

I. OPENING

CALL TO ORDER: The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, February 4, 2009 at 7:07 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Mr. Glenn Kern, Council President, presiding.

ROLL CALL: Present – Glenn Kern, President; Tom Maxfield, Vice President; Priscilla deLeon, Sandra Yerger, Ron Horiszny, Council members; Jack Cahalan, Township Manager; Leslie Huhn, Assistant Township Manager; Brien Kocher, Township Engineer; Linc Treadwell, Township Solicitor; and Judy Stern Goldstein, Township Planner. Stephen Prager, Jr. Council member, will join the meeting shortly after play practice. He arrived at 8:07 PM and left the meeting at 9:30 PM.

PLEDGE OF ALLEGIANCE

ANNOUNCEMENT OF ANY EXECUTIVE SESSION (IF APPLICABLE)

Attorney Treadwell said Council met in Executive Session to discuss the potential acquisition of four separate properties in Lower Saucon for conservation easements and/or open space and the only action that would be necessary, if it's Council's desire, is to authorize Hanover Engineering to do a survey and the engineering work for the Christ Lutheran Church property.

MOTION BY: Mr. Maxfield moved for approval to authorize Hanover Engineering to do a survey and the engineering work for the Christ Lutheran Church property.

SECOND BY: Mr. Horiszny

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

ROLL CALL: 5-0

II. PUBLIC COMMENT/CITIZEN AGENDA ITEMS

Mr. Kern said for citizen agenda items – Council operates under Robert's Rules. What that means is during agenda items, Council will talk amongst themselves and amongst staff and the interested parties. At the conclusion of that, we open it up to the public for public comment. There is an opportunity for non-agenda items at the end of the meeting to discuss whatever your business might be. We do have a microphone and there are microphones up at the table. There is a sign-in sheet in the back of the room. Please print your name and address and email address. It is very helpful in transcribing the minutes. For those who want to receive emailed agendas, please give your email address to Leslie or Jack or call the Township office. Please state your name and address. If you can't hear, please let us know. You can check the minutes on the website, which is lowsaucontownship.org. Mr. Kern asked if anything was taken off the agenda this evening? Mr. Cahalan said no.

III. PRESENTATIONS/HEARINGS

A. STRATIX SYSTEMS – BEN GUERIN – PRESENTATION ON DOCUMENT IMAGING

Mr. Kern said Stratix Systems would like to present to Council information regarding document imaging and storing files electronically.

Ben Guerin was present. He said he works for Stratix Systems. They are an information and technology firm that specializes in document management. They are here tonight to show you a

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very simple to use product known as Microsoft Share Point. He brought along Doug Gruver, who is their business analyst. He specializes in implementing many of these document management programs with a lot of townships just like yours. He's here to show you how simple and easy it is to use.

Mr. Gruver, showed a Microsoft product that they use in many different types of businesses and governments to store documents. It's any type of document. What people are looking to do is to put it in one central repository, documents associated with everything so that when a constituent calls, or in a business when a customer calls, all the information is there in one place. The product he is going to show Council is a product from Microsoft. It's not a custom written code product from any of us. We don't do that. We implement the Microsoft systems. This product is bundled with, and included with Windows 2003 server. What we bring to the table from a Stratix standpoint, we know how to integrate the scanning of the images and the electronic files into this repository. The example he has is a demo site that he has running in their Allentown location. It is designed to be an intranet – an internal network, but based off your security for remote access and your Microsoft licensing, it can also be used externally. In other words, instead of delivering packets to the homes, they could have access here and look at the information on line from your PC at home. Everything he is showing you is out of the box, there are no tricks. He is going to introduce you to a couple new definitions. Microsoft, two years ago, decided they wanted you to get away from using folders. We all do “file, save as”. We put it into a folder and we name it and maybe three months later, you say where did I put it and what did I call it. He asked if anyone knew what metadata was...he said it's data about data. What will happen with this product is when you save a document, or you upload a document in the document library, it's going to ask you for metadata, so information about the information you are saving, such as property ID, document type, is this a citation, a building permit. With the metadata, you can search and be able to find that information easily. You don't have to worry about what folder you put it in and what you called it. The example he has, is the home page, it's an intranet. The sections he has are referred to as web parts. He has a calendar. What we would normally use the calendar for a shared calendar for parks, or meetings, something you'd want to share with everybody here in the Township when they turn on their PC and they turn on Internet Explorer, this is what they see. The calendar is a Microsoft calendar and is a regular Microsoft calendar. In Outlook, you have a calendar and we have our own personal calendars in Outlook and you also have shared calendars. In Share Point, this is not designed to replace Outlook. It's designed to be another calendar for shared events. You can have multiple calendars. One of the points he's trying to make is it's Microsoft and easy to use. We used it everyday. He showed different parts of the calendar including announcements, links, favorites, etc. He will be showing you files from Leacock Township in Lancaster County. They are using Share Point for their property information. Two more definitions – lists, a project list which happens to be a traffic light, and he has a property list. This is where he finds it to be very, very helpful. What you see is a download they received from Lancaster County. They uploaded the information for these properties into Share Point. It was as simple as putting it in an Excel spreadsheet and copying it into the system. He showed how they keep information on each of the properties, the account number, ID, district lot map. This is the information they elected to bring in. When we brought it into this list, it brings it into a spreadsheet format. He can elect, depending on how many columns that he wants, he could take the city out, the owner name out, he can selectively display any of the attributes he has. He can display any or all of this information on the screen. He elects not to show all the elements, but only the ones on display. He asked how many people use spreadsheets and sort. You can sort and filter very easily with this system. It went through all the properties and brought up the ability to sort through and extract all the information he chose. For example, there are many different lists that we create. Human resources, your employees, they would go into a list. Vendors, if we're doing accounts payable, they go into a list. Properties, projects, these are what he refers to as lists. The other part is a document library. He has created a document library for ordinances, properties, and these could be looked at like file cabinets or folders. When he goes into his property cabinet, what you see, is all

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the documents of all the properties, grouped by document type. If he knew a property ID that he was interested in looking for, he could ask to show only the documents associated with that property ID. If he is bringing a documents into the library and it's something saved on your hard drive, it's as simple as transferring it from a lap top to his server over in Allentown. It says tell me a little bit about this, what type of document is it? If he's bringing in a document, it asks what type of document is it, and these fields are determined by you. He showed areas where they keep information like under projects, folders, file cabinets, and there are various documents that he has brought into the document library for projects. The last definition is a web part page. He has three web part pages, one is a search, one is the property list, and he has all the documents. When he clicks on that property ID, it will filter and sort the documents only for that property. He showed a couple of applications of how to sort and filter information. The concept is as he puts documents into the document library, it is asking him for metadata. We come in and meet with you and set up the system and turn it over to you; and hopefully, we're done and you know how to do it. It's a very flexible system. It's difficult initially to set up if you don't know how to do it, but after you have it up and running, it's a breeze. Mrs. deLeon said we wouldn't be putting it together? Mr. Gruver said they would set it up based on how you want to set it up and what columns you want. If you have a file of all the properties, we could take the file and upload it into the system. If it's saved as searchable text, it will stop everywhere the word is being used. Mrs. deLeon said if you save it as a pdf, it has to be searchable. Mr. Gruver says it has to be a searchable pdf. You want to make sure they are searchable pdf's before they go into the document library. You have to be careful how you name the document, otherwise it's a mess. He said he is ready for questions.

Mr. Kern said how much is public access, is everything public access? Mr. Gruver said no. The open records law, you have five days where you have to comply. If you have the information here, it shouldn't take you five days to get that information. It allows you to backup your information. Back in the dark ages, you couldn't afford this as you needed optical drives, the cost of storage was so expensive. Today it's so inexpensive where you can have a removable hard drive that backs up your system and all of your documents. 80% of the businesses histories are in paper, they back up their computer systems everyday. Do they back up their paper – no. Now they can scan the documents, and what he's finding is people want to hold on to that paper, but if they have an image of it, they can back it up every night, take it away, and if something should happen, they have backup. That's one of the other major reasons people are doing this. It's like getting rid of file cabinets. The availability to have access and you don't have to go and check the files in a filing cabinet as it's right there. Mrs. deLeon said the Council would have access to documents at their home that the public wouldn't? Mr. Gruver said you could have access to this information and they could also restrict you from having access to certain documents. Mrs. deLeon said if a resident came in and talked about an issue, we could look it up on the computer. Mr. Cahalan said during the meeting if there was a project, you could look it up.

Mr. Maxfield said a lot of our property information is now on a GIS system, is that downloadable into this type of system or would it have to be re-entered? Mr. Gruver said you can integrate with your GIS system.

Mrs. deLeon said how often would it be updated – what if a property is sold? Mr. Gruver said that comes down to process. He can go into the property listing, and if he has the ability to edit, most people you set up don't have this ability, but he can go in and change the fields. If for some reason, the owners name changes, he can go in there and change it. The same thing in adding a new property. There is some maintenance and what they have found is that if they are downloading from a list, they can download this list every year or you can maintain it yourself once you have it in there for the first time.

Mrs. deLeon said the GIS, the employees must be licensed. Mr. Gruver said there is no client licensing required for this product. If you are accessing from here, your GIS system, yes, you'd

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need a license. This product doesn't require any licensing at all. Mrs. deLeon said right now we can send a pdf and it's 97 pages of the information, she talked about the ability to go in there and make notes so you aren't creating another piece of paper. Would that allow us to do that? Mr. Gruver said he can show you how to do it. This doesn't allow you to do it. You need the software that is on your PC and there are several different products there like Adobe which has software which will allow you to put the annotations on it.

Mr. Kern asked if anyone in the audience had any questions? Mr. Allan Johnson, resident, said how would you convert the paper documents in your filing cabinets into digital documents into your computer that are searchable? Mr. Gruver said all new office machines that used to be called copiers, they are not copiers anymore, they are really laser printers with scanners on the top. All of them are capable of scanning the documents, converting them into a tif or a pdf file which can then be brought into the system. Mr. Johnson said when you scan a document, it makes an image of the document, then you have to convert that image into searchable text and there's a piece of software that does that. Mr. Gruver said it can happen automatically. Mr. Johnson said one of the problem there is that it doesn't do it real accurately and you have to go back in it and look to make sure the software converted the image to text perfectly. Mr. Gruver said he's referring to OCR, Optical Character Recognition and all software that converts an image into searchable text runs it through OCR. He's absolutely right. He found that pdf is pretty good. Even if it's 98% accurate, you have 2% that are wrong. If you rely on searching for documents because of the way it OCR'd, don't. It's a nice feature to have, but in many instances, the document that you might be looking for might have that word repeated multiple times in the document. Mr. Johnson said after you have the document converted to text, then someone has to go in there and type in the metadata for each document. Mr. Gruver said yes. It doesn't just fill in the information. Mrs. deLeon said then you have to actually sit there and read the document. Mr. Gruver said when he brings in a document to the document library, the fields like property ID, document type and date, you will have to know that when you bring it into the system. Mr. Kern said who does the compiling? Mr. Gruver said that would be your staff. We would set it up, and you can put it into the Multifunctional printer, and when you put it into that, they can enter that information right on the device. It can then become searchable text, pdf right there.

Mr. Maxfield said how much does the system cost? Mr. Guerin said when speaking with Ms. Huhn about this, we had conversations with your IT and it's understood with your IT providing the server, we'd be providing the professional services. In a phased approach, we can provide the professional services, you can utilize the current scanning capabilities that you have, and to Phase II where we provide a high speed scanner with scanning straight from the device is called E Copy Desktop. It's a scanning station – touch screen LCD that when you scan in that document, you are able to enter that metadata right into the device. It breaks down three different ways. Purchase price for 36 months, \$1 buyout lease, and a 60 month, \$1 buyout lease.

Mrs. deLeon said our current copier isn't capable of doing that? Mr. Guerin said your current copier could potentially scan the document and it would scan it back to your desktop and you could enter in the metadata with a software that they could supply and upload it into the Share Point. That's a little more tedious than doing it directly from the scanned station.

Mr. Guerin said for the professional services of Stratix Systems, for three days, it's \$5,400.00. Broken down in 36 months, \$1 buyout lease, it's \$185.00 month. On a 60 month, \$1 buyout lease, it's \$125.00 a month. For the E Copy scan station, which comes with ten user licenses for your desktop, it's \$6,000.00 purchase price, broken down 36 months, \$1 buyout lease of \$207.00 a month and for a 60 month, \$1 buyout lease, it's \$140.00 a month. For the Ricoh IS760D Scanner, that would connect to the E Copy, which would be \$6,000.00 purchase price, broken down 36 months, \$1 buyout lease of \$207.00 and accordingly, 60 month, \$1 buyout lease, \$140.00 a month. From what we understood, the estimated cost of the server, which we recommended how it should

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be constructed, was around \$3,500.00. Mr. Kern said what was the last figure? Mr. Guerin said that was for your IT to provide a server for us to do the implementation on.

Mr. Joe Long, resident, said for the cost of your hardware and stuff, does that include hardware support if the printer breaks? Mr. Guerin said the scanner does not come with a maintenance agreement. They do have a warranty on that for one year. Mr. Long said if they are doing a three year lease or a five year lease, you would typically want that warranty for that length. Mr. Guerin said correct. They haven't found that to be the circumstance. They have people that have scanned in thousands and thousands of document without need of repair. Mr. Long said printers break because they are moving parts. He suggests looking at warranty levels for the length of the lease.

Mrs. Yerger said is there a customer support network for this as they are going through this process? Mr. Guerin said yes, they are a full customer support. They have a relationship specialist assigned to each account. They have a live voice you can talk to when calling in to Stratix Systems. Mrs. Yerger said is there a charge for that? Mr. Guerin said no, as far as support, they are there as an ongoing support structure. They want this to work for you and they are willing to get you there. The biggest part is you taking ownership and continuing on and making it your own so that you don't need our system. It's very easy to use. We're there on the back end if you need us.

Council thanked them for coming.

IV. DEVELOPER ITEMS

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

Mr. Kern said the Developer is requesting a one year extension to complete the improvements associated with their subdivision.

ORCHARD VIEW EXTENSION

The Lower Saucon Township staff recommends that Township Council approve an extension until February 18, 2010 for completion of improvements at this development. This approval is subject to the following conditions:

1. The owner/developer shall enter into an Extension Agreement with the Township satisfactory to the Township Solicitor and Township Council.
2. The Improvements Security shall be extended to at least March 18, 2010, to the satisfaction of the Township Solicitor.
3. The owner shall pay any outstanding plans and appeals account invoices owed to the Township.
4. The Township Engineer is hereby directed to inspect the erosion and sedimentation controls for the project and notify the developer of any deficiencies. The developer must correct any deficiencies noted by the Township Engineer in sixty (6) days of receipt of his report.

Mr. Kocher said they do not have any other issues. Mr. Cahalan said the escrow is current. Mrs. deLeon said what about no. 4? Mr. Kocher said that's what they normally have on the conditions before an extension to make sure there are no outstanding issues.

MOTION BY: Mr. Horiszny moved for approval of staff recommendation dated February 4, 2009.

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

ROLL CALL: 5-0

B. JAY PICHEL – 2561 APPLEBUTTER ROAD – REQUEST ZHB VARIANCE TO CONSTRUCT HOUSE ON A LOT WITH NO ROAD FRONTAGE

Mr. Kern said the applicant is seeking a variance to construct a dwelling on a lot that does not front on a street approved to Township standards.

David Harte was present representing Mr. Pichel. Mr. Harte said they have applied to the Zoning Hearing Board (ZHB) for a variance. Pointing to the plans, he said the parcel of land that is shaded in green does not contain any road frontage. They've traced the deed back on that parcel, and it has been in that configuration since 1895, and there's been no subdivision or change of the parcel of land since that time. It has changed hands numerous times. They will be presenting their case to the ZHB. The parcel has historical access. The parcel currently had a recorded deeded access. In more modern terms, it's been separate and distinct and it's Mr. and Mrs. Malik's desire to construct a house at that location now. The parcel is just over ten acres in size. The average slope is about 17% and the site is mostly wooded. A small area would be cleared out where the house is proposed.

Mr. Kern said the traditional access is separate from the deeded access? Mr. Harte said it's the same. Mr. Kern said what is that currently? Mr. Harte said currently there is a gravel road and a road that's partially gravel, partially earth. Attorney Treadwell said was that document submitted as part of the ZHB application? Mr. Harte said there were two drawings submitted as part of the ZHB application. Attorney Treadwell said no, the recorded easement you are talking about? Mr. Harte said he doesn't believe so. Attorney Treadwell said is it a separate recorded document that grants an easement for access over the front parcel to the back one? Mr. Harte said yes, it is. He gave a copy to Attorney Treadwell.

Mr. Kern said what's the road that the access comes off of? Mr. Harte said Applebutter Road.

Mr. Maxfield said we have a bit of the site map which has Joshua Malik's name on it, but Mr. Pichel is the applicant, and he owns the adjacent property to it. Right now, Mr. Malik doesn't own the property yet? Mr. Pichel said it's under agreement. Mr. Maxfield said you currently own it and manipulate the property to give it frontage if you wanted to because you own all the surrounding property. Mr. Harte said that is not the case. There would not be enough road frontage on Applebutter Road unless you were desirous of the creation of a flag lot. There is historical access for this piece. Mr. Pichel just recently purchased it back from that individual. He had sold it a couple of years ago. He has another buyer. Mr. Maxfield said we are still talking about the nature of hardship because the hardship is basically saying there's a condition that exists that can't be treated. This can be treated. You have the ability to treat this right now and connect the parcel to the road whether it doesn't have the absolute road frontage you need. Mr. Harte said rather than hardship, they will make a case at the ZHB of a pre-existing nonconformity. He has historical aerial photographs from 1950 that show distinct and separate access to this parcel in much the same manner as it is currently. The parcel was what you would typically refer to in the old days as a wood lot. The parcel had been logged, and has been several times over the course. If you look at the 1950 aerial photographs, you can see a distinct difference in the woods. You can go out there today and see a distinct difference. You can see that access has always historically been provided to this parcel before the zoning ordinance of Lower Saucon Township was established, before the need to have road frontage was established, and he feels very confident they will present the pre-existing nonconformity status. Mr. Maxfield said he would agree with if Mr. Pichel didn't currently owned the property. Mr. Pichel said he doesn't have enough road frontage for the lot.

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Attorney Treadwell said he can't tell from the map, but who owns that long skinny piece on the aerial photograph that connects to Applebutter? Pointing to the map, Mr. Harte said there's a parcel owned by Mr. Walters, the long skinny piece. The two big tanks are the pipeline. Mr. Pichel owns the parcel of land which is sort of irregularly shaped. There is a residence on that parcel of land currently. Mr. Pichel owns separately, separate tax deeds and separate tax bill, and a parcel where he currently resides. Mr. Pichel owns a parcel of land which contains a farmhouse and some outbuildings. Mr. Pichel and a partner own a piece of land down further. Mr. Pichel owns a piece of land over further, and all are distinct and separate parcels. There is not enough road frontage on this particular road frontage to subdivide this to create a flag lot to this parcel of land. Mrs. deLeon said plus the driveway, how long would that have to be. Mr. Harte said it's a couple thousand feet and the driveway is existing. This lot always had access to Applebutter Road.

Mr. Maxfield said he's going to keep going back to the hardship because even though you approach it from a different direction, the necessity for a hardship still exists and the hardship is it's a piece of property without any road frontage. That is correctable at this point and time. That's why he doesn't see where we're going with this. He doesn't see it as legitimate. He'd suggest we oppose it as a Council. Mr. Kern said how would it be correctable? Mr. Maxfield said the only hardship that qualifies is that it doesn't have road frontage. If it's owned by Mr. Pichel, as is the adjacent property, it could be merged into that property and that would all be one piece of property that has road frontage. If you want to keep it and maintain it as a separate piece, that is your choice. If he wants to sell it as a separate piece, that is his choice. That is basically continuing the condition that makes it a hardship condition. If you choose not to correct that condition, and you chose to sell it with that condition, then you've chosen a path there and does not qualify for a hardship and he's hoping the ZHB sees it the same way. A hardship is about a situation you can't get out of and this is one you can get out of. Our concern should not be the selling of the property, it should be the correcting of the non conforming property, shape and access.

Mrs. deLeon said what's the requirement for frontage? Mr. Pichel said 200 feet. Mr. Maxfield said that's to qualify as a standardized lot. To qualify to have any road frontage at all, we have properties in the township with 50 feet of road frontage that go up to 30 – 40 acres. The hardship is it's an isolated piece of property and doesn't have to remain isolated.

Mr. Harte said the parcel has road frontage on a private road. Attorney Treadwell said but the variance that's required is that the private road is not improved to municipal standards, that's the variance you need. Mr. Harte said if you would consider the private road, yes. Mrs. deLeon said aren't there different standards for private and public roads? Mr. Harte said yes. Mr. Kern said what about the pre-existing argument? Attorney Treadwell said it does have weight, but he has not thoroughly reviewed this and Mr. Harte has reviewed this, and he understands where Mr. Harte is coming from, but it's separate than distinct ownership. We have to go back to the deed and see when it was purchased, who purchased it, if Mr. Pichel owned it before, and now he got it back, there's a whole bunch of timing involved when it came into common ownership and when and if it was in separate ownership. Mrs. deLeon asked Mr. Pichel if he always owned this lot? Mr. Pichel said no, he bought it off of family that owned it. Mr. Harte said Mr. Pichel bought it in about 2002 after his father had owned another parcel previously. Prior to that, verbal access had been granted to log this parcel by the previous owner who had purchased it somewhere in 1988. At one time, Bethlehem Steel had owned this parcel. Access had already been established at that time. Mr. Maxfield said the question is, do you want to not oppose it and aid in the selling of the property? He doesn't think it is our position to help him sell the property, as is. Our position is to correct non conformities whenever we can. Mr. Kern said how could the connection be made in this case? Mr. Maxfield said the largest field in the property that abuts it is owned by Mr. Pichel so you merge the two pieces of property. Mr. Pichel said then you can't build a house on it. Mr. Harte said you are taking away the right to build a house on a separate parcel that has existed pre-dating your zoning ordinance. Mr. Maxfield said this is again about the sale of the property and we're not here to

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make the sale easier for you. We're here to correct the non-conformity which is it has no road frontage.

Mr. Pichel said if the other fellow would have brought that in, then what? Mr. Pichel built the house and he gave it to him as a deposit on a house Mr. Pichel built. He took it as a trade. If he wouldn't have taken it, that's not fair. Mrs. deLeon said she doesn't think the sale has anything to do with what we are talking about. Mr. Maxfield said it absolutely does. If the other owner had bought that piece of property and come in here, then we would have a totally different situation, but right now, the guy who owns this piece of property has the abutting piece of property to it, which allows it to be connected and merged and take away the non-conformity. It absolutely has to do with the sale. If we want to allow this to occur while Mr. Pichel owns both pieces of property, then we're promoting one more non-conformity in the township. Mr. Harte said if Mr. Pichel sold the property tomorrow, the application was withdrawn and we came back next month with a new application with a new owner, with a separate piece of property, that the township cannot affect the sale of it as a tax parcel, it's separate and distinct and the transfer of that title has been made, then what is your position at that time? Mr. Maxfield said his position right now is we can only deal what sits in front of us. If the new owner wants to take the chance of buying the landlocked piece of property, that's the chance he takes – buyer beware. He doesn't want to judge an imaginary sale at this time. He's just talking about what's in front of us right now. That is Council's responsibility to correct situations whenever possible.

Attorney Treadwell said he doesn't know from an engineering standpoint, if you merged them and redrew the lot lines to give that ten acre parcel access, it would be creating some type of a flag lot. Mr. Maxfield said it still would be preferable to isolate it. The statement that it was used as wood lot and sold as a wood lot points that it wasn't intended to be a residential lot. Mr. Pichel said actually the lady wanted to build a house on it, but she got too old and moved to Florida. Mrs. deLeon said today you might want to do something with your property, and it doesn't mean you are still going to do it tomorrow and this is America and we get to pick what we want to do with our property. If we changed our mind tomorrow, that's a whole other ballgame. You got to take your chances. You are not asking us to put a driveway in. That driveway is already there. It's been there historically and you are not asking to create it, so that puts it in a different light in her eyes. She sits up here and agrees we shouldn't be creating a worse non-conformity, but that's why we have exceptions and that's why we have the ZHB to deal with fluky things in the township with maps and the way things are drawn and whatever. She would not be in favor of this if this lot was by itself and never had access, but it has access. Mr. Harte said a road was definitely constructed to this parcel. Rocks were moved, stone walls were created, and roads were constructed. Mr. Pichel said he's not doing any developing. It's 50 acres with two houses on it. It's rural characteristics. Mr. Maxfield said two houses on that piece of property with an easement road. Mr. Pichel said it's a whole separate driveway. It doesn't have to do with each other. He's just saying it was there since over 100 years ago. Mr. Harte said the easement goes through the middle of Mr. Pichel's property. Attorney Treadwell said the recorded easement goes through that front parcel, but it goes to two back parcels. What's the other parcel it goes through. Parcel No. 1 is 10.3 acres according to the easement, which he assumes is the property we are talking about. Then there is Parcel No. 2 which is 11.8 acres, which one is that on the map? Pointing to the map, Mr. Harte said it provides access to the back parcel over here. Attorney Treadwell said his question is, next year, are we going to see the same variance request for that parcel and the same argument that it has an easement that's been there forever. He can see if Mr. Pichel owns that back parcel, No. 2, as well, there's a way to correct the existing non-conformities with those two parcels along with the front one that Mr. Pichel owns as opposed to taking one parcel at a time in a piece meal fashion and saying "I need a variance as this has always been there". Then next year, they need a variance because you gave them one last year.

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Mr. Pichel said the reason he gave an easement was if he died, the farm got sold, he has two children and at least it would be written down that there was a road for them. That's the only reason he did it. He has no plans on doing anything with the other one. He has two places left for his two kids. Mr. Kern said he was listening to both sides on this, and he was 50/50 on the fence. Then he heard what our Solicitor just said because you are getting in a situation where public health and safety is now an issue because you are creating a really long cul-de-sac into the middle of nowhere. Mr. Pichel said you can't get to the other lot. Mrs. Yerger said it's a potential. Mr. Kern said you may not, but then someone else down the road, when the property changes hands is going to use the same excuse you are using and go to the ZHB. Attorney Treadwell said the only reason he brought that up is because he had a situation that occurred in a different township where they had a property owner that owned a lot of smaller lots and came in one at a time and said he wanted to do this now, and then a year later, wanted to this on this. At a certain point, the Township said show us everything you own, and show us what your plans are so we can look at it and determine if there's a reasonable way to develop those parcels that are as close as possible to meeting our development and zoning requirements instead of coming in a year at a time.

Mr. Kern said this has all the makings of hodgepodge planning which isn't a good thing. Mrs. deLeon said if this went to the ZHB, you're supposed to look at the site specific, but what you think the owner might do next year isn't really relevant. That would not even hold up in court if it was appealed. That's why you have a ZHB. If this was the Planning Commission and it was a site plan coming in here, but it isn't, it's the MPC and it's telling you this is a weird parcel, it doesn't conform and you're only supposed to look at that parcel. Mrs. Yerger said you go by the MPC, it has to be a true hardship, not a created hardship.

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

- MOTION BY:** Mr. Maxfield moved that we oppose the application and authorize and send Attorney Treadwell to the Zoning Hearing Board.
- SECOND BY:** Mr. Kern
Mr. Kern asked if anyone had any questions? No one raised their hand.
- ROLL CALL:** 4-1 (Mrs. deLeon – No – her reason was to let the ZHB decide.)

Mr. Harte said what form does that typically take? Mr. Kern said Attorney Treadwell will be at the Zoning Hearing Board. Attorney Treadwell said include, if you would want to revise your motion that he can bring any witnesses along that he chooses on behalf of the Township. He thinks it is implied, but in just in case we're going to have that discussion.

- MOTION BY:** Mr. Maxfield revised his motion and moved that we oppose the application and authorize and send Attorney Treadwell to the Zoning Hearing Board and he will bring any witnesses along that he chooses on behalf of the township.
- SECOND BY:** Mr. Kern revised his second
Mr. Kern asked if anyone had any questions? No one raised their hand.
- ROLL CALL:** 4-1 (Mrs. deLeon – No – her reason was to let the ZHB decide.)

V. TOWNSHIP BUSINESS ITEMS

A. RECOMMENDATIONS FROM LIBRARY COMMITTEE REGARDING THE BETHLEHEM AREA PUBLIC LIBRARY

Mr. Kern said the Library Committee was authorized to conduct a survey of Township Residents concerning the library services that are provided by the Bethlehem Area Public Library (BAPL) through a contract with the Township. The Committee has reviewed the responses received from

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this survey and would like to request that the Council authorize the Township Manager to forward their recommendations from this survey to the BAPL.

Mr. Cahalan said the Library Committee has been busy. They have been meeting several times in the last year. We did the survey and it was very successful. With the responses we got back from the residents in the township, they were very helpful as far as comments about library services. The Library Committee took those responses and put them together in the memo that was sent to you dated January 21, 2009. It's broken out in several areas. One is parking issues, another section is Senior Citizen issues, teen issues, children's programs, convenience, and additional services need. The book mobile, received several under that and under General Support was a variety of other comments about the library. They took all those responses and put together a series of recommendations that they wanted to bring to the Council and they are recommending that their recommendations, if Council supports them and authorizes them, be sent to the BAPL director. The first one is to work on increasing parking availability adjacent to the BAPL Main Library by having the City of Bethlehem park all city vehicles during off business hours at an adjacent parking area thus freeing up spaces surrounding the library; erecting additional signage and notices of available parking including the use of the parking garage and have signage indicate the allowable time periods for parking; and working with Moravian College and the Steelworkers Union to provide for additional "overflow" parking that can be utilized if the adjacent spaces are all filled. The second recommendation is to work on increasing library services for seniors such as: Developing and publishing guides, brochures, catalogs of large print books and directories to assist seniors in using the library and its materials; developing programming for seniors including outreach programs; partnering with community groups that serve seniors such as AARP and the Saucon Valley Community Center; working with Township to identify seniors who are homebound, blind, physically impaired or with special needs and ensuring that Homebound Delivery Service is utilized to deliver library materials to them in their homes. The third one is working on improvements to supplement the use of the bookmobile in the delivery of library services to residents in the Township by: Promoting the use of the internet for ordering books from Main Library that can be picked up/dropped off at bookmobile stops; hold class at a convenient location to instruct residents on how to order books and access other library services via the internet; exploring adding additional book pick up/drop off locations in township such as Seidersville Hall, Saucon Valley School District, Bergstresser's General Store, Society hill, etc.; explore grants to fund turnkey kiosks that could be utilized by residents from remote locations to access library services.

Mr. Cahalan said we have Lynn Koehler, Allan Johnson, and Sheri Herman from the Library Committee present this evening. Mr. Kern said he just wants to comment on the Library Committee. The memo to Council was so concise. It's exemplary as well as the recommendations. He's sure the BAPL will appreciate it. Mr. Maxfield said he agrees. The turnkey kiosks, is this something that other libraries use? Mr. Cahalan said the technology is out there. It's used in very, very remote locations where people have to travel 50 miles to go to a library. Some of it can be very basic. Some can be a little bit more involved where you can actually have a place to pick up the books from a secure locker and drop things off to do other types of things. They can be fancy or as simple as you want. Mr. Maxfield said he thought that was an interesting part. Mr. Horiszny said is that underground parking lot connected to the library? Mr. Cahalan said yes by stairs and elevator. Not many people knew that it is available for parking in the evening. Mr. Maxfield said the parking that is open to the public is furthest away from the elevator. Mrs. deLeon said maybe in our next newsletter or on our website, we could put that on about the parking. Mr. Cahalan said it's on our website. The Committee worked on that also. We're going to improve the information on the website. We have a schedule of when the library is open and there are directions and parking. It's a City of Bethlehem map and it does show some parking locations on there. As the committee has recommended, the signage around the library has to be a little bit better in the

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evening so that the spots around on the street are taken up, people can find alternate parking sites that are nearby and come to the Library and utilize the services there.

- MOTION BY:** Mrs. Yerger moved to authorize the Township Manager to forward these recommendations to the BAPL.
- SECOND BY:** Mrs. deLeon
- Mr. Kern asked if anyone had any questions? No one raised their hand.
- ROLL CALL:** 5-0

Mr. Maxfield said when the Library has a book sale, do they still give preference to the “Friends of the Library”? Lynn Koehler said yes. Mr. Maxfield said he thought they should do the reverse on that because the people that can’t afford to be “Friends of the Library” should be able to get the books. Let the public have them first. He’d like Ms. Koehler to find out why that is a policy. Mrs. Yerger said maybe it would be a great PR thing for the library for people who are on fixed incomes, low incomes, and let them have a first crack at them. Those are people who really can’t afford the books. Ms. Koehler said she will look into that. A few of the “Friends” do take advantage of the program. Mrs. Yerger said it seems like a nice thing to do. Mrs. deLeon said how would you regulate that, would you card everyone? Mrs. Yerger said if they qualify for WIC or food stamps, she’s sure they have identification for that.

Mr. Johnson said the more services we ask the library to provide, the more likely they are going to say it’s going to cost them more money and those charges will come to the Township. Those are things we are going to have to consider in what we ask them to do. Mr. Maxfield said then how about less services, open the entire sale up to everybody all the time. Mrs. Yerger said he’s talking about the cost that the library charges for their services. Mr. Johnson said we’re trying to lower the fee. Ms. Koehler said he’s sort of on the right track. Things like the parking, that’s not going to cost more money. The things we are asking for our Township, other Township’s are going to want similar things too. Really what is happening now, you keep talking about the economy, she heard that the Governor is going to be doing strange things with the budget – reducing things, he’s probably going to cut library benefits and money. Salaries go up, costs of medical benefits go up, the census is coming and that big increase is coming. This is step one – the survey and requesting certain things that are needed. Mr. Maxfield said the survey points out to him, as he reads it, that we’re currently not getting our money’s worth and he thinks we should. First of all, we should be charged less or we should be getting more or better service for what we are paying. This points out there are problems and he totally agrees, and he’s experienced that himself at the library. Step up the program.

B. APPROVAL OF POLICE SERVICE DOG AND HANDLER MAINTENANCE TRAINING AGREEMENT

Mr. Kern said the Township Police Department is requesting the renewal of the Police Service Dog & Handler Maintenance Training Agreement with the Progressive K-9 Academy, LLC for 2009. The agreement covers the training of the police K-9 dog, Brutus, and his handler, Officer Keith Bredbenner. The annual cost of the maintenance agreement is \$1,250. The agreement has been reviewed by the Township Solicitor.

Mr. Cahalan said this is a renewal of our annual application. The only thing we had to change is the dog went through a name change.

- MOTION BY:** Mr. Horiszny moved for approval of police service dog and handler maintenance training agreement.
- SECOND BY:** Mr. Maxfield
- Mr. Kern asked if anyone had any questions? No one raised their hand.

ROLL CALL: 5-0

C. REVIEW OF MAINTENANCE POLICY FOR TOWNSHIP PARKS

Mr. Kern said staff has prepared a draft of a Maintenance Policy for Township Parks that is currently being reviewed by the Park & Recreation Board and the EAC. The draft policy is being presented for discussion only and will be brought back to Council at a future meeting for action.

Mrs. Yerger said they went over this last night at the EAC meeting and they had recommendations. She will be handing them over to Leslie. There are quite a few of them. Mr. Cahalan said he'll incorporate them and bring them back to Council. We did have it before the Park & Rec board the other night and Joe Long and Sheri Herman were there. They reviewed it, and had a little discussion about it. There were issues raised at the Park & Rec meeting about the maintenance of the fields at Polk Valley Park, the grass mowing and also some of the other maintenance issues. We pointed out that we hoped this maintenance policy is all inclusive so we can address some of those or all of those issues regarding the maintenance of the fields. They are recommending to Council, that they consider retaining the services of an agronomist or a turf management specialist who can assist the township staff in identifying, analyzing, and monitoring the athletic fields so we can make changes to this policy in terms of fertilization, aeration, the height of the lawn mowing and the management of the nursery stock that is there, so that our Public Works staff do a lot of this with the exception of the lawn mowing, can be guided properly in those steps to maintain the high level of the parks and playing fields. Mrs. Yerger said one of our EAC members, Bob Davis, is a chemical engineer, and we are going to see that it gets into his hands so that he can really look over it. He really knows his stuff. Mr. Cahalan said this, also with Judy's help, has a detailed integrated pest management program. We hope we touched all of the bases with this. If there's something you see missing, or want changed or revised, let him know and they will continue working on it and bring it back to Council.

Mrs. deLeon said this is going back to the John Milner letter from the last meeting, about the maintenance for the barn ruins. She thinks you need to look at the 3.1 and 3.2, keep the barn ruins area free of invasive trees and shrubs, especially in the area of the banked area on the west side of the ruin. The second one is sow grass seed with topsoil or install turf at loosely compacted soil below north exterior wall and in other areas of loose soil in the immediate site. She'd like to see that language in this document. On page 5 of 9, the wording has to be switched a little bit in the paragraph – Management of Non-Native and Invasive Species – “Park natural areas should be inspected annually by the EAC or Public Works Department”. She said EAC is advisory and it's a Public Works responsibility. She would like to see the wording in there that the EAC should provide a recommendation to the township. Mr. Cahalan said we need help to tell a native from a non-native plant. Mrs. deLeon said that's why she's asking that the EAC make a recommendation. It looks like the EAC is the staff. Mrs. Yerger said that's part of one of their recommendations. They were looking at having just the Township control that, like maybe Boucher & James walking the park once a year. We knew Public Works would not be comfortable looking at it either. We are looking for another entity, other than the Township, to do this. We were going to have a “Township Representative” be put in there. Ms. Stern Goldstein said often times that is a person or entity designated by the Township Manager or by the Township, so that can change and you can tailor that to your own needs. Mrs. Yerger said that's exactly what the EAC was talking about.

Mrs. deLeon said on page 6 of 9, she was thinking about the Homestead and planting annuals or geraniums, are you prohibiting that? Mr. Cahalan said he would assume it would be done with permission of the Council and the township and we would run it by some expert. Ms. Stern Goldstein said often times if there is a garden attached to a park and there is an entity responsible for maintaining that garden, permission would be granted for garden beds, or something generic. This is really written for the rogue person that wants to plant memorial trees without permission.

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Mrs. deLeon said wording should then be in there about the Homestead because five years from now if we don't update this, and different people change, the wording should address that. Ms. Stern Goldstein said better yet, when we get into the individual park purpose statements, we should have that gardens are written into that and then there is a special notation about the permission that is granted for those gardens and who will maintain them. Then that way everyone is protected and the gardens can thrive. Mr. Maxfield said we have Kingston Park, even the wildflower garden at Southeastern Park.

Mrs. deLeon said the Saturday before Mother's Day, May 8, at the Homestead they are having their annual plant sale and people will donate perennials and Cathy Hudak knows invasive and non-invasive. The part where it talks about snow removal, the Lutz-Franklin, has a snow plower, and the lease covers plowing or shoveling? Mr. Cahalan said yes. The Heller Homestead is being plowed and we are making modifications on that. It doesn't mention it specially, but we can add that. We are making a change to Polk Valley Park because of the winter use. Mrs. Yerger said that was our recommendation. Mr. Cahalan said that's being plowed up to the top and some of the parking areas are being plowed. They will make those modifications. Once the parking lot at Lutz-Franklin is finished, that will also be plowed.

Mrs. deLeon said she noticed the other night the path walk at the Heller Homestead was shoveled, who did that? Mr. Cahalan said he's not sure. Mrs. deLeon said at one time Society Hill asked them not to shovel it. Mr. Cahalan said he will check on that.

Mr. Maxfield said since there was so many directions in this, he was going to ask that we distribute them to Parks and Rec and to the other Council members? Mr. Cahalan said they will distribute another copy.

Mr. Kern said let all the groups digest this and let the comments come back in a month.

D. REVIEW OF PARK PURPOSE STATEMENTS

Mr. Kern said the planner has prepared several sample Park Purpose Statements which Council could consider adopting which would serve to establish general/specific purposes and mission statements for Township parks and recreational facilities. The sample Park Purpose Statements are being reviewed by the Park & Recreation Board.

Mr. Cahalan said in putting together the draft Maintenance Policy and the Facilities Use policy, one of the things we came upon is that other municipalities who have parks have Park Purpose Statements that they adopted that are helpful in guiding the use, administration and maintenance of the park.

Ms. Stern Goldstein said the Park Purpose Statements are done differently at each municipality and each park is unique in each municipality. Basically, it sets forth statements and ideas, like "such and such a park has been designed and is being used for active recreation and will be used by these sports associations with this agreement. Park B is designed as a natural area for paths of recreation, no active or team recreation is anticipated in this. Park C is designed to be used for informal use by Township residents on a continuing basis and also utilized for the summer arts program. Park D, etc., etc. Some of them have four or five components to them. It sets forth the expectations of the Township and then for the public also as to what is being expected and what is not to be expected at each of the parks, and from there, different rules and regulations and maintenance and different usage policies so that it's clear when parks are being used by the general public, by people who have rented pavilions for special events by the Township or other entities for recreation programs, by sports associations for practices and games, and/or tournaments for special events, even things like Relay for Life or whether or not fireworks are going to be in a certain park or a concert series.

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It just sets forth a policy for the township to think about what each of those parks is intended to be. It's a good thing this is with Park and Rec now. There are some samples from Townships and some generic samples. It's great when it's posted on the website so people know what their expectations are.

Mrs. deLeon said she'd like included the acquisition of the parks. Did we acquire it through the Open Space program, did we purchase it like we purchased Polk Valley Park, etc., etc. A lot of people don't know Southeastern Park was given to us as a result of Society Hill. People need to know the history. Ms. Stern Goldstein said that would be good to put in there. Some residents see a park that doesn't appear to be developed, when in fact, it would have been obtained for the protection of natural resources. Mrs. deLeon said she'd like to see the research so we could educate the residents.

Mr. Joe Long said the park itself, and a little history of what we've seen, in the Spring it opened up and we had a couple of soccer games. Spring is a big lacrosse season. In fall, soccer is a fall sport and that's our very large season. To give you an idea of how much the parks get used. We have 240 kids in our program and 220 in our travel programs. About half of the travel kids touched those soccer fields this fall and ever one of the 240 kids touched Polk Valley Park this fall for eight weeks in a row. That park got used a lot. It's a great resource we have. Lacrosse and soccer, if you go to the board meetings, they are typically the same people. We are in it all together and are working hard. The park is a fabulous facility and he wants to say thanks.

E. REVIEW OF SUGGESTED DUTIES FOR AN AGRONOMIST/TURF MANAGEMENT CONSULTANT

Mr. Kern said staff has prepared a list of suggested duties for an Agronomist/Turf Management Specialist, which the Park & Recreation Board has recommended that the Township consider retaining the services of, who would provide recommendations for the proper care and maintenance of Township parks and athletic fields.

Mr. Cahalan said this was a recommendation that grew out of the Park and Rec board a year ago. Dave Oatis, who is involved with Lacrosse is a Agronomist with the USGA and he had given some advice for free to the Township and that spurred the idea of getting that type of assistance on an as-needed basis for the Township to help us maintain the fields, to help us operate the maintenance policy so that the fields can be maintained in the best shape possible and tell us when we need to make some changes in the maintenance like the fertilization or the mowing and so on. He looked around for something that was being done elsewhere, and didn't come up for anything for municipalities. There's a lot of these people working for golf courses who want to maintain that nice turf. We started putting this together piece meal by putting together some of the recommendations and we sent it around and other people made some recommendations. We put it out to Park and Rec and the EAC so it's a first shot at trying to put down what we are thinking about here with this consultant. Mr. Kern said the gentlemen you just mentioned, Mr. Oatis, would he be willing to participate? Mr. Cahalan said the little he knows, Mr. Oatis travels frequently. He could send this to him and see what comes of it. He can ask if he will offer his services. Last year he walked up for one half hour and looked around. Parts of these services are done by companies like ChemLawn.

Mrs. Yerger said the EAC did express they had one recommendation to try to keep it in the integrated management system, if at all possible, so we can keep with sustainable use of the fields and the minimum use of pesticides, mainly for the safety of the kids. Mr. Maxfield said we were realizing last night the approach to maintain the fields could be entirely different than how the natural areas in the park were maintained. We want to make sure this all stays so the sustainable

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park that we were recognized for, stays sustainable. Mrs. Yerger said a couple of our EAC members are soccer parents also and they want their kids playing on a safe field.

Mr. Horiszny said as we look for people, and Attorney Treadwell can comment on this, there is a groundskeeper at Saucon Valley, and he might be able to tell us who to use. He's really a nice guy and very knowledgeable and a good source. Mrs. Yerger said they use more natural systems on that course.

Mr. Maxfield asked if we should send out an advertisement for an Agronomist? Mr. Cahalan said this was just the first shot for you to look at it and we'll bring it back. He wants to come up with some cost estimates.

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

F. REAPPOINTMENTS TO JOINT YARD WASTE RECYCLING COMMITTEE

Mr. Kern said per Resolution #37-2008, which formed the Joint Yard Waste Recycling Committee with Hellertown Borough in 2008, the Township representatives to this committee, Ron Horiszny, Jack Cahalan, Roger Rasich and Paul Pagoda, were appointed for terms of one (1) year. The Township Manager is recommending that they be re-appointed to the Joint Yard Waste Recycling Committee for an additional one (1) year term that will run until December 31, 2009.

Mr. Cahalan said we missed this in the Reorganization meeting so we do need to reappoint these individuals to the Yard Waste Recycling Committee.

- MOTION BY:** Mrs. Yerger moved for approval of the reappointments of Ron Horiszny, Jack Cahalan, Roger Rasich and Paul Pagoda for a one year term ending December 31, 2009.
- SECOND BY:** Mr. Maxfield
- Mr. Kern asked if anyone had any questions? No one raised their hand.
- ROLL CALL:** 5-0

G. AUTHORIZE ADVERTISEMENT OF ORDINANCE NO. 2009-01 – REDUCTION OF SPEED LIMIT ON APPLE STREET

Mr. Kern said per Council's direction Ordinance 2009-01, which would reduce the speed limit on Apple Street to 25 mph between the Hellertown Borough line and Mockingbird Hill Road, has been prepared for advertisement.

Mr. Cahalan said at the last meeting, they reported on the study that Hanover had done on the roads leading into Hellertown Borough from the Township and Council directed that we proceed with a reduction in the speed limit on Apple Street. It would be 25 MPH between Mockingbird Hill Road and the Borough line.

- MOTION BY:** Mrs. Yerger moved for advertisement of Ordinance 2009-01.
- SECOND BY:** Mr. Maxfield
- Mr. Kern asked if anyone had any questions? No one raised their hand.
- ROLL CALL:** 4-1 (Mr. Horiszny – No)

H. AUTHORIZE EXECUTION OF AGREEMENT OF SALE WITH STEWART & CAROL HERMAN FOR A PORTION OF PROPERTY IN ORDER TO CONSTRUCT THE POLK VALLEY PARK CONNECTOR TRAIL

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Mr. Kern said an Agreement of Sale has been executed by Stewart & Carol Herman for a portion of their property in order for the Township to construct the Polk Valley Park Connector Trail. Council should authorize the Council President to sign the Agreement on behalf of Lower Saucon Township.

Mr. Cahalan said this is just for the lean-to addition that we need to remove to proceed with the trail. If we can settle on this, we can move ahead with the plan for that. We'll bring the plan back to Council. The demolition of the lean-to addition will be done in-house by Public Works. Mr. Horiszny said should we have a number in there? Mrs. Yerger said there is a number in there of \$5,000. Mrs. deLeon said it's only the date that is not in there, which would be inserted.

- MOTION BY:** Mr. Kern moved for authorization to execute agreement of sale with Stewart & Carol Herman for a portion of property in order to construct the Polk Valley Park Connector Trail for the price of \$5,000.
- SECOND BY:** Mr. Horiszny
Mr. Kern asked if anyone had any questions? Mr. Maxfield publicly thanked the Herman's. They were great to work with and it's going to be a wonderful thing when it's done. Mrs. Yerger said it will be a great asset for the kids.
- ROLL CALL:** 5-0

VI. MISCELLANEOUS BUSINESS ITEMS

A. APPROVAL OF MINUTES – JANUARY 21, 2009 COUNCIL MEETING

Mr. Kern said the minutes of the January 21, 2009 Council meeting have been prepared and are ready for Council's review and approval.

Mr. Horiszny said on page 18, lines 21 through 24, that's a paragraph about Stephen and it should be in Section 3A. Mr. Cahalan said Stephen was leaving at that time, and he asked him to explain that he would be coming late from play practice.

- MOTION BY:** Mrs. Yerger moved for approval of the January 21, 2009 minutes.
- SECOND BY:** Mr. Maxfield
Mr. Kern asked if anyone had any questions? No one raised their hand.
- ROLL CALL:** 4-1 (Mr. Horiszny – No)

VII. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS

- Stephanie Brown, resident, said she has some concerns with the Meadows Road Bridge. She's really concerned about the placement of the stop signs as it seems to have made that a major disaster area. She's so concerned about the bridge being hit. The stop sign does not seem to have improved the situation at the bridge. She stood there one Sunday afternoon and one car almost hit the bridge as he was speeding so fast down the road, he stopped basically on the bridge before he actually stopped. She sees people who do a three second stop and go over. The other concern is two people come to the bridge at the same time and it becomes like a staring contest who is going to go first. She's always known that you have better sight and vision of the bridge if you are moving rather than when you are stopped. On Mr. Beardesley's side of the bridge, where the stop sign is, it's such a low spot on the road. She has an SUV and has trouble seeing. She's in such despair and hopeless about its future. Mrs. deLeon said at the county level, what did we do? Mr. Cahalan said we wrote a letter to the County about preserving it and practicing good maintenance. They had a meeting with the County and it is on the list for replacement. He doesn't know when they will do the new bridge survey. Mr. Kocher said he's not sure they committed to a date. They said they are going to build a new bridge next to it and if the Township wants it, they can have it.

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That is his understanding. Mrs. deLeon said to picture a modern span of a bridge, it's so out of character. Mr. Maxfield said he's seen some treatments like that before. The old bridge ends up being a foot bridge and the new bridge is just close by. Mr. Kern said since the Rails to Trail is happening, it might not be a bad idea to have that as a foot bridge, then you could come off the connector trail over the foot bridge and get to the Giant and it would be a safer way to get to the Giant. Mr. Maxfield said then again, we don't want to know where they want to put the other bridge. Mr. Kocher said we haven't received any official word from them. Mr. Cahalan said we told them at the meeting we weren't interested in taking the bridge over. Mr. Maxfield said the Townships within the Saucon Creek Watershed will be getting recommendations sometime within the next few months – they had a hydrologist out at the Meadows Bridge evaluating it for the study and he's convinced the Meadows Bridge is not what is causing the problems in that area. He thinks it's the actual configuration of the creek itself. Ms. Brown said she hopes the bridge doesn't get damaged with the stop signs there. She wanted to know how long the blinking lights were going to stay on the stop signs? They are there for just night use? Mr. Cahalan said they were put in there for the introduction of the stop signs. Mr. Kocher said Mr. Rasich or the police should be watching that. Mrs. deLeon said she has issues with the stop signs as you are coming in Meadows Road because you can't see over the bridge. What do we do about that? Mr. Kocher said we knew we couldn't see across it anyway. The issue with the stop signs was to make sure or regulate that the cars are supposed to stop on both sides. The introduction of the stop signs didn't change that you can't see a car on the other side. Mrs. deLeon said she would go a little bit further from the stop sign to see if another car is on the other side. Mr. Maxfield said in the old days, two cars used to pass over the bridge at the same time. Mr. Kocher said you can stop at the stop sign, go a little bit ahead, and stop again. Mr. Cahalan said they are working on a stop sign coming out of the Meadows Catering. That's to stop people who pull out and they are actually in front of the other stop sign. Mrs. deLeon said can we put no right turn? Mr. Cahalan said he was not sure if we can regulate that. Mr. Kocher said he's not sure how practicable it is for the Meadows to restrict that. Mrs. deLeon said we've asked them to correct their website to discourage people from doing that. Mr. Kocher said we can just pass along to the Chief that there are reports about the stop signs and have the police watch it. Ms. Brown said on the Meadows website, they bring you in from 412 and 78, so people who go in that way are going to go out that way. They turn left from Meadows to get on 412. The bigger problem pulling out of the Meadows is it's hard to see if you are making a left. She hopes we can make positive progress on this bridge. Mrs. Yerger said the county moves very slowly on things like this. Ms. Brown said this bridge hasn't gotten its fair share in this township. The bridge gets pretty much ignored.

- Ms. Brown said the other night she tried to have the nuisance ordinance put in place against a contractor who was working in the Toll Bros. Subdivision at about 11 PM. For some reason, it didn't happen. She talked to the officer and the excuse was they were working on concrete and they only had 20 more minutes of work to do, and he's going to let them do it. By the time they finished, it was 11:45 PM and she could hear the generator in her house. The police did have them place the generator in the garage, but the garage is open, so there's no problem with carbon monoxide poisoning. We have a Nuisance Ordinance and it's always subjective why it doesn't get enforced. She talked to Chief Lesser yesterday about it and she wasn't happy about the way the officer handled the situation. She's frustrated. Mr. Maxfield said can we get more detail about that. We need the Nuisance Ordinance to work and it needs to be enforced. Mr. Cahalan said okay. Ms. Brown said she spoke to Mrs. deLeon about this and the Nuisance Ordinance is not enforced time after time after time, unfortunately with this development, it's here and there, and you generally don't have the contractors working late every time. There are times that she's called about it and it's a cumulative effect even though it's not the same contractor, and Toll Bros. has no one managing that site after 5 PM. She's frustrated because when does someone make Toll Bros. accountable on that site after a certain hour. Mrs. deLeon said her response to Stephanie when she called her was she's the first to hold them to the line, but she did say they poured concrete, and she knows because she's married to a contractor, that concrete doesn't sometimes cure in a reasonable

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time and with the cold, that could be the problem. Nuisances should be taken seriously, but it needs to hold up at the Magistrate level if you are being unreasonable. There's no law in the nuisance ordinance that says you can't run a generator 24 hours. Mr. Maxfield said if it's going above the decibels. Mrs. deLeon said you need a police officer to go out there. There's a lot of variables. She would have been annoyed also. Mr. Maxfield said the nuisance ordinance has to be used effectively. Attorney Treadwell said it's not a perfect system and it has to be subjective to a certain extent because you can't just have a black line, this is it. There's always subjectivity involved. Mrs. deLeon said if it happens again, you have it documented. Every load is different with concrete, you don't know. It happens, it always doesn't set up. Mr. Maxfield said when did they start that process? Attorney Treadwell said that's why he's saying it's not perfect and there's subjectivity to it as we expect the officers goes out there and asks those questions. If the guys says he poured it at 11 PM, the officer should say you are violating the nuisance ordinance. If he poured it at 11 AM, and I need 10 more minutes, that's what they are there for to make those judgment decisions. Mrs. deLeon asked if Ms. Brown knew when they poured it? Ms. Brown said she saw a concrete truck leave about noon. She's asking that the township contract Toll Bros. and see why no one is not monitoring things after 5:00 PM. Mrs. deLeon said call their office and have them be more considerate to the neighbors. Mr. Kern said they'll have Jack do that. Mr. Maxfield said let's get details on this particular instance to see that there are not circumstances we are not aware of. Ms. Brown said she's made other nuisance complaints over the last couple of years. When she calls, there's always an excuse or a reason. Once the police are involved, it usually doesn't happen again. She can't babysit Toll Bros. every day. They get a slap on the wrist every time they do something wrong. She wants to see the Township a little bit more aggressive with them. Mr. Cahalan said he will check into it.

VI. COUNCIL AND STAFF REPORTS

A. TOWNSHIP MANAGER

- Mr. Cahalan said he'll be at the County Council meeting tomorrow night for the gambling impacts ordinance that's being introduced if anybody else wants to attend at 6:30 PM at the County Council chambers at the Courthouse. There will be representatives from the four municipalities there. Mr. Horiszny said in the Hellertown minutes, they had Ann McHale and it sounds like she is in favor of it and in favor of the 20% split. Mr. Cahalan said this ordinance doesn't get into the actual splitting up of the money. It has to do with the establishment of another authority at the County level which would be responsible for distributing the grant money. They haven't gotten to the question of how the grant money is going to be distributed. That may be something for the authority to determine. Mrs. deLeon said is this authority just for the gaming purposes? Mr. Cahalan said that's unknown as he doesn't know what the duties and responsibilities are. The ordinance that is proposed is for an economic development authority. There is already one in the County which is one of the issues that has been raised and another issue is how would it be funded as it would not have any funds that are earmarked for its operation. There's some questions about it. He doesn't know what the responsibilities are, it's been mentioned a possibility of distributing the gaming funds. Mr. Horiszny said did anything happen on that potential judge's decision regarding this issue we were going to try to get made? Mr. Cahalan said there was a decision out in Summit Township in Erie County. It was the first court decision on the question of the distribution of the gaming funds, and unfortunately, there may have to be more of those court decisions because the legislation the way it was written raises many questions in everybody's mind as to how the whole process should work. Mr. Kern said what about the progress of the Freemansburg solicitor? Mr. Cahalan said we plan to bring back to this Council an ordinance that would accompany the resolution that you've already adopted and we'll also have an intergovernmental agreement that would have signatures for all four and we'll leave one on there for the fifth

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municipality if they want to join with us in the proposal we have given to the County. Mr. Kern said has anyone ever mentioned to the County representative who represents us, who is opposed to what we are all doing, to propose this concept of having a separate committee? This is what we want to do and can he represent us in this? Mr. Cahalan said not directly, but he's sure he'll hear that tomorrow night from some other representatives. They do support the priority municipalities, the five of us getting funds, but they seem to be leaning towards a full fledged grants procedure and also requiring us to demonstrate impacts and the whole nine yards, which could be pretty involved. That's what we were hoping to avoid and make the process simple and assure that the money gets to the contiguous municipalities on a recurring basis each year because if we have to hire police officers or do other things on a recurring basis, we would have a steady source of income rather than having to go and fight amongst ourselves for funds every year. If we don't succeed, the money would just stay at the county and not help us. Mrs. deLeon said originally when we were talking to Lisa Boscola, she said it was supposed to go to DCED. Mr. Cahalan said that was in the original legislation, but he hasn't heard anything about it since then. It's now an Economic Development Authority in the County. Mrs. deLeon said Lisa said if we had any trouble, just to let her know.

B. COUNCIL/JR. COUNCIL

Stephen Prager

None

Mr. Maxfield

None

Mrs. Yerger

- She said for the EAC, they have come up with their township goals and objectives and she'd like to submit them to the Township. They, as part of their agenda, did review the "LVPC Guide and Model Regulations for Steep Slopes" and they did discuss them and what they came out overall was they like our ordinance better. It did peak our interest that with Council's permission we should ask Boucher & James to look at the environmental sensitive slopes and woodlands and the 25% to see if there is any adjustment, in their opinion, that might have to be done with those particularly sensitive areas. They were okay with the lesser slopes. It would be a quick review by Judy and her staff. If they thought appropriate that if there would be an appropriate use for conditional use, then that might be inserted.

MOTION BY: Mrs. Yerger moved that on behalf of the EAC, we have Boucher & James compare the LVPC Guide and Model Regulations for Steep Slope Ordinances and NRP Ordinances for steep slopes and come up with the best policy for Lower Saucon Township.

Judy said it would be a quick review. When they came up with their NRP regulations, the 85% protection on the environmentally sensitive areas and the woodlands and steep slopes over 25% was pushing the threshold and was a comfortable place, but not pushing it too far. They'll do some quick searches to see if there's been any challenges to that and how far you can go. The 85% is comfortable. We'll see if 90%, we would still be comfortable with. Four years ago, we were not comfortable with 90%. It's not going to take long for her to do this. Mrs. Yerger said if you read this particular document, LVPC is recommending just conditional approval for 25% or greater. Judy said no thresholds from 15% or more. Mrs. deLeon said the state says you can be more strict? Judy said the state doesn't say how strict you can be. The state says you can't regulate development on the steep slopes because of the environmentally sensitive nature of

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steep slopes. It doesn't say how far you can go. She'll do the search to see how far it has been gone and if there have been challenges to that. She'll probably check in with Linc and test his comfort level. Mrs. deLeon said this is already pre-existing and on the books for awhile. Judy said the 85% is comfortable and has been tested. Mrs. deLeon said in general, our ordinance has been around for awhile. This is new for the county. Mrs. Yerger said this is the first time LVPC has come forward with any kind of recommendations for steep slope protection. It's much more comprehensive in their new recommendation. We just want to make sure we have everything buttoned down the way we need to for the environmentally sensitive areas. Mrs. deLeon said does that come into play for their comp plan where we are supposed to have our regulations generally consistent? Judy said by you having steep slope regulations already, you are generally consistent with that statement in the comprehensive plan to regulate development on environmentally sensitive areas. You are generally consistent already. Mrs. deLeon said that's subjective. Mrs. Yerger said it's all subjective. LVPC is approaching it differently than we have, to some extent. Mr. Maxfield said we're all trying to get to the same place.

SECOND BY: Mr. Maxfield
ROLL CALL: 5-0

Mr. Horiszny

- He thinks we need to set up some sort of an expense account for the Manager or other paid township staff who attend meetings on behalf of the township and run into expenses like the Chamber Commerce dinner cost Jack \$100 to go to. That should be our expense. We should get an account for something like that and we have to approve it. He doesn't know if it should go as a line item. He doesn't know the best way to set it up. We need that type of a thing. Mr. Maxfield said wouldn't it be like expenses like we set up for workshops for the board. Mr. Cahalan said the only recommendation he would make, is he wouldn't want any expenses for his spouse covered. It should just be for township staff or elected officials. He'd recommend if you want to go in that direction, do the same thing you do for the PSATS conference. If you are asking the elected officials or staff to attend something, authorize the payment of their expenses.

MOTION BY: Mr. Horiszny moved that we refund Mr. Cahalan the \$50.00 he spent for the Chamber of Commerce dinner and that we do this in the future, either pre-approve or do like we do for the PSATS conference.

SECOND BY: Mrs. Yerger
Mr. Kern asked if anyone had any questions? Mr. Cahalan said he will bring the expenses up under reports. Mr. Horiszny said he doesn't know about elected people. It just takes it into a different ballpark for him. The election part threw him off. Mrs. deLeon said when you file your income tax, you have business expenses, and if you make \$80,000 a year and you go to a conference like this, this isn't a requirement. Jack doesn't have to go to that banquet. Mr. Horiszny said he did go on our behalf. Mrs. deLeon said he does go, so it could be just his expense as a business deduction. We get \$2,500 and she doesn't have a problem with paying \$50 herself for going to a banquet to honor the business community and to honor the honorees that are honored at these banquets. Here Mr. Cahalan is making \$80,000 and the legislation specifically says in the second class code that the only conferences that are paid for out of township funds are the county conference and PSATS. It doesn't say chamber banquets. She has issues with that.

ROLL CALL: 4-1 (Mrs. deLeon – No)

- Mr. Horiszny said he wondered if they had a chance to read the minutes from the other municipalities, is that going to come up on another agenda. Mr. Cahalan said they can do that now. Mr. Horiszny said he'd like it to be on the next agenda.

Mr. Kern

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None

Mrs. deLeon

- She said she got a letter from Chris Spadoni from the County on the Northampton County voting districts. What are they doing? Attorney Treadwell said they are considering redrawing the districts. He had a discussion with the new voting registrar, and they did send that letter out to notify the affected townships that they were going to do this. They were supposed to send a new map showing what they would envision it looking like so we can comment on it. Mrs. deLeon said there's no reason to it. Attorney Treadwell said the way they generally do it as they look at the map and they try and get the population and the districts somewhat similar and when they looked at our map, they said there's some strange lines here, and we're going to take a look at redrawing them. Mr. Maxfield said would they reduce the numbers of voting districts? Attorney Treadwell said he doubts it. Ms. Huhn said it's not going to change the number of voter districts, and in the letter, it says the number could change ever so slightly.
- She said January the Landfill Committee met and they had their quarterly landfill meeting. There was a draft memo that was issued regarding two concerns we've had. As a conclusion of the meeting, there were two specific areas of concerns that they would like to convey to Council. They'd like Council to endorse a recommendation for follow up of these concerns, via a letter, meeting or conference call with DEP. The problems have been ongoing for many years. The first one would be ongoing over weight vehicles entering the landfill. This adds to extra wear and tear on Township roads and state roads and if you're in an accident the truck would have a heavier impact. Overweight vehicles on township and state roads enroute to the landfill have been over an estimated 50 trucks per month for several years and now consistently exceeding 100 in one month time frame. Over weight vehicles on township and state roads are a safety hazard and can significantly deteriorate secondary road conditions. The committee agreed that IESI should be asked to implement a more stringent penalty such as restricting the violating vehicle from the landfill, rather than merely suspending the driver. Driver suspensions do not appear to provide the results desired as the hauler can just switch up drivers or routes and not suffer a meaningful penalty. Suspension of the vehicle would have more positive results. The committee had discussed this option in the past and we feel this practice or another more effective measure should be implemented in the immediate timeframe to obtain better results. IESI has a safety plan which remains in effect regarding this issue. The committee asked for support of Council to request that PADEP require more aggressive control methods and penalties for overweight vehicles and to hold IESI to a short time deadline for implementation of these stricter controls. Mr. Kern said they are identified as overweight once they get to the landfill and get weighed? Mrs. deLeon said they are weighed in the landfill and are allowed a 3% leeway and there's more that are over that. They don't turn them away as they'd be allowing an overweight vehicle on the road so they are allowed to dump. What's stopping them from being overweight. The penalty is not even a dollar amount as the landfill can't impose a penalty on them, only PennDOT can. They don't have PennDOT scales there, so they give them a warnings and if they get three a month, they suspend the driver. That's just a policy. When Lori Car was on the committee, we developed this warning system, but apparently it's not working as they switch drivers, they switch routes, it's just becoming increasing numbers now. There's really no where to go. If we would have a letter from Council, then it's not her and Hazem Hijazi complaining at the meeting. Mr. Kern said can the police enforce it and have some type of a penalty? Mr. Horiszny said state police have to do that. Mr. Cahalan said you'd have to be certified to weigh them. They are off township roads and are on private property. Mr. Kern said there's a record that they are over weight. Attorney Treadwell said it's a private scale they are weighing on. Mrs. deLeon said we are just asking IESI to come up with a better plan. Mr. Kern said it seems pretty easy, they are on the scale, they are overweight, we get a phone call from

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IESI, then we put a call in to the police, and the police come and cite. Mr. Horiszny said he thinks it's out of our jurisdiction. We don't regulate weight of trucks and he doesn't think we can. It's a good idea and we ought to be telling PennDOT that it's happening and it's happening a heck of a lot more. Mr. Maxfield said if they adopted a policy of turning away the overweight trucks, then they could notify the state police that an overweight truck is on its way out. Mrs. deLeon said the second issue is IESI, PA Bethlehem landfill investigation of high flow rates face three area detection zones and it's dated 12/28/2008. She read, "The committee has reviewed and discussed the referenced report. Currently, and for the past several years, a detection zone in Phase III has been functioning as a collection zone for contaminated water. The current detection flows in some cases exceed those in the collection zone. Where a few gallons per acre on a daily basis is not unusual at 100 gallons, DEP requires action. Flow rates in this detection zone have now exceeded 1,000 – 2,000 gallons per acre per day. Due to the length of time of this condition, the lack of an engineer or scientific conclusion and no existing investigative and evidence to the contrary, it can be concluded that Phase III landfill area is experiencing an ongoing and worsening performance failure based on the increasing flows in the Phase III detection. The Township Landfill Committee has documented in their meetings their concern for high flow rates in this zone above regulatory limits since 1999. Finally, DEP said they had to look into it and they came up with this December 2008 report. Between 2002 and 2003, while reviewing Phase IV expansion design, the situation had been constantly brought to the forefront of the environmental concerns with the site and it was conveyed to both IESI and PADEP. What's interesting is the performance failure of Phase IV site should be by regulation and there is a DEP regulation that is sited here. It's 273.55 leachate detection zone and basically it says if leachate flow is greater than 100 gallons per acre, and this is up to 1,200 per acre, the operator shall "a plan for locating the source of leachate in the detection zone and for determining the severity and cause for leachate penetration. It goes on and says recommendations concerning a remedial plan and it goes on and on. We have to get through the location of the source of leachate. The report hasn't done that, so they haven't met the DEP regulations. It goes on to say the investigation summarized in this latest report has essentially ruled out a few potential source of leachate penetration into the detection zone, namely a gabian channel and a 36" storm water pipe and appears to conclude there is no ground water penetrating the secondary liner below but rather the sources from storm water obviously entering the liner system. Investigation of another potential source conducted by IESI a few years ago, a perimeter anchor trench was also ruled out as the source. This current report concludes that capping the remaining three acres of Phase III and no schedule is proposed for this, that flow monitoring for, during and after rain events is recommended. Neither of these actions capping or monitoring will further define the source or location of this penetration nor are they a confirmed remedial measure for the unknown source. There are no additional investigative alternatives presented except flow monitoring, which to date, have not resulted in any narrowing of the potential sources of the leachate penetration into the detection zone since 1999. The monitoring has only confirmed what was determined years ago that the flow increases when it rains. The joint experience of the landfill consultant and field view of the site conditions by host inspector, have identified several potential source areas and/or investigative measures which were not discussed or considered in the report. It's in the best interest of the Township to support and share the thoughts and experience of all parties to locate the problems with Phase III liner system. The committee feels PADEP should require further investigations and it lists four recommendations. They are asking to Council to send a letter from DEP. This report was submitted to DEP. Here we have a report that has come to conclusion and we'd like the Township to send this to DEP. Mr. Kern said we can send that. Mrs. deLeon said send a letter to them, and authorize if they want to, they can meet with us or have a conference call.

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MOTION BY: Mr. Maxfield moved to have Council send a letter to DEP as stated by Mrs. deLeon
SECOND BY: Mrs. deLeon
Mr. Kern asked if anyone had any questions?
ROLL CALL: 5-0

Mr. Kern said part of the agreement with IESI before was the truck traffic coming up Applebutter Road was supposed to be staggered in the morning because we were having a rush of traffic, or otherwise called staging. Mrs. deLeon said they are supposed to be staged inside the property and not be backed up on Applebutter Road. Is that happening? Mr. Maxfield said he goes down road at 7:06 AM every morning and he counts 15 trucks every morning. That's mixed with school busses, local haulers. Mrs. deLeon said to Mr. Cahalan that they need to be called tomorrow. Mr. Maxfield said it's been getting worse in the last six months. Mr. Kern said when it's happening, make a phone call to Jack. Mr. Maxfield said it's just the rush in the morning. Mrs. deLeon said we haven't had a lot of landfill complaints at our meetings. We'll have to discuss this at our next meeting.

D. SOLICITOR
None

E. ENGINEER
None

F. PLANNER
None

VII. ADJOURNMENT

MOTION BY: Mr. Horiszny moved for adjournment. The time was 10:10 PM.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone had any questions? No one raised their hand.
ROLL CALL: 5-0

Submitted by:

Jack Cahalan
Township Manager

Glenn Kern
President of Council