

**I. OPENING**

**CALL TO ORDER:** The General Business Meeting of Lower Saucon Township Council was called to order on Wednesday, February 20, 2008 at 7:02 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Mr. Glenn Kern, Council President, presiding.

**ROLL CALL:** Present – Glenn Kern, President; Thomas Maxfield, Vice President; Priscilla deLeon, and Ron Horiszny, Sandra Yerger, Council Members; Jack Cahalan, Township Manager; Assistant Township Manager, Leslie Huhn; Brien Kocher, Township Engineer; Township Solicitor, Linc Treadwell; and Township Planner, Judy Stern-Goldstein. Absent - Georgiana Torrella, Jr. Council member.

**PLEDGE OF ALLEGIANCE**

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

**Mr. Kern said Council did not meet in Executive Session this evening.**

**II. PUBLIC COMMENT PROCEDURES**

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 Diane, Leslie, or Jack or call the Township office. Please state your name and address. If you can’t hear, please let us know. Mr. Kern asked if anything was taken off the agenda this evening? Mr. Cahalan said no.

**III. PRESENTATIONS/HEARINGS**

**A. RETIREMENT OF POLICE K-9 DOG CAEZAR AND INTRODUCTION OF POLICE K-9 DOG BRUTUS**

Officer Keith Bredbenner would like to request Council officially recognizing the retirement of Caezar, the Police Departments K-9 dog and commend him on his years of dedication to the department and loyalty to his handler. Officer Bredbenner would also like to take this opportunity to introduce, Brutus, the Department’s new K-9 dog.

Mr. Kern said they will bring the out going police dog in first. Keith Bredbenner would like to request Council to officially recognize Caezar and commend him on his years of dedication and his loyalty to the department.

Chief Lesser said in 1999, Chris Leidy talked to him about starting a canine program in LST. A survey was done and they received positive comments. It also lead to buying Caezar, a police dog from Czechoslovakia. In May, Chris Leidy and Caezar started the K-9 program on patrol in LST. It did well with the media as well as other areas that really led to a program that helped to curtail criminal activity without question, especially events where Caezar was present and on patrol. Chris continued to receive a positive feedback from the community. One particular area was a

**General Business Meeting  
February 20, 2008**

fundraising effort by a young lady named Paige Phenev raised in excess of \$3,000.00. The program continued because of the personal commitment of these two officers. In 2005, Patrolman Leidy prepared to move into the full time position of investigator and Officer Bredbenner took interest in the canine program. The personal commitment from the two of them has created a very successful program in our township. They've put a tremendous amount of their time when they were off duty. They thank Caezar for his permitted duties, and thank the three of them and wish Caezar a fine retirement.

Officer Leidy said he would like to say this has been a great opportunity and experience to handle Caezar Lower Saucon Township police departments first K-9. He learned a lot during the five years he handled and trained with Caezar. It was a constant learning experience for both of them. After an involved process of research and a feasible study, the Chief presented the idea to township council which were supportive and made the K-9 program a reality in 2000. He remembers the first time he saw Caezar at Kromerhaus Kennels. Caezar just stared at him with that intimidating look. He didn't know what to expect as he later suspected he did. Something he will never forget...during the time he had Caezar, he mostly was deployed for narcotic searches. The first time he found a contraband, he was on West Raiders Lane next to the movie theatre. It was dark and there had been juveniles gathered in a wooded area. Upon being approached by police, it appeared that one of the juveniles had thrown something. He took Caezar into the wood area and had him check the area. The next thing he knew Caezar had put his head up and turned around and looked at him. Upon closer examination, Caezar had a marijuana pipe gripped in his mouth. He also will never forget the time he working the night shift. A new road had been put in for a development which is now Ridge Drive. He was parked on Ridge Drive and left Caezar out to relieve himself. The next thing he knew Caezar took pursuit of a deer. He remembered calling him with no response and his heart sank. He did not know what to do, so he got into his patrol car and drove down the road with the spot light on looking for Caezar. He had all his windows down and he heard panting outside the passenger side window. He pulled over and Caezar ran around the car and he realized he had been running alongside the car as if he were saying "wait for me". He had the opportunity to conduct numerous K-9 demonstrations in the community and Caezar received an overwhelming amount of attention. During Caezar's interaction and personal contact with the community, he never feared that Caezar would react inappropriately. On the other hand, he never had a doubt that Caezar would give the ultimate sacrifice to protect me if he had too. It was apparent the support gained in the community for Caezar when Paige Phenev, then 8-1/2 years old, embarked on a fundraising campaign for Caezar to purchase a bullet proof vest in the event he would ever have to face an armed criminal. Paige raised over \$3,000.00. Caezar was grateful and as a gesture of his appreciation, he went to Paige's school and met with her class informing them of the K-9 program and what one little girl could do if she put her mind to it. In 2005, with the growth of our community, the need for a full time police investigator was realized and posted. This was a position in which he felt was a challenge and he had a great desire to pursue; however, he was conflicted knowing that Caezar still had at least three years of service left. He remembers talking with patrolman, Keith Bredbenner, who always had an interest in the K-9 program. Keith made the suggestion that he give the investigator position further thought if it was something I felt I really wanted to do. Keith then stated that he would be interested in taking over the program and Caezar for his remaining service time. I knew working with a smaller police department that if I did not pursue the investigator's position, it may not be available for several years, if at all. He also knew that with Keith's dedication and interest in dogs, there was no better person to take over the K-9 program. He put in for the investigator position and was appointed in the fall of 2005. Keith took possession of Caezar at the same time and under went training with Caezar. The transition for all of us was text book. Now another chapter has turned in the history of LST police department as Caezar prepares for a well earned and deserved retirement. He thanked LS Police Department and Council for a reality. His intention was to take him for his retirement and retire with Mr. Leidy, but he's still hoping that is going to happen. He'll keep everyone updated. Council gave Caezar a parting gift of doggie treats.

Keith Bredbenner said Chris mentioned the smooth takeover of the canine unit. There were some incidences like his intimidating look, that same look he gave Officer Bredbenner as he barked at him and he was wild and a little scary at first, but they bonded and it was a smooth takeover. He thanks Council for their continued support in the canine unit.

Mrs. deLeon said she was on Council when they talked about it, and she fully supported it and it was wonderful what Paige did and it's just a great program.

**B. ANNUAL POLICE AWARDS – RESOLUTION #30-2008**

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 30-2008 has been prepared to honor these officers.

Chief Lesser asked Officer Tim Connell to come forward. In 1990, when Northampton County started the DUI program, they realized the officers in LST had out performed any department in the county. This is when they started to recognize the officers. Ron Jacoby and Ron Jones had some medical issues over the last month and they will also receive a commendation. Officer Connell also is a field training officer and a criminal ID officer. It's his 7<sup>th</sup> commendation for enforcement. Chief Lesser read the commendation.

Chief Lesser asked Officer Barndt to come forward. He's also a field training officer and a criminal ID officer. He's also been a fire arms instructor for a number of years. Chief Lesser read the commendation. This is his 12<sup>th</sup> commendation.

Chief Lesser asked Officer Willie Shelly to come forward. Chief Lesser said Officer Shelly has been with the department a couple of years and he will begin an illegal gambling enforcement. Willie may be the calmest officer in LST and has a big productivity when it comes to enforcement. Chief Lesser read the commendation.

Chief Lesser asked Officer Scott Snyder. He said Scott Snyder is a criminal ID officer and Officer Snyder, while on patrol, noticed some smoke in the area. Upon further investigation, he noticed a house on fire, and went inside and ascertained if there was anyone in the house. He was later jointed by Officer Young. They continued to holler. He pulled an unconscious dog and cat out of the house. No one was in the house. Both officers were treated at St. Luke's Hospital. Scott is receiving his second commendation. Chief Lesser read the commendation.

Chief Lesser asked Officer Bredbenner to come forward. He came forward with the new police dog, Brutus. He is a canine officer and Chief Lesser read the commendation. Officer Bredbenner said Brutus is an 18 month old Belgium dog from Holland. He entered a five week intense training program with Officer Bredbenner and picked up patrol where Caezar left off. Keith came to Chief Lesser a year ago and asked if there was a possibility of using this Belgium dog as they have increased energy. He has been certified by two Judges from the canine association from Binghamton, NY and he's police straight ready. They are proud to have Brutus and Keith on their team. Keith finished his five weeks of intense training, but knowing that certification was the following work, he took Brutus to a training facility prior to coming work and trained on his own for a week before certification. That's an example of dedication Officer Bredbenner has shown. They presented Brutus with his sash tonight with his badge on it. Keith Bredbenner said they really don't like to sit still too long, and he again thanked Council and Chief Lesser, and Officer Leidy for doing all the legwork for the canine program. Council gave Brutus a welcome gift of doggie treats. Chief Lesser said they heard from numerous other officers about the energy of Brutus.

**General Business Meeting  
February 20, 2008**

Chief Lesser said Matt Lowe has been with us for two years and is a part time officer, he worked a little over 1800 hours as a part time officer. He helped to create a reputation and logged the highest number of 700 vehicle stops and 300 traffic citations and 400 fault equipment citations. They really appreciate his efforts.

Chief Lesser asked Scott Snyder to come up and presented him with the Runner Up Officer-of-the-Year award. He read the commendation to Scott Snyder.

Chief Lesser asked Tom Barndt to come up front and presented him with Officer-of-the-Year award. He read the commendation. He congratulated Corporal Thomas H. Barndt for a job well done.

Chief Lesser thanked Council for the time.

**RESOLUTION #30-2008**  
**POLICE DEPARTMENT COMMENDATIONS**

**WHEREAS**, Officer Thomas H. Barndt has been named Officer-of-the-Year; and,

**WHEREAS**, Officer Scott M. Snyder has been named Runner-Up Officer-of-the-Year; and,

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

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

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

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

**WHEREAS**, Officer Ronald A. Jacoby has been awarded a Commendation for DUI arrests; and,

**WHEREAS**, Officer Timothy M. Connell has been awarded a Commendation for DUI arrests; and,

**WHEREAS**, Officer Ronald L. Jones has been awarded a Commendation for DUI arrests.

**NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED** that the Council of Lower Saucon Township, Glenn Kern, President; Tom Maxfield, Vice President; Priscilla deLeon, Council Member; Ron Horiszny, Council Member; and Sandra Yerger, Council Member, does hereby recognize and thank 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!

**ADOPTED** and **ENACTED** this 20<sup>th</sup> day of February, 2008.

**MOTION BY:** Mrs. deLeon moved for approval of Resolution #30-2008.

**SECOND BY:** Mr. Maxfield

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

**ROLL CALL:** 5-0

**III. DEVELOPER ITEMS**

**A. IESI – REVIEW DRAFT LETTER TO DEP REGARDING BASIN 7**

Mr. Kern said Council directed the Township Manager to prepare a draft letter to forward the Township Engineer, Township Consultant and the Environmental Advisory Council's comments to DEP regarding the Landfill's request for support of their alternate alignment of the discharge pipe for Basin 7 under the Phase IV landfill area.

Present – Vito Galante and Sam Donato from IESI. Mr. Cahalan read the draft letter for William Tomayko of PA DEP. It said "The IESI Bethlehem Landfill has requested Township support for an alternate alignment of the discharge system from storm water control basin 7 at the landfill. In the approved plans for the landfill, the storm water management and sediment control basin (identified as basin 7) is to be drained away as a gravity storm water pipe toward the west and south with the point of discharged located north of Applebutter Road. IESI Bethlehem Landfill proposes an alternative alignment for the basin 7 discharge which would involved piping under the Phase IV landfill expansion area. While the township conceptually supports this alternative discharge alignment, as opposed to the additional alternative North Slope alignment, it does so with some concerns from our consultants which are outlined in the attached letters from the Lower Saucon Township (LST) Landfill Committee, Township Engineer, James Birdsall and Township Consultant Laressa McNemar. The township is willing to move forward with the PADEP review of this alternative alignment provided that he IESI Bethlehem Landfill can satisfactorily address our consultant's concerns, and the pipe realignment can be done with the most environmentally sensitive outcome."

Mr. Horiszny said he suggested we make the last three words "environmentally favorably outcome". Mrs. deLeon said the EAC did have a letter of recommendation and the part that Glenn just read, it talks about the EAC comments, but the letter talks about the Landfill Committee comments. Wouldn't there be four letters? Mr. Cahalan said it was just a memo from the EAC. Mr. Maxfield said he wouldn't mind including that with it.

**MOTION BY:** Mr. Maxfield moved for approval of sending the letter with the changes that were mentioned.  
**SECOND BY:** Mr. Horiszny  
Mr. Kern asked if anyone had any questions? No one raised their hand.  
**ROLL CALL:** 5-0

**V. TOWNSHIP BUSINESS ITEMS**

**A. REQUEST AUTHORIZATION TO ADVERTISE ATV ORDINANCE FOR A PUBLIC HEARING**

Mr. Kern said a draft ATV ordinance has been prepared after numerous discussions between Council and residents which would limit the use of ATV's between dawn to dusk and no closer than 100' of an adjacent property line.

Mr. Kern said tonight is for authorization to advertise this. It's the fourth time we've brought this to a council meeting, and they listened to resident's pros and cons about it and Council has responded in a fair matter to both parties. Originally they were at a 1,000 feet buffer, but after discussion, they realized it was unrealistic. They used a 100 foot buffer from a previous ATV user at a previous meeting and riding dawn to dusk.

Mr. Horiszny said in the text it said two or four wheels, it should be two or more wheels, top of page 2.

**General Business Meeting  
February 20, 2008**

Attorney Treadwell said this is a draft he prepared. It's an amendment to amend Chapter 112 of the Nuisance Code, Section 112-5. That section is amended by adding the sub section U by adding ATV's and permits operation during day time hours as long as the vehicle is away from 100 feet of the property line of any property and 100 foot restrict from any right of way line from a public street or public roadway, may not be operated from dusk to dawn, and descriptions of vehicles. They have a section that is does not apply when the ATV's are used for residential gardening, property maintenance, or agricultural purposes.

Mr. Ron Young, Old Philadelphia Pike, said is it limited to motorized vehicles? Mrs. Yerger said it says motor driven. Mr. Young said thank you, he didn't see that.

Mike Schneider, Apple Street, said then he isn't able to take his out of his shed. He has ½ acre triangle shaped lot. He's been doing it for three years with no complaints and don't take it out of control. That's not fair to all of the residents. He can't even start it. He doesn't have 100 feet anywhere in his yard. 100 feet is crazy and completely unfair.

Mrs. deLeon asked how many people have been cited and taken to the Magistrate. Chief Lesser said from January 2005 to February 20, 2008: 2005 – 28 with 3 noise related; 2006 – 28 with 9 noise related, 2007 – 42 with 13 noise related, 2008 – 3 with 1 noise related. The total for three years is 101 with 26 noise related. Mr. Maxfield said the other categories are riding on private property, used with theft and criminal activity and riding on the street. Mrs. deLeon said what happened after the police responded, how were they cited? Mr. Maxfield said not every complaint results in a citation.

Brett Schneider, Alpine Drive, said he can't take his out of his garage as he has a 150 x 300 lot. To say 100 for everyone, he can drive down the center of his lot. Mr. Kern said you can use your ATV for farm or agricultural use. Mr. Schneider said he drives down the street and helps neighbors cut firewood. He knows he shouldn't be on the road, but that's the only way he can get to his neighbors. The whole issue is noise. He has a four cycle, everything is stock. There's seven people on his street who have four wheelers and everybody helps everyone else. Mr. Kern said there will not be a problem with that then. Mr. Maxfield said you can't drive down the street right now with the vehicle code. Do you have a permit to cut the wood? Mr. Schneider said he's helping his neighbors cut the tree up after the tree is down. Mr. Kern said you are allowed to use your ATV for that. Mr. Schneider said he's been here 20 years and only had one police officer said he's going to get fined. It's a rural area and it's easier to take your four wheeler and get rocks. Mr. Maxfield said he wouldn't recommend you ride on the road, but everything else you do is okay. If you want to take the chance and ride down the road, that's your choice. Mr. Schneider said what is the difference if you go 100 feet with a chain saw or 10 feet with a chain saw? Mr. Maxfield said he'd rather be 100 feet away than 10 feet away. Mr. Maxfield said they tried to make it as clear for the officers that have to go out there. If there are no complaints in your neighborhood, why would it change. There are problems in the township. Mr. Schneider said there are people that do it as they can't get along, and the noise ordinance should be used. Mr. Maxfield said it's also dust issues. He doesn't think it's unfair at 100 feet. Mr. Schneider said 100 feet, it's not a lot to ride on. If he has a picnic, he has to stay 100 feet away from his neighbor's line. 100 feet is fine when you have five acres or a farm. Mr. Maxfield said a lot of complaints are coming from the one acre lots. Mr. Schneider said you are going to force these guys not being able to ride their four wheelers. Mrs. Yerger said this wasn't an issue for her until it came up township wide. One gentleman sat in the audience and said what if the kid riding came careening into his yard. You need to have some kind of safety buffer if someone does lose control as a lot are operated by kids. Is that 25 feet, is that 50 feet? Mr. Schneider said he has a zero turn mower and he could slide a good 25 – 40 feet if it's wet outside. How many people have been hurt crossing the property line in the township.

**General Business Meeting  
February 20, 2008**

Mrs. deLeon said she feels the property owner should have right to enjoy their property as long as they are not being a nuisance and she always felt the nuisance ordinance would be there in case there was a nuisance if they needed to use it. What she's hearing is these other nuisance the people weren't cited or even taken to a magistrate, so she doesn't know if the nuisance ordinance would have held up. She voted no the last time as there are issues with this. Let's walk through the enforcement of this. You are riding your ATV, your riding too close to the property line, I call the cop, the cop comes, and then what happens? How do you enforce this ordinance? Attorney Treadwell said it will be up to the officer like a lot of the other enforcement issues. The Chief is here and he can address it. She needs to understand why the nuisance ordinance doesn't work and why this is going to work? Do you have to see the person who is doing it. Chief Lesser said the officer does not have to witness a violation and yes, the establishment for certain criteria of a violation would make it more enforceable as it's within 100 feet and that's very specific and more readily enforceable. Mr. Schneider said if he takes his garbage down to the burning barrel, that's okay. Mrs. deLeon said ride around with a twig. Mr. Maxfield said are you trying to tell him to break the law? Mrs. DeLeon said no, she's just making a comment as she has a lot of tree limbs in her yard because of the storm they just had. She's trying to explain. It's subjective, what is property maintenance. He's accusing me of doing what. Mr. Kern said as you mentioned, this is about noise, plain and simple. When someone is riding on the property line and you are having a picnic, it's truly a nuisance. The nuisance ordinance can't address this as we have to address it with a decibel meter, but seeing a line around the property line, you can take a tape measure and see if it is 100 feet. We had it at 1,000 feet originally and listened to you folks. He doesn't ride his ATV here, he'd upset his neighbors, he does it in the Adirondacks where he's not bothering his neighbors. This is the fair ways to address this. Mr. Schneider said you had fourteen noise related out of how many. Mr. Kern said fourteen people actually picked up the phone.

Mr. Geoff Baer said not a lot of us have a lot of money to load them up and go to the Adirondacks. You said it's the noise and dust. Then let's go back to noise and not the actual distance you are going. It's the noise. Mr. Kern said noise would be primary.

Mr. Tarl Grogg said going back to what the Chief said it's the officer's discretion as he doesn't need to see the person, so someone could call as they have a problem with their neighbor and it could be hearsay. Chief Lesser said he would base his information on physical evidence or statements from others. Mr. Grogg said what physical evidence would you find from noise? Chief Lesser said he would interview a witness. Mrs. deLeon said didn't we get into the same with the gun incident where nobody saw it? Attorney Treadwell said he doesn't specifically recall that. Mr. Horiszny said the shooting continued while the officer was there. Chief Lesser said the issues were created when the District Justice found some issues with the ordinance and felt it was unclear. We disagreed, but the District Justice didn't and discharged the citations, and we had a clear choice to alter the ordinance or live with every citation charged.

Ms. Stephanie Brown said she can't get over how unfair this ordinance is. She asked Mr. Maxfield if he'd be happier if he could just outlaw ATV's. Mr. Maxfield said can we please stay on point here. He said don't put words into our mouths and accuse of us not like ATV's. We're responding to complaints. Why don't you talk to the source, who is right here? She said she's been here for these meetings. She said you just think I'm ignorant. She won't be able to ride on her property that her father pays property taxes on. There's so much on this ordinance that isn't addressed. She lives on ½ acre. Mr. Maxfield said you want to ride your ATV all day long on a ½ acre. Ms. Brown said no, she wants to drive it for ½ hour and ride in her yard. You said you'd rather be 100 feet from a chain saw than 10 feet, and that's not part of the ordinance. You don't treat all four stroke and two stroke engines the same in this township. Somebody can use a chain saw for 8 hours. Mr. Kern said they are using it for a purpose. Ms. Brown said she's using her ATV for enjoyment. You took away me shooting a bow an arrow in my yard. This is a rural township and you've taken that away. You discriminate against people who ride ATV's, but not people who use

**General Business Meeting  
February 20, 2008**

chain saws or use leaf blowers. PA is the highest state with the death of ATV riders because they go into quarries as we can't all afford vacation homes like you, Mr. Kern, to go ride. You haven't even begun to address some of the issues like dust. Dust is really controllable through mulch or through some kind of thing you put down to control dust. She doesn't have a track in her yard, she has grass. It's just about having it 100 feet. The DCNR puts the amount of noise at 99 decibels from 20' from the tailpipe. That's what state law says. If it's good enough for the state, it should be good enough for the township. The township doesn't enforce anything with using a decibel meter as we have one, and we wasted taxpayer money on that. Why aren't they used. Mrs. deLeon said BRE, next to the landfill, what are they going to do about the renewable energy and we were so concerned about noise, so is this township going to monitor if the noise of going off the property line? It's a waste of taxpayer money. Mr. Cahalan said we have one decibel meter in the police department and it is used if necessary. Ms. Brown said it's never been used in any of her cases. Mr. Cahalan said he can't answer that. Mr. Kern said that was discussed four meetings ago and it was determined the decibel can't be used, because based on our nuisance ordinance, it has to be a sustained reading over a certain period of time and that's why the 100 foot solution is on the table right now. Mr. Kern said this is an informal discussion today and to simply advertise for another meeting, and at the future meeting, we're trying to discuss it. She said why are you discriminating against people who ride ATV's? Mr. Kern said this is in response to residents who have complained to Council because their quality of life has suffered. She would like trails to be permitted in the township and you put mulch down to control the dirt. Decibel meters should be used as we have them and the DCNR in the state recommends and has it as laws. You're saying you can't enforce it. It's a noise issue, that's how you take care of a noise issue.

Mr. Schneider asked if it would be in the paper when the next meeting is? Mr. Kern said yes, and you can check the website.

Mrs. deLeon asked about the hill climb? Attorney Treadwell said he doesn't know if that's been investigated. A member from Bushkill Valley said the trail isn't from the members, it's people that are coming to our property and they've been calling Chief Lesser about people coming on their property and destroying their property. This ordinance would not affect the hill climb. Mr. Cahalan said he will check it out.

Ron Fretz asked what is Mrs. deLeon's resolution to the issue then? You're not in favor of the ordinance. You were here when the Strauss's were here and the quality of life issues they are facing because of a neighbor. Should this be under the nuisance ordinance? Mrs. deLeon said she said her heart went to the people who had dust and problems like that, and the ordinance should be used in this and she hasn't seen one citation that has been issued out of the current nuisance ordinance that has been taken to a magistrate and the person has been cited. They are telling me the current nuisance ordinance is not working, but it hasn't been tested, and no one is telling me it was tested. We already have a law on the book that's supposed to handle nuisances and the police are supposed to respond to these complaints. If the existing law isn't working, show me proof. Mr. Maxfield said a lot of testimony was from the Chief and others saying there were subjective parts of the nuisance ordinance and that making it more concrete would make it easier to reinforce and that's what we tried to do. Mrs. deLeon said that's her reason. She's always been fighting for people's rights, and a person should be able to enjoy their property. Mr. Fretz said whose rights are you fighting for? Mrs. deLeon said she's fighting for all of the people.

Mrs. Yerger said it just needs to go to advertisement and move it forward and have it settled one way or the other.

**General Business Meeting  
February 20, 2008**

**MOTION BY:** Mr. Horiszny moved to authorize advertisement to advertise.  
**SECOND BY:** Mr. Maxfield  
Mr. Kern asked if anyone had any questions? No one raised their hand.  
**ROLL CALL:** 4-1 (Mrs. deLeon – No)

**B. REQUEST AUTHORIZATION TO ADVERTISE NO PARKING SIGN ORDINANCE ON SAUCON AVENUE FOR PUBLIC HEARING**

Mr. Kern said a draft ordinance has been prepared to limit parking to one side of the street on a portion of Saucon Avenue between Riverside Drive and Roberts Avenue at the recommendation of the Police Department after receiving several complaints of the road being blocked.

Mr. Cahalan said they gave you, along with the draft ordinance copies of police reports, that have been reported over several years with vehicles parked on both sides of the roads and the complaints. They asked the solicitor to put together an ordinance to prohibit parking on one side of Saucon Avenue up to Roberts Avenue.

Mrs. deLeon said by eliminating parking on the south side of Saucon Avenue, more people will have to park on the north side and there's a driveway where people go in to get back to their garage, is there anything on the record about a site distance for a person's driveway? How do we resolve that with cars by the driveway? Mrs. Yerger said isn't there a setback from a driveway entrance? Mr. Cahalan said he doesn't think there is a setback. Chief Lesser said it's inappropriate to block the driveway and the officer could tow the vehicle or issue a citation, but there's nothing as far as a standard distance. Mr. Miller said the only setback he's aware of if it's a public alley or public street. The curb would be painted yellow. Individual driveways, it's just at the edge. Mrs. deLeon said she would support the no parking on the one side, but they'll be an issue with that driveway. Chief Lesser said he doesn't know if there's an easy solution on Saucon Avenue. If everyone who lives on that roadway has a long driveway, to park your cars or visitors, there's never usually no problem then. Mrs. deLeon said she supports this, but she guesses they'll be issues down the road, and then we'll have to address it then. Mr. Horiszny asked about alternating days, then everybody would be able to park close once. Mrs. deLeon said she thinks it should be one way and it would be easier. Who picked the south side? Mr. Cahalan said we based it on recommendations from some of the police reports.

**MOTION BY:** Mrs. deLeon moved to advertise the no parking sign ordinance.  
**SECOND BY:** Mr. Horiszny  
Mr. Kern asked if anyone had any questions? No one raised their hand.  
**ROLL CALL:** 5-0

**C. AUTHORIZE COLLECTION OF 2007 REAL ESTATE TAXES**

Mr. Kern said Council should authorize the Manager to direct the Finance Department to collect the 2007 real estate taxes in the amount of \$1,782,957.24.

**MOTION BY:** Mr. Kern moved for authorization of collection of 2007 Real Estate Taxes.  
**SECOND BY:** Mr. Horiszny  
Mr. Kern asked if anyone had any questions? No one raised their hand.  
**ROLL CALL:** 5-0

**D. REVIEW DRAFT DOG PARK RULES**

Mr. Kern said a draft list of rules for the proposed dog park has been prepared for Council's review.

Mr. Cahalan said they are putting together some of the pieces for Polk Valley Park as planned for the property adjacent to Polk Valley Park. They put a list of rules together for your review. They did some research on other dog parks and these seem to be the type of rules that are in place for most dog parks that are on public property. The dog park is open year round from dawn to dusk. It limits the number of dogs. It requires the dog owners to maintain control over the dogs, picking up the dog feces, and stopping dogs from digging, having the licenses and being vaccinated, keeping the gates closed, and providing their own bowls of water. Female dogs in heat not permitted, dogs under four months of age, choke collars, no food or treats, smoking, no children under 12 years of age unless accompanied by a guardian of 18 years of age or older, no aggressive dogs, strollers, bicycles, are allowed in the dog park. They will come back with an ordinance and will be looking at some rules for picking up after dogs at township parks. This is to give you a first look at it.

Mrs. deLeon said she knows there's dog parks and doesn't know what the rules are, why do the dogs have to be spayed or neutered? Mr. Cahalan said for the obvious and it's been on all the rules of all dog parks that they researched. It's self policed by the dog owners who come there and he guesses the rule is there for dogs that visit the park. Mrs. deLeon said a choke collar have those kinds of collars. Mr. Cahalan said he'll do more research on that. Mrs. deLeon said dog toys, they can't be just edible, no food or treats, how are you going to go to a dog park and play with your dog? Mr. Cahalan said we're talking about inside the enclosure. Mrs. Yerger said with the choke collars, you want a dog who is under control and a dog in need of a choke collar to control it is not a good candidate for a dog park. Her dogs have them, but when she lets her dog go, the choke collar goes off and the regular one stays on. That's her experience with her larger dogs. Chief Lesser said the choke collar is probably just to eliminate the possibility of a dog slipping the collar. That's the purpose of a choke collar. Mrs. Yerger said the choke collars can get caught up on something.

Ms. Stern Goldstein said with dog parks, they are going out to the rural areas, and the rules have been set up for urban areas from years ago. The choke collars were to weed out the more aggressive dogs. That was self policing. You have groups that become very social, both the humans and the dogs and take care of themselves. That's where the rules came from. You're getting a whole mix of people and dogs.

Mr. Maxfield said is there any maximum of number of dogs? Mr. Cahalan said he hasn't seen anything where there is a capacity. Dog owners know when it's too full and when it's not.

Mr. Dan Andrews, Morning Call asked how many dog licenses are issued in the Township? Mrs. deLeon said they are sold by the County.

**E. REVIEW OF PROPOSAL FROM WISE PRESERVATION FOR HELLER HOMESTEAD NOMINATION FOR NATIONAL REGISTRY**

Mr. Kern said we have received a proposal from Wise Preservation to conduct the research and submit the application to move forward with the eligibility and nomination for the Heller Homestead to the Pennsylvania Historic Museum Commission's National Registry.

Mr. Cahalan said this is a proposal and a second step for listing of the National Register eligibility. We asked Mr. Wise to put together a proposal to do the National Register nomination. There was a delay because he had to confer with the PA Museum and Historic Commission about the appropriate period that this nomination would focus on, and he did come back and state the building was locally significant as an example of an 18<sup>th</sup> century building updated in the colonial revival style and the period of apparent significance was Circa 1940. We provided you with some documentation of how he would conduct the study. It involves a period of up to 12, 13, 14 months. His cost is \$6,775.00.

**General Business Meeting  
February 20, 2008**

Mr. Kern said he thinks it's important to proceed and see where this goes. Mr. Maxfield said he agrees.

Mrs. deLeon said we still can't figure out where Margaret came from. That's no wife of the Heller's. We're looking into that. We don't know if it was a typo or what. Mrs. deLeon said in all the records we have, there's no wife named Margaret. Mrs. Yerger said it'll come from the deed. Mrs. deLeon said if this gets approved tonight and Wise does it, we have to submit our other information to go along with it. Mrs. Yerger said they have to research this and he'll come with a draft from anyway, and we can then proceed from there. It should be brought up and noted. Mr. Maxfield said when you read the scope of services, we're going to get a lot of work done from him.

Mr. Lenny Szy said he's a member of the SV Conservancy and he has a bias opinion. He showed them a sword from Dr. Henry Heller. He found some information on it. He was a doctor and he was elected to the state senate in 1894, served one term, born September 1850. He held practice in Hellertown and owned quite a bit of land in LST including some of the mines. It's a ceremonial sword from the Knights of Columbus. He passed the sword around. They are not sure of the age of this. His Chauffeur got it and gave it to Michael Mushlitz father. Michael got it and his home on Silver Creek Road was a toll house, company store, weight station for the Saucon Iron Company and Thomas Iron. Mr. Maxfield said it had Masonic symbols on it. Lenny said someone from the Homestead said they didn't know for sure. There's a picture of him being in the parades and Mr. Mushlitz has donated this for the Heller Homestead. Mrs. deLeon said the leather case is beautiful. Mrs. Yerger asked if researched the hallmark on it? Mr. Szy said not yet. He had his practice here and might have moved to Easton. Mrs. deLeon said the Line Kiln cemetery has a list of the Heller's who are buried there, she'll have to look that up.

- MOTION BY:** Mr. Kern moved to proceed with the proposal from Wise Preservation for the Heller Homestead nomination for the National Registry.
- SECOND BY:** Mr. Maxfield
- Mr. Kern asked if anyone had any questions? No one raised their hand.
- ROLL CALL:** 5-0

**F. ADOPTION OF RESOLUTION 31-2008 – SUPPORTING PROPOSED MUNICIPAL GRANT DISTRIBUTION FOR PRIORITY MUNICIPALITIES IN NORTHAMPTON COUNTY**

Mr. Kern said resolution 31-2008 has been prepared to support the five (5) contiguous municipalities surrounding the proposed Sands Bethworks Casino complex in order to be eligible for grant monies to help with the impact of the proposed casinos.

**RESOLUTION #31-2008**

**RESOLUTION SUPPORTING THE PROPOSED MUNICIPAL GRANT DISTRIBUTION FOR PRIORITY MUNICIPALITIES IN NORTHAMPTON COUNTY**

**WHEREAS**, the Sands Bethworks Casino, having received a Category 2 License from the Pennsylvania State Gaming Control Board to operate slots gambling machines, will open in the City of Bethlehem, Northampton County in 2009, and

**WHEREAS**, under the Act 71 of 2005, as amended by Act 135 of 2006, beginning in 2009, Northampton County, as the host county in which the Sands Bethworks Casino is located, will receive a 1.2% share of the gross terminal revenues collected by the State from the casino; and

**General Business Meeting  
February 20, 2008**

**WHEREAS**, under the Act 71 laws as amended, 50% of the host county funds are to be designated for the purpose of making municipal grants within Northampton County, with priority given to municipalities contiguous to the host city; and

**WHEREAS**, the municipalities of Bethlehem Township, Hanover Township, Lower Saucon Township, Hellertown Borough and Freemansburg Borough comprise the five (5) priority municipalities contiguous to the City of Bethlehem, the host city; and

**WHEREAS**, the five (5) priority municipalities, due to their proximity to the host city, anticipate that they will experience higher impacts in crime, traffic, municipal infrastructure, and emergency services as a result of the traffic traveling to and from the casino on local and state roads in these municipalities; and

**WHEREAS**, the five (5) priority municipalities have formulated a proposal which recommends that the County distribute the municipal grants as follows: 60% for Priority Municipality Impacts Grants reserved for the priority municipalities, with each of the five (5) receiving 20% of the 60%; 20% for Casino Impacts Mitigation Grants available to all municipalities in Northampton County; 20% for County Impacts Grants to all municipalities in Northampton County excluding the priority municipalities; and

**WHEREAS**, the governing body of Lower Saucon Township in conformance with the Act 71 laws as amended intends on utilizing these municipal grant funds toward the costs of human services, infrastructure improvements, facilities, emergency services, and any health and safety expenses in our municipality that are associated with the operation of the Sands Bethworks Casino.

**NOW, THEREFORE, BE IT RESOLVED**, that the Council of Lower Saucon Township hereby approves the municipal grant funding proposal for the priority municipalities that has been submitted to the County Gambling Impacts Committee for their consideration and urges its adoption by Northampton County Council.

Mr. Cahalan said we've been discussing here at Council and the SVP with our neighbors the impacts we anticipate that will be coming when the Casino opens in 2009, and to prepare for those, we have been discussing with John Stofa and the Gambling Impacts group he formed of proposals that would give substantial amounts of money from the host fees under Act 171 to the host municipality, host county and some has to go to the non host county and non host city. Because there are five of us, we submitted a proposal of have 60% of the portion reserved for the municipalities given to the priority municipalities. We submitted a grant proposal that is being reviewed by the County. A recommendation was to come back to them with the five municipalities. Hellertown, Freemansburg, Lower Saucon have been on board from the beginning. They had to get Bethlehem Township and Hanover Township and did have discussions with them. Hanover did indicate they supported the proposal and already passed this resolution. Hellertown has passed the resolution. Freemansburg will be doing it shortly. Bethlehem Township supports it in principal and are waiting for them to adopt it. This shows there is support from the five priority municipalities. We believe if we can accomplish that, we stand a good chance to have this adopted by County Council and when the host fees roll in 2009, we will get the money. The resolution sets out the whole process we've been going through. We've asked that they distribute 60% to the municipalities, 20% to the litigation grants which are available to all municipalities in Northampton County and 20% in all the municipalities in Northampton county except the priority municipalities. We're asking Council to adopt this so we can join the other four municipalities in supporting this distribution. Mr. Kern said the county made it clear if all five municipalities signed and agreed, they would be in support of it.

Mr. Horiszny asked the percent share for Bethlehem, Allentown and Lehigh County? Mr. Cahalan said that is all broken down. Originally there was a host fee of \$10 million that went to the host

**General Business Meeting  
February 20, 2008**

city, then there were amendments to act 135 in 2006 that Senator Boscola and Senator Brown worked on and it was a revenue sharing proposal that took some from the host county and host city and distributed it to the non host county and non host city. He can get that to Mr. Horiszny. It is down to 1.2% and 50% of that 1.2% money is divided into money that the county can use for county purposes and 50% is for municipal grants. We are asking for if anything goes as planned, we are talking about \$1 million a year that would be in the 50% for municipal grants. We are asking that 60% be reserved and given to the five municipalities which would come out to about \$200,000 a year that they can rely on for police, fire, emergency services, infrastructure, facilities and any project we want to do and be associated with the operation of the Sands BethWorks Casino. The County supports this in theory but have to check out if our grant proposal document suffices as far as a grant and if it's okay, it has to go before County Council. It doesn't define how the money has to be distributed or what's priority municipality other than we're next to the City of Bethlehem. We've taken the lead and put before them a proposal which is sound and we can back it up with documentation once the casino opens up.

Mr. Maxfield thanked Jack for the work he has done and hopes the work he put in is worth it to us in the future. Mr. Kern said the work that Jack and Charlie did was at least we would be guaranteed that money. It makes it clear for everyone. Mrs. deLeon said it's a real shame we have to go through all of this as this was even not supposed to be happening and it was supposed to be easy. Mr. Cahalan said they passed a law and left it to the rest of us to what everything means. The County Executive has been really helpful. We've given them a sound structure to address the impact. Mr. Maxfield said please pass our comments on to Charlie.

**MOTION BY:** Mr. Kern moved for adoption of Resolution 31-2008.  
**SECOND BY:** Mr. Maxfield  
Mr. Kern asked if anyone had any questions? No one raised their hand.  
**ROLL CALL:** 5-0

**VI. MISCELLANEOUS BUSINESS ITEMS**

**A. APPROVAL OF FEBRUARY 6, 2008 MINUTES**

Mr. Kern said the minutes of February 6, 2008 have been prepared and are ready for Council's review and approval.

Mrs. deLeon said the spelling is not Pollack, it's "Polak". Mr. Horiszny said page 6, line 46, it should say "Council took no action". Page 13, line 18 and 20, it should be Tom Maxfield made the motion and Ron Horiszny seconded it. Page 14, line 48, and add forward a "letter" in it. Mr. Maxfield said we could say our concerns about the police consolidation study. Mrs. deLeon asked to lighten up the "DRAFT" word spread across the word. Ms. Huhn said it's the lightest it is. Mr. Cahalan said they can reposition it and make it smaller. Mrs. Yerger asked Linc if she was here for only part of the meeting, can she vote on the minutes? Attorney Treadwell said yes, she can vote on them.

**MOTION BY:** Mr. Kern moved for approval of the February 6, 2008 minutes, with corrections.  
**SECOND BY:** Mrs. deLeon  
Mr. Kern asked if anyone had any questions? No one raised their hand.  
**ROLL CALL:** 4-1 (Mr. Horiszny – No)

**B. APPROVAL OF JANUARY 2008 FINANCIAL REPORTS**

Mr. Kern said the January 2008 financial reports have been prepared and are ready for Council's review and approval.

**General Business Meeting  
February 20, 2008**

**MOTION BY:** Mr. Maxfield moved for approval of the January 2008 financial reports.  
**SECOND BY:** Mr. Horiszny  
Mr. Kern asked if anyone had any questions? No one raised their hand.  
**ROLL CALL:** 5-0

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

- Stephanie Brown, resident, said she wanted to thank Mrs. Yerger to sit on the meeting where they discussed the Meadow Road Bridge. One of the things she thought about after the meeting, is when it comes to the Meadows Road Bridge, there is nothing on the internet. She was hoping we could expand the township's websites under historical places, and put it under there and also put Old Mill Bridge under it also. Mr. Cahalan said they were talking about doing that same thing and expanding it and going off the LVPC of historic sites in the Township, so they will be working with the historic committee and get documentation and pictures. Mrs. Yerger said Karen Samuels got some things off the internet, but she will check with her.
- Stephanie Brown said Jim Stern, he keeps telling her about a painting the school district owns that was painted. Mrs. Yerger said it's a mural in the school itself on one of the walls on the school building.

**VIII. COUNCIL & STAFF REPORTS**

**A. TOWNSHIP MANAGER**

- Nothing to report

**B. COUNCIL/JR. COUNCIL**

**Mrs. Yerger**

- The Historic Committee, we started discussing the Reddington Chapel and the marker that is going to be placed there, and there may be some areas of local sites that may not be of national significance but are of local significance and we may want to commemorate with a marker. We would have a township marker to let residents know of some of our sites. There will be recommendations and they will be brought back to Council.
- She said Judy's office forwarded a copy of a grant application from the Home Depot foundation and they are looking for communities interested in applying for grants for public areas and we thought about the Polk Valley Park, so she would like to ask Council's permission to work with Jack. They need a letter of intent that we are interested in applying for this grant and work with Judy's office. They need to work with some community groups of 501c3. Ms. Stern Goldstein said the only thing is the township themselves are not able to get the grant, only 501c3, it's Home Depot reaching out to community groups.

**MOTION BY:** Mrs. Yerger moved to have Jack work with Rick Tralies or Judy to put together a letter of intent for Home Depot for Polk Valley Park.  
**SECOND BY:** Mr. Kern  
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.  
**ROLL CALL:** 5-0

**Mr. Maxfield**

- Nothing to report

**General Business Meeting  
February 20, 2008**

**Mr. Kern**

- He'd like to suggest we make the police consolidation study public. Mrs. deLeon said why do we need a motion to make it public? Mr. Maxfield said it's in draft form. Mrs. deLeon said anything discussed at a public meeting is the right to know, the sunshine law. Mrs. Yerger said he wants to post it on our website. Mr. Maxfield said our consultants wouldn't release it at their public meeting. Mrs. deLeon said that's a violation of the sunshine law. Mr. Maxfield said we'll avoid that by making it public.

**MOTION BY:** Mr. Kern said he'd like to place the study on the website to make it more accessible for readability.

**SECOND BY:** Mr. Kern

**ROLL CALL:** 5-0

- He asked if there was any follow up on the trees taken down on Old Mill road. Mr. Cahalan will have to get back to him on that as the resident is out of town. Mr. Kern said they are on the township right of way. Ms. Stern Goldstein said there was a lot of discussion about tree replacement and then the property owner was going to be using a consultant and that went on for six weeks, and finally Chris and Rick talked and they talked to the property owners themselves. The trees are down and Chris is directly pursuing it with the property owner. It was the homeowner's discretion not knowing what the right of way was.

**Mrs. deLeon**

- She asked Leslie about the ZHB minutes were only copied on one side. Ms. Huhn said she will take care of it.
- She wanted to know what was going on with the Landfill Consultant, who's looking at all of it? Mr. Cahalan said Jim Birdsall is looking at all of it. He asked about Laressa and Mr. Cahalan said they have to come back to Council. Mrs. deLeon said we have to do something. Mr. Kern said what would you like the agenda item to say? Mrs. deLeon said the appointment of the landfill consultant. Mr. Cahalan said he asked Jim if you can give me some feedback, we can work on the scope of services. In between that there were some items that Jim indicated Laressa had to work on. We indicated that would have to go to Council and be put on the agenda. Mrs. deLeon said the landfill doesn't have an updated air permit and it doesn't reflect there's a BRE plant and it's going to open soon. They are going to be decommissioning old gas wells, the leachate leaks, there's been an increase in the flows again, so somebody needs to be following up on this. The Landfill Committee aren't experts. Mr. Maxfield said this is being sent to Jim, shouldn't he be following up on it and DEP is following up on the leachate. Mrs. deLeon said MFS was supposed to be monitored by DEP and we all know what happened with that. Act 101 when it was passed in 1988 gave townships an opportunity to comment on landfills in the township as prior to that there was no voice for municipalities. She would hope that we monitor what's going on at the landfill. Mrs. Yerger said isn't that what Jim is doing? Mr. Kocher said what Jim has specific authority to look at, he's looking at it. He's not sure if we clearly established to him that Jim is to assume duties like that or we are to leave it to DEP. Mr. Cahalan said that hasn't been addressed by Council so he has no answer. Do you want DEP to just review it or Jim and DEP and another landfill issue to address it? Its going to be part of the scope of services. Mrs. deLeon said we've always looked at it and given comments to DEP and she'd like that to continue and she'd like it to be on the agenda. Somebody needs to be looking at these documents. Mr. Kocher said Jim looks at everything, but if a specific discharge requirement set by DEP and they say 5 and they are at 7, is that DEP's responsibility to get after the landfill or is it Jim's responsibility to get after the landfill. He's happy to leave DEP issues to DEP, or he's happy to be a little more proactive. Mr. Kern said what's the answer to that question, is it DEP's responsibility and can't we have

**General Business Meeting  
February 20, 2008**

DEP get after the landfill. Mr. Kocher said that's one approach you can take. The Zoning Officer can't stop every zoning violation, but is he doing a reasonable job. Is DEP doing a reasonable job enforcing their own regulations, and if they are, you don't have to look over their shoulders. Mr. Maxfield said we are not going to stop the leachate, it's DEP's job to stop that. He doesn't want to spend Township money to keep spending money for something we can't affect, why duplicate work. Mrs. deLeon said why did we duplicate work with MFS? Mr. Maxfield said we didn't sit there and review admission, we got on DEP and said do something. Mrs. deLeon said what are we going to do about the rock crushing? Ron, you sat on the landfill, who is doing this now? Mr. Horiszny said Jim can ask questions, we can ask questions. Mr. Maxfield said Jim has been in the business long enough and can give us choices. Mr. Kern said let's get Jim at the next meeting and redefine the scope that we want. Mrs. deLeon said she's very concerned about the leachate, the flows are definitely up. Mr. Kern said he'd like to follow up with DEP and find out what they are doing about it. Mrs. deLeon said she's very disappointed and somebody has to be looking at this more closely, so let's have Jim here. Things have fallen through the cracks. Mr. Maxfield said point out something that has fallen through the cracks. We are not going to solve the leachate problems. We can review their reports, but what we should be really doing is sending letters to DEP and asking what they are doing about this problem. Mrs. deLeon said that's what we've been doing. Mr. Kern said let's continue to do that, so nothing is falling through the cracks.

- The Chamber of Commerce just published the Restaurant Guide. Mr. Cahalan said we will be getting copies soon.

**Mr. Horiszny**

- He said he attended the Lower Saucon Authority meeting last night and will report they were still trying to get a rate change with the city of Bethlehem for the water incoming into our residents and also working on the Leithsville Act 537 situation with Hellertown.

**C. SOLICITOR**

- Nothing to report

**D. ENGINEER**

- Nothing to report

**E. PLANNER**

- Nothing to report

**IX. ADJOURNMENT**

**MOTION BY:** Mrs. Yerger moved to adjourn. The time was 9:40 PM.

**SECOND BY:** Mr. Maxfield

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

**ROLL CALL:** 5-0

Submitted by:

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Mr. Jack Cahalan  
Township Manager

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Glenn Kern  
President of Council