

I. OPENING

CALL TO ORDER: The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, March 1, 2006, 7:12 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Mr. Glenn Kern, Council President, presiding.

ROLL CALL: Present – Glenn Kern, President; Priscilla deLeon, Vice President; Thomas Maxfield, Sandra Yerger and Ron Horiszny, Council Members; Jack Cahalan, Township Manager; Brien Kocher, Township Engineer; and, Township Solicitor, Linc Treadwell; Assistant Township Manager, Leslie Huhn; and Jaclyn Rasich, Jr. Council person

PLEDGE OF ALLEGIANCE

ANNOUNCEMENT OF ANY EXECUTIVE SESSION (IF APPLICABLE)

Mr. Kern said Council met in Executive Session prior to the commencement of this meeting to discuss personnel issues and consideration of potential property acquisition.

MOTION BY: Mrs. deLeon moved that the Township commit to \$25,000 to the purchase of a conservation easement within the Cooks Creek Watershed in cooperation with DCNR, Heritage Conservancy and Bucks County.

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

ROLL CALL: 4-0-1 (Mrs. Yerger – Abstained – She is employed by Heritage Conservancy)

II. PUBLIC COMMENT/CITIZEN AGENDA ITEMS

Mr. Kern said for citizen agenda items – Council operates under Robert’s Rules. What that means is during agenda items, Council will talk amongst themselves and amongst staff and the interested parties. At the conclusion of that, we open it up to the public for public comment. There is an opportunity for non-agenda items at the end of the meeting to discuss whatever your business might be. We do have a microphone and there are microphones up at the table. There is a sign-in sheet in the back of the room. Please print your name and address and email address. It is very helpful in transcribing the minutes. For those who want to receive emailed agendas, please give your email address to Diane, Leslie, or Jack or call the Township office. Please state your name and address. If you can’t hear, please let us know. Our friends are here from Heritage Builders. This transcriptionist is from Heritage Builders and also a camera present. Mr. Kern asked if anything was taken off the agenda this evening? Mr. Cahalan said Item IVB.

III. PRESENTATIONS/HEARINGS

A. HERITAGE CONSERVANCY – UPDATE REGARDING CONSERVATION EASEMENT TABLED

IV. DEVELOPER ITEMS

A. KALLY RIDGE – REQUEST EXTENSION OF TIME TO COMPLETE MAINTENANCE ITEMS

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Mr. Kern said the developer is requesting an extension of time to complete the punch list items remaining from the maintenance period for this subdivision. Developer will be required to post a cash escrow for the completion of the maintenance items.

Mr. Cahalan said there is a letter from HEA dated February 22, 2006. Mr. Kocher said they have issued a punch list to the developer and they have agreed to perform the items on the punch list and HEA is recommending it can go into maintenance subject to their posting a \$20,000 in maintenance security. Attorney Treadwell said then the developer has agreed to that? Mr. Kocher said yes.

- MOTION BY:** Mr. Maxfield moved to grant the extension per the condition in the HEA letter of February 22, 2006.
SECOND BY: Mrs. Yerger
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.
ROLL CALL: 5-0

B. FRIEDENBERG LOT LINE CHANGE – 1334 SEIDERSVILLE ROAD – RECOMMENDATION FOR DENIAL

TABLED

C. COTTAGES AT SAUCON VALLEY – MOUNTAIN VIEW DRIVE AT PLEASANT DRIVE – REQUEST EXTENSION TO MEET CONDITIONS OF APPROVAL

Mr. Kern said the developer is requesting a 30 day extension in order to complete the conditions of approval granted on March 7, 2005.

Mr. Steve Boell, Fitzpatrick, Lentz & Bubba were present. He said in August their client obtained a six month extension from condition no. 11 that all conditions are satisfied and the plan be recorded within six months of the approval. Their client is financing the construction. Hopefully, by the end of the month, they will be able to satisfy all of the conditions and have the plan recorded. They are confident in that.

- MOTION BY:** Mr. Maxfield moved to approve the 30 day extension.
SECOND BY: Mr. Horiszny
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.
ROLL CALL: 5-0

D. LONG RIDGE MAJOR FINAL – BERGSTRESSER DRIVE – REQUEST EXTENSION TO COMPLETE CONDITIONS OF APPROVAL

Mr. Kern said the applicant is requesting an extension to complete the conditions of approval associated with their major subdivision approval.

Mr. Richard Brooks from Ashley Development was present. He said they need a 60 day extension.

- MOTION BY:** Mrs. deLeon moved for approval based on the staff recommendations dated March 1, 2006.
SECOND BY: Mrs. Yerger
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.
ROLL CALL: 5-0

V. TOWNSHIP BUSINESS ITEMS

A. SAUCON VALLEY COMMUNITY CENTER – APPROVAL OF CONTRACT FOR SENIOR PROGRAM

Mr. Kern said the agreement between the SVCC and the Township has been prepared for the Senior program. The program will run year round with limited summer hours and the Township will pay a total of \$16,119.00 in two installments of \$8,059 to the SVCC to provide this program to our senior citizens.

Mrs. deLeon said this is a great program. Mr. Cahalan said it's in its third year and has been very successful. They are running year round now at Seidersville Hall. They have a list of activities that will run through the winter. They have limited programs during the summer time. It's been working out very well, Tuesday through Thursday from 9:30 AM to 3:30 PM. As it was mentioned, Council budgeted the \$16,119.00 in the 2006 budget to pay for the program. We have prepared an agreement, which has been approved by the SVCC, and it's also been reviewed by the Solicitor and they are recommending Council approve it for 2006.

MOTION BY: Mrs. deLeon moved for approval of the contract for the senior program – Saucon Valley Community Center.

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

ROLL CALL: 5-0

B. LUTZ-FRANKLIN SCHOOLHOUSE – REVIEW OF REPAIR PROPOSAL

Mr. Kern said Council has in place where it reviews all repairs and alterations proposed for the Lutz Franklin Schoolhouse prior to implementation.

Mr. Cahalan said this was submitted by the Lower Saucon Township Historical Society and it's at a stage where they are preparing to repair the flooring at the school house. They submitted a proposal that is before you for review. The job is going to run about \$3,067, and they will be able to use \$1,000 from a DCED grant that the Township got and turned over to them from Representative Bob Freeman.

MOTION BY: Mr. Horiszny moved for approval of the repair proposal.

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

Mr. Cahalan said he received an email from the LST Historical Society and they stated they received an offer from an organization called, Allegheny Gardens, which is in Coopersburg. They have agreed to, during their down time, to clean out some of the weeds and brush along the tree line on the school house property and they will be removing invasive plants and common weeds. They list a whole bunch of them starting off with the multi floral rose. It says the landscaper will be supervised by a historical society member. Mr. Maxfield said rather than a historical society member, the landscaper passes the plan by our Planner. Mrs. Yerger said she doesn't think when she was at the meeting that they plan on submitting. This is strictly for weed and scrub removal. They did not anticipate submitting an actual plan. Mr. Maxfield said everytime he hears removal of scrub, he gets nervous. Mrs. Yerger said at her request it was to be limited to multi floral rose and invasive. She's hoping that as a professional landscaper he knows how to identify these things.

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Mrs. Yerger said this is done on a volunteer basis. Judy might not even have the time to oversee this as a project. Mr. Maxfield suggested that Hans Riemann be present. Mrs. Yerger said it was her understanding from the conversation at the meeting that it was going to be confined to the tree line between the two properties. Mrs. Yerger said it needs to be done by the end of March as the landscaper has free time. Mr. Maxfield would volunteer to call Hans Riemann or Judy Stern Goldstein and ask them if they would be willing to volunteer the time to check out the project and get back to Jack. He'll call him tomorrow. Mr. Cahalan will get more information and work with Mr. Maxfield. Mrs. Yerger said is there a way we can conditionally support it if Jack gets the plant list approved by Judy and what Jack would discern.

MOTION BY: Mrs. Yerger moved to approve it with Jack's discretionary approval of supervision and Judy's review of the plant list to be removed.

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

C. HIDDEN MEADOWS ESTATES – SIX LOTS

Mr. Kern said he was handed a note earlier and it says two gentlemen are present in the audience that thought that our Zoning Officer had told them they were on tonight's agenda. They are requesting a short amount of time to do a brief presentation on a cluster sketch plan.

Phil Siebert, Ott Consulting and Paul Dreyer, Developer were present. They made a presentation at the February 13, 2006 Planning Commission which was our third time before them. This project has evolved over the months that they've been working on it. It's still at a sketch plan stage, but they are working on preliminary plans. The PC suggested we bring this plan to Council in order to tell you about our proposed disposition of the open space. This happens to be a cluster development. It is a property of about 26.4 acres. The site capacity analysis indicates we could create six lots. What they have done is they created a cluster developer wherein those six lots can be a minimum of one acre in size rather than two acres. In a trade off for that, they are preserving 50% of the base site area in permanent open space. They worked through this with the input from your PC. They were very pleased with what we presented and have recommended the concept of open space use. He has a statement they wrote up as the ordinance asks you to first of all talk about the appropriateness of the open space that you are proposing, and secondly, how you would propose to maintain that open space or who is going to own, how's it going to be maintained in the future.

Mr. Dreyer said this is the Meese Farm on Lower Saucon Road, the big yellow farm house. Judy Stern Goldstein recommended we work up the open space in a way to preserve as much of the farmland. They have an agreement with Joe and Diane Chernaskey. They have a sales agreement for them to purchase the farm. They would like the farm in with the 13 acres that are around the farm. They have requested to preserve the open space as well, not only through the township, but also formally through Northampton County.

Mr. Siebert said the narrative states "In accordance with the LST ordinance 2005-06 relating to single family cluster developments, a minimum of 50% of the base site area is designated as open space. The site contains 23.89 base site acres x 50% is 11.91 acres set aside for open space. Regarding the suitability of open space, as set forth in the objectives of the ordinance, the purpose of allowing for cluster development is to provide for open space, protection of critical natural features not protected by other regulations, park land, recreational facilities, community facilities, historic sites and other public uses. We feel that in this rural less populated region of the township, the use of the land for a park, recreation facilities, community facilities, or other public uses, may

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not preserve or protect the beautiful natural features, environmentally sensitive resources or the historic farmstead site. On the west side of Lower Saucon Road, there is an existing 100 year old farmstead consisting of a farmhouse, barn, and a cluster of accessory buildings which were all part of the Meese working farm. These accessory buildings include a corn crib, slaughter house, butcher shop and milk house, which together with the principal buildings made up the working farm. The farm buildings abut existing farming fields and woodlands which run to the base of Swoveburg Hill. Swoveburg Hill has been identified on the Township natural features plan as prepared by the LVPC as being one of six large areas of the township having a very high conservation priority. The high conservation priority area is comprised of 10% of our site on the west side of Lower Saucon Road. The remainder of the farmstead lot area, about 90%, is designated as low conservation priority. The land on the east side of Lower Saucon Road contains no significant historic farm buildings or other structures. It is composed of land designated as low and medium conservation priority. The land also includes a large amount of area within PPL and Interstate Energy Company easements that traverse the site. Although the area to the north of the utility easements consists of 1 ½ acres of land unencumbered by utility easement, it is rendered somewhat inaccessible by steep slope immediately adjacent to Lower Saucon Road.” Mr. Siebert said on the east side of Lower Road, there’s a 150 foot wide utility easement and there is 1 ½ acres of property that is not within that easement which they potentially considered as open space, but the township planner didn’t like that idea. They suggested that we try to accomodate all of the open space on one side of the road. It’s actually better land on that side.

Mr. Siebert said the proposed disposition of open space – the owners of the property propose to develop the land in accordance with the cluster development ordinance with the following proposed disposition of the ordinance required open space. The existing farmhouse, barn and accessory buildings would be contained on a farmstead lot, lot no. 6, of 12.89 acres. This farmstead lot would be comprised of three component areas. The farm buildings would exist on one acre of land which is unencumbered by the open space conservation easement. The open space area they are proposing would be 11.89 acres. The minimum size in the cluster development would be unrestricted to use around the farm itself containing most of the farm buildings. The slaughter house is not contained within that one acre. The reason for the one acre is originally they proposed a larger area, but in order to get to the total amount of open space on this side of the road, they had to reduce it to the minimum lot size. What results is they are very, very close to that 50%. We’re off by 6,000 square feet, and if you add in the easement, which is not permitted by definition of open space, 1.3 acres of easement area to the rest of this land, they would be right on the total amount required for open space. The owners presently have an agreement with Joseph & Diane Chernaskey for the 12.89 acre farmstead lot. On page 11 of the agreement of sale, a condition has been included that states the sale is subject to buyer placing the entire property into a land preservation act. The Chernaskey’s have requested this condition and have stated they intend to discuss formal farm preservation with Northampton County and possibly historic preservation with the Commonwealth of PA. The Chernaskey’s have also stated they are very interested in purchasing the entire 12.89 acres, not just the farm buildings. They are proposing that, with the sale of this lot, a covenant would be recorded. It says the covenant would be identified on the 12.89 acre farmstead lot recorded plan and deed and the covenant would be bound with the land forever insuring its preservation and mandating its stewardship and maintained by the farmstead owner. The designation of the 11.76 acres of open space is only .15 acres less than the required minimum area for the overall cluster development. The acceptance of the .13 acres of utility easement would bring the total open space within about 900 square feet of the required total. Therefore, we petition the township to allow this small land section to be incorporated into the overall open space area and the total 11.89 acres to satisfy the total open space requirement.

Mrs. deLeon said this is hard for us as we’re seeing it for the first time. Mr. Maxfield said in the one acre building area of the old farm, how does the creek work into that one acre? Mr. Siebert said the one acre parcel that we’ve defined on this plan could almost be anything as long as it

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contains the buildings, but what they have done is run it to the center line of the intermittent stream that comes in and feeds the wetland area. That becomes sort of a natural boundary. Mr. Maxfield said you made the statement unrestricted use within that acre. That creek will still have the protections that are afforded to it by the ordinance. Mr. Siebert said absolutely. Mr. Dreyer said this is something the PC recommended we do to meet the cluster development ordinance. They are also looking for the county and state protection. Mr. Maxfield said he was going to ask some more about the conservation easement that would be put on the rest of the property. The county is not a permanent thing, it's a temporary thing. Mrs. Yerger said it depends on how they do it. If they are talking Act 319, that's not a permanent thing. If they are talking to do an agricultural easement, they would go on a waiting list. At this point, the county has a huge waiting list of farm ready to go on. Would they be able to process it through the open space plan, she doesn't know. It's subject to review by the open space board to the county. One of the options that the Chernaskey's could pursue is you could have another outside entity. There are conservation organizations that could hold the easement. The township could hold it. You may want to discuss that aspect of it. Talk to our Attorney Linc who has worked through these kind of procedures before with other townships and he will have some good recommendations, and our planner, as well. They'd be more than happy to help in how to apply this. Mr. Maxfield said to make sure this stays preserved forever; they'd like a multi party good conservation easement, and not necessarily an agriculture easement. We'd like something more than a deed restriction. We'd like to see a real conservation easement cover that and we'd like the multiple entities involved.

Mrs. deLeon said a couple of meetings ago we had residents here, and they were comfortable because there was a deed restriction on no fences, and yet the property owner of that one tract had certain rights that the township couldn't take into consideration. We're trying to really achieve preservation forever. Mrs. Yerger said that can be done.

Mr. Siebert said the ordinance indicates that you shall show in your plan an area offered for dedication to the township. The township planner has indicated they agree with us that in this case they'd like to preserve it with the farm and put it in a conservation easement that is acceptable to you, but have it maintained that way rather than to have the township own it and develop it as a park. We're trying to preserve it as a farm. Attorney Treadwell he is fine with dedication in an easement form to the township as opposed to a fee dedication. Mrs. deLeon said if we agree with the cluster wording, now let's go to the final preliminary approval where it says the developer shall pay x number of dollars because it's a major subdivision. Attorney Treadwell said that's a separate issue. We haven't seen this plan submitted. It's a sketch plan at the moment. The rec fee would apply, when it's over and above the dedication under the cluster provision. It's not in place of. Mr. Maxfield said it's pretty existing you've got a cluster plan going. Council said they appreciate their willingness to work with their planner and staff.

Attorney Treadwell said to give him a call and they will talk about how they will preserve the open space.

D. HANOVER ENGINEERING REQUEST FOR SEWAGE ENFORCEMENT OFFICER APPOINTMENT

Mr. Kern said HEA is requesting that Jacob A. Schray be added to the current list of appointed Sewage Enforcement Officers. Should Council approve the appointment, HEA is requesting a letter be forwarded to the Dept. of Environmental Protection informing them of this appointment.

Mr. Kocher said Jake was here for a while. He was on sabbatical and he's back now with us and we'd like him back on the list.

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MOTION BY: Mrs. deLeon moved for approval of HEA's request for a sewage enforcement officer appointment of Jacob A. Schray.

SECOND BY: Mrs. deLeon
Mr. Kern asked if anyone in the audience had any questions or comments? Mr. Mike Stern said what part of the Lower Saucon Township will the Sewage Officer be involved in? Mr. Kern said the entire township. Mr. Stern said he is going to be involved in the whole area including the non-sewage area between 78 and Colesville Road. Mr. Kern said anything involving sewage enforcement. Mr. Stern would like to speak about a situation that is in the planning stages. Mr. Kern said to bring it up under Public Comment/Citizen Non-Agenda items.

ROLL CALL: 5-0

E. SAUCON CREEK WATERSHED – LETTER OF SUPPORT

Mr. Kern said Council directed a letter of support be prepared to Wildlands Conservancy indicating the Township's support of the Saucon Creek Watershed assessment plan.

Mr. Cahalan said in the support letter, they also ask for some in kind support and he volunteered in the letter, GIS mapping services that are valued at \$2,500.

MOTION BY: Mrs. Yerger moved for approval of the Saucon Creek Watershed – Letter of Support.

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

ROLL CALL: 5-0

F. RESOLUTION #29-2006 – DEPARTMENT HEAD LIFE INSURANCE

Mr. Kern said at the time of budget preparation, the Manager proposed to Council preparation of a benefit package for Department Heads. Part of the package was an increase in life insurance coverage for Department Heads from \$36,500 to \$50,000 at an annual cost of \$235 which was included in the 2006 budget. A resolution authorizing this benefit increase has been prepared in order to make this change with the insurance carrier.

Mr. Cahalan said this was discussed at budget time and they are proposing to raise the life insurance coverage for salaried department heads up to the \$50,000 level. The cost is \$235 on an annual basis. Mr. Horiszny said should we add "salaried" department heads? Mr. Cahalan said department heads are salaried. Our position classifications say they are salaried.

RESOLUTION AUTHORIZING AN INCREASE IN THE LIFE INSURANCE COVERAGE FOR TOWNSHIP DEPARTMENT HEADS

WHEREAS, the Township currently provides life insurance coverage to all full-time township employees under the Township Group Term Life Insurance policy; and

WHEREAS, the Township Manager is currently covered up to \$75,000 and the Chief of Police is currently covered up to \$50,000; and

WHEREAS, the police officers are covered up to \$50,000 per the uniformed labor agreement ; and

WHEREAS, the Department Heads are currently covered up to \$36,500; and

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WHEREAS, the non-uniformed employees are currently covered up to \$36,500 per the non-uniformed labor agreement; and

WHEREAS, it is the intent of the Township Council to increase the insurance coverage for Department Heads above their current rate and funds to cover this increase were budgeted in the 2006 budget; and

NOW, THEREFORE, BE IT RESOLVED, that the Council of Lower Saucon Township hereby authorizes the Township Manager to increase the insurance coverage for Department heads from \$36,500 to \$50,000.

ADOPTED and ENACTED this 1st day of March, 2006.

MOTION BY: Mr. Kern moved for approval of Resolution 29-2006.
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

G. AUTHORIZE NORTHAMPTON COUNTY TO COLLECT 2005 DELINQUENT TAXES

Mr. Kern said Council should authorize Northampton County to collect he 2005 delinquent taxes in the amount of \$24,841.29.

MOTION BY: Mr. Horiszny moved for approval to authorize Northampton County to collect 2005 delinquent taxes.
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

H. REQUEST FOR AUTHORIZATION TO PURCHASE BOOM MOWER

Mr. Kern said the Director of Public Works is requesting Council authorization to approve the purchase of a boom mower which was approved in the 2006 budget for \$90,000. This authorization would be a Boom Mower under PACC's contract from Stephenson Equipment, Inc. at a total cost of \$87,900. The original price is \$101,700 less a \$13,800 trade-in for our John Deere 2555 Boom Mower.

MOTION BY: Mr. Horiszny moved for approval of the request to purchase the boom mower.
SECOND BY: Mrs. Yerger
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.
ROLL CALL: 5-0

I. AUTHORIZATION TO ADVERTISE ORDINANCE FOR TRAFFIC SIGN AT WHITE ACRE DRIVE

Mr. Kern said residents of White Acre Drive have requested ht township erect a stop sign at the end of this road for safety reasons. This has been reviewed by the Director of Public Works and Officer Glenn Williams. The price for the sign will be between \$75 and \$80.

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Mr. Cahalan said White Acre Drive is a private road owned by a Homeowners Association. They put a sign up there that has since fallen down and for safety reasons, the PD and Public Works are recommending they erect a stop sign at that location.

MOTION BY: Mr. Horiszny moved for approval to advertise ordinance for traffic sign at White Acre Drive.

SECOND BY: Mrs. Yerger

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

ROLL CALL:

VI. MISCELLANEOUS BUSINESS ITEMS

A. APPROVAL OF FEBRUARY 15, 2006 MINUTES

Mr. Kern said the minutes of the February 15, 2006 Council meeting have been prepared and are ready for Council's review and approval.

MOTION BY: Mr. Horiszny moved for approval of the February 15, 2006 minutes.

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

VII. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS

- Michael Stern, from 3519 Route 378 was present. It has come to his attention that the Agentis Brothers are going to submit a plan for a car wash in operation opposite their properties. There's no storm sewage in that particular area and no residential sewage in that area. He personally thinks this is the wrong type of business to put in such an area. Later on, it came to his attention that they may have been able to find a way to look into the sewage from Upper Saucon Township. It's not a done deal yet, but supposedly there will be approval to do so. There will be seven homes that will be razed. We also have seven properties on the opposite side. Are we going to be afforded the same sewage capabilities, especially the storm sewage? When we get heavy rains, all that water goes down to a water runoff system and down to a wetlands area. If the PC gives approval, as they will meet most of all the requirements, for such a business, there is going to be residual waste. A car wash in operation uses a lot of strong chemicals and not all those chemicals are going to be salvaged into a system that might be set up to capture that water. His concern is how did they manage to get approval from Upper Saucon for their sewage? Why aren't we being afforded the same thing? What's going on? Mr. Cahalan said none of this has been proposed yet. It hasn't even hit the PC. They've been talking about it. There is a sketch plan that the developer has given the township, and at this point, there haven't been any plans submitted for any sewage or storm water. Mrs. deLeon said on a prior agenda, the Agentis car wash, it was a paper street issue. Attorney Treadwell said correct, and we did not take action on that yet. We don't know the answer to that yet as Jack said, we haven't had a plan submission, so it hasn't been reviewed. Mrs. deLeon said, in theory, in order to put sewer in our township, we have to approve that. Mr. Cahalan said if the developer is going to get sewage, the only place he can get it is Upper Saucon Township. Mr. Kern said it's a sketch plan with no details and they haven't submitted it as of yet. We have nothing before us. Mr. Maxfield said when the sketch plan came before PC, part of the property does go into Upper Saucon and the developer may have already been talking to Upper Saucon for sewer. When this comes up on the PC agenda, Mr. Stern will be notified so he can attend.
- Mr. Stern said there is a traffic problem at Stabler and Wyandotte Hill. Are there any plans to widen that? Mr. Cahalan said that's a state road and PennDOT has the jurisdiction there and it's their call.

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- Ms. Stephanie Brown, resident, said she has a number of concerns and problems and is unhappy with Toll Brothers and Saucon Valley Meadows that never seem to get resolved. The construction site is a 24 hour, 7 day a week site. There's constantly dust and dirt in the air. She's had damage to her property, people take things off her property. She asked the appropriate screens and fences be put up and it's been ignored. There are two problems, a 30 year water problem that's never been solved that comes off of the Saucon Valley Meadows onto her father's property. Five years ago, she came to LST about the problem and was told that when the development went in, her problems would be solved, but they are still not solved. When you approved the approach, you never saw where her father's driveway was and where this approach was. They are right next to each other and there is no way to tell where the end of her driveway is and where the approach starts. She's asked something to be done to fix the problem. She handed pictures out for Council to look at. One thing she asked, and the engineers refused to do anything about is the inlets that were placed in that same area. The type of inlet that was installed was a C top, meaning curb. She asked that the township reconsider and put an M top so there would be a grassy area between the approach and the end of the driveway. It was looked at but there was a misunderstanding the reason she didn't want the curb in and inlet top put in was because she wanted to be able to get out of her driveway. That's another issue. Mrs. deLeon said this is an older subdivision. Mr. Cahalan said it did meet the regs. It's been reviewed. Ms Brown's concerns about the inlet and entrance have been referred to the engineer for review. He sent back a letter and indicated why they were approved that way and he looked at them and he was not recommending they be changed. She showed pictures of the runoff problem. It's supposed to be controlled by the storm sewer that has gone in. The problem was always coming off of the Meadows. With that not being controlled, these inlets aren't even helping. When she talked with Chris, he said each of these lots had to be approved separately. Chris went and issued a permit for the whole site instead which makes her very angry. You can't tell her no one knows about the water runoff from this property. She's been promised for years it will be fixed, now that they have one permit to grade the whole site, these problems aren't going to be fixed. Chris keeps saying it's her father's responsibility to put a swale on his property to fix the problem. That's not the case. The water runoff never originated on their property. It's always been on the Meadow's property. Mr. Cahalan said Stephanie was talking to Chris Garges about this, and Chris's response is that there appears to be a low spot on Stephanie's property. She said it's not on her property. Mr. Cahalan said there is a low spot on the Brown property that collects storm water runoff from the large field behind where Saucon Meadows is being built. Ms. Brown contends this is a township problem even though it is a dispute that should have been handled through adjoining property owners. Ms. Brown states she's had contractors out to visit the site, and they have made recommendations. Chris has indicated it's not clear why she does not hire them to alleviate a problem that has been existent on her property for a number of years. In response to the issue about the lot grading plan, rather than allowing each of those lot grading plans to be done on a piece meal basis, Chris gave the approval to Toll Brothers to do the lot grading all at once. That was done in conformance with the grading ordinances. The issues about the curb and the inlets has been looked at by the zoning officer and the engineer. There was one inlet that was put in incorrectly and the developer moved that to the correct location. Curbing is per the SALDO. It has been done correctly and it's been reviewed and the Engineer is recommending it not be changed. That's the response. Ms. Brown said the day they came to install the one inlet, they didn't even have permission to do it, though the cops were called to her home and harassed me and didn't even have permission to do it. It took her three emails to Chris to get him to say to the engineers, please go and check to see if this is in the right spot. Guess what – it wasn't in the right spot. When they moved it, they damaged part of my driveway. Schlough keeps damaging her property who is doing the infrastructure. The best thing to be done is to put an M top inlet there. When she tries to resolve things herself, she never gets phone calls back, and she's told she needs to get lawyers involved. The runoff has been for 30 years. Chris keeps putting the blame on my family when the problem is clearly run off of that property. Why can't this be resolved? Mr. Cahalan said they have given answers to Stephanie on these issues. These are the response from Jim Birdsall. The letter of November 18, 2005, says regarding the need for the

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inlets on Meadow's Road in front of the Brown property, the storm sewer designed for the subdivision calculates that just over 2.5 acres drain to this area. This area included the western portion of the Brown property, the next two properties fronting on Meadow's Road in their entirety as well as the adjacent 1/2 of Meadow's Road front of these properties plus the rear half of lots 26 and 25, and a portion of lot 24 on Clarence Drive in the subdivision Meadows. These inlets are needed to intercept the runoff from these areas before it enters Stover Road to minimize the potential for flooding at the intersection. The location of these two inlets, which as you know, have now been installed will allow some runoff to be intercepted before it crosses the Brown's driveway which is very close to the intersection helping to prevent ponding and damage to the driveway which appears to have occurred in the past. Mr. Kern said that sounds like a benefit. Mr. Cahalan said no. 2, regarding the concerns of losing access, we note that the proposed curbing does not diminish the width of the existing driveway which appears to be about 18 feet which is a normally adequate width. As you are aware, township regulations do not allow a second driveway for a residential property and do not allow new driveways in proximity to intersections. Therefore, the existing driveway cannot be expanded closer to an intersection. The other one was the ending the sidewalk at the handicap ramp which the Council approved that, and that was taken care of. The next letter, January 19, says this is to apply to the additional request of the Brown's as stated in Stephanie's email to the township on December 14, 2005 requesting that the C top on inlet 10C east of their driveway, be converted to an M top. As you are aware, inlet 10D which is on the west side of their driveway, was fitted with an M top partly indifference to the Browns since it was more in the middle of their lot and would have involved extending curbing across their driveway and terminating at the inlet. Inlet 10C is on Meadow's road at the end of the curb radius of Stover, thus, if the Township continues construction of curbing along Meadow's Road, the C top of this inlet will not need any adjustment. We, therefore, see no reason to recommend changing this inlet. The developers contractor is about to move inlet 10D away from the Brown's driveway as previously directed by our office. Regarding the issue of providing additional driveway access from the size of the property, we believe this issue was addressed previously as Item 2 in our November 18, 2005 letter unless there is something we are not understanding. Ms. Brown said she is not asking for driveway access, she was asking for access to her property as she's explained that they have several vehicles in her family and park them off to the side of the driveway. The inlets are going to help with the runoff problems. If you listen to that letter, it sounds like the inlets are there to collect water that is coming through her property. There is going to be a problem with the approach at the end of the driveway. She said Mr. Cahalan told her to come to Council. Mr. Cahalan said what he said to her was that we have done everything that we can do to respond to your concerns. We have responded as much as we could at the staff level to your concerns with the responses from the engineer. On the issue of the 30 year runoff, he suggested is that the only thing she could do is to come to Council and ask Council for further action. Ms. Brown said that's what she's here to do. Mr. Kern said the only issue before Council is the 30 year flooding issue. Ms. Brown said so is the approach, it's not appropriate. You didn't know where my driveway was. Mr. Kern said we're going to address both of those issues right now. Mr. Cahalan said it has to do with the Meadow's Road that runs by the front of her house and where the intersection with Stover, the turn, begins. When the Meadow's Road final paving is going to be done, it's going to be all the way over to where the curbing has been installed for that intersection and you believe it encroaches on space she owns. She said it will look like the end of the driveway is part of the approach. Mr. Kocher said looking at the picture, it looks like if you look at the fire hydrant and the utility pole, generally speaking, are constructed on the right-of-way line, so it looks like the curbing will be extended either at the right-of-way or somewhat inside the right-of-way. It looks like the work the developer is doing is within the township right-of-way. All the driveways come out and they meet the right-of-way. Mr. Cahalan said that's basically what they've been telling her. Mrs. deLeon said Stephanie said our subdivision regulations, when they submitted their plans how many years ago, the regulations did not require them to show her driveway. They only showed the property parcel. So, no one knew when we were looking at the plans, that her driveway was that close to the entrance to the road. Mr. Maxfield said he's confused about the statement Stephanie made about

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how can people from the development wanting to access the development use your driveway. He sees a good stretch of area between the driveway and the road. Attorney Treadwell said the road will be widened and it will encroach upon what is currently her driveway. Her driveway is within the Township right-of-way. Mr. Kern said they are not going to come into your driveway. They may come in here, but they are going to have to go down Stover Road. If they went into your driveway, how would they continue on Stover Road? She said there will be no differential between the end of the driveway and the approach. Mr. Kern said that's township property. That's township right-of-way. She understands it's in the right-of-way. Her driveway isn't supposed to be part of the approach. Mr. Maxfield said your driveway is part of the township right-of-way. Mrs. deLeon said that's not your driveway. Everybody's driveway comes out of their house and goes to the street. Most people are unaware there is a right-of-way. Mr. Maxfield said people lose chunks of their yard all the time to road right-of-ways. Ms. Brown said is she has to give this up, then there should be appropriate curbing. Mrs. deLeon said you didn't have it to begin with. Attorney Treadwell said it's not a question of giving it up, it's always been the township right-of-way. Ms. Brown said she's always parked cars all the way down to the end of the driveway. Mrs. deLeon said that still doesn't make it yours. Mr. Horiszny said people park cars in the right-of-way all the time. Mr. Maxfield said that part of the driveway was for your use before simply because the township before hadn't required the use of the right-of-way. Now, the right-of-way was planned to be used for the approach, so the driveway is not there. The driveway stops here now. Mr. Kocher said the plan does have some distance on it, maybe 21.3 feet from the existing edge back to where her property even starts, so that part that is grass and the driveway just like everybody sitting at this table, you have grass in the state or township's right-of-way. There is some dimension on there, but he can't read it. Mr. Kern thanked Stephanie for bringing that to their attention, but it is in the township right-of-way. She said now she has to put up with that inconvenience. Mr. Kern said unfortunately, yes. The other issue is the 30 year runoff. Mr. Cahalan said it's an issue they can't help her with. Stephanie said you can if you made the right decision. Mr. Cahalan said there's been runoff from the property behind Stephanie's property on to a low spot on the Brown property that has been occurring for approximately 30 years. It's a private property issue. She was told years ago by Mr. Lutz that when the township approved this development, it would be taken care of. Mr. Kocher said he's not sure if the subdivision plan shows grading through that. He asked if the subdivision plan comes up to her property line? He can see a development in the back. Mr. Kocher said the grading plan may show that low spot. Mr. Cahalan said there's a runoff, but she also has the grading on her property that is contributing to the runoff collecting on her back yard. Mrs. deLeon said is there a way we can look at those grading plans? Mr. Kocher said if you have a low spot, you have high spots all around that low spot. Mr. Kocher said HEA can look into it and report back to Council. Ms. Brown said she asked Chris to check a sign that was on her property, he didn't come out. This is the kind of cooperation she gets from the township. Nothing is done, she can't take anymore of this. Mr. Kern said Stephanie, I have to differ with you on that. He has been following the correspondence with you and the township staff for 1 ½ years, and to say they are not responsive, is irresponsible of you. They have been highly responsive to all of your questions. They do things that are in their power to do, things like right-of-way which we can't do anything about. He can understand how it's frustrating, but there's nothing we can do about those items. The things that the staff and Council can have the power to do something about, we'll do something about it. Mr. Cahalan said Stephanie came in and they had periodic meetings with her about these issues. At a meeting on February 9, she had a list of issues and he'll run down some of them. She requested a meeting with Jeff Lazar to discuss several site related issues such as the curb driveway issue. That meeting was set up and she said she met with him within the past week. She indicated there was a lot of construction debris blowing around. They notified Toll Bros. and Jeff Lazar to remediate and monitor the situation. She said there was a lot of dust blowing around on the roadway. Chris contacted DEP, Don Kahler, who visited the site and requested the contractor sweep the roadway. We indicated to her at that time, we couldn't help her about the 30 year runoff problem, but she should come to Council. She asked to appeal the decision we made about the depressed curb and we stated she had

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to come to Council to speak to you about that. She raised a question about the location of a new stop sign at the intersection of Meadow's and Stover and we are having the police look into that. The stop sign was erected by the developer and you questioned was it in the proper location. We're having the PD look at that. She questioned the new signs structure that Toll Bros is installing with regard to its compliance with the permit ordinance. Chris said he visited the site and he requested specific location information from Toll Bros that is more accurate than his field measurements. They have a surveyor scheduled for 2/27/06. She questioned the time frame for the final paving of Meadow's Road and her driveway. We said it was weather dependent. All the issues raised at the meeting with her, have been responded to or are pending. Ms. Brown said that's the first time she heard any of these answers. Mr. Cahalan said they gave some answers to her on the 9th at the meeting and the other ones will be given when they get answers. Mr. Kern said this is his point. For a year and a half, he's been reading in our packets, your questions of staff and their responses. They are public record, so if you haven't been receiving responses, they are in the public records. Your issues are being addressed. Ms. Brown said why is she still having problems? Mr. Kern said that's the nature of living here on earth. You are going to have problems when developments go in. Schlough took something off of her property without her permission. Mr. Cahalan said they thought it was debris and they were cleaning up the site. It has since been returned. She said there's a trench still in the back of her property. Mr. Cahalan said it's for utility work. Mr. Kern said would you want them to fill it in and open it back up again and create more dust. There is nothing Council can do about the dust. Mrs. deLeon said didn't we address this months ago that as you as a private resident in the state can call DEP. The dust is a DEP regulated concern. The township has certain restrictions. The dust thing is a DEP issue. She questioned the lights from the sales trailer going into her house and her father's room. Mr. Cahalan said Chris Garges checked into it, and it's meeting the ordinances. Jeff from HEA was out and looked at it and he concurs its meeting the ordinances. He can get something back in writing to Council that it's not in violation. She can't seem to get her lawn fixed. There's a spot and they fixed it once and it won't take. Mr. Kern said this is not something Council can address. This is a private property issue. Ms. Brown said everything is her problem and she has to get a lawyer. She has been patient and can't deal with this anymore. She said there are people there all the time, 24-7. Mr. Cahalan said that's something they are looking into. She's very disappointed with what hasn't been resolved. Mrs. deLeon said the township will address your concerns if they are violating an existing ordinance. That is all we can do. If it isn't, then that is a personal issue and you have to seek legal guidance. We can't be everything to everyone.

VIII. COUNCIL AND STAFF REPORTS

A. COUNCIL/JR. COUNCIL

Ms. Rasich

- She said she has a report on wrestling for our high school. Brandon Palik, who is a Freshman at SVHS, he took 4th place at the District tournament and will now advance to the Regional tournament which will be this weekend in Reading. Along with Brandon, Brandon Boyer, who is a Sr., took a 2nd, and Bobby Bisson who is a Jr. took 3rd place and they will be at the Regional tournament. Mrs. deLeon said for the record, Brandon is the son of Brandon Palik.

Mrs. Yerger

- Nothing

Mr. Maxfield

- Nothing

Mr. Horiszny

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- He noticed in the January issue of the PA Township's newsletter, we have the ability to possibly nominate someone for the County Conservation Board of Directors and he would like to nominate Sandy Yerger for that position. They have to just submit the nomination. Mr. Cahalan said it says any of the County Associations can become eligible to nominate a township official to serve on the Northampton County Association of Township Officials. Mr. Cahalan will send a request.

MOTION BY: Mr. Horiszny moved to nominate Sandy Yerger for the County Conservation Board of Directors.

SECOND BY: Mr. Maxfield

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

ROLL CALL: 5-0

Mr. Kern

- Nothing

Mrs. deLeon

- She asked if we ever found out about that E911 meeting. Mr. Cahalan said he's still getting information on that.
- She asked about the Kistler Avenue property. Mr. Cahalan said he'll have to find out.
- She was away last week on vacation and when she got back there was a message from Karen Beyer. She hasn't called her yet. Her message was she would like a joint meeting with the Township and Upper Saucon because of development of 378 and 309. She will get in touch with her.
- This has been bothering her for awhile and she did some research. There have been some issues raised by the Saucon Valley Conservancy members about the townships role regarding this site at Society Hill. So she pulled the past minutes. The site was given to us by Society Hill. They used it for five years as a construction site and the conservancy came to Council on August 15, 1993 with a proposal to manage the site. It was maybe 10 pages and went through a nice outline of how to manage the site and what to do. It basically created a working partnership between council and a private entity similar to Burnside with Lehigh County. It was reviewed by the Parks and Recs Board at the time and recommended to Council they supported this proposal to manage the site. As a result of that we created a lease and has this typical tenant and landlord lease. The report went on to develop, restore, maintain, manage the site for a park, educational, recreational purposes, and very interestingly, because you know the Saucon Creek Watershed is now a committee of the Saucon Valley Conservancy. It goes on to say about a unique asset being the Saucon Creek Watershed and it said, indeed we see the preservation of Saucon Creek Watershed as an interval part of the total restoration of the site. It also requests that they should provide an annual report, and it goes into saying there will be a board of directors and there would be various appointments and positions if it ever got to the point where it would be a paid staff and it also recommended that LST appoint two members, a Council member to serve as liaison with the Conservancy board and the other to the Community Advisory Committee, one representative of council or staff to serve on this. It's based on this report. She just wants to say, as liaison then to Council for this board, the Conservancy is meeting tomorrow night and we are assuming they are going to be picking officers and a board of directors for this private public entity partnership we have. After that, as liaison, she wants to set up a meeting with the Board of Directors to go over certain things. She thanked Jack for the meeting he had with the group. There were short and long range goals and other possibilities to be worked out. She wanted to see if Council was still comfortable with that relationship. That's what was approved. Just so they are aware of it. The township owns the property, but it was more than just owning the property and leasing it. There was a

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management plan that was presented and Council approved that plan. She wants to make sure that plan is followed.

B. TOWNSHIP MANAGER

- He said for the PSATs conference out in Hershey in April, Council and staff are going to be attending. They would like approval for them to attend some of the training to be held over the weekend. Sandy is going to the ABC's of Land Use Management and Successful Strategies of Sound Land Use. Tom is going to go to the same two courses. Chris Garges will be going to Successful Strategy of Sound Land Use also. Leslie will go to Managing Your Township Helpful Tools and he will be going to Developing a Personnel Policy Manual.

MOTION BY: Mr. Horiszny moved to approve as stated above by the Manager.

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

- An issue came up at the last SVP meeting. The Chief of Police of Hellertown brought up an issue about the possibility of the slots casino going into City of Bethlehem. That approval process is ongoing and a decision made later this year. If the City of Bethlehem were to receive the slots license, the Chief was talking about the possible impacts that it would have on Hellertown and the Township, such as increased traffic, increased crime, and other social problems that would impact both municipalities. He was urging the SVP to speak to the City of Bethlehem and also the Northampton County and go on record of requesting that we be considered for funding to assist the municipalities handling these increased problems. After that meeting, he did some research on the rules and regulations, and FYI, he provided Council with a memo indicating some of the money that would be available to a host municipality. The City of Bethlehem would get \$10 million annually and County of Northampton would receive 2% of what the gross revenue is from the casino. In the regulations, that money that Northampton County receives, is supposed to be used for grants for health, safety and economic projects in the municipalities within the County. There's also a provision in there that says the municipalities that are contiguous to the municipality that is hosting the casinos, are to receive preference in the award of these grants. What it appears, there is some regulation in there that seems to be addressing the issues that the Chief was bringing up. We do have an opportunity to speak before the PA Gaming Council Board in this area on April 28 in Allentown. There's a deadline to register to go and speak which is March 6. Local governments have 30 minutes allotted and community groups have 10 minutes each per group. The SVP thought this was something they wanted to bring back to Council and ask for their direction as to how you would like to handle this. Some options could be the Council President could go, and testify and representatives from Hellertown and the school district and the SVP who could get on record some of the issues. Mrs. deLeon said she talked to Jayne the other day and she said they opted for the heads of the governing body and the partnership to testify and she thinks we should do the same. We need to get a copy of the impact statement. We should also talk to Bob, Karen and Lisa and urge their support in getting a copy of the local impact statement if we're unable to get it from the City of Bethlehem. Mr. Cahalan said the city has received their copy, but they aren't going to make that available to the public. The gaming control board said they could not predict when the impact reports would be released. The representatives said they will try to have the reports available at Harrisburg or have copies that can be obtained by mail for a fee before the first public impact hearing is held in Gettysburg on April 5. Mr. Maxfield said it's a public document they refer to at a public meeting, and it should be a public document that anyone could go and view at

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Bethlehem. Mrs. deLeon said that's why she is suggesting we formally write to the City so we have documentation and in the interim, we should talk to Bob, Karen and Lisa. The deadline is before our SVP on the 8th, and as Vice Chair, she plans on attending the hearing but they'd like to know what to testify to. Mrs. Yerger said you are supposed to submit that in writing what the testimony is. Mr. Cahalan said you have to register by Monday. They are asking you submit the testimony prior to the hearing of the 28th. Mrs. deLeon said we should put on the application that the City refuses to give the impact statement to us, how do we comment on it. Mr. Cahalan said it does say a summary of presentation points and any supporting material. We could answer it that way and say we are preparing them and we're going to obtain the impact report that will help us prepare these comments. Mr. Cahalan will make a phone call to the City. Mrs. deLeon said staff wise, will somebody be able to look at this document and come up with a summary. Mrs. Yerger said can we list as supporting materials that you plan to submit. We should list a copy of the impact study. Mr. Maxfield said he hasn't really seen anything in the newspapers about proposed hours and days of operation. Because of the deadline that is coming up, he really appreciates the work the SVP does, but we're really not sure at this point what other members of the SVP would say, so we should appear as the Partnership, but each municipality should address each its own concerns. How do we know what's going on with the impact statement. Mrs. Yerger thanked Jack for putting together some of the impact statements regarding casinos in other states and areas. The potential it has in other areas was alarming. He appreciates the City looking for a tax base, but let's make sure it's not on our backs.

MOTION BY: Mrs. deLeon moved that Jack contact the City of Bethlehem by phone and to follow up with a written request to ask for a copy of the Local Impact Statement; contact Lisa, Bob and Karen and ask them to intercede for us to get a copy of that or change the regs if the regs aren't allowed; and authorize Glenn to represent the Township and approve the SVP to attend also.

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

ROLL CALL:

MOTION BY: Mrs. deLeon moved to amend her previous motion and have that Jack contact the City of Bethlehem by phone and to follow up with a written request to ask for a copy of the Local Impact Statement; contact Lisa, Bob and Karen and ask them to intercede for us to get a copy of that or change the regs if the regs aren't allowed; and authorize Glenn to represent the Township and approve the SVP to attend also; and submit the application based on what we discussed.

SECOND BY: Mr. Maxfield amended his second
Mr. Kern asked if anyone in the audience had any questions or comments? When we're on the phone with the City, ask them for the traffic improvement plan for widening of 412.

ROLL CALL: 5-0

- In your packet, you have a yellow document. After the last meeting, you gave us the goals and objectives. We took that and put it into a project management document. You can look at this. This is something we are going to work on getting to you on a regular basis. It's a work in progress.

C. SOLICITOR

- He said he'd like to request a brief executive session at the end of the meeting to discuss threatened litigation regarding the Filler subdivision application.

D. ENGINEER

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Nothing to report.

III. ADJOURNMENT

MOTION BY: Mr. Horiszny moved to adjourn. The time was 9:36 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

Mr. Kern said Council will be going into Executive Session following this meeting.

Submitted by:

Mr. Jack Cahalan
Township Manager

Glenn Kern
President of Council