

- I. OPENING**
- A. Call to Order
  - B. Roll Call
  - C. Pledge of Allegiance
  - D. Announcement of Executive Session (if applicable)
- II. PUBLIC COMMENT PROCEDURE**
- III. PRESENTATIONS/HEARINGS**
- A. Annual Police Awards – Resolution #33-2011
- IV. DEVELOPER ITEMS**
- A. IESI Bethlehem Landfill – Applebutter Road – Land Development Plan
- V. TOWNSHIP BUSINESS ITEMS**
- A. Ordinance #2011-02 – Amendment to Impervious Coverage – Authorize Advertisement
  - B. Approve Donation of Council Member Pay to Open Space and Fire Equipment Funds
  - C. Approve Purchase of Replacement Component for Surveillance System
  - D. Approve Dates and Topics for Special Council Meetings
  - E. Approve EAC Appointment for Chair Position
- VI. MISCELLANEOUS BUSINESS ITEMS**
- A. Approval of February 2, 2011 Minutes
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- VII. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS**
- VIII. COUNCIL & STAFF REPORTS**
- A. Township Manager
  - B. Council/Jr. Council Member
  - C. Solicitor
  - D. Engineer
  - E. Planner
- IX. ADJOURNMENT**

Next EAC Meeting: March 8, 2011  
Next Zoning Hearing Board Meeting: February 21, 2011  
Next Council Meeting: March 2, 2011  
Next Planning Commission Meeting: February 17, 2011  
Next Park & Rec Meeting: March 7, 2011

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**I. OPENING**

**CALL TO ORDER:** The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, February 16, 2011 at 7:00 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Mr. Glenn Kern, President, presiding.

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

**PLEDGE OF ALLEGIANCE**

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

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

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

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

**III. PRESENTATION/HEARINGS**

**A. ANNUAL POLICE AWARDS – RESOLUTION #33-2011**

Mr. Kern said Council would like to publicly recognize the efforts of our Police Officers for the fine work they do in the Township. Chief Guy Lesser is here to present the commendations. Resolution #33-2011 has been prepared to honor these officers. Chief Lesser thanked Council for taking the time to honor our officers and much of the work they did throughout the year.

Chief Lesser asked Sergeant Barndt to come up front. Chief said Sgt. Barndt's been up here a few times. In addition to leading his patrol team as a Sgt. he also has served as a Field Training Officer for their department for a number of years and has been a major hand along with Corporal O'Connell, along with every officer, who is here this evening. The Sgt. has received at least a dozen Officer-of-the-Year awards. He's been runner-up a few times. He also received his 15<sup>th</sup> DUI commendation. Sgt. has served the department and the community and has really been a major factor in elevating the department over the years and moving us forward in a number of different areas. He asked Rob Winters to come up front. Chief Lesser said Rob Winters is our newest officer. He'll be here almost a year and Sgt. has been with us over 20 years. Rob Winters, in his spare time, has pursued martial arts. He's completed nearly every phase of a second degree Black Belt. He'll complete his first year next month and this is his first award, one of many, we hope. Chief Lesser read the commendations for Sgt. Barndt and Officer Winters.

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Chief Lesser asked Officer Marth to come forward. He said Eric has been with our department and serves his patrol team as the Criminal Identification Officer as does Sgt. Barndt. These officers receive additional training responding to a crime scene and processing that crime scene. Additionally, Eric maintains the department's criminal and traffic court books. When officers attend court for a hearing, they rely on those books to be up-to-date and current. Eric continues to monitor them. This is Eric's second enforcement award. Eric's patrol team is here this evening. The officers are divided into patrol team and Chuck Werkheiser is part of that team. Chuck has been with our department two years, in addition to being the tallest officer ever in Lower Saucon Township Police Department. This past year, Chuck, along with some of his team members, have invested some of their own time establishing speed lines in the Township and retrieved speed timing radar equipment. Chuck is in charge of the speed lines. It's tremendously gratifying as we would all agree, to see officers who, on their day off, invest their time. As a team, they traveled to Harrisburg and arranged that themselves, and also did that on their days off. That's the type of commitment that we've seen from this team and it's evident from a number of our officers. The leader of this team is Tom Louder. He asked Tom to come up front. In addition to his team leader responsibilities, Tom also handles detailing and putting our new vehicles in order. That's an annual function and he's a great asset in that. He's also the coordinator for our aggressive driving program and makes sure we obtain that grant every year. He posts and schedules officers and has been part of the reason we're one of the more productive departments/programs in the region. Tom and his team do an outstanding job. They also have their ladies with them this evening and they add a lot of class to the department and to the ceremony. We appreciate the effort of your team. He's heard them called the "Dream Team". They are an outstanding team and are exemplary as team members and in using team work. Chief Lesser read the police commendation for Officers Marth, Werkheiser and Louder.

Chief Lesser asked Investigator Christopher Leidy to come up front. He said Chris has been with their department for over 13-1/2 years. Chris, as Investigator, coordinates their criminal activity, all their serious crimes and has upgraded their department and ability to respond to criminal activity from a technology, commitment, and time standpoint. We are a better department responding and investigating criminal activity because of Chris's ongoing effort. Chris also serves as our Accreditation Manager. He's working toward that aggressively and is hoping that this year that long-term project will be completed. Chris has also been here a number of times and has been runner-up to the Officer-of-the-Year award on four different occasions and he has received DUI enforcement awards on seven different years. Chief Lesser read Chris Leidy's commendation.

Chief Lesser asked Chuck Werkheiser to come up front. Chief presented him with Officer-of-the-Year award. He said Chuck has been outstanding in his performance. He's been exemplary in many ways. They submitted his name for an award and are very confident that he is recognized by the County. Chief Lesser read Chuck Werkheiser's commendation. Chief Lesser said thank you for recognizing these officers. Mr. Kern said they are doing a great job and we see it. Mr. Kern read Resolution #33-2011.

**POLICE DEPARTMENT COMMENDATIONS**

**WHEREAS**, Officer Charles H. Werkheiser, Jr. has been named Officer-of-the-Year; and,

**WHEREAS**, Officer Jeremy L. Hantz has been named Runner-Up Officer-of-the-Year; and,

**WHEREAS**, Investigator Christopher B. Leidy has been awarded a Commendation for Special Achievement; and,

**WHEREAS**, Officer Charles H. Werkheiser, Jr. has been awarded a Commendation for DUI Enforcement; and,

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**WHEREAS**, Officer Jeremy L. Hantz has been awarded a Commendation for DUI Enforcement; and,

**WHEREAS**, Officer Scott M. Snyder has been awarded a Commendation for DUI Enforcement; and,

**WHEREAS**, Sergeant Thomas H. Barndt has been awarded a Commendation for DUI Enforcement; and,

**WHEREAS**, Officer Keith O. Bredbenner has been awarded a Commendation for DUI Enforcement; and,

**WHEREAS**, Officer Willie W. Shelly has been awarded a Commendation for DUI Enforcement; and,

**WHEREAS**, Officer Thomas L. Louder has been awarded a Commendation for DUI Enforcement; and,

**WHEREAS**, Officer Eric E. Marth has been awarded a Commendation for DUI Enforcement; and,

**WHEREAS**, Officer Robert R. Winters has been awarded a Commendation for DUI Enforcement.

**NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED** that the Council of Lower Saucon Township, thanks all of these Officers for the fine work exhibited during the year. It is this Council's opinion that it was a job well done!

**MOTION BY:** Mr. Horiszny moved for approval of Resolution #33-2011.

**SECOND BY:** Mrs. deLeon

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

**ROLL CALL:** 5-0

Chief Lesser said we already met Officer Rob Winters, and he's performed well in his first year as a Lower Saucon officer. He's at the top of our eligibility list and we'll be swearing him in as a full-time officer this evening. Ms. Diane Palik, Notary Public, swore Officer Robert Winters in.

**IV. DEVELOPER ITEMS**

**A. IESI BETHLEHEM LANDFILL – APPLEBUTTER ROAD – LAND DEVELOPMENT PLAN**

Mr. Kern said a staff recommendation has been prepared for the Phase IV Disposal Area for the IESI Cell 4F MSE Berm Revision.

Present were Attorney David Brooman representing IESI, Sam Donato, and Nelson Benedict from the firm of Martin & Martin who works with Rick Bodner. This is an application that they are in front of Council to present as a concept because as Council members are aware, they have been looking at alternatives to piping storm water underneath the ground as opposed to an overland flow. They finally found the solution that worked for everyone – IESI, the Department of Environmental Protection, the Township and its staff and consultants. They pursued a permit modification with the department and that's about ready to be issued. All the comments have been resolved, but they were holding it up because of the new procedure to have full Township approval, so they filed for a permit modification to their existing landfill approved plan, which would show these modifications. The intent was to go through the process, through the Planning Commission, staff review, and finally here to present that plan. They had a series of meetings with staff and they were before the Planning Commission twice to resolve the outstanding review comments from

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Hanover Engineering and Boucher & James. He thinks he can represent that they have a plan that has met their approval and they did obtain a favorable recommendation from the Planning Commission at its last meeting. They have since submitted the changes to the plan and responses to the last two letters. It's fair to say that Hanover is pleased where the plans are and Boucher & James similarly. They are here tonight to ask for approval. You will note that the plans come with the list of requested waivers. The waivers are, for the most part, the result of this rather small modification, not complying in all respects, with what would be a full preliminary land development application as it was before. That would be the first. The other set of waivers is because you passed the new storm water ordinance and it's complying with Act 167. It would be very difficult, if not impossible, to change the whole storm water design from what it amounts to, which is a pretty small modification. They worked with Hanover closely in deciding what they could do and what would be a very big hardship for them to do. They've reached a good compromise with the assistance of your staff and Solicitor. They do have some waivers you will have to act on if you are inclined to grant them this evening. That is one of the waivers; that this be treated as preliminary final. He asked if there were any questions?

Mrs. deLeon said can they go over a quick review of the plan for the audience. Mr. Benedict said the first sheet he's showing is the land development plan as it was approved and if you see the blue dot at the north edge of the landfill, which is basin 7, and doing so, they are using the existing basins 2 and 4. The second plan he is showing is the land development plan as they had proposed. You can see the tan area to the north. In order to have the storm water flow positively to the south, they had to build an MSE berm, which basically is a reinforced earthen berm and they had to increase the elevation along the north edge. It allowed positive drainage, so the flow from that, previously had gone to basin 7, now is directed in this direction to basin 4 and from basin 7 around this end of the landfill to basin 2. The next diagram shows you the construction of the stabilizer and berm. It's done with geo-synthetic grid. It is a structural grid manufactured by Penn Star that has been widely used throughout the State for landfills. It allows them to be able to build an earthen berm, and in doing so, kept them on their property with the ability to raise the elevation up so the storm water could flow positively. The last sheet is an aerial of the site. One other issue they had to deal with in making this happen was to relocate the power line. You can see the bright green lines are the new location of the power lines. The orange line was the old location. The right-of-ways have been secured, that work is currently in progress and is off-site. The aerial shows the landfill as it was being proposed for the land development. The north side basin 7 is gone and they will utilize basins 2 and 4 to the south. The solid orange are the disposal areas.

Mrs. deLeon said the black line showing the property boundary, how many acres is that? Mr. Donato said 224. Mrs. deLeon said how much is the permit boundary? Mr. Donato said he thinks it's 201.

Mr. Maxfield said basin 2 that Mr. Benedict referred to, currently the detention basin pond that's up there now, is that all emptying to basin 2 currently and is part of it that flows being directed into the other direction? What is feeding basin 2 currently? Mr. Benedict said what is feeding basin 2 was primarily the eastern portion of the landfill. A lot of the old refuse areas. Mr. Maxfield said his question is with the new setup, is there less going to basin 2? Mr. Benedict said there will be more going to basin 2. Mr. Maxfield said then where is the drainage for basin 2 coming out of? Is it piped or does it come out of that small tributary that crosses Applebutter Road – the discharge of basin 2? Mr. Benedict said it's currently coming down and it's the tributary that ultimately crosses Applebutter. Mr. Maxfield said we've had in the past some sheet flow problems right there, and if he's not mistaken, there's a fence covering the tributary area. Do you believe that is going to be a safe area? Is there going to be water that's overflowing onto the roadway more than it used to or exactly what is going to happen there? Mr. Donato said what happened in the past, over the years, there was a buildup of debris that was around that pipe and we contacted PennDOT because it's their pipe and it was last year they came out and opened it up. The fence was taken down for them and that took care of that sheet flow that went across there. It was just debris building up. They were going to do it, but it was something they couldn't do. Mr. Maxfield said as long as that's kept

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clear, it will be okay? Mr. Donato said correct. What happened there was a buildup with stumps and debris and it reduced the outflow across the street.

Mr. Kocher said No. 1 is compliance to their review letter of February 11, 2011. No. 2 compliance with Boucher & James letter of February 10, 2011. No. 3 the Solicitor to approve the post closure maintenance of the site. No. 4 is post security within 90 days of this approval. No. 5 is the required number of plans they need to submit. No. 6 is to keep the escrow account current. No. 7 is satisfy all these conditions within one year of the date of the conditional approval. No. 8 is to show the waivers granted on the plan. Mrs. deLeon said please explain post closure maintenance. Attorney Treadwell said Dan Miller at Hanover Engineering was concerned about how the storm water maintenance facilities and potential landscaping and the roadway around the landfill would be maintained after its closed. That discussion resulted in this condition No. 3 and he had a conversation with Attorney Brooman about their post closure responsibilities they had with DEP as well. That's why that condition is there. Mrs. deLeon said is it not uncommon for a site to be closed and ten years down the road the owner of the site can petition DEP as there haven't been any issues, the monitoring wells have come back clean, so how long is the post-maintenance period with DEP? Attorney Brooman said until it's no longer needed. Since the 1988 municipal waste regulations, no site has been approved out of closure and into post closure care. At least as the regulations are set up, that bond with DEP has to remain in place until closure and post closure is completed which means the site is fully stabilized, there's no need for a bond with DEP. As we discussed at the Planning Commission and with Attorney Treadwell, that bond, as you know, is a rather significant bond and it more than ties IESI into closure and post-closure care after it's all over. There are certain things about your ordinance and one thing that Dan Miller was trying to reckon with during this whole process, is that if these were to be publicly owned, a typical subdivision land development where we're giving you basins and we're giving you roads because they are dedicated, they have certain obligations associated with them and they have to be bonded. He was wrestling with why are these different, and it was a little bit of an education process. Having said that, there are certain things he suggested that made some sense meaning at the end of all of that turning a detention basin into a retention basin, for example, and to increase the size of the risers and things like that, we agree with that. The bottom line is, as the site matures and hopefully we'll be back to you again for another land development some day, those are the kinds of things we talked about wrapping into that or we can wrap it even into a land development agreement that will modify as a result of this. They are in the review letters and there are our responses back that we would take care of those things. Attorney Treadwell said we can add that. When they come in again with Phase V, Hanover will review it based on your existing ordinances that are in effect at that time.

Mrs. deLeon said on page 3, no. 30, drainage easements have not been provided over the swales, culverts, and basins as required. Attorney Brooman said that relates back to the other comment on drainage easements. They really don't have any drainage easements for this project.

Mrs. deLeon said on page 4, No. 24, the covenant must be provided. Mr. Kocher said that all ties in with the post closure issues. If they are different because of the state regulations, Attorney Treadwell will have to work that out with them. Mrs. deLeon said are we having a covenant or aren't we having a covenant? Attorney Brooman said there will not be one. Attorney Treadwell said No. 24 says if the easement requirements are not waived, and many have requested a waiver of those requirements because of the difference in the storm water. If you don't grant those waivers, then the covenant comes back into play.

Mrs. deLeon asked Mr. Kocher if he was comfortable with everything for Hanover? Mr. Kocher said correct.

Ms. Mallo said the plans have since been revised since their previous letter which was December 14, 2010. They have since addressed all of those issues and the current letter addresses that they have changed the plans to address Boucher & James concerns.

Mrs. deLeon said she's comfortable. We just have to get that DEP review out of the way. Attorney Brooman said he agreed. Mr. Kern said has the EAC reviewed this? Mrs. Yerger said yes.

Mr. Kern said we have a staff recommendation for the Phase IV disposal area, Cell 4-F at 2335 Applebutter Road.

**STAFF RECOMMENDATION FOR PHASE IV DISPOSAL AREA (CELL 4F MSE BERM REVISION) 2335 APPLEBUTTER ROAD, TAX MAP PARCEL P7-5-33  
PRELIMINARY/FINAL LAND DEVELOPMENT PLAN APPROVAL FOR FEBRUARY 16, 2011 LOWER SAUCON TOWNSHIP COUNCIL MEETING**

The Lower Saucon Township Staff recommends that the Township Council approve the "Phase IV Disposal Area Preliminary/Final Land Development Plan," dated November 2002, last revised January 2011, received February 4, 2011, consisting of Sheets 2, 4, 10, 15, 15A, 15B, 15C, 15D, 17A, 17A1, 17B, 17B1, 18, 18A, 19, 19A, and 20 of 21, as prepared by Martin and Martin, Inc.

Subject, however, to the following conditions:

1. The Applicant shall address the review comments contained in the letter dated February 11, 2011, from Hanover Engineering Associates, Inc. to the satisfaction of the Township Council.
2. The Applicant shall address the review comments contained in the letter dated February 10, 2011, from Boucher & James, Inc. to the satisfaction of the Township Council.
3. Post closure maintenance of the site shall be addressed in a manner satisfactory to the Township Solicitor.
4. In the event the required Financial Security Agreement is not executed within 90 days of this approval, this approval shall expire and be deemed revoked unless a written extension is granted by the Governing Body.
5. The Applicant shall provide two (2) Mylars and seven (7) prints of the Record Plans with original signatures, notarizations, and seals. Four (4) complete sets of Plans shall also be provided with original signatures, notarizations, and seals. The Applicant shall also provide two (2) CDs of all Plans in an AutoCAD format (jpeg-ROM).
6. The Applicant shall pay any outstanding escrow balance due to the Township in the review of the Plans and the preparation of legal documents.
7. The Applicant shall satisfy all these conditions within one (1) year of the date of the conditional approval unless an extension is granted by the Township Council.
8. All waivers granted shall be noted on the Plans with the applicable section, requirements, date of approval, and any conditions of approval.

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

1. Sections 145-26.A, 33.F, 34.D(5) and 46.B(3) – to not require easements over the proposed storm water improvements, unless deemed necessary per Approval Condition 3.
2. Sections 145-30 and 34.D(6) – to use existing liability insurance (and amend as found acceptable to the Township Solicitor).
3. Section 145-33.A – to allow a combined Preliminary/Final Plan.
4. Section 145-33.B(1) – to permit the current sheet numbering (non-integer).
5. Sections 145-33.C(1) and (2) – to not require any more existing features be shown on and for the required 500 feet surrounding the site.
6. Section 145-45.G(2) – to permit driveways as detailed that do not meet the required pavement widths and thicknesses.
7. Section 145-52.B – to not require street trees.

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

8. Sections 137.11.K, 13.A, 15, 16, 17, and Appendix I – to not require volume control, water quality treatment, recharge volume, and infiltration.
9. Section 137-14.F – to permit different storm water runoff coefficients for the capped landfill surface.
10. Sections 137-18.C, L(4), and L(5) – to permit longer basin dewatering times.
11. Section 137-18.E – to permit smaller basin orifices (1 inch and 2-inch) than the minimum required orifice (3-inch).
12. Section 137-18.H – to permit the outside perimeter fencing to serve as the basin fencing.
13. Section 137-18.K – to permit a steeper (2:1) external basin slope than is required (3:1).
14. Section 137.18.L – to permit the basins to have storage depths (13.9 feet and 11.2 feet for 100-year storm, 13.5 feet and 9.7 feet were approved previously) to exceed the maximum basin depth permitted (3 feet), to permit basin interior slopes (2:1 and 3:1) that are steeper than are required (5:1), to not require fencing and to not require the basin to drain down with the prescribed times (4 hours and 8 hours).
15. Sections 137-19.G(8) and (10) – to permit metal riser pipes to be used, in lieu of concrete structures, during the erosion control phase (only – final, permanent construction will use concrete structures).
16. Section 137-19.G(14) – to allow 6.8 acres of drainage area to drain northward overland in the event of storm sewer failure, while pipe conveyance and overall design account for the drainage area to drain southward.
17. Sections 137-26.D, E, 34, 36, 37, 38, and Appendix I – to not require easements over the storm water facilities, unless deemed necessary per Approval Condition 3.

**MOTION BY:** Mrs. deLeon moved for approval per the staff recommendation.

**SECOND BY:** Mr. Maxfield

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

**ROLL CALL:** 5-0

Attorney Brooman thanked Council and said he appreciates the support they've gotten and it's a good result.

**V. TOWNSHIP BUSINESS ITEMS**

**A. ORDINANCE #2011-02 – AMENDMENT TO IMPERVIOUS COVERAGE – AUTHORIZE ADVERTISEMENT**

Mr. Kern said Ordinance #2011-02 has been revised after review by Council and, if Council approves the language, they should authorize the advertisement for a public hearing for consideration of adoption and direct that the ordinance be sent to the Lehigh Valley Planning Commission for their review.

Attorney Treadwell said at the last meeting we discussed creating an exemption for existing lots in the Township that already have a principal residence or structure on them. If you look at page 4 of 4 in your ordinance, sub section A at the top, that created that exception. The exception basically provides that the maximum impervious coverage percentages that exist today will continue to apply to a lot that was:

- a. Lawful and created;
- b. Was an existing lot of record as evidence by a recorded plan or deed as of March 31, 2011 (this date will change on when we adopt it); and
- c. Had a principal structure located on that lot as of March 31, 2011.

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That exempts those existing lots with a house on them from your new percentage requirements and allows them to use the ones that are in effect or when the ordinance is advertised and adopted. That addressed what we had discussed at the last meeting and if you are ready, we can now send it to the LVPC for their review again and advertise it for a public hearing and adoption. Mr. Maxfield said there is that flexible date included within that motion also.

**MOTION BY:** Mr. Maxfield moved for approval of Ordinance #2011-02 to authorize advertisement for a public hearing and send it to the LVPC and there is a flexible date included in that motion.

Mr. David Harte, resident, said he's looking at a draft of this ordinance dated February 2, 2011, and asked if that was the most current draft? Mr. Cahalan said yes. Mr. Harte said looking at page 3 of that ordinance, he was wondering when the Township rezoned the RA and the R80 zoning districts to 40,000 square foot minimum lot size? Mr. Maxfield said quite some time ago. Mr. Harte said RA is 40,000 square feet? Mr. Maxfield said one acre. Mrs. deLeon said RA is two acres, so it should be 80,000 square feet. Mr. Harte said he finds these charts to be a bit ambiguous. Maximum site impervious coverage, what exactly is a maximum site as it relates to a residential lot, or does that only apply to a cluster development or condominium form of ownership? He finds it ambiguous to find out what impervious coverage applies and what doesn't apply. Ms. Mallo said basically the site, the way this is meant, is the impervious site coverage at the time of the initial subdivision and assuming that would be the entire lot minus the site considerations. That is the maximum site. When an applicant would come in, for an individual lot, your own lot development would be 20%. The developer will build out most likely 17% of that, and then you are allowed the additional. Mr. Harte said if he had a 40 acre lot, you are telling him that the entire impervious on that entire 40 acres can be 15% including roadways, etc., but then on each individual lot he can have a maximum of up to 20% impervious? He doesn't think it's mathematically possible to do that to arrive at the maximum. The chart doesn't make sense to him. If he has a 40 acre farm and he wants to sub-divide it, are you telling him 15% of the 40 acres can be impervious coverage? Is that what the ordinance says? Ms. Mallo said yes. Mr. Harte said then he finds it mathematically impossible to ever get a single lot if all of the single lots want to achieve 20%, that can't happen. If he buys a lot and you buy a lot and Glenn buys a lot, we are going to fight over the impervious coverage, whoever is there first gets the impervious coverage, and whoever is there last doesn't get it? Ms. Mallo said it's assigned to each individual lot, so it's broken up. This ordinance is meant to alleviate those issues. What's going to happen is when an applicant submits their plan; it will be outlined that each lot will have a certain percentage of the coverage maximum. Mr. Harte said his lot can be 20% maximum impervious. Ms. Mallo said what you are designated is for your lot size, not of the entire site. Mr. Harte said he has one acre in the RA zone and he can cover 20% of that with impervious cover? Ms. Mallo said yes. Mr. Harte said the next lot can do that and the next lot can do that? Mathematically, if you do that, you will achieve more than 15% coverage from the entire subdivision. Ms. Mallo said yes, you might. Mr. Harte said it says he can't do that. Ms. Mallo said the developer is going to be limited to 15%, so what they are going to have to do is adjust what they are allowed to do. 15% is going to be the maximum that is going to be developed. The developer is going to have to sign that and there will be a puzzle piece of what they are going to do. If he can't achieve those, then they are going to have to reduce the number of lots. Mr. Harte said when he did a subdivision in the Township ten years ago, and there are 30 houses and all 30 of those houses are built, and each of those individual houses might be, as it's in an R40 zone, 20% lot coverage. The entire subdivision is certainly more than 15%. Who is going to keep track of this and how? It's an accounting and mathematical nightmare to tell him he's allowed to do each lot at 20%, but you say the developer, when he gets the plan approved is in a position where he has to allocate this lot can be 10%, this lot can be 13%, this lot can be 12%, and when he buys that house, he comes in for a permit for a pool, somebody says you are only allowed 10% impervious on your lot because the developer said so. He has the same house as his neighbor next door who was allocated 20%. It seems like an accounting nightmare. He'll give you an example. He did another subdivision in the Township where there were a couple of houses fronted on a collector road. Putting a note on that subdivision "Thou shall not build a driveway without having a turn-around". You can go look at the houses and there are no turn arounds and they are backing

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out into a collector road, which is against the ordinance. He complied with it when he did the subdivision, but no one in the Township has enforced that. This is an enforcement nightmare. Aside from the fact that he doesn't feel it is correct, if you look at the UR district in the single family dwelling detached uses chart, it says you can have a 6,000 square foot lot size and the entire subdivision can be covered with 30% impervious, a maximum of 35% on a lot. The developer on his first plan submittal can do 32%, so there's a 3% spread. So, if he is the homeowner, he buys the lot and it's covered by 32% impervious, which is not a large house and driveway on a 6,000 square foot lot, and it leaves him 3% extra for the lifetime of that lot. Three percent of a 6,000 square foot lot is only 180 square feet and it's not even enough to build a parking space in accordance with Township standards. If he finds a need to park an extra car on his property, that 3% in the UR district does absolutely nothing for him. It's going to create a nightmare of accounting for the Township and it's going to be impossible to enforce. He doesn't understand it. He thinks there is a better way to do this. It appears you have been studying this for a year and he understands what you currently have is ambiguous and is very difficult. The Long Ridge subdivision he did is in the same boat as this and has to be tallied with every building permit. That, he doesn't feel is going to cause a hardship, but this revision seems to be extremely complex. The last question he has is relative to the change you made in the ordinance on page 4, and the way he reads this, he has a 40 acre farm with a single family dwelling, it's a lot of record whenever the date becomes, does that mean anything he does with that property goes under the old regulations and not the new ones even if he develops the lot, because this table says the maximum impervious coverage, so that's talking about developing. Does his 40 acres and house go under the old regulations and not the new ones even if he develops the lot because this table says maximum site impervious coverage so that's talking about developing. If he takes his 40 acres and a farmhouse and he's living there, and it's a lot of record, this amendment you added to the ordinance seems to be ambiguous and seems to infer that he can follow the old regulations and doesn't have to follow the new ones because he's living in a house that's on record that's there. Mr. Maxfield said not if you subdivide. Mr. Harte said it doesn't say that in here. You need to be very clear in writing these ordinances so he can understand them. Attorney Treadwell said if you have a 40 acre lot with a house on it, and you have one lot of record, you can develop that under the old rules. If you create another lot of record, then you don't get the old rules. Mr. Harte said the old rules talk about the maximum of site coverage, just like this new table does, so is it the old maximum site coverage as he has one lot of record or is it the new maximum site coverage as he's subdividing. Mrs. deLeon said to the existing lot? Mr. Harte said yes. Attorney Treadwell said are you going to subdivide the 40 acres? Mr. Harte said yes. Attorney Treadwell said then for any new lot that you create that becomes a new lot of record that was not in existence as of March 31, you have the new regulations to deal with. Mrs. deLeon said right, because the house that he lives on is going to be a new lot that's created off the larger one. Attorney Treadwell said what will probably happen is it will have the old tax map parcel number, it will just be a different size. Instead of 40 acres, if you are going to develop the property, you would create an acre, two or five, whatever it is. Mrs. deLeon said that would be with the new regs although it has the same parcel number. Attorney Treadwell said it's a different lot of record. It may be the same tax number parcel, but if you create a new lot, the lot you have in a 40 acre farm with a house on it is 40 acres. If you subdivide that 40 acres, you have created x number of lots. Mr. Kern said what they were running up against with the Toll Bros. development, where Toll Bros. maxed out the housing on the lots, and the homeowner would want to put a deck on and they'd find there is no room left. They come here and they are angry and this is an attempt to alleviate that. Mr. Harte said the first one in that development is going to win and the last guy in is going to be out of luck. Mr. Kern said he doesn't see that as it's lot by lot. If it's a Toll Bros. lot that gets developed, an individual lot falls under these percentages leaving 3% left for the homeowner, so we don't run into that problem where the homeowner can't put a deck on because the developer built the house too big. Ms. Mallo said the other changes are there's a maximum building coverage so you are going to be able to control the size of the building that is placed there in the first place. Mrs. Yerger said it guarantees the property owner has future room to expand. That was the goal. Mr. Maxfield said he would think the biggest nightmare would be if the developer chose to parcel out or piece out those percentages. Why wouldn't you just use a consistent percentage for each lot? Why would you

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give somebody 10 and somebody 30? Mr. Harte said if you use it consistently across the board, you won't be able to max out the site coverage. In the RA district, you are looking for 15%. Mr. Maxfield said don't forget we have things like open space givings and we have resources that get subtracted out of the whole site first before we do calculations. He thinks there is room for that and those percentages could work.

Mr. Kern said what Mr. Harte is saying, does it have merit? Is there ambiguity there that needs to be ironed out? Ms. Mallo said she's going back to check out the minimum required lot size on those zoning districts as it appears they were just single family cluster sizes, so they will have to revise that part of the chart. This ordinance is maintained as making it easier. While it might be more cumbersome for the developer to come up with those calculations and to fit in and realize he may or may not lose a lot because they have to meet those minimum requirements and provide for an additional 3% for each lot. What it's going to do is those things are going to be recorded on the individual plot plans so when the homeowner gets their copy, they will see how much impervious surface they have. It will make that part clearer for them so they will know exactly how much they have left and hopefully before they sign their agreement so they will know exactly what they have. The developer should have those available for the buyer when they come in to look at a lot. That will be on their deed when they get it. Mrs. deLeon said she remembers when she was a first-time homeowner and she purchased her house, she had no knowledge of the Township. She was just a person who wanted to buy a house. She doesn't know if she would have thought of all of that. Ms. Mallo said this assures the homeowner they are going to have 3%. Before there was no assurance they were going to have any. That developer then, under the old regulations, could have maxed out the building. Mr. Maxfield said there is a guarantee now that any lot that any homeowner who buys a newly created lot will have some kind of room left on that lot. It won't be any more people who are up against needing 30% relief because they have built clear out to the edges of it. There will always be something. Mr. Kern said he still doesn't know if we answered Mr. Harte's comment about the first one in gets more. Mr. Maxfield said he doesn't know where that's coming from. Mr. Horiszny said the explanation is that the math would not work if you developed every inch of it. The developer is going to have to take a hit on a lot or some lots to leave space either by having reduced roads, open space, one less lot, two less lots, and smaller homes. Mr. Harte said do you think the homeowner is going to be the ones that take the hit. The developer will lose a lot, but it's really the homeowner five or ten years out. The developers all done and he's sold all the houses and left town. There are homeowners there who have been living there for five to seven years and they saved money and want to put in that swimming pool. To think that a homeowner looks at a record plan and understand those notes, he's been doing this 35 years. They have no clue what those notes mean. You give them a plot plan, they turn it upside down. They are in this business and they understand, but the homeowner doesn't understand. To think 3% or 5% or 2% that you are giving them a break, you are going to come to a point in time where it's not going to work, mathematically. You think you are trying to protect the homeowner and that's fantastic. If you are going to do this, she would strongly suggest that you hold the developer to something and you give every lot maybe 10% room or 1,000 square feet, or pick a number that you think is fair, so that each lot can be added to and you have to make sure that the developer creates enough storm water management to cover those issues so that in the storm water management system it's covering what the developer is building plus an extra 2,000 or 3,000 square feet per lot. Three percent at 180 square feet is absolutely nothing. If you want to do a shed, building an extra parking space, he can't even build that extra parking space. That person is going to be hurt because it's only 3%.

Mr. Maxfield said he thinks we are thinking in the same way and just thinking in smaller percentages and maybe what we're trying to say here is maybe in the Township we don't need enormous homes. Maybe somebody doesn't need to have an enormous home, a shed, and a pool. Maybe we are thinking of being a little bit more frugal here. We gave a maximum per site and per lot percentage, so that's exactly what you just said except our percentage of 3% as compared to a percentage of 10%. That's exactly what we've done. We're just doing it on a more frugal basis.

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Mr. Horiszny said the example of leaving 2,000 square feet on a 6,000 square foot lot, the guys going to have a pup tent, and that's it.

Mrs. deLeon said she does worry that the developer is gone. He's already built his basins, all the storm water things and he's out of there. Now the residents want to put more things there and they are adding to adequate facilities there.

Mr. Harte said they are still going to come in and ask for variances. That's his position. You are still going to be doing the same thing you are doing right now. There seems there's got to be a better way to do it. Three percent of 6,000 square feet - you don't have that many 6,000 square foot lots being developed these days. You are allowing 3% of a lot in the RA zone district which is 2 acres, and 3% of that is rather large. Maybe you don't need 3% in the RA district to minimize the impervious. His position would be that you create all the storm water for it at the onset so that it is handled at whatever the maximum coverage is. If you have a maximum coverage allowed on a lot of 20%, he's going to come in and argue with you that he should be able to cover it at 20%. That's going to be his position. Whether or not everybody else in the development did or didn't do that, he's still going to say that on his lot he can have 20%. To think he bought that lot and it's on the record plan somewhere that Lot 19 can only have 19%. He's not going to know that. He's going to come in and say the zoning ordinance says 20% and that's what he's going to want.

Mr. Maxfield said he thinks it's going to be designed for the maximum allowable site percentage for storm water. Mrs. deLeon said you mean the facility the developer is building has to be the maximum, not like it is now? Mr. Maxfield said right. Even though we may be designing for a certain percentage, you have all types of possible limitations that would limit house coverage on a site. Anything from setbacks to odd lot shapes to all of these kinds of things that could limit the size of the house and not allow you to get anywhere near the 20%. He doesn't know about the validity of the argument that you come and say you should cover 20%. Attorney Treadwell said he thinks, and thank you Mr. Harte for pointing it out, but the charts somehow got flipped and they have wrong numbers in them. The charts need to be revised. We will put this on the next agenda and make sure the minimum required lot areas get back to where they were before which is the right number and we will also answer some of these questions. It's helpful because Mr. Harte said when he comes in with a plan he would argue 20%. We'll fix that so it's not an issue anymore. If you are the engineer for a property owner and it is easier for you if it says you subdivide a lot after such and such a date and you are under the new regulations, we can put that in too.

Mr. Harte said what you said tonight, put that in the ordinance and be more specific. Mr. Maxfield said on that note, he would rescind his motion. Attorney Treadwell said he will bring it back March 2<sup>nd</sup>.

**B. APPROVE DONATION OF COUNCIL ANNUAL COMPENSATION TO OPEN SPACE AND FIRE EQUIPMENT FUND**

Mr. Kern said he would like to donate his annual compensation of \$2,500 to the Open Space Fund and Council member Ron Horiszny would like to donate his annual compensation of \$2,500 to the Fire Equipment Fund.

- MOTION BY:** Mr. Horiszny moved for approval of Council members, Glenn Kern and Ron Horiszny's annual compensation pay of \$2,500 each to the Open Space and Fire Equipment Fund, respectively.
- SECOND BY:** Mr. Maxfield
- Mr. Kern asked if anyone had any questions or comments? No one raised their hand.
- ROLL CALL:** 5-0

C. **APPROVE PURCHASE OF REPLACEMENT COMPONENT FOR SURVEILLANCE SYSTEM**

Mr. Kern said the DVR component which controls and records the 16 camera surveillance system throughout Town Hall has failed and needs to be replaced. Staff has obtained two (2) estimates for a replacement component.

Mr. Cahalan said they are asking that this be carried to the next meeting. They are still investigating it. He said he gave Council wrong information. It's a 16 camera system they have. They are not recording audios, it's just video.

D. **APPROVE DATES AND TOPICS FOR SPECIAL COUNCIL MEETINGS**

Mr. Kern said staff would like to recommend that Council consider holding two special meetings on March 2<sup>nd</sup> and June 1<sup>st</sup> beginning at 5:00 p.m. prior to the regularly scheduled Council meetings to discuss the topics of solar energy/geothermal heating on 3/2 and lighting/wind generation on 6/1. If Council agrees, the special meetings will be advertised.

Mrs. Yerger said she can't make March 2<sup>nd</sup>, so Mr. Cahalan said they can change it to March 16<sup>th</sup>. They suggested putting the lighting off until June 1<sup>st</sup> as there is going to be a road trip as Mr. Maxfield and Mr. Kern are going out with Ms. Stern Goldstein. They will drive around with the Planner and point out some lighting issues they wanted to look at before they had a discussion.

Mr. Cahalan said they handed out some information for some other upcoming events. The date we're hearing that Upper Saucon is going to open their portion of the Rail Trail is Saturday, May 14<sup>th</sup>. Mr. Cahalan thought originally there was a conflict with the Annual History Day, which is on the 7<sup>th</sup>.

Mr. Cahalan said they also gave you potential dates for the annual Volunteer picnic. It will be entering its third year. You can get back to Leslie or Diane and they can work up plans for that. A suggestion from the staff that there are volunteers who served on boards and commissions for five years, some may have served for ten years, and if you're interested, we could recognize that service at the Volunteer picnic. Mrs. deLeon said can we just pick the June 13<sup>th</sup> date if that's a preferable date for the staff. Why prolong it. Council said that was fine.

**MOTION BY:** Mrs. deLeon moved to have the Volunteer picnic on Monday, June 13<sup>th</sup> starting at 6:00 pm and going until 8:00 pm.

**SECOND BY:** Mr. Horiszny

**ROLL CALL:** 5-0

**MOTION BY:** Mr. Maxfield moved for approval of the dates and topics for the Special Council meetings being held on March 16<sup>th</sup> and June 1<sup>st</sup> at 5:00 PM.

**SECOND BY:** Mrs. Yerger

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

**ROLL CALL:** 5-0

E. **APPROVE EAC APPOINTMENTS FOR CHAIR POSITION**

Mr. Kern said in accordance with the EAC by-laws, after the EAC has reorganized at the beginning of the year, Council should reaffirm the appointment of the Chair position. The EAC has recommended that Sandra Yerger be appointed as Chair for 2011.

Mr. Cahalan said these are following the by-laws that were adopted, so it is before you for approval.

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**MOTION BY:** Mr. Maxfield moved for approval of the EAC appointment of Sandra Yerger for Chair position.  
**SECOND BY:** Mr. Horiszny  
**ROLL CALL:** Mr. Kern asked if anyone had any questions or comments? No one raised their hand.  
5-0

**VI. MISCELLANEOUS BUSINESS ITEMS**

**A. APPROVAL OF FEBRUARY 2, 2011 MINUTES**

Mr. Kern said the minutes of the February 2, 2011 Council meeting have been prepared and are ready for Council's review and approval.

Mrs. deLeon said on page 25, line 43, add the word "recently", it should read "She hasn't been in the root cellar recently."

**MOTION BY:** Mrs. deLeon moved for approval of the February 2, 2011, with corrections.  
**SECOND BY:** Mr. Maxfield  
**ROLL CALL:** 3-1 (Mrs. Yerger – Abstained as she wasn't at that meeting; Mr. Horiszny – No)

**B. APPROVAL OF JANUARY 2011 FINANCIAL REPORTS**

Mr. Kern said the January 2011 financial reports have been prepared and are ready for Council's review and approval.

Mr. Horiszny asked what the Altronics bill was for? Mr. Cahalan said it was for yearly maintenance contract on the system. Mr. Horiszny asked about Coopersburg Material for \$9,694.00? Mr. Cahalan said that was for anti-skid material for Public Works for the winter snow removal. Mr. Horiszny asked about Signal Service? Mr. Cahalan said that was a traffic light at Bingen and Hickory that was damaged as there was an accident there and it had to be repaired. Signal Service charged us and that's reimbursed by insurance. Mr. Kern said what does Altronics do for the \$6,000.00? Mr. Cahalan said that's an annual maintenance of all the fire and burglar alarm systems in all of the buildings, not only here, but in Lutz-Franklin, Heller Homestead, Blair House, Public Works, Police, and Seidersville Hall. We've been doing it with Altronics each year.

**MOTION BY:** Mr. Horiszny moved for approval of the January 2011 financial reports.  
**SECOND BY:** Mr. Maxfield  
**ROLL CALL:** Mr. Kern asked if anyone had any questions or comments? No one raised their hand.  
5-0

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

- Mr. John Raymond, Vice President and Trustee of Four Seasons. They sent a transmittal letter to the Township Council and a letter discussing the possibility of a modification to the R20 zoning code which is currently being discussed in the Planning Commission. They wanted to present their position to the Township Council in the case that the Planning Commission approves this, and they wanted Council to be aware of their position and the objection to the change. They asked that the letter be read and noted in the minutes of the meeting tonight. If Council doesn't have any objection, he will read the letter. "To Mr. Glenn Kern, Council of Lower Saucon, Subject: Objection to the Modification of the R20 Zoning Code to allow the development of Continuing Care Retirement Community on existing parcels zoned R20 in Lower Saucon Township. The Four Seasons Homeowner Association Board of Trustees represents the 158 unit owners of the Four Seasons at Saucon Valley. The Four Seasons Condominiums are located directly adjacent to, and share a common property in line with the property that Phoebe Ministries desires to develop as a Continuing Care Retirement Community (CCRC). We have been authorized by the unit owners of Four Seasons to speak on their behalf that the development of a Continuing Care facility on the

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adjacent property will destroy the character of the immediate area and should not be built. We will oppose the development directly if the zoning code is changed and Phoebe is permitted to proceed with the submission of a land development plan. More importantly, our objection to the modification of the R20 code applies to all of Lower Saucon Township. People who live in Lower Saucon selected the area because of its natural beauty, its open spaces, and its rural/residential character. Our area is now a safe haven with trees, mountain vistas, abundant greenery, country roads and very limited commercial development. When you get past all the talk of a CCRC with its landscaping and winding roads, it will be strictly a commercial medical development with a hospital, clinic and other commercial facilities with all its traffic, noise, and 24 hour lighting. Such developments should be located in commercial areas where their presence will not degrade the quality of life of other properties in the area. Furthermore, a change to the R20 zoning criteria should only be contemplated if there is a compelling community need for services that are not available in the local area. Presently, there are numerous CCRC facilities within a 5 mile radius of Lower Saucon. There is even evidence that there is a current surplus of licenses continuing care beds in Northampton County. One developer in Bethlehem has asked the city for approval to change an approved nursing home project into a luxury condo development because of a reduced demand for CCRC facilities. New developments of this kind in residential areas in Lower Saucon Township threaten to negatively impact the value of our homes and the quality of life we enjoy here in Saucon Valley. We all decided to live here because of the ambience and quality of life Lower Saucon represents. Our home values are higher and our taxes are higher than some areas because of the desirability of living in Saucon. CCRC facilities such as Phoebe will require substantial Township services without increasing the tax base. We, the residents of Four Seasons, together with thousands of our friends and neighbors, implore the Town Council to reject a modification of the R20 zoning code. There is NO compelling argument to change the code to allow developers to commercialize our community for services that are not required. They make a profit on the facility and we lose our home values, ambience and quality of life. It is a poor trade that the Council must reject. Sincerely, The Four Seasons Condominiums Board of Trustees, Matt Pizel, President; John Raymond, Vice President; Bruce Swan, Treasurer; Donna Baur, Trustee; and Don Olson, Secretary.” They’ve also sent a copy of this letter to the Planning Commission and they will be at the Planning Commission meeting tomorrow night to talk about the pending CCRC development plan and the things they see wrong with that development. When he speaks of the thousands of people here, they represent 275 people who live in Four Seasons. He understands that Society Hill is also against this and they probably have about 275 people in their development. They have an online petition that was started in November. That petition has 1,800 signatures. That group of people combined is well over 2,000 people. We don’t think it’s right for the community. We think it’s trying to shoe horn a development with a piece of property that is too small and there are many engineering problems with the development that they think the Council, the Planning Commission and the Township Engineer probably know about. They want to make sure you consider this if this zoning code comes before you in an official way. Mrs. deLeon said would it be appropriate to give them copies of the review letter that they just received? Attorney Treadwell said they are public. Mrs. deLeon said we have two review letters, one from Hanover Engineering and one from Boucher & James. Mr. Cahalan said they are in the file and anyone can file a “Right to Know” request to look at them. Mr. Raymond said he would love to have a copy and so would his associates to prepare for the meeting tomorrow night. Mrs. deLeon said Leslie will email it to him tomorrow.

**VIII. COUNCIL AND STAFF REPORTS**

**A. TOWNSHIP MANAGER**

- Mr. Cahalan said last week the police had to ask the Council President to sign an agreement for the PA Aggressive Driving Enforcement and Education Program. They had to get that back to the State by the deadline of February 13<sup>th</sup>, so the Council President did sign that. This is a grant that the Police receive every year for the aggressive driving program. He’s just asking that the Council President’s signature be ratified at this meeting this evening.

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**MOTION BY:** Mr. Maxfield moved for approval that the Council President's signature be ratified, as stated above.  
**SECOND BY:** Mr. Horiszny  
**ROLL CALL:** 5-0

- Mr. Cahalan said you all received the email from Haz Hijazi, who unfortunately, due to family commitments, submitted his resignation from the Township Planning Commission, the Environmental Advisory Council and the Landfill Committee. He was a real utility man for the Township. Mrs. deLeon said can we invite him to our picnic? Mr. Cahalan said sure. Mrs. deLeon said she's served with him on the Landfill Committee and he's definitely going to be a loss. He'll be around, and let's hope he comes back and we give him our best.

**MOTION BY:** Mrs. deLeon would like to formally accept Mr. Hijazi's resignation, with regret.  
**SECOND BY:** Mrs. Yerger  
**ROLL CALL:** 5-0

- Mr. Cahalan said they received a letter from PennDOT about the Riverside Drive weight limit study which was distributed. They are replying to our letter of November 5<sup>th</sup> requiring a weight limit study on State Route 2014 in Lower Saucon Township. Please be advised that the weight limit study will be performed as soon as weather conditions and snow melt allow for a detailed field investigation. When the study is complete, the Township will be notified of their findings. Mrs. deLeon asked that Mr. Cahalan send Tina Hahn a copy of that letter as it was at her request. Mr. Cahalan said sure. The other notice is the closing of Northampton County Bridge No. 19. This is the truss bridge that's between Creek Road and Ravena Street in Hellertown. We received notice on February 14<sup>th</sup> that after an inspection they closed that bridge. The concern had been about the High Street, the wooden bridge across the Rail Trail. That's something that Hellertown and the City of Bethlehem is looking in to some sort of a replacement and are working with Norfolk Southern on that, but then this came as a surprise. They will continue indefinitely, so it must be something serious. It's a Northampton County bridge and it's all City of Bethlehem.

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

**Eubin Hahn** – No report

**Mr. Maxfield**

- He said a couple of weeks ago he had asked about Ringhoffer Road and got some information back from Mr. Cahalan and Mr. Garges. It is still closed and has been under construction for over three weeks. He's driven down to the site and it looks finished. The equipment and barriers are still there. Mr. Cahalan said they understand guiderails have to be put up. They were trying to get information from the City. Frank Barron who used to give reports retired, so they went back and re-checked who gives those updates and re-established that connection with the person. The last update that Carol got was it's still closed as they are going to do guiderail work on that section. Mr. Maxfield said he's almost sure it's up. Maybe we can urge them to open it ASAP as it's very inconvenient.
- He said the EAC voted to recommend to Council that we refresh the idea of the EIT for the next five years. Do we need any sort of official action to get that going? Mr. Cahalan said they can bring that on an agenda before the May 4<sup>th</sup> date. We're on a clock to get that together.
- He said to continue the discussion we had last time about the Heller Homestead root cellar roof. He noticed we got a copy through email of the PHMC letter saying they basically supported Attorney Treadwell's research and said the asphalt shingle roof would be fine. Last time he suggested a proposal where the Township would put in the money for an

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asphalt roof and anything above and beyond that, the Conservancy could pay for. He noticed online there were some unofficial offers for things, which were pretty interesting. He would just like to make that a formal recommendation for Council saying that we would be in favor of paying for the asphalt roof and since it's a Township building saying that we also would be in favor of a slate roof if the Conservancy decides to pursue that option. Mrs. deLeon said at the last meeting, she respectfully asked that Council wait until it was an agenda item and she believes she sent Mr. Cahalan and email after they received PHMC's response that it would be on the March 2<sup>nd</sup> agenda and Conservancy members will be here to discuss it so she'd like to hold everything until that night. Mr. Maxfield said he's asking to make his proposal official. He personally doesn't understand why we have to make it an agenda item because the question from the last two discussions was what PHMC answered. That answer says very clearly, along with Attorney Treadwell's opinion, what our responsibility is and that is his offer to the Conservancy and he would like to make that formal. Mrs. deLeon said she is asking the rest of Council to table that until the March 2<sup>nd</sup> meeting. She said she wasn't going to talk about this until it was an agenda item. Mr. Kern said there's no reason we can't suspend this until the next Council meeting. Mr. Maxfield said he's going to ask the rest of Council what is to discuss at the next meeting? We're just putting off protocol. This is really the way it should be. There is plenty of information here. If we put it onto an agenda item, what could the possible topic of discussion from our perspective be? We don't intend to pay for slate, do we? Mr. Kern said your offer in his mind is very viable, and unless things change, he is probably going to vote in favor of it; however, it would be nice for the Saucon Valley Conservancy to be here to discuss it. Mr. Maxfield said okay, it's a Township building and you guys have the vote, but if you want to hear a discussion about "I don't know what", feel free. Mrs. Yerger said if we are offering them A and B and those are the options and that's what his motion is, and he's saying we can do A and B, and it's their choice. Why would this have to be an agenda item? Mr. Maxfield said a reason for an agenda item would be if the Conservancy wanted to come back and say yes, we do want the slate roof and this is how we're going to pursue it. At that point, we could vote tonight and we'd still be recognizing our responsibility to the repair of the roof and to the payment, so it really doesn't change anything other than making it official. If you really want to wait, again like you said, he doesn't see that it's going to change as he doesn't know what they are going to discuss. We got the letter from the PHMC which we didn't have the last time and it says exactly what we've been saying. Mrs. deLeon said they gave us choices. Mr. Maxfield said he just gave her a choice. Mrs. deLeon said she's not discussing it. The Conservancy has requested that this be an agenda item and out of respect, she would like it to be an agenda item. This is a democracy. Mr. Maxfield said it's a democracy, but what we are going to discuss. Mr. Kern said we're going to discuss this except it's going to go quicker. Mr. Maxfield said we are going to discuss the same thing. Mr. Horiszny said he's going to second Mr. Maxfield's motion because he's right and if the Conservancy wants to come and have it as an agenda item, to talk about the slate roof, they'd be welcome to come. Mr. Maxfield said it's a fair, equitable, everyone wins offer. He doesn't know what is so difficult about it.

- MOTION BY:** Mr. Maxfield moved that he would like to make that a formal recommendation for Council saying that we would be in favor of paying for the asphalt roof and since it's a Township building saying that we also would be in favor of a slate roof if the Conservancy continues to pursue that option.
- SECOND BY:** Mr. Horiszny
- ROLL CALL:** 4-1 (Mrs. deLeon – No)

**Mrs. Yerger** – No report

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**Mr. Horiszny**

- He said the Lower Saucon Authority met last night and the Wydnor area main replacement was discussed and that will be the project for the summer.

**Mr. Kern** – No report

**Mrs. deLeon**

- She said last Monday they had a “Meet the Artist Reception” at the Heller Homestead for Donna Santiago, a Township resident and it was another success. They had a great time and it was well attended for a winter event.
- She said next Wednesday, February 23<sup>rd</sup> at 7:00 AM, the Hellertown-Lower Saucon Chamber is having a breakfast mixer on “Protecting our Community” at Town Hall. It’s going to be the two Police Chief’s who will give an update. There is a \$10.00 fee for Chamber members and a \$20.00 fee for non-members. She has a flyer if anyone is interested.
- She said on Friday, April 8<sup>th</sup> at 5:30 PM, at Se-Wy-Co, the Hellertown-Lower Saucon Chamber will hold their annual banquet and scholarship award night. The awardee is Charlie Luthar for all his accomplishments and service to the community.
- She said last night she attended a Hellertown-Lower Saucon Chamber meeting and it was brought up that in the past the Township Council had donated \$5,000.00 to the proposed band shell from years ago, and it was discovered that the Chamber was holding this money in a special account and it hasn’t been spent, as the project didn’t go anywhere. The Chamber was approached by this group as a local community group in Hellertown wanted to use the money for a performance stage. They are trying to implement the concept, but not just on the grand scale as the band shell was. They are developing a plan and will be applying for a matching grant. They wanted to know how we felt about this. Do they give the money back to the Township and we hold it? She thinks maybe we should entertain inviting them to come to a Council meeting and see what the proposal is and where we want to go with it. She thinks they want to use the existing platform that is there. She asked what does Council want to do? She said do you want the money back in our hands or what do you want to do? We gave it to them with a specific purpose, the band shell. They didn’t use it on anything else. Mrs. Yerger said let’s wait until they get a proposal. Mrs. deLeon asked Mr. Cahalan to send a letter to Rod Long telling him that Council would like, when it’s appropriate, to contact the group and have them make a presentation to Council. In the meantime, we don’t have a problem with them keeping the account with the \$5,000.00 in it. Mr. Cahalan said he will send a letter.

**D. SOLICITOR** – No report

**E. ENGINEER** – No report

**F. PLANNER** – No report

**IX. ADJOURNMENT**

**MOTION BY:** Mrs. Yerger moved for adjournment. The time was 8:51 PM.

**SECOND BY:** Mr. Maxfield

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

**ROLL CALL:** 5-0

Submitted by:

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Jack Cahalan  
Township Manager

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Glenn Kern  
President of Council