I. OPENING

1. CALL TO ORDER: The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, March 15, 2006, 7:20 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Mr. Glenn Kern, Council President, presiding.

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

3. PLEDGE OF ALLEGIANCE

4. ANNOUNCEMENT OF ANY EXECUTIVE SESSION (IF APPLICABLE)

Mr. Kern said Council met in Executive Session to discuss personnel issues.

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. Mr. Kern asked if anything was taken off the agenda this evening? Mr. Cahalan said no.

III. PRESENTATIONS/HEARINGS

A. POLICE COMMENDATIONS

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 #31-2006 has been prepared to honor these officers.

Chief Lesser said they want to thank the Council and Manager, Mr. Cahalan, for taking the time out to recognize our officers. Our first area tonight is in the area of enforcement. We learned years ago that our officers perform very well when compared to other officers throughout the county. We learn primarily through the Northampton County DUI program who publishes an annual report of DUI arrests. At that time, we realized our officers fared outstanding. Chief Lesser brought each officer up for his award. Willie Shelly was brought up first, followed by Officer Barndt, Officer Bredbenner and Officer Connell.

RESOLUTION #31-2006

POLICE DEPARTMENT COMMENDATIONS

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

WHEREAS, Officer Timothy M. Connell has been named Runner-Up Officer-of-the-Year; and,

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

WHEREAS, Officer Keith O. Bredbenner 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 Willie W. Shelly 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; Priscilla deLeon, Vice President; Ron Horiszny, Council Member; Tom Maxfield, 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 15th day of March, 2006.

MOTION BY: Mrs. deLeon moved to adopt Resolution 31-2006
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

IV. DEVELOPER ITEMS

A. ZONING HEARING BOARD VARIANCE REQUESTS

1. SILAS RODENBACH, JR. – 2776 WOODLAND ROAD – VARIANCE REQUEST FOR RELIEF OF SIDE AND REAR SETBACKS TO CONSTRUCT ACCESSORY BUILDING

Mr. Kern said the applicant is seeking 28' of relief from the required side yard setback of 40'. They are also seeking 25' relief from the required rear yard setback of 50'.

Present – Silas Rodenbach, Jr. – He said on his property, he's going to be tearing down three older structures that are on the property. He is going to get rid of them and put one in its place. He bought it when the older buildings were there and he just wants to put one bigger barn up in their place. Mr. Horiszny asked if there was any reason that building

can't be put in without the setbacks? Mr. Rosenbach said he's trying to put it where the existing building is now and he doesn't want a building in the middle of his yard. It would also be on his septic system. Mr. Maxfield said the relief you are asking for is not an increase in any existing condition? Mr. Rodenbach said no, it's going to be roughly from the bottom of the property, 12 to 15 feet off where and about 20 – 25 feet from the back of the property. He's not going further into either of the yards.

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

2. MICHAEL GUERRIERI – 1844 FRIEDENSVILLE ROAD – VARIANCE REQUEST OF ZONING ORDINANCE TO OPERATE COMMERCIAL OFFICE

Mr. Kern said the applicant is seeking relief from the zoning ordinance to operate a commercial office. The office use is not permitted in the UR zoning district. The zoning ordinance requires a site plan to be submitted and approved for any change in use.

No applicant present. Mr. Birdsall said in this situation, it would be very, very helpful to have a detailed site plan before you made any ruling on it whether it's issues of traffic and how the cars are getting in and out of the property or whether it's adequacy of sewer water facilities or fire protection. Any non-residential proposal in the township should bear some scrutiny whether you feel it warrants going back to the Planning Commission at this time or not. He can't even make a suggestion as he doesn't even know what the site consists of, but the Zoning Officer has pointed out some things that may have crept in over the years that should be looked at.

Mr. Kern said he noticed in a note from our Zoning Officer that there were some issues that deserved some closer scrutiny especially the impervious coverage. There seems to have been some activity on the property in the past that may have been done without any type of permitting and they may have exceeded some impervious coverage already. What is the desire of Council?

MOTION BY: Mr. Maxfield moved to send the Solicitor and the Engineer to the Zoning Heard Board to oppose this application on the basis that the information hasn't been provided that would allow us to make a concrete decision and based on the fact that it's not a permitted use in that district. If the applicant chooses to withdraw their current application or submit to us with more information, then Council can look at it again.

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

Mr. Garges said the property is actually marketed for sale at the current time and the applicants request is for him to use it for his own commercial purposes, so he would also question the intent of the applicant. It's listed publicly in the multi-listings, so it is up for sale as well.

Council came back to this item as Mr. Guerrieri arrived at 8:36 PM. Mr. Kern said it was the opinion of Council that it was not appropriate and we had to oppose the application because of existing conditions on the site. We were seeking a more detailed site plan so that we would understand what is more existing on the site and what the intentions were for the site. Mr. Guerrieri said this is still scheduled for the ZHB. Would it help if he brought a more detailed plot plan for that meeting? Mr. Kern said he didn't think so. It

needs time to be reviewed by our Engineer and there's not enough time between now and the ZHB to do that. Because of that, the position that Council took was to oppose it which probably does not put you in a good position as far as the ZHB. He doesn't know what you are planning for your options. Mr. Guerrieri said what is the sense of going to the ZHB? Mr. Kern said you do have the option of withdrawing or ask for an extension to preserve the application and present the site plan and then delay the ZHB to another month. Mr. Guerrieri said with the problems you had with the site at this point, what would you suggest to bring this into compliance? If it's just a plan that would only show, he's sure Chris could relate to you what's there. Mr. Kern said he thinks if you were to generate a more detailed plan and present it to Chris, Chris would probably give you better guidance than we could at this time. Mrs. deLeon said we discussed traffic, sewer, water, stormwater runoff and fire protection. Mr. Guerrieri said he has an applicantion in to try to get a sewer extension line approved to put in. That's part of what he'd like to see done too. He doesn't know if it would tie into the capacity. What he'd be using the building for, really nothing would be changed from what's there now. That was one of the reasons he thought if he's just using the interior for office space, he's not adding any parking, not changing anything that's already there. He knew if he'd ever want to go forward and use it for anything more detailed, he'd have to address certain things and sewage would be one of them. As it stands now, what he's getting at, if you have a detailed plan that you could look over, is your mind made up that you don't want it used for commercial use or is it basically that you don't have enough information with the plan. Mrs. deLeon said we directed our Solicitor to go to the ZHB and oppose this. If you don't give an extension or withdraw to revise your submission, Attorney Treadwell said the application would be heard before the ZHB with Jim and himself there to present Council's position. Mr. Guerrieri can call Chris Garges tomorrow. Mr. Guerrieri said he's not in a big rush, he'd rather get done what you need rather than getting turned down.

3. <u>SCOTT & ANGELA MACMILLAN – 1617 KNOLLWOOD ROAD – VARIANCE REQUEST FOR TREE REMOVAL & IMPERVIOUS COVERAGE TO INSTALL POOL</u>

Mr. Kern said the applicant is requesting in relief from impervious coverage to install a pool. Total allowable coverage is 25% and they are requesting 32%. The applicant's proposal will disturbed 2,400 sq. feet of woodlands, where only 1,680 sq. feet is allowed.

Scott MacMillan was present. He said it's a pool that they are going to place directly behind their home with patios, walkways, and landscaping.

Mrs. deLeon said we spent many hours talking about your adjacent property owners concerns about storm water runoff. She talked to Mr. Beyer today, but unfortunately, he was unable to come tonight. She has to reiterate that she knows some things about this property, about a plan existing and the benchmark plan to fix the storm water problems. The house next door, water was coming down and was contrary to the plan that was approved for the subdivision. The plan that you are presenting, you have to have a grading plan and just so Chris knows, that there's history to the site and she wants to make sure if she is going to support this, that we're not going to pass on problems to the adjacent property owners.

Mr. MacMillan said when this problem first developed; they had no ideas about what they were going to be doing in their back yard. Since then, they obviously came up with a plan that will be a nice situation for them. They are trying to do things correctly and go through the right channels. They are very aware of the situation and the problems it has caused for his neighbor. We are trying with this particular plan here to maintain or keep this out of

any of the areas that are water drainage issue areas. This project directly behind their home would yes, cause some impervious coverage issues, but if you are to see the slope existing behind their property, it doesn't add to whatever situation is there right now.

Mrs. deLeon said the benchmark plan that was developed as a result of all of these meetings several years ago and not implemented, is that the plan you are looking at? Mr. MacMillan said he does have that, but the benchmark plan is just his neighbor came up with a plan. Mrs. deLeon said an engineering firm came up with that. Mr. MacMillan said right, under his guidance or pursuance of this whole matter. Mr. Garges said he doesn't believe that was a formal plan and submitted as a grading plan. It didn't go through any formal review. We did give them direction if they wanted to implement that plan what they would need to do. It's over a year ago and they haven't heard anything from them.

Mr. MacMillan said what we're looking at is a problem that affects you people and it may not be the full financial burden of this resident to fix that, and maybe a little more global than his project, as far as a financial burden to fix that. Maybe we can come to an agreement with him or that can be a condition of his approval. Mrs. deLeon said she is very leery of supporting this knowing about the existing problems in that area. Mr. MacMillan said he agrees they should be fixed, and maybe a fair condition of his grading plan addresses that. Mrs. deLeon said we have an approved subdivision that we sat here and approved, and a property owner bought the property, changed the grading, changed the swales, and the storm water doesn't go where it's supposed to go on the approved plan. It's going other places. Mr. MacMillan said that's always been an issue, who is responsible for the problem. He did buy the property. That was the least of his worries at the time. We count on the professionals we hire to handle those issues. Since it wasn't something we really had developed or planned on developing at the time, it wasn't really a major issue for him. It didn't come to be problematic until his neighbor started his project in his back yard. It's been an issue that's been raised since then. It's always been whose problem is it, who takes the blame, who does the correction? Everybody has faced the blame in this area for causing the problem or at least called upon to correct the issue. Do we as homeowners have to step up and do it or do we have to rely on this plan that was really submitted for the development itself in having the contractor take blame and have him do the corrections. When you purchase a property or purchase anything of this size, once you buy it, it's very hard to get anybody to retroactively go in and make corrections or changes. Mrs. deLeon said eventually it comes to a point where you're faced with you have to do what you have to do. Whoever did your grading didn't do it the way they were supposed to according to the plans and now you're here before us and we have things we need to enforce. Chris's letter identifies the violation of the impervious coverage and the woodland disturbance. When we approve a subdivision, we like to keep the rural character. That's why people moved here because they like to see trees. When a developer develops a site and there are lots of trees on there, and we try to preserve what's there. You are going to be violating the approved Woodland, Hampton Point Estates approval that we approved. What do we do about that? Mr. Maxfield said that is very clear. Right on the notation of the map it says "wood land areas to be preserved". Preserved means to be preserved unless there is some major, major problem. He wasn't on Council at the time and he remembers sitting out here several meetings and looking at photos of water coming down and making a muddy swimming pool and Council is going to reflect what they did then, and that is there are issues here that really need to be worked out between the homeowners before we get involved.
Mr. MacMillan said it's well put, but it doesn't happen. We're not going to get together and all think the same way. It's not going to happen unless somebody takes command and tells us to do something. There are six homeowners there and to have us come together with an agreement on something, he can tell you, over the years, it's not going to happen.

These trees are protected woodlands, and he appreciates that. As a homeowner, when he purchased the property, that was never something that was really addressed with him at all. He came to know all this information just from talking with Chris. He had no ideas the trees were protected at all and he's lived there eight years. When they purchased the property, it was a matter of the contractor saying to him, which trees do you want down? He would have taken them all down if he wanted them all down. When he says something like that to me, it gives me the idea that there's nothing back here that's protected and now he's running into issues where he wants to do something that is nice and not too grandiose. It's what many people have, and he's not able to do that. The water issues he would certainly like someone to step forward and say this is what has got to be done. His neighbor has gotten what he's wanted. He got his impervious coverage. If you see his property, it's well beyond what we consider allowed coverage. He has his pool. He changed the landscape, and now he has problems. He's kind of forcing the issue on other homeowners to deal with it and take care of it. He'd like to take care of it and be a non-issue. Mrs. deLeon said the Beyer property is downhill from this property – water flows down hill.

Mr. Maxfield said it really disturbs him what Mr. MacMillan said that the contractor said to you. We don't go through this process for nothing. When we make agreements here, we expect those agreements to be honored. If that's the kind of situation that occurred, that is dishonorable and he doesn't appreciate it occurring within our township. When a plan comes before Council or any body, they make agreements; we expect those agreements to be honored. When it says "preserved", he wants preserved. Those trees may be on your property, but it looks like the trees are also on everybody else's property in that area and they kind of work together. For all he knows, the storm water in that area, the calculations, could have been predicated on the fact that those trees were going to remain there. He has a hard time when we're talking about impervious coverage at 9% over; we're talking about cutting down the trees. It looks like a rather large bit of development to him. It looks like considerable disturbance and he has a problem with that, especially when there are existing storm water problems there already. He doesn't know how he could support this. There's still a chance that things could be worked out between homeowners. Mr. MacMillan said no, there really isn't. He doesn't think it's our problem. He thinks if this development, if you have to present a plan about a development, concerning all this grading, why is it not followed? Why don't you have to stick to that plan? Why does this contractor not have to answer to you? That plan was approved 20 years ago. Why do we have to argue and bicker and try to figure out a problem between neighbors? Mr. Kern said he's assuming at the time of the development, it was approved and it was to spec, and after the fact, things got re-graded. It gets inspected at the time of approval and release. You would have to assume, at that point, the grading is accurate. Mr. MacMillan said it has not changed since he owned the property. He doesn't have anything in his back yard. Mr. Kern said your next-door neighbor has made changes. Mr. MacMillan said he has, and most of the water runs through his back yard, but he's not altered his backyard whatsoever. When he purchased the property, he counted on the developer to be informing. Mr. Maxfield said it puts the ZHB in a weird position because when there's an existing storm water problem in the area, what you are asking is the okay to go ahead and do something that may make it worse. He just can't support it. Mr. MacMillan said where does he go from here, what does he do? It's something he wants to get accomplished. Could you give him some advice? Mr. Maxfield said you still have the opportunity to go before Zoning if you desire no matter what we say. All we're doing is expressing our opinion.

Mrs. Yerger said one of the things she's having difficulty with is she wasn't here before and isn't exactly how severe the water issues were. The very fact that you are exceeding impervious coverage by 9% has the potential to cause additional problems. Those

calculations for those lots were done, and given that percentage, because it falls within the parameters for those storm water calculations at the time of the development. Now if we allow people to exceed it, all of a sudden that cumulative effect happens, it blows the entire plan out of the water, literally. Those figures are there for a reason. They are there to protect the neighborhood. By allowing everyone to just ignore them or exceed them, then it becomes a real community issue. She's really loathed to go down that path. Mr. Macmillan said why was his neighbor allowed to exceed it greatly? Mrs. Yerger said she was not part of that decision and she's not trying to excuse it, but she just knows that she's not comfortable letting it happen again. It's not anything personal, it's just that it has to be looked at, at a larger picture, and unfortunately, you fall into that. Every piece of property has its limitations. She has a creek through her property. Would she like a building down by the flood plain, you bet, but she can't because for the reasons of health, safety and welfare, she has to keep structures out of the flood plain. She lives with it, it's part of the piece of property she owns. Every property has limitations on it. The rules that govern those limitations, she's confident for the most part, our professionals have put those limitations on it for a reason, and that again is for the general health, safety and welfare. Mr. MacMillan said with that being said, then he would come before you and ask for a variance if you're going to just stick to the exact guides. That's why he's here. Mrs. deLeon said most of the applicants that come before them, are underneath the maximum. Mr. MacMillan said they wouldn't need a variance then. Mrs. Yerger said there are other variances also. Mr. MacMillan said he understands where you are coming from. You're saying there's an issue here, certainly let's not create any more problems here by letting him cover more ground. Then he's right back at where he was before – no one to go to. Mr. Maxfield said why don't you go back to your designer and try to design this thing without exceeding the impervious coverage, and without taking down ten trees. Mr. MacMillan said it's really tough without taking down some of the trees.

Mr. Maxfield said when you bought this piece of property, you had responsibilities to find out what this property was about. You had responsibilities to find out what deed restrictions are on it, what needed to be preserved, what the impervious coverage was, all those kinds of things. If you want to do this kind of treatment, maybe you should have bought another property. Mr. MacMillan said that was eight years ago. You can look at it that way, but he's sure if you talked to 99% of the homeowners, they don't investigate it as thoroughly as that. He just didn't. Mr. Maxfield said he would encourage anyone who is buying a piece of property that close to someone else's house to look into all of those things. Mr. Kern said he'd guess on the nine homes that border on that protected woodland, they were probably prime pieces of property, valued higher than the rest of the community because they bordered on the woodland. If we were to permit you to cut down trees, there are nine other people who would want to do it also, put a pool in, and have no protected woodland whatsoever. Mr. MacMillan said you've allowed my neighbor to do that. Mr. Kern said he didn't cut trees down and he was in a low area.

Mr. Horiszny said would it do us any good to look at a grading plan? Mr. Birdsall said at this point, it really couldn't hurt. Mr. Garges said the only grading plan is the one prepared by Mr. Beyer to try to resolve his situation, so we don't have any grading plan for Mr. MacMillan's project. Mrs. deLeon said if there would be a grading plan in the future, would it be based on current land topo lines or would it be going backwards and incorporated into what should have been there so that the existing swales and drainage culverts and all those devices that are supposed to take away the water. They are not all lined up right now. Mr. Birdsall said the only way to prepare a grading plan is to study the property the way it is now, and make the proposal to how they want to do it in the future. Be mindful of the fact that the reviewer will look at the new plan and the old plan to see what other global issues are impacted by this particular plan. As far as whether it's a good

idea to prepare one, certainly the applicant would be able to show you more accurately what he's doing. If your issue is woodland preservation and impervious cover, it might be a wasted expense for him to prepare a plan and show you the woodland disturbance and impervious cover if you're not in favor of allowing those sorts of things to occur. Mr. Horiszny said it looks like if a pool isn't a storm water receptacle, it just doesn't belong there.

Mrs. deLeon said she is going to ask Attorney Treadwell a question. We can be a party to the appeal or go to the ZHB, or do we need to go into Executive Session for potential litigation. Attorney Treadwell said no, Council's role tonight is to decide whether you want to take a position in front of the ZHB or not. It's not really potential litigation until you make that decision. Mr. Kern said we have enough information now to proceed. What is the desire of Council?

MOTION BY: Mr. Horiszny moved to oppose the request.
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

4. <u>VISITING NURSE ASSOC. OF ST. LUKES – 2455 BLACK RIVER ROAD – VARIANCE REQUEST TO EXCEED IMPERVIOUS COVERAGE</u>

Mr. Kern said the applicant is proposing to construct additional walkways and access drives which will exceed impervious coverage limits. The total allowable impervious coverage is 25% and they are seeking 28.3%.

Kathleen Straubinger, Director of Hospice Program, Brian Walsh, Project Manager at St. Luke's and Bruce Fritzinger, Landscape Architect were present. Ms. Straubinger said we are asking for the variance for several reasons. The first is for emergency exits for patients for the township fire chief. There are 14 patient rooms in the facility and currently each of those facilities has a patio with a door outside. At this point, the walkways are not completed. The other issues for our patients are when the funeral homes are coming to pick up the patient after they passed away, it really would work a lot better if we could do that on the side and having those walkways done, they could do that. They have to come up to the front of the building. Also, for general deliveries, supplies, nutritional products, and ultimately with the grounds being completed in the future, for patients and families to have access to the grounds and the walkways.

Mr. Horiszny said has there been any consideration of using a pervious parking surface or pervious walkways for employees in order to keep under the limits? Mr. Walsh said right now the facility has built and constructed the driveway and parking lot for the employees and visitors coming to the facility. It is asphalt paving which is already there. We just opened in January of this year, so with the spring coming, we wanted to go with the landscaping plan that was designed by Plantique. This whole six acres is to make walkways from the patient doors to access the whole property through wheel chair access and a smoother surface would work. All around these walkways, gardens, bushes and trees are going to be planted.

Mr. Maxfield said the walkways of this landscape plan, is this part of the original plan for the approval of the place? Mr. Walsh said no. What was originally approved, we reapplied the landscape plan because we want to come up with people that donated different monies and dollars to the hospice in the building fund, so we redeveloped a landscaping plan,

which is in front of you to change the original landscaping plan. We had some of the walkways, but when we wanted to make the access of the walkways to get to the trees that surround the properties, so patients can walk through the trees. That won't be paved, but will give them access and make it easier for patient care and for families to move around the site. Mr. Maxfield said he knows Mr. Walsh wasn't part of the discussions, but we were heavy in discussions about impervious coverage back then and it got down to the point where one unit was going to be included or not, then the proposed walkways were shortened to stay within that coverage and emergency accesses were changed. There were some proposed with paver areas and things like that, all dealing with impervious surface. He feels strange addressing this now after you just opened in January. These were things we just got through talking about not too long ago. Mrs. deLeon said she echoes that. You were right at that limit and we even had a conversation saying is that what you want to do because don't come back and ask us for additional because this is your chance here to do this plan.

Mr. Birdsall said it certainly was a very difficult site, with accommodation of the natural features that needed to be protected. That was under the older ordinance, which may even be more strict now than it was then. There were neighbors that came in and questioned the additional runoff and wanted to make sure we didn't allow any exceedance of the maximum coverage, so yes, it was a very, very tight site with regard to all those features and run off considerations. Mrs. deLeon said the issues with the fire chief, we did send letters to them asking for input. Mr. Maxfield said if they are issues now, they should have been issues then. Mrs. Yerger said how could you have gotten so far into a site. You knew what this facility was going to be used for. How could you now be asking for relief for delivery of supplies, food, etc., for the site. Why wasn't that planned for long ago, not three months after the site is opened. Mrs. deLeon said poor planning. Mr. Maxfield said we have a copy of the fire chief's letter dated April 4, 2004, which is when we were in the middle of talking about all of this. Those issues existed then. He doesn't know why they weren't addressed then, or maybe they were addressed and we're asking for something else. Mr. Walsh said the fire chief said he would support the issue of pavement and changing that. Mr. Kern said he sees two additions on the plan. One is more maintenance and service oriented which he would agree with Tom, that should have been thought of before and then there are walkways he sees throughout which possibly could have been a nice addition for the families who are grieving to be able to walk through the site and push the wheelchair. You've now combined it into two and highlighted the service part of it as the most important. He hardly heard anything about the walkway part of it. That's probably not a good approach.

Mr. Maxfield said the original landscape plan that came in did include extensive walkways, and then it was cut back to meet the impervious surface. Mr. Walsh said the walkways were just up by the building. We extended them down through the property. The two access driveways to the corridors on each end of the facility is for the comments after the fact. It was just reconsidered as it wasn't the best way to facilitate. If a funeral director comes or if the deliveries come to the one corridor door on the end of the property, so they said maybe we if we come back to pave that, through maintenance and going through the building for the service, needs should be looked at this time, that's why we're here. Mr. Maxfield said we suggested 14 units that were being applied for. We suggested 13 because of the impervious coverage and they said we were told by the applicant, no, St. Lukes will not put up with 13, they want 14. We said okay, so the original landscape plan that came to us had extensive walkways and it was cut back to what was finally accepted. Now we're back again to the extensive walkways. Something doesn't quite add up there. Suddenly we approve a plan and suddenly it's changing within a year, that's not right. That makes me question the original process. Mr. Walsh said there isn't any deception

there, and he wasn't involved in the first part of it. What happened was over time and as the planning of this building was proposed and constructed, the committee said let's really landscape this site to be a beautiful site. This all came from that and that purpose only, not from anything else. We didn't go out with deceit. That was the last thing we would want to do. Ms. Straubinger said the original intent of the property is still there, but what has happened over the last year in doing the planning, we have had tremendous support for the building and to make it as homelike as possible to have the gardens, the landscaping. That really has been a new development for the project. We want the families to enjoy it. Mrs. deLeon said maybe it was short term recently for you, but we've been looking at these plans for a while and she remembers saying you are going to come back and you're going to ask for more, and here you are. She agrees, the concept is much needed, but again, the creek is there and we have residents here who depend on us to make sure that the coverage is respected and we have to care about the other people's properties. We need to take drastic steps here.

Mr. Horiszny said landscape and gardening are not the problem. They are pervious. They'll let the water soak in. We don't have a problem with those. If you are going to make walkways, you've got to find a pervious system that will allow wheelchairs to pass. You should check out pervious parking areas for your employees understanding that possibly non-employees would not want to park what looks like grass, but you can train your employees to do that. Then you'll have made allowance to get that ladder truck in there and have turn around for hearses also. We just can't see increasing the impervious coverage. Mr. Maxfield said he would agree.

Mr. Bruce Fritzinger, Landscape Architect, said he worked on the plan you have. He was not involved in the project in the beginning phases. One of the considerations he knew from the beginning was that what they were requesting would cause more impervious surface. What he did, and if you look at the original plan and the one you have now, he changed some of the run off patterns and also added a lot of riparian barrier by the stream and did a lot around the building and also around the retention pond. Their request was to have specialty gardens, but he actually used the specialty gardens as a sump to slow runoff even into the pond. He does not, from his professional experience, think you are increasing runoff at the percent we went with the other things that were done in the design. He realizes that was done after the fact and that's the way he approached the design. His request was once that the project took shape, and they saw what could be done with the site as basically like a park access, and that would become really something and help the families and wheel chair access. He knew from the beginning that the impervious surface would be what you see. That is the case, but unfortunately, it was done after the fact. It was taken into consideration, but it should have been done originally.

Mr. Kern said he recalls from the earlier presentations on the hospice that someone had mentioned the average stay of a patient was 3 to 5 days, so he's wondering how much wheelchair activity there will be. What has your experience been with that at other facilities? Ms. Straubinger said actually from the place they just moved from in Fountain Hill, probably 75% of their patients are there very short term; however, there is another population, at any given time, there are two or three of those patients who are up and around and who could go out and go out with their families. Those patients are generally there for about six weeks. That's an estimate; sometimes it's a little bit longer.

Mr. Kern said in discussion up here, we were talking about the possibility of what is the need for actual wheelchair accessibility. Why not do the path system for the bereaving family, and the majority of it being pervious and just a limited section of it being wheelchair accessible. Mrs. Yerger said they should look into a pervious pavement for the

employees also. That's a substantial section of it and would be a plus. Mr. Maxfield said if we were going to let this go through, he would like to suggest a condition that any new surface that is proposed be pervious. Then they wouldn't need the variance, that's right. Mr. Birdsall said just because it's pervious, doesn't necessarily mean it's not impervious coverage according to the ordinance. The example would be somebody who wants to put pervious pavement all over their residential lot from boundary to boundary or setback to setback and wind up with 60% of their back yard in pervious concrete. There are zoning issues, that go beyond storm water runoff issues. He just raised that as a concern. They could scrutinize their plan and see what impervious pavement they have now that they could rip up and put back in vegetated cover rather than paving cover. Maybe they need to spend more time concentrating on what they can take away from the impervious cover category they have now.

Mrs. deLeon said she can't support this as it is. She had this conversation already.

MOTION BY: Mr. Horiszny moved to oppose and send the Solicitor to the ZHB meeting.
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

B. <u>ANDREW WARNER – LOT LINE ADJUSTMENT – 2472 & 2478 BLACK RIVER ROAD</u>

Mr. Kern said the applicant has requested to come before Council to request a lot line adjustment. The plan proposes to relocate a shared boundary line to reduce the depth of the eastern lot and to create a larger flag shaped lot. No development is currently proposed on the western lot.

Scott Muller, Gilmore & Associates, and Andrew Warner, the property owner were present. Mr. Muller said the plan you have before you are two residential properties located on Black River Road. Andy would like to do a lot line adjustment between the two lots breaking the rear of the developed lot off and placing that with the vacant lot to create a larger lot for that piece. The lot with the existing residence on it would be reduced to the minimum lot size area and the vacant piece would then be approximately 1.9 acres when all is said and done. They are not proposing any development on the vacant piece at this time. It is just a transaction to break off the rear portion of the developed piece and place it with the vacant lot. That's the intent of the plan before you tonight.

Mr. Birdsall said it has been reviewed by Judy's office and our office and we would recommend it be revised and resubmitted. We believe there are some important features that need to be shown on the plan before it can even be determined to be a lot line adjustment, the type B minor subdivision. There's not enough convincing evidence to show that the lot that would remain would meet all the criteria of minimum zoning. That's the first thing that would need to be proven by the applicant. Then our two letters combined provide hopefully enough guidance.

Mr. Muller said the first letter was the Boucher & James letter. Most of the comments on that letter they don't have any issues with. Some are just informational comments. The last statement on the letter dealt with 3B, Environmental Protection Standards, their comment regarding zoning ordinance 180-95-17c states the requirements that apply to all proposed uses in the carbonate geologic areas, the plans should be revised to demonstrate compliance with this section. He said that section usually deals with development in a carbonate area and what they are doing right now, has nothing to do with any development right now. That section would definitely deal with this lot, when and if, we would develop the undeveloped portion of the property. Mr. Birdsall said no, you need to establish whether or not the lot that is left over qualifies with regard to the other competing

restrictions. Mr. Muller said his question to that is, what they are adding based off of this lot line adjustment plan is, if anything, creating more of a conforming lot than a non-conforming lot because the area they are adding doesn't have any permanent features on it. Mr. Birdsall said you need to respond to her letter and address that. Mr. Muller said that's what he is asking about. Mr. Birdsall said we are not saying it doesn't, we just are saying you have to show it. Mr. Muller said fine, we can discuss that with her and take care of that. The other question they had was in regard to HEA's letter of March 7, 2006, item 2; they touched on there a little bit. It discusses that the vacant land was part of a previous submitted plan for development for a single family. That plan was withdrawn quite some time ago. The only thing that still was left in place was trying to mitigate the old abandoned sinkhole that is on that property, but there is no intention of developing that property right now or plan that should be before the township at this time for any sort of development. The only plan that was left remaining was sinkhole mitigation plan that was trying to be moved along. We aren't planning to develop that lot at this point with any of the plans that are before you. The other question came into play regarding the benchmark using the US GS benchmark for the sole purposes of the lot line adjustment plan. Is that something that is necessary? We are not proposing any development at this time. Mr. Birdsall said we feel it's pretty important given it's a flood plain. We wouldn't want things recorded at the Court House that were conflicting with one another. We really need these things as confirming to the FEMA. Mr. Muller asked if the township had any additional information as far as US GS benchmarks other than the published benchmarks? Do you have township ones that you use for utility plans? Mr. Birdsall said to check with their office.

Mr. Muller said item 11 in the HEA letter, the section generally prohibits lots from having direct access to collector streets. Even though this site consists of two lots it is recommended that the joint access utilizing the existing driveway be considered. He said at this point it's the intent of Andy to utilize a common driveway for that residence that is out there now to access also the other parcel. Right now the reason he is going through the lot line adjustment plan is he already has a buyer lined up for the existing residence and at this time, has no intention to developing the other vacant piece. He doesn't want to get into a shared driveway issue. They are proposing to not do any development right now. Mr. Birdsall said for their own protection, they should look at site distance, but we can't force it at this stage. Mr. Muller said the driveway location would be down closer to the common lot line.

Mr. Horiszny said what's the advantage of having a smaller lot, in this case? Mr. Warner said it just made more sense relative to the lot next door to increase the size of it for ultimately doing something down the road and the buyer's of the old home; they are very comfortable just having an acre. They don't want any more than that. It seems to be a win-win from everyone's perspective. The way the existing house sits on that lot it is well to the front of that lot. The people are very anxious to get into the home. That's one reason we are in front of you to get the lot line adjustment approved. They are comfortable with the way the lot is situated. We aren't trying to do anything underhanded in any way. Mrs. deLeon said does she dare raise the issue about the trees? She sees a very wooded portion of that lot. Mr. Warner said way in the back with the existing house. Yes, there are some trees there. Mrs. deLeon said what do our regs say to those trees? Mr. Birdsall said the trees to the front of the property may impact the minimum lot size that you can have on the front property. The trees in the back of the property may affect the minimum lot size, but imagine because that lot will be so big, that probably would be a qualifying lot. It's an expansion of an existing lot anyhow. As far as the placement of the home, nobody is going to know that in this point in time, so we don't know if the new home would be in the wooded area or out in the open area and that would have to stand on its own two feet. When the grading plan comes in, we do raise the question of storm water runoff and offsite valleys and channels that come through these properties from quite a bit above, so we're asking him to identify this because it is a subdivision and it would be recorded. That will start to restrict where the homes will go. Mr. Warner said that's understood. Again, he has no desire to put a home on that particular undeveloped lot at this

time. He just wants to really help the people get into the home. Mrs. deLeon said we want the lot to be useable. Mr. Warner said he understands. Mrs. deLeon doesn't want somebody coming back in five years and saying you did this lot line and I can't still build on it. Mr. Warner said would the existing lot as it stands be useable? Mrs. deLeon said she didn't know and she doesn't want to make that determination. Mr. Muller said that's why we are representing the fact that we understand that this lot may not be buildable as it is right now. The land we are adding to it doesn't have the sinkhole features on it. That's why we are adding that to it. He doesn't think they can come to you and say why did you add that lot area to it and it's still not buildable. Mr. Warner said the vacant, smaller lot has minimal to no trees on it. There are trees in the back of the lot where the existing house is. His vision tells him it's probably going to be a house that comes a little bit into the trees, but for the most part, it's going to be in the area that's open when the time comes. Mr. Muller said other than that, we can address the comments in Jim's letter and Judy's letter and we'll be back. Mr. Warner said he wants to make sure he understands. He needs to come back again next month to get this officially approved as a lot line adjustment. Can it be approved then or would there be something else? Mrs. Yerger said it's going to be determined on when you get your paper work in to our staff for review. You'd have to talk to staff and get their deadlines. Mr. Birdsall said he'll defer it to the staff with deadlines. What he would remind you, if the calculations come back and that's not a conforming lot, then it may take longer than just coming back next month. You may have to go to the PC as a major subdivision. Mr. Warner said which lot are you referring to that could not be possible a conforming lot? Mr. Birdsall said the smaller one, the one you are reducing to an acre.

C. <u>GLEN MEADOW SUBDIVISION – FIRE LANE – AUTHORIZE LEGAL ACTION TO DRAW ON LETTER OF CREDIT</u>

Mr. Kern said the letter of credit that is being held as maintenance security will expire March 30, 2006. The engineer has informed us that the punch list items have not been completed. Council should advertise the solicitor to draw upon the letter of credit to complete the work in this subdivision.

MOTION BY: Mr. Horiszny moved to authorize legal action to draw on letter of credit.
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. Nikolai Eberhardt said he is one of the neighbors of this property. When whoever drew up the zoning laws, he believes they would not have gotten the idea to include the question whether motorcycle race tracks are permitted. Since last fall, this lot has been used to do test race, off road, and is very noisy. In fact, what has happened every time, on the weekend, a truck drives up there with a trailer with a number of those little cycles, very noisy. They are not permitted on the road, they have no noise limitations to them, and they are being repaired, tested, tuned with a lot of misfiring and then he goes around and around along my lot and my neighbors lots and on the other side and back. He thinks his neighbors as well as himself should really very strongly oppose that. We want our peace and quiet as people who go to a park certainly go to relax. No matter what time of the day, weekend or no weekends, bicycle racing should not be permitted around anywhere in the area.

Mr. Horiszny said call the police and tell them it's a noise nuisance and have them stop those people. They are probably trespassing anyway. Mr. Eberhardt says the question of the noise limit, everyone knows that those little cycles are designed without any requirements for noise. Mr. Horiszny said they bother you, so they are a nuisance. Attorney Treadwell said have you spoken to our Zoning Officer? Mr. Eberhardt said last year he did talk to him.

Mr. Daniel Elane said he just talked to Chris Garges. He lives on 3709 Fire Lane. Right next door to his property, the new owners bought the property last year. The first thing they did was put in a dirt bike course to run dirt bikes. They used a front end loader and backhoe. It's a nice race course. The property owner is present right now and they can answer questions. His problem is that it's right next door to him and the dirt bikes are quite a nuisance. His only real problem is the noise ordinance they might be breaking because he did talk to Chris and he didn't find violations as far as he knows by using the backhoe and digging the dirt. The noise could be a problem for him and the neighbors. He's right next door to the lot. He wanted to make Council aware of this. They all entered into some dialogue between the Zoning Officer, himself, and the land owners, so they did talk about it. It could be a real potential problem that no one really enjoys having that noise. He's not the only one who feels this way. Mrs. Yerger said is it weekends? Mr. Elane said it's usually Saturday's and Sunday's. Once in a while it could be during the week. It's like maybe from 11 AM to 5 PM. It can be on and off, it's not continuous for hours and hours. His concern is it's not restricted. The person could decide to have a barbeque picnic and 14 have dirt bikes. He can call the police as a nuisance for the noise, but he was hoping he could find another way. Mrs. deLeon said the subdivision is approved, but the lots aren't developed yet? Mr. Elane said right, they bought the land. There's a pre-existing old barn there. They are going to convert into a home. It's about a five-acre lot. The first thing they did was put in the dirt bike track. Once they move in, it might be different. For the people that live there, they've lost their serenity and quiet. Mrs. deLeon said our administration is hearing you loud and clear and will look into it.

Mr. Douglas Rae, the home owner, was present. He said we didn't move in but did put in the trail. He is the rider, not the kids. His wife also rides. As far as the machinery going through, they were very careful and brought Chris on board early and said this is what we are going to do. We want to do walking trails as well as ride the motorcycles. We did put up a barrier at the one end that was near a common area. No trees were cut down. He's rather shocked that it's coming up this way because before this meeting, they did go into a meeting to try to work this out. He understands their concerns and is trying to work with them as much as he can. These are brand new motorcycles. Nothing was done to them. There is no particular muffler to make them louder. They are stock. They will work with the neighbors. Mr. Maxfield said he lives next to someone who does the same thing. Do you know what it is like to wake up every Saturday morning expecting to hear those bikes? It's so annoying. We don't live on 50 acre parcels anymore. You just can't go in there and do what you want to do. Mr. Rae said they tried to keep away from the property line and they tried to come down and away from the property line. Mr. Maxfield said you are riding sporadically from 11 AM to 5 PM every weekend, you didn't give it too much consideration. Mr. Rae said we ride maybe one to two hours and are very careful. No riding on Sunday before noon due to church. We're just out there having fun. Mr. Maxfield said he's glad he didn't buy next to him. Mr. Rae said he had a neighbor who had the same thing with the lawn mower. Mrs. Yerger said are these actually motorcycles? Can you go on the street? Mr. Rae said no, these are a dirt bike, strictly off road. He does race bikes. He's not there every weekend. Mr. Maxfield said we need to consider this. We are getting tighter and tighter and people are getting more and more bugged about this. We have to address this somehow. Mr. Rae said in doing that, you'd also have to recognize lawn mowers and four wheelers and backhoes. Mrs. Yerger said that is something they are looking at as far as construction noise. That too is an issue. Mr. Maxfield said we have setbacks for things that cause a lot less disturbance than this. Mrs. deLeon said construction is for a short period of time. It's a short term thing. Lawn mowers, you got to cut your grass. Mr. Rae said the issue brought up is noise and if the issue is noise, you have to look at everybody's noise. He would love to talk to any neighbor and try to adjust their concerns. Mr. Kern said we do have something on the books regarding noise. He doesn't know whether it applies to this or not. Attorney Treadwell said it certainly would. That's a question for our zoning officer to take some noise readings and see if it violates the ordinance. Mr. Rae said with that question, where is this reading taken place? Attorney Treadwell said it's the decibel level at the property

line. Mr. Elane said that's what the ordinance says. Mr. Kern said it quotes the section of the ordinance that the noise ordinance relates to. It's 60 decibel level. Mr. Kern said it's a good chance that a dirt bike would exceed 60 dB if it's close to the property line. Mr. Rae said it's about 20 – 30 feet from the property line. Mr. Kern said the reason the ordinances are this thick is because of this. What do we do that bugs each other in the township. It's interesting reading. Mrs. Yerger said she lives in the country. It was the kids. They had a Go Kart, it was not quiet by any means. They used to come through her bushes and go down her lot. She would really hope that you could talk this through. Her neighbor, his kids finally did outgrow it. They did try to be sensitive to us. She'd like to see them to be able to work this out. You are neighbors. Mr. Rae said they did start a dialogue and are very cooperative and open.

Mr. Eberhardt said how can you have a motorcycle race track in a residential area. They have no legal restriction on them because they are not permitted on the roads. He cannot conceive this. Mr. Kern said the ordinance reads that the measurement is taken at or within the property boundary of the receiving land use. For residential and public from 7 AM to 10 PM, it should not exceed 60 dB. Mr. Eberhardt said do we have to measure every Sunday? Mr. Kern said unfortunately that is the scientific approach to resolving it. Mr. Eberhardt said something is missing from your zoning law because whoever wrote that a long time ago, didn't think of this kind of motorcycles. Mr. Kern said it is possible to investigate the 60 dB level and see if it can be lowered.

Ms. Bernice Fabian, neighbor was present. She said they would like to work with the neighbors, but we thought they were kids. Now that we know it's grownups, it's kind of a little bit more upsetting. Kids are kids. This is grown ups. She hopes something can be worked out.

D. <u>AMERICAN FAMILY SERVICES – ROUTE 412 – RELEASE FROM MAINTENANCE PERIOD</u>

Mr. Kern said the 18 month maintenance period for improvements for this land development ends April 6, 2006. HEA has inspected the site and found the improvements to be in acceptable condition and is recommending release of the security being held for maintenance.

MOTION BY: Mrs. Yerger moved to release security from maintenance from American Family Services. Mr. Horiszny said it mentioned that they should pay any escrow invoices before we release. Mrs. deLeon said normally we add the escrow.

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. Yerger moved amend her motion to release security from maintenance from American Family Services conditioned upon the payment the escrow account invoices per the staff recommendation.

SECOND BY: Mr. Maxfield amended his second.

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. CONSTRUCTION SITE WORK TIME DRAFT ORDINANCE – AUTHORIZE ORDINANCE ADVERTISEMENT

Mr. Kern said the staff recommended to council the implementation of an ordinance to establish hours of operation for certain construction activities and are requesting council authorize the advertisement of an ordinance for a public hearing and consideration of adoption at a council meeting to be set.

MOTION BY: Mr. Maxfield moved to authorize.
SECOND BY: Mr. Horiszny

Mrs. deLeon said we don't know what we are authorizing as she doesn't have the text in front of her. She said when are you restricting the hours? Mr. Cahalan said we are just requesting the advertisement of an ordinance for a public hearing. Attorney Treadwell said you'll have the text of the ordinance prior to the public hearing. Mrs. deLeon said every time we do that, we always change it and we have to readvertise it because there could be substantial changes. We normally had the draft ordinance in front of us when we move to advertise the hearing date. She doesn't even know what she's approving. She wants to set the hours as it's something we need, but she'd like to see it in writing which she doesn't have in front of her. Attorney Treadwell said if that's Council's position, they'll bring it back at the next meeting. Mr. Kern said we're just advertising an ordinance. Attorney Treadwell said what gets advertised in the paper is the title and a summary which is what you have in front of you. You don't have the actual ordinance in front of you. Mrs. deLeon said why do we have to readvertise it then if we make changes to it? Attorney Treadwell said if you make substantial changes to it, then you'd have to readvertise it. Mrs. deLeon said we never did it ever this way before. We always had the document in front of us. Attorney Treadwell said Council should table it and we'll bring it back to them with the actual document. Mr. Maxfield said he doesn't see a problem with this. Mrs. deLeon said this is not the way we've been doing things. We usually have it in front of us. Mr. Kern said the only risk is then if there are substantial changes and we readvertise and the cost of the readvertising, how much is that? Mrs. deLeon said a couple hundred bucks. Mr. Kern said what are the odds of us changing it? Mrs. deLeon said how many times last year did we do it? Mr. Maxfield said probably a 100%. Mrs. deLeon said we are wasting our money. This is unacceptable.

Mr. Maxfield rescinded his motion and Mr. Horiszny rescinded his second. This will be tabled and be brought back at the next meeting.

ROLL CALL:

B. MUNICIPAL RISK MANAGEMENT PARTICIPATION DRAFT ORDINANCE – AUTHORIZE ORDINANCE ADVERTISEMENT

Mr. Kern said the municipal risk management requires authorization for the township to participate in the worker's compensation pooled trust. Council needs to adopt a resolution to participate and authorize the execution of the trust agreement. Staff is requesting at this time that Council authorize the advertisement of the proposed ordinance.

Mr. Cahalan said this is the worker's comp program that the township participates in. We've been doing this for approximately two years and they must have looked through their records and discovered that we did not ever adopt an ordinance to participate in the plan, so we're bringing that out to Council now to do so.

MOTION BY: Mr. Horiszny moved to authorize the municipal risk management participation draft ordinance advertisement.

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. IMPACT OF CASINOS-COUNCIL ATTENDANCE AT PA GAMING CONTROL PUBLIC INPUT HEARING

Mr. Kern said the PA Gaming Control Board has schedule public input hearings at nine locations throughout the state to allow local government units, community groups and the general public to comment on the applications that have been submitted for casino licenses in PA. Locally, the hearing on the application for casino license in Bethlehem, Allentown and Limerick Township, Montgomery County will be held on April 28, 2006 in Allentown, PA. The deadline to register at this hearing is March 17, 2006.

Mr. Cahalan said the date of the hearing is April 28 and the deadline is March 17. Just a recap, this issue came up at a SVP meeting several months ago and it was brought back to Council. It's been discussed since then at a Partnership meeting and the general consensus is that Council representatives from LST and Borough Council in Hellertown would like to attend and present testimony about the impact of the casino that could be licensed in the City of Bethlehem. The SVP also could attend and testify, but they are not clear whether the school district voted to join with the Borough and the Township to register to testify. What we'd be asking Council, at this point, is to authorize the registration of Township representatives. He has the attendance forms filled out and they are ready to be sent off tomorrow. He'll be doing this for, if Council votes to do that, for the Township and also for the Hellertown Borough. He will also be doing it for SVP if its decided later they will testify, then we'll just pass on them. We have also since had the opportunity of seeing the local impact report. That was turned in by the Sands BethWorks Gaming that was put on the website of the Pennsylvania Gaming Control Board on March 10. It's a pretty big report and is in five parts. It totals 276 pages. It covers traffic, sewer, water, tourism, housing and emergency services. We've alerted all of our staff and consultants about the report. Jim is looking at it. The Police Chief, Fire Chief, Emergency Management Coordinator and the Emergency Services personnel should take a look at it and start collecting comments to bring back to Council at your meetings in April before the conference on the 28th. He'd like to ask for Council's authorization to send representatives to the hearing so he can register them by this Friday. We will start collecting comments from all of the staff and representatives. One additional item, Hellertown Borough has come up with the idea of holding a public forum for citizens to attend and provide their input. It's scheduled for April 10 from 7 to 9 PM at the Dewey Fire Company. They are inviting Council representatives. It will be advertised as a public meeting. We'll see that all of our representatives are there. Mrs. deLeon said Glenn should represent the Township. This 30 minute time slot for the Township, would we be able to have Glenn doing opening remarks, then having our Police Chief, etc. Could we fill the 30 minutes with more than one person? Mr. Cahalan said he believes so. Mrs. deLeon said that's what we should do to have a better impact. For the partnership, are you going to list the three officers? She thinks the names should be on there. Mr. Cahalan said you are listed on the registration as the head of each of the bodies or designees. Mrs. Yerger said the local government section would be partnership, then it's going to break down to the townships, then break down to their designees. Mr. Cahalan said that's for each local government unit – 30 minutes. Hellertown Borough local government unit – 30 minutes. He's registering the Partnership as local government unit – 30 minutes.

Mr. Birdsall said maybe the fire company could be a community group and actually get another time slot reserved, it's just a suggestion. Maybe it would be interesting if you thought you needed

an extra ten minutes. Mrs. Yerger said we have four fire companies. Mrs. deLeon said she took the liberty to contact Mr. Freeman with the Citizen's of Bethlehem. He may be able to help us.

Mr. Freeman said he would just caution you with all due respect, it is his understanding as he talks to Nick Hayes from the Gaming Board three or four times a week, that's 30 minutes for all of the municipalities and Mayor Callahan has complete jurisdiction over that 30 minutes. It is not each individual municipality. It is 30 minutes for all the municipalities and when Hellertown spoke to him, he told them they didn't need to bother as they wouldn't be in that 30 minutes. He would take Mr. Birdsall's recommendation that your fire company speak. You might be able to register as a community group, but probably not likely to get in. Mr. Cahalan said the slide says 30 minutes per political subdivision. Mr. Freeman said there was a press conference that happened after that. Call them tomorrow and be very clear. He will also caution them that it is his understanding that all of your documentation must be in by March 17. Mr. Cahalan said that's impossible because we just got the impact reports last Friday. Mr. Freeman said they've been working pretty much 20 hours a day and it's his understanding when they go tomorrow and put it in the mail, that's what we're sending – Power Point, every documentation piece whatsoever. He would just caution you to check with them ahead of time and not be surprised when Monday comes around and they tell you that you are not allowed to speak because you didn't follow their rules. They are not using Robert's Rules by the way. They have an entire set of rules. Mrs. deLeon said in the paper today, there was an article on some group in the Pocono's and they are trying to get legislation changed. She was going to make a motion for us to set up a meeting with Senator Boscola, Bob Freeman, and Karen Beyer to work on language that would give contiguous local municipalities more of their fair share of the revenue distribution because she wants to be there with our hands out and wants to make sure the deal we're given is the monies that we need for the negative impacts to our communities. It's not fair to the municipalities. We need to have a voice. By chance, we got the report on Friday. How can we possibly put together something to submit on Friday?

Mr. Freeman said he would probably say if you did feel strongly about speaking, you probably all want to register as individuals on the fact you may not get recognized. He can also tell you he attended the Northampton County Council meeting. They voted not to, as they were told that Mayor Callahan wouldn't yield time to them and they are all going to speak individually. Mr. Branco is going to speak, but that he was adamant about that, and he's going as an individual. Mrs. deLeon said if we speak as an individual, that means that the fire companies have to have their testimony in with their application. Mr. Freeman said it may be different rules for different bodies, but we've been discussing this from November and he was the one that went out to the Gaming Board to try to get the local impact study. They are very adamant about what they are going to do. It seems with a little help from above, sometimes they twist their arms a little bit, but it's been his understanding from the get go that on that cut off date which is this Friday, your Power Point presentations, all your documentation, he thinks it's 15 copies each and all your reports or any studies you do have to be all completed and in their hands so they can look at them ahead of time and decide whether they want you to speak at the public hearing or not. In addition to that, you can submit written testimony that they say they will look at that's going to be submitted to the record of each applicant, and there's no deadline on that. It just can't be brought up in the public hearing. It's possible you may choose to have your own statement and submit as opposed to speaking in public. Mrs. deLeon said we can show up with written comments then. Mr. Freeman said no, you wouldn't show up. You would submit them written and you would hope they read them. Mrs. deLeon said we all went to the FAA hearing in Bethlehem and we got there and it was this big room, little tables, posters and it was so unlike a hearing. Mr. Freeman said they've been told repeatedly it's three applicants, so you are going to get three 30 minute segments of the municipalities from each of those three. Then you will get in some kind of order of the 10 minute community groups, based on the applications you send in who will get to speak. Mrs. deLeon said this is supposed to be the local government in action. Mr. Freeman said it's clearly not how you do things here in LST. He can tell just from being here tonight.

Mr. Maxfield said who put Mayor Callahan in charge of this? Mr. Freeman said as the municipality that it's in. He's actually been in the argument of what a political subdivision is. He believes there was what the state defined it as but they've changed that definition. Our argument was that it's very clear that the local impact statements had to be given to each political subdivision which is defined as county, township, school district and they came back and said people didn't understand it. It was okay they just sent it to Bethlehem. On this deadline issue, they've been very strict. He would caution you that every conversation you have with Nick Hayes tomorrow is clear. He was also told that you have to have who the people are as well. You can't say it's one of five people. You have to say it's going to be this particular people plus a summary of what you are going to say. You could say something like the impact on LST…..

Mr. Kern said what was the extension of the deadline then? Mr. Cahalan said to get the local impact. They extended it a couple of weeks. There were other municipalities that had seen the local impact reports? Mr. Freeman said for the most part, everybody but Bethlehem saw the report. They were supposed to have filed them prior to the application being filed. The last day was December 28, 2005, so in fact, every political subdivision should have seen it by December 21. They started down that path and realized that Northampton County hadn't seen it. They realized that there were all sorts of other people who hadn't seen it. While that was going on, we were going down the path of having to make comments on something you hadn't seen. Mr. Kern said based on what you are telling us tonight, it's irrelevant because they need what we are going to be saying by Friday. Mr. Freeman said he is hoping they find something different. He just wanted to bring that to your attention. This is what Northampton County said and Mr. Branco is a member of both Hellertown and Northampton County and his comments publicly were, he's going to speak three minutes on his own. Mr. Cahalan said if that's the case, the public forum in Hellertown on April 10 is useless as none of those people are going to be able to talk.

Mr. Freeman said it was his understanding from talking to other people that the Hellertown Police Chief was going to speak on his own and the Mayor was going to speak and attempt to put some sort of group together as well. Mr. Birdsall said it does make sense. He couldn't see how they could do three casinos at three different locations. We're probably talking about a lot of communities. Mr. Freeman said again after listening, after hearing how you conduct business here, there are about 420 pages in the study. Most of it is made up of flag data for traffic. The report themselves are very tiny and very cookie cutter. The innovation group that did two of the studies are the same group that did the democratic senate committee which is what justified Act 71 in the first place. Their report is very telling that it doesn't have any specifics in it. There's not a lot of information in there. They met with Bethlehem people and spoke with the Chief of Police and the Fire Chief and they were consulted early on and not given any specific plans and even in that impact statement, it says they haven't supported any of this at all whereas other municipalities have these people have already signed on and said they agreed to what the other municipalities said in their impact statement. There's a lot of information that is missing, especially the traffic piece would be of extreme interest to you because they seem to not think in their traffic studies there are any collector roads from 412 to Shimersville. Everybody that gets off of 78 is just going to go straight up that road and there's going to be no deviation of that.

Mr. Kern said a big concern he had was the 378 corridor as there are people from Philadelphia who are going to be coming to gamble. Mr. Freeman said August 6 of 2004 when they had the kid's day at Lehigh University for the Eagles and 10,000 showed up, and that's every Saturday will be like. The same amount of people they expect to have every Saturday in south Bethlehem and there's no discussion whatsoever, so if nothing else, LST bringing that to the meeting explaining that day and how unplanned things of that nature can really impact the community. They did a summary of the impact statement and had some meetings with "Citizens of Bethlehem" over the last week and he included that and gave it to Council today.

Mr. Kern said this brings up a dilemma, do we authorize Jim to proceed with the traffic study that is not going to be heard? Mr. Birdsall said they will be done by the deadline. If it's Friday, we'll do the best we can do by Friday. We can't miss the deadline. Mr. Freeman said just check with them. It may be they have a different attitude towards you, but it's been our experience, not with only us, but with other groups throughout the state, that this is how they've handled it. Mr. Freeman said he remembers what Government is supposed to be like by sitting here today, so he thanks them for the opportunity. You're a credit to the community. Mrs. deLeon said do you think if we plead to Boscola and Freeman and Beyer that they could intercede? Mr. Freeman said their group has talked and he sent emails to every person in the Senate, and of all the people you just mentioned, he hasn't talked to any of them. He would not be hopeful, but he's hoping since Mrs. Beyer is in your township, that she'd have a different feeling. He said in one case they had a State Senator who helped them with the local impact statement who kept saying go back to Senator Boscola and he said why don't you call her and ask her to call us back as they've been trying for 18 months and she won't talk to them. Mrs. deLeon said the other issue is the revenue sharing thing. The way it looks like the County has control of all that money and we might not get any of it. They keep saying what's the difference between the County cost and the municipality cost. When you think about the roads and what it's going to do to our roads, the County doesn't pay for that, it's PennDOT or us. Local law enforcement – we have a 911, but that's about it. It's just not fair. Mr. Freeman said he's attended two Northampton County Council meetings and the discussions they had publicly were that this is Bethlehem's issue and they weren't going to do or say anything. Clearly, it's everybody's issue that is surrounding, especially knowing the feeder roads you have and the low numbers they show in traffic. The traffic numbers they are using are the same numbers from 10 years ago when the museum was planned. He spoke out in October that it was incorrect. They believe that 25% of the people will come from everywhere but 78. 75% of the traffic to the site will come from 78. Clearly, they are going to drive up 412, past Shimersville Road, past that area, but that's where all the traffic is going to come from. That's just not realistic. The difference in their projection was that the museum was projected to bring people as a tourism destination whereas casinos are built to draw within 30 miles of their local area. Their projections are that 55% of the people coming to the casino will come from 78; 5% from 412 up; 60% of those people will drive from 78 interchange up to Shimersville Road, and pick up another 5% from Shimersville Road, and then that whole group will travel across to the site; 5% to 10% of those people will come over the Minsi Trail Bridge; 5% Fahey Bridge, and 10% will come from 378, the bypass; and 5% to 10% will come over the Wyandotte Hill. It's unbelievable to think someone from Whitehall will take the circle all around 78 to come around especially with all the development in Bethlehem. That's just as short version to give you a summary of things that jumped out at them. If you look at the proposal from Allentown, both the Police and Fire Chief signed off on the EMS whereas they just came up with their own idea and said we didn't have time to ask anybody about it, but we think it'll work. They are giving $10 million to the City, 2% to the County of the Host. The gross revenue is defined pretty specifically and it's in Act 71 and the state makes that determination, not the casino.

Mrs. Yerger said it sounds like we're on our own to register individually. Mrs. deLeon said what would be a wording, a good coverall. Mr. Freeman said "Impact on LST". That's pretty much what they told people if you have specific issues, but if it's a traffic issue, all of you would be qualified as Council people to say you want to speak about the impact.

Mr. Cahalan said they want an affidavit signed with this registration. Mr. Freeman said it has to have a signature of the applicant, which is another thing he was going to sign and Charlie was going to sign for the heads of the governing bodies. That's going to be another stumbling block. We'll be busy tomorrow getting the registrations. We have to overnight it to Harrisburg. Mrs. deLeon said she doesn't want to duplicate the effort here, to triple insure us to speak, do all the three partnership members and officers. Mr. Freeman said they are going to select who they want to speak. Mrs. Yerger said she just can't help but wonder if they get phone calls from Council,

from people that have some recognition with their local constituents, it might make them sit up and start thinking about responding. Mr. Freeman said don't be shocked when things don't happen the way you want them to.

MOTION BY: Mr. Horiszny moved to authorize Jack to register us for possible attendance - Township Engineer, Township Solicitor, Manager, Council, individuals, Hellertown Borough and the SVP.
SECOND BY: Mrs. deLeon
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.
ROLL CALL: 5-0

VI. MISCELLANEOUS BUSINESS ITEMS

A. APPROVAL OF MARCH 1, 2006 MINUTES

Mr. Horiszny said on page 3, B, it should read "LUTZ-FRANKLIN SCHOOLHOUSE".

MOTION BY: Mr. Horiszny moved to approve the March 1, 2006 minutes, with corrections.
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

VII. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS

- Mr. Bob Hero, resident was present. He said in reference to the storm sewers along Silver Creek Road, the catch basins, he's referring to the first basin on the north side of Silver Creek Road. It's not the position of it, it's the design of the basin itself. He passed out photos. If you look at the catch basin, it's designed for a curb and the catch basin itself is actually in a right-of-way of a 50 foot paper road. The catch basin is in the right of way of the future Fairway Road if it was finished. The little blue dot is in the roadway, that's the catch basin. If that road was ever built, you'd have to drive over that curb of the catch basin, so you'd need a flat catch basin instead of a curb type one. Mr. Birdsall said that was looked at when they developed the plans for the location and they felt that even though there was a projected road there, that was the best location for the runoff that was coming down the hill. We projected if a road was built there, that whole area is going to have to be rethought as far as storm water management and that catch basin may serve as a man hole and other catch basins would be taken off of that. We felt it was still the best location. The curb on all of these was to allow a little better catching of the water, especially when there are leaves and grass and what not. If you put a flat top catch basin on it, the water tends to mat down the leaves and then the water shoots right across the top of it. These are more efficient in collecting water. Mr. Hero said there at the intersection of Fairway Road are flat ones. Mr. Birdsall said that's because it's a lot flatter in the area and the area floods out, so the water stands over it. They are also at corners where people are turning in and out. Mr. Hero said if that was ever developed, you'd have to drive over the top of the catch basin. Mr. Birdsall said he would predict the catch basin would disappear and it would be a man hole and there would be other catch basins back on the curb line. It would be a substantial change to that whole area. Mrs. deLeon said what she thinks she is hearing is that if there's ever a proposed subdivision back there, and the road gets opened, there would be all kinds of design changes anyway to allow for additional runoff whatever. That thing would be replaced, new curbs, new curb returns, tapering of the paving coming up to that road, new catch basins on either side of the road. Mr. Hero said they should change that one catch basin and it will make a difference. Mr. Birdsall said that's probably one of the most important catch basins that everybody's been trying to make sure it gets re-seeding as soon as

possible and he'd hate to change that to an M top and a flat top. It would just reduce the capacity of about 20% of what it is now. Mrs. deLeon said that's not going to prevent you from using that street in the future for access to your subdivision. Mr. Birdsall said definitely. Mr. Kern said what he's hearing is it was intentional. That was the best way to catch the water in that particular difficult situation. Mr. Hero said they should berm up around it. Mr. Birdsall said he's sure Roger will be looking at it.

VIII. COUNCIL AND STAFF REPORTS

A. COUNCIL/JR. COUNCIL

Mrs. Yerger

- She said the property in Cook's Creek that we made our $25,000 contribution to for open space protection did go before the Northampton County Open Space Board and they did approve it to go before Council for the full vote. It is still pending before Council, but did receive the approval of the open space board.

Mr. Maxfield

- He said last night he talked to the members of the Lutz Franklin, the Lower Saucon Historical Society and they've been working on some general ideas, a plan and they are really ready to go. They lent him their plan which he showed to Council. They know Judy is going to have to look at all of this. The trees along the top is a PennDOT right-of-way. With that, we probably wouldn't be putting any structures in that area anyway, so he talked to Judy today and she said as long as we stayed out of the right-of-way in that area we could plant trees in there and not impact anything. He thought it was a nice idea there as the trees would shield headlights coming up Applebutter Road and help mitigate some of the noise from 78. Knowing we had the tree donations, over 100 trees, he also asked about species. She said the Sycamores we have would be great trees to plant there. What he'd like to ask Council for is to ask permission to enter into a joint EAC/Historic Society endeavor to plant these trees some time in early Spring and allow them to work on that site a little bit and it will not cause any impact. It's basically a buffer area, a steep bank and there is nothing there now. Mrs. deLeon asked if he ever told them what would be needed for bus parking, etc. Mr. Maxfield said they have ideas and we said there are standards, so much room for bus turn around, right of ways, distance from roads. They know all of that and they know the plan may totally change. Mrs. deLeon asked about the tree row discussion. Mr. Maxfield said they talked about it and he explained the Township's basic position of preserving hedgerows and their idea was to put a small walking path through it and he said it would have to be done sensitively and planned out, per Judy and they understood that. Everything is waiting for Judy. Mr. Cahalan said he asked Judy to put together a proposal to bring back to Council for her plans to look into the designs for all of the park properties, not just the Limpar property. She has to come back to him with that and he'll bring it to Council.

MOTION BY: Mr. Kern moved for approval as stated above by Mr. Maxfield.
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

Mr. Horiszny
Nothing to report

Mr. Kern

- He said he wanted to know the status of the Meadow Road traffic study. Mr. Birdsall said that is essentially complete and it's gone to Hellertown, our own Police Department and now its in front of the Emergency people, so this is in the last round. So far, it seems to have pretty good support. Mr. Cahalan said we should have it at the next meeting.

Mrs. deLeon

- She said in our packet we have a letter from McGinty from the DEP regarding our $10,000. Remember how they kept changing the submissions, whether it was a minor or a major, and we got screwed out of more than $10,000 grant money. What she'd like to see happen is she says if there are any other questions, we should contact Mr. Sherman who is the DEP Deputy Secretary. There is a landfill meeting tomorrow, but as a Committee, we need to pursue meeting this gentlemen and having Lauressa and our Township Landfill Committee meet with him to explain to him the horrible process we were put through and the amount of money it cost the Township and then in the end it was all combined into one major and we weren't dealt the right hand. She asked for Mr. Cahalan to make an appointment with him.
- Representative Beyer is trying to get a meeting together and we're pretty much set for that one date. Mr. Cahalan said he gave them both dates and it's up to her to pick the date. She'll get back to us on that.
- Several weeks ago, when Sandy gave the report on this other property, does that have anything to do with Northampton County? You went to a meeting the other month. Mrs. Yerger said the meeting was a couple of weeks ago was just a workshop on explaining the process of the application. It was informational.
- We were given copies of the open space plan for the Upper and Lower Saucon plan. Her copy was dated February 2006 and then she saw other correspondence that referred to a third version dated March 8, 2006. She doesn't have that version. There are two or three things that are very important. They talk about the Saucon region. Do you find that odd to refer to it as the Saucon Region or should it be Saucon Valley. Mr. Cahalan said that was something the consultant might have gotten into. He uses that terminology. It was originally a joint, Upper and Lower Saucon Park and Rec Open Space Plan. Mrs. Yerger said also a lot is dominated as we're in the Saucon Creek watershed.
- On page 8, about government, it should say "the township operates as a Council/Manager optional plan form of government". It's not stated well, so you might want to check page 8.
- On page 9, it talks about a historical society and it says "to assist in the identification and protection of significant historic resources within LST, the Council has appointed a six member group". That whole statement is wrong. It should say "historical committee to assist in the identification and protection of significant historic resources within LST. The Council has appointed a five member group which includes the Township Historian". Then you may want to list the Historical Society and Saucon Valley Conservancy, but Council doesn't have the authority to appoint any of those actual board members. That paragraph needs to be changed. Please pass that along.
- On page 17, it makes a statement, "therefore, local officials can act confidently to offer park, recreation and open space programs with assurance that residents can afford a reasonable level of cost associated with such services". We don't know that, that's subjective. She has a problem with that statement in there. We don't know what can afford a reasonable level. What's reasonable? She doesn't like that statement. Mrs. Yerger said it might have come out in one of the committee discussions. Mr. Kern said he didn't think so.
- Mr. Kern said how about if we authorize Jim to do the traffic study by Friday, just so he has clear direction. Mr. Birdsall said he'll do whatever he can. If the deadline is Friday to

be in Harrisburg, if it can be in overnight mail, it will be. If it has to be hand carried to Harrisburg on Friday, it will be.

- She said the Limpar property – there was a question at the historical society meeting. She knows we first condemned it and in the interim, simultaneously, it was purchased by someone else who then wanted to give us the property. Attorney Treadwell said it was purchased by a Dr. Kingston and Dr. Kingston donated it to the Township for $1, so that transaction is complete now.

Ms. Rasich

- She said Brandon Boyer, Senior, from the SV wrestling team placed 3rd at States. There is also a MAWA open tournament this weekend for high school wrestlers being held at Salisbury.

B. TOWNSHIP MANAGER

- With the help of the Heritage Conservancy, the township is going to get some additional trees from Chris Cummings at the Springfield Tree Farm. He gave us some willows and some sycamores before and he's now donating approximately 120 trees, value of $19,000. There are 40 arborvitae which are also worth about $2,000. It's about $20,000 worth of trees he is donating. The only cost is to have somebody dig them up, wrap them in burlap, and then Public Works will load them on a truck and we'll store them. He needs approval to pay $3,500 to Chris to pay for the help for labor to remove the trees and prepare them for shipment.

MOTION BY: Mr. Maxfield moved for approval as stated above by Mr. Cahalan.
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

- He said the Hellertown Borough Pool repair. They are trying to get it ready for summer. One structure they need is a pump house. They got some bids back. Hopefully they can get the Depot culvert done also. Council allocated $10,000 in the budget this year to assist them with the pool repairs. He asked the Borough Manager what they needed. They indicated they could use $5,000 to replace partitions, fixtures and plumbing in the locker rooms at the pool. It would be from account 400.500 for the Hellertown Pool locker room.

MOTION BY: Mr. Kern moved for approval as stated above by Mr. Cahalan for the Hellertown Pool locker room.
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

- He said we have an annual membership fee to the Saucon Valley Partnership of $1,000. This would come out of account 400.500.

MOTION BY: Mr. Kern moved for approval as stated above by Mr. Cahalan.
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

- He said the split-phased lights that Representative Karen Beyer said she'd help us out with PennDOT. They did get back to him and say we are going to send a letter to PennDOT to say they were going to look into this, but there will be a cost involved with the lights. They estimate that the cost for Seidersville 378 light would be approximately $20,000 and the light for the Hickory Hill Road will be $10,000. Representative Beyer will help out with funding so the Township doesn't have to pay.

C. SOLICITOR

- He said Council authorized condemnation of the Stasko property in Steel City. They did a property search and there are no liens on the property. The appraisal is $38,000. He needs a motion to authorize payment of that.

MOTION BY: Mrs. deLeon moved for approval as stated above by Attorney Treadwell.
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

- He said Kally Ridge – at your last meeting you approved an extension of their maintenance period conditioned upon a posting of a $20,000 cash escrow for security. They asked that they not be required to post that escrow. They've sent a letter saying they will complete their work by May 31 and if it's not completed, the township can enforce the maintenance agreement as it currently exists. He has no problem with it at this point.

D. ENGINEER

- We're trying to get a schedule from Popple for end dates and their seeding work. Jack is aware of our request. It has not come in yet. We have a commitment they would start on Monday to start doing the regrading work. We want to get them in as quickly as possible.
- With regard to preconstruction meetings, and some other subdivision, Green Wood Court is trying to schedule meetings, the Rosko project next to the creek, so you may see some activity there.
- Long Ridge has asked for a preconstruction meeting. They were hoping for next week. He is recommending against next week as some of their paperwork is not in place. They'll be some activity in the next couple weeks out there.

III. ADJOURNMENT

MOTION BY: Mrs. Yerger moved to adjourn. The time was 10:34 PM.
SECOND BY: Mr. Horiszny
ROLL CALL: 5-0

Submitted by:

Jack Cahalan Township Manager	Glenn Kern President of Council