

**I. OPENING**

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

**II. PUBLIC COMMENT PROCEDURE**

**III. PRESENTATIONS/HEARINGS**

**IV. DEVELOPER ITEMS**

- A. Old Saucon – Route 378 – Waiver of Land Development

**V. TOWNSHIP BUSINESS ITEMS**

- A. Zoning Hearing Board Variance – Alex Patullo – 4166 Lower Saucon Road – Request Variance of Banquet Facility Use
- B. Jill Mickley – 2634 Easton Road – Request to Amend Maintenance Agreement for Small Flow Treatment Facility
- C. Discussion of Resident Complaint of Truck Traffic on Banko Lane
- D. Discussion of Wilhelm Road Truck Restriction Study
- E. Discussion of Broadhead Court Truck Restriction Study
- F. Meadows Road – Streambank Erosion Discussion
- G. Lutz-Franklin Schoolhouse Grant Application for Exterior Masonry Work
- H. Resolution #35-2012 – Authorize Submission of Local Share Municipal Grant Application
- I. Resolution #36-2012 – Submission of PA Historical & Museum Commission Keystone Grant Application for Rehabilitation of the Old Mill Bridge
- J. Discussion of Allentown Neighborhood Improvement Zone (NIZ) Earned Income Tax Collections
- K. Authorize Collection of 2012 Real Estate Taxes & 2011 Delinquent Taxes

**VI. MISCELLANEOUS BUSINESS ITEMS**

- A. Approval of January 18, 2012 Minutes

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

**VIII. COUNCIL & STAFF REPORTS**

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

**IX. ADJOURNMENT**

Next Park & Rec Meeting: February 6, 2012  
Next Saucon Valley Partnership: February 8, 2012 @ LST  
Next EAC Meeting: February 14, 2012  
Next Council Meeting: February 15, 2012  
Next Zoning Hearing Board Meeting: February 20, 2012  
Next Planning Commission Meeting: February 23, 2012

**I. OPENING**

**CALL TO ORDER:** The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, February 1, 2012 at 7:06 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Mr. Glenn Kern, President, presiding.

**ROLL CALL:** Present: Glenn Kern, President; Tom Maxfield, Vice President; Ron Horiszny, David Willard and Priscilla deLeon, Council members; Jack Cahalan, Township Manager; Leslie Huhn, Assistant Township Manager; Linc Treadwell, Township Solicitor; Brien Kocher, Township Engineer; Judy Stern Goldstein, Township Planner; and Jr. Council Member, Jameson Packer.

**PLEDGE OF ALLEGIANCE**

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

**Mr. Kern said Council met in Executive Session prior to tonight's meeting. Attorney Treadwell said the substance of the Executive Session was to discuss the potential acquisition of real estate open space benefits. Mr. Kern said we also discussed personnel issues.**

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

Mr. Kern said if you are on the agenda, you have Council and staff's undivided attention for the discussion period. At the conclusion of the discussion period, we do open it up to the public at each and every agenda item, so you have an opportunity to comment. If you do choose to comment, we ask that you use one of the three microphones that you see here as the minutes are transcribed verbatim. We want to make sure we get every word into the record. We also ask that you state your name for the record so the transcriptionist can duly note that.

**III. PRESENTATION/HEARINGS – None**

**IV. DEVELOPER ITEMS**

**A. OLD SAUCON – ROUTE 378 – WAIVER OF LAND DEVELOPMENT**

Mr. Kern said the applicant is proposing commercial development of a tract which is primarily located in Upper Saucon Township, Lehigh County. A small portion of one access way is located within Lower Saucon Township. The applicant is seeking a waiver of the full blown land development process.

Jim Preston, Attorney representing the applicant and Anna Martins, Project Engineer with Van Cleef Engineering were present. Mr. Preston said this is a large piece of ground located almost wholly in Upper Saucon. There's a small piece that projects into Lower Saucon Township. The property fronts along Route 378. The area that's at issue this evening is at the intersection of Route 378 and Colesville Road. The development of the property will occur almost exclusively in Upper Saucon Township; however, one of the access points will be off of Colesville Road into the Lower Saucon area and that will traverse property that is in Lower Saucon Township. Originally, they were just going to divide this along the township line and then just have the property that's in Lower Saucon as it's not being developed and have it identified as a remainder. After discussing it with your staff, a better approach would be to continue the subdivision along the Township line, get up near the intersection of 378, which is where the driveway will be, and then divert the subdivision so that portion that will be containing the driveway is on the Upper Saucon tract. The reason they are here this evening is to seek a waiver of land development review for the project

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itself which will be in Upper Saucon and is being reviewed and part of a ongoing undertaking in Upper Saucon Township. They are here seeking a waiver of and development. They did get a comment letter from your engineer which they have gone over. They don't have any comments on that letter. They are here to answer any questions.

Ms. Stern Goldstein said the issues she has are mainly zoning issues. The portion that is in Lower Saucon would have to have the calculations done to determine the net buildable site area and from that, the maximum impervious permitted on the whole parcel. From that, you would deduct the impervious you are proposing on the triangle at the top and then note on the plans the remaining impervious that would be permitted on the remainder of that parcel. Those are the main points in her letter. You need to go through the resource calculations which don't seem to be overly restrictive or onerous on the site. Mr. Preston said their engineer said that does not present them any problems. Ms. Stern Goldstein said there was something on your plan labeled "waters of the U.S. or Commonwealth" and you are actually going to be crossing that, so it would be a conditional use for riparian and would be associated with it. Mr. Preston said they are not sure that identification is correct, so they'll check it out.

Mr. Kern asked if there was anything needed from Council? Mr. Preston said this was just to inform Council, but they do need a waiver. Attorney Treadwell said we need a motion to waive the formal land development process subject to the Hanover letter of January 26, 2012 and the Boucher & James memo of January 27, 2012. Mr. Preston said he did talk to Mr. Kocher earlier about No. 1 on Hanover's letter which says the waiver will be granted only for the construction of a driveway and only on the area identified with Upper Saucon Township parcels. For the most part, that is true. If you look at the plan that was submitted, there's a drainage channel that carries storm water. It's part of the driveway. He doesn't want to get hyper-technical, but he's assuming that whatever was disclosed on the plan to the Township would be included on the waiver. Mr. Kocher said if they waive land development, you still have to submit a subdivision plan to create that line. Mr. Preston said that's correct.

Mr. Maxfield said the only thing that the plan suggests to him is the improvements on Colesville Road, the usage of Colesville Road as a thoroughfare and a short-cut to Black River Road. He's concerned about the change and usage of Colesville Road. Has there been any consideration given to that plan and design that would deflect people away from using Colesville Road? That road is a really small residential road.

Ms. Martins said you can't discourage or encourage them to use Colesville Road; however, part of the overall land development and work being done as part of this development in the Upper Saucon review, is extensive work is going to be done along 378 and at the intersection of 378 and Colesville Road, including a traffic signal. As part of that work, whatever else is needed to be done in the portion of Colesville Road that goes from this proposed driveway to this intersection will certainly have to be made part of those improvements. Mr. Maxfield said part of that signaling and the redesign there at the intersection, does that include any road widening? Ms. Martins said there is road widening on 378. Benchmark is the engineer that is working on the PennDOT and HOP for this project. They have seen their plans, but she has not seen the last set of plans. She is not sure about the Colesville portion of the project and how much or how extensive the improvements are on that part, but it's whatever is needed to make that intersection work properly.

Attorney Treadwell said if you look at the plans, you can access the development from Colesville Road. You can only get to those two or three buildings in that octagon shaped area without going back out to 378. Mr. Maxfield said that's the way it is designed now, can you imagine in the future when there will be connectivity? Attorney Treadwell said he doesn't think there will be any connectivity at all. Ms. Martins said there's not really the possibility because the way the project is designed, there are lots that are going to be in the way of any connectivity and a proposed detention pond. The reality of that ever coming to be would be very, very remote. She explained where all the properties, detention ponds and roads were. Mr. Maxfield said what is the nature of the

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buildings, residential or commercial? Ms. Martins said on the corner they are commercial, a restaurant and a bank. Mr. Horiszny said what's the distance from 378 to the driveway on Colesville Road? Ms. Martins said she's thinking about 250'. It's lining up with the driveway to the bank.

Mr. Willard asked what the projected timeframe was for this development? Ms. Martins said they are very close with Upper Saucon Township as they have been dealing with them for over a year. They would like to start some construction this summer.

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

- MOTION BY:** Mr. Maxfield moved for approval to grant the waiver for the full-blown land development process, subject to the Hanover letter of January 26, 2012 and the Boucher & James memo dated January 27, 2012; and also subject to go through the subdivision process to create that parcel.
- SECOND BY:** Mr. Horiszny
- ROLL CALL:** 5-0

**V. TOWNSHIP BUSINESS ITEMS**

**A. ZONING HEARING BOARD VARIANCE – ALEX PATULLO – 4166 LOWER SAUCON ROAD – REQUEST VARIANCE OF BANQUET FACILITY USE**

Mr. Kern said the applicant has amended an application to the Zoning Hearing Board which was approved in 2010 in response to an appeal in higher court.

Attorney Treadwell said the applicant applied for a variance and this is related to the restaurant/banquet facility that is attached to the Woodlands Hill Golf Club. The applicant asked the Zoning Hearing Board (ZHB) about a year ago for permission to operate that as a banquet facility if and when the golf course gets subdivided to residential lots. The ZHB approved that application. That decision was appealed by a group of neighbors. The Northampton County Court of Common Pleas upheld the ZHB's decision. It was appealed again to the Commonwealth Court and a month or so ago, the Commonwealth Court sent it back to the ZHB and said the ZHB had used an incorrect standard of review. They sent it back to the ZHB to relook at the application based on a different standard of review. It's going back to the ZHB based on the information from the Commonwealth Court.

Mr. Maxfield said can you explain the variance? Attorney Treadwell said the variance by estoppel is based on a legal theory that says if it's been there for a long period of time and the Township has never told them that they are not allowed to be there, then they should get a variance by estoppel. It's basically saying you haven't done anything for twenty years, so you can't do anything about it now. They are asking for that because it would be a use variance technically because your zoning ordinance doesn't have a specific use definition for a banquet facility. What they are trying to say in their application and what the ZHB granted to them the first time was, it's a private club, but it doesn't have members and it's operating for profit. The ZHB said okay, but the standard the ZHB used was a dimensional use variance standard and the Commonwealth Court said use a use variance standard. It's in front of you tonight so you can take a position, for or against or no position. The previous ZHB application you took no position.

Mr. Maxfield said last time they recommended hours of operation. That was part of the zoning decision. He'd like to reiterate what was offered before. That was the only thing they suggested. Attorney Treadwell said he doesn't have a problem with that. Mrs. deLeon asked what the hours were? Mr. Maxfield said he thinks it was midnight. They settled on one, but he doesn't exactly know the time. Mrs. deLeon said we should find out before we recommend as she had opposition

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to the hours. We just talked about having more commercial in the Township, now we're limiting hours. Mr. Kern said he doesn't think the applicant had a problem with the hours. Mrs. deLeon said people sit here before a board and sometimes they get a little intimidated and are afraid we are going to say no, so they just agree to us. Mr. Kern said he doesn't think Alex is intimidated by us. Mrs. deLeon said she's just voicing her opinion.

Mr. Maxfield said the hours of operation were okay before, he's just asking we do the same thing as before and make the same recommendations. If need be, if staff wants to check that out, that would be his asking of us.

- MOTION BY:** Mr. Maxfield moved to take no action, but to make a recommendation to the ZHB on the hours of operation as this Council recommended last time on their application for this use.
- SECOND BY:** Mr. Horiszny
- Mr. Kern asked if anyone in the audience had any comments? No one raised their hand.
- ROLL CALL:** 4-1 (Mrs. deLeon – No. She said her no vote was for the last time we voted on this restricting commercial uses in the Township)

**B. JILL MICKLEY – 2634 EASTON ROAD – REQUEST TO AMEND MAINTENANCE AGREEMENT FOR SMALL FLOW TREATMENT FACILITY**

Mr. Cahalan said this item has been tabled. Ms. Mickley had indicated that she is going to gather additional information and submit that to Hanover Engineering before this is heard by Council.

**C. DISCUSSION OF RESIDENT COMPLAINT OF TRUCK TRAFFIC ON BANKO LANE**

Mr. Kern said a resident on Fawn Lane in the Township would like to discuss with Council issues with large trucks using Banko Lane.

Mr. Cahalan said Mr. Szakos who lives on Fawn Lane approached Mrs. deLeon and set up a meeting at the Township. He submitted a letter about those concerns and came in and met with us. He provided us with some information. At the time they met with Mr. Szakos, he forgot that this issue came up previously back in 2006. We had received a request from Springfield Township to restrict truck traffic on Banko Lane. He included the correspondence we had sent to Springfield Township and the discussion about this issue that took place at the October 5, 2005 Council meeting.

Mr. Szakos said he thinks the letter he submitted is fairly self-explanatory. He also submitted some pictures.

Mr. Maxfield asked if the activity is still continuing? Mr. Szakos said it's erratic. It hasn't been over the winter. These trucks go down to the quarry down at the harrow. They are using Banko as a shortcut to go down Drifting Drive down to Route 412.

Mr. Rasich, Director of Public Works, said Banko Lane does have a series of S curves on it that definitely pose a concern for heavy truck traffic. Just alone, by posting or restricting truck traffic on Banko Lane does bring some concerns to him that they could just simply shift the problem to a road before or a road after. Martin Lane is the next road past and that road is not suitable for that sort of heavy truck traffic and/or Drifting Drive, Bergstresser Drive. He thinks this is going to be considered as he's not opposed to it in the least, but it should be done in conjunction with Springfield Township. The end of Banko Lane is in Springfield Township, and Drifting Drive past Banko Lane is in Springfield Township. If Springfield Township doesn't restrict their portion of it, ours becomes pretty much mute. That will just transfer the truck traffic to a road less suitable than Banko.

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Mrs. deLeon said she'd like to see this pursued because in 2005, there were letters issued to us in the summertime. She never remembers it being an agenda item until Mrs. Yerger brought it up in her report and it was just under reports and Council didn't take a vote. We just sent a notice to Springfield Township. She's sorry we did that, but we should be in contact with them and try to work something out. It's continuing and it's not going away. That was how many years ago. Mr. Rasich said back in 2005 – 2006, one thing that greatly aggravated the situation was there was a development that was being constructed off of Drifting Drive in Springfield Township. That definitely increased the amount of truck traffic that traveled the road at that time.

Mr. Szakos said from what he understands is Springfield Township couldn't weight limit the road because the traffic, if it came to Banko Lane and Drifting Drive, it's at a dead end. They thought they couldn't post the weight limit there because the traffic would already be there. The section of the road is only 14' wide. There's a picture of his car which is only 5' and you can't pass a truck and a car. During the last storm, he came through that road and one of the Township trucks was picking up debris and he had to turn around and go back down and come in on Martins Lane. That's how narrow the road is. Mrs. deLeon said when she met with Mr. Szakos out there, the road is crumbling and it is deteriorating and that's a Lower Saucon Township road, and our tax dollars having to fix it.

Mr. Rasich said a lot of our back country roads are not suited for heavy continuous truck traffic. In the case of Banko Lane, with our road resurfacing technique, which is a reverse seal coat process, we anticipate to get between 10 to 15 years out of this process, but Banko Lane was resurfaced from Fawn Lane in 1998, so the road is getting to the end of its life cycle and held up very well. The lower section of the road was resurfaced in 2007, the first 1,240' of it, but that was due to damages sustained in Hurricane Ivan.

Mrs. deLeon said we have three agenda items tonight on roads, and the other two got a study for road conditions why didn't this? We didn't direct you to do the other two? Mr. Cahalan said they wanted Council to hear Mr. Szakos and if you wanted to complete a study, then you could direct a study. Mrs. deLeon said Council didn't direct the other two studies, so she doesn't understand. Mr. Rasich said this is the first we are beginning to do the engineering traffic studies in-house. With the other two roads, there was more than a single complaint on it. There were also police incidents where vehicles actually became stuck in S curves causing damage to both the roadway and private property and required police action. That's why those were a little bit more cut and dry. On Banko, there's a little bit more extenuating circumstances that agreed with Springfield Township saying they were hesitant with posting their section without ours, the same goes back and forth. Without them cooperating, it's going to be a little bit more.

Mr. Maxfield said instead of posting Banko, couldn't we just post Drifting Drive and in conjunction with Springfield Township, we could restrict the whole road. If you do that, and conceivably that could be done, the problem is the portion of Drifting Drive that is in Lower Saucon Township, really in all likelihood would not meet the restrictions for truck size or weight. The portion that is in Springfield, in all likelihood would as it's located on a rather severe grade with S curves. Even if we would post our section of Drifting Drive, if Springfield didn't, we'd still have the truck traffic coming up Drifting Drive and hitting a portion and where are they going to go. They are going to have three choices – a restriction on Drifting Drive, turn off on Martin Lane or turn off on Banko Lane. If you restrict Banko and Martin without restricting Drifting Drive in Springfield, you come to the same problem. You have trucks, potentially tractor trailers coming up to your line and not having a legal way to go.

Mr. Willard said we might go back to the August 30, 2005 letter from the Springfield Board of Supervisors where there seemed to be an interest in doing this mutually if we were to do it at all, and talk to them before we make any decisions. We should separate this from the other two that are on the agenda tonight as those are pretty clear cut.

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Mr. Maxfield said if they are coming up Lower Saucon Road, there are many other ways to get down that way where the roads are much more suitable. They've got to be coming down Easton Road and continue to Route 611. They don't need to go through residential areas.

Mr. Szakos said he has on occasion followed some of these trucks to see where they are going and every one of them went down to the quarry. He also found trucks coming in from Hellertown, all the way out Wassergass Road and then up the hill. It's not that they are all coming on Lower Saucon Road. He thinks it's the fact that by word of mouth they found out it's a shortcut down to the quarry and it makes no sense to him why they wouldn't stay on Route 412 as that's a truck road.

Mr. Rasich said a possible explanation for that, and being a truck driver, he agrees completely. He would go Route 412 from anywhere down there right through Springtown and be on nice, straight level roads with speed limits of 40 MPH. In this day, GPS units have been getting a lot of people in a lot of trouble on a lot of roads. He thinks that's the case when they punch in an address getting off of I-78, that Ottsville Quarry, it says this is the way you are going to go.

Mr. Szakos said he's pretty sure it's word of mouth because the truck traffic varies from two to three a day to sometimes five to ten a day. It's not the same truck. What he's getting at is there are different companies that they are driving for, and it seems they say to each other, you can get down there a lot quicker by taking the short cut out the back and that's what is happening. The thing he's afraid of is when the bridge gets replaced on Route 412 just out of Springtown, that traffic is going to get diverted and supposedly going up to Flint Hill Road and Passer Road. He knows no truck in his right mind is going to climb that hill and come back down that hill with a load on and it's only going to get worse.

Mr. Maxfield said we should work with Springfield to retrain these truck drivers. If we come to some sort of agreement, can we send letters to GPS companies? We have the same problem going over the Meadows Bridge. Mr. Cahalan said awhile back they tried to reach MapQuest and they weren't successful at getting through to anyone. Mr. Maxfield said we'll just have to do what we can.

Council directed Mr. Cahalan to get in touch with Springfield Township regarding this problem; and have Mr. Rasich conduct a traffic study. Mr. Maxfield said it would be good to have Mr. Rasich in the meeting with Springfield's Supervisors and Public Works Manager.

Mr. Horiszny said did Mr. Rasich say we could not restrict Drifting Drive in our section? Mr. Rasich said he did not do a study on it, so he wouldn't know at this point; however, he would think not. There are no 90-degree blind curves. There's nothing that would force a large truck to leave its lane of travel. He doesn't think we could on Drifting Drive. Mr. Horiszny asked if we had an agreement with Springfield, we could? Mr. Rasich said yes, and it would be truck restricted so many miles ahead and we would have to post it. Mrs. deLeon said do we need a study on the other roads, like Martins Lane? Mr. Rasich said if Springfield cooperates and there's a restriction on Drifting Drive, then we could do it without a study and ordinance. We would have truck restriction ahead on this road or no outlet for trucks, whichever is more appropriate.

**D. DISCUSSION OF WILHELM ROAD TRUCK RESTRICTION STUDY**

Mr. Kern said the Township Public Works Director has completed a Truck Restriction Study on Wilhelm Road which indicates that there is a justification for prohibiting trucks on this section of roadway based on their weight and size.

Mr. Rasich said he did conduct an engineering traffic study on the road based on the applicable PennDOT standards throughout the various manuals - Manual on Uniformed Traffic Control Devices and all of the other components of conducting this study. At the conclusion of the study

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there were a list of five items that brought a pretty good concern and a good reasoning for continuing with the restriction on the road. Part of this is a continuation. Wilhelm Drive had had a 5-ton weight limit restriction on it for many years, and he is recommending continuing that because of the grade of the road. The study should be pretty self-explanatory on the five items and the pictures correspond with that. We have had several incidents where truckers, specifically with larger trucks, and that's where the 25' restriction comes in, and they have gotten routed that way from GPS or through choosing to disobey the signs, got up there and found out once they got to the end of the road, they were unable to negotiate the final more than 90-degree curve at the end of the roadway. One without staying in their lane of travel, and even worse, by driving into people's yards. You can see on the photograph the tree that is directly behind the mailbox, that was the brunt of the last incident with Officer Winters of the LST PD reported where the truck driver actually opened up about a 4' to 5' gash in the side of this truck trying to drag the trailer over and through that corner. He didn't make it. Mr. Kern asked what was the fate of the mailbox? Mr. Rasich said he didn't get that far. The truck was actually almost hitting the mailbox on the other side of the street. It was the trailer that was into the tree. The other photograph shows the tire tracks and how far off of the road he was to the right of the rocks. There's several other curves on the road which are 90 degrees, so the restriction in size is more important than the restriction of weight. The restriction of weight is due to the grade and the restriction of size is due to the blind curves and inadequate turning radius. If Council accepts this, we would need to have an ordinance to install signs. Mr. Cahalan said the Solicitor will prepare an ordinance and will bring it back at a subsequent meeting. Attorney Treadwell said he will prepare an ordinance and bring it back to Council.

Mr. Kern asked if anyone had any comments? Heidi Kipp said she lives on the corner of Wilhelm in the stone house and said Mr. Rasich pretty much summed it up. She's appreciative of the study. It's 100% necessary for her house safety and safety of her family. The trucks don't want to stop. They just want to keep going and when she heard the crack of the tree, and you hear the loud engine, that's why she called 9-1-1. Mr. Rasich and Mr. Garges were nice enough to come out and see for themselves the issue she had. She really appreciates what everyone has done. They just can't make the corner. Her trees and retaining wall have been damaged. The GPS seems to send the trucks up their road and she doesn't know how they make the first two turns. She knows it's necessary and thanks Council for voting on this.

**E. DISCUSSION OF BROADHEAD COURT TRUCK RESTRICTION STUDY**

Mr. Kern said the Township Public Works Director has completed a Truck Restriction Study on Broadhead Court which indicates that there is a justification for prohibiting trucks on this section of roadway based on their size.

Mr. Rasich said Broadhead Court, on the traffic study cover page, there were four items to note on there that also restrict the length of the truck traffic on the road. Broadhead court isn't so much a problem with the weight of the traffic; however it's more of the size of the traffic. On numerous occasions, due to the narrowness of the road, where at some points it's down to 15' wide, for the last 480' of road, it's too narrow for a tractor trailer and a car to pass. Second, the problem is the cul-de-sac on Broadhead Court which was constructed and given to us by PennDOT when I-78 went in, as Broadhead Court at one time was Seidersville Road, and it used to continue straight through. It only provides access to two residents on that road. They put in an undersized "P shaped" cul-de-sac which is completely inadequate for turning around virtually anything over 25'. If it's a tractor trailer, they simply cannot do it. The second problem is coming out of Broadhead Court, the GPS are confusing it with Broadhead Road, which is in an industrial park in Bethlehem and it seems it's directing truck traffic to get off of I-78 and they go there. The trucks are ignoring the "No Outlet" signs as their GPS is telling them to go there. They get in and find out they cannot turn around and then they need to back out and it's very blind. As with the other one, it's a series of signs with exception of local traffic.

Mr. Cahalan said the Solicitor would prepare an ordinance and bring it back to Council.

**F. MEADOWS ROAD – STREAMBANK EROSION DISCUSSION**

Mr. Kern said the Township Engineer inspected the streambank adjacent to Meadows Road after erosion of the streambank was reported by a Township resident.

Mr. Cahalan said Jerry Holum who lives on Meadow Road had brought this to Mr. Cahalan's attention. He asked Mr. Rasich and Hanover Engineering to go out and take a look at it. There is a report from Hanover dated January 25, 2012.

Mr. Kocher said the two areas of concern are where the stream makes a 90-degree bend and it's coming closer and closer to the edge of the road. That area of the bed should be armored with rock. Second is the pipe on Route 412. He doesn't know if Roger Rasich or PennDOT maintain that pipe. Mr. Rasich said that's a very good question. He doesn't have an answer. It was definitely a PennDOT pipe but those of you on Council who remember when Pearson Avenue was taken over by the Township when the water project was done, and we also did a storm sewer project that tied into the inlet structure of that pipe located at the intersection of Springtown Hill Road and Route 412. Since that time, he's had a real general discussion with PennDOT that says that since LST tied in with their pipe, they own it all the way to the end. Whether or not that is indeed true, fact, or legal, but they basically said your pipe is blocked, come and unblock it at the end. Mr. Kocher said the end of that pipe should be done and the flow channel over to the creek should be stabilized as part of the project. There are some good photographs to show that.

Mrs. deLeon said she took some pictures of the hurricane this summer and will mail them to Mr. Kocher as they may be helpful. Mr. Kocher said we need to resolve who owns the pipe and that will determine if PennDOT or LST has to do it.

Mr. Maxfield said at the Planning Commission, when Russ from the Meadows was there, and they were talking about the possibility of properties in those areas that he would give us easements for storm water improvements, that would be the place to do it. He asked if the pipe was in that area? Mr. Kocher said yes. Mr. Maxfield said at least if we need access, it sounds like we can get access.

Mr. Cahalan asked Mr. Kocher to discuss what the fix would be on the pipe. Mr. Kocher said they would have to put an end wall and concrete apron on the end of the pipe. You can see that in the upper picture. Then they would have to stabilize the ground and rip rap that area down to the stream. The lower picture you can see where that channel hits the steam bank. On the right side of the road, they'd armor that with rock which would eventually stabilize itself with silt. DEP doesn't want us to use gabions anymore as they rust.

Mr. Rasich said he met Bob Mack and Jason Smith from Hanover, who is their Environmental Engineer, out at the location. While he was reviewing it, he agrees with armoring the bank, he also feels strongly it would be in the best interest of the stream to add some flow diversion veins coming out. The veins are to head upstream. They come from the bank on the high side and protrude about a third of the way across the stream heading upstream from high to low. Jason's explanation was contrary to what you would think, the flood water hits that, it is actually diverted back into the stream and back into the center of the stream, thereby decreasing the velocity and it keeps it in the middle of the channel as opposed to hitting the banks.

Mr. Cahalan said doesn't it also improve the flow under the Meadows Bridge? Mr. Rasich said it would help keep it in the center as opposed to it coming down the sides of the channel. They looked at it to get a better understanding and see exactly in the field what was expected and if we could handle it in house and to see what it entailed. The project itself is not overly large, but will require permitting and a design by Hanover plus some equipment rental from the Township to come up with a track excavator to place the diversion veins out in the water correctly. It definitely

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would require an overseer, maybe Jason, to come out and see and spot check to make sure the project is proceeding according to plan. Mr. Maxfield said are we going to need DEP permitting? Mr. Rasich said that's the permitting he was suggesting.

Mr. Cahalan said this area was identified by the Saucon Creek Watershed Association in the management plan they did in 2009 and we'll be reaching out to them and to the County Conservation District about any grant funding that may be available from DEP Growing Greener or through EPA, and that's something they will proceed with. If you would like them to proceed on this, direct Hanover to prepare a design plan and it could be brought back to Council and then Mr. Rasich could look at estimates as far as equipment and materials and then review it with Council.

Mr. Maxfield said some of it he has seen at Polk Valley Park, Mr. Kocher stated the silt will stabilize the rocks sometime in the future. He's seen it almost as many times as not where the stream washes out the soil behind large rocks. Do we have a plan for stopping that kind of thing? Mr. Kocher said when he talked to Jason about that issue, we may actually put some soil in between the rocks when they do it and start the vegetation process now instead of it being silt that washes out. Mr. Maxfield said you can stabilize it with fiber of some kind. Mr. Kocher said that will be part of the design.

Ms. Stern Goldstein said if you included educational components to this, which you could, the EAC could do a small pamphlet because the technique that Jason recommended is a little change to the geology and it's an interesting educational change. You can possibly apply for a WREN grant (Water, Resources and Environmental Network) and through the Conservation District you may be able to hook up and get some funding for that by adding on a little educational component. Mr. Maxfield said good idea.

- MOTION BY:** Mr. Maxfield moved for approval to have Hanover Engineering prepare design criteria for this project.
- SECOND BY:** Mr. Horiszny
- Mr. Kern asked if anyone in the audience had any comments? No one raised their hand.
- ROLL CALL:** 5-0

**G. LUTZ-FRANKLIN SCHOOLHOUSE GRANT APPLICATION FOR EXTERIOR MASONRY WORK**

Mr. Kern said the Lower Saucon Township Historical Society would like to discuss and receive approval from the Township to submit a grant application to the Pennsylvania Historical and Museum Commission (PHMC) Keystone Historic Preservation Program, with an obligation for Township matching funds, for funding to defray the cost for exterior masonry work on the Lutz-Franklin Schoolhouse.

Mr. Cahalan said several months ago the LST Historical Society representatives were here. They were discussing a test patch on the wall of the schoolhouse that Mr. DeGruchy had suggested be done. He put together a program at one of their meetings and a video which he reviewed with the Historical Society and pointed out the areas on the schoolhouse where some repointing is needed. He discussed with them the cost of the repointing. The Historical Society approached us and would like to proceed with the work on the schoolhouse and they would like to apply for a grant through the PA Historic Museum Commission for a Keystone Historic Preservation Program grant. Those awards can run up to \$25,000.00 to help defray the cost of this work. The way it's been explained to them, the cost of the work through Mr. deGruchy would be approximately \$80,000.00 and he's offered to give them a discount of \$20,000.00 by conducting an educational component, bringing the cost to \$60,000.00 total. The LST Historical Society indicated they have \$27,000.00 they can put towards this work. Ms. Sue Horiszny said that's basically their budget right now. She's representing LST Historical Society. The amount they can comfortably come up right now that they have in savings and a CD would be \$20,000.00. Mr. Cahalan said we currently have

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\$21,000.00 in the Lutz-Franklin Schoolhouse fund. That would come up to a total of about \$41,000.00. If the grant is submitted, on behalf of the LST Historical Society for this work, and you approve the work and bless them for submitting the grant, there is an obligation here for the difference between the \$41,000.00 and \$60,000.00 that it would cost for Mr. deGruchy to do the work.

Mrs. deLeon said the \$21,000.00 that's in our budget, was there any use for that? Mr. Cahalan said no, that's just for funding that we have in each of the historic areas. Mrs. deLeon said that money came from the Township putting in \$5,000.00 for the last several years? Mr. Cahalan said yes, for maintenance. Ms. Horiszny said they were hoping if they could get a \$25,000.00 grant, that would leave a \$35,000.00 difference they would have to make up between the Township and the Historical Society. Even if they get a grant, there's no guarantee it would be \$25,000.00. The grants range from \$5,000.00 to \$25,000.00. Mr. Cahalan said the work has been proposed, but the grant application is due by the end of this month, and that's what the priority is tonight to review that. We brought it to you because of the additional financial obligation that the Township would have to assume.

Mr. Kern said could someone describe the significance of the natural hydraulic lime that is imported from France and the importance of that? Ms. Horiszny said it's better than using Portland Cement. Mrs. deLeon said that's the only way to do it. Mr. Fran Robb said he's the VP and Chairman of Facilities for the LST Historical Society. It gets very technical. Basically the lime that Andy uses and that he provides to other preservation masons is the old fashioned type of lime which is self healing rather than the mortar being so hard that it forces the stones to crack and expansion contraction. The lime is what gives way. It also heals itself and it's a shame no one was able to come to his presentation as it does get rather complicated and difficult. Over time, this lime he provides, it tries to turn itself back into limestone. This method is what the PHMC wants.

Mr. Kern said he's not questioning the use of lime, it's just when he sees the imported lime from France, and he sees dollar signs. Why not just use lime? Mr. Robb said he doesn't think the domestic lime is the same and not made the same way. It's not available here. Mr. Kern said he uses slake bagged lime and throws water in a bucket. Mr. Robb said you need to talk to Mr. DeGruchy about that. Mrs. deLeon said that's not acceptable to PHMC. What they used for the barn ruins and what they are proposing to use for the schoolhouse is acceptable to PHMC. Mr. Kern said slate lime is acceptable by PHMC. The lime from France may not be any more expensive than standard lime. That's the only question he had regarding that. Mr. Robb said he can't answer that. Mr. Kern said that's something to look for in the future if it goes out to bid. The lime is an important aspect to the mix.

Mrs. deLeon asked about the proportions of the money? Mr. Cahalan said the LST Historical Society would be willing to put up \$20,000.00, and that would go with the \$21,000.00 that the Township has for a total of \$41,000.00. If they receive the maximum grant from PHMC of \$25,000.00 then we would have to make up the difference. Mr. Horiszny said they would like to share the matching segment of the grant. If the Township and the LST Historical Society come up with \$25,000.00 and get \$25,000.00, they are at \$50,000.00 and that leaves \$10,000.00 between the \$60,000.00 price and the \$50,000.00 on hand, so we have to worry about \$10,000.00 more dollars.

Attorney Treadwell said if you get \$25,000.00 for the grant, then there's \$35,000.00 left to meet the \$60,000.00 budget. If you as the Society have \$20,000.00 available, then the Township would have to use \$15,000.00 of the \$21,000.00 that it has available. Mr. Robb said no.

Mr. Robb said the total was \$80,000.00 with a \$20,000.00 discount. If we get the maximum grant of \$25,000.00, it would leave a balance of \$35,000.00. What he was proposing was that the LST Historical Society contributes \$17,500.00 if the Township could contribute \$17,500.00. They would match the Township. That's provided they got the \$25,000.00 from the grant. The reason he suggested the \$17,500.00 was they have \$20,000.00 available in their savings, but they also have

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the obligation of maintenance on Kingston Park that they would like to be sure they have money for. If they didn't get the full amount on the grant, they may have to come up with a little bit more money between us.

Mr. Cahalan said as Attorney Treadwell pointed out, we do have that funding in the Lutz-Franklin Schoolhouse fund. Attorney Treadwell said there's \$21,000.00 there now and there's \$17,500.00 if everything works out, then you'd only have to use \$17,500.00 of the \$21,000.00.

Mr. Robb said this came up rather suddenly as Andy had visited the schoolhouse in October and Mr. Robb was continuing dialogue with him. Mr. Horiszny made Mr. Robb aware of the grant, which he found out around Christmas. They are short on time here. If they have the opportunity and can pull this off, it would put the exterior of the schoolhouse in good shape for a number of years to come. They aren't sure if the funding will be available next year or the year after with current financial conditions, so they thought they'd give it a try.

Mr. Willard said it's a reasonable request to split whatever is not covered by the grant, but Ms. Horiszny said the grant could be \$5,000.00 to \$25,000.00. What if it comes in at \$5,000.00? Ms. Horiszny said then they will be back here and might have to wait a couple of years. They talked to Mr. DeGruchy about maybe doing one side of the schoolhouse at a time. There are some disadvantages to that because you never know the prices could keep going up and funding going down. It would be nice if they could do it at one time and get it done. If they get the \$5,000.00, they will figure out what they can do and be back here.

Mr. Kern said the initial basis of the cost is just based on one contractor. Doesn't this have to go out to bid and couldn't the price be conceivably less than that? Mr. Robb said that depends on the Township's requirements whether it would have to go out to bid. They were hoping it didn't have to go out to bid as they felt they were using the most qualified person, rather than the cheapest to do the job. The grants aren't announced until July, so there certainly is enough time to get other bids. Mrs. deLeon can verify if another contractor does it, they are still going to have to use Mr. DeGruchy's materials and he's going to have to instruct them how to use them unless they have already done another project.

Mr. Horiszny said if the limit is \$18,000.00 and the Township is in for \$17,500.00, aren't we under the bid limit? Attorney Treadwell said he doesn't know the answer to that question as the entire project is more. We can certainly look into that until the grant gets awarded. Mr. Kern said we can put the specification requirements in the bid package. Mr. Robb said the other advantage if Mr. DeGruchy did do this job, the building and the project would receive a lot of promotion rather than it being a local thing. He's worked internationally.

Mrs. deLeon said his quote is him doing the work. Mr. Robb said yes. Mrs. deLeon said if you take the work away from him, this all changes. Mr. Robb said he became aware of the grant recently and not enough time to do some other footwork. Ms. Horiszny said after they get the grant in, they have until July until they will hear from them, so they can check to see who else is out there who does preservation masonry. There may be someone and there may be some local people around here. Mr. Robb has had people approach him about repointing our school and they haven't even gotten to the bid or estimate process because what they've said hasn't been what they want to hear, like power washing the building and things like that.

Mrs. deLeon said when they were looking for people to do the barn arch, they contacted PHMC for a list. They said they've approved the list. They went through and sent bids out to 25 of them and they were very specific that they would have a pre-bid meeting and they had to attend. They went over everything and were very specific about what they wanted, so the State has lists like that. Mr. Robb has requested that information, but they haven't gotten an answer yet. Mrs. deLeon said if you call Karen Arnold, she will be able to help you. Ms. Horiszny said they have contacted Karen Arnold. Mr. Kern said step one is to submit the grant application. Mr. Horiszny said do we need a

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motion for \$12,500.00 from the Lutz-Franklin fund at this time, or do we need it for \$17,500.00? Mr. Cahalan said normally what we do with grants that contain an obligation of Township funds if it's awarded, we bring it to Council for approval. If they do get the award, we are obligated to contribute the amount we discussed tonight. That's why it's here. They want approval tonight to submit the grant. It has to go in at the end of February. We wanted to put it on this agenda.

Mr. Maxfield said are we specifying an amount right now? We're going to sign on as a partner? Mr. Cahalan said a 50/50 split between the match requirement, which would be \$17,500.00 from the Township. Attorney Treadwell said isn't the match 50% Township, 50% from the grant. There would be a combination of \$25,000.00 coming from the Township and the LST Historical Society. Mr. Robb said \$35,000.00. Attorney Treadwell said for the purpose of the grant, all they want to know is that the Township and the Society will match the same amount that the grant is. If it's \$25,000.00, then it's \$25,000.00. Mr. Kern said the Township is committing to \$12,500.00.

**MOTION BY:** Mr. Horiszny moved for approval to submit the grant, as stated above.  
**SECOND BY:** Mr. Maxfield  
**ROLL CALL:**

**MOTION BY:** Mr. Horiszny amended his previous motion and moved for approval of the grant application for \$25,000.00 with a matching \$25,000.00 to come from a combination of the Township and the Historical Society.  
**SECOND BY:** Mr. Maxfield amended his second  
Mr. Kern asked if anyone in the audience had any comments? No one raised their hand.  
**ROLL CALL:** 5-0

**H. RESOLUTION #35-2012 – AUTHORIZE SUBMISSION OF LOCAL SHARE MUNICIPAL GRANT APPLICATION**

Mr. Kern said Resolution #35-2012 has been prepared authorizing the submission of 2012 Local Share Municipal Grant applications to the Northampton County Gaming Revenue and Economic Redevelopment Authority (NCGRERA) for funding for battery backup systems for Township traffic signals.

**RESOLUTION AUTHORIZING THE SUBMISSION OF A LOCAL SHARE MUNICIPAL GRANT APPLICATION TO THE NORTHAMPTON COUNTY GAMING REVENUE & ECONOMIC REDEVELOPMENT AUTHORITY**

**WHEREAS**, pursuant to the Pennsylvania Race Horse and Development and Gaming Act (Act 2004-71), as amended, local governments receive a "Local Share" of gross terminal slot revenues of certain licensed gaming facilities to support and enhance community and economic well-being and mitigate the impact of gaming and related activities; and

**WHEREAS**, Northampton County, as the host county to a licensed gaming facility receives gross terminal slot revenues which must be distributed as follows: 20% to the host city; 30% to the host county and 50% to the host county for the purpose of making municipal grants within the county, with priority given to municipalities contiguous to the host city; and

**WHEREAS**, Northampton County established the Northampton County Gaming Revenue & Economic Redevelopment Authority to administer these competitive municipal grants based upon impacts associated with licensed gaming facility operations; and

**WHEREAS**, Lower Saucon Township is a contiguous municipality to the City of Bethlehem which is the host city of a licensed gaming facility; and

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**WHEREAS**, Lower Saucon Township has prepared Local Share Municipal Grant Applications for submission to the Northampton County Gaming Revenue & Economic Redevelopment Authority for projects that fall under the eligible uses of these funds.

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

1. That the Council of Lower Saucon Township hereby approves the submission of Local Share Municipal Grant Applications for:
  - Lower Saucon Township – Battery Backup System for Traffic Lights in the amount of \$40,542.00
2. That the President of the Lower Saucon Township Council is hereby authorized to execute the grant applications and transmit the applications to the Northampton County Gaming Revenue & Economic Redevelopment Authority.
3. That grant funds, if awarded, will be utilized in accordance with the provisions established by the Northampton County Gaming Revenue & Economic Redevelopment Authority.

Mr. Cahalan said this is an application for the committed round of 2012. It's for the contiguous municipalities and we are submitting one grant in that round and it's for a battery backup system for six traffic lights in the Township. You'll recall that following the Halloween storm event where we had sustained blackouts, there were some intersections where traffic signals were not operating due to loss of power. It was recommended by the Police and Emergency Services that we look into securing a battery backup system which would provide several hours of battery to power light for the signals if the power does get cut off. The cost of this is \$40,542.00 and we're bringing it to Council for approval. It will be submitted by the deadline in the beginning of March. We have all the necessary materials including support letters which you've seen from the various officials to send in with that application.

**MOTION BY:** Mr. Horiszny moved for approval of Resolution #35-2012.  
**SECOND BY:** Mr. Willard  
**ROLL CALL:** 5-0

**I. RESOLUTION #36-2012 – SUBMISSION OF PA HISTORICAL & MUSEUM COMMISSION KEYSTONE GRANT APPLICATION FOR REHABILITATION OF THE OLD MILL BRIDGE**

Mr. Kern said Resolution #36-2012 has been prepared authorizes the submission of a grant application to the Pennsylvania Historical and Museum Commission (PHMC) Keystone Historic Preservation Program for funding to rehabilitate and repair the Old Mill Bridge.

**RESOLUTION AUTHORIZING SUBMISSION OF A PENNSYLVANIA HISTORICAL & MUSEUM COMMISSION KEYSTONE GRANT APPLICATION FOR THE REHABILITATION OF THE OLD MILL BRIDGE**

**WHEREAS**, the Old Mill Bridge, a two-span cast and wrought iron “Pratt” truss bridge built in 1867, which spans the Saucon Creek linking Old Mill and Reading Roads, is the earliest known iron Pratt bridge known to exist in Pennsylvania; and

**WHEREAS**, the bridge is a contributing resource to the Ehrhart's Mill Historic District which was placed on the National Register of Historic Places in 1987; and

**WHEREAS**, it is the desire of Lower Saucon Township to repair and rehabilitate this bridge to preserve its significant historic features and to utilize the bridge for contemporary transportation use by providing pedestrian and bicycle access to the Saucon Rail Trail; and

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**WHEREAS**, to this end, the Township has commissioned engineering studies by Hanover Engineering and by the Lehigh University ATLSS Center, which outlined the repairs necessary to maintain the structural integrity and pedestrian and bicycle safety of the bridge.

**NOW, THEREFORE, BE IT RESOLVED**, that the Council of Lower Saucon Township, Northampton County, Pennsylvania authorizes the submission of a Keystone Historic Preservation Program grant application to Pennsylvania Historical & Museum Commission in the amount of \$25,000.00 to be used the repairs and rehabilitation of the Old Mill Bridge.

**BE IT FURTHER RESOLVED** that:

1. The Council of Lower Saucon Township hereby allocates the amount of \$200,000.00 in municipal resources from its Historical Structure Fund to provide the required match for said project.
2. The Council of Lower Saucon Township does hereby designate the Council President and the Township Manager as the officials to execute all documents and agreements between Lower Saucon Township and PennDOT to facilitate and assist in obtaining the requested grant.

Mr. Cahalan said the competition for this grant is going to be fierce. We are submitting an application to the PHMC for this \$25,000.00 funding. The significant thing about this is they are both on the National Register. We all know the bridge is in need of some repair and rehabilitation. We also want to make it accessible to the Saucon Rail Trail. They have prepared a grant. They have engineering studies from Hanover and Lehigh University Atlss Center. They have sufficient funding in the historic structure fund. They would like to move forward with the plan to fix the bridge in 2012.

Mr. Willard asked what is the current status of the bridge, and is it for pedestrian and bicycle only? Mr. Cahalan said the bridge was closed to vehicular traffic in the 1980's. It's adjacent to the trail and provides access to get from one side of the creek from the Reading Road over to the Old Mill side. With the trail open, it's even more important for accessibility. Mr. Willard asked if it was usable now? Mr. Cahalan said for pedestrian and bikes. Mr. Kern said the decking is in need of repair and there's also painting issues as it's lead paint on the bridge, but it's chipping and needs to be painted.

**MOTION BY:** Mr. Maxfield moved for approval of Resolution #36-2012.  
**SECOND BY:** Mrs. deLeon  
**ROLL CALL:** 5-0

**J. DISCUSSION OF ALLENTOWN NEIGHBORHOOD IMPROVEMENT ZONE (NIZ) EARNED INCOME TAX COLLECTIONS**

Mr. Kern said the Manager will update Council on the impact of the collection and disbursement of Earned Income Taxes (EIT) collected from employers within the Allentown Neighborhood Improvement Zone (NIZ).

Mr. Cahalan said everyone has been reading about the neighborhood improvement zone in Allentown, part of the downtown improvements which include the ice hockey arena. They learned that there would be a collection of earned income tax from people who worked in this NIZ. Normally that would be passed onto us. Mr. Kern said just to clarify, these are our residents who work in Allentown. Mr. Cahalan said yes. Attorney Treadwell said it's not anywhere in Allentown, it needs to be in the 130 acre zone. Mr. Cahalan said there are going to be certain new buildings, some are already there, and businesses there already with people working there. The PPL plaza is there, a new Butz building, the Holiday Inn, Sacred Heart Hospital, hockey arena, and a new center city building to be built. Anyone who is working or will be working in those

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facilities, our understanding is the Lehigh County Tax Collector who is now new, it's Berkheimer, would have collected those taxes and passed them on to our County to be distributed to the municipalities. What we're learned, and it's mostly from the newspapers, under this NIZ legislation, those funds will be held in an escrow and be used to pay off the bonds that the Allentown Neighborhood Improvement Zone will be floating for the economic development projects, the building of the arena and some other office buildings. The net effect is the collection which would have come on a quarterly basis, those monies will be held back. Right now we don't know the impact on this. There are going to be meetings with the legislators who wrote this legislation. We have the TCC, the Tax Collection Committee, in Northampton County who will be meeting and collecting data. He did ask the Finance Director to do a rough estimate of what the impact could be to us with the EIT. We took 50 Township residents, just for the sake of the exercise, working in those businesses, earning about \$50,000.00. The net impact would be about \$18,750.00 which could be held back from us. They are talking about once this gets going, it's going to only be held back, but the newer money would be coming to us. He's not sure how that's going to work, as there's a lot to pay off in the first couple of years with the construction. This also lasts for 30 years. We're not sure that is, but roughly \$18,750.00 for us and for the school district, we're figuring about \$12,500.00. There is a local services tax which is applicable and it's about \$1,200.00. They are trying to work with Keystone Collections to see if we can determine who specifically works in the NIZ and then we can come back and give you more specific numbers.

Mr. Maxfield said there's a possibility those numbers could increase dramatically once these facilities get built. Attorney Treadwell said once those new buildings open up, presumably there will be more people working there and if a percentage come from Lower Saucon, then yes. The legislation also included any EIT from anybody who is involved in any construction in that zone. It's not only people who work there, but if someone lives in Lower Saucon and works for a construction company that is building something in that zone, it's that EIT as well.

Mr. Kern said can someone explain to him how this is even legal? Attorney Treadwell said he's looked at it and the legislation is interesting because in the title of the Act, its Act 50 of 2009, there's no mention in the title of the NIZ at all. This is almost two and a half years ago. It was before the hockey rink even got rolling. He's sure they were talking about it, but it wasn't set yet. Even if you were looking at the PA Bulletin as it comes out to see what legislation was in front of the House Representatives or State Senate, you wouldn't have been able to tell from the title that was in there. You would have to read a 48-page amendment to the fiscal code, and this is 6 or 7 pages in that 48 page document. You would have to read it to figure out they were going to vote on something like this. The other interesting part is as it applies to a city and the definition of a city in the Act is, "a city of the third class with on the effective date of this section, a population of at least 106,000 and not more than 107,000 based on the 2000 Federal Census". He's going to guess Allentown is the only city that meets those qualifications. He's fairly confident it's a good guess. This section of Act 50 only applies to Allentown. It doesn't have state-wide application for a NIZ that gets created anywhere else. It's only for cities of the third class that meet that population criteria.

Mr. Maxfield said this is the worst of taxation without representation. Basically what they are doing is taxing Township's to get their own improvements paid for somewhere else. Attorney Treadwell said one thing that is a little different for Lower Saucon than maybe for some other municipalities who are affected by this is you have an additional EIT dedicated to open space, which was approved by the voters in a referendum. The voters in Lower Saucon Township specifically authorized additional tax only to be used for open space. According to this, that open space money would not go to open space, but it would go to build a hockey rink in Allentown. If your voters had been asked if they wanted to give additional EIT to fund the hockey rink, the answer might have been different.

Mr. Willard said in the Morning Call article in the packet, page 38, Senator Browne said he expects every Township to get the money they budgeted. They just might not get it until 2013 in the

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equivalent of a one time, nine month delay. Once the zone is up and running, Township's will receive regular, if delayed, EIT revenues. Is this a cash flow or is this a real loss as indicated by this? Mr. Cahalan said that's how he explains it, but in reality in the start-up and construction, there are going to be some fronted costs that are going to have to be paid off. He's not sure how much is going to be left over after that is paid. We are definitely going to get whatever is left over.

Mr. Horiszny said is that 50 residents a wild number? Mr. Cahalan said he can't say with any certainty. They will keep checking. They are talking with Keystone Collections. Every municipality impacted by this is on the phone to Keystone Collections trying to see what the impact is. Mrs. deLeon said at least they'll come up with a policy on how to handle it.

Mr. Kern said regardless of the number of our residents, the whole concept of this is wrong. This section needs to be repealed. It's ludicrous. Mr. Maxfield said instead of just talking to Keystone, let's take that one step further and send a letter to the right person to repeal this. This is ridiculous. He would guess we should send a letter to Senator Browne. Mrs. deLeon said we need to send a letter from the Governor down to whoever, of our dissatisfaction. This is just wrong. She'd like a letter sent and put this on the SV Partnership agenda for next week and give Cathy Kichline and Sandra Fellin a heads up.

Mr. Willard said in the packet is the letter from the three Township Manager's, Lower Macungie, South Whitehall and Hanover, and they indicate they have a meeting with Senator Browne on February 17<sup>th</sup>. They should be informed of what our position is before that meeting. Mr. Kern said maybe we should ask Mr. Cahalan attend the meeting as well. Mr. Kern asked Mr. Cahalan to draft a letter to the Governor. Mr. Cahalan said okay.

Mr. Maxfield said Attorney Treadwell's point about dedicated taxes is a very important point and all that should be included in the letter. Mrs. deLeon said included also in the letter should be the language of the Open Space Referendum that was approved by the voter's referendum. Attorney Treadwell said he was thinking as well, if you did this in your zoning ordinance, it would be spot zoning. You picked out a little area and treated it differently than everyone else. There's an analogy here with what happened with this Act and the spot zoning idea. Mr. Maxfield said if they were going to bring in a construction company from Pittsburgh, and they have an EIT, Pittsburgh would be giving up some of its EIT to Allentown. It's just the most ridiculous thing you could ever conceive of. It makes no sense at all.

**MOTION BY:** Mr. Maxfield moved for authorization for the letter to be sent to Senator Browne, the Governor, and whoever else we think is appropriate.

**SECOND BY:** Mrs. deLeon

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

**ROLL CALL:** 5-0

**MOTION BY:** Mr. Willard moved that we inform the other Township Manager's from Lower Macungie, South Whitehall and Hanover, of our position and ask Mr. Cahalan to ask for an invitation to the meeting with Senator Browne on February 17, 2012

**SECOND BY:** Mr. Horiszny

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

**ROLL CALL:**

**MOTION BY:** Mr. Willard amended his previous motion and moved that we inform the other Township Manager's from Lower Macungie, South Whitehall and Hanover, of our position and ask Mr. Cahalan to ask for an invitation to the meeting with Senator Browne on February 17, 2012, or on any other date that it is held in case it would be cancelled.

**SECOND BY:** Mr. Horiszny amended his second

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

**ROLL CALL:** 5-0

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**K. AUTHORIZE COLLECTION OF 2012 REAL ESTATE TAXES AND 2011 DELINQUENT TAXES**

Mr. Kern said Council should authorize the Manager to direct the Finance Department to collect the 2012 real estate taxes in the amount of \$1,842,714.00 and to forward the 2011 delinquent tax list, when received, to Northampton County for collection.

Mrs. deLeon said does this include the tax we were talking about? Mr. Cahalan said no, this is real estate.

**MOTION BY:** Mr. Horiszny moved for authorization for collection of the 2012 real estate taxes and 2011 delinquent taxes.

**SECOND BY:** Mrs. deLeon

**ROLL CALL:** 5-0

**VI. MISCELLANEOUS BUSINESS ITEMS**

**A. APPROVAL OF JANUARY 18, 2012 MINUTES**

Mr. Kern said the minutes of the January 18, 2012 Council meeting have been prepared and are ready for Council's review and approval.

Mr. Horiszny said on page 10, line 17, the word "hasn't" should be "has".

**MOTION BY:** Mr. Maxfield moved for approval of the January 18, 2012 minutes, with corrections.

**SECOND BY:** Mr. Willard

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

**ROLL CALL:** 4-0 (Mr. Horiszny - No)

**V. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS – None**

**VI. COUNCIL AND STAFF REPORTS**

**A. TOWNSHIP MANAGER – No report**

**B. COUNCIL**

**Mr. Maxfield**

➤ He said awhile back there were some meetings going on when PPL was going through and cutting last time. He sees there is notification of the enhanced trimming they are going to be doing in the papers. Back when we had discussions, Chris our Zoning Officer, had said he thought there might be some recommendations he could make for a couple ordinance changes possibly for pole replacement ordinances or trimming in Township right-of-way. He would like to ask Chris Garges to give us a few suggestions on the meetings we had with PPL and go from there. Mr. Cahalan said they will talk about it at a staff meeting.

**Mr. Willard**

➤ He said he attended the first of two sessions of the PA State Association of Township Supervisors, known as PSATS, last Saturday. He wanted to thank the Council for authorizing that. It's a worthwhile training. They had PennDOT Ethics Commission, PA Local Government Investment Trust, and Co-Stars representatives last week. He has another full day on Saturday.

➤ He said he attended the PA Highland Trails Network meeting in Quakertown on Monday. It was very well attended by the municipalities and some of the State parks. Mrs. Yerger was there representing Heritage Conservancy. Roger Jurczak was there from the Rail Trail

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Oversight Commission. There was a lot of discussion of trails going all over the place, but he didn't see any really go forward for action.

- He said he mentioned the workshop on April 19<sup>th</sup> and Mr. Horiszny was taking a look at it. It would be good if we had someone there. The next meeting is April 30<sup>th</sup>, and he will not be able to go, but will get someone to cover it.

**Mr. Horiszny**

- He said he noticed at one of the recent landfill reports, it indicated that Mrs. deLeon wasn't there. If that happened, he would volunteer to be the alternate liaison so we have somebody there. Mrs. deLeon said a week before that meeting, there was a conflict with someone's schedule. If he is interested, she will give him a call. If something is going, Chris Taylor usually emails them. We need two people and we are missing two residents from that group.
- He said we got two letters on Meadows Grove. Do we need to question the status of that whole thing again or is it coming up again? Attorney Treadwell said they are working towards accomplishing the goals that Council set for them a year ago. They didn't meet their initial time lines. They are moving in the right direction. The biggest item they have left is the landscaping plan that needs to be submitted to Boucher & James for their approval. The Planning Commission made it very clear to them they needed to step up their timing of these issues. Mr. Horiszny said it almost looked like there was an indication that there were buildings that had been built that weren't approved in there somewhere. Attorney Treadwell said yes, years ago, not recently. That was part of the issue of why they got the zoning violation because there was a lot of work done that had never gone through the correct permitting process. Mr. Maxfield said they have removed some structures. Attorney Treadwell said they took down the structures that you as a Council told them to take down. Mr. Maxfield said he was talking to Mr. Kocher earlier about some of the land Russ has there, that was part of what came up at Planning Commission. For free, we are going to get some easements through there. Ms. Stern Goldstein said the one thing they did do without permission, was they were supposed to get their landscape approved and they planted some arborvitae and some other items in the floodplain which are going to get washed away and not survive. That's the only thing they did without permission, but they still have to submit the landscape plan. They need to contact Boucher & James and talk about it. They are waiting for the call. Mr. Maxfield said there was an underground tank that they were deciding to leave in the ground and the Planning Commission said it needs to come out. Mrs. deLeon said what was in the tank? Could it have been septic? Attorney Treadwell said at the Planning Commission, they said it was an unused septic tank. This was an empty one.

**Mr. Kern** – No report

**Mrs. deLeon**

- She asked if the landfill meeting notification letter went out to residents? Mr. Cahalan said the notification is going out in a day or two. We're sending out a postcard with the notice of the meeting.
- She said if it was a radius for a zoning ordinance, what is that distance? Attorney Treadwell said 500'.
- She said on January 26<sup>th</sup>, the Hellertown-Lower Saucon Chamber held a luncheon at Brave Heart and Steve LaBrake was the speaker. It was very well attended. It was a nice luncheon.
- She said on Wednesday, February 29<sup>th</sup> at Pacifico from 5 pm to 7 pm there is a joint mixer with Southern Lehigh Chamber and Hellertown-Lower Saucon's Chamber.

**Jr. Council Person** – No report

**C. SOLICITOR** – No report

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- D.     ENGINEER – No report**
- E.     PLANNER – No report**

**VII.   ADJOURNMENT**

- MOTION BY:**   Mr. Maxfield moved for adjournment. The time was 9:06 PM.
- SECOND BY:**   Mr. Horiszny  
                  Mr. Kern asked if anyone had any questions? No one raised their hand.
- ROLL CALL:**   5-0

Submitted by:

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Jack Cahalan  
Township Manager

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Glenn C. Kern  
President of Council