municipality tells them it's up to 5%, they have to change it on the bill. Mrs. deLeon said she never wanted to do that because it's the customer that pays and she feels it's the cable companies that should be paying and providing us more than they do. Her question is to make sure that the cable companies are giving us all the services that are allowed by that newly passed law. She wants to make sure that every service allowed by law is being provided to our customers. Attorney Treadwell said that was part of No. 4 with the internet thing. Prior to the FCC that regulates this, it said you could not charge for internet service as part of a cable franchise fee. The cable companies used to say if the FCC changes its regulations in the future to say internet service isn't included, then automatically that fee goes away. Then when you want to say if it changes in the future to say it isn't included, then it automatically gets added, they said no, they can't do that. Mrs. deLeon said she doesn't want to include the cost to the residents but she wants to provide more community services and the right of way. She thinks we are missing revenue for the township. Attorney Treadwell said that may be a way to raise revenue from the cable companies without passing the fee through to the customer. Mrs. deLeon said that's good. She doesn't remember if Hellertown said it was 3% or 5%. Mr. Cahalan said he didn't remember. Mrs. deLeon said we can bring this up at the Partnership meeting since it involves Hellertown.

Mrs. Yerger said why are the cable companies for this particular type of thing singled out. You have Verizon, and she hears more customer complaints about Verizon. Attorney Treadwell said Verizon is an internet service, and what the law provides is we can charge a cable company for cable TV service. He doesn't think Verizon does TV. Mrs. Yerger said she thinks Verizon does TV. Attorney Treadwell do they do it through cable and you then get into the question of Direct TV and how do we deal with that. Mrs. Yerger said it seems we are kind of banging on the cable companies when these services are being provided and our customers may or may not be getting the proper service. Mrs. deLeon said we have an agreement and it's so old, we can't even find it. Attorney Treadwell said we have an Ordinance and it's so old, but we can never find an agreement. Mrs. deLeon said it's been 3% forever. Mrs. Yerger said how do they address Verizon? Mrs. deLeon said it wasn't there then. We're missing this opportunity. Mrs. Yerger said there are other providers and it may not fall under the parameters of strict cable. We should start looking at everybody. Mrs. deLeon said the law says what we can do and it might not include them. Attorney Treadwell said he doesn't know the answer. Mrs. Yerger said it's on the horizon.

Mrs. deLeon said the PSATS conference is coming up and she's sure they will have another cable conference there. Mr. Kern said Direct TV probably doesn't have any cables in any right of ways, and that's probably the difference. Attorney Treadwell said if Verizon serves Lower Saucon Township, then they'll probably have cable in the right of way. Mrs. deLeon said we're making progress. It's closer than where we have been. Attorney Treadwell said the biggest question he had was probably the biggest issue in the minds of the cable or other providers we talked to will be that franchise fee because that's what hits them in the pocketbook. Mrs. deLeon said they don't pay it. She doesn't understand. Attorney Treadwell said passing it, this is why he raised the question if they want from 3% to 5%, they would pass it through. If you are in competition with the satellite TV company and you pass through that extra percentage, is that person going to say, I'll just get Direct TV.

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Mr. Kern said another big issue would be fees for using the Township right of ways. Attorney Treadwell said when you go up to 5%, the cable companies will come back and tell you that you are at 5% and you are at your maximum for your franchise fee, and that includes the right of way. If we stay at 3%, then maybe we have some other issues we have to say about the right of way. We may also have some issues about right of way for other providers, whether it's high speed cable or whatever. Mrs. deLeon said what about existing lines? You can't go back? When they upgrade the lines, do they tell the Township or do they just go in there and do it? Mrs. deLeon said we have to be the police out there watching.

Mr. Maxfield said he'll tell you something interesting, some of the cable companies around here are using the same right of way easements that PPL and companies like that are using, except that PPL, we are finding out, they don't have easements, they just went around and did it through these areas and on private property.

Mrs. deLeon said we should proceed and see what we can do to improve our services. She doesn't support raising it at this time. Attorney Treadwell asked if anyone wanted to raise it at this time or is 3% okay with everyone. He will look into the right of way and the satellite issue and see if he can combine that in and at least it will give him a starting point. Mrs. deLeon said also services to the fire companies and public buildings.

Mr. Cahalan asked Stephen to explain to Council what he is involved with on the night of the Council meetings in spring time? Stephen said he will be in play practice some of the nights that Council will be meeting, so he was wondering if he could come in at about 8:00 PM. Council said that would be okay.

D. REVIEW OF WISE PRESERVATION FINDINGS ON HELLER HOMESTEAD NATIONAL REGISTER NOMINATION PROJECT

Mr. Kern said Wise Preservation consultants have provided us with a draft report they have submitted to the PHMC for their findings regarding the Heller Homestead National Register nomination project they have been commissioned to undertake.

Mr. Cahalan said Wise Preservation has been doing extensive field work to come up with the documentation that they needed for the national register nomination and they were asked to do it in the area of colonial revival architecture, which was not easy to do. They have been working for the last several months and they put this together as a draft, primarily to run by Carol Lee at the PHMC to see if they were on the right track with what she was asking for. It was sent to her by Bob Wise, and he wanted Council to take a look at it and give him any comments they may have. Mrs. deLeon said this is more of an update. Mr. Kern said it looks like she did a really good job. She found some samples. Mrs. deLeon said Lee was very helpful in identifying homes, and Estelle Yeager Bauder is a great lady and her father was the person who did all this work. It was very exciting and interesting. This is a new era of historic preservation and a lot of the footwork isn't there. Mr. Kern said this was submitted to PHMC, what's the next step? Mrs. deLeon said we have to wait to hear back from Carol Lee and submit the actual application. Mr. Cahalan said that will be submitted through Council like you did with the Lutz-Franklin. Mrs. deLeon said does Council have any other recommendations? Mr. Kern said not now, after reading that report. They covered most everything. It was a good education. Mr. Horiszny said was there a question in there if Michael Heller really built the house? Mrs. deLeon said it's her recollection that he bought the property in 1771 and obviously, he had to build a house and they feel that the kitchen dimension is the same dimension that they found on a 1798 reference to a tax map and they feel that the kitchen was the area of the house first built. We always thought it was reversed because there's a crawl space beneath it.

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

E. SKIBO ROAD – FRIEDENSVILLE ROAD & APPLE STREET – 25 MPH SPEED LIMIT STUDIES

Mr. Kern said as requested, the Township Engineer has conducted a field evaluation of the conditions along Skibo Road, Friedensville Road, and Apple Street, adjacent to the Borough of Hellertown, to determine if the criteria are met for a reduction to 25 mph speed limits on these roadways.

Mr. Cahalan said this was an issue that came to us from the Borough of Hellertown. It had been discussed at several Borough Council meetings and it was discussed briefly at a Saucon Valley Partnership meeting. The issue that they brought to our attention was the enforcement of their speed limits in the Borough, particularly on the roads that come into the Borough from Lower Saucon. Those are Apple Street, Friedensville Road, Water Street, Skibo Road and Walnut Street. The speed limits on those roads in the Borough are 25 MPH. Their police force has been enforcing that and been giving tickets. Some of those tickets have not been upheld by the magistrate because they were informed they needed a sufficient stretch of road, 500 feet, for a transition from our speed in the Township to the Borough speed of 25 MPH. We don't have that because it abruptly stops from 35 or 40 MPH and goes right to 25 MPH at the Hellertown border. They asked us if there was anything we could do. Originally we thought we could put "Speed Reduced Ahead" signs, but they apparently would not be enforceable either because of the lack of transition. We asked the Engineer to look into it and see what could be done. Bob Mack from HEA has done a report. The conclusion is that Skibo and Apple Street meet the requirements for the reduction of the 25 MPH, and Friedensville Road is a state highway and you'd have to request that reduction from PennDOT.

Mr. Kocher said just because Skibo and Apple Street do qualify for resident zone, that does not mean you have to reduce it to 25 MPH. It's completely at your discretion. If you wanted to, they believe it is justifiable. That is up to you and your Police Department.

Mr. Maxfield said he's quite familiar with Friedensville Road and he thinks there should be a light there at the hill. Last night he drove up and down Apple Street and Skibo Road quite a few times to make sure his feelings were on target. He really recognizes the concern on Apple Street as it's a narrow and twisted road. Some of the areas are pretty dense, it goes right down past one of our polling places, and it's a really hard parking lot to get in and out of, so he thinks that really warrants the 25 MPH there. Skibo Road is the one he has problems with and for several reasons. The intersection at Walnut Street and 412, you can see that intersection from the very top of the hill by Four Seasons, so that entire stretch of road is visible. It's also wide in the section they want us to make it 25 MPH. It's also a hill, and there are very few exits on to that road. He counted Victor Road, Four Seasons and Cobble Creek. One of the other reasons we thought we might not want to do it is because we are trying to encourage people to not use Meadows Road to not use the bridge to save the bridge, and that is the ultimate route. It goes from 35 MPH down to the bridge, and then into Hellertown, it's 25 MPH. To him, it may not meet those PennDOT standards, but to him it seems like a very reasonable transition. It's totally visible. He was up near Four Seasons and looked in his rear view mirror and he could see the lights and the entire intersection. It's the type of intersection where you can go down, judge if you have to slow down, and he thinks what Hellertown Police might be responding to are bad drivers. He thinks 35 MPH to 25 MPH is very reasonable for Apple Street. He would support that as the road width warrants, but we don't have those conditions on Skibo Road.

Mr. Horiszny said his feeling is it would be a perfect issue for a regional police department, and not having one, we shouldn't spend a dime or any more time on the issue.

Mr. Maxfield said on Friedensville Road from Creek Road it's 30 MPH, until after the park, then it's 25 MPH, there is a transition there. Mrs. deLeon said people go flying down that hill. Mr.

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Maxfield said trying to pull out of Creek Road is very hazardous. Mr. Cahalan said it's up to Council on Skibo and Apple. Mr. Maxfield is recommending we move ahead with the reduction of the speed limit on Apple Street. Mrs. Yerger said what cost would we incur? Mr. Cahalan said to change the signs. We don't have to do the traffic study. Mr. Cahalan said is he hearing okay to proceed on Apple Street with the reduction and not on Skibo Road based on the reasons that Mr. Maxfield has brought up. Would you like to request PennDOT to change the speed limit on Friedensville Road? Mr. Maxfield said the Farmers Market is there, and if we can't get the speed limit reduced, we have to get Police out there to slow down traffic.

Mrs. deLeon said when you look at the picture of the crumbling bridge on Friedensville Road, underneath it, who is responsible for that bridge? Mr. Cahalan said PennDOT. Mrs. deLeon said she thinks they need to be made aware that it's really in disrepair. If you look from the Homestead, underneath the bridge, it's crumbling also. Mrs. deLeon said can you write to PennDOT and ask them about the bridge. Would it be proper to ask for maintenance reports? Mr. Kocher said they can put this on the meeting agenda that they are planning to have with PennDOT.

MOTION BY: Mr. Maxfield moved to proceed with Apple Street with the speed reduction and not on Skibo Road based on the reasons discussed above by Mr. Maxfield; and submit a report to PennDOT regarding Friedensville Road.

SECOND BY: Mrs. Yerger
Mr. Kern asked if anyone had any questions? Lee Weidner, 1071 Main Street, said he is personally in favor of reducing the speeds to 25 MPH on all three streets. The most dangerous is Friedensville Road because when he's driving east coming down the hill towards the Homestead, he knows he's going from 40 MPH to 30 MPH. If there's a car behind him, he's right on his tail. He gives that car a hand signal and sometimes it works. He is always accused of driving like a grandfather, and he always says because he is a grandfather, he is qualified. As far as the Hellertown Police go, they sit at Water Street Park and spend a lot of time there, not seeming to accomplish much. He would question Hellertown on the amount of tickets they give out. There's no doubt about it that PennDOT has to be contacted because the cross walk by the Homestead, as soon as you get over the bridge from Hellertown, is disregarded by all motorists except him, and even when the yellow lights are blinking, it is disregarded by all motorists. Pedestrian safety has totally deteriorated on 412 in Hellertown. It's good that Lower Saucon reduced the speeds coming into Hellertown to 25 MPH despite the fact that Hellertown Police, has he has observed, are kind of hapless. Hopefully, the state law will change and there will be local municipalities using radar which is a good thing. He thinks 25 MPH coming into Hellertown is a good thing from Apple Street, Friedensville Road and Skibo Road is a good thing.

ROLL CALL: 4-1 (Mr. Horiszny – No)

Mrs. deLeon said she'd like to keep the Skibo Road on the back burner and have our people look at it and it may be an issue. Mr. Maxfield said he would encourage other Council members to drive it. Mr. Cahalan said they will continue to discuss it at the Partnership meetings.

MOTION BY: Mrs. deLeon moved to ask the Manager to contact PennDOT and look into the condition of the Water Street Bridge.

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

ROLL CALL: 5-0

F. RESOLUTION 33-2009 – INTERGOVERNMENTAL AGREEMENT TO AUTHORIZE ELECTRONIC ACCESS TO PENNDOT SYSTEMS

Mr. Kern said the Township would like to enter into an intergovernmental agreement with PennDOT to register as a Department business partner in order to be permitted electronic access to

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the DOTGRANTS system for the purposes of entering information into and exchanging data with the system. Council will need to approve the Council President and Township Manager executing this agreement.

Mr. Cahalan said it's a pretty formal way of saying you do this online, but we need signatures on the agreement and need authorization for the Council President and the Manager to sign that agreement.

MOTION BY: Mr. Horiszny moved for approval of Resolution 33-2009.
SECOND BY: Mrs. Yerger
Mr. Kern asked if anyone had any questions? No one raised their hand.
ROLL CALL: 5-0

G. CENTER FOR ANIMAL HEALTH & WELFARE – AUTHORIZE EXECUTION OF 2009 SERVICES AGREEMENT

Mr. Kern said the Township Manager will review the proposed 2009 agreement with the Center for Animal Health and Welfare for animal services for stray, abused, injured animals for 2009 and is requesting Council's approval of the agreement.

Mr. Cahalan said this would be a renewal of the existing contract. It's still at the rate of \$50 for each stray animal that the Township Police Officers call the shelter to pick up or drop off. They have reduced significantly the cost to this as they eliminated the drop off of stray cats. They did institute the Trap Neuter Return program and right now, basically all we are paying for the stray animals is for dogs that are brought to the shelter, so our costs have been cut in half. This is just a continuation of the existing contract and authorization for the Township Manager to sign the contract.

MOTION BY: Mr. Maxfield moved for approval to authorization execution of 2009 services agreement.
SECOND BY: Mr. Horiszny
Mr. Kern asked if anyone had any questions? Ms. Segaline said the Trap Neuter program is an excellent program as long as you have cages. Mr. Cahalan said they supply them if you contact the shelter. Ms. Segaline said no, what happens is people borrow the cages, and they don't bring them back, so now the center has no cages. Mr. Cahalan said do they know who they gave the cages to? Ms. Segaline said she's not sure, but how do they police something like that? Mr. Cahalan said if we are going to have a program, we need to get those cages back from the Township people. He will call the Director and talk to him about it. Mrs. deLeon said maybe they could require a credit card deposit. Ms. Segaline said that's a good idea. Mrs. deLeon said your credit card won't be billed unless you return it.

ROLL CALL: 5-0

H. SAUCON VALLEY CONSERVANCY – REQUEST FOR APPROVAL TO SUBMIT HELLER HOMESTEAD BARN STABILIZATION PLAN

Mr. Kern said the Heller Barn was a significant early stone barn based upon English Lake District prototypes and was quite rare within the region. The barn was demolished by Lower Saucon Township in 1998 following the collapse of its roof after a severe storm.

Today, the footprint, artifacts, and a portion of the stone walls of the barn remain. The footprint and ruins of a later wood framed barn adjacent to the stone barn also remain. The Heller Barn ruins consist of the stone barn ruins measuring approximately 32' x 64', but excludes the stone foundation fragments from the adjacent frame barn, that are located immediately to the south.

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To aid in the stabilization of the Heller Barn ruins and prepare for future phases of work to preserve the barn for possible reuse for the site interpretation purposes, the Saucon Valley Conservancy hired John Milner Associates, Inc. JMA has prepared a preliminary repair report with recommendations from Keast and Hood. The project team, Lori Aument from JMA and Chris Ibrahim from Keast and Hood visited the site in late November and early December. The report, dated January 14, 2009 is provided for your review.

The Saucon Valley Conservancy requests Township Council approval to proceed with the preliminary repair work to aid in the stabilization of the Heller Barn ruins and prepare for future phases of work to preserve the barn for possible reuse for site interpretation purposes.

Under terms of the covenant, we would also need approval from PHMC regarding these repairs.

Mrs. deLeon said if you read the JMA report, they did a great job on summing things up on their findings and on page 2, what we need to do right now is level 1, which is imperative. They did the recommendations on three different levels. What is happening is the stone behind the arch is pushing up behind the wall facing the Widow's House and it is actually bowing it. We need to get in there and scoop that out. If you are looking at the wooden frame at the arch, there's a gap in the top. She always thought a stone fell out, but it didn't. What is happening is the wood resting on the ground has rotten the wood and it shifted the door frame. We need to get behind it. If you look at the one picture, you can see the stone rubble behind the arch, it would be all the stuff behind the arch. After the barn was knocked down, we decided to leave that stone there as we were told you should put the stone back where it was. That wall was the stone that collapsed there. By leaving it there, we knew it came from those walls. That was the intent ten years ago. We are going to go in there and relocate the stone and get it away from that wall and make room to go behind the arch and sure it up so it stabilizes it temporarily. If Council is in agreement with the next step of the process, then we need to write to PHMC to get their approval and then in 30 days we can get a piece of equipment in there, clear it out, take the stone away from the wall, stabilize behind the arch.

Mrs. Yerger said she has one recommendation. From past communications with PHMC with regard to this, the report and endeavor are great, but the wording in the letter, one little section that needs to be take out in three sections. If you go to the report, she would take out the phrase "prepare for future phases of work", only because they got real funky and everything has to be documented. The rest of the letter is fine. What you are documenting here and very carefully is the stabilization of the Heller Barn ruins. Mrs. deLeon said she know what Mrs. Yerger is saying. Mrs. Yerger said she would keep the letter real clear and concise. Mrs. deLeon said she will ask Lori to revise her letter and take that out and change the date. The letter would come from Mr. Cahalan and Mrs. deLeon will email the revisions to Mr. Cahalan.

- MOTION BY:** Mrs. Yerger moved for approval of the request to submit Heller Homestead Barn Stabilization plan to PHMC with the recommended revision about taking out the phrase talking about future projects and uses.
- SECOND BY:** Mr. Maxfield
Mr. Kern asked if anyone had any questions? No one raised their hand.
- ROLL CALL:** 5-0

Mrs. deLeon said do you think the pictures she has are appropriate to send? Council said yes. Mrs. deLeon said the timbers, they have to get moved.

Ms. Segaline said the timbers that Mrs. deLeon is referring to need to be preserved in the very near future and the only place to store them would be in the existing garage. She's requesting an extension or postponement of the garage being torn down. The timbers could be placed on top of skids and that would keep them dry enough. The important thing is the historical thing has to be

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determined when it comes to the age of the timbers and the type of wood used in the barn. Eventually, all that will go into the actual presentation shown in the new barn when it's constructed. It's a piece of history that we would just like to preserve.

Mr. Kern said what is the condition of the existing timbers? Mrs. deLeon said you can see them in the pictures. They are rotting. Ms. Segaline said the Conservancy actually has a plan to get that garage cleaned out ASAP. They are going to do a garage sale. It should be cleared out by May 9. They want to determine the age of the timbers. Mrs. deLeon said there is valuable information to be gained from the timbers.

Mr. Maxfield said he has problem with them going into that garage. The garage is very quickly going to become a liability to the Township. That wall is in bad shape. He wouldn't want anyone taking big pieces of wood in and out. It looks very bad. Mr. Cahalan said we have a trailer with the wood from the Rentzheimer barn and if they would like, he can have the timbers put in there. He doesn't know how you are going to move those timbers. He can have Public Works just move them if you want to supervise it. If they are in moveable condition, then you can get them moved into the trailer. Are you going to wrap the timbers up to keep them? Ms. Segaline said no, it's not as much for preservation purposes as it is to identify what they see at this point of time, regardless of how good or bad it is. It's more to take samplings and take sections. Mrs. Yerger said it's going to have to be tagged and documented anyway and they will select what they need to send to for testing. Mr. Maxfield said with an extension on the garage to take it down, we're already at July. Mr. Kern said the trailer is probably better than the wet garage. Mrs. deLeon said we wouldn't even be able to get it in there until we have the garage sale. Mr. Kern said we could get the trailer right to the site. Mr. Cahalan said we'll work it out.

Mrs. deLeon said under the Level 3 Maintenance – keep the barn ruin area free of invasive trees and shrubs, which we are pretty much doing now. Mr. Cahalan said they did cut down some of the bigger caliper trees. It's on the maintenance program for treatment.

VI. MISCELLANEOUS BUSINESS ITEMS

A. APPROVAL OF MINUTES – JANUARY 5, 2009 COUNCIL MEETING

Mr. Kern said the minutes of the January 5, 2009 Council meeting have been prepared and are ready for Council's review and approval.

Mr. Horiszny said page 2, line 1, change Second to Close Nomination as Mrs. Yerger. Page 11, line 22, should be Resolution 11-2009, not 22-2009.

MOTION BY: Mrs. Yerger moved to approve the Reorganizational Meeting minutes of January 5, 2009.
SECOND BY: Mr. Horiszny
Mr. Kern asked if anyone had any questions? No one raised their hand.
ROLL CALL: 5-0

Mr. Horiszny said on page 40, line 41, the time should be 8:56 PM.

MOTION BY: Mrs. deLeon moved for approval of the General Business minutes of January 5, 2009.
SECOND BY: Mrs. Yerger
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 DECEMBER 2008 FINANCIAL REPORTS

Mr. Kern said the December 2008 Financial Reports have been prepared and are ready for Council's review and approval.

MOTION BY: Mrs. Yerger moved for approval of the December 2008 financial reports.

SECOND BY: Mr. Maxfield

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

ROLL CALL: 5-0

VII. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS

None

VI. COUNCIL AND STAFF REPORTS

A. TOWNSHIP MANAGER

➤ Mr. Cahalan said you will recall back in 2006, we adopted a hazard mitigation plan. We submitted projects to this. We submitted twelve flood projects to the plan. They were put together with the whole Lehigh Valley and they ranked these hazard mitigation plans into high priorities, medium priorities and low priorities. Most of our twelve were in the medium and low priority. That was submitted to FEMA and there was supposed to be some funding coming from the Federal Government. Last year we were informed the high priority projects were going to be receiving some funding from Congressman Charlie Dent's office. He has secured \$1 million in FEMA money to fund Northampton and Lehigh County. We were told that our projects did not rank high enough to be in that round of funding, but we were told that we would be wait listed in case there would be additional funding. We did submit an application for what was considered our highest or worst project and that was to replace a culvert on Lower Saucon Road, north of Alpine Road. Brien Kocher and his staff put together the documentation on that and we didn't hear anything until a week or so ago. He received a call from the County Emergency Management Office and they said that money is available for that project. The estimated cost of that project of \$170,920.00. All we would be committed to is a 25% match or \$42,730.00. Because much of the work could be done in-house by our Public Works Department, we could probably cover the entire match through the use of our staff and our equipment. We are in the running for this funding. He's not sure when it's going to be, but this is a project that is probably ranked as our top priority in Lower Saucon Township to prevent future flood issues. Our other projects that are just below that in importance are the culvert on Reading Drive at Creekview Drive and also the next one is the replacement of inlets piping and outfall at Wassergass Road at the former elementary school. He'd like Council's approval for the commitment for the portion of the match of the Federal FEMA match for this project.

MOTION BY: Mr. Horiszny moved for approval for the commitment of our portion of the match for this federal FEMA money for this project.

SECOND BY: Mr. Maxfield

Mr. Kern asked if anyone had any questions? Fred Segaline said from their house on Leithsville Road, there's a pipe going from their property all the way back to the creek. When it rains hard, water comes out in their basement and when it really rains hard, it pushes up their ground in a couple of spots. Mr. Cahalan said it's under Route 412, it's a PennDOT road. Mr. Segaline said PennDOT said it's not their problem. Mr. Cahalan asked Mr. Segaline to provide some documentation and pictures and when they meet with PennDOT, and he could bring it up.

ROLL CALL: 5-0

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- Mr. Cahalan said he would like Council's approval of the proposal from the Pennsylvania Economy League for support services for the potential Act 111 police arbitration at a cost not to exceed a cost of \$9,400.00.

MOTION BY: Mr. Horiszny moved for approval as stated above by the Manager.
SECOND BY: Mrs. Yerger
Mr. Kern asked if anyone had any questions? No one raised their hand.
ROLL CALL: 5-0

- Mr. Cahalan said the Township was asked to do a support letter by the Saucon Creek Watershed Association for support of the Saucon Creek pilot implementation project which had to be submitted by January 14, 2009. He's asking for Council's ratification to send that support letter.

MOTION BY: Mr. Kern moved for approval of ratification to send support letter to Saucon Creek Watershed Association for support of Saucon Creek pilot implementation project.
SECOND BY: Mr. Horiszny
Mr. Kern asked if anyone had any questions? No one raised their hand.
ROLL CALL: 5-0

- Mr. Cahalan said he received word, through Gar Davidson, that Mary Curtin would be resigning from the Lower Saucon Authority Board effective January 20, 2009. He requests approval to accept her resignation and send her a thank you letter.

MOTION BY: Mrs. deLeon moved for approval of Mary Curtin's resignation, with regret, and Mr. Cahalan will send her a letter.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone had any questions? No one raised their hand.
ROLL CALL: 5-0

- Mr. Cahalan said he gave them a copy of a notice we received about a County Council meeting on February 5, 2009. It's about an introduction of an ordinance, the one that was introduced by Councilman McClure, and this is to establish a separate economic development authority at the County to distribute the gaming funds. We distributed this around to the other three municipalities, and he's asking if any Council members would like to attend. It's Thursday, February 5, 2009 at the Courthouse in Easton at 6:30 PM. He will be attending and they are hoping for attendance from the other municipalities. They are asking that we have one speaker for the four groups and he believes we are having Larry Fox from Freemansburg do that.

B. COUNCIL/JR. COUNCIL

Stephen Prager
Left meeting before Council reports.

Mr. Maxfield
None

Mrs. Yerger
None

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Mr. Horiszny

- He wondered if any of the Authority minutes had been distributed for your assessment as we had mentioned last meeting? Ms. Huhn said she was gathering some other minutes from other municipalities
- He said he was at the Authority meeting last night and heard Brad's report and he's glad we took the action we did.
- He has a concern that we are getting a lot of paper copies of things, so let's keep it electronic if we can. Mrs. deLeon said when you put Council agenda, please put the date in the subject line, and when you save it, you can find it. You can go to your computer and it's better than going through mountains of paperwork trying to find something.

Mr. Kern

None

Mrs. deLeon

- She asked if there was an update on the Controller position? Mr. Cahalan said they did send a notice to the County, but we haven't had a chance to talk to them as to why it didn't get on the ballot at the last General Election. He will follow up with this.

D. SOLICITOR

None

E. ENGINEER

None

D. PLANNER

None

E. ADJOURNMENT

MOTION BY: Mr. Horiszny moved for adjournment. The time was 10:04 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