

I. OPENING

CALL TO ORDER: The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, March 18, 2009 at 7:02 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Mr. Glenn Kern, Council President, presiding.

ROLL CALL: Present – Glenn Kern, President; Tom Maxfield, Vice President; Priscilla deLeon, Sandra Yerger, Ron Horiszny, Council members; Jack Cahalan, Township Manager; Leslie Huhn, Assistant Township Manager; Dan Miller, Township Engineer; Linc Treadwell, Township Solicitor; Kevin Kochanski, Township Planner. Absent - Jr. Council member, Stephen Prager.

PLEDGE OF ALLEGIANCE

ANNOUNCEMENT OF ANY EXECUTIVE SESSION (IF APPLICABLE)

Mr. Kern said Council did meet in Executive Session prior to this meeting to discuss personnel issues and potential land acquisition.

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 Leslie or Jack or call the Township office. Please state your name and address. If you can’t hear, please let us know. You can check the minutes on the website, which is www.lowersaucontownship.org. Mr. Kern asked if anything was taken off the agenda this evening? Mr. Cahalan said no.

III. PRESENTATIONS/HEARINGS

A. RESOLUTION #38-2009 – RECOGNIZING LENNY SZY & WOODIE EYERS FOR THEIR DEDICATION TO RECYCLING

Mr. Kern said Resolution #38-2009 has been prepared to recognize Lenny Szy and Woodie Eyers for their continued efforts and dedication to the Abitibi paper recycling program in the community.

Lenny Szy and Woodie Eyers were present. Mr. Kern read the resolution as follows:

A RESOLUTION RECOGNIZING LENNY SZY & WOODIE EYERS FOR THEIR DEDICATION TO PAPER RECYCLING

WHEREAS, in 2007, Lenny Szy & Woodie Eyers, members of the Lower Saucon Township Historical Society, came up with the idea of collecting used paper in the Abitibi paper retriever bins as a fundraiser for the Lutz-Franklin Schoolhouse; and

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WHEREAS, starting with the initial placement of bins at the Township building, at the Hellertown Borough Hall and the Saucon Valley School District campus, Lenny & Woodie have increased the number of bins available to the public to a total of 21 at 12 locations and a bench at Bergey's Store; and

WHEREAS, during 2007, a total of 141 tons of paper were collected in the distinctive green and yellow paper retriever bins located in the Township; and

WHEREAS, in 2008, a total of 217.15 tons or 838,780 pounds of paper were collected in the Township bins making us the highest producing group in Abitibi's Philadelphia area; and

WHEREAS, the bins have become a daily/weekly ritual for residents to dispose of their catalogs, newspapers, magazines and paper that would otherwise be placed in the garbage and wind up in landfills; and

WHEREAS, Lower Saucon Township would like to recognize and commend Lenny Szy & Woodie Eyer for their efforts to set up this successful program which has diverted 1.2 million pounds of used paper from the waste stream and has saved over 6,800 trees; and

NOW, THEREFORE, BE IT RESOLVED, that the Council of Lower Saucon Township, Glenn Kern, President; Thomas Maxfield, Vice President; Priscilla deLeon, Council Member; Sandra Yerger, Council Member; and Ronald Horiszny, Council Member; wishes to commend Lenny Szy & Woodie Eyer for their hard work and dedication to Lower Saucon Township.

MOTION BY: Mr. Horiszny moved for approval of Resolution 38-2009.

SECOND BY: Mrs. Yerger

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

ROLL CALL: 5-0

B. PRESENTATION BY THE APPALACHIAN MOUNTAIN CLUB – JENNIFER HEISEY

Mr. Kern said Jennifer Heisey is the Mid-Atlantic Recreation Planner for the Appalachian Mountain Club and would like to discuss the development of a PA Highlands Trail Network to increase recreational opportunities in the Highlands for the health and well-being of local communities.

Ms. Heisey said we have an office in Bethlehem and our headquarters is up in Boston. To clarify, the Appalachian Mountain Club (AMC), is different than the Appalachian Trail Conservancy (ATC). The ATC just maintains, manages, and protects the Appalachian Trail and the AMC's mission is to look at rivers, mountains and trails throughout the entire Appalachian region. There are 90,000 members within our organization. It's non-profit, and we have twelve chapters. The chapter within your area is the Delaware Valley area chapter and there are about 5,000 members in this area and they are very active in leading hikes, bike rides, paddle trips, and doing trail work in Nockamixon State Park, Delaware Water Gap, Valley Forge, and also a section on the Appalachian Trail. She said I work mainly on trails, and have a Project Manager who works on items such as the Highlands Conservation Act and getting funds for protecting land in the highlands. This Township does have information about the highlands in your comprehensive plan, so I won't have to talk too much about the highlands tonight and can get to the trail project. The highlands do go through four states, 3.5 million acres of land. Within Pennsylvania, it's about 1.9 million acres and this part of your Township is within the Pennsylvania Highlands. It's below the Bethlehem-Allentown area. Another organization that AMC is part of is the Highlands Coalition so there's an overall coalition, over 180 members and all with four states really working on getting this

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greenway established and land protected. It goes into Philadelphia, Allentown, Bethlehem, Harrisburg area. It's very close to New York City, and then it goes up to the Massachusetts, Connecticut border, so the biggest reason the highlands need to be protected such as agriculture land and forest land and watersheds is because 15 million people rely on this area for drinking water.

Ms. Heisey showed the greenway map. The green areas are your priority areas. This is done through an analysis of ranking ag land, watersheds, forests, and then the tan areas are considered corridors. The corridors are connecting those priority lands and you can see a trail network serving the purpose of connecting those green hubs, or the priority lands. This is what I work on mostly. To bring you in to Lower Saucon Township, you are highlighted in red. You are right on the border of the Pennsylvania Highlands region. Some of the hub areas were named and you are in the Northampton Highlands. Looking at Lower Saucon Township, you can see there's a lot of priority lands considered the hubs – 9,089 acres within the PA Highlands are in your township and there's about 1,000 acres of corridor which are the tan areas. I mostly have been focusing in Bucks County. I've actually done all my municipal outreach in the townships in Upper Bucks. I talked to Williams Township and you are the last to talk to. You are both neighboring to the area, so basically the highlands trail project, there's an existing trail in New York and New Jersey, about 150 miles and the New York, New Jersey trail conference has been working on that since 1992. They are going to be coming into Riegelsville, PA and Bucks County, but very closely to the Northampton County line. The concept is to create a trunk trail that would go through all thirteen counties of the PA Highlands and connect some of those hub priority lands. We were thinking we could go up to the Tohickon and into Nockamixon and connect there, but now we are really thinking we have to go into Bucks County. We want to take existing trails that are already in the greenway area and fill them in with gaps. The reason I'm coming here tonight is to find ways to connect to Northampton County and that possibility could be the rail trail. The goal from Riegelsville is to get to Nockamixon and get over to Green Lane Reservoir. We are trying to figure out how we can fill in some gaps. There's some existing trails in Milford Township. That's why we called it a network as there could be spurs, there could be loops, so we are weighing and looking at all our options at this point. The next step after the municipal outreach is that I will be having these public open houses. There will be five of them throughout Bucks County. The closest one to you will be in Springtown. That's going to be on Thursday, April 9, from 7:00 PM to 9:00 PM at the Springtown Fire Hall. There are flyers listing all five open houses and we are really encouraging the community to come out and participate in it. This is also a way if people are interested in serving on a Steering Committee, particularly looking at this region, figuring out where trail corridors could possibly go, to come to these community open houses or if you can't make it to one of those, just contact me. I wanted to include Lower Saucon Township and Williams Township on this project to figure out how we can work together on this. If there is any thing you would need, mapping or planning your trails, we'd like to work with you. You have already updated your comp plan, no one else has yet because of the highland stuff. Did you pass a resolution of support for the PA Highlands? Mr. Kern said yes, we did.

Mrs. Yerger said as an FYI for everyone else, the Cooks Creek as been designated the number one priority resource in the PA Highlands. Ms. Heisey said yes, for the Highlands Conservation Act. Mrs. Yerger said we have headwaters of the Cooks Creek and a good portion of the Cooks Creek in Lower Saucon Township. We are working on some projects in that area, so it's really nice that it's a priority, nationally, almost. Ms. Heisey said it's definitely ranked up there very high. Mrs. Yerger said is it possible for you to email me a copy of this presentation so I can show it to the EAC? Ms. Heisey said yes, I can and I will also send the flyer.

Mrs. deLeon said what role is this group playing with the Delaware and Lehigh National Heritage Corridor? I was involved when that was in the works back in 1988, and then, there were only two corridors in the country designated. I was very looking forward to what that was going to do for

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that area. Are you doing anything with them? Ms. Heisey said we haven't been working with the D&L. I talked and met with Scott, the Trails Manager, and with Sherry from the Lehigh Valley Greenways Conservation Landscape Initiative and we are both aware of each other. I've worked directly more so with the Delaware Canal State Park and the DCNR on the state parks and seeing what their interest was of having this trail co-align with part of the Delaware canal. Delaware State Parks and DCNR have been very supportive. I was also looking for updates when the canals would be open. We are also doing a "Welcome To PA Highlands Trail" celebration on May 16 in Riegelsville and doing a ribbon cutting on the bridge and trying to rally momentum for people to start get interested in the highlands trail through Bucks County and in this region. There will be a light fare lunch at the park and also a bike ride. There are also brochures for that.

Mr. Maxfield said have you seen the trail plans we have on the multi municipal comp plan we are preparing with Hellertown? Ms. Heisey said I did start looking over the comp plans, whatever you had on line. Mr. Cahalan said it's on our Township website, under Saucon Valley Partnership, it will take you to that page and you can click on the multi municipal plan. Mr. Maxfield said how are you going to participate within our area. Are your plans going to be what is available to you, what you can get, or will you present us with specific areas that you would desire to be into? Ms. Heisey said at this point, we are really looking at what is feasible. We did get some funds to hire a Land Protection Specialist and I'll be hiring someone to figure out specifically where something could happen. I don't have parcel data for your township, but was looking at developers and property owners. If we could go into Mariton Wildlands Sanctuary and pop into Williams, and then eventually into Lower Saucon, I guess that would be the region. Mr. Maxfield said that would hook right into where one of our trail head areas are. Ms. Heisey said that's sort of the area I need to investigate more and figure out the area and what easements exist out there. Mr. Maxfield said our EAC would be more than willing to help out with that. We've been concentrating on certain areas real close to there, and I know Williams has too.

Mr. Cahalan said the one you referred to in New Jersey was the Columbia Trail, are you working on that? Ms. Heisey said it's the Highlands Trail. Mr. Cahalan said are any of them on utilities like gas lines? Ms. Heisey said yes, some of them are in New Jersey. I'm starting to look at them in Bucks County, but I can tell by some of the landowners that it is still privately owned property and that the electrical lines or whatever it was, was just an easement. It depends on the property owner and the situation. In New Jersey, they have a lot of state parks and preserves that they've been able to link it to. I will definitely be looking for open space. Basically when you get to Green Lane Reservoir, there's a way to get on existing trails pretty much all of the way to the Appalachian Trail in Cumberland County. The Horse Shoe Trail and the Mason Dixon Trail have some issues with the trail being on roads, so our partnership has been working with those organizations to figure out solutions to getting their trail off road as well - that's why Bucks and lower Northampton County are definitely a priority, figuring out how we can make these connections.

Mr. Kern said how successful are you in getting right-of-ways over private property? Ms. Heisey said I haven't had to do that much in my process just because I've been really focusing on the community support part. Mr. Kern said what's the preferred route other than private property? How do you get the trail in? Ms. Heisey said if there's no way to get around it other than having three or four different options and seeing if private property owners are going to go for it or not. There is an old rail line called the Quakertown Eastern that ran from the Durham/Riegelsville area down to Quakertown, but that was abandoned in the 1930's. That was one area we were looking at, and I'd have to dig into deed research to see who it went back to. That was one of the more viable corridors from Riegelsville down to Nockamixon Park area, in a sense. There is definitely going to be private land owners who are going to have to be part of this. They would have to agree to the easements. That's why we have to build momentum and community support for the project and really figure out what are the feasible and viable routes for this to happen.

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

IV. DEVELOPER ITEMS

A. BEN FRANKLIN TECHNOLOGY PARTNERS – 116 RESEARCH DR. (LEHIGH UNIVERSITY) – VARIANCE REQUEST OF MINIMUM FRONT YARD SETBACK AND MAXIMUM FENCE HEIGHT TO CONSTRUCT PARKING DECK

Mr. Kern said the applicant is proposing to construct improvements to the existing building and parking area including an addition and a two story parking garage. They are proposing to construct a wall which would require 52.5' of setback relief. The wall will be 12' in height which will require 4' of allowable height relief.

Mr. Eric Schock from Fitzpatrick, Lentz and Bubba was present. Ms. Christa Croftician from the Spillman Farmer Architectural firm was present. Mr. Schock said this is what is known as Building G up on the mountain top and is owned by Lehigh University. There's a portion of a very large tract of land that is leased by Ben Franklin. The building is currently used for their technology incubator, so there's labs for a variety of technology start-up businesses. What they are proposing to do is to construct a parking deck and after that's constructed, to put an addition on to the building which would allow them to have office suites to serve the labs for each of the technology companies. All of that is located in the City of Bethlehem. What's located in Lower Saucon Township is a sliver of the land that would contain only three pieces of equipment. It's a generator, transformer and a chiller. The issue of setback relief is needed for that and also a relief from the maximum height from the wall and the fence so we can construct it. It's the only place on the lot we can put it. In order to construct the building addition and create the suites, the only thing you can do is put the building adjacent to the existing building. When you do that, you end up with no where to put the equipment, except in the area that's the Lower Saucon property and that doesn't meet the setback. The impact is actually nothing because all of the land around it is part of the Lehigh parcel. There are really no neighboring property owners within any distance.

Mrs. deLeon said wasn't this on the agenda last week and why is it back on again? Attorney Treadwell said the land development waiver was on the last time and this is going to the Zoning Hearing Board for relief of the height and setback. Mr. Schock said the bottom line is we need to put the equipment there. There's no where else to put it. The setback violation won't affect anyone. We're looking to screen it entirely and that's why we need the variance from the height. We won't know the exact size, but we are thinking it may be up to twelve feet tall. Mr. Kern said what is the screening? Ms. Croftician said we will surround the part that is visible from the road with a concrete wall that will match the existing limestone of the building so it has an architectural finish to it and we would like to keep the same height as there is a lower part which has a retaining wall to match it, so it would really be looking at it as part of the building that's been there. If you would go to the loading dock area, there would be a fence area so you have access to the equipment. Mr. Maxfield said how much of a variance is it for height? Mr. Schock said it's up to four. We don't know the exact height right now. Ms. Croftician said we are asking to go twelve or thirteen feet high to match that existing wall. Mr. Schock said our obvious answer is we presume it would be rather screened and the rest of it visible as it defeats the purpose. Lehigh University would like Ben Franklin to be able to do this too as they want it to be attractive as possible because it's still part of their campus.

Mrs. deLeon said what is a chiller? Ms. Croftician said it's basically to cool the water for the equipment. It generates a lot of heat and mist so you don't really want it inside your building. It's better to have it on the outside, and it's a hunk of metal. Mr. Schock said it's part of the HVAC

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unit and the way this building is heated and cooled, it is a necessary piece of equipment. Mr. Maxfield said does the wall provide security for the units? It will be closed off totally so someone from the road can't get to it? Ms. Croftician said the wall actually goes on three sides and there will be a fence on the fourth side. The fourth side will have gates that are locked. There's no access to it.

Mr. Maxfield said the mist that is generated, that's not going to affect the road that's close to it? Ms. Croftician said no. Mr. Maxfield said out on Easton Road, there are times the mist comes off the coolers from Connectiv's electrical unit. Mr. Schock said another thing that drove the location was to create the ability to put the fence in the back and have access from the rear to do the maintenance. It made more sense to build the wall on the visible side.

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

V. TOWNSHIP BUSINESS ITEMS

B. REVIEW AND ADOPTION OF TOWNSHIP POLICY ON CONTRIBUTIONS TOWARD PURCHASE OF NEW FIRE EQUIPMENT

Mr. Kern said a policy was drafted in 2007 listing the conditions under which the Township will make contributions from the Fire Equipment Replacement Fund to the Township fire companies for the purchase of new fire apparatus. The policy has been reviewed by the fire companies and is now ready for Council's adoption.

Mr. Cahalan said this was requested at the last meeting and was brought up previously at a meeting in 2007. We've put it before you and it's up for Council's consideration this evening to adopt.

Mrs. deLeon said I brought this up at the last meeting to have it as a policy so we would have it. I think it's good. No. 3, the specifications for the new equipment should be reviewed by the Township Manager, Finance Director, Solicitor, and an outside consultant, as needed. I'd be more comfortable if it said the outside consultant was needed as that wasn't that the purpose of hiring the outside consultants? Here it looks like it's an option. Mr. Cahalan said when it was originally presented, it was an option at the time if the outside consultant was needed to review the specifications, and this policy suggested that we hire such a consultant. He made a recommendation for one, but it was suggested in the policy and he recommended that it be on an as-needed basis, as there are circumstances where the consultant does not have to review any of the specifications or prepare the specifications. Mrs. deLeon said can you think of any circumstances? The last two trucks we approved, we had a consultant. Mr. Cahalan said no, the consultant did not review the specifications for Leithsville Fire Company. They prepared the specifications and submitted it through the COSTARS system for the truck. Specifications were submitted to myself and the Finance Director and those specifications they had worked on for a period of time and were able to submit them through the state purchasing system and were able to get bids from three manufacturers for the tanker truck that they were looking to purchase. Mrs. deLeon said I remember authorizing a consultant two times. The one was for Steel City and who was the second one for? The first one I voted no, but then thought about it that it made sense and then for the second one I voted yes. Mr. Cahalan said we authorized Bill Peters to review Steel City's specifications. That was at the cost of \$850.00. I checked with him when we were preparing specifications and Mr. Peters said he'd be glad to write the specifications, but it would cost about \$3,500 to do that, so I never took him up on it. Mrs. deLeon said I'm almost positive I voted twice. Mr. Horiszny said the first one was we had to contact him and then after the contact, we said yes, let's use him for Steel City. Mrs. deLeon said no. Mr. Cahalan said you may have voted twice

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because the first time it was suggesting we use the services and then we did. When I got his fee, I brought that back for approval. Mrs. deLeon said that's not what I was referring to.

Mrs. deLeon said this is great, this is a policy that the administration should follow, but there should be an eighth one and that is it should come back to Council. Ultimately, it falls back on us as these are the steps the staff has to go through and the fire companies. It doesn't say that in here and it should be a little more clear, final decision is up to Council. That should not be assumed. Mr. Cahalan said there isn't anything on here, no decisions, it was just reviewing and asking the fire companies did you do all this. The fire companies have to come back to you. Mrs. deLeon said put it in there as No. 8, that after successfully meeting the above requirements, then it's here. They might think that's it and they don't have to come back to Council. Mrs. deLeon said will it hurt for someone to type up No. 8 and put in those few words? Mr. Kern said it's not a big deal. Mrs. deLeon said I would support this with No. 8 being in there that after successful review, and then it would be presented to Council for approval. I think it's good to have this policy.

Mr. Maxfield said if it's going to be that specific, then maybe what we should do on No. 6 and 7 is say who the written statements and written plans are submitted to. Mrs. deLeon said it would be Jack, he's the Manager. Mr. Maxfield said if we're going to be that specific about No. 8, if it's the Manager on 6 and 7, it should say the Manager. It should say submit to the Manager a written plan. That way it's perfectly clear.

Mr. Kern said what do you have for the wording for No. 8? Mr. Cahalan said "after completing the above requirements, the fire company would have to come back to Council for final approval". Mr. Horiszny said that sounds good.

- MOTION BY:** Mrs. deLeon moved for adoption of the Township Policy Towards Purchase of New Fire Equipment.
- 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

C. REVIEW AND ADOPTION OF MAINTENANCE POLICY FOR TOWNSHIP PARKS

Mr. Kern said the draft Maintenance Policy for Township Parks has been reviewed by Council, the Park & Recreation Board and the Environmental Advisory Council and their recommendations have been incorporated into the policy which is now ready for Council adoption.

Mr. Cahalan said we had the additional comments and recommendations from the last EAC meeting. Those were turned over to the Township Planner and they incorporated those suggestions into this final rewrite of the draft of this plan. As we mentioned previously, it's been reviewed by Park and Rec several times, by the EAC, and we feel it's ready for your final approval tonight.

Mrs. Yerger said Judy and I had talked about where we are going to start working with the IPM and planning it out and looking for an Organic Pest Management (OPM) and balancing those two out. Do we need some kind of motion to go forward with that process so we start working on the procedure? Mr. Maxfield said that will be an addendum. Mr. Cahalan said yes, that can be an addendum or a stand alone policy. You can make that motion. We have started doing the preliminary ground work on it. This is the general overview, and that will get into the specifics.

Mr. Horiszny said in item P, snow removal, the last sentence, we need to add a verb in there. If we say "minimal applications of snow melting compound and/or gravel should be made as appropriate to reduce the danger of injury due to falls and safe winter access". Mrs. Yerger said that's fine.

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MOTION BY: Mrs. Yerger moved for adoption of the Maintenance Policy for Township Parks, with correction as stated above.

SECOND BY: Mr. Horiszny
Mr. Kern asked if anyone in the audience had any questions or comments? Lenny Szy, resident, said is there an update on the Kingston Park plan or any information? Mr. Cahalan said it's coming soon. We are distributing an updated concept plan that the Planner has put together. That's going out to Council and we will be scheduling it for a Council meeting for probably April. We'll let you, Dr. Kingston, and the Historical Society know. Mr. Szy said I met with him a couple of times recently and he's very anxious. Mr. Cahalan said I have spoken to him also and told him I'd keep him informed.

ROLL CALL: 5-0

MOTION BY: Mrs. Yerger moved to authorize Boucher & James to work with the EAC to develop the detailed IPM Plan.

SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone in the audience had any questions or comments? Mr. Maxfield said do we need to say anything that this is going to be an addendum to this plan? Mr. Cahalan said we'll bring it back and you can decide at that point if you want to do a stand alone policy or an addendum. Mr. Maxfield said I'm just trying to think ahead a little bit. I know we had bids out and the bids are back for the park care, we just need to let them know that an addendum will be coming and they need to know that. Mr. Cahalan said they will do that.

ROLL CALL: 5-0

D. RESOLUTION 40-2009 – RECOMMENDING ESTABLISHMENT OF A JOINT RAIL TRAIL ADVISORY COMMITTEE & AUTHORIZING APPOINTMENT OF MUNICIPAL REPRESENTATIVES

Mr. Kern said Resolution #40-2009 has been prepared which recommends the establishment of a Joint Rail Trail Advisory Committee for the SEPTA Rail line comprised of representatives appointed by the four (4) municipalities to oversee the initial development of the Rail Trail and to act in an advisory capacity to the municipalities for the ongoing maintenance and operation of the trail.

RESOLUTION RECOMMENDING THE ESTABLISHMENT OF A JOINT RAIL TRAIL ADVISORY COMMITTEE FOR THE SEPTA RAIL LINE AND AUTHORIZING THE APPOINTMENT OF MUNICIPAL REPRESENTATIVES TO THE COMMITTEE

WHEREAS, Lower Saucon Township, Upper Saucon Township, Hellertown Borough and Coopersburg Borough are currently negotiating with the Southeastern Pennsylvania Transportation Authority (SEPTA) to secure a lease agreement on the abandoned SEPTA rail line that runs through the four (4) municipalities; and

WHEREAS, if these negotiations are successful, the municipalities intend to utilize the rail line property as individual linear parks in each municipality that would be opened to the public for recreational activities such as walking, biking, horseback riding, etc.; and

WHEREAS, to oversee the initial development of the trail and to provide ongoing direction for the operation and maintenance of the rail trail it is imperative that a Joint Rail Trail Advisory Committee be formed; and

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WHEREAS, this Joint Rail Trail Advisory Committee would act in an advisory capacity to the municipal Supervisors and Councils and would serve as the liaison between residents and elected officials in each municipality on matters relating to the operation and maintenance of the trail; and **WHEREAS**, the Joint Rail Trail Advisory Committee should be comprised of at least two (2) representatives appointed by each of the municipalities with staff and consultants designated, as needed, by each municipality; and

WHEREAS, the Joint Rail Trail Advisory Committee shall hold publicly advertised meetings on a regular rotational basis in each of the municipalities.

NOW, THEREFORE, BE IT RESOLVED, that the Council of Lower Saucon Township, Glenn Kern, President; Thomas Maxfield, Vice President; Priscilla deLeon, Council Member; Sandra Yerger, Council Member; and Ronald Horiszny, Council Member; do recommend the establishment and formation of the Joint Rail Trail Advisory Committee with representatives appointed from each municipality.

Mr. Cahalan said the Solicitor has been working with the SEPTA legal department so we can work towards getting a final draft of the lease agreement with SEPTA. We hope to have that finalized and will have a meeting next week with the Solicitors and the Engineers. We hope to bring to Council a recommendation some time in April for a final lease agreement, at least for the section that is in Lower Saucon Township, and we hope our partners from the other three municipalities will also be doing the same thing at their respective Council's during April. The goal would be to get the lease in place by May 1, 2009. In order for us to get this whole process moving along towards the beginning stages, start up, operation, and then later on for the ongoing maintenance and the operation of the trail, an Advisory Committee is normally the process that other rail trail groups have started with. There have been some successful ones and we would like to follow their lead by having an Advisory Committee being set up with representatives from Coopersburg, Upper Saucon, Lower Saucon, and Hellertown Borough and we wanted to kick that off. We put together a resolution that calls for the establishment of the rail trail group. It puts down some of the basic responsibilities that they would have – an advisory group to each of the Council's, and they also would be a liaison between the residents and the elected officials as other advisory committee's are. We are suggesting that two representatives be appointed by the municipalities and that the Advisory Committee should meet regularly at each municipality. Resolution 40-2009 recommends that body.

- MOTION BY:** Mr. Horiszny moved for approval of Resolution 40-2009.
- SECOND BY:** Mr. Maxfield
- Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.
- ROLL CALL:** 5-0

Mr. Cahalan said also as an addendum to that, we're trying to also get going on suggesting some representatives to you for this committee. At the last Park and Rec meeting, the board voted to recommend to the Township that Dr. Donna Bristol, who is a current member of the P&R Board, be appointed by Council to serve as one of the Township representatives to the Rail Trail Advisory Committee.

- MOTION BY:** Mrs. deLeon moved for approval to appoint Dr. Donna Bristol to the Rail Trail Advisory Committee.
- SECOND BY:** Mr. Kern asked if anyone in the audience had any questions or comments? Mrs. deLeon said what's the term? Mr. Cahalan said I did not put that in the resolution. That's something you can decide right now if you want to set a term. Mr. Maxfield said maybe what we want to do is put

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Donna on the list. First of all, we have to see if the other municipalities adopt this. Then we have to set up terms, and maybe we'd like to appoint both of our representatives at the same time. I was hoping in talking with the other municipalities, we could set up a standard length of serving time on this board. That way we don't have some communities switching over and changing and some not. Mrs. deLeon said if there are two members for the four municipalities, they should be alternating. Mr. Maxfield said a municipality might want a three year term. Mrs. deLeon said I'm just suggesting it would be overlapping, and half the committee would be there, and the other half for continuity. Mrs. Yerger said she was wondering is this something we would want to put on our website to see if there were people interested to volunteer to this? Mr. Cahalan said I already have other names. Mrs. Yerger said maybe we need to look at the whole roster and see who is interested. Mr. Horiszny said isn't it required that one be a neighbor to the trail? Mr. Cahalan said that was suggested and normally in the other trail committees, they do invite people who live next to the trail to become members. Mr. Maxfield said is there going to be municipal representation at the meeting? Will you be at the meetings? Mr. Cahalan said yes, they will be at the meeting and we would bring in consultants, the Police Chief would be there, if there is an issue involving enforcement. Public Works would be there. It would be considered a municipal park, so the P&R would be involved, but this committee would be specifically charged with getting this thing going and setting and recommending the rules to Council on the operation and on the ongoing maintenance. Staff would be there. Mrs. deLeon asked if anybody else on the P&R board was interested? Mr. Cahalan said no. Mrs. deLeon said Donna Bristol should really be on this as she has dual roles. Mr. Kern said she definitely qualifies on the walking trail part. He said I went to the last P&R meeting and she had a book on rails to trails so she's taking it seriously. Mrs. deLeon said I wouldn't mind appointing her tonight. Mr. Maxfield said I have a problem without a length of term. Mr. Cahalan said the important thing you did was adopt the resolution for the formation and if we can get the other three municipalities to follow suit, then we can come up with a list of people. Mrs. deLeon said will you be contacting the other three to work this out? Mr. Cahalan said we've already starting talking about this and we will be passing this on to them to spur them into action. This resolution has been shared with Hellertown Borough, and will be shared with the other municipalities. Mrs. deLeon said do we need an inter-municipal agreement with this rail thing or did we do that? Mr. Cahalan said no, we didn't do an inter municipal agreement. We have been working basically independently. The leases will be separate with each of the municipalities with SEPTA. If there is something that is shared, the Solicitor's will have to indicate that. Attorney Treadwell said I don't think we are ready for that yet. If we need one in the future, we'll certainly bring it back. Mrs. deLeon said if the four municipalities are all going to be on the same page on this committee, something has to keep them together, and it has to be some document that has to spell out the terms or there will be four people out there doing what they want. Mr. Kern said we can do that. Attorney Treadwell said we'll look at it. Mr. Kern said we have a motion on the floor, Priscilla, are you willing to withdraw your motion? Mrs. deLeon said it would be nice to have a term, but since we weren't prepared for that tonight, I guess I have to withdraw it. Motion withdrawn.

ROLL CALL:

E. RESOLUTION 41-2009 – AUTHORIZING A 12 HOUR SHIFT SCHEDULE FOR THE POLICE DEPARTMENT

Mr. Kern said Resolution #41-2009 has been prepared to elect a Section 7(k) overtime pay exemption under the Federal Fair Labor Standards Act, 29 U.S.C. § 207(k) subsequent to a new Collective Bargaining Agreement to which the police officers' current work schedule of 8-hour shifts will be replaced with 12-hour shifts.

RESOLUTION ELECTING SECTION 7(k) OVERTIME PAY EXEMPTION

WHEREAS, the Lower Saucon Township Police Officers' Association is the exclusive collective bargaining representative of full-time police officers employed by Lower Saucon Township, excluding the Chief of Police and part-time police officers, as provided by the Act of June 24, 1968, No. 111, Section 1; and

WHEREAS, Lower Saucon Township and the Lower Saucon Township Police Officers' Association have agreed, through collective bargaining, to enter into a new Collective Bargaining Agreement, with an effective date of January 1, 2009, pursuant to which the police officers' current work schedule of 8-hour shifts will be replaced with 12-hour shifts; and

WHEREAS, the Township and the Lower Saucon Township Police Officers' Association have agreed, as a part of the change to 12-hour shifts, to adopt a 14-day recurring work period; and

WHEREAS, the 14-day work period may be modified in the future subject to the then current Collective Bargaining Agreement, provided that the recurring work period shall be not be less than seven (7) consecutive days nor more than twenty-eight (28) consecutive days, as required by law; and

WHEREAS, the Township desires to elect a Section 7(k) overtime pay exemption under the Federal Fair Labor Standards Act, 29 U.S.C. § 207(k), pursuant to which the Township will pay overtime compensation to police officers covered by the Collective Bargaining Agreement as required by law and by the provisions of the Collective Bargaining Agreement, as it may be modified or amended, from time to time; and

NOW, THEREFORE, BE IT RESOLVED, that the Council of Lower Saucon Township, Glenn Kern, President; Thomas Maxfield, Vice President; Priscilla deLeon, Council Member; Sandra Yerger, Council Member; and Ronald Horiszny, Council Member; do hereby elect a Section 7(k) overtime pay exemption applicable to police officers covered by the Collective Bargaining Agreement, pursuant to the Federal Fair Labor Standards Act, 29 U.S.C. § 207(k), such exemption to become effective immediately upon implementation of the 14-day work period for police officers.

Mr. Cahalan said the resolution indicates we've concluded bargaining with the Lower Saucon Township Police Association on the new labor agreement, and we are waiting for their written approval of that document and that would be effective January 1, 2009 and run for three years. One of the important things we spent a good deal of time on, in these negotiations, was the conversion from the current eight hour shifts that they are on to a twelve hour shift schedule and we focused on that and there was a lot of discussions and procedures that had to flow from that. This resolution memorializes that we will be going to the twelve hour shift with the new labor contract sometime in May. It doesn't specify that, but it is needed to provide an overtime pay exemption to the Township under the Federal Fair Labor Standards Act.

Mr. Maxfield said we should mention that after that one year, there is a rescinding clause in the agreement if either of the parties is not satisfied with it. Mrs. deLeon said will you explain this fourteen day work period and the seven consecutive days, not more than twenty-eight. Mr. Cahalan said the terms we have proposed under the twelve hour shifts are a series of work periods and the fourth, WHEREAS, you are referring to is the fourteen day work period, and it says "may be modified in the future subject to the then current Collective Bargaining Agreement, provided that the recurring work period shall be not be less than seven (7) consecutive days nor more than twenty-eight (28) consecutive days, as required by law" it's saying it's conforming to the Fair Labor Standards Act.

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Mr. Horiszny said does a work period mean they would go and work four days in a row and then they have several days off, and then three days in a row, and those have to occur in fourteen days? Mr. Cahalan said yes. Mr. Maxfield said there are more periods of three days on, two days off, and two on, two days off. It repeats a cycle. Fourteen days gets them back to basically where they started from. Mr. Horiszny said this is not premature, we need to do it now? Mr. Cahalan said we need to do this as we are going to shift over to the twelve hour schedule and it needs to be in place before we do this. We will probably switch over by the end of this month or the beginning of April.

- MOTION BY:** Mr. Maxfield moved for approval of Resolution 41-2009.
SECOND BY: Mr. Horiszny
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.
ROLL CALL: 4-1 (Mrs. deLeon – No)

F. AWARD OF LAWN MOWING SERVICES BID

Mr. Kern said a bid was prepared and advertised for lawn mowing services for Township properties with a bid opening of March 16, 2009. Council will review the results of the bids and award the bid to the lowest responsible bidder.

Mr. Cahalan said we had six firms submit bids which is a lot better than what happened in 2007. According to the bid results, a firm by the name of Hill Crest, out of Coopersburg, submitted the lowest responsive bid, and that was in the amount of \$48,010.00. We are recommending that Council awarded the lawn mowing contract to Hill Crest. Mr. Kern said did you speak directly to each of these firms? Mr. Cahalan said they came in and actually were all taken out to the parks and they were given a copy of the draft Park Maintenance Policy and were told that we would be following that and that the work would be monitored by the Public Works Department.

- MOTION BY:** Mr. Horiszny moved to award the bid for lawn mowing services to Hill Crest in the amount of \$48,010.00.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.
ROLL CALL: 5-0

G. POLK VALLEY PARK – PHASE II COSTS

Mr. Kern said Township Planner, Boucher & James, will review with Council the cost estimates for the proposed Phase II improvements to Polk Valley Park.

Mr. Kochanski said you have three different cost estimates. The first one is the detailed cost estimate of the naturalization plan that has been included in the other two options. The two options are pretty similar in nature providing the landscaping and improvements to Polk Valley Park with the exception there is a pavilion included and the other includes a separate different piece of equipment. In essence, it's landscaping, pavilion, naturalization, fencing, paving, tot lot equipment and site furnishings. Mr. Cahalan said we wanted you to see what was in the Phase II recommendation. If there's anything in here that you'd like to change or eliminate, that's the reason we are bringing it up tonight so you can see what the item is and if you feel you want to put that off until a later period, we can make that adjustment. This was to indicate to you what the probable cost was, and I can tell you we've budgeted sufficient funds in the 2009 budget to cover the costs as they are listed tonight with the exception of the connector trail and the bridge. That is something

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Dan can explain on that. The cost of the bridge will be subject to the permitting you are going to get from DEP. We're not at that stage where we're recommending a length or type of bridge and we don't have that yet. Mrs. deLeon said is there anything that can be put off? There's sequences of things that have to be done. Mr. Cahalan said the only thing we do recommend as one priority has to do with the multi purpose field and that is the fencing. That was a recommendation that came out of the P&R. There are errant kicks that are going down the hill and we looked at that, and made some recommendations on how that could be addressed. We submitted it to the P&R and they were okay with it. It also involves some cut outs with the fencing behind the goals so the kids don't have to run all around the outside, they can run behind the goal and get the ball. That was added in there and the naturalization is something you want to move ahead on it. The rest of it is subject to whatever schedule.

Mr. Kern said I'd like to see the priority, which is the bridge and the connector trail, finding out what that cost is first. Mrs. Yerger said hold off on the tot lot and the pavilion. I have no objection to a tot lot, but it's an expensive item as is the pavilion. The park is being used already without those two items. Those are large ticket items. Mr. Cahalan said you do have enough money in the budget to cover the connector trail. We also have a grant from Northampton County that covers the connector trail, tot lot and the pavilion, that's the \$93,000, and we also have the money from the TreeVitalize. Mrs. Yerger said I'd like to see a bottom line if the grants come in. Mr. Cahalan said we are moving it as quickly as we can on the connector trail pending the approval at DEP, which could be lengthy. Mr. Miller said it could be lengthy or it could be quick. Mr. Cahalan said that's what is holding us up. We don't have the cost for the bridge because of the permitting process. You don't have to take any action. The only thing you have to do is if you do approve certain of these items, so that Boucher and James can move ahead with the bids. Mrs. Yerger said how imperative are some of the plantings? Mr. Cahalan said that needs to be established too. It's some of the hard costs we really need to re-evaluate.

Mr. Maxfield said as Glenn was starting to do here, we need to set up a priority and just say bridge trail from the school as No. 1; landscaping as No. 2; tot lot as No. 3, etc. I personally would like to examine the tot lot and pavilion with style and cost, but the others, I have no problem with. The landscaping is important as it needs to establish itself. Mrs. Yerger said make sure the fencing is part of that as it's important. Mr. Cahalan said you are comfortable with the landscaping and the fencing, and the connector trail. We can move ahead with the landscaping items. Mr. Cahalan said Kevin, just for clarification, the two opinions are the landscaping items, are they all the same on both of those? Mr. Kochanski said they should be the same on both of those, the only difference is the different pieces of equipment in the tot lot. From a practical construction standpoint, you would want to do all the landscaping at one time as you will get your best pricing on the landscaping as a bulk price and do that one time. If it's the pavilion and the tot lot at a separate time, those are individual items.

Mr. Cahalan said for the record, the total for the landscaping, can you read that off, what it would be? Mr. Kochanski said \$89,583.00. There is a separate line item for the naturalization of \$45,689.96. Mr. Cahalan said for the fencing? Mr. Kochanski said the fencing was \$6,460.20. Mr. Cahalan said we will be moving ahead then on getting the bids together for that package. The funding is in the budget to cover that.

Mr. Maxfield said in our priority list, are we going to include the naturalization as part of the landscaping level? Mrs. Yerger said yes. Mr. Maxfield said before we do that, can I ask that the Township contact PPL to find out when they are going to transfer those wires from the pole that are on there now to the new pole. The new pole has been in the ground for some time, and I'm bothered every time I see the stake stuck in the detention pond. It's been in long enough.

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Mr. Kern said is there a motion to proceed for approval of the costs discussed by the Township Manager of the landscaping, the bridge and trail, the naturalization and the fencing.

MOTION BY: Mr. Maxfield move to proceed as discussed above by the Township Manager.

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. Kochanski said on the cost options, the different options for the playground, do you want to revisit that later and the individual items in there? Mr. Cahalan said we are probably going to look at an alternate site for those. The area that had been suggested for the tot lot on the original drawings, it's at the top of the park and you might want to put it at a different place. Mrs. deLeon said the grant that we got the check, it was for the tot lot? Mr. Cahalan said the tot lot, the connector trail and the pavilion. What I can do is if you decide you don't want to move ahead with the tot lot or the pavilion, I will ask the County if we can use it to reimburse the connector trail with this money. Mr. Maxfield said is there a time limit to spend it? Mr. Cahalan said no. The grant was \$93,000 and we are waiting to hear about the TreeVitalize grant as eight of the nine applications were sent on to DCED.

H. RESOLUTION 42-2009 – TRANSFER OF MONIES FOR OPEN SPACE CONSULTANT AND APPROVAL OF SCOPE OF WORK

Mr. Kern said Lower Saucon Township entered into an agreement in July 2007 with Heritage Conservancy to have them provide consulting services on an as needed basis in association with land conservation and open space preservation. This transfer is to move the money back to the established line item and to re-affirm their scope of services to be provided.

A RESOLUTION AUTHORIZING THE TRANSFER OF MONIES FROM ONE TOWNSHIP FUND TO ANOTHER

SECTION 1.

The Council of Lower Saucon Township hereby authorizes the transfer of monies from one Township fund to another in accordance with Article XXXII, Section 3202 (f) of the Second Class Township code as follows:

<u>FROM</u>		<u>TO</u>		
<u>Amount</u>	<u>Account No.</u>	<u>Account Name</u>	<u>Account No.</u>	<u>Account Name</u>
\$ 10,000.00	05.493.000	Contingencies	05.408.314	Engineering/Planning

SECTION 2.

The Township Manager is hereby directed to make the necessary transfers to implement this Resolution.

Mr. Cahalan said this was an appointment that was made in July 2007 for open space consulting services and money has been allocated every year since then in the open space fund. We realized this is the type of consultant services that should be approved and appointed every year by the Council and we failed to do that at reorganization and also we realize that the money that was in the open space fund was not specifically earmarked for this, so it has to be moved to a line item in the open space fund. We brought this to you for that consideration and brought back the attachment A, an agreement for professional planning services with Heritage Conservancy for their services, and we updated the cost figures that you should have an additional sheet on from Laura

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Baird from the Conservancy showing their 2009 billable rates, just slight changes on that from the previous figures that have been provided.

MOTION BY: Mr. Maxfield moved for approval of Resolution 42-2009.

SECOND BY: Mr. Horiszny

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

ROLL CALL: 4-0 (Mrs. Yerger – Abstains – She abstained because of her work affiliation with Heritage Conservancy.)

A. RESOLUTION #39-2009 – APPROVING ADOPTING AN UPDATE TO THE EMERGENCY OPERATIONS PLAN AS PREPARED BY BILL CSASZAR, EMERGENCY MANAGEMENT COORDINATOR

Mr. Kern said Resolution #39-2009 has been prepared to approve the update to the Emergency Operations Plan for the prevention and minimization of injury and damage caused by a major emergency or disaster within Lower Saucon Township.

Mr. Cahalan said Bill may be on his way, so he'd like to postpone this later on in the agenda. Bill didn't show up.

A RESOLUTION ADOPTING THE EMERGENCY OPERATIONS PLAN FOR LOWER SAUCON TOWNSHIP

THIS RESOLUTION, approved and adopted by the Lower Saucon Township Council, Northampton County Pennsylvania, on the date hereinafter set forth.

WITNESS TO:

WHEREAS, Section 7503 of the Pennsylvania Emergency Management Services Code, 35 Pa. C.S. Section 7101 et seq. mandates that Lower Saucon Township prepare, maintain and keep current an emergency operations plan for the prevention and minimization of injury and damage caused by a major emergency or disaster within Lower Saucon Township; and

WHEREAS, in response to the mandate stated above, Lower Saucon Township has prepared an emergency operations plan to provide prompt and effective emergency response procedures to be followed in the event of a major emergency or disaster; and

WHEREAS, Lower Saucon Township has also prepared an emergency operations plan in order to reduce the potential affects of a major emergency or disaster and to protect the health, safety and welfare of the residents of Lower Saucon Township;

NOW, THEREFORE, we, the undersigned Council of Lower Saucon Township do hereby approve, adopt and place into immediate effect the Emergency Operations Plan of Lower Saucon Township. This Plan shall be reviewed every two years to make certain that it conforms with the requirements of the Northampton County Emergency Operations Guideline.

Mr. Cahalan said Council had asked that this EOP plan be updated every two years. Bill Csaszar has done that. He's put a lot of work into it. We have the plan and it is available to Council members by disk. We will be doing the chip that will be going out to the Emergency Services members that has all the information on it. Bill did a good job and the resolution would need approval to signify that the update has been completed.

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Mrs. deLeon said I thought it was the law, state or federal, that these laws had to be updated. I think Council made a resolution that it should be updated every year. We all know what happened with Ivan and it was very important for the Township to respond. Do you know where the two years come from? Mr. Cahalan said in the resolution we have it down for two years, that the plan should be reviewed every two years to make certain it conforms with the requirements of the Northampton County Emergency Operations guidelines. I think they are following the recommendations of the PA Emergency Management office. Mrs. deLeon said somewhere there is a resolution on file for Council to do it annually. Mr. Cahalan said he can check into that. Mrs. deLeon said it wasn't being done, and that's why we changed it to annually.

Mrs. deLeon said what's the update on our ID badges? Mr. Cahalan said they were being done by the county and the information was turned over to the county. The information was collected by Leslie and given to Bill. We'll have to get an update from the County Office. Mrs. deLeon said will you have that for the next meeting? Mr. Cahalan said yes.

MOTION BY: Mr. Horiszny moved for approval of resolution 39-2009.
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

VI. MISCELLANEOUS BUSINESS ITEMS

A. APPROVAL OF MINUTES – MARCH 4, 2009 COUNCIL MEETING

Mr. Kern said the minutes of the March 4, 2009 Council meeting have been prepared and are ready for Council's review and approval. No changes.

MOTION BY: Mr. Maxfield moved for approval of March 4, 2009 council minutes.
SECOND BY: Mrs. deLeon
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.
ROLL CALL: 3-1 (Mrs. Yerger – Abstained – she wasn't here; Mr. Horiszny – No)

VII. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS – None

VI. COUNCIL AND STAFF REPORTS

A. TOWNSHIP MANAGER

➤ Mr. Cahalan said we received a draft copy of the Saucon Creek Watershed Management plan that was done by the Saucon Creek Watershed Association. It's a pretty big plan and needs to be reviewed by staff, by the Engineer, Planner and EAC and they are asking for comments back by April 17. I would like authorization tonight for the Engineer and Planner to review this plan and bring back to the April 15 meeting, any comments they may have so we can authorize sending back to the Watershed Association. Mr. Maxfield said before anyone reviews it, it is divided into different municipal areas and it covers ten different municipalities so there are some areas in there that apply to every municipality, but you can clearly tell when you are in Lower Saucon and that's what needs to be looked at for us.

MOTION BY: Mrs. Yerger moved for approval as stated above by the Manager.
SECOND BY: Mr. Horiszny
ROLL CALL: 5-0

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- Mr. Cahalan said we received a recreation fee from the Tarantino Minor Subdivision of \$3,310.00 and at the last P&R meeting, the P&R board recommended to Council that the fee of \$3,310.00 be deposited into the Polk Valley Park fund. I need approval from Council to do so.

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

SECOND BY: Mrs. Yerger

ROLL CALL: 5-0

- Mr. Cahalan said in between Council meetings, I received a request from the four fire companies and Dewey for a support letter for their grant application that they submitted to the Department of Homeland Security and FEMA for funding for a Bulls Eye Laser fire extinguisher training system which they would use in conjunction with their Saucon Valley fire safety trailer at the school district and at community events. I would like Council's ratification of me sending that support letter.

MOTION BY: Mr. Horiszny said so moved.

SECOND BY: Mr. Maxfield

ROLL CALL: 5-0

- Mr. Cahalan said the police department hired an additional part time officer, Charles Werkheiser from Nazareth, PA, effective March 10, 2009.
- Mr. Cahalan said to conclude this request from the US Board of Geographic Names, it came in again, and there's an unnamed stream in Bucks and Northampton County. Originally it was suggested it be Neruda Run, then Springfield Township suggested Steskal Run, and the latest recommendation is Eileen Run, which is the first name of Mrs. Steskal. Does the Township Council have any recommendations you would like me to pass on? No one had any recommendations.

B. COUNCIL/JR. COUNCIL

Stephen Prager - Absent

Mr. Maxfield - None

Mrs. Yerger

- Mrs. Yerger said the EAC reviewed a program called Earth Hour which is Saturday, March 28, 2009 from 8:30 PM to 9:30 PM. What they are basically doing is they have over 100 U.S. Cities and over 1,500 cities globally to turn their lights out for that hour to show their support to reduce the effects of global warming and reduce our energy use, so the EAC wanted me to bring it to Council's attention and wanted the Council to endorse it or sign on to it and put it on our website so we would be officially participating in Earth Hour. Mr. Cahalan said they will put it out.
- Mrs. Yerger said the Open Space Committee from the EAC wanted me to personally thank Glenn for the very nice article about their endeavors in the newsletter. They were very appreciative, and I as Chair, appreciated it very much. They work very hard and are volunteers and are doing a great job, so we're very appreciative of your kind words. As an FYI, the Chair of our Open Space Subcommittee, Ted Beardsley, is in the hospital. Maybe the Township could send him a card.

Mr. Horiszny

- Mr. Horiszny said he noticed April 25 to May 9 is going to be Pick It Up PA Week and we may want to consider waiving tipping fees and ask the landfill if they want to. They suggest in PSATS magazine that we have some kind of an event.

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MOTION BY: Mrs. deLeon moved to waive the tipping fee from the Township's end and Mr. Cahalan should ask the landfill to waive their tipping fee.
SECOND BY: Mr. Maxfield
ROLL CALL: 5-0

Mr. Kern

- Mr. Kern said he talked to Jack about earlier and wanted to bring it to Council for discussion. In that we do have a request as you saw from an email for a student to participate in the Jr. Council government program, however, the student is a sophomore. I mentioned it to Jack that if no one has come forward, a junior or senior, why not open it up to a sophomore. Why discourage a student from exploring what government is like. I am bringing it to Council to see if we could open up the policy to include any student who is interested if the junior or senior requirement has not been fulfilled and no one has come forward. Mrs. deLeon said I have no problem with that except it might keep them from being appointed in a future year because they have already been there, and the program was set by the state and they created it. Mr. Cahalan said that was the second request I got from a sophomore. Mr. Kern said it's to get as many students involved as possible. If we explain at the beginning when they first apply, and the purpose is to get as many students involved as possible, so you are going to probably only serve one term. Mr. Cahalan said wasn't this done in conjunction with Hellertown Borough? Mrs. deLeon said it started at Hellertown and that was when it was a pre-partnership. Is this something you want to ask the SVP and see if Hellertown wants to alter their policy? Mrs. deLeon said we are independent. We had so many applicants the first year. Mr. Kern said I don't see the need to go to the COG. Mrs. deLeon said we can tell them we are doing it. Mrs. Yerger said I don't see a problem and we haven't been filling all of them year after year. Mrs. deLeon said I don't know if the kids are aware. It's a good thing and more people will be aware of it now. The guidance office has to be a little bit more proactive with it. You have to wait until the school year starts. Mr. Maxfield said I have a problem opening it up to 9th graders, but no problem with sophomores. If we are going to offer it to sophomores, let's open it for any board except Council as Council goes late. That should be for juniors and seniors. We can't hold some tenth grader here until midnight. Mr. Cahalan said I can bring back a revision to the policy at the next meeting and opening it to just the sophomores and would be able to serve on all boards and commissions except Council.

Mrs. deLeon

- Mrs. deLeon said I was in town hall for a Pension Committee meeting and on my way home, I went down Friedensville Road. I was surprised to see the flashing yellow lights by Society Hill actually on because ever since they put them there fifteen years ago, I never saw them on. Mr. Cahalan said we had them on for the Farmer's Market. Mrs. deLeon said you control them. Mr. Cahalan said we pay the company to come out and program them. Mrs. deLeon said when I stand at the Heller Homestead and push that little button to tell people to activate those blinking lights...Mr. Cahalan said he is not sure if that works. We did activate them for Sunday mornings, 9:00 AM to 1:00 PM for the Farmer's Market. Mrs. deLeon said on the way back over here, they were still on. Again, my theory is people do use that crosswalk, and if the cops want to pay attention to pedestrians crossing that road, the traffic does not stop, and it will probably be used more when the trail system is put in. I'd like to know if that button works. Can you find out Jack? Mr. Cahalan said I'll check into it tomorrow. Mrs. deLeon said there are events coming up at the Homestead and people will be parking and walking.
- Mrs. deLeon said the PennDOT meeting, I haven't gotten word about it. Mr. Cahalan said we put the list together after the last meeting, and gave all the information to Brien and Brien was going to send that to Michael Rebert, the District 5-0 Executive. The meeting has not been set up yet.

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- Mrs. deLeon said I've been really, really reading this multi-plan, and am looking and thinking that the picture of Saucon View is in Bethlehem on page 1-13. That picture should be replaced. The other thing that I caught and I missed one or two meetings because of family issues, but on page 120-1, where it talks about infrastructure and transportation, the municipal service boundary reflects the community's general municipal services boundary which becomes a designated growth area where public infrastructure services are provided. We talked about that. Then it says "conversely, areas outside the boundary do not require public infrastructure services to be publicly financed". That means areas outside the boundary can be privately funded? If that's so, then that means developers could come in and they privately pay for a sewer system, they could have their development, and that's not what we wanted. Mr. Cahalan said that's not the intent. Mrs. deLeon said look at this, all the meetings I was at when we talked about this boundary, and nobody could put sewers anywhere, private or public. Mr. Cahalan said I think what we are saying is the township will not do this. Mrs. deLeon said we have to fix that, that it a problem. Attorney Treadwell said I don't know that we can make a blanket statement. If a developer comes in and is going to build his own sewer plant and he meets all the rest of our regulations, I don't know that we can make a blanket statement that you can't put in any sewer. Mr. Cahalan said under the municipal services boundary, we would declare officially that Council would not permit any public sewer or water outside the municipal services boundary. Mrs. deLeon said the little word "public" wasn't explained to us. That influences density. We saw that with the development up in Redington. Attorney Treadwell said if you extend public sewer or water that would influence density. You still have your zoning ordinance that controls it, to a certain extent as well, but you can't just say "no sewer". Mrs. deLeon said then the whole thing is bogus, it's a joke. Attorney Treadwell said what's a joke? Municipal services? I'm saying you can't tell a private person who has 100 acres that he can't build a sewer system on his 100 acres. Mr. Cahalan said if it's outside the municipal services boundary. Attorney Treadwell said that's why it's a municipal services boundary. We're not going to give you municipal sewer. We can't say we are taking away your 100 acres and you can't touch it with any type of sewer. He's got to go through all the regulations and the processes. Mr. Kern said that's the purpose of the municipal services boundary is we don't want to encourage the sewer to extend beyond that boundary. Attorney Treadwell said municipal services, not private. Mr. Kern said that's the whole purpose of it. It provides an impediment to the otherwise rampant development. Mr. Maxfield said any developer can come in, as we had, and propose a community system as that's not considered municipal. Mrs. deLeon said I was at those meetings and that's not how it was. Mr. Kern said yes it was municipal services boundary described in exactly those terms that there's the limit of the municipal services, past that, the sewer is not going to extend like to Wassergass. Mrs. deLeon said that's what I remember, but I don't remember them saying "but" it could be a private system. Mr. Kern said that's a given. Mr. Maxfield said a community system by definition is not municipal. We're not prohibiting that. We're not prohibiting the individual septic system. Attorney Treadwell said if we could do that and say this 3,000 acres of the township will never have any sewer or water, private or public, it's the same as having a development moratorium. Mrs. deLeon said let's use the Redington tract. They wanted to come in and do a private community thing. Who is running that? Attorney Treadwell said the proposal at the moment is for the Township to take ownership of it. Mrs. deLeon said what do you call the Township taking over a community system, isn't that public? Mrs. Yerger said that doesn't mean we had to. Mrs. deLeon said that's why I voted no to it. Attorney Treadwell said it was the Township's choice to take ownership of that or not. Mrs. Yerger said that wouldn't stop the sewer system from going in. Mr. Kern said the purpose of the municipal services boundary is not to extend sewer into Redington because if sewer extends into that project, then they can build much more houses. That's the purpose of the municipal services boundary – to limit development, not prevent it. That

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was made clear. Mr. Maxfield said if a developer proposed a community system and when they proposed that system, they have a Homeowners Association (HOA) and the township agrees the HOA is going to maintain it, ten years from now, something happens to that HOA, and the Township has to take it over, I don't think we can call it extending a public system, at that time. It's like the Township takes it over to insure the safety, health and welfare of the township residents and we didn't extend the municipal services boundary to that place. We didn't extend a line that people can then capitalize on. It's a limited spot with a limited capacity. Mrs. deLeon said when a township takes over a sewer system, it's public, it doesn't have to be connected to a previous one or existing one. If it's township owned, it's public. Mr. Kern said that's a separate issue from the municipal services boundary though. Mrs. deLeon said my impression was that no new sewer systems would be put in within that boundary. Mr. Kern said no township sewer.

D. SOLICITOR - None

E. ENGINEER

- Mr. Miller said if you are interested in what the expected cost of the bridge is, a couple months back when we talked about it, we had initial estimates on it. We think it's still within those parameters, but we won't know for certain.

F. PLANNER - None

VII. ADJOURNMENT

MOTION BY: Mrs. Yerger moved for adjournment. The time was 8:55 PM.

SECOND BY: Mr. Horiszny

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

ROLL CALL: 5-0

Submitted by:

Jack Cahalan
Township Manager

Glenn Kern
President of Council