

**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. T-Mobile Northeast – 1995 Leithsville Road – Conditional Use Hearing
- B. Majestic Realty – Commerce Blvd. (City of Bethlehem) – Land Development

**V. TOWNSHIP BUSINESS ITEMS**

- A. Zoning Hearing Board Variances
  - 1. Henry & Terry Kemmerer – 2521 Alpine Dr. – Request Variance of Rear Yard Setback to Install Pool
  - 2. Michael & Nancy Frederick – 2002 Sanbrook Dr. – Request Variance of Maximum Site Coverage to Construct a House
- B. Approval of Resolution #32-2011 – Act 44 Pension Policy Procedure
- C. Ordinance #2011-02 – Amendment to Impervious Coverage Discussion
- D. Authorize Advertisement for Lawn Mowing Services Bid
- E. Authorize Advertisement for Chemical Spraying Bid
- F. Storage Trailer on Township Property
- G. Update on Saucon Rail Trail
- H. Route 78 Crossover Traffic Accidents/Fatalities
- I. Ratification of January 26, 2011 CMV Snow Emergency Declaration
- J. Authorize Collection of 2011 Real Estate Taxes & 2010 Delinquent Taxes

**VI. MISCELLANEOUS BUSINESS ITEMS**

- A. Approval of January 19, 2011 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 EAC Meeting: February 8, 2011  
Next Zoning Hearing Board Meeting: February 21, 2011  
Next Council Meeting: February 16, 2011  
Next Planning Commission Meeting: February 17, 2011  
Next Park & Rec Meeting: February 7, 2011

**I. OPENING**

**CALL TO ORDER:** The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, February 2, 2011 at 7:00 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Mr. Glenn Kern, President, presiding.

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

**PLEDGE OF ALLEGIANCE**

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

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

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

Mr. Kern said if you are on the agenda, you have Council and Staff's undivided attention and we can discuss the agenda items with you thoroughly. At the conclusion of the discussion, they do open it up to the public for public comment for each individual agenda item. If you do speak, we ask that you use one of the microphones and state your name clearly for the record. We transcribe the minutes verbatim, accurately and fully. If you go on our website, you can see that. We want to make sure we get everyone's name in there and what you've said accurately. If you do want to receive future agendas, there's a sign-up sheet in the back where if you put your email address, we'll email them or mail them to you if you don't have an email address. Mr. Cahalan said Item IV.A. T-Mobile Northeast has been taken off of the agenda. Attorney Treadwell said the T-Mobile North conditional hearing is continued until March 2, 2011.

**III. PRESENTATION/HEARINGS**

Mr. Kern said we have Se-Wy-Co and Leithsville Fire Company's here this evening to discuss potential partnership.

Mr. Sal Ghazi, resident of Lower Saucon Township for 25 years and a fireman for 25 years. He's been President for most of that time. They come before Council today to bring you up to where they are on a joint venture with Leithsville Fire Company which will end up being a full merger between the two corporations. As President of the fire company, he will go over the administrative portion and Tom Barndt will go over the fire department portion of that merger. Leithsville approached them a few months ago because they were basically in a manpower issue where most of their fire fighters were also their administrative officers and they couldn't do both. Se-Wy-Co's board is basically all administrative with one fire fighter sitting on their administrative board, so they had the ability to assist them by using our administration with theirs and then the fire department's would merge together in order to give the Township the best service. They are restructuring and he will be the President, sitting at Se-Wy-Co; two Vice President at each fire company; two financial officers who will report to a Treasurer at Se-Wy-Co and a Secretary. All the administration will come through the financial officers. The Vice Presidents at each station will be in charge of the social halls, events that go on, all reporting up through the Treasurer and then up to the President. They are basically signing a joint venture to start and then they are going to proceed with a full merger which they have to go to the Township, the County, the State, and then the IRS.

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Within six to nine months, they'll be known as one incorporated fire company. The residents of the Township will not see any difference. The trucks will still have the names on them. The stations will still have the names on them. The only thing is our check book will have two names on it and that's how we're going to operate administratively.

Chief Tom Barndt said he's the Fire Chief of Se-Wy-Co. As far as the operations of the fire company, they are going to end up under one chain of command. There will be one Fire Chief, which will be himself; two deputy Chiefs, one at each station; one Assistant Chief; two Fire Captains, one at each station; and a Rescue Captain and appointed Lieutenant's at both stations. Several members from Se-Wy-Co will respond to Leithsville as their main station to assist with getting apparatus out as well as several Leithsville members who live close to Se-Wy-Co's station will go there. They are currently doing that already. They will be consolidating apparatus and equipment, and making joint purchases. The fire apparatus will remain at the Leithsville station. The only difference may be some number or unit changes and identification numbers from the County 911 center. They will continue with ongoing permitted maintenance on apparatus. They will train as a single department and meet as a single department. The duties and responsibilities for all the officers have already been assigned and delivered at a meeting two or three weeks ago. He's currently working with the 911 center to allow them to be dispatched as a single department within a month or two to eliminate radio traffic and streamline operations which will make it easier for all of the fire departments in the County and the 911 center. He also had communications with the State Fire Commissioner's office permitting them to do one state fire report since they are going to go towards a total merger already. They are going to permit them to use one fire department I.D. number. Leithsville members are on board and are overly excited about it. He's very excited about it also to take it on and make it move forward from here. He would also like Council to know, this by no means is going to affect the ongoing talks about a total merger in the Saucon Valley area. This is one step that had to be taken so they wouldn't lose one of their sister fire departments.

Mr. Kern said it's a great thing as you are probably paving the way to what the model would look like for the further consolidation, so congratulations. Mrs. deLeon said she has the utmost respect for what all of you do and your heart is in it, and they are very proud of them and it's a great place to live. Mr. Maxfield said they are setting a good example for the other municipalities as well as other fire houses. Chief Barndt said there are a lot of municipalities and fire departments in this county and other counties that are just waiting to see this work. Mr. Maxfield said good luck.

**IV. DEVELOPER ITEMS**

**A. T-MOBILE NORTHEAST – 1995 LEITHSVILLE ROAD – CONDITIONAL USE HEARING**

Postponed to the March 2, 2011 meeting.

**V. TOWNSHIP BUSINESS ITEMS**

**H. ROUTE 78 CROSSOVER TRAFFIC ACCIDENTS/FATALITIES**

Mr. Kern said numerous accidents, many with fatalities have occurred within the past several years at the Bethlehem-Hellertown I-78 interchange caused by cars veering across the median. The lack of median barriers in this section of roadway has been discussed at Saucon Valley Partnership meetings.

Tom Barndt said they are all well aware of the numerous crossover median accidents that have occurred on I-78, several of which were fatalities in the last four or five years, one just recently and several who have serious injuries. They are looking for Council to support the project of PennDOT installing the cross median barriers on the highway; not only to prevent fatalities and serious injuries to motorists on the highway, but to project emergency responses when they are up there. That highway is one of the scariest responses that any of them make and there are several members

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have been going up on that highway with our joint operations and they see first-hand what it really is like. Sooner or later, we need to get these median barriers up there to prevent death and injury, not only to them, but to us and they are going to be installed in the spring according to PennDOT through some grant money. We're just looking to push a letter or be the driving force behind this to try and get something accomplished on that highway before more people get killed or injured.

Mr. Kern said absolutely. Is this at the Hellertown interchange on the ramp going westbound? Mr. Barndt said it's everywhere on I-78 throughout Hellertown and Lower Saucon Township where there's the wide median. They are looking at cable median barriers like they have in the Jersey part of I-78. He wouldn't even stop it in Lower Saucon and Hellertown. He'd think the entire stretch all the way out to the concrete Jersey barriers is where it needs to be done.

Mrs. deLeon said they've been talking about this at their Saucon Valley Partnership meetings and in the fall it was mentioned; and unfortunately, with the incident last week, she called John Bate and they thought they'd ask both municipalities to put this on our agendas and bring it to the forefront and the next day they read PennDOT was going to do that, so it was good timing. They also need a letter. They need to hear from us that we support this. She doesn't know if it should go on the SVP stationery or from each of the municipalities. Mr. Kern said it should probably go from each Council. Mrs. deLeon said then we should copy the letters to Boscola, Bob Freeman, Representative Simmons and the Dept. of Transportation and whomever else you can think of. She said you can probably all get together and draft a letter. Mr. Barndt said he will get the five fire departments in the Township and Hellertown to draft a letter and signed by the Chief and if both Council's do it, they can send them all together as a group. Mrs. deLeon said that would be great. Mr. Horiszny said would a resolution be more powerful than a letter? Mrs. deLeon said a resolution and a vote is the same thing, but it would jump out more at them. Attorney Treadwell said he doesn't know if either one of them would carry more weight with PennDOT. The letter is fine.

Mr. Maxfield said he has a technical question. He did see on the news, they showed an SUV hitting one of the cable structures and basically being slowed down. Keeping in mind that a lot of the accidents we have up there are semi-trucks, is that system going to be enough? Mr. Barndt said yes, he has some pictures he'll provide the Council that shows 18-wheelers that were doing 80 to 90 MPH that were stopped dead in their tracks with the cable median barriers. The reason they push for cable median barriers is because the concrete they bounce off of and come back out into the traffic which causes even more hazards out there. With the cable, it stops them right in the tracks and the real hazard is breaking the cable away. Mr. Maxfield said it looks like it almost netted the vehicle and wrapped it around.

Mr. Kern said thank you and they will take care of the letter.

- MOTION BY:** Mr. Maxfield moved for approval to send a support letter to PennDOT indicating the Township supports Route I-78 crossover cable median barriers.  
**SECOND BY:** Mrs. deLeon  
**ROLL CALL:** 4-0 (Mrs. Yerger – Absent)

**IV. DEVELOPER ITEMS**

**B. MAJESTIC REALTY – COMMERCE BLVD. (CITY OF BETHLEHEM) – LAND DEVELOPMENT**

Mr. Kern said the applicant is developing 450 acres of former Bethlehem Steel land for commercial use. Twenty five acres of the property is in Lower Saucon Township and may contain portions of a warehouse building & parking.

**STAFF RECOMMENDATION FOR MAJESTIC BETHLEHEM CENTER – EASTERN  
PHASE SOUTH OF APPLEBUTTER ROAD/WEST OF RINGHOFFER ROAD TAX MAP  
PARCELS P7-15-3 AND P7-15-3-2 PRELIMINARY/FINAL SUBDIVISION AND LAND  
DEVELOPMENT PLAN APPROVAL FOR FEBRUARY 2, 2011 LOWER SAUCON  
TOWNSHIP COUNCIL MEETING**

The Lower Saucon Township Staff recommends that the Township Council approve the “Majestic Bethlehem Center – Eastern Phase” Subdivision and Land Development Preliminary/Final Plan, dated December 23, 2010, last revised January 20, 2011, received January 21, 2011, consisting of Sheets 1 through 28 of 28, as prepared by Pennoni Associates, Inc.

Subject, however, to the following conditions:

1. The Applicant shall address the review comments contained in the letter dated January 27, 2011, from Hanover Engineering Associates, Inc. to the satisfaction of the Township Council.
2. The Applicant shall address the review comments contained in the letter dated January 28, 2011 from Boucher & James, Inc. to the satisfaction of the Township Council.
3. A recreation fee contribution of \$69,510 will be provided in lieu of dedication of recreation/open space.
4. The Applicant shall take all necessary steps to cooperate with Lower Saucon Township, Northampton County, and the City of Bethlehem to provide that the Township will receive its pro-rata share (based on the percentage of real property, and buildings to be constructed, located within the municipal boundaries of the Township) of the total property tax revenue applicable to the project identified in the Application.
5. In the event the required Financial Security Agreement is not executed within 90 days of this approval, this approval shall expire and be deemed revoked unless a written extension is granted by the Governing Body.
6. The Applicant shall provide two (2) Mylars and seven (7) prints of the Record Plans with original signatures, notarizations, and seals. Four (4) complete sets of Plans shall also be provided with original signatures, notarizations, and seals. The Applicant shall also provide two (2) CDs of all Plans in an AutoCAD format (jpeg-ROM).
7. The Applicant shall pay any outstanding escrow balance due to the Township in the review of the Plans and the preparation of legal documents.
8. The Applicant shall satisfy all these conditions within one (1) year of the date of the conditional approval unless an extension is granted by the Township Council.
9. All waivers granted shall be noted on the Plans with the applicable section, requirements, date of approval, and any conditions of approval.

It is also recommended that Township Council approve waivers from the following requirements of the following Subdivision and Land Development Ordinance (SALDO) sections:

1. Section 145-33.A – to allow a combined Preliminary/Final Plan.
2. Sections 145-26.A and 145-46.B(3) – to not require easements over the proposed stormwater improvements.
3. Section 145-33.B(1) – to allow the use of the 30-inch x 42-inch Plan size
4. Sections 145-33.C(1) and (2) and 145-34.B – to not require any more existing features be shown for the required 500 feet surrounding the site.

It is also recommended that Township Council approve waivers from the following requirements of the following Stormwater Ordinance sections:

5. Sections 137.11.K, 13.A, 15, 16, and 17 – to not require volume control, water quality treatment, recharge volume, and infiltration.

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6. Section 137-14.M – to not require the predevelopment analyses to consider only 50% of existing impervious cover.
7. Section 137-19.F(8) – to permit paved swales.
8. Sections 137-27.B and C – to not require easements over the proposed stormwater improvements.

Attorney Jim Preston, Skip Bailey, and Rocco Caracciolo were present. Attorney Preston said they've spent some time with the Planning Commission and they are here this evening to request a plan approval. That is embodied in several documents that Council has before them. One of those is a letter dated January 27, 2011 which lists the waivers they are requesting that the Planning Commission reviewed and recommended approval for. The next relevant document would be the proposed motion of approval. They have looked at that again. The Planning Commission has looked at the plan and recommended approval. They have no issues with the items that are in that resolution. They have some issues they want to go over with Council because that resolution incorporates the engineer review letters and need some clarity.

Attorney Preston said Mr. Caracciolo has generated a response letter to Hanover Engineering and Boucher & James, which they will hand out a copy to Council. There's not that many of them. Most of them are in the affirmative, indicating that they will comply. There's a couple they'd like to discuss. They are not challenging anything, they just need some clarification.

Attorney Preston said he'll start with the Hanover Engineering letter. He will go to the ones they need to discuss. The first one is under general comments and it's No. 3. It reads "intermunicipal note on sheet 2 of 28 identifies that the City of Bethlehem will be the sole reviewer of all construction standards and grading plans. The Township reserves the right to determine whether this note is acceptable." They would need clarification on that. You may be aware that the project is largely in the City of Bethlehem and the services are coming from the City of Bethlehem. They had some discussion on this and it was agreed that since the Township and the City use the same construction codes, the City would be the reviewing agency for the project. He assumes that's what this note is discussing. It says we would need to determine if that notice is acceptable. He said they believe it is. Attorney Treadwell said it's just a clarification. That was the agreement that they had when the staff met with the applicant a month or two ago. Since the city and the township both use the uniform construction code, you don't need to have two separate reviews, so that was fine with the staff.

Attorney Preston said the second issue would be No. 4, "water and sewer service is proposed to be provided by the City of Bethlehem. Tapping fees will be provided by Lower Saucon Authority". That may in fact be the case, but it may not be. First of all the water and sewer is going to be provided by the City of Bethlehem. He has since learned that the City of Bethlehem charges the Township a certain capacity fee. There's a component of that fee that the City of Bethlehem charges to the Township. If in fact they do that, they would need to reimburse the Township. They understand that. If the City waives that, then they would be paying it directly to the City. His client would be paying in full all the fees and connections for the service, but they would only be paying them one time, whether it's to Lower Saucon or to the City. They don't particularly care. The way the note reads, it says tapping fees will be provided by Lower Saucon Authority. It's his understanding that would be the case only if Lower Saucon Authority (LSA) is assessed that component. Mrs. deLeon said that was one of the questions she asked at a previous meeting as she read somewhere that it will be provided by LSA and she knows that there's Bethlehem lines out there and the landfill taps into them. She wasn't sure if our Act 537 plan covered this. Attorney Treadwell said he did talk to some people from the Lower Saucon Authority today. The issue is that Lower Saucon has a certain amount of reserved capacity at the Bethlehem Treatment Plant. If the City of Bethlehem is going to count the amount of the gallons used by Majestic against Lower Saucon's capacity in the plant, then the LSA needs to be reimbursed for the money that we paid for that capacity. If the City of Bethlehem does not count that against Lower Saucon's capacity, then there's not an issue and it's just the City of Bethlehem project. That needs to be clarified in some

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type of writing by the City to the Township and the LSA saying it's not going to count against your capacity number or it is, in which case, part of the tapping fee would come to the LSA. Mrs. deLeon said when we assessed the Township and assigned capacity to the different areas, what did we reserve for there? Attorney Treadwell said he didn't think any. Mrs. deLeon said that could be an issue. Attorney Treadwell said an issue because we have no capacity reserved for that project, not if it goes directly to the City of Bethlehem, then it's not an issue. Attorney Preston said Attorney Treadwell's understanding is their understanding. Mr. Kern said at what phase of the project does that get ironed out? Attorney Preston said he assumed the condition would be changed to be contingent, and then it's up to them to get that. They would not get the allocations or permit until it was ironed out. The burden would be on them to generate correspondence from the City to release them from this condition. Mrs. deLeon said she knows there's an Act 537 that dictates sewage in the Township and she doesn't ever recall talking about it on Applebutter Road. Attorney Treadwell said he doesn't think the LSA or the Township ever had any intent of extending any sewer out there for that purpose knowing there was a City of Bethlehem line in closer proximity.

Attorney Preston said page 3, Section 3, comment No. 9, "liability and indemnity insurance is required per this section and improvements agreement with security as found acceptable by the Township shall be provided as the project spans a municipal boundary, the determination of parties to inspect procedures for security, release procedure and maintenance period procedure must be resolved to the satisfaction of the Township." Just so we are all of the same mind, they had thought because improvements are going to be in the City of Bethlehem that it will be secured with the City of Bethlehem. They understand there are probably some items that Lower Saucon would have an interest in that could be deemed public improvements. He thinks those are probably landscaping issues along the roadway. Other than that, they are not aware of anything. Just so they are clear, it's their understanding that those potential landscaping issues would be the subject of an improvements agreement with the Township, but everything else would go and be included in an improvements agreement with the City of Bethlehem. Attorney Treadwell said that's his understanding as well. Those are the only improvements in Lower Saucon Township other than the building.

Attorney Preston said page 5E, General Technical Comments, No. 4, proof of LVIP approval for the landscaping and drive on their property must be provided". That one they are not sure what that means. He doesn't think there is any LVIP. Mr. Miller said there's an access drive across the property being proposed in the City of Bethlehem across LVIP property and he doesn't know if the Township wants to be approving a plan that calls for that if they don't have the approval of the affected property owner. Mr. Maxfield said you are saying the access guarantee owner? Mr. Miller said yes. Attorney Treadwell said LVIP owns a piece of property that he assumes Majestic has permission to install an access drive on and all Mr. Miller is saying is that we'd like to see the documentation. Mr. Miller said we just need an indication from them that they are okay with it. Attorney Preston said that's not a problem. Mr. Bailey said they want to have the Mylar's signed and the building permits pulled. The crossing across the creek is contingent upon being able to get the Army Corps approval. There are a lot of approvals that have to get done. They are not anticipating any problems, but that proof isn't going to be available before they need the Mylar's signed. Mr. Miller said his only concern is he believes this is at a very long cul-de-sac that you have no secondary access to without that stub. Mrs. deLeon asked if Mr. Miller was talking about the access coming off of Ringhoffer? Mr. Miller said yes.

Mr. Caracciolo said the access off of Ringhoffer is just for the special clients they may bring in. They also said it would be great to have it as an emergency access. This plan has been the plan for the center since the beginning. They actually have an approval from the City of Bethlehem in 2008 for the full subdivision. The Commerce Blvd. is an extension of a cul-de-sac now. The other full build-out of the park will have other access. That emergency access was never needed for them to develop the property. Mr. Bailey said there is additional access off of Applebutter. There are two points of access to the park. Mrs. deLeon said is that Mr. Miller's concern – emergency access?

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Mr. Miller said it is that and he doesn't know if the Township wants to be approving a plan that calls for constructing something that we don't know the applicant has the right to construct. Mr. Kern said there's no downside to the Township if they fail to construct it, is that accurate or not? Mrs. deLeon said we have regs we are not abiding by. Mr. Kern said as far as harm? Mr. Miller said the Township itself will probably not be in any trouble for that. It is contradictory to the intent of several of the ordinance requiring the accesses so there's a redundancy for emergency services. Mr. Kern said they just said there is a secondary access. Mr. Miller said he hasn't seen it. Ms. Stern Goldstein said it's a matter of having primary access or emergency access and in this case if and when they get the approval for the additional one, they will have two emergency accesses plus a primary access. Mrs. deLeon said who would plow that road on a regular basis off of Applebutter Road? Mr. Bailey said it would be all part of the property manager's responsibilities. There was a big move not to have them access Applebutter or Ringhoffer because those roads are not going to support the kind of traffic that is going to be in that park. They can't commit to have that done before they pull permits to stay on the schedule. Mrs. deLeon said her point being if you are saying that's an emergency access, it should be available for access. Attorney Treadwell said they've said they have another emergency access. It's not a necessity for emergencies that this be built. If you don't get permission, you don't build it. Mr. Maxfield said the only thing we had were conditions that were associated with that road; about ten trips a day, etc. Not having that is a little odd. He realizes you have to get the DEP permits, but he doesn't think they'd be asking for that. They'd be asking for an approval from LVIP that it is okay just to have a road there and to use it for those purposes - the road that accesses Ringhoffer Road. Attorney Preston said they can get you proof that they are aware of the plan and they've agreed what's on the plan. Mr. Maxfield said we'd like to see that those conditions are tied to that use also; that it is labeled emergency access for that particular stretch of road and that is the intent of the usage of the road. Attorney Preston said that would be dependent of LVIP. The LVIP component would be a permission so you had some comfort that we are allowed to be there. As far as the nature of the use, that probably would be handled independently by LVIP. Mr. Maxfield said we are looking for a statement that they are okay for you using their land. Mr. Bailey said they can get a conditional letter from them. Mr. Maxfield said it's because it accesses closely to residential areas. Those conditions were important conditions. Mr. Caracciolo said that whole access was deemed as a special customer entrance, and that's why they wanted those conditions to make sure there were no trucks, and limited to ten trips per day.

Attorney Preston said the final item is on page 6 of the response letter, comment No. 1, work performed would appear to have a permit for this ordinance. The applicant shall consult with the Zoning Officer as to whether any separate application is necessary and whether the land development plan submitted may also serve as a grading earth disturbance permit plan. They were under the impression that they would and the land development plans would serve as that, so they are asking for clarification. Mr. Miller said he has spoken to the Zoning Officer and these plans will serve that purpose. Attorney Preston said that is resolved then? Mr. Miller said the only thing is you may have to sign the piece of paper for the permit, but the plans will serve that purpose.

Attorney Preston said they can fully comply with the rest of the letter. He's touching on any items that need clarification. If he doesn't mention them, you can assume they've agreed to them.

Attorney Preston said on the Boucher & James letter, they only have one concern on the second page, No. 2, "open space requirements, SALDO section 145.51 establishes open space requirements. The applicant should discuss this with the Township". Ms. Stern Goldstein said a version of that was also in Mr. Miller's letter. Attorney Treadwell said he thinks the reason it was in there is that instead of the dedication of open space recreation land, Majestic will pay the fee, which is included in the staff recommendation. Attorney Preston said thank you.

Mrs. deLeon said the lighting has been satisfactorily addressed. Mr. Miller said they've actually gone beyond what they are required to do to satisfy the staff's concern for lighting on the eastern side of the property affecting residents in Lower Saucon. All of them are per Lower Saucon

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standards. Mrs. deLeon said the parking spaces are required for 10'? Mr. Miller said the normal parking space is 10'x8'. Ms. Stern Goldstein said the parking space and number of spaces all comply with the ordinance.

Mrs. deLeon said she's a little bit clearer on the tax situation. They were going to get the pro rata share of whatever was in Lower Saucon and then she's reading about parcels being consolidated. The County keeps track of parcels for tax I.D. and billing purposes. Will this be one big parcel? Attorney Treadwell said assuming this plan gets approved and recorded, the lot line and the tax map I.D. parcel in Lower Saucon will no longer exist; however, he and Attorney Preston met with the County Tax Assessment people on Monday and Attorney Preston has since met with the City of Bethlehem and the agreement is that the County of Northampton will treat it as one parcel for assessment purposes. What that means is the County will send to the City of Bethlehem a document that says this is the owner and here is the assessed value. The City of Bethlehem will then take that assessed value and apply its millage to that number and come up with a tax bill. Mr. Caracciolo has prepared a map that shows the percentage of property and building within both Lower Saucon and the City of Bethlehem. That tax bill number will be split between the City of Bethlehem and Lower Saucon Township in accordance with those percentages. Those percentages are very close to 50/50. Whatever the final assessed value of the property is, will be subject to the City of Bethlehem's millage rate and then that tax bill number will be split between the City and Lower Saucon Township based on those percentages. Mrs. deLeon said we don't have to count on anyone's memory at the City or here, it will be documented? Attorney Treadwell said it will be documented in an agreement with the City, Lower Saucon Township and Majestic and it will remove any issues of having one municipality have to reimburse or pay the other one that half of the tax bill. Majestic will get two separate bills and they will pay one to Lower Saucon and one to the City of Bethlehem. Mrs. deLeon said okay, that makes it clear. Mr. Maxfield said that 48%, is that a combination of both building and land? Attorney Treadwell said they are very close to 50/50. Attorney Preston said they have to follow that calculation as the number can't be arbitrary. Attorney Treadwell said to make it easy, they could round it to 50/50, but that's not the right thing to do, we need to follow the correct percentages. Mr. Bailey said 75% of the total tax bill goes to the Saucon Valley School District. Attorney Treadwell said this entire parcel is in the Saucon Valley School District. This falls under the LERTA for the school district.

Mr. Kern said on the HEA issue, item B, zoning comments, it seems to indicate the parking calculations are on the small side, is that accurate or has it been cleared up? Mr. Miller said the parking they are proposing is adequate for what they are proposing to do with the property. However, a different warehouse and a different office of the same footprint of the building and the same floor space could require a lot more parking. Mr. Kern said that was his concern. What happens if the data center moves and someone else moves in? Mr. Miller said that's what they are saying and it is acceptable. Attorney Preston said that has been incorporated into the plan already and they would have to come back.

Mr. Caracciolo said the first waiver is for final plan approval. They have requested a waiver for preliminary final due to the nature of the project and the fact that they don't have roadways and things coming from environmentally sensitive features to make the process quicker.

Mr. Caracciolo said the second one is just for the sheet size plan. The plan fits on the 30"x42" sheet.

Mr. Caracciolo said the next is for paved swales. Due to their requirement and the tentative requirement, they do have some paved swales to collect the storm water.

Mr. Caracciolo said storm water infiltration. Again, with the Act 2 site, they are not allowed to allow any infiltration into the ground.

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Mr. Caracciolo said for the storm water management, the one is for deed of dedication. All of their storm water collects and runs north to south and goes into the City of Bethlehem and is discharged in City of Bethlehem lands. Anything that is going to be dedicated, will be dedicated to the City of Bethlehem and they will help and maintain the storm water management conveyance systems.

Mr. Caracciolo said the 500 foot overlap, just for the size of the property, that 500 foot would make extend to a greater area.

Mr. Caracciolo said if for drainage easements, and again, they are right up against the City of Bethlehem and their conveyance goes into the City of Bethlehem. They want to maintain those.

Mr. Caracciolo said there's a section in the storm water ordinance that have you take your impervious coverage down to 50%. They actually are 100% impervious at this time. They are taking it down to 30% less to 70% total impervious, so they request a waiver to go for the full 50 and they can't have any infiltration on the site.

Mr. Caracciolo said the next is for the easement. They want to maintain the storm water. There's another mention of easement and a lot mention the same thing over again.

Mr. Caracciolo said the last ones were with Mr. Miller's help, ones that have to do with infiltration and again, they have an Act 2 site and an industrial site, so they request a waiver from infiltration. One good thing with this plan was they were able to add the riparian buffer around the property, everything around the wall and all the trees along the eastern edge as well as the rain garden which was not in the original NPDES which will collect the water and allow it to pass through vegetated cover before it's then conveyed down the site all the way to the east branch of the Saucon Creek.

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

- MOTION BY:** Mrs. deLeon moved for approval per the staff recommendation for the Majestic Bethlehem Center.  
**SECOND BY:** Mr. Maxfield  
**ROLL CALL:** 4-0 (Mrs. Yerger – Absent)

Attorney Preston said he would like to commend your staff for being very thorough and very helpful.

**V. TOWNSHIP BUSINESS ITEMS**

**A. ZONING HEARING BOARD VARIANCES**

**1. HENRY & TERRY KEMMERER – 2521 ALPINE DRIVE – REQUEST VARIANCE OF REAR YARD SETBACK TO INSTALL POOL**

Mr. Kern said the applicant is proposing to install a pool which does not meet the required side setback.

The applicant was not present. Mr. Maxfield said the lot does have significant footage in the back and he asked Mr. Garges if there was something that was missing on conditions and it appears that the tree is a rather large tree and right in the middle of the property. He forgot that a power line needs to go to a pool like this, so you are talking about excavating through tree roots, so their desire, according to Mr. Garges, it would be relatively close to the house avoiding that kind of situation and he thinks that is reasonable.

Council took no action.

2. **MICHAEL & NANCY FREDERICK – 2002 SANBROOK DRIVE – REQUEST VARIANCE OF MAXIMUM SITE COVERAGE TO CONSTRUCT A HOUSE**

Mr. Kern said the applicant is proposing to construct a house on an existing vacant lot which will exceed the allowable coverage requirements.

Mr. & Mrs. Frederick were present. Mr. Frederick said they purchased approximately .32 acres in October 2009 which they now know is an undersized lot. By today's ordinances, it pretty much makes the lot unbuildable so they are seeking relief of those ordinances that would give them the ability to put a comparable house on a comparable sized lot for the Saucon Valley Terrace. He understands the issue would be with coverage due to water runoff. He thinks one thing they do know is that they are one of few people that have the pit in the backyard to support and handle some of that water runoff.

Mr. Kern asked if Council or staff had any comments? Mr. Maxfield said it is a small lot and it is going to be tight no matter what happens. Mrs. deLeon said what are their options? Attorney Treadwell said that's the purpose of going to the Zoning Hearing Board. It's a non-conforming lot. It existed and it was created back in 1968. They have a right to build something on it. We've discussed this many times before. One thing the ZHB considers when it looks at an application like this is has the applicant requested the minimum relief necessary in order to build something on the lot. One question is, is the house similar in size and dimension to the other ones in the area and vicinity and the neighborhood? According to what they are proposing, he thinks it's similar to the surrounding properties. Mr. Garges said he did give Council some documentation to see what the sizes of the surrounding properties were and some pictures of the houses compared to theirs and it looks very similar in size and character to what's in the neighborhood.

Council took no action.

**B. APPROVAL OF RESOLUTION #32-2011 – ACT 44 PENSION POLICY PROCEDURE**

Mr. Kern said Act 44, which was signed into law on September 18, 2009, included disclosure compliance requirements that require contractors, subcontractors or advisors to municipal pension funds in the Commonwealth of Pennsylvania to provide each municipality with full disclosure of all information mandated by the Act by December 17, 2010. In addition, municipalities are also required to prepare written procedures describing how professional services for its pension plans are chosen.

**A RESOLUTION OF THE TOWNSHIP OF LOWER SAUCON, NORTHAMPTON COUNTY, PENNSYLVANIA, ADOPTING WRITTEN PROCEDURES IN HOW PROFESSIONAL SERVICES ARE CHOSEN FOR ITS PENSION PLANS IN ORDER TO COMPLY WITH ACT 44 OF 2009 AND THE AUDITOR GENERAL'S RECOMMENDATION**

WHEREAS, with the passage of Act 44, municipalities are now required to prepare written procedures in how professional services are chosen for its pension plans; and,

WHEREAS, the Department of the Auditor General began issuing verbal observations recommending that municipalities implement a written policy; and

WHEREAS, municipalities must provide the Department of the Auditor General with a copy of their written procedures during their next scheduled audit.

NOW, THEREFORE, BE IT RESOLVED by the Township of Lower Saucon, Northampton County, Pennsylvania, that the Lower Saucon Township Council hereby adopts the attached document entitled "Lower Saucon Township Procedures for Compliance with the Professional Services Contract Provisions of Act 44 of 2009".

Mr. Cahalan said this was an additional requirement from Act 44. That revolves around the municipal pension plans and they have two of those for the uniform and non-uniform employees. This one is additional and requires them to go through a full-blown request for proposals process. When they are about to hire any professional services such as an investment advisor, a solicitor, an actuary, they would be required to follow this procedure.

Mrs. deLeon said this is just for the professionals for the pension? Mr. Cahalan said yes. Mrs. deLeon said other professionals, this does not apply to? Mr. Cahalan said correct, it does not. Mrs. deLeon said they talked about this at the Pension Board meeting. Attorney Treadwell said they all fill out ethics act disclosure statements, but this is specifically refers to pension.

**MOTION BY:** Mr. Maxfield moved for approval of Resolution #32-2011.  
**SECOND BY:** Mr. Horiszny  
**ROLL CALL:** 4-0 (Mrs. Yerger – Absent)

**C. ORDINANCE #2011-02 – AMENDMENT TO IMPERVIOUS COVERAGE DISCUSSION**

Mr. Kern said Staff would like to provide additional information to supplement the discussion on Ordinance No. 2011-02 at the previous Council meeting.

Ms. Stern Goldstein said she wants to make sure all of Council has the information you need to make your informed decisions. The ordinance, as drafted, is a good ordinance. She thinks it is something that was worked on for a long time with the EAC. They've talked to Council and Planning Commission quite a few times. It's gone through a lot, but she just wants to make sure you all understand that this ordinance proposes to reduce the overall site impervious in the R40 district and also proposes to then create an onsite impervious maximum in addition to the overall site. Her example is somebody comes in and they are putting in roads and lots and the road uses up part of the impervious and the lots can use up another part, and you don't get to double dip and say you get to have 25% for the whole site, then the road is developed, and you have a lot and it's built like at 18% as the road used up part of the overall site, but once the road is built, they get to come in and have over 25% again. That's a little inconsistency in your current ordinance. The way to fix that is to create an overall site impervious and a separate lot impervious so that when someone comes in later, they don't get to re-create more impervious on their lot that they were entitled to. It all makes perfect sense until we start applying that in the nitty gritty. If somebody is in the R40 district today as many people are, right now the existing on lot impervious doesn't really exist as its 25% overall site impervious, so in reality, it was about 20% on lot once they took out the road for the overall site, so it would be about the same. The proposed on lot goes down to 15% in this case. Of that 15%, 12% would be available to the developer and then the thing that she thinks is really good about this ordinance, is it reserves 3% for the future landowner so that we wouldn't have people coming in who knowingly or unknowingly chose every option available to them from the builder and by their choice, maxed out their site before they even moved in. Then they come in a month or a year later and want to put in decks, walks, oversized drives, swimming pools, and they are over. They as staff feel their pain as they might have not made a conscious decision and need to live with them and the Township needs to deal with the impervious surface for many reasons – for drainage, for the intensity of development, but that's just a fact of life that's been happening. This ordinance clears that up for anyone buying a new lot that's been done since the advertisement or enactment of this ordinance. That helps them with everything going forward and it's a great solution. The problem that she wants you all to just understand is that somebody who owns a lot today could come in, and they bought their house two months ago, and two months ago in the R20 district as the same as today, on the typical sized lot, they could have 5,000 square feet of

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impervious today. After this ordinance is proposed or enacted in the R20 zones, total permitted impervious would be 4,000 square feet, still big enough to get the same decent size house, driveway, decks and things like that, but maybe not all the extras like they may not have a 1,500 square foot deck or they might not have a sprawling one floor house that takes up 4,000 square feet, but they can get a decent sized house. One of the comments on the slides are the houses are the same size and they were generous sized houses. The houses can still be of the same size, but that same person that bought their lot two months ago, if they want to come in two months from now, they are going to have 1,000 less square footage that they can put on their property. That's what this ordinance says. It's a good ordinance and it will control impervious, but you will have issues where people come in, whether they lived for 20 or 30 years and had their lot forever, or they just bought their lot two months ago, that there will be a change in the R20, the R40 and the R12. The R12 she also had an example up for you last month and the difference there is again, a 12,000 square foot lot in the R12, 3,600 square feet of impervious permitted today, and once this is approved, it would be down to 3,000 square feet. They are losing the right to have an additional 600 square feet. She wants Council to make an informed decision. She doesn't want someone to come in and feel wronged and come in and explain their situation and have any of you be surprised. This ordinance does have merit and does further control impervious. It really works with the intent of the original ordinance as it had been; unfortunately, the ordinance as written had an overall site impervious, never actually listed the on lot impervious. That was the issue that code enforcement and the Township has been dealing with for years now because once the site was developed and the developer went away, nobody was dealing with the site impervious anymore, they were left with the individual lot, which then got bonus impervious by default. She doesn't want anyone to be confused or think this was lost. It was all done with a lot of good intent and a lot of hard work with the EAC, the Planning Commission and discussions with Council.

Mr. Maxfield said the remedy for a resident would be variance? Ms. Stern Goldstein said the remedy would be variance or as you've seen before, remove some extra impervious that's not being used – redesign. Mrs. deLeon said what does it cost for a resident to do a variance? Attorney Treadwell said he thinks it's \$500.00. Mrs. deLeon said plus the engineer. Attorney Treadwell said whoever designs their plan, if they take an attorney with them. Ms. Stern Goldstein said they've seen all different levels. They've seen people utilize the staff from the Township and they come in and talk to Mr. Garges and he brings an aerial up for them and they can draw their own plan and they've seen people have attorneys, engineers and architects. They've seen both extremes.

Mr. Kern said his only concern is he doesn't have a feel for whether or not those reductions in impervious are overly restrictive or not. He can't visualize what the building would actually look like or what the difference is. Mrs. deLeon said are we causing more of a problem? Mr. Kern said he needs the experts to tell him it's not too restrictive, it's okay, or maybe it is a little too restrictive. Ms. Stern Goldstein said based on their knowledge of the eleven municipalities they represent, it's not overly restrictive. She can name a half dozen that are more restrictive. She can name a half dozen who are less restrictive. She thinks if we had the pendulum and it went from most restrictive to least restrictive, you are just to the more restrictive side of the middle, but not over to the most restrictive at all. Mr. Kern said the major thing they've come across at Council is Toll Bros. and the houses they built there. They built the houses to the maximum size they could and then we have everyone coming in here saying they want to put a deck on and there's no room to put a deck on. Mrs. deLeon said there's not a lot of other people coming in except for Toll Bros. Mr. Kern said if Toll Bros. had to design their houses with this ordinance, what would the difference be? Ms. Stern Goldstein said if they designed their houses with this ordinance, each of those lots would have 3% of impervious left over for the homeowner and that's the biggest plus that could happen to this Township and Council for a development like that. The other thing is the Toll Bros. house is an extremely large house on a small lot. Under the current ordinances proposed, the percentages for those lots would be more than what would be permitted. Attorney Treadwell said the simple answer is that Toll Bros. would have had to build smaller houses on those lots in that zoning district. They'd have smaller houses to begin with, and have small houses

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by 3% again because you are leaving 3% for the homeowner to add on later if they chose to do so. Mrs. deLeon said if we vote for this, this is just talking tonight, we're not doing any voting tonight? Attorney Treadwell said correct, it hasn't been advertised. Mrs. deLeon said this would apply to everyone now, not just new development? Ms. Stern Goldstein said that's what she wanted all of you to understand. Each zoning district has their regulation on how much impervious, but it would apply to all lots in those zoning districts and if somebody was exceeding their impervious today, then it would be non-conforming and with non-conforming they have the right to expand if they go to the ZHB. We're not taking away all rights.

Attorney Treadwell said here's one question we discussed a little bit at the staff level, we can create an exception in this zoning ordinance amendment for the property owner who already has their house built on their lot and may have 500 square feet left of impervious. If this ordinance gets adopted, they would have no impervious left. We can create an exception in the ordinance for those instances and say anybody who has a house on an existing lot as of this amendment can still use the old impervious regulations, so those are the people who are going to be the most upset about that perception. When you say taking away, those are the people that would actually feel that something got taken away from them as opposed to the person who's coming in to build a house on a brand new lot and you say three years ago, you could have done 5,000, but now you have to do 4,000. You're not taking anything away. Mrs. deLeon said just like the couple tonight, they are looking at their land to build their dream house on and they didn't know it was going to be an issue. Attorney Treadwell said that's what we were going to recommend tonight that you include that exception in there. We also wanted everyone in Council to understand that there is going to be a significant difference between the amount of impervious coverage you could do today versus what you could do if this gets adopted. Mrs. deLeon said if we find this being really restrictive, we can always amend the ordinance? Ms. Stern Goldstein said there's a lot of really good parts to this ordinance and the ones they were struggling with was their job is to make sure you have all the information you need. The remedy Attorney Treadwell mentioned, it still addresses the issues that were brought forth yet still has that fairness for your existing residents that might have knowingly researched and bought their property knowing what their current zoning laws were.

Mr. Maxfield said he has some concerns, especially about the exception and his reasoning is that the impetus behind this whole thing was real actual physical natural problems – storm water, people's damage to property. It just wasn't simply trying to limit the size of a house, it was based on real things, health and safety for the residents. He thinks if we put that exception in, we're going to go right back to the same thing with Toll Bros. that we were at before. There's nothing to stop that situation from continuing on. He thinks back to discussions when they initially talked about impervious coverage and Mr. Kocher was the one that mentioned, if the Toll Bros. area was built out to the maximum allowable impervious coverage, we would have flood problems from there. We thought those percentages were very generous. It's nice to be nice, but he also thinks we have an obligation to be safe and to promote health. That's why he was excited about the impervious coverage and the way it was going. It eliminated the problems that they've been having here at Toll Bros. He considered those houses overblown for the size of the lot. He wanted to get us into a more reasonable type of construction in the Township with great consideration being given to those storm water problems that we definitely do have in these areas where we are talking about. That's his concern about the exception and he doesn't want to bleed it down at all. He thinks we should be moving it ahead. When you look at the studies in places where there were flood plains, they had problems when the impervious went over 7%. Now we are currently allowing 25% on some of these lots and that's really generous. He feels like this is a really fair ordinance that is motivated by really good reasons and he doesn't want to go backwards and still have the problems and not have this ordinance address the problems.

Mr. Kern said he understands what Mr. Maxfield is saying, and how many houses would be involved in the grandfathering? What are we talking about? Attorney Treadwell said if you look at it in terms of Toll Bros., the grandfathering or exception provisions wouldn't help anybody in the Toll Bros. development because they've been coming to you time and time again and under today's

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ordinance standards asking for variances. It's not going to affect that. He would find it hard to believe that there are many properties out there that that exception or grandfathering would apply to. We're not talking about vacant lots. We're talking about a lot that already has a certain amount of impervious on it that hasn't exceeded its impervious yet but if we adopt this ordinance, we may be turning that lot into a lot that you are already over.

Mr. Kern said he has a problem with that because if this ordinance puts us on the more cautious side, and it's not that many houses, Council would like staff to research how many houses we are talking about. Ms. Stern Goldstein said they can research that easily and talk to Mr. Garges. The point that Attorney Treadwell made is a really important point, the lots that have been problematic have been coming before you consistently for variance requests to go to the ZHB, for impervious surface, that's by far what you are seeing more of. You see a lot of the side yard, rear yard things for decks and pools and patios, but impervious has been the one that's been coming before you the most and that's based on your current regulations. They are still going to be coming before you. She just wants to make sure you understand you'll have more coming before you in addition to the ones that might have bought a lot and thought, there's a regulation and I'm going to go over it or the ones that didn't even know there was a regulation. Now there will be some that knowingly bought a property understanding the regulations and then having it changed. They are the ones she feels for and she wants to make sure there's a remedy for them and she wants you to make sure what the remedy is. Someone who knowingly buys something and willfully disregards the rule, she doesn't have that level of empathy or compassion for. Mrs. deLeon said you would know to do that. Ms. Stern Goldstein said for example, two months ago she could have bought a lot in Lower Saucon knowing she had enough impervious left to put a patio and something else on there, and then two months from now she could come in with her application and find out that she doesn't have that right. She knows she'd be a little upset. She just wants to make sure that we're not penalizing someone whose doing their homework, but being fair to the land and to the Township and the general health, safety and welfare of the residents with whom you are all charged to protect. She wants to make sure we have that balance. She understands Mr. Maxfield's concerns and believes some of the regulations were overly loose. She thinks we as a Township have been feeling that pain for several years now. A remedy needs to be enacted. It's just getting to a remedy that is being fair for the existing residents who bought property under the current zoning. Mr. Maxfield said our experience has been always that a lot of the people who come in for those variances aren't experiencing any storm water problems at all. It's always the down slope people. What would be the time involved? You said anyone previous to passing of the ordinance or anyone who bought a home within how long? What if someone bought a home ten years ago? Attorney Treadwell said the way he would do it would be anyone, as of the date that you adopt the ordinance and has an existing house on a lot, would be entitled to use the impervious coverage that is currently in your zoning ordinance now. Mr. Maxfield said in some areas, we're close to being built out, so that's almost everybody. We really don't make that much progress. Mr. Kern said they are already built. Mr. Maxfield said that doesn't stop anyone from an existing house coming in and wanting big decks, big swimming pools, all those things. Mr. Kern said they are limited to the impervious of the old ordinance. Mr. Maxfield said which is very generous. We don't have that much room for new construction, so who will this ordinance apply to? Ms. Stern Goldstein said any new subdivision or land development involving a residential property it would apply to. If someone has an existing vacant lot, which there are a number of, and someone comes in to build, they would be subject to the new ordinance. All the minor subdivisions which are three, four, five lots, that would apply to all of them. Mr. Miller said he would recommend you include the phrase "has not since been subdivided in any grandfather clause". Ms. Stern Goldstein said if someone is coming in for a subdivisions, it's clear they don't have the right to grandfather. That's a big one. All the little subdivisions they are seeing, people are sharpening their pencils and getting out their shoe horns and fitting in extra lots, we don't want this to apply to new lots as they are creating a new lot of record then. Mrs. deLeon said that exception wouldn't apply to that? Ms. Stern Goldstein said they'd make sure it didn't apply to them. Mrs. deLeon said the young couple that was just here, what would have happened to their lot? Ms. Stern Goldstein said they would have had to comply with today's standards. Their problem is not an impervious problem. Their problem

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is their lot is so undersized in that district that they can't comply with anything. Under the non-conforming, they have a right to build something, it's just that they have to prove they are asking for the least amount of relief needed.

Mr. Maxfield said what about moving a lot line? Ms. Stern Goldstein said lot line change would be something new and they'd be creating a new lot. The new ordinance would apply. All the ones they've been seeing coming in, with the minor subdivisions and lot line changes, they would all have to comply with the new ordinance. It's just someone who is coming in with an existing house that's already been built. That would be the only thing we're proposing to staff to be in the grandfather clause. Mrs. deLeon said we should add that, "has not since been subdivided".

Mr. Horiszny said you could study and see how many houses fall under this potential problem area. Could you also tell us how near the end of the current wave of variance requests we might be? Is the Toll Bros. area built out enough that we're not going to get Victor, Viola requests anymore? Ms. Stern Goldstein said she thinks each time someone moves into one of those houses, they will come in to see you. Attorney Treadwell said he doesn't think that's capable of being quantified because the vast majority of those lots are over or at their maximum now. Anytime somebody wants to put something on their lot in that subdivision, you will see them asking for a variance. Ms. Stern Goldstein said she doesn't think you'll ever be at the end of something like that unless you throw all your rules away. Mr. Horiszny said the study you would do would show us that? Ms. Stern Goldstein said the study would show that those are existing lots of record that are still under the current regulations. She can't tell you how many times people will come in as you may have the same lot with the same or different owners coming in constantly. It's going to tell you how many lots could be grandfathered, but then again, those lots, if there's a change, then that's thrown out and not part of it. Mr. Maxfield said it could be a house that's been there four years already and a new owner comes in and they need to modify it for their own special needs. Ms. Stern Goldstein said even something more modest than what they've been seeing in their other municipalities where someone comes in and they need to modify the house to handle some accessibility issues and they are adding ramps and suddenly to get the ramps at the right grade, they are adding or converting a garage to a bedroom that has an accessibility issues. There are some very modest requests that do put them over.

Mr. Kern said that does bring up an interesting issue with Toll Bros. How many vacant lots are left in Toll Bros. because if this ordinance passes, the new lots will be bound by the new ordinance and the houses won't be the same neighborhood. Ms. Stern Goldstein said you are correct. It would be different and she doesn't know how many are left that have drawn their building permit. If anyone has their permit already, then they have their permission. Mr. Maxfield said from a storm water perspective, it can only be good for that neighborhood. Mr. Kern said it could be good, but it could look odd. Mr. Horiszny said would a developer say you just cheapened your neighborhood because now we can't build as big a house? Attorney Treadwell said the developer had five years of being free and clear of any Township ordinances to build their project and move on. If they didn't do it within the five years, then they are going to have to live with the issue. Ms. Stern Goldstein said she thinks they had over seven or eight years. The MPC protects them for five years from their final approval or if that date was falling within the last year, they have until 2013. Mr. Horiszny said they could say that? Ms. Stern Goldstein said they could say anything. Mr. Horiszny said it is more restrictive, so they are going to say we're not going to make as much money. Ms. Stern Goldstein said it's a matter of choice. It's not just the size of the house, it's the detailing and the quality of the house. Attorney Treadwell said you could build a much nicer, more expensive house with a smaller footprint. Mr. Maxfield said what Mr. Horiszny was saying, you could say the same thing about a well septic setback. That could limit anything that's going to limit what you can do with your property. Ms. Stern Goldstein said zoning in itself is a taking issue. Once we get over that, it's a matter of balancing the public health, safety and welfare of the residents and dealing with it.

Attorney Treadwell said do you want to see any further study issues which will take some time? Council said no. Attorney Treadwell said why don't we craft the new language and bring it back to you February 16<sup>th</sup> and then you can vote to advertise it on the 16<sup>th</sup>? Ms. Stern Goldstein said you voted on it last time and it was sent to the LVPC. Mrs. deLeon said they will have to be re-notified there was a revision to it. Attorney Treadwell said we are going to add that exception language and resend it.

**D. AUTHORIZE ADVERTISEMENT FOR LAWN MOWING SERVICES BID**

Mr. Kern said the annual lawn mowing bid specifications have been drafted and reviewed by the Director of Public Works and the Solicitor. Council should authorize the documents be advertised for bid.

Mr. Cahalan said the annual bid advertisement will be due for the lawn mowing of the athletic fields and township properties. They've been doing this for the last several years and have been getting a good price through bidding for the services. They have added the additional properties to the scope of services. What they also do as an appendix to the lawn mowing bid is to add the Township Park Maintenance policy for guidance. They also will add the areas that should not be mowed by the contractor and Ms. Stern Goldstein had made some recommendations on that we'll incorporate. We'll be marking areas that should not be mowed by the contractor. Mr. Maxfield said would it be reasonable to supply to whatever contractor it is and resupply every time we change, an actual map with those areas delineated in color so they can refer to it so there's no misunderstanding just in case markers get moved. Mr. Cahalan said they will try the map, they will flag it and sign it and paint some of the areas. Ms. Stern Goldstein said sometimes staff is working for the reputable companies and they are not communicating as well as they should. To some people, it's just being overzealous on a mower and thinking they are doing what should be done. To some people it's just an overgrown area and they should mow that. They are going to try to have every method of communication out there. Mr. Cahalan said the other problem is the areas that are in danger are the ones that are done once a year. It's not like they are doing it every week during the summer. We'll take some precautions this time. That will be incorporated into the bid documents. Mrs. deLeon said she saw somewhere that they can't hire sub-contractors, but then they are saying sub-contractors should have insurance. You might want to go over it and change it. Attorney Treadwell said on page 13 of the lawn mowing agreement, it says what is contained in the agreement shall be performed by the provider and shall not be subcontracted and assigned to any entity or individual without the prior written approval of the municipality. It's not necessarily inconsistent. If we do approve a subcontractor, then the other section will apply. Mr. Horiszny said the second line under intent, should be necessary to render rather than renter. On the next page, there should be in No. 6, interested contractors to relay instead of rely.

**MOTION BY:** Mr. Horiszny moved for approval to authorize advertisement for lawn mowing services bid.  
**SECOND BY:** Mrs. deLeon  
**ROLL CALL:** 4-0 (Mrs. Yerger – Absent)

**E. AUTHORIZE ADVERTISEMENT FOR CHEMICAL SPRAYING BID**

Mr. Kern said the annual chemical treatments for Township fields and park area bid specifications have been drafted and reviewed by the Director of Public Works and the Solicitor. Council should authorize the documents be advertised for bid.

Mr. Cahalan said same thing. We are bidding out the spraying that's being done on the Township athletic fields and properties. They are done several times a year for weed control and also for germination of the grass and we were using one contractor and based on some of the recommendations that we have come up with the park maintenance policy and through the use of the agronomist who has been inspecting the fields on an annual basis, we are looking to put this out to bid to see if we can get a good price on the services. On this document, Mr. Maxfield pointed out there should be a reference to our Pest Management Services and that information will be provided

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in an appendix to the bid document which will be appendix B. There is the chart that is contained in there that comes from the Park Maintenance Policy which we update per any recommendations from the agronomist. Mr. Horiszny said we are trying to keep this organic as possible? Mr. Cahalan said yes, that would be in keeping with the IPM policy.

**MOTION BY:** Mr. Maxfield moved for authorization for advertisement for chemical spraying bid.  
**SECOND BY:** Mr. Horiszny  
**ROLL CALL:** 4-0 (Mrs. Yerger – Absent)

**F. STORAGE TRAILER ON TOWNSHIP PROPERTY**

Mr. Kern said the Township Manager is recommending several options for the storage trailer.

Mr. Cahalan said this is just something we wanted to put out for information and discussion. There is a memo that Cathy Gorman provided, a little background on the storage trailer. When we took down the barn that was on Polk Valley Road, we had some barn beams that we wanted to save. Boyle Construction rented us a trailer to store those items and it's parked behind the salt shed in the Public Works yard. We've been paying rent on that trailer. We've added a few items from other sites like the barn addition on the Herman property and the Heller Homestead garage. It sort of was the beginning of what we hoped in the future would be a storage area for some large historic artifacts from the township. We have been paying that rent and we'd like to either purchase the trailer, which we don't feel is a good idea given the condition it's in. We came up with another option and that was Roger received a price on a lean-to structure from Kistler that would be sort of a pole barn type structure. There is a photograph which shows the salt shed and the trailer behind it. The lean to structure would come off the back of the salt shed. It's a 12x40x11foot lean to pole building and the price would be \$11,236.00. The idea would be it would serve as a replacement to the trailer and at some point in the future if we can come up with a proposal for a pole barn building similar to what the Hellertown Historical Society did for storage of large historical artifacts, that would take the place of the other structure. The other structure would then be used by Public Works to store their signs which are currently stored in an old trailer on the north side of the sale shed and that is in poor condition. The roof is starting to leak and eventually we are going to have to replace that. This doesn't require any action tonight. He just wanted to bring it to Council for your information. We can bring it back and discuss it at another meeting. We'll continue to pay the rent on the trailer for the time being. Mr. Kern said the shed seems like a good idea. Mr. Maxfield said have you given any thought to interior details like if we're going to store beams, we really should be storing them in an approved condition. Mr. Cahalan said something off the ground and with space in between the timbers, yes, they would look into that. Mrs. deLeon asked about the remnants of the saw mill equipment, they are in there? Mr. Cahalan said yes, and it's hard to get in there if someone wants to look at them. They were originally trying to sell those items and they couldn't find a taker, but possibly if they were stored in a more open fashion, they could get in there and they could be reused for other historic properties. One of the beams was used at the Lutz-Franklin schoolhouse. Mr. Maxfield asked what happened to the old lathe that was in the maintenance garage? Mr. Cahalan he thinks it was taken to the garage. Mrs. deLeon said they are not selling that. Mr. Cahalan said no, they tried to auction them off and they didn't get a taker. They are just in storage now and trying to come up with better options.

**G. UPDATE ON SAUCON RAIL TRAIL**

Mr. Kern said the Township Manager will provide an overview on the first draft of rules and regulations for the trail and on a draft logo that has been created for the Saucon Rail Trail.

Mr. Cahalan said the Saucon Rail Trail Advisory Committee have appointed representatives from Lower Saucon and Hellertown. Coopersburg Borough has appointed a representative. That group has been meeting for over a year to work on various development issues for the Saucon Rail Trail which runs through the four communities, Hellertown, Upper and Lower Saucon and Coopersburg.

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It's currently being developed and we hope to open sections of it in spring 2011. They have been working on a variety of things and one of them is we needed some rules and regulations for the users. One of the members, Donna Bristol, who was also a member of the Parks & Recreation board, worked on some of those rules with Tom Butera from the Parks & Recreation Board and researched rules in other parks in Pennsylvania and New Jersey. They came up with the draft list. It's basically the first shot of coming up with these rules. There are probably some things missing on there if you compare them to the Lower Saucon Township park rules. He explained that as we go forward with this, he and the Solicitor would look at this and put in anything that is missing or would be needed to enforce them. This is for you to take a first look at. Any feedback or comments he will take back to the Rail Trail Advisory Committee. He did point out that it mentions horses in several areas. That was something that was brought to you previously by Donna Bristol. We pointed out that horses are currently prohibited in Township parks and we really don't have a plan for the horses. Right now we are focusing on the 10' wide gravel pathway down the middle of the rail bed which would be for walkers and bikers and in the wintertime, cross country skiers. There was a discussion about the horses walking on the side and there would need to be a surface for them to walk on. Accessibility for the horses is also an issue as you need parking areas that have space for horse trailers. That's something that still needs to be discussed if that's something the municipalities are in favor of. Right now, he doesn't know what the position is of the other municipalities towards equestrian use. When you discussed it the last time, you asked that the decision be deferred until everybody was on board and you had a decision from the other municipalities and that hasn't happened. One of the problems is the advisory committee hasn't been officially formed because we don't have representatives from Upper Saucon Township. That's one of the issues we are trying to deal with. This is just something for your review. If you have any feedback, give it to him and he'll take it back to the advisory committee. Mrs. deLeon said she doesn't want to see this project held up because of another municipality is not cooperating with us. What would be the downside if we went ahead and opened the trail for Lower Saucon and Hellertown? Unfortunately Coopersburg is not going to be able to connect because of the space. She doesn't want to see it held up. Mr. Cahalan said they don't intend to hold it up. They are going to move ahead with the development of Lower Saucon and Hellertown is going to try to work through the issues to open up their section, hopefully this year. If it does get opened up and we're not formed together with our neighboring municipalities, people will be on the trail in Upper Saucon and they will be going into another municipality and he's not sure what the trail rules are down there. That's something that will have to be done on an individual basis. The other thing about the information like maps, brochures, websites, that you normally get when you are on a trail, that tells you what to expect. Those are all up in the air as we haven't been able to reach a consensus amongst all four municipalities and bring that back. Mrs. deLeon said the information is not going to get updated and it's going to be old information. She knows at one point when we were approving our parks plan, the name was Lower Saucon Park or some different name, and when LVPC puts out a document, they use the draft name. They didn't change it. Then that's how errors and inconsistencies happen.

Mr. Cahalan said they will move ahead the best they can. They will have rules. If they don't have these rules, we will have our park rules which would apply to the rail section. It would be just like being in another Township park. Mrs. deLeon said what would be the harm in adopting the suggested draft rules from the Rail Trail as it exists today? Mr. Cahalan said the issue you'd have to resolve is the horse issue. Mrs. deLeon said they can work on that in the interim. Mr. Cahalan said the other thing is we'd have to work with the Solicitor to bring this into conformity so it could be enforceable. It does need a little but more work, but he wanted Council to see what they've been working on so far.

Mr. Maxfield said the logo that is in the packet, he thinks Upper Saucon is moving on some kind of track, but it's an individual track. The individual idea of the whole logo and the specifics of it initially came from Upper Saucon. They want the logo, but he doesn't know what else they want. Mr. Cahalan said he thinks you are talking about Jennifer Wescoe-Shaninger. She represents Coopersburg Borough, although she lives in Upper Saucon. The origin of that has come from

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Jennifer who has been at all the meetings. She's been working on that plus the brochure and the fundraising. The other recommendation is the logo. Through Jennifer, they've been looking to get a brand for the rail trail and she brought in another individual who made some proposals and then they dropped out. We originally had asked Southern Lehigh and Saucon Valley School District to have the students make some suggestions and we didn't receive anything from that, and then Jennifer connected with Keri and Tom Maxfield and they came up with this design which everybody loves. It's perfect. It really meets every requirement they are talking about. It names all the municipalities. It gives us the acronym, the SRT, which will be used on signage and some other things. It shows the natural resources. It shows the Saucon Creek, the bridges, it promotes health and wellness. It totally fits the bill. Everybody is really happy with it. Tom and Keri, their business submitted a bill, but it's \$320 for the charge and that will be for all four municipalities and would come out to \$80 per municipality for this logo which is terrific. It's going to really look beautiful on signage and other types of material for the trail. If anyone has any feedback, let him know so he can take it back to the committee.

Mrs. deLeon said who did you contact at the school to do the logo? Mr. Cahalan said he sent information to the Superintendent. Mrs. deLeon said that's a shame. When they formed the SVP, the school district had a contest and that's how we came up with the logo and it was free. Mr. Cahalan said we didn't make it as a big contest with prizes. He gave them the basic parameters as that is what Tom and Keri did here about all the features we wanted to see in the logo. Mrs. deLeon asked how long Mr. Cahalan sent the information to the Superintendent? Mr. Cahalan said last spring.

Mr. Horiszny said on the very first line of the rules, the first bullet, it should be "leash your dog" instead of "lease your dog". The fifth bullet down, the bicycles don't always pass on the left, so if they say that, we have problems. He'd just say alert anyone they pass. He loves the emblems. Mr. Cahalan said some of these are guidelines you'd love people to follow, so they are not specifically a rule or regulation that needs to be enforced. It's kind of trail etiquette to do something like that.

Mr. Kern said he received an email from a resident, Jerry Holum, who lives next to the rail trail and he had some concerns which he will forward to Council and to Mr. Cahalan. Mr. Holum said he had a concern about people coming off the trail on to his property and would like to see stronger language in there about leaving the trail and entering onto private property is prohibited. Mrs. deLeon said that would be a good thing to put in there. She thinks another person would be very happy about that also. Mr. Kern said Mr. Holum believes the Township should be proactive to the trail's bordering owners. The Township should contact them and explain future plans as well as providing the rules. Mr. Cahalan said that's something they've been doing since the beginning of the committee – trying to reach out to everyone, including sportsmen, fishermen and people who live along the trail. Jerry is one of them and Mr. Kern's neighbors down along Old Mill Road. Mr. Kern said another thing Mr. Holum said was the Township should have available to the property owners posting Private Property, No Trespassing signs. Mr. Cahalan said he discussed that with Jerry told him that is something that he needs to consider. We're not going to post the trail from the beginning to the end. We're sensitive to his issues. Jerry is on the Rail Trail Committee so he's participating on this. They've heard of issues about privacy and trespassing and those are things they are going to have to deal with on a case-to-case basis. They are not doing anything with the trail to encourage the trail users to leave the trail and to go onto private property. He doesn't know that we can put signs up all along the trail.

Mr. Horiszny said he doesn't believe any of the trails he's ever been on has he seen standard signs from the trail owners about private property. You will see those signs, but they are done by the property owners. He asked if the Rail Trail Committee had a Mission Statement? Mr. Cahalan said no, when they originally started it, they did the inter-governmental agreement and it had by-laws and in those by-laws it set down some of the intentions and objectives, but not a Mission Statement.

**H. RATIFICATION OF JANUARY 26, 2011 CMV SNOW EMERGENCY DECLARATION**

Mr. Kern said due to a snow event which occurred on January 26, 2011, the Township Manager declared a snow emergency. Per Council Resolution #24-2004, these actions must be ratified at the next regularly scheduled Council meeting.

Mr. Cahalan said due to the length of time our Public Works employees are out plowing and cindering the roads for the last snow event which was yesterday, February 1<sup>st</sup> into today, February 2<sup>nd</sup>, it was necessary to declare a commercial vehicle only emergency at 3:00 PM yesterday. He's asking Council to ratify that. He wants to give you a report on where we stand with the cost of snow removal for the season. It snowed a lot, but he was surprised that our Public Works Department has been called out 17 times so far since December 15<sup>th</sup> to address snow or ice on the roads; and consequently, a cost of that, we've used 14% of our snow materials budget, which is \$114,000.00 and we've used 61% of our overtime budget of \$43,782.00. We are using up overtime. There were a couple of weekends and one holiday increased it a little bit more, but because of the 17 events, they've been out there a lot.

Mr. Cahalan said today you may have gotten a letter from PSATs. They sent a letter to Governor Corbett asking for the early release of the liquid fuels funds to municipalities. A lot of municipalities are strapped and are going to have to borrow to make ends meet. PSATs is asking that the liquid fuels money which normally comes out in April be released early in March to municipalities. It's been done several times previously due to snow fall.

Mr. Cahalan said lastly, he has another situation where a resident who is living in a development where the roads have not been dedicated to the Township is asking for the Township to help them out. The resident is Dale Scorza and she and her husband are the lone residents of the development, Cottages at Saucon Valley off of Bingen Road. It was a subdivision for eight lots and they occupy the lone house. They own two lots. She had called the Zoning Officer a couple of weeks ago before we were dealing with the Old Mill Estates issue, asking for some help and he said it was the developer's responsibility. The developer in this is Vanguard. She said she can't locate him. It looks like Wachovia and Wells Fargo are involved. She says her husband is a physician and needs to be able to get to the hospital if there is an emergency and she asked if the Township could sand and plow 100' of roadway so they can get out of their driveway. He's bringing it to Council. Mr. Maxfield said he can't understand why the plowing companies would not want to plow an undedicated road. It makes no sense at all. Attorney Treadwell said he doesn't understand that either. Mr. Kern said could you inform the owner that it's okay for a private company to plow an undedicated road? Mr. Cahalan said they could do that. Attorney Treadwell said it appears in this case that the developer has either moved to a different country or he's just not around as it looks like the bank is about to take it over. Once the bank takes it over, he's sure the bank will be a little bit better with plowing it as they'll be concerned about their own liability if something happens. For the time being, he doesn't think our answer can be anything other than what we gave Old Mill Estates which was no, we don't plow undedicated roads, but we could add to this that we don't have a problem if you hire a private plowing company to plow an undedicated road as it's not an issue for us. Mrs. deLeon said we should follow suit and send a similar letter like we did for Old Mill Estates and have it certified, Registered Receipt and that way if it comes back then we'll have proof at least we tried to contact the guy and it will get us closer to the bank or something. It's irresponsible for the developer to do this. Mr. Cahalan said they will do that.

- MOTION BY:** Mr. Horiszny moved for approval of the ratification of January 26 and February 1, 2011 CMV snow emergency declaration.
- SECOND BY:** Mr. Maxfield
- ROLL CALL:** 4-0 (Mrs. Yerger – Absent)

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**I. AUTHORIZE COLLECTION OF 2011 REAL ESTATE TAXES & 2010 DELINQUENT TAXES**

Mr. Kern said Council should authorize the Manager to direct the Finance Department to collect the 2011 real estate taxes in the amount of \$1,838,753.26 and to forward the 2010 delinquent tax list, when received, to Northampton County for collection.

**MOTION BY:** Mr. Horiszny moved for approval of authorization of collection of 2011 real estate taxes and 2010 delinquent taxes.  
**SECOND BY:** Mr. Maxfield  
**ROLL CALL:** 4-0 (Mrs. Yerger – Absent)

**VI. MISCELLANEOUS BUSINESS ITEMS**

**A. APPROVAL OF JANUARY 19, 2011 MINUTES**

Mr. Kern said the minutes of the January 19, 2011 Council meeting have been prepared and are ready for Council's review and approval.

**MOTION BY:** Mr. Maxfield moved for approval of the January 19, 2011.  
**SECOND BY:** Mrs. deLeon  
**ROLL CALL:** 3-1 (Mr. Horiszny – No; Mrs. Yerger – Absent)

Mrs. deLeon said the minutes are great to read.

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

**VIII. COUNCIL AND STAFF REPORTS**

**A. TOWNSHIP MANAGER**

➤ Mr. Cahalan said in the audience is Dan Paschke. Dan on the staff of State Representative Justin Simmons, newly elected, who represents a portion of Lower Saucon Township. His office is in the Hess Plaza. Dan has asked, on behalf of Representative Simmons, if he could use meeting space in the Township to hold Town Hall meetings on a quarterly basis. We've offered him Seidersville Hall for that purpose. Under the Seidersville Hall use policy you adopted in 2004, there is a fee for the rental of the space to outside non-Township entities. If you wish, you could waive that fee. We will need to have someone available to open and close Seidersville Hall. Normally, the people who use it are Township related or someone using the offices over there has the key to get in and out. We will probably have to have someone from Public Works to be there as a custodian to open and close it and set up the meetings. The meetings are in the evening. Mr. Paschke said the meetings are set for 6:00 PM or 7:00 PM as a start time. They don't expect them to last longer than two hours. Mr. Cahalan said the first date is March 10<sup>th</sup> and then in June, September and December. There are no conflicts with no regularly scheduled meetings.

**MOTION BY:** Mrs. deLeon moved for approval to waive the fee for Seidersville Hall for Representative Simmons, for Town Hall meetings.  
**SECOND BY:** Mr. Maxfield  
**ROLL CALL:** 4-0 (Mrs. Yerger – Absent)

➤ Mr. Cahalan said Cathy Gorman was able to renegotiate a lower interest rate on our loan that we had taken out in 2005 to finance park acquisition and development. As a result of the decreased interest rate, our annual payments will be \$4,330.00 lower on this loan. There is a note modification agreement that he'd ask the Council President to sign. We went from a 4.25% to 3.75% interest rate.

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**MOTION BY:** Mr. Horiszny moved for authorization for the Council President to sign the modification agreement.  
**SECOND BY:** Mr. Maxfield  
**ROLL CALL:** 4-0 (Mrs. Yerger – Absent)

- Mr. Cahalan said he wanted to give you an update on an issue called transparency of Township budget and audit information. There was an article on the Patch website by one of their contributing writers about the ability to go onto municipal websites and view budget information. They talked about several municipal websites in our area in Northampton County. Unfortunately, we didn't get ranked with the top ones even though our site is designed by the same designer who did the ones that were picked as the best. That was overlooked. One of the things it did bring up was what we have on our website that people can look up. It did force him to look at what we're posting. One of the things that did come up, and it was right after the report was out, was Jerry Holum was looking for information about the monthly financial reports and the monthly check registers which Council approves on a monthly basis. Even though they are presented at a Council meeting, they are not posted on the website. That is something we have now put out there under the Finance section of the website. People can go and check the tab for "monthly financial reports" and they'll see the same reports that you are looking at and approving at the Council meetings. The other things we wanted to look at was what are the standards for posting financial information on websites and they looked and found several articles. One was from the Journal of Government Financial Management and it discussed the findings of a survey they did on the websites of the 100 largest municipalities. They appear to say that the standard is to put three years worth of budgets and audits on the website. The author on the article on the Patch said he was looking for 20 years of budget. He doesn't think we're ever going to be able to do that. He's pleased to tell Council that they have met the standard of three years of budgets and audits. He gave you a chart you can refer to. They did a survey of their own of the websites of about 18 municipalities in Northampton and Lehigh Counties and found out that only Lower Saucon Township and Salisbury Township meet this standard as far as posting financial information on the website. Some places don't post their entire budget. Most of them do not post their audits. We have three years of audits and five years of budget information. That's something we were very pleased about and he wanted to let Council know there is some good, solid information on our website. They've been spending money to develop that and this was one of the purposes we did that for.
- Mr. Cahalan said there's a change in the location and hours for the 2011 Community Day on August 20<sup>th</sup>. The Committee got together and decided because of the popularity of the events, we've outgrown the space down at Borough Hall. If any of you had a booth, you know with all the other organizations, we've outgrown that space. The entire event will be moving to Dimmick Park and there will be a lot more space for booth and performances and for people to relax and enjoy the festivities. The hours will be starting at 10:00 AM and going to 8:00 PM at night. The Union Cemetery tours will be on August 18<sup>th</sup> and 19<sup>th</sup>, 2011.

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

**Eubin Hahn** – No report

**Mr. Maxfield**

- He said he noticed that as a result of the storm and ice, there's an erosion problem on Easton Road underneath the high underpass PennDOT bridge, PennDOT road. It's like a washout eating into the bank, and a small amount of mud on the road. He keeps thinking about the sinkhole that popped up there a couple of years ago. It was under the other

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bridge, but maybe we can have PennDOT look at that and see what's going on. It seems to be draining from the overpass up above.

- He said this is for Mr. Miller, in particular. There's going to be a Coalition Watershed Conference on March 11<sup>th</sup> at STEPS, the new green building at Lehigh University. Geoffrey Reese from the LVPC will be there talking about the latest TMDL studies of Saucon Creek, the total maximum daily load. We thought it would be a good idea for them to attend since they will be dealing with the repercussions of it. It's really about sediment load in the creek and what part of the requirement after the ID of the problem as they have to come up with some way to treat it. One of the things they are focusing on is detention points and how to naturalize basins that weren't naturalized before. Otherwise, how to make the problem better than it is. We sign up here through the Township. If you want any additional information, just let him know and he'll get them signed up. We voted to send money to them as a sponsorship.
- He said there was some misunderstanding we had on discussion last meeting pertaining to the root cellar at the Heller Homestead. He thinks it got characterized as a different kind of discussion than it really was. His personal concern from that whole thing is not really about the use or the reuse of the slate, but it's really about maintaining that kind of boundary between public and private. That being said, he is very much concerned about our historic sites and very much into reusing things. He wanted to make a proposal. This proposal comes after he re-read the covenants. He talked to Attorney Treadwell for a legal opinion on what the Township was responsible for and his answer was maintenance and repair. Maintenance was defined as being the current state of something and Mrs. Yerger was even mentioning it was the current state as we went into the approval for the historic nomination. What he wanted to do, if we find the roof is in need of repair, it currently has an asphalt shingle roof. He'd like to propose that, yes, we do reuse any slates and donate them to the project if the Conservancy wants to upgrade it. What we'd be responsible for from his reading of it is a replacement of the asphalt shingles. That will be a certain amount of money and installation of slate would be above and beyond that, so he would propose we contribute the slate and the money that would be associated with replacing the asphalt shingles and then anything above and beyond that would be the responsibility of the Conservancy to take care of. That way if their desire is really there to update it, we have a method to do it. We do our part and hopefully we'll come to some sort of good outcome of it. Mr. Kern said we have a price right now for replacing the asphalt? Mr. Cahalan said we have several. The one we would have gone with is in the \$700.00 to \$800.00 range. We actually got an original one and then there was the ventilation issue and we asked for more estimates with the ridge vent. The first estimate we got was from Kunsman, and Council felt it was too high, so Mr. Cahalan went out and got other estimates. The ones that came in were lower than the original one. Mr. Kern said that would be the price and if a slater can put the slates on for that price, then it's free. Mr. Maxfield said if we can get the time donated, and if we could get the slate donated from the Township, we could get someone to agree to do it for that price, then we could do it for less or free. Mrs. deLeon said all of this is useless until we find out what PHMC says. That's why she's been trying to institute the policy that when the schoolhouse and the homestead need something repaired, before we even go out and get an estimate, we need to notify PHMC to tell them that there's an issue and to find out what they recommend as a repair. They are in that process right now. Mr. Maxfield said what they recommend is pretty clear in the covenant. From Attorney Treadwell's reading of it, it's notification process. Attorney Treadwell said he believes the covenant says the Township needs to notify PHMC of what it intends to do as opposed to asking them what they suggest we do. That's the notification process as he understands it. Mr. Maxfield said if we were just replacing asphalt for asphalt, his understanding is that notification other than saying this is what we're doing, we wouldn't need any sort of approval to replace kind for kind. If we want to upgrade it, yes, we will need their approval to do it, but he thinks that goes beyond what the Township's responsibility is, so that's where the Conservancy comes in and does their thing. Mr. Kern said right. It may come back from PHMC that slate roofs were never

put on a root cellar. We need to find that out. Mrs. deLeon said after we tell the PHMC what we'd like to do, they usually write back and part of the language in their letter says that whatever we are doing, has to meet the standards and guidelines from the Secretary of Interior's standards. They recommended several websites for them to go on as far as to repair the root cellar roof. They don't know what they are going to tell us. We got the money that started this whole covenant thing because the state doesn't like giving money to entities that don't care about their historic resources, so if they are going to make repairs to a historic resource, they need to do it according to the Secretary of Interior's standards. They have a lot of guidelines. You're supposed to check the guidelines before we even do anything. That's the process. If that's okay, then they will write back and say we can proceed. Mr. Kern said what are the guidelines for a root cellar roof? Mrs. deLeon said it could be slate, she doesn't know what she's going to say. We always put the cart before the horse. Mr. Maxfield said legally he doesn't think according to the language in the covenant, that they can require us to do anything above and beyond what currently exists. It was approved by the PHMC as it currently is, so how could they require us to do something that is beyond what they gave us an approval for? He doesn't think they can do that. Mrs. deLeon said she's not going to sit here and argue. She would like to have the Conservancy members here. This should be an agenda item. We've been through this over the years and she has a disagreement. Mr. Maxfield said maybe it's time we adopt a real policy and in it include our Solicitor's interpretation of what maintenance is and what exactly our responsibilities are as it seems to be going all over the place lately. We're not slaves to the PHMC. We have applied for this designation. We received it under certain conditions and there are certain conditions that we abide by. He doesn't think they are incredible task masters that we have to change our maintenance policies or anything like that. Besides that, the Township has its own responsibility in the covenant, which is maintenance and repairs, so the PHMC cannot require us to go beyond that. They cannot do that with this covenant. He's all for having Conservancy members here, but we're going to find out from a legal standpoint that it's exactly where we should be. Mr. Kern said why don't we make it an agenda item and see what the Conservancy wants to do and then submit it to the PHMC. Mrs. deLeon said she already asked Mr. Cahalan when we get the decision from PHMC, it's going to be an agenda item. She doesn't want to meet twice. Mr. Kern said we'll find out what you want to put on the roof and we'll submit it. Mrs. deLeon said she emailed the Township that she talked to Mr. Geyer who lived there during the Colonial Revival period and he called his sister and brother down in Florida as he wanted to make sure he was remembering it right, and he said there was a slate roof on the root cellar. Mr. Maxfield said that may be, but at the time that it was accepted by the Historic Commission as being an acceptable historic site, it was an asphalt shingle roof on it which still remains. That's pretty clear. Mrs. deLeon said we all have opinions and we're all out to speak according to the first amendment rights. Mr. Maxfield said it's in the language. That's why he took Mrs. deLeon's advice and read the covenant again. Mr. Horiszny said if that interpretation isn't correct, and we tell the PHMC that we plan to replace it with an asphalt roof, but if you feel it should be a slate roof, we're willing to try to do that, wouldn't that handle the whole thing? Mr. Maxfield said the problem for him is who pays for what part of it? Mr. Horiszny said that gets the question answered from the PHMC as they don't care who pays for it. Mrs. deLeon said she was having difficulty finding more recent letters from PHMC. This was dated December 1, 2008, when the Saucon Valley Conservancy wanted to put the new lighting fixtures in the art gallery and the one paragraph says "we have reviewed the proposed specifications prepared by the Saucon Valley Conservancy and the attached existing attached photographs under the requirements of the preservation covenant because of the construction activities proposed for the property, the proposed lighting specification meets the Secretary of Interior standards for the treatment of historic properties and its materials, setting and design and will not detract from the historic character of the Heller Homestead". There's pretty much the standard language in all the letters they send. She could not find a more appropriate one. This one was adding lighting and fixing something. Mr. Maxfield said he thinks Mr.

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Cahalan will agree that most of the time we send a communication off to them, they barely sent anything back. There's no concern at all no matter what we've sent them. Mr. Cahalan said that's correct. Mr. Kern said he doesn't see why there is any issue here as the Conservancy is going to be asking for what they want and we are going to see if it gets approved. If it gets approved, then Mr. Maxfield's suggestion of method of payment is a good one. Mrs. deLeon said she's not making any comments until she gets their letter. Mr. Cahalan said he's in touch with Mr. Herman about getting some slate from the demolition of the house on Polk Valley Road. Mr. Kern said this will be on the agenda at some time. Mrs. deLeon said it will be on the agenda as it's part of spending money so it's part of Mr. Cahalan's policy. Mr. Kern said as far as getting the Conservancy to ask the Township what they'd like to have on the roof. Mrs. deLeon said hopefully they will come and participate. We have to wait until the response comes back from the PHMC. Mr. Kern said have you sent in on what the SV Conservancy would like to have on the roof? Mr. Cahalan said all he's sent in is the roof needs to be repaired and has an asphalt roof on it. He sent them the estimates they got for the repair. Mrs. deLeon said the estimates show a ridge vent and that is not historic. Unfortunately, estimates were asked for and they were with the ridge vent. You don't do that to a 19<sup>th</sup> century root cellar. You might do it to an existing modern garage. They didn't need that. It existed as the root cellar without issues all these years so something was working that is not working now. Mr. Maxfield said isn't that sealed up now? Mr. Cahalan said they were trying to address a ventilation problem. That was just a suggestion for it. One of the estimates is without the ridge vent. Mr. Maxfield said if it does have water issues, we are going to need some type of ventilation. Mr. Cahalan said it needs further exploration. Ken Raniere came in and pointed out that there may have been some attachment to the portion of the root cellar that is underground that may have been removed, that may have been the vent. Mrs. deLeon said the Sanborn map shows an outdoor kitchen that was attached to it that isn't there anymore. She hasn't been in the root cellar recently, but at one time there was a circular vent in the ceiling. It's a stone plastered vault. There might be something that is wrong with the vent in the ceiling which needs further exploration and maybe that will solve the ventilation problem. Mr. Maxfield said if a root cellar is going to function at all, it needs to be dry. He thought that was a reasonable suggestion and hope Council likes it.

**Mrs. Yerger** – Absent

**Mr. Horiszny** – No report

**Mr. Kern**

- He said he saw that Phoebe Saucon will be at the Planning Commission meeting and was wondering if there was any plans for a change of venue back to the Audion room at the school district. Attorney Treadwell said he actually discussed it with the Planning Commission at their January meeting in anticipation of this and all of the Planning Commission members all thought this room was a better venue soundwise as far as audience members hearing who is speaking and as being able to put things on the screen and they would rather have it here. He doesn't know the number of seats we have here now, but it didn't appear to him at the last meeting over at the school district that we would have any problem seating that number of people here. He talked to Mr. Garges and he said we can put a lot more chairs in this room. We can move the tables around to get more seating. Mr. Cahalan said we can put about 80 seats in here and there were about 55 people at the Planning Commission meeting at the school.

**Mrs. deLeon**

- She said Monday night, February 7<sup>th</sup> from 7:00 PM to 9:00 PM, there is a Meet the Artist Reception for a local resident, Donna Santiago, who lives in the Leithsville area. The public is more than welcome to come to that.
- She said they are plowing the Old Mill Estates, we talked about that.

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- She said the presentation scheduled for the Gaming Commission for Lower Saucon and Hellertown for February 28<sup>th</sup> has been postponed.
- She said on Wednesday, February 23<sup>rd</sup>, at 7:30 AM, the Hellertown-Lower Saucon Chamber is holding an event here, "Protecting Our Community". There will be a police chief update. The Chief from Hellertown and Lower Saucon will be here. It's \$10.00 for members; \$12.00 for late fee; and \$20.00 for non-members. Mr. Horiszny said on the Gaming Commission, he saw Sands was one of the leading casinos in December. Does that mean we'll anticipate more revenue from them or not? Mrs. deLeon said it's on the slots. We don't get the table games. She saw an article that they were down in revenue because of the snow.

**D. SOLICITOR** – No report

**E. ENGINEER** – No report

**F. PLANNER** – No report

**IX. ADJOURNMENT**

**MOTION BY:** Mrs. deLeon moved for adjournment. The time was 9:41 PM.

**SECOND BY:** Mr. Maxfield

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

**ROLL CALL:** 5-0

Submitted by:

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Jack Cahalan  
Township Manager

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Glenn Kern  
President of Council