

I. OPENING

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

II. PRESENTATIONS/HEARINGS

III. DEVELOPER ITEMS

IV. TOWNSHIP BUSINESS ITEMS

- A. Zoning Hearing Board Variance – Tracy Henig – 2174 Kistler Avenue – Variance Seeking Relief from Building and Impervious Coverage and Natural Resource Disturbance
- B. Review of Sign Ordinance – Ordinance No. 2018-02 – Authorize Advertisement
- C. George Savitske – 3351 Reservoir Road – Request to Authorize Baseline on Conservation Easement
- D. Authorize Advertisement of Lawn Mowing & Lawn Treatment Bids
- E. Woodland Hills Preserve – Request for Payment No. 1 Buffer Restoration
- F. PP&L Request for Grant of Right-of-Way Easement – Lower Saucon Road – Parcel P8-16-1

V. MISCELLANEOUS BUSINESS ITEMS

- A. Approval of January 16, 2019 Council Minutes

VI. PUBLIC COMMENT ON NON-AGENDA ITEMS

VII. COUNCIL & STAFF REPORTS

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

VIII. ADJOURNMENT

UPCOMING MEETINGS

Environmental Advisory Council: February 12, 2019
Saucon Valley Partnership: February 13, 2019 @ HB
Zoning Hearing Board: February 18, 2019
Township Council: February 20, 2019
Saucon Rail Trail Oversight Commission: February 25, 2019 @ UST
Planning Commission: February 28, 2019
Parks & Recreation: March 4, 2019

I. OPENING

CALL TO ORDER: The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, February 6, 2019 at 7:00 p.m., at Lower Saucon Township, 3700 Old Philadelphia Pike, Bethlehem, PA with Mrs. Priscilla deLeon, presiding. Mrs. deLeon said she would like to offer our condolences to the Looby family. There was a tragic incident that occurred in our community on Monday and she wanted to commend D.A. Morganelli, Coroner Lysek, the State Police, Chief Barndt, Investigator Leidy and all the Township Officers that assisted in handling this as a team effort. It was very professionally done and with respect.

ROLL CALL: Present: Priscilla deLeon, President; Ryan Stauffer, Vice President; George Gress, Donna Louder, Sandra Yerger; Leslie Huhn, Township Manager; Thomas Barndt, Chief of Police; Jim Young, Zoning Officer; Roger Rasich, Director of Public Works; Linc Treadwell, Township Solicitor; Brien Kocher, Township Engineer; Judy Stern Goldstein, Township Planner; Matthew Wagner, Jr. Council Member.

PLEDGE OF ALLEGIANCE

ANNOUNCEMENT OF ANY EXECUTIVE SESSION (IF APPLICABLE)

Mrs. deLeon said Council met in Executive Session this evening regarding negotiations for the non-uniform contract and the ZHB litigation.

PUBLIC COMMENT/CITIZEN AGENDA ITEMS

Mrs. deLeon said if you are on the agenda, you have Council and Staff's undivided attention. If you do choose to speak, we ask that you use one of the microphones and state your name for the record. If you have a non-agenda item, she asks that you give your fellow public the courtesy of the floor.

II. PRESENTATIONS/HEARINGS – None

III. DEVELOPER ITEMS – None

IV. TOWNSHIP BUSINESS ITEMS

A. ZONING HEARING BOARD VARIANCE – TRACY HENIG – 2174 KISTLER AVENUE – VARIANCE SEEKING RELIEF FROM BUILDING AND IMPERVIOUS COVERAGE AND NATURAL RESOURCE DISTURBANCE

Mrs. deLeon said the applicant is seeking relief from the building and impervious coverage. Scott Mease, Engineer and Tracy Henig, applicant was present. Mr. Mease said this project was before Council months ago. Ms. Henig owns a 2-acre property that is divided by Kistler Avenue and it goes right through the middle of her property, so she has an acre of ground to the north side of Kistler Avenue and an acre on the south side of Kistler Avenue. Her house is on the north side and on the south side is a vacant wooded lot. Normally, in situations like this when a property is divided by a road, assessment assigns a parcel number to each section. In this case, this is not what happened. Ms. Henig would like to sell the south side; the tax assessment office won't break it apart without the Township saying they are fine with it. They have to go through the subdivision process in which they submitted a plan. With this property having some natural resources, it requires some variances. This is located in the R12 zoning district, public water and public sewer. This lot is one acre, so it's 45,000 square feet; however, since it has steep slopes and woodlands, you get to use about 15% of the property.

Attorney Treadwell asked if they revised the plan from the last time it was here. Mr. Mease said yes. They brought the percentage down so they need less relief. The woodlands they were asking for 18%, and are now at 18.3% and the only reason for the change was when you adopted the amendment for your storm water ordinance in November 2018, it requires them to do more storm water, so they needed more area for the storm water control. Attorney Treadwell asked what was the building footprint that you are showing on Lot 2. Mr. Mease said it's a 1,080 square feet. Attorney Treadwell said on an acre of ground, you are proposing a building that's 1,080 square ft. Mr. Mease said correct, it's small.

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Mrs. deLeon said you mentioned public water and sewer, is it too early in the process to make sure the LSA has that available. Mr. Mease said they can check to see if there is capacity. Attorney Treadwell said before the subdivision plan would get approved, they would have to address whether they can get public water and sewer to the property. Right now they are at the stage of going to the ZHB to get the relief so they can come back here and present the subdivision. Mr. Gress asked if there is someone wanting to purchase this lot? Mr. Mease said no.

Mrs. deLeon asked how wide the road is that goes between. Mr. Mease said its 25' wide. Where would you put driveways? Attorney Treadwell said the driveway would be on Kistler. The bottom road, Connolly, doesn't actually go back to the property, it's a paper street.

Mrs. Stern Goldstein said by creating two lots you are creating sort of a situation of what used to work for the whole lot combined, is now you are creating a situation where the lot by itself is smaller than the whole thing, so the impervious would go up. The entire lot together is at 23% impervious and you are going to make it over 30% on each lot. The right-of-way gets removed, but there's a question of whether it's a public road or not. Attorney Treadwell said it hasn't been answered and it happened 35 years ago, it's not a public road. We never found a Deed of Dedication. Mr. Mease said he looked back at University Heights in 1912 and it shows up there and then 1963 when Valley View Estates was subdivided, the Township approved a road and put an extension of Kistler.

Mrs. Yerger said what is it on paper? Is it a private road? Attorney Treadwell said we are treating it like it's a public road. Ms. Henig said she pays taxes on it. The County has it as one big triangle instead of two. Mrs. Yerger said don't we need an easement to say we own that piece. How do we rectify that? Mr. Mease said an easement will be granted as part of the subdivision process when we get there. Attorney Treadwell said at that time, we will clean up the ownership of the road.

Mr. Kocher said when the sewer went through in the 80's; the Township got a sewer easement over the blacktop area. Attorney Treadwell said his guess is because of the description is why the County shows it as one lot.

MOTION BY: Mrs. Louder moved to take no action and have it go to the ZHB.
SECOND BY: Mrs. Yerger
ROLL CALL: 5-0

B. REVIEW OF SIGN ORDINANCE – ORDINANCE NO. 2018-02 – AUTHORIZE ADVERTISEMENT

Mrs. deLeon said staff revised the ordinance based on comments received by Council. Mrs. Stern Goldstein said there's a redline draft ordinance so you can see exactly what was done. In summary, they removed all regulations regarding temporary sign uses. Temporary sign is still regulated for non-residential uses, but not for residential. In doing so, they revised the definitions of permanent and temporary signage to deal with the temporary or permanent nature itself. We are dealing with the structure and not the timeframe. If we are not going to have any timeframe on the temporary sign, there was no need to put any regulations in because if you aren't going to regulate them, then why have them in the ordinance.

Mrs. deLeon said if she was a business owner and had a store front and wanted to put up a sign that said "open" and it was blinking, what would she have to do? Mrs. Stern Goldstein said that would be allowed as long as you are meeting the regulations for the placement, size and brightness. This is not an anti-sign ordinance. It lets you know what your sign regulations are. The part that didn't change was the digital billboard and the electric message center. Mr. Stauffer said it's a little bit easier for the resident and it's a good change. Mrs. Louder said she's comfortable with it.

MOTION BY: Mrs. deLeon moved for authorization to advertise Ordinance No. 2018-02.
SECOND BY: Mr. Stauffer
ROLL CALL: 5-0

C. GEORGE SAVITSKE – 3351 RESERVOIR ROAD – REQUEST TO AUTHORIZE BASELINE ON CONSERVATION EASEMENT

Mrs. deLeon said settlement of the purchase of a conservation easement on this property has been completed and staff is requesting authorization to have a baseline document completed. Mrs. Huhn said this is the last step in the conservation easement process. Regarding the baseline, we will have someone go out and survey and review the property to get a baseline of what exists now so that in future years we can see that nothing has changed. Normally it runs about \$3,000 so if Council authorizes that; we will have it done.

MOTION BY: Mrs. Yerger moved for authorization to complete a baseline on the conservation easement at 3351 Reservoir Road in the amount not to exceed \$3,000.00.
SECOND BY: Mrs. Louder
ROLL CALL: 5-0

D. AUTHORIZE ADVERTISEMENT OF LAWN MOWING & LAWN TREATMENT BIDS

Mrs. deLeon said the lawn mowing and treatment bids for the 2019-2020 are ready for approval from Council. Mrs. Huhn said we will advertise this and bring it back to Council for award. There are some changes this year highlighted in yellow. We added clarification to some of the meadows we have.

Mrs. Louder said on page 5 of 11 of the quote, it says Steel City Park, and all grass areas within the fence. Are they going to be doing the outside of the fence as well. Mr. Rasich said yes. All areas within the fence are going to be part of the lawn treatment contract the same as our athletic fields and everything inside and outside of the fence is included in the lawn mowing bid. Mrs. Louder asked if the stakes will be removed. Mr. Rasich said yes.

MOTION BY: Mr. Stauffer moved for approval of the advertisement for Lawn Mowing and Lawn Treatments for 2019-2020.
SECOND BY: Mrs. Yerger
ROLL CALL: 5-0

E. WOODLAND HILLS PRESERVE – REQUEST FOR PAYMENT NO. 1 BUFFER RESTORATION

Mrs. deLeon said Boucher & James recommends Payment No. 1 to ArchWild in the amount of \$61,988.18 for the stream buffer restoration plantings. Mrs. Stern Goldstein said their letter is recommending the payment. They've done a really good job out there and had some good suggestions.

MOTION BY: Mrs. Yerger moved for approval of Payment No. 1 of \$61,988.18 to ArchWild for the Woodland Hills stream buffer restoration.
SECOND BY: Mrs. deLeon
ROLL CALL: 5-0

F. PP&L REQUEST FOR GRANT OF RIGHT-OF-WAY EASEMENT – LOWER SAUCON ROAD – PARCEL P8-16-1

Mrs. deLeon said PPL is upgrading their service line along Lower Saucon Road from single phase to 3-phase and has proposed the removal of approximately five trees along the line located on property owned by the Township. Mrs. Huhn said she was contacted by PPL and they are requesting a right-of-way (ROW) easement on property we own. With the upgrade of the line, they need to put a guy wire on Township property. PPL said they will take down approximately only five trees, which are scrub trees. We did something similar to this at the Heller Homestead when they were doing work out there. Attorney Treadwell asked Mr. Rasich how we own that small piece of property. Mr. Rasich said a bridge washed out years ago and they simply abandoned the road and the ROW is still there.

MOTION BY: Mr. Stauffer moved for approval to execute the grant of right-of-way for the installation and upgraded PP&L services lines.
SECOND BY: Mrs. Yerger

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Mr. Gordon Gress asked about the ROW, he doesn't understand who owns it and what you can and can't you do with it. Attorney Treadwell said it's a very complicated subject. In this case, the term ROW means the right of PPL to put the guy wire on the property owned by LST. That's a different ROW than a road ROW and a railroad also has a different ROW. There are engineers and lawyers who can spend days and days on arguing what the ROW term is. In PA, the road law says that every public road has a ROW of 33'. It should be 16.5' from the middle all the way up. Most Townships have an additional area on each side of the 16' that is called the Ultimate or Future ROW which makes it very confusing. The point of the ultimate or future ROW area is to notify people who own property that you shouldn't put anything there as the road could be widened in the future. On subdivision plans later than 1970, anything before that never provided for the ultimate ROW. It was a road at one point, got abandoned for some reason and its back to the Township. Utility companies use the term ROW as their ability to occupy an area of land with their facilities, i.e., a pole, guy wire. In his area, they would call that an easement, it's the same thing.

ROLL CALL: 5-0

V. MISCELLANEOUS BUSINESS ITEMS

A. APPROVAL OF JANUARY 16, 2019 COUNCIL MINUTES

MOTION BY: Mr. Gress moved for approval of the January 16, 2019 minutes.

SECOND BY: Mr. Stauffer

ROLL CALL: 4-1 (Mrs. Louder – No)

VI. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS

- Bryan Evans said there's been a number of events in our Township that have impacted the fire department and EMS and it's just an unfortunate proof to the modifications of the fire tax you made in the last year. He hopes that while these have been unfortunate circumstances, it reaffirms that you are making the right decisions and moving in the right direction with prioritizing public safety as high as we do everything else, from parks to open space.

VII. COUNCIL & STAFF REPORTS

A. MANAGER

- Interviews have been completed for the Crewman and the Administrative Assistant position. We welcomed Casey Zelena to the Public Works department. Casey is currently an EMT and has indicated he would join a local fire company. We've offered the Administrative Assistant position to Constance Eckhart and based upon successful completion of pre-employment physical, she will be joining us next week.
- We received notification of being award the Multimodal Transportation Fund Grant in the amount of \$219,640 for the replacement of the Lower Saucon Bridge. Many thanks to Mrs. Gorman for her work on the grant.
- We have two special event applications, which were discussed by the P&R Board and approval was recommended. The first is for Lamprey Systems on September 21st and the second is the LAX Day on May 4th.

MOTION BY: Mrs. Louder moved for approval of the Lamprey Systems and LAX Day special events.

SECOND BY: Mrs. deLeon

ROLL CALL: 5-0

- We previously received approval of our roof over in the PD area. At that time, the estimate was \$3,675 which Council approved. When they were up there performing the work, it extended further into the roof so that was an additional \$1,680, so we did authorize the work as it was all part of the same leak.

MOTION BY: Mrs. Louder moved for approval of the additional PD roof repair in the amount of \$1,680.

SECOND BY: Mrs. Yerger

ROLL CALL: 5-0

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- B. COUNCIL/JR. COUNCIL**
 - Matthew Wagner, Jr. Council** – No report
 - Mrs. Yerger** – No report
 - Mrs. deLeon**

- She thanked Mrs. Huhn and Mrs. Gorman for the grants. She learned so much the other night at the opioid event and she thanked Chief Barndt for organizing this. She feels the Township should be doing something on our part. We put things on our website and we should put this on so people know where to go. She was hoping to get Council’s support for a small donation to send \$500 to the Kolbe Academy where they assist kids who need help. Mr. Gress said where is their primary funding coming from. Mrs. deLeon said she doesn’t know. Mrs. Louder said who benefits from that. Mr. Gress said maybe we could get more information on that.
- She attended Glenn Kern’s memorial service.

Mr. Gress

- He attended the opioid event the other night and it was quite an eye opener for him. He came out with a different outlook, and it was very well attended.

Mrs. Louder

- Last night she attended the fire service meeting and it was brought to her attention that there are some issues for the Steel City Fire Department as far as getting the trucks through the roads of Steel City as there are people parking on the roads. She spoke to the Chief and he will look into it.
- Tonight as she was coming home off of I-78 there were fire trucks and police cars and they were carrying on like crazy, and then she saw our wrestling team was going to Hershey and they were being escorted to I-78. It was really neat to see it.

Mr. Stauffer

- He thanked the PD for the work they did at the event the other day.

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

VIII. ADJOURNMENT

MOTION BY: Mr. Gress moved for adjournment. The time was 7:54 p.m.
SECOND BY: Mrs. Yerger
ROLL CALL: 5-0

Submitted by:

Leslie Huhn
Township Manager

Priscilla deLeon
Council President